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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAVERIS TREMANE WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2024-001362

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[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 13 (BODY-WORN CAMERA CLIP; GIBSON), STATE’S EXHIBIT NO. 14 (BODY-WORN CAMERA CLIP; WILLIAM), STATE’S EXHIBIT NO. 16 (HUSTLE MAN; FACEBOOK), STATE’S EXHIBIT NO. 42 (CLIP OF JAIL CALL; COLLETON, 8/12/24)]

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1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF JASPER

4 State of South Carolina,

5 vs. Transcript of Record
6 2018-GS-27-00755
7 2018-GS-27-00756
8 2018-GS-27-00757

9 Javeris T. Williams,
10 Defendant.

11 August 12, 2024
12 Ridgeland, South Carolina
13 Volume I of III

14 B E F O R E:

15 The HONORABLE CARMEN T. MULLEN

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

17 Trasi Campbell, Solicitor
18 Charlie Johnson, Representing the defendant

19
20
21 SHARON G. HARDOON, CSR
22 Official Circuit Court Reporter, III
23
24
25

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Testimony of Ethan Rodgers
(Jury sworn at 10:16 a.m.)

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(Roll call at 10:16 a.m. to 11:13 a.m.)

THE BAILIFF: All rise.

THE COURT: Please be seated. Good morning.

Good morning, ladies and gentlemen. It is a pleasure to see you-all. My name is Carmen Mullen. I'm the presiding judge here this week, ladies and gentlemen, and I will tell you that you have been summoned for a term of criminal court. There are a number of cases on my roster, but what I'm concerned about today is going ahead and pulling the first jury for the first case.

Ladies and gentlemen, I will tell you that I expect this case to last potentially through Wednesday or Thursday. The most important thing with that, ladies and gentlemen, is that you are not going to be here beyond Friday of this week. So if you have weekend plans or plans next week, I don't want you concerned. Also, ladies and gentlemen, you can look around, I'm going to need 15 people to try this case.

Margaret, how many do we have here?

THE CLERK: 106.

THE COURT: We have 106, so you can

Testimony of Ethan Rodgers

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1 we can go ahead.

2 THE COURT: Let's go forward then. Let's
3 go ahead and take this and then that way we'll
4 know how much time we have for lunch. Does that
5 sound good?

6 MR. JOHNSON: Thank you.

7 THE COURT: Certainly. All right.

8 All right. Correct me if I'm wrong,
9 there is no statements made in this case by the
10 defendant, so that's not an issue.

11 MS. CAMPBELL: No statements.

12 THE COURT: Should we just start going
13 through as far as -- I know they have body cams.
14 I know we have, obviously, Facebook information.
15 Maybe I'll turn it over to you, Miss Campbell, as
16 far as what the State is trying to get in.

17 MS. CAMPBELL: Your Honor, last week, I
18 provided the State and the defense with all of the
19 State's intended proposed exhibits in this matter.
20 The State would take the position that all of
21 those exhibits, photographs, are relevant,
22 probative, admissible in this case. And, again,
23 if the defense has an objection, we could argue
24 that to that specific exhibit, Your Honor.

25 THE COURT: Okay.

Testimony of Ethan Rodgers

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1 MS. CAMPBELL: I did also provide the
2 State -- I mean, both the Court and the defense
3 with the State's motion memorandum.

4 THE COURT: Okay. Mr. Johnson.

5 MR. JOHNSON: Thank you, Your Honor. May
6 it please the Court?

7 THE COURT: Yes, sir.

8 MR. JOHNSON: Your Honor, as it relates
9 to the State's pretrial motion memorandum, it
10 would be very hard for me to argue on a -- as it
11 relates to the photographs on a
12 photograph-by-photograph basis not knowing the
13 relationship that photograph has to the State's
14 case. I can't point to a specific picture and
15 say, well, that's not additional, if I'm not sure
16 how the State is trying to use it in their case.
17 The same way related to the State's evidence
18 concerning evidence with Facebook. I'm not sure
19 in what context they're trying to use it, so it's
20 hard for me to object to it. Basically, I object
21 to everything until I see how she's trying to
22 place it into her case. I don't think they can
23 just list a pictures and say everything should
24 come in. I'm not even sure what context it's
25 coming in. It's the State's requirement to

Testimony of Ethan Rodgers

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1 present their case, not to pick and choose
2 randomly. I just wouldn't know where to start.

3 THE COURT: Okay. So I'm assuming that
4 they will lay a basis for each of the pictures.
5 They'll lay a foundation. They'll tell me why
6 it's relevant, why it's probative, and then I'll
7 make a determination, I guess, on a
8 picture-by-picture basis what is admissible.

9 MR. JOHNSON: And I would agree, Your
10 Honor. Like I said, I can make an objection as
11 presented related to what she's trying to present
12 that evidence for.

13 THE COURT: Okay.

14 MR. JOHNSON: As it stands now, you know,
15 for example, Your Honor, she has pictures of the
16 victim's -- the wounds.

17 THE COURT: Right.

18 MR. JOHNSON: Related to being shot. The
19 standard argument would be that she should have
20 some pictures in --

21 THE COURT: Right.

22 MR. JOHNSON: But it shouldn't be
23 accumulative.

24 THE COURT: Well, that's why we need to
25 do it ahead of time so we know.

Testimony of Ethan Rodgers

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1 So why don't I suggest, that's start with
2 this: Miss Campbell, why don't we pull all of the
3 scene photographs where he is laying in the ditch or
4 in the EMS cart and anything that's showing the actual
5 wound. And then, obviously, the autopsy photos will
6 be separate. But I first need to see the first set on
7 scene.

8 MS. CAMPBELL: Yes, ma'am.

9 THE COURT: And let's not even talk about
10 the body-worn camera yet. I think that's
11 completely separate.

12 MS. CAMPBELL: The State has photos 2
13 through 10.

14 THE COURT: Okay.

15 MS. CAMPBELL: Matt is pulling them up on
16 the screen for us now, and I can begin to address
17 them.

18 Number 2, Your Honor, is a photo of the
19 general crime scene area where the victim was
20 located. I think that is relevant and probative
21 to a number of issues.

22 Does the Court or -- have any questions
23 for the State as to this is where the victim is in
24 the ditch?

25 THE COURT: Let's just go through.

Testimony of Ethan Rodgers

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1 MS. CAMPBELL: Okay.

2 THE COURT: Miss Campbell, you're using
3 this to establish that that's where the defendant
4 was found on the side of the road.

5 MS. CAMPBELL: This is where the victim
6 was found, Your Honor, in the ditch.

7 THE COURT: Okay. And it was my
8 understanding that there were passerbys in a car
9 that saw the body in the road, or saw the body
10 somewhere there and then went to Mr. Johnson's
11 residence looking for a phone and he's the one
12 that called 911, and then Mr. Johnson returned to
13 the site of the incident. Is that correct?

14 MS. CAMPBELL: Yes, Your Honor.

15 THE COURT: Okay. So, Mr. Johnson, what
16 would be your objection to this photograph?

17 MR. JOHNSON: Your Honor, I would have no
18 objection. But I think, to save time, if she just
19 takes the pictures that they intend on showing, I
20 can look at them and decide -- you know, we can
21 just say admitted or not. I just don't know what
22 pictures she's referring to.

23 THE COURT: She's saying 2 to 10. She's
24 saying they're Exhibits 2 to 10 that she provided
25 both you and me ahead of time.

Testimony of Ethan Rodgers

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1 So why don't you go through them, if you
2 can. So that would be number 2; is that correct?

3 MS. CAMPBELL: Correct. That's number 2.

4 Number 3, Your Honor, is the photo of the
5 victim again, but shows the victim in the ditch
6 being treated by EMS and law enforcement for the
7 gunshot wound to his chest.

8 Number 4 shows the bullet entrance wound
9 to the victim. This is -- and I will say that
10 there will be testimony from the forensic
11 pathologist that this was a close-contact shot,
12 that there was shoot stippling in the wound and I
13 do think that that is relevant and probative.

14 Number 5 is the bullet exit wound. This
15 is a through-and-through, Your Honor. I think
16 that this is the application that was put on the
17 back of the victim as the blood was coming out of
18 his back. The forensic pathologist will be
19 talking also about why the victim -- you know, the
20 victim says repeatedly "I can't breath, I can't
21 breath." About 25 to 30 percent of the blood in
22 his body was sitting on his lungs, and so they --
23 you know, on scene. And then here trying to stem
24 that while they treated him.

25 Do we have number 7? Do you have in

Testimony of Ethan Rodgers

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1 next?

2 The victim's shirt, Your Honor, is a very
3 distinctive shirt. It was not something you'd go
4 to Walmart and buy. It was made by the victim.
5 It's a photo of that victim's shirt in number 7 in
6 the roadway where he was shot. It's as it was
7 collected, number 7, as it was laying -- yeah,
8 where it was. This is an item of evidence that
9 will be introduced during the trial.

10 THE COURT: Just so I understand, it was
11 in the roadway.

12 MS. CAMPBELL: Yes.

13 THE COURT: And it was the short -- you
14 can -- can you see the through-and-through on that
15 shirt?

16 MS. CAMPBELL: Yes, you can.

17 THE COURT: Okay. And what does it say
18 on the front of it?

19 MS. CAMPBELL: It stays "Free Brant."

20 THE COURT: Okay.

21 MS. CAMPBELL: B-r-a-n-t.

22 THE COURT: Okay.

23 MS. CAMPBELL: And that is number -- that
24 comes to -- so there were -- 8 would be a photo of
25 pants, correct, and in evidence.

Testimony of Ethan Rodgers

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1 And then 9 is the "Free Brant" logo on the
2 victim's shirt as it was being dried at law
3 enforcement before packaging for evidence.

4 THE COURT: Let me see that one.

5 MS. CAMPBELL: And it has that
6 distinctive logo upon it.

7 THE COURT: Okay.

8 MS. CAMPBELL: With the bullet hole in
9 the front of the shirt.

10 THE COURT: Okay.

11 MS. CAMPBELL: And then ten is the back,
12 which also had a distinctive logo on it with
13 the -- if you zoom in, which we can, you can see
14 the bullet hole coming out the back of the shirt.
15 And this segues slightly into the Facebook videos
16 because this shirt is what the victim was wearing
17 in the defendant's car in the Facebook videos
18 shortly before he was shot and killed.

19 THE COURT: Okay.

20 MS. CAMPBELL: So, I do think that 2
21 through 10 have relevance and probative value, and
22 there's nothing horrifically offensive about them
23 that would we keep them from being admissible.

24 THE COURT: Okay. Mr. Johnson.

25 MR. JOHNSON: Your Honor, was there a

Testimony of Ethan Rodgers

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1 number 6, or did we skip 6?

2 MS. CAMPBELL: Yes. There's a number 6.
3 It's the photo of the bullet exit wound.

4 MR. JOHNSON: That was 6? I thought that
5 was 5.

6 MS. CAMPBELL: Your Honor, 6 is the
7 victim in the ditch. This shows the exit wound in
8 his back.

9 THE COURT: Can I see that? Just turn it
10 around.

11 MS. CAMPBELL: Yes. There we go.

12 THE COURT: Okay.

13 MS. CAMPBELL: And, again, it's a
14 through-and-through, Your Honor, and we will have
15 testimony that the officer searched for
16 projectiles. They searched for casings. You
17 know, they looked for items of evidence in the
18 area, and the position that the State takes is
19 that, because it's a through-and-through, these
20 items went elsewhere. The projectile would have
21 gone a long way away.

22 THE COURT: Okay.

23 MR. JOHNSON: Your Honor, I would have no
24 objection to those pictures if the State is not
25 intending on showing pictures from the autopsy for

Testimony of Ethan Rodgers

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1 an exit wound. There was only one shot. The
2 argument would be -- the prejudicial effect would
3 be accumulative. So if they want to show that as
4 an entrance/exit wound, I wouldn't have an
5 objection to it. But if they plan on showing
6 autopsy reports, it's going to show the same
7 wound, then I'm going to have an objection to it.

8 THE COURT: What are you showing as far
9 as the autopsy, Miss Campbell?

10 MS. CAMPBELL: So this is the condition
11 of the victim's body at the crime scene. I think
12 the officer can testify to that. I think it's
13 important that that be part of the evidence in
14 this case.

15 THE COURT: Because he was still alive
16 and he was making -- he was speaking.

17 MS. CAMPBELL: Yes.

18 THE COURT: Because the victim was alive
19 and was speaking at the time.

20 MS. CAMPBELL: Correct, Your Honor.

21 And then the autopsy photos that were
22 given to the defense, we've done them both and if
23 he would like to talk about those, I can talk
24 about those.

25 THE COURT: Let's look at them in black

Testimony of Ethan Rodgers
and white first.

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MS. CAMPBELL: 29 and 30.

THE COURT: Are you attempting to use
this to show the stippling?

MS. CAMPBELL: It is. Yes, Your Honor.

So, again, it's the entrance wound and the
exit wound from autopsy. I do think, again, simply
because it's harder to see in the black and white, but
the testimony from Dr. Batalis is that this is a close
contact shot and he could tell you why it is by these
photos.

THE COURT: Okay. So I see this one.
This is entrance wound, correct?

MS. CAMPBELL: Yes, ma'am.

THE COURT: And what is the other black
and white?

MS. CAMPBELL: That is the color of both
the entrance and exit.

THE COURT: So what is the significance
of having to show the exit? I understand the need
for the entrance wound showing the stippling.
What about as far as the exit wound as far as
Dr. Batalis needing to testify to it? I
understand what you said about the projectile
going further out because it was a

Testimony of Ethan Rodgers

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1 through-and-through, but what is this showing or
2 furthering?

3 MS. CAMPBELL: So, again, in the ditch,
4 and here what he would be showing and testifying
5 about is, when the victim was shot and it went all
6 the way through and the victim laid down, that,
7 essentially, that was not draining until he was,
8 you know, picked up and moved. That's why he's
9 going to talk about all the blood settling in his
10 chest. And that's why we have the picture of the
11 -- when EMS got there, they put that patch. I
12 don't know the name of it, but Lassiter will know
13 what to call it, which then -- you know, was
14 trying to assist him.

15 But there is testimony about how the way
16 in which he was laying there with this particular
17 exit wound. Essentially, he's on his back. He is
18 drowning, I guess. Of course, that's up to the
19 Court.

20 THE COURT: Okay. Mr. Johnson.

21 MR. JOHNSON: Once again, Your Honor, as
22 I said, the picture at the scene shows the entry
23 and exit wound. It's in color. The autopsy
24 report shows no purpose. The doctor can testify.
25 The jury has seen the entry and exit wound. It

Testimony of Ethan Rodgers
1 serves no purpose.

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2 THE COURT: Well, I think he can
3 definitely testify to the entrance wound and it's
4 stippling because it shows how close in contact
5 whoever the alleged person is that did this to the
6 victim in this case. So I think that's highly
7 relevant.

8 I'm just not sure -- unless we have to
9 have Dr. Batalis tell me the -- you know, the
10 significance of this.

11 Right now, that's not admit it. But if
12 he says that there is some specific reason that I
13 need to know, then we'll admit it.

14 MS. CAMPBELL: Thank you, Your Honor.

15 THE COURT: Thank you. What else?

16 MS. CAMPBELL: So, Your Honor, I have
17 presented 2 through 10 and 29 and 30. And as of
18 now, I believe 2 through 10 are all right and 29
19 is all right.

20 So I would move on to the dying
21 declaration of the victim, Your Honor.

22 THE COURT: Okay.

23 MS. CAMPBELL: If that is permissible, or
24 we can move on to the Facebook matter.

25 THE COURT: That's fine. The dying

Testimony of Ethan Rodgers

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1 declaration is fine. I'm sorry. And it was on
2 body-worn cameras, correct?

3 MS. CAMPBELL: That's correct. The
4 victim's dying declaration is captured on both
5 Deputy Gibson and Williams body-worn cameras.
6 Both of them are much longer than the very narrow
7 clip that the State feels is admissible and would
8 be appropriate to present to the jury. That's
9 what the State would intend to do, to have the
10 digital evidence custodian identify essentially
11 the originals and the clips and introduce those
12 items. I certainly think any argument you need to
13 hear from me on that, I would be prepared to make.

14 THE COURT: So, Mr. Johnson, I saw that
15 there was the body-worn cameras of both the two
16 responding deputies on site. The State has
17 clipped down some of them, and I understand their
18 purpose for doing that.

19 What is the basis for any objection to
20 those clips? And would you want the entire video
21 put in versus just those portions?

22 MR. JOHNSON: Your Honor, as related to
23 the dying declaration, it is our position that it
24 is not a dying declaration. Case law states that
25 the victim has to be -- has to have knowledge or

Testimony of Ethan Rodgers

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1 that death is imminent. It has to show -- it's
2 our belief that the video shows that that is
3 not -- that is not the case in this matter.

4 The victim was actually -- there's
5 testimony that the victim got up and attempted to
6 walk and, I think, was stood up by the car prior
7 to the State getting there. When Officer Gibson
8 first arrived, he was laying down. They was
9 putting pressure on him and then Officer Gibson
10 went to ask him questions. But at the time there
11 was nothing showing in the record that would
12 indicate that the victim -- it's required that the
13 victim believe subjectively that he is in imminent
14 danger of dying then. There is nothing in the
15 record to indicate that. He asked for water and
16 he answered the questions. That was it.

17 The officer did not tell him that death
18 was imminent and to question him and this --
19 looking at the totality of the circumstances,
20 there is nothing there. It doesn't meet the
21 requirements for dying declaration. There's four
22 requirements.

23 THE COURT: Do you want to respond,
24 Miss Campbell?

25 MS. CAMPBELL: I can, Your Honor, and I

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1 would rely on my written memorandum that I
2 supplied to the Court and to the defense. I do
3 think it meets the criteria of the dying
4 declaration. In particular, as to what Mr.
5 Johnson referred to, the victim in *State v.*
6 *Mahone*, I think it's clear it does not have to
7 directly express that there is some awareness of
8 the severity of his condition. His state of mind
9 can be inferred from other facts and
10 circumstances.

11 THE COURT: Like being shot?

12 MS. CAMPBELL: He's been shot in the
13 chest. He's laid there for, you know, like,
14 several hours. And so I think certainly -- He's
15 saying, *Please help me. I can't breath.* He's
16 aware that he can't breath. So he has awareness
17 that he has this crushing in his chest. And he
18 knows he's been shot in the chest, and *Help me*
19 again and again.

20 I certainly make it -- as far as a dying
21 declaration, it would be admissible. But as I
22 said, in the memorandum, there are many other
23 avenues that this could be admissible under as
24 well.

25 THE COURT: Okay.

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1 MR. JOHNSON: Your Honor, being shot
2 alone is not equivalent of knowing that you are
3 going to die and you are in imminent danger of
4 death at that time. There's plenty of case law
5 that indicates that people had been shot and the
6 Court's have determined it was not a dying
7 declaration. The key to this whole case is that
8 the victim, subjectively, not objectively,
9 subjectively has to believe that his death is
10 imminent. And he has to show that, if not by
11 words, by some objective -- from something else
12 that can be seen. There's nothing in the video
13 that shows that, Your Honor. He answered
14 questions.

15 As a matter of fact, the second time he
16 was questioned by the police, he was actually
17 inside the ambulance being questioned and he
18 answered the questions.

19 At no time did he ever state that he was
20 in fear of death for his life. And without that
21 one ingredient, Your Honor, it doesn't meet a
22 dying declaration. We can assume that he could
23 have thought that, but there's no evidence of
24 that, and case law is clear on that.

25 The State has to show something else

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1 other than what they have on tape, or that he
2 himself knew that death was imminent at that time,
3 and the State has not shown that.

4 THE COURT: Well, sir, in *State vs.*
5 *Mahone*, it does state that a victim does not have
6 to directly express an awareness of his condition.
7 His state of mind can be inferred from the facts
8 and circumstances. And the fact that he was lying
9 in the ditch, he did have a through-and-through
10 gunshot wound, he was losing blood, and the blood
11 was sitting in his chest cavity causing it to put
12 pressure on his lungs where he kept saying he
13 couldn't breath, he couldn't breath. And, in
14 fact, he is put in the EMS, and then they are
15 going to Life Flight him, but they take off the
16 Life Light because he has already coded and they
17 have a rule that you don't take someone that's
18 coding on a Life Flight.

19 So, in fact, death was impending, and, in
20 fact, he did die.

21 MR. JOHNSON: But the point -- my point
22 is, Your Honor, they have to show that the victim
23 knew that. Nobody told him he was going to be
24 Life Flighted. No one told him that he was about
25 to die. No one told him that. It's not our

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1 objective opinion. It's the rule requires it's
2 his subjective opinion.

3 What the Court has stated is correct, but
4 it's our objective opinion looking outside in.
5 The rule requires that it's his knowledge at that
6 time. At the time, nobody said any of those
7 things to him. He doesn't know that. He doesn't
8 know anything about the Life Flight. He doesn't
9 know anything about his condition.

10 At the time that he dies, whether it be a
11 second or three weeks later, case law states that
12 that's not even something to be considered.

13 THE COURT: Well, I'm going to let the
14 jury determine from the evidence in the case what
15 inferences can be made. I think it's proper for
16 me to give it to the jury or allow them to use it.
17 And if the jury believes it or not, that's up to
18 them to believe.

19 But I think you can infer the decedent's
20 state of mind from the facts and circumstances
21 surrounding the case. And the fact he was shot,
22 the fact that he couldn't breath, I think it
23 admissible.

24 MR. JOHNSON: For the record, Your Honor,
25 can I include something else for the record?

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1 THE COURT: Sure.

2 MR. JOHNSON: Another thing that I ask
3 the Court to consider, I understand what your
4 decision is, but I just want to make it part of
5 the record, another thing that I want to bring up
6 is also, the police officer, Mr. Gibson, stated
7 that the victim was intoxicated. He said, *He'd*
8 *been drinking. You could smell alcohol. I don't*
9 *even know what he was saying.* So then it calls
10 his statement into question. And that's something
11 else to be considered. As to a dying declaration,
12 that's another requirement.

13 THE COURT: Do we know what his BAC was
14 at the time?

15 MR. JOHNSON: It was .06 that they found
16 in the autopsy.

17 THE COURT: .06 at the autopsy.

18 MS. CAMPBELL: That's correct. The
19 toxicology.

20 MR. JOHNSON: Plus, I think he had THC,
21 if I'm not mistaken.

22 MS. CAMPBELL: Yes, and I've talked to
23 Dr. Batalis about that, and he will be testifying
24 about what that would mean in terms of the
25 toxicology report and his blood alcohol content.

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1 When they draw it, you know, what it might have
2 been at the time, so forth and so on. And he's
3 very clear this is not someone who is in a stupor.

4 MR. JOHNSON: There was also other facts
5 that I want to make part of the record for the
6 Court to consider. I understand your decision,
7 but just to make it clear for the record. I want
8 to put that as part of the record.

9 THE COURT: I appreciate knowing that.
10 I'm assuming Dr. Batalis will testify that he
11 wasn't in a drunken stupor, and whether or not he
12 could make this statement and could understand the
13 significance of it.

14 MS. CAMPBELL: Right.

15 THE COURT: I think that might be just
16 something we have to do when we get there.

17 MR. JOHNSON: Your Honor, that's going
18 back to my point. If, by the time the doctor
19 testifies, if he does not state that he wasn't in
20 a -- if he testified he wasn't in a drunken
21 stupor, the jury would have already heard the
22 statement from the victim.

23 MS. CAMPBELL: Well, I don't think
24 whether or not the victim was drinking or not, or
25 his blood alcohol level, that is not significant

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1 to the situation in terms of the dying
2 declaration.

3 I think that it -- it's a recording. It
4 shows very clearly that the victim said, without
5 any slurring, or any manner of appearing to be
6 grossly intoxicated, when asked, *What happened to*
7 *you?* He clearly said, you know, *Robbed, Hustle*
8 *Mane. And, How many times you been shot? One.*
9 *Where are you from? Estill.* I mean, he was very
10 clear in his language and the way he presented
11 himself. And then in between saying that,
12 answering the question, *Please, help me. I can't*
13 *breath. I can't breath.*

14 And so the seriousness of the gravity of
15 what had happened to him was very much there, Your
16 Honor, and he couldn't have been more clear. *Who*
17 *shot you? Hustle Man shot me. Who was with him?*
18 *Daevon Smith.* And so I think, for a dying
19 declaration, it's clearly there, Your Honor,
20 whether or not he had been drinking or not.

21 Dr. Batalis can talk about the toxicology
22 and talk about the blood alcohol content and the
23 THC in his system. But, again, when you're
24 dealing with an autopsy versus how things are at
25 the scene, I think best record of it is clearly

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1 what you see in that body-worn camera.

2 MR. JOHNSON: Your Honor, if I may.

3 THE COURT: Yes, sir.

4 MR. JOHNSON: Your Honor, one of the
5 cases referenced in the State's motion is *State*
6 *Davis*, March 3, 1927, in *State v. Davis*, if I can
7 quote: *In State v. Johnson*, the rule is regarded
8 to the admission of dying declaration of thus:
9 *That death must be imminent at the time the*
10 *declarations and questions are made; that the*
11 *declaration must be sole (sic) fully -- that the*
12 *declarant must be so fully aware of this as to be*
13 *without any hope of life; that the subject of the*
14 *charges must be the death of the declarant; and*
15 *the circumstances of death must be the subject of*
16 *the declaration.*

17 But here, it's clearly stated that any
18 hope of life that -- must be aware that they are
19 without any hope of life. And there's nothing
20 that the State presented to the Court today that
21 showed that the victim in this case was in that
22 state.

23 THE COURT: I think the facts and
24 circumstances surrounding the case are for the
25 jury to determine whether they believed he had no

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1 hope of life and whether or not he was in that
2 position. Because, again, he's dead, so we can't
3 bring him back and ask him what he was thinking at
4 the time, and I think that's why the case law
5 allows for the jury to look at the facts and
6 circumstances surrounding what has happened.

7 And I think it's probably clear to say
8 that someone who has been shot with a
9 through-and-thorough shot, and it was a close
10 range where he's losing blood, where he feels like
11 he cannot breath because, apparently, blood is
12 pooling in his chest cavity and he cannot breath,
13 I think, all those circumstances, those are for
14 the jury to determine whether or not he believed
15 he was going to die.

16 Okay.

17 MR. JOHNSON: Just one clarification.
18 Your Honor, it's my understanding that that
19 determination is a determination made by the
20 Court, not by the jury.

21 THE COURT: Well, I think there are facts
22 and circumstances from which I could determine as
23 a fact finder that he believed his death was
24 impending.

25 MR. JOHNSON: Okay. Thank you, Your

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1 Honor.

2 THE COURT: I still think it's up to the
3 jury to determine that as well.

4 Okay.

5 MS. CAMPBELL: Thank you, Your Honor.

6 As far as the Facebook, the two Facebook
7 videos and the Facebook records for the defendant, I
8 would just call Lieutenant -- Investigator Rodgers, if
9 that's okay.

10 THE COURT: Certainly. Come on up,
11 Mr. Rodgers.

12 Swear him in, Margaret.

13 MS. CAMPBELL: He's an investigator now
14 with the fire department now, former JCSO.

15 THE CLERK: Raise your right hand, left
16 on the Bible. The testimony you give will be the
17 truth so help you God?

18 THE WITNESS: Yes, ma'am.

19 THE CLERK: Go right around. You can
20 adjust the mic.

21 WHEREUPON:

22 INVESTIGATOR ETHAN RODGERS,
23 after having been sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. CAMPBELL:

1 Q On September 30th of 2018, where were you
2 employed?

3 A The Jasper County Sheriff's Office.

4 Q All right. And in what company were you involved
5 in this case?

6 A I was the lead detective.

7 Q When you were on the way to the scene that
8 morning, are you aware that you have a name of a
9 suspect?

10 A I am aware.

11 Q And what was the name of the suspect?

12 A I provided **Samquan F. [REDACTED]** from Estill.

13 Q The victim was **Samquan F. [REDACTED]**?

14 A Yes.

15 Q I think you misunderstand me. That's all right.

16 The suspect's name?

17 A Yes.

18 Q Was what?

19 A Hustle Mane.

20 Q Hustle Mane. Thank you.

21 And so were you able to contact anyone in
22 Estill in law enforcement to help you try to identify
23 Hustle Mane?

24 A Yes.

25 Q And who was that?

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1 A It would be the assistant chief of police for
2 Estill, and it was Alex Williams.

3 Q Alex Williams.

4 A Yes, ma'am.

5 Q And during the -- trying to give a government name
6 to Hustle Mane, did you work with Alex Williams to do
7 that?

8 A I did.

9 Q Did you-all get a South Carolina driver's license
10 photo for the suspect?

11 A We did.

12 Q All right. And what was the name that came
13 through as the government name for Hustle Mane?

14 A Javeris Tremane Williams.

15 Q All right. And so did you take the driver's
16 license photo of Javeris Tremane Williams and locate a
17 Facebook account that matched that person?

18 A We did.

19 Q All right. And once you did that, were you able
20 to access that Facebook account?

21 A Yes.

22 Q So was it a public or a private account?

23 A It was public. Everything was available to
24 view.

25 Q When you accessed that public Facebook account,

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1 what was the moniker or the name on that account?

2 A It was Hustle Mane, H-u-s-t-l-e, M-a-n-e.

3 Q M-a-n-e?

4 A Yes.

5 Q All right. And Javeris Tremane Williams, how is
6 Tremane spelled? T-r-e?

7 A M-a-n-e.

8 Q M-a-n-e.

9 All right. The photos that you found on
10 the Hustle Man or Hustle Mane Facebook, do they
11 appear to depict Javeris Tremane Williams?

12 A They did.

13 Q And videos that you found, same question?

14 A Yes.

15 Q All right. And the tenure of some of the comments
16 or messages, was it matching for Javeris Tremane
17 Williams?

18 A Yes.

19 Q Tell the Court what you located specifically that
20 you screen recorded in this case?

21 A There was a video that was uploaded that
22 showed the victim in the same vehicle with the
23 defendant hours prior to the 911 call coming in.

24 Q Okay. The identification of your victim, **Samquan F.**
25 **[REDACTED]**, was the same mechanisms used to get a

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1 fix on his South Carolina DMV photos, Facebook page,
2 and that sort of thing?

3 A Yes, ma'am.

4 Q All right. So when you saw the video on Hustle
5 Mane's Facebook page, are you in your car or, like, in
6 the office, where are you?

7 A At the scene.

8 Q And how do you have a way to preserve what you're
9 watching? What do you do?

10 A My County cell phone had a screen record
11 feature.

12 Q Okay. And did you do that?

13 A Yes.

14 Q And when you screen recorded that video, around
15 what time of day was it?

16 A I believe -- I can't recall the specific
17 time.

18 Q What time did you get to the crime scene?

19 A Around 10:00 a.m.

20 Q All right. And when did you locate the Facebook
21 video? Right away or maybe an hour or two?

22 A It was shortly after, 30 minutes to an
23 hour.

24 Q About 30 minutes, okay.

25 Later in the day during the investigation,

1 did you go back to the same Facebook page?

2 A I did.

3 Q And tell the Court what you discovered when you
4 went back?

5 A I noticed the original video that I located
6 on that Facebook page was no longer there.

7 Q And what did you find?

8 A There was a new video.

9 Q A new video.

10 A Yes.

11 Q And so the individuals that were in the video that
12 you located around 10:30 a.m. on September 30th, 2018,
13 tell the Court who they were. Who was driving that
14 vehicle?

15 A Defendant.

16 Q Javeris Tremane Williams?

17 A Yes, ma'am.

18 Q And who was in the front seat passenger?

19 A This is the first video or second?

20 THE COURT: First. First.

21 BY MS. CAMPBELL:

22 Q I'm talking about the first video.

23 A First. It was Daevon Smith.

24 Q Okay. And who was to the back seat behind Daevon
25 Smith?

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1 A The victim.

2 Q The victim.

3 A Yes.

4 Q And who appeared -- well, at that time I'm sure
5 you didn't know, but was there another individual in
6 the car?

7 A There was.

8 Q And who did you later come to understand was that
9 person in the back seat with the victim?

10 A Henry Williams.

11 Q Henry Williams.

12 All right. Now, the second video. When you
13 went back later in the day, who was in the car at that
14 time?

15 A Daevon Smith.

16 Q And what seat is he in?

17 A Passenger seat.

18 Q Front seat passenger?

19 A Yes.

20 Q And who's driving?

21 A The defendant.

22 Q All right. And who's in the back seat, did you
23 later come to learn?

24 A Henry Williams.

25 Q Reginald Jenkins?

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1 A Yes, Reginald Jenkins.

2 Q I know it's confusing.

3 THE COURT: Which back seat was he in?

4 THE WITNESS: The back passenger.

5 THE COURT: That was Reginald Jenkins?

6 THE WITNESS: Yes, Your Honor.

7 MS. CAMPBELL: Your Honor, I know I sent both
8 of the videos to Your Honor and to the defense. Would
9 you like for us to play them right now for a quick
10 recollection or move on?

11 THE COURT: Do you need them?

12 THE WITNESS: No.

13 MS. CAMPBELL: Okay.

14 THE COURT: Just so I'm clear, on the second
15 video, there was Reginald Jenkins that was behind
16 Daevon Smith. Was there anyone behind the driver on
17 the second video?

18 THE WITNESS: On the second video, no,
19 Your Honor.

20 THE COURT: And on the first video, just
21 so I understand, you said it was the defendant
22 driving, Daevon Smith in the passenger seat, Samquan F.
23 [REDACTED] in the passenger back seat, and could you
24 see Henry Williams in the back seat, driver's
25 seat, on that first one?

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1 THE WITNESS: Yes, Your Honor.

2 THE COURT: You just didn't know who he
3 was?

4 THE WITNESS: Right.

5 THE COURT: Okay. All right.

6 BY MS. CAMPBELL:

7 Q Something else about the video, the first video,
8 again just for clarity, the shirt that the victim is
9 wearing --

10 A Yes.

11 Q -- did that later become significant to you?

12 A Yes.

13 Q And the shirt -- and why did that shirt become
14 significant to you in the video?

15 A For the victim?

16 Q Yes.

17 A It was the same shirt we located at the crime
18 scene.

19 Q Okay.

20 MS. CAMPBELL: As far as videos, I think
21 that might be all I have, Your Honor.

22 THE COURT: Okay.

23 MS. CAMPBELL: I can move on to the
24 Facebook preservation. Originally, I had thought
25 that the State would introduce some of Mr. Smith's

1 and the victim's Facebook records, but I updated
2 that and sent that to you, I think, on Friday.

3 So the exhibits that the State now has -- did
4 I hand those to you?

5 BY MS. CAMPBELL:

6 Q So, during the course of your investigation, did
7 you send Facebook search warrants for the defendant?

8 A I did.

9 Q All right. And did you receive a Facebook return
10 for the defendant from them?

11 A I did.

12 Q All right. And were you able to review the
13 content of that packet that was sent to you?

14 A I was.

15 Q All right. Were there things within the packet
16 that were sent to you from Facebook? I'll show you
17 24-A. If you could, identify that.

18 A Yes.

19 Q What are you identifying relative to Hustle
20 Mane?

21 A The email account.

22 Q And what was the email account associated with the
23 Facebook for Hustle Mane?

24 A The registered email?

25 Q Yes.

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1 A It's hustle.mane, m-a-n-e, dot
2 142@facebook.com. The email address is
3 williamsj.67@ymail.com, and the vanity name is
4 hustle.mane.142.

5 Q And does it show you where the individual is from?

6 A Yes.

7 Q Where is that?

8 A Hampton, South Carolina.

9 Q All right. Was that the information you had for
10 Javeris Tremane Williams?

11 A Yes, ma'am.

12 Q I'm showing you what is marked as 24-B. And if
13 you could, give the Court the time and date that that
14 message was sent from Hustle Mane?

15 A The date is September the 30th, 2018. Time
16 is 0441 UTC.

17 Q And what was the message?

18 A "Was at a yard party."

19 Q "Was at a yard party"?

20 A Yes, ma'am.

21 Q All right. And during the course of your
22 investigation, did you determine that the gathering of
23 men involved in this case began at a yard party on
24 September 29th?

25 A Yes, ma'am.

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1 Q All right. Again, 24-C.

2 MS. CAMPBELL: Can you pull them up?

3 BY MS. CAMPBELL:

4 Q 24-C, if you can tell us the date and time?

5 A It was September 30, 2018, and the time was
6 0247 UTC.

7 Q And the message from Hustle Mane is what?

8 A "That was you I seen at Karma last night."

9 Q And during the course of your investigation, did
10 you determine that the men involved in this case had
11 gone from the yard party to Club Karma during the
12 course of the celebrations?

13 A Yes, ma'am.

14 Q All right. And 24-D, again, date and time?

15 A Date was October the 3rd, 2018. The time,
16 1954 UTC.

17 Q And what was the message that was being sent?

18 A "Should I call or not? I see they had me on
19 Internet."

20 Q And that's three days after the killing?

21 A Yes.

22 Q 24-E, what is date and time on that?

23 A October 3, 2018.

24 Q All right. And the post that's being shared by
25 Alexis is what?

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1 A It is a wanted poster that was shared by the
2 Jasper County Sheriff's Office.

3 Q And the same thing for 24-F. If you just give us
4 the date and time and what was shared with the
5 defendant?

6 A It was October the 3rd, 2018. Time 2127.

7 Q And what was shared?

8 A It was a news article from "Bluffton Today"
9 that was in reference to this case.

10 Q All right. Once you obtain the arrest warrants
11 for the defendant, was that October 2nd?

12 A I believe so.

13 Q Okay. So a couple -- maybe a day or two after
14 this. What sort of media did you use to try to locate
15 the defendant?

16 A Facebook and local news outlets.

17 Q And the news outlets?

18 A Yes.

19 Q And so at some point was the defendant taken into
20 custody?

21 A Yes.

22 Q And on what date was he taken into custody?

23 A I believe it was October 8th.

24 Q Did he walk into the sheriff's office or did the
25 marshals have to pick him up?

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1 A The marshals had to find him.

2 Q Had to find him and get him?

3 A Yes.

4 MS. CAMPBELL: Your Honor, I think that
5 is all that I have on those matters.

6 THE COURT: Okay.

7 CROSS-EXAMINATION

8 BY MR. JOHNSON:

9 Q Good morning.

10 A Good morning.

11 Q Just a couple questions.

12 A Yes, sir.

13 Q The video that you saw --

14 A Yes.

15 Q -- that you say when you -- let's see how we get
16 there.

17 A Okay.

18 Q You said that at the scene you were told certain
19 information. Could you please recite what information
20 it was as to how you came to look for Jevaris or
21 Hustle Mane?

22 A So the information that I was given --

23 Q Right.

24 A -- was Hustle Mane while I was speaking with
25 Alex Williams which was the assistant police chief

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1 in Estill at the time.

2 Q Okay.

3 A He was able to identify the defendant.

4 Q And what did he tell you?

5 A Their legal name.

6 Q He told you that you knew someone named Hustle

7 Mane?

8 A Can you repeat your question?

9 Q When you asked -- say you talked to the chief?

10 A The officers on scene?

11 Q Right.

12 A I asked him if he knew someone by this

13 nickname.

14 Q And he told you it was Javeris?

15 A Right.

16 Q Then you went back and got on Facebook, you

17 said?

18 A Correct.

19 Q What did you search for?

20 A Hustle Man.

21 Q Okay. You searched for Hustle Man and you found

22 Hustle Mane?

23 A Right.

24 Q Now, the video that you say you saw that was,

25 according to you, erased or wasn't on there when you

1 went back a second time?

2 A I'm not sure exactly what happened. It just
3 wasn't there.

4 Q It just wasn't there?

5 A That's correct.

6 Q So you're not saying that it was intentionally
7 erased or anything like that, are you?

8 A It just wasn't on there when I went back?

9 Q Do you know which order the videos was in? You
10 say you saw two videos. One had three people in the
11 car and one had four people in the car?

12 A That's right.

13 Q Do you know which video was taken first?

14 A The video with the four was the first video
15 that I was able to locate.

16 Q That was the first one you could locate. But do
17 you know which video was taken first?

18 A At that time, no, I do not.

19 Q Okay. Since that time, have you found out?

20 A Yes.

21 Q Okay. Which video was first?

22 A The first video was the three.

23 Q Was the three?

24 A Yes.

25 Q And for information that you discovered, that

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1 video showed three people without the victim,
2 correct?

3 A Yes. Yes.

4 Q And where were they going, or when was that
5 taken?

6 A That was taken on the 9th where the victim
7 was shot.

8 Q How do you know it was taken that night?

9 A That was three suspects that were inside the
10 vehicle. The defendant was wearing the same
11 clothing that he was wearing later on in the video
12 that we located at a gas station, and then witness
13 statements.

14 Q Okay. In the second video, how do you know when
15 that occurred?

16 A Same. The defendant was wearing the same
17 clothing. The passengers were wearing the same
18 clothing. The victim was wearing the same
19 clothing that was located with, and the witness
20 statements.

21 Q So the video with the four people was them
22 returning from the club?

23 A Correct.

24 Q Okay. So that could have been sometime -- I
25 guess, according to your evidence, that would have

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1 been sometime round six, seven o'clock in the morning?

2 A It was dark outside.

3 Q And you saw the two shirts on there; is that
4 correct?

5 A I didn't understand your question.

6 Q So when you say that's the first video that you
7 seen, it doesn't mean that that was the first video
8 taken. It was just that that was the first video that
9 you saw.

10 A That was the first video that I was able to
11 locate.

12 Q Okay. Of the statements that you've taken off of
13 Facebook --

14 A Right.

15 Q -- did you find any threatening statements where
16 there was some type of beef between the two
17 individuals, the victim and the defendant?

18 A I was not.

19 Q Did you find any on there that showed any illegal
20 activities?

21 A I'm not able to recall.

22 Q Okay. But nothing in the evidence that we
23 presented today in these statements?

24 A To any kind of conflict between the victim
25 and the defendant?

Testimony of Ethan Rodgers

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1 Q Correct.

2 A I did not see any evidence of any conflict
3 between the defendant and the victim in the
4 Facebook records.

5 Q And even in the video, you didn't see anything to
6 indicate that there was some conflict going on then,
7 did you?

8 A To establish that there was a conflict prior
9 to?

10 Q Right.

11 A No. The videos were not used to establish
12 whether there was any conflict prior to.

13 MR. JOHNSON: No other questions.

14 MS. CAMPBELL: Thank you, sir.

15 MR. JOHNSON: Your Honor, I do have one
16 thing to bring up. I notice that the State keeps
17 using the term "Hustle Man," I ask that my client
18 be referred to by his name and not the nickname.
19 I think the clearest evidence by the State is that
20 shouldn't be used.

21 MS. CAMPBELL: Your Honor, absolutely. I
22 think -- I certainly can respect that. But the
23 Hustle Man is the name that the victim used to
24 identify the person who shot him. And so for
25 those purposes, I think I certainly can do that.

Testimony of Ethan Rodgers

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1 But I will consistently refer to the defendant
2 Javeris Tremane Williams not throwing around that
3 moniker.

4 THE COURT: Okay. I think that's
5 appropriate. Again, he needs to be referred to as
6 Mr. Williams or Javeris. And, again, you can use
7 Hustle Man to the extent that's the identifier
8 that the decedent uses to say who injured him or
9 who shot him.

10 All right. Anything else as far as these
11 Facebook pages?

12 MS. CAMPBELL: Not from the State, Your
13 Honor.

14 THE COURT: Mr. Johnson?

15 MR. JOHNSON: I have nothing, Your Honor.

16 THE COURT: No objection as to them?

17 MR. JOHNSON: Your Honor, as it relates
18 to the videos, I could not make a reasonable
19 argument to any objection to the videos. There's
20 nothing on there that I think is derogatory to my
21 client, and, therefore, I have no objection to the
22 videos.

23 As I said, I renew all my other motions
24 related to the dying declaration. The pictures, I
25 think we went through that, and I'm okay with

Testimony of Ethan Rodgers

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1 that.

2 THE COURT: All right.

3 MS. CAMPBELL: And the last -- so I
4 understand, we would have -- both videos would be
5 admissible. The brief Facebook records for the
6 defendant.

7 The last thing, Your Honor, would be the
8 Pilot gas station clips which demonstrate, again,
9 this officer received them, the records custodian
10 will be here and identify that as being the Pilot
11 gas station at this location, and that he turned
12 those records over to law enforcement.

13 THE COURT: Any objection to those?

14 MR. JOHNSON: Your Honor, we have no
15 objection.

16 THE COURT: All right. Thank you. No
17 objection to those.

18 Anything else that we can think of?

19 MS. CAMPBELL: I believe that's
20 everything.

21 THE COURT: Okay. Miss Campbell, tell me
22 how many witnesses do you have prepared to testify
23 today?

24 MS. CAMPBELL: So this afternoon, one,
25 two, three, four -- we have five witnesses here,

Testimony of Ethan Rodgers

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1 if we can get through them.

2 THE COURT: Great.

3 MS. CAMPBELL: The first two witnesses
4 would be very short witnesses because it's the 911
5 call and the body-worn camera clips.

6 THE COURT: Okay.

7 MS. CAMPBELL: And then after that, I
8 think will be clipping along with some shorter
9 witnesses there.

10 THE COURT: All right. Just if you have
11 exhausted your witnesses for the day, let me know
12 that before I say, *Who is your next witness?*

13 MS. CAMPBELL: Yes, ma'am.

14 THE COURT: Okay. That sounds good.

15 Yes, sir.

16 MR. JOHNSON: Your Honor, I have one
17 question.

18 THE COURT: Yes.

19 MR. JOHNSON: I thought about it. With
20 the officers testifying what was said to them, my
21 question would be, what would be the purpose of
22 them showing the video of the same thing being
23 said to the officers?

24 THE COURT: Because it's the best
25 evidence. I don't even think they need to testify

Testimony of Ethan Rodgers

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1 that that's what he said. I think the jury can
2 hear it for themselves. The best evidence is the
3 actual video.

4 MR. JOHNSON: So is it the State's
5 intention to put up the officer's testimony or are
6 they going to just put up the video?

7 MS. CAMPBELL: Again, I think the video
8 is the best evidence. There's nothing else the
9 officers can add to this case. I certainly --
10 again, if I can demonstrate and show the videos,
11 then there's nothing left to do with the
12 officers.

13 THE COURT: Okay. And then this officer,
14 as the lead investigator, can say, as a result of
15 what he saw or learned on the body cam, that's
16 when he contacted the deputy chief of police in
17 Estill if they knew someone by the name of, and
18 that's where the whole thing started with
19 Mr. Williams.

20 MS. CAMPBELL: Right.

21 THE COURT: Okay?

22 MR. JOHNSON: Okay.

23 THE COURT: Okay.

24 MS. CAMPBELL: Thank you.

25 THE COURT: Anything else?

Testimony of Ethan Rodgers

1 MS. CAMPBELL: Not from the State.

2 THE COURT: Anything else?

3 MR. JOHNSON: I have nothing, Your Honor.

4 THE COURT: Mr. Johnson, you have the
5 right, if you wanted the entire video in, you
6 could do that as well. But they're just going to
7 show short clips. I don't know if you would want
8 it or not. I just wanted to make sure.

9 MR. JOHNSON: No, the short clip is fine,
10 Your Honor.

11 THE COURT: Thank you, sir.

12 Okay. Well, the jury is coming back at
13 2:30. How about we all just come back at about 20
14 after, so that will give you a little more than 30
15 minutes to grab a bite to eat.

16 Is that enough for you to take care of
17 Mr. Williams? You just come as close to 2:30 as
18 you can, as I look over to you. You are
19 absolutely fine. Okay? Is that okay with you?

20 THE DEPUTY: Yes.

21 THE COURT: And, obviously, we can't
22 start until you are here, so don't worry about it.
23 Okay? Just take care of Mr. Williams. Okay.
24 Thank you, you-all.

25 (A break was taken from 1:48 p.m. to 2:31 p.m.)

Testimony of Ethan Rodgers

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THE BAILIFF: All rise.

THE COURT: Please be seated. Is all the jury here?

THE DEPUTY: Yes, ma'am. One of them has a question. You want them to write it?

THE COURT: On a piece of paper, yes. Thank you.

While we're waiting for that question, anything from the State or defense before we start?

MS. CAMPBELL: Nothing from the State.

MR. JOHNSON: I have nothing, Your Honor. I guess I'm still waiting for the answer about the meds.

THE COURT: Why don't you two approach.

He is being housed in Colleton, correct? Okay. Are they bringing him back and forth every day?

MS. CAMPBELL: Uh-huh.

THE COURT: So the medicine that he is on is called Seroquel, and it's in the antipsychotic but it can be used as an off-brand for depression. And it's my understanding that they have requested it, but it's not going to be here until Wednesday. He told them that was okay. I don't know how often he takes it.

Testimony of Ethan Rodgers

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1 MR. JOHNSON: He takes it every day. I'm
2 keeping him calm, but I don't know his mental
3 state. I didn't know he was like that.

4 THE COURT: Well, we need to know what
5 it's for. I don't have a diagnosis. I don't know
6 if he's taking it for bipolar disorder,
7 schizophrenia, depression. Why don't you go ask
8 him which one it's for.

9 MR. JOHNSON: Okay.

10 (Off the record.)

11 THE CLERK: That's the foreperson.

12 THE COURT: Thank you.

13 MR. JOHNSON: He says it's something to
14 calm him down.

15 THE COURT: What?

16 MR. JOHNSON: Something to keep him calm,
17 he said. He said that's what they told him at the
18 jail. He has just been getting it since he been
19 at the jail. But he was in Richland County for
20 the whole time. He's just been here since Friday.

21 THE COURT: Okay. So, I mean, they've
22 already ordered it. It just won't be here until
23 Wednesday, so I don't know what to do about it.

24 MR. JOHNSON: I mentioned to the deputies
25 just to keep a close eye on him.

Testimony of Ethan Rodgers

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1 THE COURT: Okay. Hang on. We may need
2 to take this want up.

3 It says, "Tory needs to talk about
4 something important about the juror number 227. I
5 have no transportation. I was told this morning
6 was the only time to have a cop to help me. I
7 just started my job and supposed to train."

8 MS. CAMPBELL: She's asking for a ride?

9 MR. JOHNSON: Or an excuse.

10 THE COURT: Margaret, so juror number
11 227, she says that she needs a ride.

12 THE CLERK: The only time -- yeah, we can
13 get a ride.

14 THE COURT: I'm just going to say -- I'm
15 just going to write this note back to her, *We can*
16 *get you a ride to and from?*

17 MS. CAMPBELL: All right.

18 THE COURT: Will you just give it back
19 directly to her?

20 THE DEPUTY: Okay.

21 THE COURT: And then take the note back
22 when she's done.

23 THE CLERK: Don't let her keep the note.
24 Let her read it, but don't let her keep it.

25 Margaret, you've taken care of it?

Testimony of Ethan Rodgers

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1 THE CLERK: Yes.

2 THE COURT: Go ahead and give the note to
3 Sharon. We'll just make it a Court's exhibit.

4 (COURT EXHIBIT 1, Note from Juror, was
5 marked for identification.)

6 THE COURT: So, for Jury number 227,
7 we're just going to make sure, she was concerned
8 about having a ride to and from the courthouse
9 each day. We'll make sure she has a ride. Okay?

10 State ready to go?

11 MS. CAMPBELL: Yes, Your Honor.

12 THE COURT: Defense ready to go?

13 MR. JOHNSON: Yes, Your Honor.

14 THE COURT: All right. Let's bring the
15 jury out. Margaret, you're going to swear them.

16 (Jury enters the courtroom at 2:40 p.m.)

17 THE CLERK: Good afternoon. Will you
18 please stand and raise your right hand. Do you
19 swear or affirm that you shall well and truly try
20 the cases 2018-GS-27-754, 20-GS-27-755,
21 2018-GS-27-756, the State of South Carolina vs.
22 the defendant, Javeris Tremane Williams, and
23 render a true verdict according to the evidence
24 and the law so help you God?

25 JURY PANEL: Yes.

Testimony of Ethan Rodgers

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1 THE CLERK: If you took the oath, you may
2 be seated.

3 THE COURT: Thank you.

4 Ladies and gentlemen, what I'm going to
5 say to you now is intended to serve as an
6 introduction to the trial of this case. These
7 remarks are not a charge on the law. I'm going to
8 instruct you on the law applicable to that case at
9 the very end of the trial. This is merely an
10 explanation of the procedure that we're going to
11 follow so you can better understand what's
12 happening.

13 Now, the defendant in this case is
14 charged by indictments filed in this court with
15 the offenses of armed robbery, murder, and
16 possession of a weapon during the commission of a
17 violent crime, the elements of which I will
18 explain to you at the end of the trial.

19 Now, an indictment is simply the charge
20 by which a case is brought into the courtroom and
21 it is not in any sense evidence of any of the
22 allegations that it contains.

23 Now, in this case the defendant,
24 Mr. Williams, has pled not guilty to these
25 indictments. The State, therefore, has the burden

Testimony of Ethan Rodgers

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1 of proving each of the elements beyond a
2 reasonable doubt, and it's your duty, ladies and
3 gentlemen, to decide whether or not the State has
4 met that burden.

5 Now, your purpose as jurors is to find
6 and determine the facts. You, the jury, are the
7 sole judge of all facts in this case. If at any
8 time I make any comment regarding the facts of
9 this case, you must disregard it. And you are to
10 determine the facts from the testimony that you
11 hear and any other evidence that's introduced into
12 court. It is up to you to determine the
13 inferences which you feel may properly be drawn
14 from the evidence. .

15 Please understand that it is especially
16 important that you perform your duty of
17 determining the facts diligently and consciously
18 because ordinarily there is no way to correct an
19 erroneous determination of the facts by a jury.

20 On the other hand, and with equal
21 emphasize, the same law that makes you the judge
22 of the facts makes me the judge of the law. The
23 law as given by the court is the only law you may
24 consider. You must accept and follow it even
25 though you may disagree with it. I cannot tell

Testimony of Ethan Rodgers

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1 you what the facts are and you cannot disagree
2 with me about what the law is or should be. Your
3 job is to take the law as I give it to you and
4 apply it to the facts of the case as you find them
5 and from there render a true and just verdict
6 under your oath.

7 Now, until I tell you to begin your
8 deliberations, you must not discuss this case with
9 anyone and that includes your fellow jurors,
10 friends, family members, or anyone involved in the
11 case. As I told you before, the attorneys and
12 parties have been advised that they are not to
13 talk to you at all. So if you see anyone involved
14 in the case and they don't even say hello, please
15 understand they're not being unfriendly, they're
16 simply following my instructions.

17 Also, ladies and gentlemen, I don't know
18 if there's going to be anything in the news or the
19 newspaper or the radio about this case, but during
20 the trial, you are not to read, listen to, or
21 watch anything about this case, and that includes
22 anything that may be in the newspapers or on the
23 Internet, radio, or television. You must not
24 consider anything you may have read or heard about
25 the case outside the courtroom whether before or

Testimony of Ethan Rodgers

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1 during a trial. It is important that you keep an
2 open mind and not decide any issue in this case
3 until all of the evidence has been presented, the
4 parties have made their closing arguments, and I
5 have instructed you on the law that's applicable
6 to this case.

7 Your verdict must be solely based on the
8 evidence as it's presented to you in this trial
9 and on the law as I instruct you during and at the
10 close of the trial.

11 Now, in just a moment, the solicitor is
12 going to make what's called an opening statement
13 in which she is going to explain to you the issues
14 in this case, or at least what the solicitor
15 thinks the issues are in this case. And then the
16 attorney for the defendant may also make an
17 opening statement although he is not required to
18 do so.

19 What these attorneys tell you in their
20 opening statements is not evidence in the case.
21 It is only their contention as to what the issues
22 are.

23 The evidence in this case will be
24 presented to you by sworn testimony right up here
25 from the witness box, as well as any other

Testimony of Ethan Rodgers

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1 exhibits that may be introduce into evidence.

2 Now, from time to time, I want you to
3 know you may hear the lawyers say something like,
4 *Your Honor, I believe there's a matter of law we*
5 *need to take up.* Or they may say, *Your Honor, may*
6 *I approach the bench?* Or I might even excuse you
7 back to your jury room. I want you to understand
8 something. We're not hiding anything from you.
9 Oftentimes, when I have to rule as a matter of law
10 whether or not certain testimony is admitted, I
11 may make a comment on the facts of the case, and,
12 because I would never want anything I do or say to
13 influence you in your termination of the facts,
14 out of an abundance of caution, we just do it
15 outside of your presence.

16 Now, in determining what the true facts
17 are in a case, you must decide whether or not the
18 testimony of the witness is believable. It's my
19 responsibility to rule as a matter of law whether
20 or not certain testimony is admitted. But once
21 the testimony is admitted, whether or not you
22 believe it is for you to decide.

23 In deciding whether to believe a witness,
24 you may have the right to consider the interest of
25 any witness, the bias of any witness, the

Testimony of Ethan Rodgers

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1 prejudice of any witness, and you can look at the
2 opportunity that the witness had to have seen the
3 things and matters about which they may testify,
4 and you can also look at the way they act on the
5 witness stand. You have a right to consider
6 anything that is in the record that will help you
7 evaluate the testimony of the witnesses. That
8 means that it's duty to pay close attention to the
9 witnesses, to observe them, to listen so that at
10 the very end of the trial, you can accurately
11 remember the testimony as a given.

12 So, ladies and gentlemen, in order to
13 preserve everyone rights, is there anything
14 further from the State or any objections to my
15 opening comments?

16 MS. CAMPBELL: Not from the State.

17 THE COURT: From the defense?

18 MR. JOHNSON: I have nothing, Your Honor.

19 THE COURT: Thank you.

20 So, ladies and gentlemen, at this time,
21 we will go ahead and begin the trial of this case.

22 Miss Campbell.

23 MS. CAMPBELL: Thank you, Your Honor.

24 OPENING STATEMENTS

25 MS. CAMPBELL: Good afternoon. On

Testimony of Ethan Rodgers

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1 September 30, 2018, this defendant, Javeris
2 Tremane Williams shot and killed after he had
3 robbed him, **Samquan F.** . **Samquan F.** was a
4 teenager. He had been at a yard party up in
5 Estill where some of the older guys were
6 celebrating a birthday, and some of the groups
7 traveled that evening down to Club Karma. You may
8 have heard of it. You'll hear testimony about it.
9 It's a club down near the South Carolina/Georgia
10 state line.

11 While **Samquan F.** -- and friends and family
12 will call him and refer to him, or some of the
13 witnesses may refer to him as **Samquan F.** . **Samquan F.** was
14 playing the dice, and he was able to win some
15 money that night, and he had that money in his
16 pocket.

17 And when everybody left the club and
18 started their way home, they went in different
19 cars. And you'll see some testimony about who was
20 in whose car. You will see some Facebook videos
21 that were uploaded to Facebook. Who was in which
22 car. And you will see the victim. You will see
23 **Samquan F.** in the back seat of the defendant's car just
24 right before he shoots and kills him.

25 You will also see the body-worn cameras

Testimony of Ethan Rodgers

1 from the officers who were on scene when the
2 victim was discovered in a ditch on [REDACTED] Road
3 here in Jasper County around 9:00 a.m. on
4 September 30th.

5 Around 7:30 a.m., this defendant stopped
6 the car there on that deserted stretch of highway,
7 got the defendant -- excuse me, got the victim out
8 of his car, demanded the money, shot him in the
9 chest, and you'll hear from the forensic
10 pathologist that it was a close contact gunshot
11 wound to the chest.

12 You will hear from EMS how, when they
13 arrived on scene, the victim had been shot all the
14 way through. A through-and-through, as you will
15 hear it referred to. In the front, out the back.

16 You will hear from the lead detective in
17 the case and the efforts that he took to preserve
18 evidence in this case for the victim and for you
19 today, and you will have all of that over the
20 course of this afternoon and tomorrow from the
21 witness stand.

22 And I will say, as I close -- because
23 what's more important is not what I have to say
24 right this minute, but what witnesses will tell
25 you as we go through this case, but I will say

Testimony of Ethan Rodgers

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1 this: As the judge told you, the burden of proof
2 is guilt beyond a reasonable doubt, and that
3 burden rests squarely at this table with the State
4 of South Carolina. And the State is confident,
5 after you have listened to all the witnesses in
6 this case, after you have viewed all the evidence,
7 and you've listened to the judge give you the
8 charge on the law, that you will return to this
9 courtroom with a verdict of guilty of armed
10 robbery, guilty of murder, and guilty of
11 possession of a weapon during the commission of a
12 violent crime.

13 Thank you.

14 THE COURT: Thank you.

15 Mr. Johnson.

16 MR. JOHNSON: Thank you.

17 OPENING STATEMENTS

18 MR. JOHNSON: Good afternoon, I'm going
19 to first start off by thanking you for being here
20 today. It's taking away from your jobs, your
21 life, and other things that are important.

22 But I submit to you that this is one of
23 the most important things that you will probably
24 ever do in your life. You are going to be given
25 an opportunity in this trial that very few of us

Testimony of Ethan Rodgers

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1 get a chance to do nowadays. You're going to get
2 a chance to think for yourself and make your own
3 decision individually. There's not going to be --
4 it's going to come together as a group decision in
5 the end because you have to vote, but I ask each
6 and every one of you to use your mind and use it
7 and think about this case because Javeris
8 Williams's life is on the line. And whatever your
9 decision is, is your decision.

10 But a man is dead. That family, they want
11 justice. Sending the wrong man to jail, I submit to
12 you, is not justice.

13 The State will tell you that my client is
14 charged with killing and robbing somebody. I will
15 submit to you right now before the trial starts,
16 the State cannot tell you all that was robbed. You
17 will not see a gun in this case. You will not see
18 DNA. You're going to see very little evidence in
19 this case. There's going to be some statements
20 given to you, and you have to make a determination
21 as to who's telling the truth.

22 But there's no gun. There's no DNA. No
23 preserved the evidence. They preserved nothing.
24 They won't even be able to tell you what kind of
25 car, or where the car is that was supposedly used

Testimony of Phillip Cothran
in this crime.

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So all I'm asking you to do is listen. I have the same thing in common that everyone else has. We wasn't there. You wasn't there. But the State has stated that it is their duty to prove the case against my client. As he sits there, he is innocent. The same innocence that you would want for family or anyone.

Make the State prove their case. If they don't prove it, I think you'll come to the same conclusion I have, after looking at the evidence they have, that you will find my client not guilty.

THE COURT: The State will call their first witness.

MS. CAMPBELL: The State calls Phillip Cothran.

THE CLERK: Raise your right hand. Place your left hand on the Bible. The testimony you give the Court will be the truth, so help you God?

THE WITNESS: Yes.

THE CLERK: Have a seat.

WHEREUPON:

PHILLIP COTHRAN,
after having been sworn, testified as follows:

Testimony of Phillip Cothran
DIRECT EXAMINATION

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BY MS. CAMPBELL:

Q Good afternoon. Would you give your name and spell it for our court reporter?

A First name is Phillip, P-h-i-l-l-i-p. Last is Cothran, C-o-t-h-r-a-n.

Q Where are you currently employed?

A Jasper County Emergency Services.

(STATE EXH. 1, 911 Call, was marked for identification.)

BY MS. CAMPBELL:

Q In the service of Jasper County in those emergency services, I'm going to show what you has been marked as State's Exhibit 1 and ask you if you can identify State's Exhibit 1.

A Yes, ma'am. This is an audio recording.

Q Do you identify that by your initials or something along there, or a signature?

A Yes, ma'am. Signature and date and time.

Q And is the 911 call from this case, Mr. Cothran?

A Yes.

Q And are these 911 and dispatch calls kept in the regular course of Jasper County business?

A Yes, they are.

MS. CAMPBELL: Your Honor, at this time

Testimony of Phillip Cothran
1 the State seeks to introduce State's Exhibit 1.

2 THE COURT: Without objection?

3 MR. JOHNSON: No objection, Your Honor.

4 THE COURT: Thank you.

5 MS. CAMPBELL: And, at this time, Your
6 Honor, we would publish that for the jury.

7 THE COURT: You may.

8 (STATE EXH. 1, 911 Call, was entered
9 into evidence.)

10 (911 call played.)

11 MS. CAMPBELL: That's all for this
12 witness, Your Honor.

13 THE COURT: Okay.

14 MR. JOHNSON: I have no questions, Your
15 Honor.

16 THE COURT: You may step down, sir.
17 Thank you.

18 Call your next witness.

19 MS. CAMPBELL: The State calls Briana
20 Mingleedorff.

21 THE CLERK: Raise your right hand. Place
22 your left hand on the Bible. The testimony you
23 give the Court will be the truth, so help you God?

24 THE WITNESS: Yes, ma'am.

25 WHEREUPON:

Testimony of Briana Mingledorff
BRIANA MINGLEDORFF,

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after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q Good afternoon. Will you tell us your name and spell it for the court reporter, please?

A Briana Mingledorff. First name is B-r-i-a-n-a. Last name Mingledorff, M-i-n-g-l-e-d-o-r-f-f.

Q Where do you work?

A Jasper County Sheriff's Office.

Q All right. And at the Jasper County Sheriff's Office, your responsibilities are what?

A Management and preservation of digital evidence, along with civil process and papers, along with sex offender registry.

(STATE EXH. 11, Body-worn Camera; Gibson, was marked for identification.)

(STATE EXH. 12, Body-worn Camera; Williams, was marked for identification.)

(STATE EXH. 13, Body-worn Camera Clip; Gibson, was marked for identification.)

(STATE EXH. 14, Body-worn Camera Clip; Williams, was marked for identification.)

BY MS. CAMPBELL:

Testimony of Briana Mingledorff

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1 Q All right. And in the process of doing the
2 digital evidence, I'm going to show you what has been
3 marked as State's Exhibit 11 and, let's see, 13, and
4 12 and 14. Let's take them one at a time. Can you
5 identify State's Exhibit 11? Let me hand that to you.

6 A Yes, ma'am.

7 Q And how can you identify State's Exhibit 11?

8 A My signature and date.

9 Q All right. And what is State's Exhibit 11?

10 A The body-worn camera of Jasper County
11 Sheriff's Office Stephanie Williams (sic), and
12 that was preserved in our digital evidence in the
13 regular business course of the Jasper County
14 Sheriff's Office.

15 Q I think you read the defendant's last name. It's
16 the body-worn camera of?

17 A Oh, I apologize.

18 Q It's okay.

19 A Deputy Gibson.

20 Q You're fine.

21 MS. CAMPBELL: Your Honor, I'm going to
22 have her identify the clip now.

23 BY MS. CAMPBELL:

24 Q I'm going to show you then 13 and ask you if you
25 can identify that.

Testimony of Briana Mingledorff

167

1 A Yes, ma'am.

2 Q All right. And what is that?

3 A That is the body-worn camera clip from Jasper
4 County Sheriff's Office, Deputy Gibson, and that
5 was on September 30th, 2018, and that was also
6 preserved as digital evidence in our regular
7 course of business.

8 Q Thank you so much.

9 MS. CAMPBELL: Your Honor, at this time,
10 the State would enter State's Exhibit 13.

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: Okay.

13 (STATE EXH. 13, Body-worn Camera Clip;
14 Gibson, was entered into evidence.)

15 MR. JOHNSON: Just for the record, I
16 guess you already ruled.

17 THE COURT: Subject to your prior
18 objection, yes.

19 MR. JOHNSON: Thank you.

20 (Body-worn camera clip played.)

21 BY MS. CAMPBELL:

22 Q I'm going to show you again 12, which you
23 identified previously. Can you identify that for us
24 one more time?

25 A Yes, ma'am. That's the body-worn camera from

1 Testimony of Briana Mingledorff 168
2 the Jasper County Sheriff's Office, Deputy
3 Williams, and that was also filmed on September
4 30, 2018, and that was preserved in our digital
5 evidence as well, as the regular business course
6 of the Jasper County Sheriff's Office.

7 Q Thank you. And then 14, what are we looking at
8 with 14? The clip?

9 A Yes, ma'am. This is the clip from Deputy
10 Williams's on the same date.

11 MS. CAMPBELL: Your Honor, we'll seek to
12 introduce 14, which is the clip.

13 THE COURT: Prior to your earlier
14 objection?

15 MR. JOHNSON: Thank you.

16 THE COURT: Yes, sir.

17 (STATE EXH. 14, Body-worn Camera Clip;
18 Williams, was entered into evidence.)

19 MS. CAMPBELL: That's all I have.

20 THE COURT: Okay. Mr. Johnson, anything
21 with this witness?

22 MR. JOHNSON: I have no questions, Your
23 Honor.

24 THE COURT: All right. You may step
25 down. Thank you.

 MS. CAMPBELL: Your Honor, the State.

Testimony of Devon Johnson

169

1 calls Devon Johnson

2 THE COURT: Okay.

3 THE CLERK: Raise your right hand. Place
4 your left hand on the Bible. The testimony you
5 give the Court will be the truth, so help you God?

6 THE WITNESS: Yes, ma'am.

7 WHEREUPON:

8 DEVON JOHNSON,
9 after having been sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. CAMPBELL:

12 Q Good afternoon. Please spell your name for our
13 court reporter, state it and spell it.

14 A Devon Johnson, D-e-v-o-n, J-o-h-n-s-o-n.

15 Q Thank you. Mr. Johnson, do you live in Jasper
16 County?

17 A Yes.

18 Q All right. That address that you gave the 911
19 operator, what was that address again?

20 A [REDACTED] Road.

21 Q And is that in Jasper County?

22 A It is.

23 Q All right. How long have you lived in Jasper
24 County?

25 A Over ten years.

Testimony of Devon Johnson

170

1 Q All right. I'm going to take you back to
2 September 30th, 2018. Were you at home that day?

3 A I was.

4 Q All right. Tell us a little bit about what
5 happened that day and what time of day it happened to
6 get you out of your house?

7 A It was earlier that morning, I had a hunter
8 and his wife, an older couple come to my doorstep
9 and said they saw an individual in distress and
10 needed someone to call 911.

11 Q All right. This couple asked you to call 911?

12 A Yes.

13 Q And so did you?

14 A I did.

15 Q And when you called 911, did you stay on the phone
16 with 911?

17 A Yes, ma'am.

18 Q Tell us what you did while you were on the phone
19 with 911.

20 A Put my shoes on. I got in the vehicle and I
21 kind of followed them down the road to where they
22 said the victim was.

23 Q When you arrived there, were you able to see
24 someone that they had described?

25 A Yes, ma'am.

Testimony of Devon Johnson

171

1 Q And that person that was there, had they been
2 injured?

3 A Yes.

4 Q All right. What injuries could you see on their
5 body?

6 A I noticed a gunshot wound to his upper
7 chest.

8 (STATE EXH. 2, Photo; Victim Found, was
9 marked for identification.)

10 (STATE EXH. 3, Photo; Victim On Scene, was
11 marked for identification.)

12 BY MS. CAMPBELL:

13 Q I'm going to show you what's been marked as
14 State's Exhibit 2 and 3. Let's do 2. Can you tell me
15 if you can identify State's Exhibit 2?

16 A I can.

17 Q All right. And what is depicted in State's
18 Exhibit 2?

19 A That was the location where I found the
20 victim. He was laying in the ditch, you know, in
21 distress and needed medical help.

22 Q Okay. And that's a fair and accurate depiction of
23 the location where you found him?

24 A Yes, ma'am.

25 MS. CAMPBELL: All right. Your Honor,

Testimony of Devon Johnson

172

1 the State would seek to introduce State's Exhibit
2 2.

3 MR. JOHNSON: No objection, Your Honor.

4 THE COURT: Without objection.

5 MS. CAMPBELL: And if he could pull that
6 up?

7 THE COURT: Yes, you may publish it.

8 (STATE EXH. 2, Photo; Victim Found, was
9 entered into evidence.)

10 BY MS. CAMPBELL:

11 Q So tell us a little bit about this stretch of road
12 and where it is relative to your home.

13 A It's maybe a mile, mile and a half from my
14 yard, and it's in between my house and Highway 3.

15 Q All right.

16 A It's a stretch of common road from my house
17 up Highway 3.

18 Q I see a silver vehicle in State's Exhibit 3. What
19 is that vehicle? Is that your car?

20 A That was my mother's vehicle at that time.
21 That's the vehicle I drove to the incident.

22 Q The one you told 911 about?

23 A Yeah.

24 Q All right. And did you stay on scene until the
25 victim was taken away by EMS?

1 A Yes, ma'am.

2 Q Did you assist the officers in any way while you
3 were there?

4 A I did.

5 Q All right. And I'm going to show you what's been
6 marked as State's Exhibit 3 and ask you if you can
7 identify that.

8 A I can.

9 Q And what is depicted in State's Exhibit 3?

10 A That's the individual I found on the side of
11 the road that's being referred to as the person
12 needing help.

13 Q And is that a fair and accurate depiction of the
14 victim in this case?

15 A It is.

16 MS. CAMPBELL: Your Honor, the State
17 would seek to introduce State Exhibit 3 and
18 publish.

19 MR. JOHNSON: No objection.

20 THE COURT: Without objection, you may.

21 (STATE EXH. 3, Photo; Victim On Scene, was
22 entered into evidence.)

23 BY MS. CAMPBELL:

24 Q So I want to talk to you a little bit about
25 State's Exhibit 3. Let me get it pulled up here.

Testimony of Devon Johnson

174

1 All right. So when you arrived there, tell a
2 little bit about what you saw in terms of the clothing
3 for the victim. Did he have any clothes on?

4 A The only piece of clothing he had were what I
5 believe to be, like, black boxers and they were
6 down to his ankles at that time.

7 Q So no shirt.

8 A No, ma'am.

9 Q No pants.

10 A No.

11 Q And when you observed him in the ditch, and I
12 guess you said that you saw that he had been shot, did
13 you hear him talking to the deputy?

14 A Yes, ma'am.

15 Q And did you hear him talk about who had shot
16 him?

17 A I did.

18 Q And who was that?

19 A A person by the name of Hustle Man.

20 Q Hustle Man.

21 MS. CAMPBELL: Thank you. That's all I
22 have.

23 MR. JOHNSON: I got a few questions.

24 THE COURT: Yes, sir.

25

CROSS-EXAMINATION

Testimony of Devon Johnson

175

- 1 BY MR. JOHNSON:
- 2 Q Good afternoon.
- 3 A Good afternoon.
- 4 Q When you got there, he was moving around?
- 5 A He was.
- 6 Q He was actually walking to a certain degree. Did
7 he lean against your car or something?
- 8 A He was struggling. He basically crawled to
9 my car.
- 10 Q Crawled to your car?
- 11 A Yeah.
- 12 Q Do you smell any odor of alcohol or anything on
13 him?
- 14 A No, I don't believe so.
- 15 Q You don't think so?
- 16 A No.
- 17 Q Okay. But you have no idea as to who did that to
18 him, do you?
- 19 A I just heard the name I overheard.
- 20 Q That's all you heard, correct?
- 21 A Yeah.
- 22 MR. JOHNSON: Thank you, Your Honor.
- 23 THE COURT: Anything else further for
24 this witness?
- 25 MS. CAMPBELL: You may be excused.

Testimony of Michael Lassiter

176

1 THE COURT: You're excused, sir. Thank
2 you.

3 Call your next witness.

4 MS. CAMPBELL: Your Honor, the State
5 calls Mike Lassiter.

6 THE CLERK: Raise your right hand. Left
7 hand on the Bible. The testimony you give the
8 Court will be the truth?

9 THE WITNESS: I do.

10 THE CLERK: Thank you.

11 WHEREUPON:

12 MICHAEL LASSITER,
13 after having been sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. CAMPBELL:

16 Q Please state your name and spell it for our court
17 reporter.

18 A My name is Michael Lassiter, M-i-c-h-a-e-l,
19 L-a-s-s-i-t-e-r.

20 Q All right. And where are you currently
21 employed?

22 A Jasper County Fire & Rescue.

23 Q All right. Back in 2018, September 30th, 2018,
24 where were you employed?

25 A Jasper County Fire & Rescue.

Testimony of Michael Lassiter

177

1 Q I want to direct your attention to an activity
2 that you participated in on [REDACTED] Road near Highway
3 3 in Jasper County. Tell us a little bit about the
4 call out that you got that day, what time it was.

5 A It was approximately nine o'clock in the
6 morning, 9:30, around that general time frame. We
7 not been to work long. We received a report of a
8 gunshot, or a shooting victim, and we responded
9 out that way from our station in Coosawhatchie.

10 Q All right. Did you issue a report about what you
11 did in your involvement in this?

12 A I did.

13 Q All right. When you arrived, could you tell us
14 about the patient's situation and what was going on
15 with him physically?

16 A There was a young male who had been shot
17 multiple times in the upper torso, and he was very
18 cool to touch. I do remember that part. It
19 appeared he had been there a while, but I can't
20 testify as to how long. He was not warm or
21 anything. He was barely conscience.

22 (STATE EXH. 4, Photo; Gunshot Wound to
23 Chest, was marked for identification.)

24 (STATE EXH. 5, Photo; Victim's Posterior,
25 was marked for identification.)

Testimony of Michael Lassiter 178
(STATE EXH. 6, Photo; Victim's Posterior,

1 was marked for identification.)

2 BY MS. CAMPBELL:

3 Q All right. I'm going to show you what has been
4 marked as State's Exhibits 4, 5, 6. We'll talk about
5 those.
6

7 So you participated in the on-scene
8 treatment?

9 A Yes, ma'am.

10 Q And did you participate in the transport of this
11 patient?

12 A Yes, ma'am.

13 Q I'll show you what's been marked as State's
14 Exhibit 4 and ask you if you can identify that.

15 A That would be a gunshot wound to what appears
16 to be the patient's chest.

17 Q All right. And is that a fair and accurate
18 representation of the gunshot wound to his chest?

19 A Yes, ma'am.

20 MS. CAMPBELL: Your Honor, the State
21 would seek to introduce and publish at this time.

22 MR. JOHNSON: No objection, Your Honor.

23 THE COURT: Without objection. You may
24 publish.

25 BY MS. CAMPBELL:

1 Q In the work that you do, are you familiar with the
2 term through-and-through?

3 A Yes, ma'am.

4 Q And what I'm going to show you next, that would be
5 an entrance wound; is that correct?

6 A That would appear so, yes, ma'am.

7 Q All right. I'm going to show you State's Exhibit
8 5 and ask if you can identify that.

9 A That would be the patient's posterior or
10 their back.

11 Q All right. Is that a fair and accurate depiction
12 of the patient's back?

13 A Yes, ma'am.

14 MS. CAMPBELL: I'm going to seek to
15 introduce State's Exhibit 5 and publish at this
16 time, Your Honor.

17 THE COURT: Okay.

18 MR. JOHNSON: No objection.

19 THE COURT: Without objection.

20 (STATE EXH. 5, Photo; Victim's Posterior,
21 was entered into evidence.)

22 BY MS. CAMPBELL:

23 Q So I am seeing in State's 4 and 5 an entrance and
24 an exit wound. Is that accurate of your treatment of
25 the patient?

Testimony of Michael Lassiter

180

1 A Yes, ma'am.

2 Q All right. And then, lastly, State's Exhibit 6,
3 can you identify that?

4 A That would appear to the patient's posterior.

5 Q And that would be a fair and accurate depiction of
6 the exit wound?

7 A Yes, ma'am.

8 MS. CAMPBELL: State would seek to
9 introduce State's Exhibit 6 at this time and
10 publish.

11 THE COURT: Without objection?

12 MR. JOHNSON: Without objection.

13 THE COURT: Without objection. You may
14 publish.

15 (STATE EXH. 6, Photo; Victim's Posterior,
16 was entered into evidence.)

17 BY MS. CAMPBELL:

18 Q And so -- I'm sorry. I didn't get your rank.

19 A I'm a captain at this time.

20 Q Captain.

21 A Yes, ma'am.

22 Q Captain, in treating the gunshot-wound patient
23 with a through-and-through was there a Life Flight
24 situation going on?

25 A Yes, ma'am.

Testimony of Michael Lassiter 181

1 Q Talk to me a little bit about Life Flight and how
2 that occurred in this case.

3 A The patient's wounds were very critical. He
4 needed a trauma center because most of your local
5 hospitals do not treat wounds like this. You have
6 to take them to a special trauma center, which, in
7 this case, was over an hour away. Helicopter
8 transport could cut that time down drastically, so
9 we requested a helicopter to the scene. They also
10 have more advance capabilities than we do, such as
11 they carry whole blood and things like that.

12 Q Okay.

13 A So because they carry blood, that and the
14 transport time were the two biggest reasons they
15 were requested.

16 Q So this patient of yours, loaded into the
17 ambulance?

18 A Yes, ma'am.

19 Q Once you got him into the ambulance, did you head
20 straight to the Life Flight?

21 A We went to the Gray's fire department where
22 the helicopter met us.

23 Q So they were going to meet you there?

24 A Yes, ma'am. They landed on scene.

25 Q And when they landed there to meet up with you,

Testimony of Michael Lassiter

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1 did anything happen to your patient that caused the
2 Life Flight not to take place?

3 A Our patient went into cardiac arrest. When
4 the flight crew got in the back to start helping
5 us, around that same time, the patient went into
6 cardiac arrest. We then made a decision not to
7 transport. They can't fly cardiac arrest in the
8 helicopter because there's not enough room.

9 Q Okay.

10 A So the helicopter crew went with us to
11 Hampton hospital and continued to treat the
12 patient.

13 Q So unable to the fly him because he's in cardiac
14 arrest.

15 A Yes, ma'am.

16 Q And then you're taking him to the closest
17 hospital, Hampton.

18 A Yes, ma'am.

19 Q And can you tell us what happened to your patient
20 on route there or shortly after arriving, I guess?

21 A While there, we continued to work on the
22 patient with resuscitative efforts. When we got
23 into the ER itself, the doctor made the decision
24 to open the patient up, crack his chest to try
25 further resuscitative efforts. And despite our

Testimony of Michael Lassiter

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1 best attempts, we were not successful.

2 Q So he died?

3 A Yes, ma'am.

4 MS. CAMPBELL: That's all I have.

5 THE COURT: Mr. Johnson?

6 MR. JOHNSON: I have no questions, Your
7 Honor.

8 THE COURT: All right. You may be
9 excused, sir.

10 Call your next witness.

11 MS. CAMPBELL: The State calls Alex
12 Williams.

13 THE CLERK: Raise your right hand. Place
14 your left hand on the Bible. The testimony you're
15 about to give the Court will be the truth so help
16 you God?

17 THE WITNESS: Yes, ma'am.

18 THE CLERK: Come right around.

19 WHEREUPON:

20 ALEX WILLIAMS,

21 after having been sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. CAMPBELL:

24 Q Good afternoon.

25 A Good afternoon.

Testimony of Michael Lassiter

184

1 Q Can I ask you to spell your name for our court
2 reporter?

3 A Alex Williams, A-l-e-x, W-i-l-l-i-a-m-s.

4 Q Thank you. Do you have a rank that I should
5 address you by at this time?

6 A Currently, a lieutenant with the Marlboro
7 County Sheriff's Office.

8 Q So I heard you say that you are currently a
9 lieutenant with the Marlboro County Sheriff's Office;
10 is that right?

11 A Yes.

12 Q At some point in your career, did you work with
13 the Jasper County Sheriff's Office, or with the Estill
14 PD, or any local law enforcement in this area?

15 A Town of Bluffton Police Department.

16 Q All right. And so back in September, 2018, were
17 you working for them then?

18 A Yes.

19 Q All right. Around how long would you say you were
20 in the Estill area?

21 A About seven, close to seven-and-a-half years.

22 Q All right. And when would that time have begun?

23 A It started in 2014 until about -- February of
24 2014 until April of 2015, and I returned in 2016
25 and stayed until May of 2016 and left July of

1 2022.

2 Q Okay. And working in that capacity were you then
3 familiar with the residents of that area? Is it a
4 small community?

5 A Yes.

6 Q So, at that time, what was your position with the
7 Estill PD?

8 A I was a captain.

9 Q Captain, okay.

10 So on September 30, 2018, were you contacted
11 by the Jasper County Sheriff's Office Investigator
12 Ethan Rodgers?

13 A Yes.

14 Q And during his contact with you, were you advised
15 of an investigation that was ongoing here in Jasper
16 County?

17 A Yes.

18 Q And, as part of that investigation, were you to
19 conduct any activities?

20 A Yes.

21 Q What were you looking for?

22 A I was -- he asked about a member of our
23 community that was involved in an incident in
24 Jasper County. He asked if I knew the family and
25 did I know of the individual.

Testimony of Michael Lassiter 186

1 Q All right. So the victim in this case, Samquan F.

2 [REDACTED], were you able to help Ethan Rodgers
3 identify that young boy?

4 A Yes.

5 Q And the other individual he was seeking to
6 identify, do you recall Hustle Man?

7 A Yes.

8 Q And were you able to identify Hustle Man through
9 the community through Ethan Rodgers?

10 A Yes.

11 Q And who is Hustle Man known in the community as?
12 Was it a government name?

13 A Javeris Williams.

14 Q Javeris Williams.

15 A Yes.

16 Q And did you pass that information along to the
17 defendant in this case?

18 A Yes.

19 MS. CAMPBELL: That's all I have.

20 THE COURT: Mr. Johnson?

21 MR. JOHNSON: Just a few questions.

22 CROSS-EXAMINATION

23 BY MR. JOHNSON:

24 Q Lieutenant Williams, correct?

25 A Yes.

1 Q Lieutenant Williams, you work at Estill, correct?

2 A I used to.

3 Q When they called you?

4 A Yes.

5 Q But my client is from Hampton. So how do you know
6 the nickname Hustle Man?

7 A I just know it from the Estill community.
8 Knowing of it.

9 Q Right. You grew up there?

10 A I know of it being there, working there seven
11 years.

12 Q He's the only person in that area named Hustle
13 Man?

14 A Yes. That I knew of at the time, yes.

15 Q Okay. So you just gave him a name that you were
16 aware of?

17 A What I knew of him. What I knew.

18 MR. JOHNSON: No other questions.

19 THE COURT: Anything further?

20 MS. CAMPBELL: That's all, Your Honor.

21 THE COURT: You are excused, sir. Thank
22 you.

23 MS. CAMPBELL: May we approach?

24 THE COURT: You may.

25 MS. CAMPBELL: We have the Parker's video

1 for in the morning, and then Ethan Rodgers, and then
2 all of the lay witnesses for all day tomorrow.

3 THE COURT: Okay.

4 MS. CAMPBELL: I do think I finished a
5 little quickly today.

6 THE COURT: Okay.

7 MS. CAMPBELL: So that's all that would
8 happen for today.

9 THE COURT: All right.

10 MR. JOHNSON: We finished a little bit
11 early today.

12 THE COURT: That sounds good.

13 MS. CAMPBELL: Thank you.

14 THE COURT: Ladies and gentlemen, we're
15 going to go ahead and break for the day. We only
16 had a certain amount of witnesses to start with.

17 Madame Foreperson, has the jury
18 determined what time they'd like to start
19 tomorrow?

20 FOREPERSON: Yes, Your Honor. 9:00 a.m.

21 THE COURT: 9:00 a.m.

22 All right. Ladies and gentlemen, well, I
23 need you to warn you of a few things first. You
24 are not to discuss this case when you go home.
25 You see a loved one, a neighbor, you can only say

1 you've been chosen as a juror in the trial of a
2 criminal case. You can't say anything further.

3 Ladies and gentlemen, at the very end of
4 the trial when we're done, you will be able to
5 talk about the case once you've reached a verdict.
6 But until then, it's not appropriate for you talk
7 to anybody.

8 Also, I anticipate us running later
9 tomorrow. Again, the first day, we never quite
10 know how quickly we're going to get through jury
11 selection, so we are finished a little bit
12 earlier. I like to run to 5:00-ish at least if we
13 can. But if you-all have to go somewhere at a
14 specific time and need to be out of here at a
15 certain time tomorrow night, make sure you tell
16 your foreperson and I can accommodate you. It's
17 not a problem. Okay?

18 So, go home, get a good night's sleep.
19 Don't do any independent research, ladies and
20 gentlemen. Don't post anything on social media.
21 Just get a good night sleep. We will see you-all
22 at 9:00 a.m. tomorrow morning.

23 If for any reason you fall ill over the
24 evening and are really, really sick, just don't
25 show up. Call in to the clerk of court's office

1 and tell us you're ill. Because, again, you know,
2 I know there's little traces of COVID going on out
3 there and I want to make sure we keep you-all
4 healthy. Okay?

5 So, again, thank you. Do not discuss
6 this case. Get a good night's sleep. We'll see
7 you tomorrow morning at 9:00 a.m. Thank you.

8 (Jury exits the courtroom at 3:30 p.m.)

9 THE COURT: Anything from the State?

10 MS. CAMPBELL: No, Your Honor.

11 THE COURT: Anything from the defendant?

12 MR. JOHNSON: I have nothing, Your Honor.

13 THE COURT: I think we're moving along
14 well. So, again, let's just make sure we have
15 witnesses that we need for tomorrow and we're
16 taking care of Mr. Williams.

17 Anything else we need to do? You're
18 okay? I just need to talk to you very quickly
19 before we break, if you would. I'll see everyone
20 tomorrow morning. Thank you.

21 (Trial adjourned at 3:31 p.m.)

22

23

24

25

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF JASPER

4 State of South Carolina,

5 vs. Transcript of Record
6 2018-GS-27-00755
7 2018-GS-27-00756
8 2018-GS-27-00757

9 Javeris T. Williams,
10 Defendant.

11 August 13, 2024
12 Ridgeland, South Carolina
13 Volume II of III

14 B E F O R E:

15 The HONORABLE CARMEN T. MULLEN

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

17 Trasi Campbell, Solicitor

18 Charlie Johnson, Representing the defendant

19

20

21

22 SHARON G. HARDOON, CSR
23 Official Circuit Court Reporter, III

24

25

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24				
25				

1	EXHIBITS CONTINUED:		
2	STATE EXH. 24-A, Registered Facebook	225	15
3	Emails;		
4	hustle.mane.142@facebook.com,		
5	williamsj67@ymail.com		
6	STATE EXH. 24-B, Facebook Message; From	225	18
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35	Pants		
36	STATE EXH. 40, Two-Dollar Bill; Victim's	241	1
37	Pants		
38	STATE EXH. 31, Map; Jasper County,	243	11
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40	STATE EXH. 31, Map; Jasper County,	244	6
41	Hampton, Savannah		

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23

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25

1 THE BAILIFF: All rise.

2 THE COURT: Please be seated. Can I see
3 the attorneys just quickly up at the bar, please?

4 I just wanted to confirm with you-all
5 that I understand the jail did give Mr. Williams
6 his Seroquil. They were able to get it. He had
7 it this morning by the nurse. Is he doing okay?

8 MR. JOHNSON: A lot better.

9 THE COURT: I just want to make sure. I
10 didn't want to announce it in front of him.

11 MR. JOHNSON: Thank you, Your Honor.

12 MS. CAMPBELL: Thank you.

13 THE COURT: Thank you. I appreciate it.

14 Miss Campbell, when are you ready, just
15 let me know. I know you just walked in the
16 room.

17 MS. CAMPBELL: Thank you. I'm ready.

18 THE COURT: Is the defense ready?

19 MR. JOHNSON: We are ready, Your Honor.

20 THE COURT: We have all the jury,
21 correct?

22 THE DEPUTY: Yes, ma'am.

23 THE COURT: Please bring them in.

24 (Jury enters the courtroom at 9:20 a.m.)

25 THE COURT: I always have to stand up in

1 this courthouse. I don't know why, but we redid
2 everything. This does not move and does not --- I
3 can't see you-all.

4 Good morning. I want to apologize. I'm
5 the one that was late this morning. There were
6 two terrible wrecks coming from Hilton Head, which
7 is where I was coming from this morning. I was
8 doing everything I could to maneuver myself to get
9 there the quickest way possible, so I apologize.
10 We won't be late again for another automobile
11 accident.

12 So, ladies and gentlemen, we're going to
13 go ahead and continue with the State's case this
14 morning. We're all ready to go, if you-all are
15 okay and ready to go? Good morning.

16 Okay. Miss Campbell, if you will call
17 your first witness for this morning.

18 MS. CAMPBELL: Thank you, Your Honor.
19 The State calls Gregory White.

20 THE CLERK: Raise your right hand. Place
21 your left hand on the Bible. The testimony you're
22 about to give this Court will be the truth so help
23 you God?

24 THE WITNESS: Yes.

25 THE CLERK: You can adjust that mic.

1 WHEREUPON:

2 GREGORY WHITE,

3 after having been sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q Good morning.

7 A Good morning.

8 Q Mr. White, can you say your name and spell it for
9 the court reporter.

10 A Gregory White. G-r-e-g-o-r-y, White just
11 like the color, W-h-i-t-e.

12 Q Thank you so much.

13 Mr. White, where are you currently employed?

14 A With Pilot Travel Centers. I have Pilot
15 Travel Center on Exit 5, on 95, Exit 5.

16 Q Have you always done that?

17 A No. Well, I got here in South Carolina in
18 November of 2022.

19 Q And before that?

20 A I was with Pilot in North Carolina in Warsaw.

21 Q Perfect. So in the regular course of business,
22 does Pilot have surveillance video?

23 A Yes, we do.

24 (STATE EXH. 32, Surveillance, Pilot Parking
25 10, Stairs 32, was marked for identification.)

Testimony of Gregory White

199

1 BY MS. CAMPBELL:

2 Q And I'm going to show you what's been marked --
3 and that surveillance video is preserved in this case?

4 A Uh-huh.

5 Q Let me show you what's been marked as State's
6 Exhibit 32 and ask you if you could identify that?

7 A Yes.

8 Q And being able to identify that, can you tell me
9 what State's Exhibit 32 is?

10 A Pilot parking 10, stairs 32, and then my
11 signature.

12 Q All right.

13 MS. CAMPBELL: Your Honor, at this time,
14 State seeks to introduce State's Exhibit 32.

15 MR. JOHNSON: No objection.

16 THE COURT: Without objection.

17 (STATE EXH. 32, Surveillance, Pilot Parking
18 10, Stairs 32, was entered into evidence.)

19 (STATE EXH. 33, Surveillance, Pilot Parking
20 10, Stairs 32, was marked for identification.)

21 BY MS. CAMPBELL:

22 Q We'll go ahead and talk about State's Exhibit 33.
23 Same question, can you identify that and let us know
24 what that is.

25 A It's the same thing. My signature and 33.

Testimony of Gregory White

200

1 Q All right, thank you.

2 MS. CAMPBELL: State would seek to
3 introduce State's 33 at this time.

4 THE COURT: Without objection?

5 MR. JOHNSON: No objection, Your Honor.

6 THE COURT: Thank you.

7 (STATE EXH. 33, Surveillance, Pilot Parking
8 10, Stairs 32, was entered into evidence.)

9 MS. CAMPBELL: And publish, Your Honor?

10 THE COURT: Yes.

11 MS. CAMPBELL: If we could pull up the
12 first State's Exhibit.

13 THE COURT: Is that 32?

14 MS. CAMPBELL: Yes, ma'am.

15 THE COURT: Thank you.

16 (Surveillance video played.)

17 BY MS. CAMPBELL:

18 Q And tell us what we're looking at here?

19 A You're looking at the front of my store, that
20 store 4569, coming out the front door. You have
21 the handicap spaces and you're right out to my gas
22 island.

23 Q The date and time is stamped on these surveillance
24 videos, correct?

25 A Yes.

Testimony of Gregory White

201

1 Q All right. It's pretty small. Can you see it
2 there?

3 A August 30th.

4 Q You're close.

5 A September 30, 2018.

6 Q Thank you.

7 MS. CAMPBELL: All right. And State's
8 33, if we can pull that up.

9 BY MS. CAMPBELL:

10 Q Same question. What are we looking at?

11 A The front door to store 4569.

12 Q And our date and time?

13 A September 30th of 2018.

14 Q And the time?

15 A 1:37 in the morning.

16 Q All right, thank you.

17 (STATE EXH. 34, Photo; Front of Store, was
18 marked for identification.)

19 BY MS. CAMPBELL:

20 Q I'm going to show you what's been marked as
21 State's Exhibit 34 and ask you if you can identify
22 that.

23 A Yes, that's the front of my store.

24 Q And would it be, sort of, like a still photo of
25 what we just watched?

1 A Uh-huh.

2 Q All right.

3 MS. CAMPBELL: Your Honor, the State
4 would seek to introduce State's Exhibit 34.

5 THE COURT: Yes?

6 MR. JOHNSON: No objection.

7 THE COURT: Go ahead.

8 MS. CAMPBELL: Thank you. And publish?

9 THE COURT: You may.

10 (Surveillance video played.)

11 (STATE EXH. 34, Photo; Front of Store, was
12 entered into evidence.)

13 BY MS. CAMPBELL:

14 Q And again, that's the front of the store there?

15 A Yes, leading down to the gas island, coming
16 right out the door.

17 (STATE EXH. 35, Photo; Front of Store, was
18 marked for identification.)

19 BY MS. CAMPBELL:

20 Q And then I'm going to ask if you can identify
21 State's 35.

22 A Front door, just to still.

23 Q A still of the front door entrance there?

24 A Uh-huh.

25 MS. CAMPBELL: Your Honor, the State

Testimony of Gregory White

203

1 would seek to admit State's 35.

2 MR. JOHNSON: No objection.

3 THE COURT: Okay, go ahead.

4 (STATE EXH. 34, Photo; Front of Store, was
5 entered into evidence.)

6 MS. CAMPBELL: And if we could pull that
7 up.

8 BY MS. CAMPBELL:

9 Q All right. And the date and time that we see on
10 this still photo, is that September 30, 2018, about
11 1:37:22 a.m.?

12 A Yes, it is.

13 Q All right. Thank you.

14 MS. CAMPBELL: That's all I have.

15 MR. JOHNSON: I have no questions, Your
16 Honor.

17 THE COURT: All right, thank you.

18 You may be excused. Thank you.

19 MS. CAMPBELL: State calls Ethan
20 Rodgers.

21 THE CLERK: Raise your right hand. Place
22 your left hand on the Bible. The testimony you're
23 about to give the Court will be the truth, so help
24 you God?

25 THE WITNESS: Yes, ma'am.

Testimony of Ethan Rodgers
THE CLERK: You can have a seat.

204

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WHEREUPON:

ETHAN RODGERS,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q Good morning.

A Good morning.

Q State your name and spell it for the court reporter, please.

A Ethan Rodgers, E-t-h-a-n, R-o-d-g-e-r-s.

Q All right. Where are you currently employed?

A I am currently employed with Jasper County Fire & Rescue.

Q Jasper County Fire Rescue?

A Yes, ma'am.

Q Does that involve medical services as well?

A It does.

Q Okay. Are you currently training for any other positions within the fire services?

A I'm currently in paramedic school.

Q Paramedic school. But are you -- I guess, hold any medical certifications at this time?

A I do.

Q What is that?

Testimony of Ethan Rodgers

205

1 A I'm an emergency medical technician.

2 Q EMT?

3 A EMT.

4 Q Okay, perfect.

5 Back in 2018, where were you employed?

6 A I was employed with the Jasper County
7 Sheriff's Office.

8 Q And in your employment there in September of 2018,
9 were you tasked with an investigation into the
10 shooting death of Samquan F. [REDACTED] [REDACTED]?

11 A I was.

12 Q When you were with the sheriff's department in
13 2018, how would I have addressed you at that time?

14 A Detective.

15 Q Detective, okay.

16 And are you still currently holding any
17 police commissions or how does that work?

18 A I am still a certified, class-one law
19 enforcement officer certified through the South
20 Carolina Justice Academy. Also, one of my
21 additional duties with the fire department is fire
22 and arson investigations.

23 Q All right. This crime scene that you went to,
24 what was the location of that?

25 A It was on [REDACTED] Road, off of Highway 3 in

Testimony of Ethan Rodgers

206

1 Jasper County, a few miles outside of Hampton.

2 Q Do you recall about what time you got the call to
3 go out there?

4 A I was notified around 9:20 a.m.

5 Q Okay. And then once you get that notification and
6 you, I guess, begin to head out there, do you know
7 what time you might have actually arrived there at the
8 crime scene?

9 A Around 10:00 a.m.

10 Q All right. While you were on the way to the crime
11 scene, did you receive any information or begin
12 conducting any part of this investigation?

13 A Yes, ma'am.

14 Q Can you tell the jury a little bit about how that
15 happened?

16 A Absolutely. So while I was on the way to the
17 scene, I was listening to our radio traffic from
18 the deputies that were on scene. They were able
19 to get the nickname for our victim, and location.
20 He was able to tell them where he lives and the
21 city. And so I was able to get a name and the
22 city from which he was from.

23 Q Pull that mic just a little closer to you. It's a
24 terrible microphone, but let's try. There you go.
25 Thank you.

1 steps at that point to try and, for instance, I guess,
2 look at any social media?

3 A I did.

4 Q Tell us how that happened.

5 A So one of the easier methods for
6 identification -- identifying people is Facebook.
7 Almost everybody has a Facebook, so one of the
8 first things I did was I logged on to Facebook and
9 did a quick name search.

10 Q All right. So, looking at social media at
11 Facebook, were you able to locate a Facebook account
12 with the name of Hustle Man or Hustle Mane?

13 A I was.

14 Q Okay. Was that a private account or a public
15 account?

16 A No. The defendant had his account set to
17 public, so anyone with a Facebook account could
18 have logged in and seen pictures, comments,
19 photographs.

20 Q Did you have or obtain a photograph of Javeris
21 Tremane Williams to compare to the photographs that
22 you were seeing on the particular public Facebook
23 account?

24 A Yes. So as a detective, I had access to the
25 South Carolina Department of Motor Vehicles. We

Testimony of Ethan Rodgers

209

1 can perform a name search and pull up a driving
2 record. Now, attached to your driving record is
3 the photograph that was taken at DMV.

4 Q And the South Carolina driver's record for Javeris
5 Tremane Williams, that photograph, did it match the
6 photographs for Hustle Mane or Hustle Man on that
7 public Facebook account?

8 A Yes, ma'am.

9 (STATE EXH. 16, Hustle Man; Facebook, was
10 marked for identification.)

11 BY MS. CAMPBELL:

12 Q I'm going to show you what's been marked as
13 State's Exhibit 16 and I'll ask you if you can
14 identify State's Exhibit 16.

15 A Yes.

16 Q And State's Exhibit 16, would that bare any
17 signature or any identification from you?

18 A Yes, my signature.

19 Q And you have reviewed you State's 16?

20 A I have.

21 MS. CAMPBELL: I would ask Your Honor if
22 I would be allowed to admit State's Exhibit 16 at
23 this time.

24 MR. JOHNSON: No objection.

25 THE COURT: Without objection.

Testimony of Ethan Rodgers
(STATE EXH. 16, Hustle Man; Facebook,

210

1
2 was entered into evidence.)

3 BY MS. CAMPBELL:

4 Q So when you accessed Hustle Man, Javeris Williams'
5 Facebook account, what did you -- what was one of the
6 first things you noticed on that account?

7 A So the last post the defendant made on his
8 Facebook account was a video, and it showed the
9 defendant, along with the victim and two others,
10 inside of a vehicle, inside of a vehicle traveling
11 down the road with the defendant driving.

12 Q And so on September 30th around what time of day
13 are you watching this video on the defendant's
14 Facebook account?

15 A As I recall, it was on scene.

16 Q On scene?

17 A Yes, ma'am.

18 Q So would that be around 10:00-ish, maybe?

19 A Around. A little after.

20 MS. CAMPBELL: Your Honor, I'm going to
21 ask that we publish the State's Exhibit 16 at this
22 time.

23 THE COURT: You may publish it.

24 (Video played.)

25 BY MS. CAMPBELL:

Testimony of Ethan Rodgers

211

1 Q All right. Over the course of your investigation,
2 were you able to identify the driver of that vehicle
3 in that vehicle?

4 A Yes, ma'am.

5 Q Who was that?

6 A The defendant, Javeris Williams.

7 Q And the front seat passenger, were you able to
8 identify that individual?

9 A Yes, ma'am.

10 Q And who was that?

11 A Daevon Smith.

12 Q Now, seated in the back seat behind Daevon Smith,
13 who is that?

14 A That was our victim, Samquan F. [REDACTED].

15 Q And who is seated next to Samquan F. [REDACTED]?

16 A Henry Williams.

17 Q Thank you.

18 (STATE EXH. 15, Facebook Video; Hustle Man,
19 was marked for identification.)

20 BY MS. CAMPBELL:

21 Q I'm going to show you what's been marked as
22 State's Exhibit 15, and I'm going to ask you if you
23 can identify that.

24 A Yes, ma'am.

25 Q And how can you identify it?

1 A My signature.

2 Q And you've reviewed it?

3 A I have.

4 MS. CAMPBELL: Your Honor, at this time
5 the State would seek to introduce State's Exhibit
6 15.

7 THE COURT: Without objection?

8 MR. JOHNSON: No objection.

9 THE COURT: Without objection.

10 (STATE EXH. 15, Facebook Video; Hustle Man,
11 was entered into evidence.)

12 BY MS. CAMPBELL:

13 Q All right. So let's talk a little bit about
14 State's Exhibit 15. Later in the day as the
15 investigation progressed, did you have an opportunity
16 to go back, seek more information from the defendant's
17 Facebook account?

18 A Yes.

19 Q Do you know approximately what time you went back
20 to his Facebook account?

21 A It was later that day.

22 Q Later in that day.

23 Later in the day, when you went back to the
24 Facebook account, what did you find or notice about
25 the video that we just watched, State's Exhibit 16?

Testimony of Ethan Rodgers

213

1 A I noticed that the original video that I was
2 able to capture was no longer there and a new
3 video had been posted.

4 Q When you say you captured it, how did you capture
5 it?

6 A So while I was a detective at the sheriff's
7 office I was issued a County phone. And with the
8 County phone, I had the ability to screen record
9 whatever I had pulled up on my phone, and that was
10 the quickest and fastest method I had for
11 recording that video.

12 MS. CAMPBELL: And if we could publish
13 State's Exhibit 15 at this time, Your Honor?

14 THE COURT: You may.

15 (Video played.)

16 BY MS. CAMPBELL:

17 Q All right. Again, during the course of your
18 investigation, the individual seen in that Facebook
19 video driving is?

20 A The defendant, Javeris Williams.

21 Q And the front seat passenger?

22 A Daevon Smith.

23 Q And in this video, in State's 15, who were you
24 able to identify as being in the back seat?

25 A Reginald Jenkins.

1 Q All right, thank you.

2 On scene, when at the crime scene and you
3 were investigating, were there certain items of
4 evidence that you took into custody and preserved for
5 evidence in this case?

6 A Yes.

7 MS. CAMPBELL: And, Your Honor, I went
8 over these yesterday with Mr. Johnson.

9 THE COURT: Okay, thank you.

10 (STATE EXH. 36, Black T-shirt; Victim, was
11 marked for identification.)

12 BY MS. CAMPBELL:

13 Q I'm going to show you what's been marked as
14 State's Exhibit 36. Let's talk about this first. I'm
15 going to just go ahead and hand that to you and ask
16 you if you can identify State's Exhibit 36.

17 A Yes.

18 Q And what is inside State's Exhibit 36?

19 A It is the victim's black T-shirt.

20 Q All right. How can you identify that as being the
21 victim's black T-shirt that you know that?

22 A My signature is on the back and it's also
23 listed in the description.

24 Q And did you seal it up?

25 A I did.

Testimony of Ethan Rodgers 215

1 Q All right. We're going to talk a little bit about
2 the words on here that say "biohazard."

3 A Yes, ma'am.

4 Q All right. And do you label that to let
5 individuals know that this should not be opened?

6 A That is correct.

7 Q Okay. Talk to me about the victim's shirt,
8 State's Exhibit 36, collected. What did you do with
9 it after you collected it?

10 A So, after the shirt was collected, it
11 remained secured. We have a storage facility at
12 the criminal investigations division where it had
13 to dry. If you do not let it dry, it will mold
14 and it distorts any kind of further evidence you
15 could possibly get.

16 MS. CAMPBELL: Your Honor, at this time,
17 the State seeks to introduce State's Exhibit 36.

18 MR. JOHNSON: No objection.

19 THE COURT: Without objection.

20 (STATE EXH. 36, Black T-shirt; Victim,
21 was entered into evidence.)

22 (STATE EXH. 9, Photo; Victim's T-shirt, was
23 marked for identification.)

24 BY MS. CAMPBELL:

25 Q Before we talk about 41, let's talk about the

1 drying of that shirt, if we may. So, I'm going to
2 show you what's been marked as State's Exhibit 9 and
3 ask you if you can identify that.

4 A Yes.

5 Q And what is depicted in State's Exhibit 9?

6 A It is the victim's T-shirt.

7 Q All right. And did you take that photo?

8 A I did.

9 Q All right, thank you.

10 And it's a fair and accurate depiction of the
11 victim's shirt at that time?

12 A It is.

13 MS. CAMPBELL: Your Honor, the State
14 seeks to introduce State's Exhibit 9.

15 THE COURT: Without objection?

16 MR. JOHNSON: No objection.

17 THE COURT: Without objection.

18 (STATE EXH. 9, Photo; Victim's T-shirt, was
19 entered into evidence.)

20 MS. CAMPBELL: If we could pull that up,
21 please.

22 BY MS. CAMPBELL:

23 Q Okay. So let's talk a little bit about **Samquan F.'s**
24 shirt. This logo that is on the front of his shirt,
25 were you able to determine if -- for instance, if you

Testimony of Ethan Rodgers

217

1 could just go to Walmart and buy this shirt?

2 A You could not.

3 Q And why is that?

4 A It was a custom-made shirt.

5 Q Custom made?

6 A Yes, ma'am.

7 Q Okay. And what are we looking then under the
8 words "Free Brant?"

9 A A bullet hole.

10 Q All right.

11 MS. CAMPBELL: We can pull it down.

12 (STATE EXH. 10, Victim's T-shirt; Back, was
13 marked for identification.)

14 BY MS. CAMPBELL:

15 Q I'm going to show you what's been marked as
16 State's Exhibit 10, and, again, ask you if you can
17 identify that.

18 A Yes, ma'am.

19 Q And what are we looking at?

20 A It is the back of the victim's T-shirt.

21 Q And did you take that photo?

22 A I did.

23 Q And it's a fair and accurate depiction of the
24 victim's shirt on that day?

25 A It is.

Testimony of Ethan Rodgers

218

1 MS. CAMPBELL: Your Honor, the State
2 seeks to introduce State's Exhibit 10.

3 THE COURT: Without objection?

4 MR. JOHNSON: No objection.

5 THE COURT: Without objection.

6 (STATE EXH. 10, Victim's T-shirt; Back,
7 was entered into evidence.)

8 BY MS. CAMPBELL:

9 Q So, again, what are we looking at on the back of
10 the shirt?

11 A "Chucko." It was the victim's known
12 nickname.

13 Q His nickname?

14 A It was.

15 MS. CAMPBELL: If we could zoom in a
16 little bit.

17 BY MS. CAMPBELL:

18 Q I know it's somewhat difficult to see. What did
19 you notice, Detective, on the back of the shirt?

20 A Another hole that was consistent with an exit
21 hole.

22 Q With the bullet hole?

23 A Yes.

24 Q With, like, an exit wound?

25 A Yes.

Testimony of Ethan Rodgers

219

1 MS. CAMPBELL: We can pull that down.

2 (STATE EXH. 41, Black Pants; Victim, was
3 marked for identification.)

4 BY MS. CAMPBELL:

5 Q State's Exhibit 41, would you tell us what State's
6 Exhibit 41 is?

7 A It is the black pair of pants the victim was
8 wearing.

9 Q All right. And how can you identify State's
10 Exhibit 41?

11 A It is listed in the description and my
12 signature is on it.

13 Q Does State's exhibit 41 also have the "biohazard"
14 marker?

15 A It does.

16 Q Which indicates "Do not open"?

17 A That's correct.

18 Q Okay.

19 MS. CAMPBELL: Your Honor, at this time
20 the State would seek to introduce State's exhibit
21 41.

22 THE COURT: Without objection?

23 MR. JOHNSON: No objection.

24 THE COURT: Without objection.

25 (STATE EXH. 41, Black Pants; Victim, was

1 entered into evidence.)

2 (STATE EXH. 7, Photo; Victim's Shirt, was
3 marked for identification.)

4 (STATE EXH. 8, Photo; Victim's Pants, was
5 marked for identification.)

6 BY MS. CAMPBELL:

7 Q And I'm going to show you what's been marked as
8 State's Exhibit 7 and ask you if you can identify
9 State's 7 and State's 8.

10 A Yes.

11 Q All right. What am I looking at in State's
12 Exhibit 7?

13 A You're looking at the victim's shirt.

14 Q And in State's Exhibit 8?

15 A The victim's pants.

16 Q And the location of where the victim's shirt is in
17 7 and the pants in 8, where is that location?

18 A At the crime scene.

19 Q Okay. And they're a fair and accurate depiction
20 of the location of those items?

21 A They are.

22 Q Thank you.

23 MS. CAMPBELL: Your Honor, at this time
24 the State would seek to introduce State's 7 and 8.

25 THE COURT: Without objection?

Testimony of Ethan Rodgers

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1 MR. JOHNSON: No objection.

2 THE COURT: Without objection.

3 (STATE EXH. 7, Photo; Victim's Shirt,
4 was entered into evidence.)

5 (STATE EXH. 8, Photo; Victim's Pants, was
6 entered into evidence.)

7 MS. CAMPBELL: If we could pull those up.

8 BY MS. CAMPBELL:

9 Q Okay. And, again, this is State's 7 and you
10 described State's 7 as?

11 A The victim's shirt.

12 Q The victim's shirt?

13 A Yes, ma'am.

14 Q And then State's 8, what are we looking at?

15 A The victim's pants.

16 Q All right, thank you.

17 (STATE EXH. 17, Photo; Reginald Jenkins, was
18 marked for identification.)

19 (STATE EXH. 18, Photo; Victim, was marked
20 for identification.)

21 (STATE EXH. 19, Photo; Daevon Smith, was
22 marked for identification.)

23 (STATE EXH. 20, Photo; Victim, Henry
24 Williams, was marked for identification)

25 (STATE EXH. 21, Photo; Victim, was marked

1 for identification.)

2 (STATE EXH. 22, Photo; Daevon Smith, was
3 marked for identification.)

4 BY MS. CAMPBELL:

5 Q All right. I'm going to show you Exhibit 17, 18,
6 19, 20, 21, and 22, and I'm going to ask you if you
7 can take a look at these for me and tell me what they
8 are.

9 A They are still photographs that were taken
10 from the video of the defendant's Facebook.

11 Q Okay. So still photographs from State's 15 and
12 16?

13 A That's correct.

14 Q So I'm going to ask you then about State's 17.
15 Who are we looking at in the State's 17?

16 A Reginald Jenkins.

17 MS. CAMPBELL: Your Honor, the State
18 would seek to introduce State's 17 at this time.

19 MR. JOHNSON: No objection.

20 THE COURT: Without objection. Thank
21 you, sir.

22 (STATE EXH. 17, Photo; Reginald Jenkins, was
23 entered into evidence.)

24 BY MS. CAMPBELL:

25 Q And who are we looking at in State's 18?

Testimony of Ethan Rodgers

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1 A The defendant, Javeris Williams.

2 Q And who are we looking at in State's 19?

3 A Daevon Smith.

4 Q And who are we looking at in 20?

5 A Our victim and Henry Williams.

6 Q All right. And then 21?

7 A The defendant.

8 Q And then 22?

9 A Daevon Smith.

10 Q All right.

11 MS. CAMPBELL: If we could pull -- Your
12 Honor, if it would please the Court, the State
13 would seek to introduce the still photos from
14 State's 15 and 16 at this time.

15 THE COURT: Any objection?

16 MR. JOHNSON: No objection.

17 THE COURT: Thank you.

18 (STATE EXH. 18, Photo; Victim, was entered
19 into evidence.)

20 (STATE EXH. 19, Photo; Daevon Smith, was
21 entered into evidence.)

22 (STATE EXH. 20, Photo; Victim, Henry
23 Williams, was entered into evidence.)

24 (STATE EXH. 21, Photo; Victim, was entered
25 into evidence.)

Testimony of Ethan Rodgers
(STATE EXH. 22, Photo; Daevon Smith, was
entered into evidence.)

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MS. CAMPBELL: If we can pull up 17 and
publish this for the jury.

BY MS. CAMPBELL:

Q And for our jurors, in 17, who are we looking
at?

A Reginald Jenkins.

Q And in 18, who are we looking at?

A The defendant, Javeris Williams.

Q And in 19?

A Daevon Smith.

Q And in 20?

A That is our victim, **Samquan F.**, and
Henry Williams.

MS. CAMPBELL: And if I could zoom in a
little bit on that, please.

BY MS. CAMPBELL:

Q I want to talk about what you see that the victim
is wearing in State's Exhibit 20. What is he wearing,
Detective?

A The victim is wearing that unique T-shirt
that we located at the crime scene with "Free
Brant" on the front and his nickname on the
back.

Testimony of Ethan Rodgers

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1 Q Okay, thank you.

2 Now, on 21 and 22, let's talk about those.

3 Because we have two different videos that were on the
4 Facebook account, these still photos in 21 and 22, who
5 is that showing?

6 A The defendant, Javeris Williams.

7 Q And then in 22?

8 A Daevon Smith.

9 Q All right, thank you.

10 All right. So, during the course of your
11 investigation, were you able to send a search warrant
12 to Facebook and receive the defendant's Facebook
13 records?

14 A Yes.

15 (STATE EXH. 24-A, Registered Facebook
16 Emails; hustle.mane.142@facebook.com,
17 williamsj67@ymail.com, was marked for identification.)

18 (STATE EXH. 24-B, Facebook Message; From
19 Defendant, was marked for identification.)

20 (STATE EXH. 24-C, Facebook Message; From
21 Defendant, was marked for identification.)

22 (STATE EXH. 24-D, Facebook Message; From
23 Defendant, was marked for identification.)

24 (STATE EXH. 24-E, Facebook Message; From
25 Defendant, was marked for identification.)

Testimony of Ethan Rodgers
(STATE EXH. 24-F, Facebook Message; From

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1
2 Defendant, was marked for identification.)

3 BY MS. CAMPBELL:

4 Q I'm going to show you what has been marked as
5 State's Exhibits 24-A through G. 24-A through F.
6 excuse me. I'm going to ask you just, for a moment,
7 take a look at those exhibits and tell me if you can
8 identify them?

9 A Yes, ma'am.

10 Q When you received records from Facebook, do you
11 get 10 pages or maybe, like, 1400 pages?

12 A About 1400. It's a lot.

13 Q And you reviewed all those pages?

14 A Yes.

15 Q All right. In the State's exhibit 24-A, the
16 registered email address with Facebook for this
17 account, can you tell the jury what those registered
18 emails are?

19 A Yes. There are two registered emails for the
20 Facebook account. The first one is hustle.mane,
21 M-a-n-e, .142@facebook.com. The second is
22 williamsj67@ymail.com.

23 Q Is there a cell number listed as well?

24 A There is.

25 Q Is it verified or unverified?

Testimony of Ethan Rodgers

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1 A Unverified.

2 Q Thank you.

3 MS. CAMPBELL: Your Honor, at this time
4 the State seeks to introduce exhibits 24-A through
5 F.

6 THE COURT: Without objection?

7 MR. JOHNSON: No objection.

8 THE COURT: Without objection.

9 (STATE EXH. 24-A, Registered Facebook
10 Emails; hustle.mane.142@facebook.com,
11 williamsj67@ymail.com, was marked for
12 identification, was entered into evidence.)

13 (STATE EXH. 24-B, Facebook Message; From
14 Defendant, was entered into evidence.)

15 (STATE EXH. 24-C, Facebook Message; From
16 Defendant, was entered into evidence.)

17 (STATE EXH. 24-D, Facebook Message; From
18 Defendant, was entered into evidence.)

19 (STATE EXH. 24-E, Facebook Message; From
20 Defendant, was entered into evidence.)

21 (STATE EXH. 24-F, Facebook Message; From
22 Defendant, was entered into evidence.)

23 MS. CAMPBELL: I am going to have to use
24 the ELMO, Miss Bostick.

25 And if we could publish these to the jury,

1 Your Honor?

2 THE COURT: You may.

3 MS. CAMPBELL: So I'm going to need some
4 help with that.

5 You let me know when it's ready.

6 BY MS. CAMPBELL:

7 Q While I'm waiting for that to pull up, I want to
8 just travel back for a moment to make sure I don't
9 forget to talk about the other items at the crime
10 scene.

11 So, clearly, you had a gunshot victim?

12 A Yes.

13 Q What efforts did you take at the crime scene to
14 try and locate any shell casing or projectiles?

15 A Myself and several other law enforcement
16 officers on the scene -- I'm sorry. Myself and
17 several other law officers on the scene did
18 extensively search for casings and projectiles.

19 Q And the area that you were you searching -- I know
20 we've seen a photo of it. Let me try to bring it up
21 here. I'm just going to hand you this State's Exhibit
22 2 and just ask you to tell this jury a little bit
23 about what that area was like in terms of trying to
24 search for a shell casing or a projectile.

25 First, tell us, how large is a shell

Testimony of Ethan Rodgers

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1 casing?

2 A Depending on the caliber, they're very small.
3 Especially for a pistol.

4 Q So maybe like the tip of your finger?

5 A Yes, ma'am.

6 Q What about a projectile?

7 A Even smaller.

8 Q Okay. And so the area that you were searching?

9 A A very large area.

10 Q Were you able to discover any shell casings or any
11 projectiles at the crime scene?

12 A No, ma'am.

13 Q All right. Now, during the course of this
14 investigation, were you ever able to locate, secure,
15 have in the possession of the sheriff's department any
16 firearm?

17 A No, ma'am.

18 Q Okay. And so, I guess, I'd ask you to explain to
19 the jury a little bit about, with no casing and no
20 projectile and no firearm, is it possible to do any
21 sort of forensic firearms testing?

22 A Absolutely not.

23 THE CLERK: Unfortunately, I can't get it
24 up.

25 MS. CAMPBELL: That's okay. I've got

Testimony of Ethan Rodgers

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1 plenty more I can do. You want to try and fix it?

2 All right. We're going to try to switch
3 again, Your Honor. The ELMO doesn't seem to be
4 working.

5 MR. JOHNSON: Your Honor, may we
6 approach?

7 THE COURT: Of course.

8 (Bench conference.)

9 MR. JOHNSON: My client just told me, he
10 needs to use the bathroom real bad. Is this a
11 good time --

12 THE COURT: Perfect. Okay, ladies and
13 gentlemen, we're going to take a brief recess
14 while we figure out how to get the ELMO working.
15 I need to remind you, when you go back and refresh
16 yourself, do not discuss this case. It wouldn't
17 be appropriate to do so. Okay, thank you.

18 (Jury exits the courtroom at 9:55 a.m.)

19 THE COURT: All right. Sir, you may also
20 step down, you just may not discuss your
21 testimony.

22 THE WITNESS: Okay, thank you.

23 (A break was taken from 9:55 a.m. to 10:08 a.m.)

24 THE BAILIFF: All rise. 10:08.

25 THE COURT: Be seated. State ready?

Testimony of Ethan Rodgers

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1 MS. CAMPBELL: Yes.

2 THE COURT: Defense ready?

3 MR. JOHNSON: We're ready, Your Honor.

4 THE COURT: All right. Let's bring the
5 jury in, please.

6 THE DEPUTY: Yes, ma'am.

7 THE COURT: All right. You may continue,
8 Miss Campbell.

9 MS. CAMPBELL: Thank you, Your Honor.

10 (Jury enters the courtroom at 10:09 a.m.)

11 BY MS. CAMPBELL:

12 Q Detective, unfortunately, we haven't got the ELMO
13 working so we're going to pull up and admit Facebook
14 exhibits so we can talk about them here.

15 All right. So 24-A, you testified to the
16 jury --

17 MS. CAMPBELL: If we could zoom in just a
18 little bit on the email addresses for the jury. I
19 know it's a little bit harder on the computer.

20 BY MS. CAMPBELL:

21 Q And I think what we're looking at, again, is --
22 can you read it from there? Perfect. What are the
23 email addresses for this Facebook account?

24 A The first email is
25 hustle.mane.142@facebook.com. The second email is

1 williamsj67@ymail.

2 Q All right. A vanity name?

3 A Hustle.mane.142.

4 Q Now, Javeris Tremane Williams, what did you notice
5 about the spelling of the defendant's middle name?

6 A So the registered name for the Facebook
7 account was Hustle Mane, H-u-s-t-l-e, M-a-n-e.
8 The defendant's middle name Tremane.

9 Q And how is that spelled?

10 A T-r-e-m-a-n-e.

11 Q Okay.

12 MS. CAMPBELL: Let's pull up 24-B.

13 BY MS. CAMPBELL:

14 Q All right. So in your review of the defendant's
15 Facebook records were you able to locate posts as we
16 see in 24-B that related to his location on
17 September 30, 2018?

18 A Yes.

19 Q Tell us what you located here.

20 A A message was sent from the defendant, and
21 the contents of the message was, "Was at a yard
22 party."

23 Q And during the course of your investigation had
24 you been able to determine if the victim had been at a
25 yard party the night before September 30th?

Testimony of Ethan Rodgers

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1 A Yes.

2 Q Were you able to determine that there were a
3 number of other individuals also at that yard party?

4 A Yes.

5 Q And some of those individuals at that yard party,
6 were they in the State's 15 and 16 exhibits, the
7 Facebook videos, that we looked at a few moments
8 ago?

9 A Yes.

10 Q Let's move onto State's 24-C, and if you could
11 tell us what we're looking at here in the defendant's
12 Facebook messages.

13 A This is another message where the author was
14 the defendant that was sent from the defendant.
15 And the contents of the message was, "That was you
16 I seen at Karma last night."

17 Q And the date is September 30, 2018?

18 A That's correct.

19 Q And during the course of your investigation were
20 you able to determine any other people from the yard
21 party had been at Club Karma?

22 A Yes.

23 Q Okay.

24 MS. CAMPBELL: And let's pull State's
25 24-D. All right. So if we can zoom in just a

1 bit, please. Perfect.

2 BY MS. CAMPBELL:

3 Q So tell us the date on this particular message
4 from the defendant.

5 A The date is October the 3rd of 2018.

6 Q And the message that he sent at that point?

7 A "Should I call or not. I see they have me on
8 the Internet."

9 Q I want to talk a little more in detail about
10 October 2nd and October 3rd, all right?

11 So on, I guess we'd say October 1st and
12 October 2nd, in your investigation, are you trying to
13 locate the defendant and Daevon Smith?

14 A Yes.

15 Q Do you finally have an opportunity to speak to
16 Daevon Smith?

17 A Yes.

18 Q When does that happen?

19 A The specific date? It was a few days after?

20 Q Okay. So, did you interview him?

21 A I did.

22 Q Okay. And during the course of that interview
23 were there other detectives there?

24 A Yes.

25 Q And it was audio and video recorded?

Testimony of Ethan Rodgers

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1 A It was.

2 Q And subsequent to that interview of Daevon Smith,
3 did you obtain arrest warrants for the defendant?

4 A I did.

5 Q After obtaining those arrest warrants, how would
6 you and how did you go about, I guess, you know,
7 putting it out there to the community, *Hey, we've had*
8 *this murder, here is the suspect, and we need to find*
9 *him*, how did you do that?

10 A So initially we went to social media and to
11 local news media outlets.

12 Q And were they publishing that information?

13 A Yes.

14 Q And did you provide them a photograph of the
15 defendant?

16 A We did, yes.

17 Q All right. And when you provided them the
18 photograph of the defendant and, sort of, the news
19 information, did you have any contact from the
20 defendant?

21 A We didn't.

22 Q At some point, did you have to enlist the
23 assistance of other law enforcement agencies?

24 A Yes, ma'am.

25 Q And who did you enlist to help you find the

1 defendant?

2 A I have to reach out to the United States
3 marshall services.

4 Q When you reached out to the United States marshall
5 services were they able to locate the defendant?

6 A They were.

7 Q What date did they find the defendant?

8 A I believe it was October the 8th.

9 Q And when they found the defendant, what city was
10 he in?

11 A Columbia, South Carolina.

12 Q All right. And was he taken into custody?

13 A He was.

14 Q All right. And where did they take him?

15 A To the Richland County Detention Center.

16 Q From the Richland County Detention Center, did you
17 retrieve the defendant?

18 A We did.

19 Q And where did you take the defendant?

20 A We brought him back to Jasper County.

21 Q Okay. And after you brought him back to Jasper
22 County, did you obtain any property from him from the
23 Jasper County Detention Center?

24 A From the Richland County Detention Center, I
25 was able to obtain his cell phone.

Testimony of Ethan Rodgers

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1 Q A cell phone?

2 A A cell phone.

3 Q And did you submit that cell phone for an
4 extraction?

5 A I did.

6 Q And receiving that extraction information, tell
7 the jury when that cell phone was activated.

8 A So that cell phone that he was in possession
9 of whenever the U.S. Marshals came in contact with
10 him, that cell phone had no activity and was not
11 activated until October the 3rd.

12 Q And the notification that went out that he was a
13 suspect took place on October 3rd?

14 A Correct.

15 Q Thank you.

16 MS. CAMPBELL: Let's go to 24-E, please.

17 The first page. Thank you.

18 BY MS. CAMPBELL:

19 Q All right. So tell us a little bit about the
20 conversation that took place with an Alexis Flowers on
21 10/3/2018.

22 A So this is a message that was sent from
23 Alexis to the defendant.

24 Q On October 3rd?

25 A Yes.

1 Q All right.

2 MS. CAMPBELL: And if we can go down to
3 the second page.

4 BY MS. CAMPBELL:

5 Q And tell us what we're looking at here.

6 A This is a wanted poster with details of the
7 defendant listed on the Jasper County Sheriff's
8 Office Facebook page.

9 Q All right.

10 MS. CAMPBELL: And 24-F.

11 BY MS. CAMPBELL:

12 Q All right. Tell us what we're looking at, please,
13 Detective, the conversation?

14 A This is another Facebook message thread where
15 the author was Mariah Boles and was sent to the
16 defendant.

17 Q And the information that was sent to the
18 defendant, if we could go down to the second page,
19 came to the defendant on the same the date,
20 October 3rd?

21 A Yes.

22 Q And is that news information about the suspect and
23 the case you were looking on?

24 A It is. This is from Bluffton Today.

25 Q The search bar that the individual used at the top

Testimony of Ethan Rodgers

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1 to try and locate about this, can you read that for
2 the jury?

3 A Hustle Man, Jasper news, suspect.

4 Q All right.

5 (STATE EXH. 39, Contents of Victim's Pants,
6 was marked for identification.)

7 BY MS. CAMPBELL:

8 Q All right. I'm going to show you what's been
9 marked as State's Exhibit 39, and I'll ask you if you
10 can identify State's Exhibit 39.

11 A Yes.

12 Q All right. And what are the contents of State's
13 Exhibit 39?

14 A South Carolina Identification card, a Club
15 Karma card, a white lighter and a receipt.

16 Q And how can you identify State's 39?

17 A I have it listed on the description and my
18 signature.

19 Q These are items that you collected from -- is it
20 State's 41, the victim's pants?

21 A Yes.

22 Q Yes. The victim's pants.

23 A Yes.

24 Q Okay. I think it actually might be a driver's
25 license. The date of birth on the victim's driver's

1 license?

2 A [REDACTED].

3 MS. CAMPBELL: And I'm going to seek, at
4 this time, Your Honor, to introduce State's
5 Exhibit 39.

6 MR. JOHNSON: No objection.

7 THE COURT: Without objection.

8 (STATE EXH. 39, Contents of Victim's Pants,
9 was entered into evidence.)

10 (STATE EXH. 40, Two-Dollar Bill; Victim's
11 Pants, was marked for identification.)

12 BY MS. CAMPBELL:

13 Q And then let's talk about Exhibit 40. What is
14 that?

15 A This is a two-dollar bill and change.

16 Q All right. And how can you identify that?

17 A The description tag and my signature.

18 Q Perfect. And this was located also in the
19 defendant's -- I mean, in the victim's jeans?

20 A Yes.

21 MS. CAMPBELL: Your Honor, at this time,
22 State seeks to introduce State's Exhibit 40.

23 MR. JOHNSON: No objection.

24 THE COURT: Without objection it's in
25 evidence.

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(STATE EXH. 40, Two-Dollar Bill; Victim's

1
2 Pants, was entered into evidence.)

3 BY MS. CAMPBELL:

4 Q All right. So once the marshals had taken the
5 defendant into custody and you had brought him back
6 here, Javeris Tremane Williams, I'll ask you if you
7 see Javeris Tremane Williams in this courtroom
8 today?

9 A I do.

10 Q And if you would please point him out to our
11 jury?

12 A (Indicating).

13 Q Is he seated at the defense table?

14 A Yes.

15 Q What color shirt is he wearing?

16 A White.

17 Q Does he have a tie on?

18 A I can't tell from here.

19 Q That's fine. Thank you.

20 MS. CAMPBELL: I'd like the record to
21 reflect that he did identify the defendant.

22 THE COURT: Thank you.

23 MS. CAMPBELL: Thank you.

24 BY MS. CAMPBELL:

25 Q I want to move a little bit now to something that

1 calls upon, I guess, your EMT training. When we're
2 talking about -- obviously, you've watched the
3 victim's dying declaration, the victim's statement
4 about who did this to him.

5 A Right.

6 Q And over and over and over again, you hear the
7 victim talking about, *I can't breath, I need some*
8 *water.* As an EMT, would you give a gunshot victim
9 water to drink?

10 A No.

11 Q And why is that?

12 A You're not exactly sure what's been injured
13 and you're not exactly sure what kind of effect
14 it's going to have on the body or if it's going to
15 go into the chest cavity, abdomen, or stomach.
16 You're not sure what's going to happen, and you
17 could actually make it worse.

18 Q Okay. During the course of your investigation,
19 did you ever get a firm address for the defendant?

20 A I was not.

21 Q Did you ever get a firm, solid phone number for
22 the defendant?

23 A No.

24 Q And how about a firm, solid lead, or anything you
25 could go on, about a vehicle that might be registered

Testimony of Ethan Rodgers

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1 to the defendant or somebody close to him that you
2 could follow up on?

3 A The defendant had no registered vehicles.

4 Q And I know that you interviewed a lot of the men
5 who were at the yard party.

6 A Yes.

7 Q So I'm going to show you --

8 MS. CAMPBELL: And this has been shown to
9 the defense, Your Honor, the map.

10 THE COURT: Okay.

11 (STATE EXH. 31, Map; Jasper County, Hampton,
12 Savannah, was marked for identification.)

13 BY MS. CAMPBELL:

14 Q I'm going to show you what's been marked as
15 State's Exhibit 31, and I'm going to ask you if you
16 can identify it.

17 A Yes.

18 Q What does State's Exhibit 31 depict?

19 A A map.

20 Q Of?

21 A Of Jasper County, portions of Hampton, and a
22 portion of Savannah.

23 Q Thank you. Is that a fair and accurate depiction
24 of the points of interest in this particular case?

25 A It is.

Testimony of Ethan Rodgers

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1 MS. CAMPBELL: Your Honor, at this time,
2 the State would seek to introduce State's Exhibit
3 31.

4 MR. JOHNSON: No objection.

5 THE COURT: Without objection.

6 (STATE EXH. 31, Map; Jasper County,
7 Hampton, Savannah, was entered into evidence.)

8 MS. CAMPBELL: I'm going to need the
9 easel, I think, perhaps.

10 May the witness come down?

11 THE COURT: Certainly.

12 MS. CAMPBELL: Thank you.

13 BY MS. CAMPBELL:

14 Q All right. So because it's difficult to put on
15 the board, straining up there and have you point it
16 out, let's start at the yard party. Is the yard party
17 location indicated on State's 31?

18 A It is.

19 Q All right. And how about the location of where
20 you found the victim?

21 A This (indicating).

22 Q And that would be Highway 3 and [REDACTED] Road?

23 A That's correct.

24 Q How about the Pilot gas station?

25 A Here (indicating).

Testimony of Ethan Rodgers

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1 Q And then Club Karma?

2 A Here. This (indicating.)

3 Q And then -- thank you. Let's turn this a little
4 bit. That works. Thank you.

5 During your investigation, were you able to
6 determine where some of the victim's family lived or
7 where we might be able to locate a residence for the
8 victim?

9 A Yes.

10 Q And where was that?

11 A Right here (indicating).

12 Q Is there a witness that you talked to call PI?

13 A Yes.

14 Q Does PI have a government name?

15 A Robert Bright.

16 Q Robert Bright?

17 A Yes.

18 Q Is his residence depicted on this particular
19 State's Exhibit 31?

20 A It is (indicating).

21 Q And do we have an inset?

22 A (Indicating).

23 Q And what does that show us in terms of PI's house
24 and the victim's residence?

25 A It is showing the proximity.

1 Q And are they close?

2 A Very.

3 Q I notice we've defendant's residence up here.

4 Were you able to ever confirm that?

5 A No.

6 Q All right. So, I want to talk about your
7 investigation in terms of the individuals that you
8 were able to determine were at the yard party and were
9 of interest to the case.

10 So, obviously, you had the defendant.

11 A Yes.

12 Q All right. So, we have the defendant here. And
13 we have the victim and Daevon Smith.

14 A Yes.

15 Q Now, we talked a lot about the defendant and the
16 victim and Daevon Smith. Some of the other
17 individuals; Reginald Jenkins?

18 A Yes.

19 Q All right. And he was in the back seat on that
20 substituted video?

21 A Yes.

22 Q Henry Williams, were you ever able to get Henry
23 into an interview room?

24 A Never.

25 Q And how about Tyree Barker, did you talk to him?

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1 A Yes.

2 Q All right. And then Bobby Ray Bing?

3 A Yes.

4 Q So, during the course of your investigation, were
5 you able to determine who came from the yard party to
6 Club Karma in the defendant's car that he was
7 driving?

8 A Yes, ma'am.

9 Q All right. So, who was in Javeris Tremane
10 Williams's car from the yard party to Club Karma?

11 A So, on the way leaving the yard party to Club
12 Karma --

13 Q All right.

14 A You have the defendant.

15 Q Right.

16 A You had Daevon Smith.

17 Q Right.

18 A And then you had Reginald.

19 Q So these men traveled down here. And were there
20 any stops made?

21 A There was. So on the way leaving Estill
22 going to Club Karma, they stopped over here at
23 what we know is Jasper County sand pits.

24 Q The sand pits.

25 A They switched drivers and left there and

1 proceeded to the Pilot gas station.

2 Q All right. In the video that you obtained from
3 the Pilot gas station and identified, that would be
4 the defendant getting out and going in the store?

5 A In the black car, yes.

6 Q All right. And then these gentlemen arrived at
7 Club Karma.

8 A They did.

9 Q Okay. So how does our victim get down to Club
10 Karma?

11 A The victim rode with his cousin, Bobby Ray
12 Bing.

13 Q All right. I'm going to hand you that. And did
14 Bobby drive?

15 FOREPERSON: (Indicating.)

16 MR. JOHNSON: Excuse me, Your Honor.

17 THE COURT: Yes, sir.

18 MR. JOHNSON: I'm noticing the jury, they
19 can't see.

20 MS. CAMPBELL: Oh, I'm so sorry.

21 THE COURT: Why don't you step back, sir.

22 MS. CAMPBELL: You want to move it over
23 there?

24 THE COURT: You might want to angle it a
25 little that way.

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1 MS. CAMPBELL: Maybe like that. There we
2 go.

3 THE COURT: There we go. Is that better?
4 Okay.

5 BY MS. CAMPBELL:

6 Q All right. Bobby Ray Bing, was he driving or is
7 somebody else?

8 A Henry was.

9 Q All right. So let's put Henry in the car, and I
10 guess Bobby is in his own car.

11 A Yes.

12 Q Okay, let's put Bobby in there. And who is with
13 Bobby Ray Bing?

14 A The victim, Samquan F. [REDACTED].

15 Q And during your investigation, did you have any
16 information that Bobby stopped anywhere along the
17 way?

18 A No.

19 Q So they went straight to Club Karma?

20 A Yes.

21 Q All right. Let's put them up at Club Karma.

22 And what about Tyree Barker?

23 A Drove himself.

24 Q Drove himself. All right. So let's put him down
25 there.

1 All right. So, at some point, all of these
2 gentlemen, I would assume in your investigation, I
3 believe, that the Club closed.

4 A Yes.

5 Q So let's talk about now who rode home with the
6 defendant. I'm going to give you the car and then put
7 the folks back up on here.

8 All right. So in the defendant's car, who is
9 driving?

10 A The defendant's vehicle?

11 Q Uh-huh.

12 A The defendant, Javeris Williams, is driving.
13 Daevon Smith --

14 MR. JOHNSON: Your Honor?

15 THE COURT: Yes, sir.

16 MR. JOHNSON: I have an objection. Could
17 we approach?

18 THE COURT: You may.

19 (Bench conference.)

20 MR. JOHNSON: Your Honor, I was trying to
21 let this go, but he's testifying to something that
22 there's no evidence being given to the Court on
23 how he got that information about who's driving
24 the car, who's in the car, and there's been no --
25 and he wasn't there. So how does he know who's

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1 driving?

2 THE COURT: Hold on. He can say he
3 learned.

4 MS. CAMPBELL: During the investigation,
5 this is the information that he obtained. We've
6 seen in the videos the positioning of these
7 individuals in the cars.

8 MR. JOHNSON: I think my basis is,
9 there's no foundation for what he's testifying
10 to.

11 THE COURT: I think he can say he learned
12 during his investigation.

13 Can I ask you a question?

14 MS. CAMPBELL: Yes, ma'am.

15 THE COURT: Is somebody going to testify
16 about the evidence in this case?

17 MS. CAMPBELL: Yes. Everybody is about
18 to testify.

19 THE COURT: Okay, thank you.

20 BY MS. CAMPBELL:

21 Q All right. So back to the defendant's car on the
22 ride home from Club Karma. So the defendant is
23 driving, Daevon Smith is in the front seat. Again,
24 we've seen that in the video. Where is our victim?

25 A Our victim is sitting behind Daevon in the

1 back passenger seat.

2 Q All right. And do we see Henry Williams?

3 A We do.

4 Q Okay. And he's where?

5 A Sitting behind the defendant.

6 Q Let's just sit him down here for now.

7 Tyree Barker, do we know anything about Tyree
8 Barker, when he left or how he left?

9 A Yeah. So Tyree Barker drove himself and
10 Reginald Williams back to Estill.

11 Q Back to Estill.

12 And what happened to Mr. Bing?

13 A So Mr. Bing, whenever he left the Club Karma,
14 he went to the Waffle House at Exit 5 and parked
15 his vehicle.

16 Q Okay, he's gone.

17 A He's gone.

18 Q Thank you. That's all I have right now.

19 A (Returns to witness stand.)

20 Q All right. When the victim's autopsy was
21 completed, did you receive any items from autopsy; a
22 blood spot, or nail clippings, things of that nature?

23 A Yes.

24 Q And what did you do with the nail clippings?

25 A They were secured in evidence.

Testimony of Ethan Rodgers

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1 Q And did you send them anywhere?

2 A Yes.

3 Q And where did you send them?

4 A To SLED for processing.

5 Q And was that result any use in your
6 investigation?

7 A No, ma'am.

8 Q And why is that?

9 A It didn't return any evidence.

10 Q It was only the victim's DNA?

11 A Yes.

12 Q Later, like two years later, did a fellow by the
13 name of Kyheem Joyner come in and try to give you a
14 statement in this case?

15 A He did.

16 Q And was there something in particular about his
17 statement that you found to be problematic in terms of
18 what he was telling you?

19 A Yes.

20 Q And what was that?

21 MR. JOHNSON: Your Honor, objection;
22 hearsay.

23 MS. CAMPBELL: So this officer received a
24 statement from a witness that he did not follow up
25 on because he did not find it to be credible.

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1 That's all I'm asking him.

2 THE COURT: Okay. So your objection is
3 it's going into the statement?

4 MR. JOHNSON: Well, she would then ask
5 him, what did he say? I'm saying that would be
6 hearsay.

7 MS. CAMPBELL: I can move on.

8 THE COURT: Okay, just move on. I don't
9 see where it would be relevant.

10 MS. CAMPBELL: All right. I may be
11 concluding, Your Honor.

12 THE COURT: Okay.

13 MS. CAMPBELL: I'm just going to check
14 with Mr. Sharpe and then I will let you know.

15 THE COURT: Okay.

16 MS. CAMPBELL: That's all.

17 THE COURT: Okay. Mr. Johnson.

18 MR. JOHNSON: Thank you, Your Honor.

19 THE COURT: Yes, sir.

20 MR. JOHNSON: May it please the Court?

21 CROSS-EXAMINATION

22 BY MR. JOHNSON:

23 Q Good morning.

24 A Good morning.

25 Q Officer Rodgers, so you are the lead

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1 investigator?

2 A That's correct.

3 Q Okay. Let's start from the beginning then. So
4 you've been privy to all the evidence in this case?

5 A Yes.

6 Q Okay. Let's go over what you have. You have a
7 statement that was given by the victim in this case?

8 A That's correct.

9 Q That you called a dying declaration, correct?

10 A That was captured on body camera, yes.

11 Q In the statement he said Hustle Man was the person
12 that shot him.

13 A Multiple times, yes, sir.

14 Q Okay. Did you determine what his mental state was
15 when he gave that to you?

16 A He was aware that he had been shot. He was
17 aware of his name. He was aware of who shot him.
18 And he was aware of who else was on scene, yes,
19 sir.

20 Q But he couldn't tell you where he lived?

21 A He did. He said, *I'm from Estill*.

22 Q Yeah, but he also gave you a different location
23 than where he actually lived, correct?

24 A No, sir. That's Estill.

25 Q Okay. He also -- you saw the evidence from

1 Officer Gibson, I think was his name.

2 A Which evidence?

3 Q Where he stated in his video that he smelled
4 strong alcohol on the victim?

5 A That was his opinion, his observation, yes,
6 sir.

7 Q That was his observation, correct?

8 A That's correct.

9 Q And he's a strained officer, correct?

10 A Right, but there's multiple things that could
11 cause that.

12 Q I didn't ask you that. I'm saying that was his
13 opinion, correct?

14 A This was his opinion, correct.

15 Q As a trained officer?

16 A As a law enforcement officer, that's his
17 opinion.

18 Q Okay. And it was also his opinion that he was
19 intoxicated, correct?

20 A He said he smelled alcohol.

21 Q Okay. You also found in your investigation that
22 the victim was intoxicated because he threw up at the
23 strip club; is that correct?

24 A I don't recall that.

25 Q You don't remember that in your investigation?

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1 A I do not recall anyone saying that he threw
2 up. I remember them saying he became ill.

3 Q He became ill.

4 A That's correct.

5 Q Okay. From being intoxicated?

6 A Not sure.

7 Q He was at a club.

8 A He was at a club.

9 Q And he became ill and was throwing up.

10 A He became ill, yes, sir.

11 Q Now --

12 MR. JOHNSON: Your Honor, I'm going to
13 ask to publish the first video to the jury, again.

14 THE COURT: Okay.

15 MR. JOHNSON: And then we're going to do
16 the second one as well.

17 THE COURT: Okay.

18 (First Facebook video played.)

19 BY MR. JOHNSON:

20 Q Investigator Rodgers, I want you to watch the
21 videos.

22 A Yes, sir.

23 Q Could you please tell the jury what that is?

24 A This is a Facebook video that was captured
25 from the defendant's Facebook page.

1 Q It shows four individuals, correct?

2 A That's correct.

3 Q And in the video, the victim is in the back seat
4 sitting behind the driver; is that correct?

5 A No. The victim is sitting behind the
6 passenger.

7 Q The passenger side.

8 A Yes, sir.

9 Q Now, that video, even though it was the first one
10 you saw, it was actually the second video because that
11 shows them leaving the strip club, correct?

12 A They were leaving Club Karma.

13 Q So that was later on that evening?

14 A Yes, sir.

15 Q Okay.

16 MR. JOHNSON: Would you please show the
17 next video?

18 (Second Facebook video played.)

19 BY MR. JOHNSON:

20 Q Could you please tell the jury what that video is
21 depicting?

22 A That is another video from the defendant's
23 Facebook page.

24 Q And there's three individuals in that one?

25 A There is three.

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1 Q But the victim is not there?

2 A That's correct.

3 Q Okay. Now, that's video of them actually going to
4 the club; is that correct?

5 A That's correct.

6 Q And you found that in your investigation,
7 correct?

8 A Yes, sir.

9 Q So, actually, that video was taken first?

10 A Yes, sir.

11 Q Because that was on their way going. And the
12 video that you say you saw first was actually the
13 second video of them leaving the scene.

14 A Yes, sir.

15 Q In any of the videos, do you see any guns in the
16 video?

17 A No, sir.

18 Q Do you see them fighting?

19 A No, sir.

20 Q Do you see arguments?

21 A No, sir.

22 Q Do you see anybody mad with anybody?

23 A No, sir.

24 Q Do you see anything indicating any criminal
25 activities?

1 A No, sir.

2 Q Okay. It was people going to a club and people
3 leaving a club?

4 A That's correct.

5 Q And you saw nothing to indicate that there was
6 anything wrong at that time?

7 A At that time, no, sir.

8 Q Now, according to your investigation, that second
9 video would have to have been somewhere around six
10 o'clock in the morning, 5:30, six o'clock in the
11 morning?

12 A Possibly.

13 Q Okay. Well, did you not determine in your
14 investigation that they left when the club was
15 closing?

16 A That's correct.

17 Q And didn't the club close -- in your
18 investigation. I'm reading your reports.

19 A That's right.

20 Q That it closed about 5:30, six o'clock.

21 A That's right.

22 Q So then that video would have to be after 5:30,
23 six o'clock in the morning, correct?

24 A When it was uploaded?

25 Q No, not when it was uploaded. When it was taken.

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1 A I know when it was uploaded.

2 Q Well, you can also tell by your investigation --
3 you're a trained investigator, correct?

4 A That is correct.

5 Q All right. If a club is closing at 5:30, six
6 o'clock --

7 A Okay.

8 Q -- that you determined through your investigation.
9 Then you see a video of the individuals in a car on
10 the way home from the club after it closed.

11 A Right.

12 Q Wouldn't it be reasonable to believe that that
13 video was taken after six o'clock?

14 A It would have been taken after they left the
15 club.

16 Q Right. After six o'clock a.m. in the morning.

17 A Right.

18 Q Okay. So, therefore, that video, the first video
19 was around 11:00, twelve o'clock at night going to
20 the -- not the first video, but the video with the
21 three people in the car was a video of them going to
22 the club?

23 A Which video?

24 Q You got one video with four people in it.

25 A That's correct.

1 Q You got a video with three people in it?

2 A That's right.

3 Q The video with three people is my client with two
4 other people in the car going to the club, correct?

5 A Right.

6 Q That would have had to have been since they got to
7 the club around -- I think you said around 12:30, one
8 o'clock, that would have had to have been sometime
9 around 11:00, twelve o'clock, or whatever, going to
10 the club, right?

11 A That would have been around the time they
12 recorded that video.

13 Q The second video that showed the four people in
14 the car was them going home.

15 A That's correct.

16 Q Around six o'clock or sometime after 6:00?

17 A That would have been around the time.

18 Q Right. So that's a six-hour period.

19 A Right.

20 Q They been to the club, had a good time, they're on
21 their way back, and they're not fussing, fighting, or
22 nothing.

23 A At that time, no.

24 Q All right. And then it's your theory to the jury
25 that between six o'clock and eight o'clock, two hours,

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1 that my client drug him out of the car and killed
2 him?

3 A That's correct.

4 Q So let's go through that theory. You went to the
5 scene where the victim was found, correct?

6 A That's correct.

7 Q And you found no evidence.

8 A Yes, we did find evidence.

9 Q You found a shirt.

10 A We found -- as evidence in this case, we
11 found the victim, the shirt, pants, and several
12 other items.

13 Q Okay. But you found no other indication of
14 gunshot. You found no rounds there.

15 A The indication of the gunshot came from the
16 victim that was shot. There was no casing. There
17 was no projectile.

18 Q If a victim is shot --

19 A Yes.

20 Q -- okay, evidence to support that he was shot at
21 that scene would not be him being at that scene. He
22 could have been shot and brought there sometime later,
23 correct?

24 A We had no evidence of that.

25 Q You have no evidence that what you saying is

1 true?

2 A So the crime scene location that we have is
3 where the victim was located.

4 Q Isn't it true that you just made up your mind that
5 what he said was true and then you tried to find
6 evidence to support that belief?

7 A I had no reason to doubt our victim.

8 Q Do you have a gun?

9 A No, sir.

10 Q Do you have bullets?

11 A No, sir.

12 Q Do you have DNA?

13 A No, sir.

14 Q Do you have -- all right. You took his fingernail
15 clippings.

16 A That's correct.

17 Q You took his pants.

18 A That's correct.

19 Q You did a swab of everything to send off to the
20 DNA lab, correct?

21 A That's correct.

22 Q All right. And you have, according to the
23 statements and stuff that received supposedly he was
24 in a struggle with my client?

25 A That's correct.

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1 Q And you found no DNA?

2 A If he had not touched the clothing, that is
3 correct. But I'm not trained in DNA, so, I don't
4 know.

5 Q Let's talk about that. What are you trained in?

6 A As 10 years in law enforcement, I am trained
7 in homicide investigations, I am trained in
8 interviews and interrogations, and I am also
9 trained in crime scene processing.

10 Q Okay. And then being trained in all those
11 processes, you followed procedure and did everything
12 you were taught?

13 A Yes.

14 Q And, as a result, you found no gun, no bullet --
15 you can't even tell the jury where the car is, can
16 you?

17 A That's correct. The defendant had no
18 vehicles registered to him.

19 Q So you don't even know what car was that that the
20 video was taken, do you?

21 A We couldn't identify it.

22 Q You talked to people that was in the car, correct?

23 A Yes.

24 Q And they told you what car they was in?

25 A They said it was the defendant's vehicle.

1 Q And you can't find it?

2 A He had no vehicle registered to him.

3 Q Okay. Let's go further. You say that once you
4 determined that my client was the suspect that you had
5 to get SLED and all the other agencies to track him
6 down, correct?

7 A Just the U.S. Marshals.

8 Q Did you ever go to the family and ask him where he
9 was?

10 A No.

11 Q So you didn't go to the family and ask them, *Where*
12 *is your son?* You just assumed that he is escaping,
13 correct?

14 A So we had reached out. Nobody had seen
15 him.

16 Q When you say "reach out," wouldn't the first
17 people you go to would be the family?

18 A Yes.

19 Q Did you go to the family?

20 A We did not.

21 Q Okay. Let's go further. So you made up your mind
22 that this person was the killer and he was a threat to
23 the community, correct?

24 A We had evidence, yes. When an individual is
25 suspected of murder, possession of a weapon during

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1 the commission of a violent crime, and armed
2 robbery, one of my first steps in my case -- now,
3 this is just what I do -- I go ahead and contact
4 the U.S. Marshals. They have training and they
5 are experienced in capturing people that have been
6 accused of these crimes.

7 Q But you got ten years of you training. Aren't you
8 capable of capturing people local?

9 A Yes, I am capable of capturing people.

10 Q So what effort did you put forth before you called
11 the marshals to ascertain where my client was?

12 A So we put out -- we reached out to multiple
13 news outlets. We --

14 Q Does my client work -- I'm sorry.

15 A And he was aware.

16 Q Does my client work at a news station?

17 A No, but his Facebook indicated that he was
18 aware of these posts and he was aware that we were
19 trying to get in contact with him.

20 Q In your training of 10 years, you were never
21 taught that the first place to go look for someone is
22 where his family is?

23 A Again, he was aware that they were looking
24 for him.

25 Q That ain't what I asked you. I asked you about

1 training. You were not taught that a logical place to
2 go look for someone is where they live?

3 A It's not his family's responsibility to turn
4 him in. He's responsible for himself.

5 Q So you just assumed his family wouldn't?

6 A It's not up to his family to turn him in. He
7 is responsible for himself.

8 Q You reviewed 1400 pages of Facebook, correct?

9 A I don't want to be exact with that number.

10 Q But that's what you just told the jury. It was
11 1400 pages. I wrote it down.

12 A Estimates.

13 Q So which was it; an estimate or -- I mean, you
14 told the jury 1400 pages.

15 A I'm not able to recall the exact page number
16 that was sent back.

17 Q You recalled a few minutes ago.

18 A It is a lot of pages. That's what I was
19 implying.

20 Q So when you told the jury 1400 pages you were
21 lying?

22 A It was a lot of pages.

23 Q Why did you say 1400?

24 A I did not say 1400.

25 MS. CAMPBELL: Your Honor, I object. I

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1 gave the opportunity, was it more like 10 or more
2 like 1400. He chose more like 1400. That's where
3 that number came from.

4 THE COURT: Well, it was also asked and
5 answered, so let's move on.

6 BY MR. JOHNSON:

7 Q And you were talking about how the video was up
8 and then it wasn't there when you went back.

9 A That's correct.

10 Q And you kind of insinuated like my client took it
11 off Facebook. Is that what you're trying to
12 insinuate?

13 A I'm saying it was no longer there.

14 Q Are you aware -- apparently, you go on Facebook to
15 look for -- you use Facebook to locate suspect's and
16 to investigate cases; is that correct?

17 A That's correct.

18 Q So it would be advantageous to you to understand
19 Facebook, correct?

20 A That's correct.

21 Q Are you aware of a platform on Facebook called My
22 Story?

23 A It's a recent feature?

24 Q I don't know. You the expert. You tell me.

25 A I never said I was an expert on Facebook.

1 Q Are you aware of something called My Story?

2 A Yes.

3 Q Now, My Story, isn't it true that you when you put
4 something on My Story it stay up for a certain amount
5 of time and then it comes down?

6 A If I recall correctly, My Story wasn't a
7 feature that was on Facebook.

8 Q That's not what I'm asking you. I'm asking you,
9 aren't you aware that My Story is a feature that once
10 you put something on it, it stay's on for a certain
11 period of time and then it come down?

12 A No.

13 Q You're not aware of that?

14 A No, I'm not aware of that.

15 Q Okay. Are you aware that those pictures were
16 placed on that platform called My Story?

17 A I'm not aware of that.

18 Q Well, wouldn't you think that would be important
19 to tell the jury, or the jury have knowledge of it
20 before you say my client took it down?

21 A Again, this case was from 2018. I do not
22 believe that was a feature on Facebook at that
23 time.

24 Q You don't believe so. You say you're not an
25 expert. So, what, did you look to see?

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1 A No, I did not look to see because I didn't
2 believe it existed.

3 Q Okay. So we're just suppose to take your word for
4 it?

5 A What was your question, sir?

6 Q Did you investigate to see when it came up?

7 A Yes.

8 Q When did you do that?

9 A When --

10 Q In the last few seconds as we've been sitting
11 here?

12 A When this video came out? Again, sir, I'm
13 not a Facebook expert.

14 Q We're finding that out.

15 A I recall this video being uploaded to the
16 defendant's Facebook page.

17 Q Okay. You wouldn't be surprised if that was
18 placed on My Story.

19 A Yes, I would be surprised.

20 Q Well, that was the My Story Facebook page, and you
21 didn't check.

22 A It doesn't say My Story anywhere on there.

23 Q How about -- you had all the records. Why didn't
24 you check?

25 A My Story didn't exist.

1 Q We move on from that.

2 So according to your theory as the lead
3 investigator, my client, who had seen -- showing no
4 evidence to the jury that there was a fight, that he
5 was mad -- you didn't see anything on Instagram of a
6 lot of pages that indicated my client was mad with
7 anybody, did you? You just had stuff on there that he
8 was having a good time partying and going different
9 places, correct?

10 A I didn't look at Instagram, sir.

11 Q Oh, I'm sorry. Facebook.

12 A Yeah.

13 Q You didn't find anything on there to indicate any
14 criminal activity to my client, correct?

15 A Publicly, no.

16 Q The video you showed of him at the gas station --

17 A Right.

18 Q -- that just showed him being at a gas station?

19 A It did show him at the gas station.

20 Q All right. Did he rob the gas station?

21 A He did not rob the gas station, no, sir.

22 Q Did he steal something from the gas station?

23 A No, sir.

24 Q Then what was significant of him being at a gas
25 station?

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1 A It showed his route and it backed up the
2 other witnesses' claims.

3 Q Did anybody -- I'm not aware of anybody that was
4 saying it wasn't his route. Is somebody denying
5 that?

6 A Could you repeat that?

7 Q Is somebody denying that he went to the club?

8 A You asked the significance and I was telling
9 you significance.

10 Q I'm asking you something else now. Did somebody
11 deny that he went to the club?

12 A No, sir.

13 Q So what are you proving?

14 A His route, sir.

15 Q Okay. So in your investigation you've now
16 determined that they went to a club -- well, they were
17 at a party, correct?

18 A Correct.

19 Q Then they went to a club?

20 A Right.

21 Q The victim came to the club later?

22 A Right.

23 Q And the victim caught a ride home with my
24 client?

25 A Yes, sir.

1 Q Also, in your investigation, didn't you determine
2 through your investigation that my client drove to a
3 trailer or his house where the fourth victim got out
4 of the car to get in his car?

5 A The fourth victim?

6 Q I mean, the fourth person in the car. There was
7 four people in the car. There was Mr. Smith, my
8 client, the victim, and I missed -- Mr. Jenkins, I
9 think.

10 A Yes, sir.

11 Q Was the fourth person in the car?

12 A Yes, sir.

13 Q And your investigation did determine that my
14 client drove back to his trailer -- to a trailer, or a
15 house, as they call it.

16 A A residence.

17 Q A residence. Where my client resides?

18 A Not sure.

19 Q Isn't that what Mr. Jenkins told you?

20 A He said it was his residence.

21 Q Then why wouldn't it be?

22 A I don't know.

23 Q All right. And that my client -- at the time that
24 they got to that house, the victim was still alive?

25 A Yes.

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1 Q And that my client and Mr. Jenkins got out of the
2 car and left the victim and Mr. Smith in the car
3 asleep.

4 A The defendant never got out of the car.

5 Q Okay. Now, Mr. Jenkins coming to testify. Are
6 you saying that he did not say that?

7 A He did not say that.

8 Q Okay. But when he got to that house, his house,
9 the victim was alive?

10 A Yes. I can tell you why.

11 Q I'm not asking you to tell me why. Answer my
12 questions.

13 A Yes, sir.

14 Q All right. He told you when you got back to his
15 house, the victim was alive.

16 A Yes.

17 Q So that would have been sometime after six
18 o'clock. How long would it take to drive from the
19 club to that location?

20 A Probably a little over an hour.

21 Q An hour. So say they left the club at 6:00,
22 that's at seven o'clock?

23 A Possibly.

24 Q Okay.

25 A I'm not entirely sure.

1 Q Now, they got the first call that the victim was
2 shot at nine o'clock?

3 A Round 9:00 a.m.

4 Q So then we got a two-hour period, between seven
5 o'clock and nine o'clock, that the victim was shot and
6 killed.

7 A Around the time the victim was shot, yes.

8 Q Sometime between that.

9 A Right. The victim was still alive.

10 Q And we're here today trying to determine if my
11 client did that, correct?

12 A Correct.

13 Q And after all your investigations, after your 10
14 years of experience, what you have to prove that is a
15 victim that was drunk, and you're not sure what mental
16 state he was in because he was shot and he was hurt,
17 laying in the road nowhere near where my client lived
18 and nothing else?

19 A Witness statements.

20 Q Witness statements.

21 A Time, proximity to the house, and victim
22 himself.

23 Q Okay.

24 A Recalling that your defendant shot him.

25 Q If the victim's state of mind was such -- you

Testimony of Ethan Rodgers

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1 don't know what his state of mind was because you
2 didn't check.

3 A It was clear enough to remember his name.

4 Q Okay.

5 A Where he lives, who was with him.

6 Q Okay.

7 A And who shot him.

8 Q Okay. But you also found evidence that indicate
9 that he was not shot there at that scene, because you
10 didn't find any bullets. You didn't even find
11 anything there at the scene to show that there was a
12 struggle there, did you?

13 A In an extremely wooded area --

14 Q Right.

15 A -- the odds of actually finding a projectile
16 are very slim.

17 Q Right. So supposed -- so you're asking the jury
18 to speculate and just take your word for it?

19 A I'm providing my testimony and the evidence
20 that I found at the scene and the facts of this
21 case, sir.

22 Q And now you're not even an investigator, are you?

23 A I am still an investigator, yes, sir.

24 Q But you studying to be an EMT?

25 A And additional certification to progress my

1 learning, yes.

2 Q And, basically, what we have shown the jury up to
3 this point is all the evidence you have?

4 A So far.

5 Q So you're going to bring a gun in later?

6 A Excuse me?

7 Q You say "so far." Are you going to bring a gun in
8 later?

9 A Are there additional witnesses?

10 Q No, I'm asking you. One thing at a time.

11 A Am I going to bring a gun in?

12 Q Is the State going to produce a gun later?

13 A They are not.

14 Q Are they going to present a bullet later?

15 A We are not.

16 Q Are they going to present DNA later?

17 A No, we're not.

18 Q So your whole case is determined on the next
19 witnesses that's coming up?

20 A And all of the evidence in our victim's
21 testimony, the statement.

22 MR. JOHNSON: One second, Your Honor.

23 BY MR. JOHNSON:

24 Q Just to clarify, when you saw the video on
25 Facebook, did it have a time that the video was posted

Testimony of Ethan Rodgers

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1 on Facebook?

2 A It does.

3 Q And what time was that video posted?

4 A I can't recall the specific time.

5 Q Would it be on -- if we pull the video up now, is
6 there any way we can look at it -- anything we can
7 tell on the video?

8 A Yes, sir.

9 MR. JOHNSON: Can we?

10 MS. CAMPBELL: Yes. Pull it up.

11 MR. JOHNSON: The one with the four
12 people. That first video.

13 (Video played.)

14 BY MR. JOHNSON:

15 Q Is it fair to say that that says 6:26 a.m.?

16 A It does.

17 Q Okay. So as of 6:26 a.m., he was alive?

18 A Yes.

19 Q And they was on their way home?

20 A Yes, sir.

21 Q If the call went in at nine o'clock, then roughly
22 we're saying two-and-a-half hours something
23 happened?

24 A Right.

25 Q And which resulted in his death.

1 A Right.

2 Q And that's what we need to determine, correct?

3 A Right.

4 Q And that's going to have something to do with the
5 witnesses that's going to come up later, correct?

6 A Correct.

7 Q Okay. But at first, your investigation, this is
8 it?

9 A Everything that was provided so far and
10 coming forth, yes.

11 MR. JOHNSON: No other questions.

12 THE COURT: Okay.

13 MS. CAMPBELL: Just briefly, Your
14 Honor.

15 THE COURT: Yes, ma'am.

16 REDIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q So when you originally accessed the defendant's
19 Facebook --

20 A Yes, ma'am.

21 Q -- the video showing our victim in the back seat
22 is on there.

23 A Yes, ma'am.

24 Q All right. And when you went back, that video had
25 disappeared and this video was in its place.

Testimony of Ethan Rodgers

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1 A Yes, ma'am.

2 Q And that would be called editing a post, correct?

3 A That is correct.

4 Q All right. And you can't change the time the
5 original post was posted, correct?

6 A That's correct.

7 Q All right. Now, I want to follow up on something
8 else that the defense attorney asked you. Because
9 we've talked about it, the casing. All right. You
10 know, do we have a casing here or a casing there, and
11 that is -- again, a trained law enforcement officer --
12 how about a revolver? Are you going to have a casing
13 from a revolver?

14 A No, ma'am. It remains with the firearm.

15 Q So that casing stays in the firearm, correct?

16 A Yes, ma'am.

17 MS. CAMPBELL: Thank you. That's all I
18 have.

19 THE COURT: Thank you. Anything further?

20 MR. JOHNSON: Just one follow-up.

21 RECROSS-EXAMINATION

22 BY MR. JOHNSON:

23 Q But due to your investigation, you don't know what
24 it was, do you?

25 A I do know the victim was shot.

1 Q Right.

2 A I could not tell with what firearm.

3 MR. JOHNSON: No other questions, Your
4 Honor.

5 THE COURT: Anything further?

6 MS. CAMPBELL: No, Your Honor.

7 THE COURT: You may step down.

8 MS. CAMPBELL: May we approach?

9 THE COURT: Yes, you may approach.

10 Yes.

11 MS. CAMPBELL: Thank you.

12 I was going to ask if we could take our
13 morning break. We're going to move into the
14 neighborhood witnesses now.

15 THE COURT: All right. We'll take a
16 short break. Ladies and gentlemen, we're going to
17 take another short break. I need to remind you,
18 do not discuss this case. It wouldn't be
19 appropriate to do so. Refresh yourselves. Grab a
20 cup of coffee and we'll be right back with you.
21 Thank you.

22 (Jury exits the courtroom at 11:07 a.m.)

23 (A break was taken from 11:08 a.m. to 11:23 a.m.)

24 THE DEPUTY: All rise.

25 THE COURT: Please be seated.

Testimony of Ethan Rodgers

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1 MR. JOHNSON: Your Honor?

2 THE COURT: Yes, sir.

3 MR. JOHNSON: May we approach?

4 THE COURT: Yes, you may.

5 MR. JOHNSON: Your Honor, I wanted to
6 save some time. I don't know if you wanted to do
7 this or not; I wanted to pull up My Story. I was
8 asking the officer about My Story. I pulled that
9 up and I actually got when it started in 2018. I
10 was going to see if I could call the officer back
11 up and just enter that as evidence. I can call
12 him again during --

13 THE COURT: In your case.

14 MS. CAMPBELL: Yeah, in your case.

15 THE COURT: Yeah, I think you're going to
16 have to call him in your case.

17 MR. JOHNSON: Okay.

18 THE COURT: Okay.

19 MS. CAMPBELL: And just for counseling
20 purposes, Dr. Batalis can be here first thing in
21 the morning.

22 THE COURT: Okay.

23 MS. CAMPBELL: So we're going to finish
24 all of the gentlemen that are involved in this and
25 then Dr. Batalis would be first witness up in the

Testimony of Ethan Rodgers

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1 morning, and then that's the State's case.

2 THE COURT: Okay. Do you have any issue
3 with breaking for lunch? Are we okay?

4 MS. CAMPBELL: We absolutely should break
5 for lunch.

6 THE COURT: Okay. And you need to tell
7 me -- obviously, it's 11:30 and I want to get to,
8 hopefully, 12:30.

9 MS. CAMPBELL: Oh, absolutely.

10 THE COURT: You tell me when is best. I
11 don't know how much control you have.

12 MR. JOHNSON: And then that's cool, and
13 then I'll know to do anything to set it up for
14 tomorrow.

15 THE COURT: Exactly. That's perfect.

16 MS. CAMPBELL: Okay.

17 THE COURT: Thank you, both. So do you
18 think it looks like we are going to charge
19 tomorrow?

20 MS. CAMPBELL: We could very well.

21 THE COURT: Okay.

22 MR. JOHNSON: We should be.

23 THE COURT: Got it, okay.

24 All right. State ready?

25 MS. CAMPBELL: We are.

Testimony of Bobby Ray Bing

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1 THE COURT: Defense ready?

2 MR. JOHNSON: We are.

3 THE COURT: All right. Let's bring the
4 jury in.

5 (Jury enters the courtroom at 11:25 a.m.)

6 THE COURT: Miss Campbell.

7 MS. CAMPBELL: Thank you, Your Honor.

8 The State calls Bobby Ray Bing.

9 THE CLERK: Raise your right hand. Place
10 your left on the Bible. The testimony you're
11 about to give the Court will be the truth so help
12 you God?

13 THE WITNESS: So help me God.

14 THE CLERK: Come right around. You can
15 adjust your chair and the mic.

16 THE WITNESS: All right.

17 WHEREUPON:

18 BOBBY RAY BING,

19 after having been sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. CAMPBELL:

22 Q Good morning.

23 A Good morning.

24 Q Please state your name and spell it for the court
25 reporter.

1 A Bobby Bing, B-o-b-b-y, B-i-n-g.

2 Q Mr. Bing, you know **Samquan F.**?

3 A Yes.

4 Q I'm going to show you what has been admitted into
5 evidence as State's Exhibit 20 and ask you if you see
6 **Samquan F.** here.

7 A Yes.

8 Q You do?

9 A Yes.

10 MS. CAMPBELL: Can we pull that up on the
11 screen for us, please? Help Mr. Bing out. All
12 right. Can you zoom in just a little bit there?

13 BY MS. CAMPBELL:

14 Q All right. And so you told the jury you know
15 **Samquan F.** and you've identified him in
16 State's Exhibit 20. Specifically, as I'm looking at
17 the State's exhibit, he's on the left or the right?

18 A The right.

19 Q He's on the right, okay.

20 Do you know the gentleman that's on the
21 right?

22 A That's blurry right there.

23 Q Thank you. If you don't, that's fine. It is
24 blurry. No worries.

25 So, I want to talk to you about

Testimony of Bobby Ray Bing

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1 September 29, 2018.

2 A Uh-huh.

3 Q Do you recall being at a yard party up in
4 Estill?

5 A Furman.

6 Q Furman, is that what you called it?

7 A Uh-huh.

8 Q And the yard party, was that the home of -- of
9 who?

10 A Big John Saxon.

11 Q Big John Saxon.

12 And were there just a few people there?

13 A There was a lot of people there.

14 Q A lot of people there.

15 Was it a celebration or just get together?

16 A I can't recall.

17 Q Can't recall, all right.

18 Did you see the victim, **Samquan F.**

19 **██████████**, at the yard party?

20 A Yes.

21 Q Okay. And do you know what time or remember what
22 time you got to the yard party?

23 A Probably about 9:00 or 10:00, something like
24 that.

25 Q All right. And when you were at the yard party,

1 did you stay there for a couple of hours or leave
2 right away? How did that go?

3 A I stayed for a couple hours.

4 Q All right. Did you leave the yard party at some
5 point?

6 A Yes.

7 Q And where did you go when you left the yard
8 party?

9 A To Club Karma.

10 Q Club Karma, all right.

11 So I want to talk to you a little bit about
12 when you left the yard party and you went to Club
13 Karma, did you have a vehicle?

14 A Yes.

15 Q And, in your vehicle -- did you drive your vehicle
16 there?

17 A I started driving and **Samquan F.** took over,
18 though.

19 Q Okay. So **Samquan F.** was with you?

20 A Uh-huh.

21 Q In your car. And at some point he drove?

22 A Uh-huh.

23 Q Was there anybody else in your car with you?

24 A Henry Williams.

25 Q Henry Williams, okay.

Testimony of Bobby Ray Bing

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1 A Uh-huh.

2 Q So when you got down to Club Karma, did you go
3 into the club?

4 A Yes.

5 Q All right. Did you happen to see **Samquan F.** at the
6 club?

7 A Yes.

8 Q Do you know if he stayed in the club or left at
9 some point?

10 A When we went into the club, he said his ride
11 came. He left. He was in the club still, so I
12 don't know what time he left.

13 Q It's fine. Did you leave Club Karma and go
14 somewhere?

15 A I went to Waffle House.

16 Q And do you know the defendant, Javeris Williams?

17 A Hustle Man?

18 Q That would be one, yes.

19 A Yes.

20 Q Do you see him in this courtroom?

21 A Yes.

22 Q All right. Could you point him out for the
23 jury?

24 A Right there between the two lawyers.

25 Q Thank you.

Testimony of Bobby Ray Bing

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1 MS. CAMPBELL: That's all I have.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: May it please the Court,

4 Your Honor?

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. JOHNSON:

8 Q Good morning, Mr. Bing.

9 A Good morning.

10 Q You gave -- Samquan F. is his name, correct? The
11 victim's name is Samquan F.?

12 A Samquan F.. Samquan F..

13 Q Samquan F., okay.

14 You gave him a ride to the casino? I mean,
15 to the strip club.

16 A Uh-huh.

17 Q And you don't know anything about the murder, do
18 you?

19 A No, because when I left --

20 Q Go ahead.

21 A Because when we left the club, I left by
22 myself.

23 Q Right. But you don't have anything to offer about
24 how he died or anything, do you?

25 A No.

Testimony of Reginald Jenkins

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1 MR. JOHNSON: No other questions.

2 THE COURT: Miss Campbell, anything?

3 MS. CAMPBELL: No, ma'am.

4 THE COURT: You are excused, sir. Thank
5 you.

6 Call your next witness.

7 MS. CAMPBELL: Thank you, Your Honor.

8 The State calls Reginald Jenkins.

9 THE CLERK: Good morning. Raise your
10 right hand. Place your left on the Bible. The
11 testimony you're about to give will be the truth
12 so help you God?

13 THE WITNESS: Yes, ma'am.

14 THE CLERK: Come around. You can adjust
15 your chair and the mic.

16 WHEREUPON:

17 REGINALD JENKINS,

18 after having been sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q Will you state your name and spell it for our
22 court reporter?

23 A Reginald Jenkins, R-e-g-i-n-a-l-d,
24 J-e-n-k-i-n-s.

25 Q Mr. Jenkins, do you know Javeris Williams?

1 A Yes, ma'am, I do.

2 Q Does he have a name he goes by in the community?

3 A Yeah.

4 Q What is that name, Mr. Jenkins?

5 A We call him Hustle.

6 Q Hustle.

7 A Uh-huh.

8 Q I want to talk to you about September 29th and
9 September 30th of 2019, all right? Were you at a yard
10 party?

11 A Yeah, I went to the yard party.

12 Q Okay, good.

13 And when you were at the yard party, did you
14 see **Samquan F.** there?

15 A Yes, I did.

16 Q All right. And I want to ask you to look at
17 State's Exhibits 17, 18, and 19. They're a little
18 blurry, but I think you can figure it out. 17, 18,
19 and 19, who's in State's Exhibit 17?

20 A That's me.

21 Q That's you, okay.

22 MS. CAMPBELL: Let's pull that up.

23 BY MS. CAMPBELL:

24 Q All right. Now, let's talk about State's Exhibit
25 17 a little bit. In State's Exhibit 17, it looks like

Testimony of Reginald Jenkins

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1 you're in the, maybe, the back seat of a car?

2 A Uh-huh.

3 THE COURT: Is that a yes for the record?

4 THE WITNESS: Yes.

5 THE COURT: You need to say yes or no.

6 Not an uh-huh are or huh-uh.

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Thank you.

9 MS. CAMPBELL: Thank you.

10 BY MS. CAMPBELL:

11 Q And then I'm going to show you State's Exhibit 18
12 and ask you who is in State's Exhibit 18?

13 A That's Javeris.

14 THE COURT: Who?

15 MS. CAMPBELL: Javeris.

16 THE COURT: Thank you.

17 BY MS. CAMPBELL:

18 Q Is that Javeris Williams?

19 A Yes, ma'am.

20 Q All right. And is Javeris Williams sitting in
21 this courtroom today?

22 A Yeah.

23 Q Can you point him out for us?

24 A Right there.

25 Q Okay. When you say he's right there, does he have

1 on a light shirt or a dark shirt?

2 A He has a light shirt.

3 Q A light shirt, okay.

4 MS. CAMPBELL: And the record should
5 reflect that he identified the defendant.

6 THE COURT: Yes.

7 BY MS. CAMPBELL:

8 Q And then I'm going to show you State's Exhibit 19
9 and ask you if you can identify who this person is.

10 A That's Daevon.

11 Q Daevon?

12 A Smith.

13 Q Smith, okay.

14 All right. So now let's talk about the folks
15 we just talked about, all right?

16 A Uh-huh.

17 Q When you left the yard party, okay, whose car were
18 you in?

19 A Me and Javeris were together.

20 Q You and Javeris were together?

21 A Uh-huh.

22 Q And who else was in the car with you?

23 A Daevon.

24 Q All right. So I'm going to pull up State's 15,
25 please. I'm going to ask you -- this has been

Testimony of Reginald Jenkins

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1 admitted into evidence. I'm going to ask you to watch
2 this Facebook video.

3 (Video played.)

4 BY MS. CAMPBELL:

5 Q All right. That ride in Javeris's car, did that
6 take place from one location to another? What were
7 those two locations?

8 A I think we was going to the club.

9 Q To the club.

10 A The dance club, yeah.

11 Q The dancing club? Would Club Karma sound right?

12 A Uh-huh, the strip club.

13 Q Oh, okay. The strip club.

14 All right. So you went from the yard party
15 to the club, to the strip club, to the Club Karma, and
16 you're in the back seat here and the defendant is
17 driving and Daevon Smith is in the front seat.

18 All right. Along that way, along that route
19 from the yard party to Club Karma, did you stop
20 anywhere, did the defendant continue driving? Tell
21 the jury about that.

22 A We stopped by the store to get some alcohol
23 because that club is bring your own bottle, but
24 they stay open late.

25 Q Okay. So along the way, was there any change-out

1 of drivers?

2 A Yeah, I started driving.

3 Q Okay. And so I guess what I'm hearing you say is,
4 the yard party, the defendant is driving, you stop on
5 the way, and you start driving?

6 A Uh-huh.

7 Q All right. So when you stop, do you remember the
8 name of the gas station that you stopped at or was it
9 just on the way to Club Karma?

10 A It was one of the gas stations with the truck
11 stop.

12 Q Does Pilot sound right?

13 A One of them. I'm not sure.

14 Q All right. And I think I heard you say you
15 stopped there to get some alcohol, something to drink?

16 A Beer, yes, ma'am. Uh-huh.

17 Q All right. While you're at Club Karma, do you see
18 **Samquan F.** there?

19 A Uh-huh.

20 Q Okay.

21 THE COURT: That's a yes for the record?

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Thank you.

24 THE WITNESS: I'm keep saying that. My
25 bad.

Testimony of Reginald Jenkins

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1 BY MS. CAMPBELL:

2 Q As the club, I guess, is closing, do you find a
3 ride, I guess, back up towards, you know, the Estill
4 or home area?

5 A Yes, ma'am.

6 Q And who are you riding home with?

7 A I rode home with Tyree Barker.

8 Q Tyree Barker?

9 A Uh-huh.

10 Q And, Tyree Barker, where did he take you?

11 A I think we stopped in Estill.

12 Q In Estill?

13 A Yeah. Then I hopped back in the car with
14 Javeris.

15 Q Okay. So you went to Estill and -- now, wait a
16 minute. So did somebody get out Javeris's car so you
17 could get in?

18 A Yeah.

19 Q What was going on with that?

20 A Henry got out of the car.

21 Q Henry got out of the car.

22 Okay. So the defendant, Daevon, **Samquan F.**, and
23 Henry rode back to Estill together.

24 A The only reason why I got out of that car
25 with Javeris is because me and him got in an

1 argument in the club. But it wasn't no serious
2 argument. I had lost the keys in the club. I was
3 getting a lap dance.

4 Q Okay. Well, all right. Thank you for that, but
5 I'm going to move on.

6 So you got out up in Estill of Tyree's car
7 and you hopped in the defendant's car, right?

8 A Correct.

9 Q Why are you hopping in his car at that point?

10 A I lost the keys in the club.

11 Q Okay. And the victim, **Samquan F.**, is in the back
12 seat with you; is that right?

13 A Yes, ma'am.

14 Q And do you remember where you got out of the
15 defendant's car those early morning hours?

16 A I believe it right around the corner from his
17 house actually at PI's.

18 Q At PI's house?

19 A Yeah.

20 Q All right. Did you get a call later on September
21 30th asking you to come pick somebody up?

22 A No, ma'am.

23 Q You don't recall that?

24 A Huh-uh.

25 MS. CAMPBELL: That's all I have.

Testimony of Reginald Jenkins

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THE COURT: Mr. Johnson.

MR. JOHNSON: Thank you, Your Honor. May
it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. JOHNSON:

Q Good morning, Mr. Jenkins.

A Good morning, Mr. Johnson.

Q Let's go over that night on the way home.

A Uh-huh.

Q When you got into Javeris's car, that was after
leaving the club, correct?

A Correct.

Q About what time was that?

A Wee hours of the morning. I can't remember,
to be honest.

Q But it was after the club closed.

A Yeah, it was after the club closed.

Q Because you-all basically stayed there until the
club closed?

A Yeah, you could say that.

Q Okay.

A We are looking for the keys.

Q You was looking for your keys, okay.

A Yeah.

1 Q All right. And then who was in the car when you
2 got into the car?

3 A It was me and Tyree's father.

4 Q No. I'm talking about when you got in the car
5 with Javeris.

6 A Me and Daevon. On the way from the club or
7 to the club?

8 Q On the way going to the club, it was who?

9 A Me and Daevon.

10 Q You, Javeris, and Daevon.

11 A Right.

12 Q And that was that video they showed.

13 A The first video.

14 Q With three people in it?

15 A Yeah.

16 Q That was on your way going to the club.

17 A Yes, sir.

18 Q The second video with the four of you in the car,
19 who was in the car? On the way coming from the club.

20 A I wasn't in the car then.

21 Q They have a video of four people in the car with
22 you in the back seat? Do you remember you being in
23 the back seat. In Javeris's car. When you got in
24 Javeris's car going hom that night --

25 A Uh-huh.

Testimony of Reginald Jenkins

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1 Q -- who was in the car?

2 A Oh, that was me, Samquan F., Daevon, and Javeris.

3 But that was on the way to his house to get back
4 in my car.

5 Q I understand that.

6 A Yeah.

7 Q But that's after you left the club.

8 A Yeah.

9 Q You rode with somebody and then you switched over.

10 A Yes, sir.

11 Q I'm talking about after you switched over into the
12 car with Javeris.

13 A I don't understand your question.

14 Q Let me slow down.

15 A Okay.

16 Q I'll slow down.

17 When you left the club --

18 A Uh-huh.

19 Q -- who did you leave the club with?

20 A I left with Tyree Barker.

21 Q Were you following somebody?

22 A Yeah.

23 Q Who were you following?

24 A We was following Javeris.

25 Q Javeris?

1 A Uh-huh.

2 Q Okay. What happened next?

3 A We went to Estill to the PI's house, and then
4 I got back in the car.

5 Q When you say "PI," do you know his name?

6 A Huh-uh.

7 Q Okay.

8 THE COURT: That's a no for the record?

9 THE WITNESS: No, ma'am. Yes, ma'am.

10 THE COURT: Okay.

11 BY MS. CAMPBELL:

12 Q Please say yes and no, okay?

13 A All right.

14 Q So you went to PI's house?

15 A Yes.

16 Q At PI's house what happened?

17 A I got out. Tyree got back in the car with
18 Javeris.

19 Q With Javeris?

20 A Uh-huh.

21 Q And when you got in the car with Javeris -- just
22 slow down. Take one at a time -- who was in the car
23 with you?

24 A It was me, Daevon, Javeris, and Samquan F.

25 Q And Samquan F. And Samquan F. is the victim in this case,

Testimony of Reginald Jenkins

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- 1 the person that was killed.
- 2 A Correct.
- 3 Q But he was alive then.
- 4 A Yes, sir.
- 5 Q And he was in the back seat.
- 6 A Yes, sir.
- 7 Q Were you in the back seat?
- 8 A Yes, sir.
- 9 Q And you were close enough to know that he was not
10 dead when he was in that back seat, correct?
- 11 A Correct.
- 12 Q And that was after the club closed?
- 13 A Yes, sir.
- 14 Q And before you got to your car?
- 15 A Yes, sir.
- 16 Q Okay. Then you went to your car?
- 17 A Uh-huh.
- 18 Q So that you could get to your car, right?
- 19 A Yeah.
- 20 Q Where was that car at?
- 21 A At Javeris's house.
- 22 Q At Javeris's house?
- 23 A Yes.
- 24 Q So Javeris was driving.
- 25 A Yes.

- 1 Q With yourself, Samquan F., and Daevon?
- 2 A Yes, sir.
- 3 Q And when you got to Javeris's house, Samquan F. was
- 4 still alive?
- 5 A Yes, sir.
- 6 Q What was he doing?
- 7 A Sleeping.
- 8 Q Sleeping.
- 9 A Uh-huh.
- 10 Q What was Daevon doing?
- 11 A Sleeping.
- 12 Q Now, were they asleep or were they passed out?
- 13 A Probably passed out. We was drinking that
- 14 night.
- 15 Q Okay.
- 16 A But, you know, trying to sleep it off.
- 17 Q Both of them was.
- 18 A Yeah.
- 19 Q So both of them was a little intoxicated.
- 20 A Yes.
- 21 Q Well, everybody was, really.
- 22 A Yes, sir.
- 23 Q All right. What happened then when you got to
- 24 your house?
- 25 A I got out of the car and got in my car.

Testimony of Reginald Jenkins 305

1 Q What happened? Anybody -- did Javeris get out of
2 the car?

3 A Yeah, he went in the house.

4 Q And he went in his house?

5 A Yeah.

6 Q And when he went in his house, Samquan F. was alive?

7 A Yes, sir.

8 Q Now, when you say "house," that was a trailer,
9 right?

10 A Yes, sir.

11 Q And who was left in the car with Samquan F.?

12 A Daevon.

13 Q Daevon. But you saw Samquan F. -- now, do you see
14 anything else?

15 A No, sir.

16 Q You just got in your car and drove off?

17 A Uh-huh. Yes, sir.

18 Q But when you got back to Javeris's house, Samquan F.
19 was alive and Javeris -- do you see them arguing?

20 A No.

21 Q Was Javeris mad with anybody?

22 A Me. I lost my keys.

23 Q You lost your keys, okay.

24 A But it wasn't nothing -- friends be doing.

25 Q All right. But he didn't shoot you, or drag you,

1 or hit you?

2 A No.

3 Q It was just because he was mad because you were
4 looking for the keys?

5 A That was in the club. We had calmed down by
6 then.

7 Q All right. And you have no reason to lie?

8 A No reason at all.

9 Q But when you left the car and you was at Javeris's
10 house, **Samquan F.** was alive?

11 A Yes, sir.

12 Q And you don't know anything else about anything
13 else?

14 A Nothing else.

15 Q But you're glad you found those keys.

16 A Yeah.

17 MR. JOHNSON: No further questions.

18 MS. CAMPBELL: No further questions.

19 THE COURT: All right. You are excused.

20 Thank you.

21 Call your next witness.

22 MS. CAMPBELL: Your Honor, the State
23 calls Rodgerick Wright.

24 THE CLERK: You place your cap right
25 here. Raise your right hand. Left on the Bible.

Testimony of Rodgerick Wright

307

1 The testimony you're about to give the Court will be
2 the truth so help you God?

3 THE WITNESS: Yes, ma'am.

4 THE CLERK: Come right around. Adjust
5 your chair and the mic.

6 THE WITNESS: Okay.

7 WHEREUPON:

8 RODGERICK WRIGHT,
9 after having been sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. CAMPBELL:

12 Q Mr. Wright, would you state your name and spell it
13 for our court reporter?

14 A Rodgerick Wright, R-o-d-g-e-r-i-c-k,
15 W-r-i-g-h-t.

16 Q Mr. Wright, does some of the folks in your
17 neighborhood know you by a nickname?

18 A Yes, ma'am.

19 Q And what is that nickname?

20 A PI.

21 Q PI?

22 A That's right.

23 Q So if someone were to talk about PI up in that
24 little Estill community, they're talking about you?

25 A Yes, ma'am.

1 Q All right. Now, do you know Javeris Williams?

2 A No.

3 Q You don't know the defendant in this case?

4 A Oh, yeah. I don't know him by his name.

5 Q Do you know Hustle Man?

6 A Yes, ma'am.

7 Q All right. And so do you see Hustle Man in the
8 courtroom?

9 A Yes, ma'am.

10 Q And where is Hustle Man?

11 A Right there.

12 Q Between his lawyers?

13 A Yes, ma'am.

14 Q All right. Thank you.

15 MS. CAMPBELL: He's identified the
16 defendant for the record, Your Honor.

17 BY MS. CAMPBELL:

18 Q I know it might be a little difficult, but I'm
19 going to take you back to the early morning of
20 September 30, 2018. Do you recall a number of men
21 coming to your house that morning?

22 A Yes, ma'am.

23 Q All right. Can you recall who, kind of, came to
24 your house that morning?

25 A Stick Man, Little Nino, Daevon, and -- I know

Testimony of Rodgerick Wright

309

1 there was five of them. Daevon, Little Nino,
2 Hustle Man, Stick Man, and the other defendant
3 that was on the stand.

4 Q Okay. So Hustle Man was there?

5 A Yes, ma'am.

6 Q Do you have another name for Little Nino?

7 A Henry.

8 Q Henry Williams?

9 A Yes, ma'am.

10 Q Thank you. And Stick Man?

11 A Yes, ma'am. I don't know his name.

12 Q Don't know?

13 A Right.

14 Q And Blacka?

15 A Daevon, yeah, I know his name.

16 Q As Daevon?

17 A Right.

18 Q Daevon Smith?

19 A Right.

20 Q Perfect.

21 So when they came to your house, do you
22 remember seeing -- how many cars do you remember
23 seeing?

24 A Two.

25 Q Two cars?

1 A Yes, ma'am.

2 Q And, at some point, did all of those -- those two
3 cars, did they leave?

4 A Yes, ma'am.

5 Q Okay. And did you happen to see who left in what
6 cars?

7 A Yeah, Stick Man. He was like by himself in
8 his car, and the other three left in their car.

9 Q Okay. So the one fellow that you're talking
10 about, Stick Man, he left by himself in his car?

11 A Right.

12 Q And some other people left in the defendant's car.

13 A Right.

14 Q Thank you.

15 MS. CAMPBELL: That's all I have.

16 THE COURT: Mr. Johnson.

17 MR. JOHNSON: Thank you, Your Honor. May
18 it please the Court?

19 CROSS-EXAMINATION

20 BY MR. JOHNSON:

21 Q Good morning, Mr. Wright.

22 A Good morning.

23 Q When you-all got back to your house, you said that
24 few people got out -- did they get out of their car?

25 A Yes, sir.

Testimony of Rodgerick Wright

311

- 1 Q Okay. But Samquan F. was still in the car, correct?
- 2 Do you remember that? Was somebody else in the car?
- 3 A No.
- 4 Q Okay. So you don't remember who was in the car,
5 anything like that?
- 6 A No.
- 7 Q Okay. And in short, you don't know anything about
8 this murder, do you?
- 9 A Excuse me?
- 10 Q You don't know anything about the murder of Samquan F.,
11 do you?
- 12 A Yeah. After the fact, yeah.
- 13 Q After the fact that he was dead.
- 14 A Right.
- 15 Q But you don't know anything. You wasn't there.
16 You didn't see anything?
- 17 A No.
- 18 Q Was Javeris hitting anybody, shooting anybody,
19 doing anything to anybody?
- 20 A When?
- 21 Q When he was with you?
- 22 A No.
- 23 Q Was he mad with anybody?
- 24 A No.
- 25 Q Everybody had a good time at the club?

Testimony of Rodgerick Wright

312

1 A I didn't go to the club.

2 Q Oh, you didn't go to the club.

3 A No.

4 Q Okay.

5 MR. JOHNSON: No other questions, Your
6 Honor.

7 THE COURT: Okay. Miss Campbell?

8 MS. CAMPBELL: Nothing else.

9 THE COURT: You are excused, sir.
10 Call your next witness.

11 MS. CAMPBELL: Your Honor, the State
12 calls Henry Williams.

13 Miss Bostick, he's in a wheelchair.

14 THE CLERK: Give me a minute.

15 MS. CAMPBELL: I know.

16 MR. JOHNSON: Your Honor, would it be
17 easier if he just went to that mic right there?

18 THE COURT: I think it's fine. I think
19 he can probably just testify right through here as
20 long as they can hear him.

21 THE CLERK: I'll have to call someone.

22 THE COURT: Okay.

23 MS. CAMPBELL: Where would you like him to
24 be, Your Honor.

25 THE COURT: Somewhere where they can see

Testimony of Henry Williams

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1 him and we have a microphone. So what
2 do we have? Will that stretch? It doesn't move.
3 So the podium doesn't move, but they can't see him
4 over here.

5 FOREPERSON: We can stand up.

6 THE COURT: Can you bring him a little
7 bit forward and --

8 MS. CAMPBELL: Henry, are you able to
9 talk loud?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Very good. Okay. Is that
12 okay? Can we give this to you?

13 THE CLERK: Raise your right hand. The
14 testimony you're about to give the Court will be
15 the truth so help you God?

16 THE WITNESS: Yes.

17 THE CLERK: Thank you.

18 WHEREUPON:

19 HENRY WILLIAMS,
20 after having been sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. CAMPBELL:

23 Q Mr. Williams, state your name and spell it for the
24 court reporter.

25 A Henry Williams, H-e-n-r-y, W-i-l-l-i-a-m-s.

1 Q All right. Mr. Williams, I am going to ask you
2 about September 30, 2018. We're going to talk about
3 being at a yard party the night before. Do you recall
4 that?

5 A Yes.

6 Q Put that microphone up.

7 A Yes.

8 Q All right. And at the yard party, do you recall
9 seeing the defendant, Javeris Williams, at the yard
10 party?

11 A No, ma'am.

12 Q No? Okay.

13 How about this, let's pull State's Exhibit --
14 I'm going to show you, Mr. Williams, State's Exhibit
15 16 and ask you to watch this Facebook video. While
16 he's doing that, do you know Javeris Williams?

17 A Yes.

18 Q Okay. Now we're going to watch it. Here we go.

19 (Video played.)

20 MS. CAMPBELL: Stop.

21 BY MS. CAMPBELL:

22 Q Who am I looking at right there?

23 A Three.

24 Q Who is that person in the black cap?

25 A Blacka.

Testimony of Henry Williams

315

1 Q Blacka. Is that also Daevon Smith?

2 A Yes.

3 Q All right.

4 MS. CAMPBELL: Go ahead, Matt.

5 Stop.

6 BY MS. CAMPBELL:

7 Q All right. In the back seat of that vehicle, I
8 see two people. Who is in the back seat of that car,
9 Mr. Williams?

10 A Myself.

11 Q And?

12 A Samquan F.

13 Q Okay, thank you.

14 MS. CAMPBELL: Go ahead.

15 (Video played.)

16 MS. CAMPBELL: All right, stop.

17 BY MS. CAMPBELL:

18 Q Who is that?

19 A Hustle Man.

20 Q Hustle Man, thank you.

21 MS. CAMPBELL: You can pull it down.

22 BY MS. CAMPBELL:

23 Q All right. So from the yard party, did you go
24 down to Club Karma?

25 A Yes.

- 1 Q All right. And when you were leaving Club Karma,
2 all right, who is driving the car?
- 3 A Leaving?
- 4 Q Yes.
- 5 A Hustle Man.
- 6 Q And who is in the front next to Hustle Man?
- 7 A Blacka.
- 8 Q And would that be -- Blacka is Daevon Smith?
- 9 A Yes.
- 10 Q Thank you, Mr. Williams.
- 11 And in the back seat, who is in the back
12 seat?
- 13 A Myself.
- 14 Q And?
- 15 A Samquan F.
- 16 Q Samquan F. all right.
- 17 Where do you go when you leave the club?
18 Where do the four of you go?
- 19 A PI's house.
- 20 Q To PI's house. Do you get out at PI's house?
- 21 A Yes.
- 22 Q All right. When you get out, where do you go?
- 23 A Walk to the mailbox and got picked up.
- 24 Q All right. Mr. Williams, at the yard party, did
25 you happen to see young Samquan F. at the

Testimony of Henry Williams

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1 yard party?

2 A Yes.

3 Q All right. And when you saw him at the yard
4 party, did you happen to see all the fellows that were
5 playing dice?

6 A Yes, I seen a few of them.

7 Q All right. And playing dice at that yard party,
8 folks are winning money or losing money, right?

9 A Yes.

10 Q And do you want to tell us about the money that
11 **Samquan F.** won that night?

12 A I don't know how much money he won, or if he
13 won or not, but . . .

14 Q Okay. We're going to leave that. Thank you.

15 MS. CAMPBELL: That's all I have.

16 THE COURT: All right. Mr. Johnson?

17 CROSS-EXAMINATION

18 BY MR. JOHNSON:

19 Q Good morning.

20 A Good morning.

21 Q I just have a real simple question: When you got
22 out of the car after the club, when you-all got to
23 PI's house, did **Samquan F.** -- I mean, did **Samquan F.**, who was
24 in the back seat with you, did he stay in the back
25 seat?

1 A Yes.

2 Q And he was alive?

3 A Yes.

4 Q And he was drunk?

5 A I'm not sure.

6 Q But he was asleep.

7 A Yes.

8 Q So he didn't get out of the car?

9 A No.

10 MR. JOHNSON: No other questions.

11 MS. CAMPBELL: Your Honor, I apologize.

12 I'm just going to follow-up, and it's because his
13 back was turned. I just would like Mr. Williams,
14 if we could, have him identify the defendant for
15 the record.

16 THE COURT: Okay.

17 REDIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q Mr. Williams, my only follow-up question for you
20 is if you see Javeris Williams. The man you say is
21 Hustle Man, do you see him in the courtroom?

22 A Yes.

23 Q All right. And where is he?

24 A Sitting in the middle right there.

25 Q Between his attorneys?

Testimony of Henry Williams

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1 A Yes.

2 Q Thank you.

3 MS. CAMPBELL: That's all.

4 THE COURT: Thank you. Anything further,
5 Mr. Johnson, of this witness?

6 MR. JOHNSON: I have nothing else, Your
7 Honor.

8 THE COURT: You're excused, sir. Thank
9 you.

10 Call your next witness.

11 MS. CAMPBELL: Your Honor, the State
12 calls Tyree Barker.

13 THE COURT: Come forward, sir. Right
14 here. Right here.

15 THE CLERK: Raise your right hand. Place
16 your left hand on the Bible. The testimony you're
17 about to give the Court will be the truth so help
18 you God?

19 THE WITNESS: (Witness nods head up and
20 down.)

21 THE CLERK: You have to say yes or no,
22 sir.

23 THE WITNESS: Yes.

24 THE CLERK: Thank you. Come right
25 around. You can pull up that chair. Pull up a

Testimony of Tyree Barker

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1 little bit more, sir. Speak into the mic.

2 WHEREUPON:

3 TYREE BARKER,

4 after having been sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q Well, I guess it's good afternoon now, Mr. Barker.

8 Could you state your name and spell it for our court

9 reporter?

10 A Tyree Barker. T-y-r-e-e, B-a-r-k-e-r.

11 Q All right. Mr. Barker, I'd like to take you back

12 to September 29th and September 30, 2018. Do you

13 recall going to a yard party?

14 A Yes, ma'am.

15 Q All right. And that yard party, was that

16 somewhere in this area? Can you recall for us?

17 A Furman.

18 Q In Furman, okay.

19 Do you know the defendant in this case?

20 A Yes, ma'am.

21 Q And the defendant's name would be what?

22 A I don't know.

23 Q What do you know him as?

24 A Javeris.

25 Q Javeris, all right.

Testimony of Tyree Barker

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1 And does he have a nickname that he goes by?

2 A Yes.

3 Q And what is that?

4 A Hustle Man.

5 Q Hustle man. And do you see Hustle in the
6 courtroom?

7 A (No response.)

8 Q You can come up a little so you can see the whole
9 courtroom. Do you see the man that you know as
10 Javeris or Hustle?

11 A Yes, ma'am.

12 Q Sir?

13 A Yes, ma'am.

14 Q Okay, thank you.

15 And where is he seated?

16 A Over there (indicating).

17 Q Would that be in the light-colored shirt with no
18 tie?

19 A Yes, ma'am.

20 Q Thank you.

21 When you were at the yard party, did you
22 see -- or let me ask it this way: Do you know the
23 victim? Do you know the young **Samquan F.**?

24 A Yes, ma'am.

25 Q Did you see him at the yard party?

1 A I don't remember.

2 Q That's fine.

3 Did you leave the yard party?

4 A Yes, ma'am.

5 Q Where did you go?

6 A I went to a club.

7 Q To the club, all right.

8 And when you were at the club, did you see
9 the defendant there, Hustle?

10 A Yes, ma'am.

11 Q Okay. Do you remember seeing **Samquan F.** there?

12 A I think so, yes, ma'am.

13 Q Did you stay at the club or leave the club, and
14 when did you leave?

15 A When? I couldn't tell you exactly when.

16 Q Approximately. Were they still open or closing
17 down?

18 A Yes, they were still open.

19 Q And when you left, tell us -- well, first, let me
20 back up just a second. When you went down to the
21 club, who did you ride -- who did you take down
22 there?

23 A I didn't took nobody.

24 Q You didn't take anybody with you?

25 A (Witness moves head from side to side.)

Testimony of Tyree Barker

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1 THE COURT: That's a no for the record.

2 THE WITNESS: No, ma'am.

3 THE COURT: We can't take down a head
4 shake. Thank you, sir.

5 BY MS. CAMPBELL:

6 Q Did you take anybody from the club?

7 A Yes, ma'am.

8 Q Tell me about that. Who was in the car? Who was
9 in your car?

10 A Reggie.

11 Q Reggie?

12 A I think that's his name.

13 Q How about Reginald Jenkins, maybe?

14 A Yes, ma'am.

15 Q Okay. So you took Reginald Jenkins. You all went
16 to -- back to somebody's house, maybe. Do you
17 remember whose house you went to?

18 A I dropped him off to somebody's house.

19 Q Do you know that somebody?

20 A Yes.

21 Q Okay. What is that somebody's name --

22 A PI.

23 Q -- or how is he known in the community?

24 A PI.

25 Q PI?

1 A Yes, ma'am.

2 Q And did you leave from there and go anywhere
3 else?

4 A Yes, ma'am.

5 Q Where did you go?

6 A Allendale.

7 Q All right, thank you.

8 MS. CAMPBELL: That's all I have.

9 MR. JOHNSON: Thank you, Your Honor.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. JOHNSON:

13 Q Good morning, Mr. Barker.

14 A Good morning.

15 Q To keep on Javeris who the State keeps saying
16 Hustle, you have another nickname for him, don't
17 you?

18 A I got a couple nicknames here.

19 Q Two Chains --

20 A Two Chains.

21 Q Might be the nickname you have for him?

22 A Yeah.

23 Q So when they said Hustle, that wasn't the only
24 name he was known by?

25 A No.

Testimony of Tyree Barker

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1 Q He was known Two Chains and other nicknames,
2 correct?

3 A (Witness nods head up and down.)

4 Q As far as the death of the victim in this case,
5 you don't know nothing about that, do you?

6 A No, I don't know nothing about that.

7 MR. JOHNSON: No other questions.

8 MS. CAMPBELL: That's all, Your Honor.

9 THE COURT: All right. You may be
10 excused, sir. Thank you.

11 MS. CAMPBELL: May we approach?

12 THE COURT: You may approach, yes.

13 MS. CAMPBELL: Your Honor, the next
14 witness is Mr. Smith and it's going to be very
15 long.

16 THE COURT: Okay.

17 MS. CAMPBELL: And he is being
18 transported here, so I think if we took a short
19 lunch break.

20 THE COURT: You want to take a lunch
21 break now?

22 MS. CAMPBELL: We could, yes. And then
23 get to that after lunch.

24 THE COURT: Okay. Is that good with you?

25 MR. JOHNSON: Yes.

Testimony of Tyree Barker

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1 THE COURT: That's fine. How close is
2 he? I was thinking maybe an hour lunch break.

3 MS. CAMPBELL: I mean -- that would be
4 fine.

5 THE COURT: Is that okay? We can go
6 longer than that if you want to a little bit. Are
7 you going to be able to get all that you want to
8 get up today?

9 MS. CAMPBELL: Yes, because he's the last
10 one. The only other one for this afternoon was
11 Dr. Batalis who couldn't be here.

12 THE COURT: Got it. So I'm going to
13 bring them back then at 1:30. I'm going to send
14 them to lunch and bring them back at 1:30. Thank
15 you.

16 All right. Ladies and gentlemen, I think
17 now is a good time for us to take a break for
18 lunch just to have the witnesses broke down. The
19 next one is going to be a little more lengthy, and
20 so I'd rather go ahead and get it done. Get some
21 lunch now. By the clock in the back of the
22 courtroom, it's almost 10 after 12:00. I'm going
23 to ask that you be back in your jury room by 1:30
24 and we're going to go ahead and continue.

25 I'll also tell you, just based on the

Testimony of Tyree Barker

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1 witnesses and how availability is concerned, I think
2 we're going to have probably a bit of an early day,
3 again, ladies and gentlemen, and then we'll be back
4 tomorrow morning as well.

5 So, again, I need to remind you, don't
6 discuss this case. It wouldn't be appropriate to
7 do so. Don't do any independent research. Go get
8 a bite to eat, ladies and gentlemen, and come on
9 back and we will see you at 1:30 in your jury
10 room. Okay? Thank you.

11 (Jury exit the courtroom at 12:09 p.m.)

12 THE COURT: If you have ride issues --
13 certainly talk and if you find out anyone has any
14 issues and if we need to get others home, we're
15 welcome to. Okay.

16 FOREPERSON: She has a ride coming at
17 five o'clock. Should she tell them earlier?

18 THE COURT: Yeah, I would say, yes.

19 Come here, Miss Campbell and Mr. Johnson,
20 really quickly.

21 MR. JOHNSON: Yes, ma'am.

22 THE COURT: We got jurors being picked
23 up. What time -- how long do you think you're
24 going to be with the next witness?

25 MS. CAMPBELL: At least 45 minutes, maybe

1 an hour.

2 THE COURT: And you will be?

3 MR. JOHNSON: I got two -- well, three
4 counting my client if my client testifies.

5 THE COURT: I'm not asking that. I'm
6 talking about --

7 MS. CAMPBELL: She means how long do you
8 think you will be with Mr. Smith.

9 THE COURT: With Mr. Smith.

10 MS. CAMPBELL: On cross.

11 THE COURT: On cross.

12 MR. JOHNSON: All depends on what he
13 says. I don't know.

14 THE COURT: 1:30, 2:30 -- I'm going to
15 tell her to have someone pick her up at 3:00. Is
16 that okay?

17 MS. CAMPBELL: Yes.

18 MR. JOHNSON: That's fine.

19 THE COURT: Okay. You can tell her to
20 have someone probably pick her up about 2:45 or
21 3:00. They may have to wait a little bit. 2:45
22 or 3:00.

23 And if anybody needs a ride, we can get
24 them rides home, too. Okay? All right, I
25 appreciate it.

Testimony of Tyree Barker

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1 We're going to be at ease in this case
2 for a few minutes, actually until 1:30.

3 Anything else we need to put on the
4 record from the State?

5 MS. CAMPBELL: Nothing, Your Honor.

6 THE COURT: Anything from the defense?

7 MR. JOHNSON: I have nothing, Your Honor.

8 THE COURT: All right. Grab a bite to
9 eat. We'll see everyone back at 1:30. Okay,
10 thank you.

11 (A break was taken from 12:11 p.m. to 1:33 p.m.)

12 THE BAILIFF: All rise.

13 THE COURT: The jurors all here?

14 THE DEPUTY: They are, Your Honor.

15 THE COURT: Is the State ready?

16 MS. CAMPBELL: We are, Your Honor.

17 THE COURT: Is the defense ready?

18 MR. JOHNSON: We're ready, Your Honor.

19 (Jury enters the courtroom at 1/3/03 p.m.)

20 THE COURT: State will call the next
21 witness.

22 MS. CAMPBELL: Thank you, Your Honor.

23 The State calls Daevon Smith.

24 THE CLERK: Right this way. Raise your
25 right hand. Place your left hand on the Bible.

Testimony of Daevon Smith

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1 The testimony you're about to give the Court will be
2 the truth so help you God?

3 THE WITNESS: Yes, ma'am.

4 THE CLERK: Come right around. Adjust
5 that chair and speak into the mic.

6 WHEREUPON:

7 DAEVON SMITH,
8 after having been sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q Good afternoon.

12 A Good afternoon.

13 Q Mr. Smith, would you please state your name and
14 spell it for the court reporter?

15 A Daevon Smith, D-a-e-v-o-n, S-m-i-t-h.

16 Q Thank you.

17 THE COURT: Mr. Smith, can you speak up
18 just a little bit for me?

19 THE WITNESS: Daevon Smith, D-a-e-v-o-n,
20 S-m-i-t-h.

21 THE COURT: Thank you, sir.

22 BY MS. CAMPBELL:

23 Q Do you know the defendant, Javeris Tremane
24 Williams?

25 A Yes, ma'am.

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1 Q Do you know the nickname the defendant uses?

2 A Yes, ma'am.

3 Q What is that nickname?

4 A Hustle Man.

5 Q Hustle Man, thank you.

6 Do you see the defendant, Javeris Tremane
7 Williams, also known as Hustle Man, in the courtroom?

8 A Yes, ma'am.

9 Q All right. And where is he seated?

10 A Over there.

11 Q All right.

12 A In the blue shirt.

13 Q Thank you.

14 MS. CAMPBELL: He's identified the
15 defendant, Your Honor.

16 THE COURT: All right.

17 BY MS. CAMPBELL:

18 Q I'm going to take you back, Mr. Smith, to
19 September 29, 2018. I want to talk to you about a
20 yard party that you went to. All right?

21 A Uh-huh.

22 Q Tell me where you were before the yard party?

23 A At a hotel room.

24 Q All right. And who was there?

25 A Me, **Samquan F.**, Precious, and my brother,

1 Daeshon.

2 Q So you, Samquan F. -- is that Samquan F.

3 [REDACTED]?

4 A Yes.

5 Q Precious, who is Precious?

6 A Samquan F.'s sister.

7 Q His sister, all right.

8 And who was the other individual?

9 A My brother.

10 Q Your brother. And his name?

11 A Daeshon.

12 Q Daeshon. So you and Samquan F. and Precious and
13 Daeshon are at a hotel. Do you go from there to the
14 yard party?

15 A Yes, ma'am.

16 Q How do you know Samquan F. and Precious?

17 A I grew up with them.

18 Q You grew up with them, all right.

19 And growing up with them, is there a name of
20 a town or a community where that would have been?

21 A Estill.

22 Q In Estill, okay.

23 All right. When you got to the yard party,
24 did you see or come in contact with the defendant at
25 the yard party?

Testimony of Daevon Smith

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1 A Yes, ma'am.

2 Q All right. I want to talk a little bit about what
3 was going on at the yard party. So were any of the
4 fellows playing dice?

5 A Yes, ma'am.

6 Q All right. And was **Samquan F.** playing
7 dice?

8 A Yes, ma'am.

9 Q And did you see **Samquan F.** win some
10 money that night?

11 A Yes, ma'am.

12 Q Any idea about how much he won?

13 A About 1500.

14 Q All right. Did you stay all night at the yard
15 party or did you go somewhere else?

16 A I left.

17 Q You left. Where did you go when you left?

18 A Club Karma.

19 Q Club Karma, all right.

20 And when you left the yard party to go to
21 Club Karma, were you riding with anybody or were you
22 driving?

23 A I rode with -- me and Reggie and Hustle.

24 Q You, Reggie, Hustle, okay.

25 Who was driving, originally, when you left?

1 A Hustle.

2 Q Hustle, okay.

3 And where were you seated in the car?

4 A Front seat.

5 Q Reggie is in the back?

6 A Originally.

7 Q I'm going to ask you to identify 17, 18, 19.
8 They've already been admitted into evidence and
9 published previously for the jury, but I just want to
10 make sure we got our identifications correct.

11 MS. CAMPBELL: If you could pull up 17,
12 and I'm showing it to him here as well.

13 BY MS. CAMPBELL:

14 Q All right. That's State's Exhibit 17, and can you
15 tell who that is?

16 A Reggie.

17 Q Reggie, all right.

18 MS. CAMPBELL: How about pull up for him
19 State's 18.

20 BY MS. CAMPBELL:

21 Q Who is that?

22 A Hustle.

23 Q And State's 19, who am I looking at?

24 A Me.

25 Q That's you.

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1 A Yeah.

2 Q Thank you.

3 All right. So the three of you go to -- or
4 head out Club Karma. Do you -- does Hustle Man --
5 does he -- Hustle, is he always driving the car or
6 does Reggie drive at some point?

7 A No, he drove.

8 Q Do you remember stopping at the sand pits? Do you
9 have any memory of that?

10 A Sand pits? What's that?

11 Q For Reggie to start driving?

12 A No, ma'am.

13 Q It's okay if you don't remember.

14 Do you remember stopping at the Pilot gas
15 station on the way?

16 A No, ma'am.

17 Q That's fine.

18 All right. So at Club Karma, did you see
19 **Samquan F.** at Club Karma?

20 A Yes, ma'am.

21 Q All right. And was he drinking?

22 A Yes, ma'am.

23 Q All right. And, at some point, did **Samquan F.** go
24 outside or leave Club Karma, do you know?

25 A Yes, ma'am.

1 Q Do you know where he went? Did you see where he
2 went?

3 A I didn't see where he went.

4 Q You didn't see?

5 A I didn't see where he went, but he went to
6 the car.

7 Q Okay. So you didn't see where he went, but you
8 think he went to the car. Do you know what car he
9 went to?

10 A Hustle's car.

11 Q Hustle's car, all right.

12 So when it came time to leave Club Karma were
13 they still open or closing?

14 A It was about 20 minutes before closing.

15 Q All right. And when you left Club Karma, did you
16 leave in the same car you came in?

17 A Yes, ma'am.

18 Q All right. And who was driving?

19 A Hustle.

20 Q All right. And where were you?

21 A Front seat.

22 Q In the front seat.

23 Who was in the back seat?

24 A Henry and Samquan F.

25 Q Henry?

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1 Okay. I'm going to show you --

2 MS. CAMPBELL: If we could pull up
3 State's Exhibit 20 for him.

4 BY MS. CAMPBELL:

5 Q It's already been admitted and I'm just going to
6 ask you if you can identify who is the person sitting
7 on the left in this particular photograph?

8 A [REDACTED] Samquan F.

9 Q [REDACTED] Samquan F. And who is next to him?

10 A Henry.

11 Q Henry, thank you.

12 All right. On the way home from Club Karma,
13 were you able to stay awake or did you fall asleep?
14 Tell the jury a little bit about that ride home.

15 A I was about 15 minutes into the ride and I
16 fell asleep.

17 MS. CAMPBELL: And let's play State's
18 Exhibit 16, please.

19 BY MS. CAMPBELL:

20 Q I'm going to show you what has been admitted as
21 State's Exhibit 16. I'm going to ask you to watch
22 this and I'm going to ask you a couple questions about
23 it. All right?

24 (Video played.)

25 MS. CAMPBELL. So let's stop right

1 there.

2 BY MS. CAMPBELL:

3 Q All right. So I think I hear you telling me that
4 those are the people who were riding home from Club
5 Karma; is that right?

6 A Yes, ma'am.

7 Q And this video that we're looking at is being
8 recorded on the ride home?

9 A Yes, ma'am.

10 Q All right.

11 MS. CAMPBELL: And keep going, Matt.

12 (Video played.)

13 MS. CAMPBELL: And stop. Or back up just
14 a little bit there.

15 BY MS. CAMPBELL:

16 Q So it appears that Samquan F. is sleeping in the back
17 seat. Is that your recollection of what was happening
18 with him?

19 A Yes, ma'am.

20 MS. CAMPBELL: You can take it down.

21 BY MS. CAMPBELL:

22 Q All right. Did you-all go anywhere? After you
23 left Club Karma, where did you next go?

24 A I don't remember. I wasn't up.

25 Q You don't remember. Did you fall asleep?

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1 A Yes, ma'am.

2 Q Okay. If you don't remember exactly where you
3 went after that, tell the jury what you do remember in
4 terms of waking up, I guess. And I'm going to need
5 you to come in close to that microphone.

6 A I woke up to a gunshot.

7 Q Yes.

8 A When I woke up, **Samquan F.** and Hustle was
9 tussling over the gun. I asked them what was
10 going on. He was like, *Nah, he went like that.*
11 *He went like this (indicating).* I was just trying
12 to stop him, like, *You can't do this. You can't*
13 *do this to him.* And then I heard another gunshot,
14 and **Samquan F.** fell. That's when I knew he was
15 shot.

16 Q And did you try to get out of the car?

17 A Yeah, I stand up right there -- stood right
18 there in the doorway. I was talking to him. I
19 was like, *Bro, what's you doing? Why you do that?*
20 He was like, *He should have went there. He should*
21 *have went in my bag.*

22 After that, he pulled up on me, put the gun
23 on me, and told me, *Stop acting like an idiot. Get in*
24 *the car before I leave you out here.*

25 Q Okay. I'm going to go back over that with you a

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1 little bit because I know it's difficult and you are
2 soft spoken about it. So it sounds to me like you
3 told the jury that you woke up to a gunshot.

4 A Yes, ma'am.

5 Q And that there was some sort of situation going on
6 between the defendant and the victim, Samquan F.

7 A Yes, ma'am.

8 Q And that you tried to get out and find out what's
9 going on.

10 A Yes, ma'am.

11 Q And you were told get back in the car.

12 A Yes, ma'am.

13 Q Or else I would get the same thing?

14 A Yes, ma'am.

15 Q When you got back in the car, did Samquan F. get back
16 in the car?

17 A Yes, ma'am.

18 Q And did Hustle Man get back in the car?

19 A Yes, ma'am.

20 Q As you're driving off from that place that you
21 were stopped was Samquan F. in the car?

22 A No, ma'am.

23 Q No? Okay.

24 And the place that you stopped where you woke
25 up and heard a gunshot going off, did you recognize

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1 that or have any idea where you were?

2 A No, ma'am.

3 Q All right. Was it daylight, dark? Was the sun
4 just coming up? Do you have any notion of the time of
5 morning that we might be talking about?

6 A No. It was daylight, though.

7 Q It was daylight, okay.

8 All right. And when you're awake -- and I
9 would assume very awake. Gunshots have gone off.
10 **Samquan F.** is not in the car. Most people, you know, have
11 their phone on them. What's going on with your phone?

12 MR. JOHNSON: Your Honor?

13 THE COURT: Your objection?

14 MR. JOHNSON: She's doing a narrative.
15 She's testifying.

16 THE COURT: Okay.

17 MS. CAMPBELL: I'm sorry.

18 THE COURT: Don't lead him. Let's go
19 ahead and ask a question.

20 BY MS. CAMPBELL:

21 Q Did you have your phone with you that night?

22 A Yes, ma'am.

23 Q Okay. Was your phone in the car with you?

24 A Yes, ma'am.

25 Q All right. When you woke up, where was your

1 phone?

2 A I didn't have it.

3 Q You didn't have it. Where were you able to find
4 your phone?

5 A Hustle gave it back to me.

6 Q He gave it back to you. When he gave it back to
7 you, was it on or off?

8 A Off.

9 Q It was cut off, okay.

10 After this happened, where did you go?

11 A To his house.

12 Q To whose house?

13 A Hustle's.

14 Q To Hustle's house. Is this a house you may have
15 been to before?

16 A Yes, ma'am.

17 Q Okay. On the way to his house, was there anything
18 that caught your attention or that you would like to
19 talk to the jury about and explain to them about
20 anything that was strange with Hustle Man in terms of
21 clothing or anything that he had on his body?

22 A He had on gloves.

23 Q He had on gloves?

24 A Yes.

25 Q Okay. When you got back to his house, what

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1 happened?

2 A He took my clothes, gave me some shorts and a
3 t-shirt.

4 Q And where did he put your clothes and -- where did
5 he put them?

6 A In a bag.

7 Q All right. And then do you know where he went?

8 A He left.

9 Q He left?

10 A Walking.

11 Q Walking, all right. Well, how long was he gone?

12 A About ten minutes.

13 Q All right. And when he came back?

14 A He came back and got a dust pan and a
15 broom.

16 Q Okay. And did you stay there? Did you eventually
17 go home?

18 A Well, I stayed for a little while to try to
19 charge my phone.

20 Q To charge your phone, okay.

21 All right. Now, once, I guess, you got back
22 to Estill, did you get word or understand that Samquan F.
23 had died?

24 A Yes, ma'am.

25 Q Were there people that came to talk to you about

1 this?

2 A Yes, ma'am.

3 Q And you don't have to tell me what they said to
4 you. We're not going to do that. But were they
5 members of **Samquan F.'s** family?

6 A Yes, ma'am.

7 Q Okay. And these are kids and that you grew up
8 with in Estill?

9 MR. JOHNSON: Your Honor, once again,
10 she's testifying.

11 MS. CAMPBELL: I'm sorry. I'm sorry,
12 Your Honor. I'll stop.

13 THE COURT: Thank you.

14 BY MS. CAMPBELL:

15 Q And these people that came to talk to you, how did
16 you know them?

17 A I grew up with them.

18 Q You grew up with them, all right.

19 Did you eventually, in the next day or two,
20 go to talk to Detective Rodgers?

21 A Yes, ma'am.

22 Q All right. Were there other detectives there, do
23 you remember, when you talked with them?

24 A Miss Bailey.

25 Q Miss Bailey?

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1 A Yeah.

2 Q Okay. And any idea how long you talked to them?

3 A A couple hours.

4 Q A couple hours? About two hours?

5 A About two hours.

6 Q All right. Now, Mr. Smith, I am going to ask you
7 if originally when you talked with them if you gave
8 them all truthful information.

9 A Not when I first talked to them.

10 Q Not at first?

11 A No.

12 Q Did you eventually?

13 A Yes, ma'am.

14 Q Did you make a written statement?

15 A Yes, ma'am.

16 Q Do you remember having to cross out one statement
17 and then rewrite it?

18 A Yes, ma'am.

19 Q All right. And do you remember the, I guess, end
20 of the interview? Were you arrested or charged with
21 anything?

22 A No, ma'am.

23 MS. CAMPBELL: Just one second, Your
24 Honor. That's all I have for now.

25 THE COURT: Okay.

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1 MR. JOHNSON: Thank you, Your Honor. May
2 it please the Court?

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. JOHNSON:

6 Q Good afternoon, Daevon. How are you doing?

7 A Hi.

8 Q Daevon, when you first met with the police about
9 this matter, you told the police you didn't know
10 anything about this, correct? That you were asleep.

11 A Yes, sir.

12 Q You told them that you were passed out from
13 hanging out that night and you didn't know anything,
14 correct?

15 A Yes, sir.

16 Q Then you met with the police. And this is a copy
17 of the transcript of their interview with you. It's
18 97 pages. How long was you in there with the
19 police?

20 A A couple hours.

21 Q A couple hours. For you to say what you just said
22 in, what, three minutes?

23 A (No response.)

24 Q Now, in this 97 pages of them -- they were
25 questioning you and telling you what they wanted from

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1 you, right?

2 A No, sir.

3 Q Now, I got a copy of the transcript. You told
4 them you didn't know what was going on, correct?

5 A Yes, sir.

6 Q And then the officers -- remember, I got the
7 transcript.

8 A Uh-huh.

9 Q It was three officers in there with you, right,
10 initially?

11 A Yes, sir.

12 Q Okay. There was a Bridges -- I'm sorry. I'm
13 reading the wrong thing. One second. I want to get
14 the officer's name right.

15 There was Detective Rodgers, Detective
16 Bradley, and Detective Edwards in the room with you,
17 correct?

18 A Yes, sir.

19 Q And they told you to tell the truth, right?

20 A Yes, sir.

21 Q And your first statement to them and telling the
22 truth was, *I don't know what happened*, right?

23 A Yes, sir.

24 Q And they told you that that wasn't sufficient
25 enough, correct?

1 A Yes, sir.

2 Q And then they said -- told you about the crime and
3 that everybody was depending on you to do the right
4 thing, right?

5 A I don't --

6 Q Or what did they just tell you after you told them
7 you didn't know?

8 A That I know something.

9 Q That you know something. They didn't take -- and
10 you were telling the truth when you started, correct?

11 A No, sir.

12 Q You wasn't telling the truth?

13 A No, sir.

14 Q But you did tell them you were afraid?

15 A Yes, sir.

16 Q And they kept asking you was you afraid of Hustle.
17 But you told them you wasn't afraid of Hustle. You
18 say, "worse," do you remember saying that?

19 A No, sir.

20 Q All right. Hold on a minute. I got it written
21 down in the page here. One second.

22 MR. JOHNSON: Excuse me, Your Honor.

23 Your Honor, may I approach the witness?

24 THE COURT: You may.

25 BY MR. JOHNSON:

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1 Q I have a copy of the transcript. How about, take
2 a look and read and see --

3 MS. CAMPBELL: Your Honor, could we
4 --could defense counsel --

5 MR. JOHNSON: Page 21.

6 MS. CAMPBELL: Thank you.

7 THE COURT: Thank you.

8 MR. JOHNSON: Page 21, line 1 through 7.

9 MS. CAMPBELL: Thank you.

10 BY MR. JOHNSON:

11 Q Would you please take a look at that. Does it
12 refresh your memory on that?

13 A (No response.)

14 Q Okay. So Detective Bailey said, "Did someone
15 threaten you," and you shook your head "yes," right?

16 A Yes, sir.

17 Q And she said, "Hustle," right?

18 A Yes, sir.

19 Q And you said, "worse"?

20 A Yes, sir.

21 Q So you meant somebody else was threatening you?

22 A Yes.

23 Q Who was it that threatened you? Was it the family
24 of the victim?

25 A Yes, sir.

1 Q Was it Precious?

2 A Yes, sir.

3 Q So you were threatened by the family. You said
4 somebody worse than Hustle. So the person that's
5 supposedly killed your friend, it was somebody you
6 were scared of worse than him, right?

7 A Yes, sir.

8 Q And you still afraid of them, aren't you?

9 A Yes, sir.

10 Q And that's why you sitting in here saying what
11 you're saying, isn't it?

12 A No, sir.

13 Q Oh, you're not afraid anymore?

14 A I dealt with it long enough.

15 Q You dealt with it long enough.

16 And they took two more hours of questioning
17 you, three people, 97 pages for you to write this one
18 page, correct?

19 A Yes, sir.

20 Q And when you first wrote it, one page, you crossed
21 it out, right?

22 A Yes, sir.

23 Q And that's because they told you that wasn't
24 correct enough, correct? They wanted you to rewrite
25 it, right?

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1 A Yes, sir.

2 Q So you rewrote it the way they want you to rewrite
3 it, correct?

4 A No, sir, I rewrote it.

5 Q Huh?

6 A I rewrote it.

7 Q You rewrote it right because they told you, the
8 first one you'd written, you know, they wasn't
9 satisfied with it, correct?

10 A No, sir.

11 Q You also told them that -- and I'm going to find
12 the correct page. On page 15 of the transcript, line
13 16 through 17.

14 MR. JOHNSON: Your Honor, may I approach
15 the witness again?

16 THE COURT: You may.

17 BY MR. JOHNSON:

18 Q I'm sorry. Let's go back to line 14 through 17.
19 Would you please take a look at that page? Do you see
20 it? The highlighted part, do you remember telling
21 them that? So I'm going to read this to you:
22 Detective Edwards asked you this. It says, "Yeah,
23 okay, all right. So tell me how would," -- I need to
24 go back. Keep this in context.

25 The detective asked you on line 12.

1 MS. CAMPBELL: Yes, sir.

2 BY MR. JOHNSON:

3 Q "So you-all left at closing time." You responded,
4 "Yeah, around closing time." Do you remember saying
5 that?

6 A Yes, sir.

7 Q And then she said, "Yeah, okay. All right. So
8 tell me how he wound up with you-all." You said,
9 "See, well, he was there about -- because he was in
10 the damn bathroom throwing up." That's what you said
11 about **Samquan F.**, correct?

12 A Yeah.

13 Q So he was drunk throwing up in the bathroom?

14 A Yes, sir.

15 Q And when he got in the car, he passed out.

16 A Yes, sir.

17 MS. CAMPBELL: Well, Your Honor, that is
18 not -- if I could object there. That last portion
19 is not in the transcript, so we just need to make
20 it clear what he's reading from the transcript.

21 MR. JOHNSON: Okay, I'm sorry.

22 MS. CAMPBELL: Thank you.

23 THE COURT: Okay.

24 BY MR. JOHNSON:

25 Q But the part about him passing out in the car, you

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1 didn't put that. That's not in the transcript, but
2 that's what happened, right?

3 A Yes, sir.

4 Q Okay. And you were drunk.

5 A Yes, sir.

6 Q And you passed out.

7 A Yes, sir.

8 Q Because -- who was in the back seat behind you?

9 A Samquan F.

10 Q Samquan F.?

11 A Yes.

12 Q Who was in the back seat behind Javeris?

13 A Henry.

14 Q Henry. And you remember Henry being in there, but
15 do you remember when Mr. Jenkins got in there, in the
16 car?

17 A No, sir.

18 Q You don't even remember seeing Mr. Jenkins in the
19 car?

20 A No, sir.

21 Q So earlier Mr. Jenkins testified that you were
22 passed out in the seat and they went to Javeris's
23 house. You don't remember none of that, do you?

24 A No, sir.

25 Q But -- so how can you say that you-all went back

1 to the house? Remember, you say you-all went back to
2 the house?

3 A Yeah.

4 Q All right. So why would it be back to the house
5 if it was the first time you were there?

6 A I said we went to the house. I never said we
7 went back to the house.

8 Q So you're saying when you went back to the house,
9 you don't remember anybody being in the car -- or you
10 don't remember seeing Mr. Jenkins.

11 A No.

12 MR. JOHNSON: One second, Your Honor.
13 Let me check my notes.

14 BY MR. JOHNSON:

15 Q On page 18, line 7, I'm going to read to you out
16 of the -- I'm going to read to you out of the
17 transcript what it says from Detective Edwards. Let
18 me make sure I get the right page.

19 Page 18, line six, you tell them that you was
20 asleep. The detective then asked -- asked you on page
21 19, line 10 and 11, the detective -- starting at line
22 Number 8. The detective says, "Can I bring her in?
23 We need to know what happened." That's when you asked
24 for your mother. Or who was he asking for to come
25 into the room?

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- 1 A The detective?
- 2 Q Yeah, you asked for somebody to come in the room
3 and the detective was telling you, "I can bring her
4 in, but we need no know what happened."
- 5 A Detective Bailey.
- 6 Q It was a detective that you wanted in there?
- 7 A (Witness nods head up and down.)
- 8 Q Okay. And you answered, "I don't know. I don't
9 know. I don't really know what happened." Do you
10 remember telling them that?
- 11 A Yes, sir.
- 12 Q Now, that was all the way up to the 19th page in
13 the interrogation, you was telling them you don't know
14 what happened?
- 15 A Yes, sir.
- 16 Q And then after that, they went through it and said
17 that "Somebody threatened you," and you say, "Yes,"
18 correct?
- 19 A Yes.
- 20 Q And they said "Hustle," you said "worse,"
21 correct?
- 22 A Yes.
- 23 Q And you were referring to the sister of the person
24 that was killed, correct?
- 25 A Yes, sir.

1 Q And that was Precious, right?

2 A Yes, sir.

3 Q And that's who you were more afraid of than
4 anybody in this courtroom, isn't it?

5 A Yes, sir.

6 MR. JOHNSON: I got no more questions for
7 you.

8 THE COURT: Miss Campbell.

9 MS. CAMPBELL: Thank you.

10 REDIRECT EXAMINATION

11 BY MS. CAMPBELL:

12 Q Daevon, you just told us a whole lot about
13 Precious. Precious wasn't in the car with you that
14 night, right?

15 A No, ma'am.

16 Q All right. The person that was in the car with
17 you, who was that? Who was in there driving that
18 car?

19 A Hustle.

20 Q Hustle, all right.

21 And who was the person that had a gun on

22 **Samquan F.**, **Samquan F.**?

23 A Hustle.

24 Q Hustle?

25 A Yes.

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1 Q All right. And who was the person that shot
2 Samquan F. [REDACTED]?

3 A Hustle.

4 Q Hustle. Thank you.

5 MS. CAMPBELL: That's all I have.

6 MR. JOHNSON: Your Honor, just one
7 follow-up.

8 THE COURT: Sure.

9 RECROSS-EXAMINATION

10 BY MR. JOHNSON:

11 Q But you're more scared of Precious than Hustle,
12 right?

13 A Yes, sir.

14 MR. JOHNSON: No questions.

15 THE COURT: Anything further? You may
16 step down, sir.

17 MS. CAMPBELL: Your Honor, if it pleases
18 the Court, we have the forensic pathologist from
19 MUSC who will be here first thing in the morning.

20 THE COURT: Okay. So you want to go
21 ahead and break now for the day?

22 MS. CAMPBELL: Yes, Your Honor.

23 THE COURT: As I told you, ladies and
24 gentlemen, we're going to have an early morning.

25 My understanding is, that will be your last

1 witness, is that correct, tomorrow morning?

2 MS. CAMPBELL: Yes.

3 THE COURT: And the State will rest?

4 MS. CAMPBELL: Yes, Your Honor.

5 THE COURT: So, ladies and gentlemen, I'm
6 going to ask that we start at 9:30 tomorrow
7 morning. Obviously, we had a little bit of a
8 tough time, all of us getting here with all the
9 traffic. So if 9:30 is agreeable -- is that okay
10 everybody? Very good.

11 All right. Do not discuss this case. It
12 wouldn't be appropriate to do so when you go home.
13 Don't do any independent research. Ladies and
14 gentlemen, we'll get things moving tomorrow
15 morning and we'll see you-all tomorrow morning at
16 9:30.

17 MR. JOHNSON: Your Honor, I hate to do
18 this, but I have one thing that I wanted to get in
19 related to what we just covered.

20 THE COURT: Do you need to approach,
21 counsel? Come here. Approach.

22 MR. JOHNSON: I apologize. My mind was
23 running fast. I wanted to get the transcript in.
24 I talked to the solicitor about it already. She
25 has a copy.

1 MS. CAMPBELL: We have a sealed copy. He
2 can make it a Court's exhibit if he wants.

3 MR. JOHNSON: I want to make a Court's
4 exhibit.

5 THE COURT: Why don't just make it a Court's
6 exhibit.

7 MR. JOHNSON: For the jury. Do you want
8 me to do it now?

9 MS. CAMPBELL: Oh, no, no, no. Not to go
10 back to the jury. No. I thought as a Court's
11 exhibit, that's fine, but it's not going back to
12 the jury.

13 MR. JOHNSON: I wanted to make it part of
14 the --

15 MS. CAMPBELL: You can argue that after
16 we release them.

17 THE COURT: You didn't move it in, number
18 1. And I don't even know who did it, so I don't
19 know if it's an official transcript or not.

20 MR. JOHNSON: Well, what I'm saying, I
21 didn't want to miss my chance to make that motion
22 so it could be heard.

23 THE COURT: That's fine. We'll take care
24 of it once the jury goes home. Thank you. All
25 right. I appreciate it.

1 All right. Again, ladies and gentlemen,
2 again, we look forward to seeing you at 9:30 tomorrow
3 night -- tomorrow morning, I apologize. Not tomorrow
4 night. 9:30 tomorrow morning, we'll see you then, and
5 have a good evening. You're excused.

6 (Jury exits the courtroom at 2:08 p.m.)

7 THE COURT: Yes, Mr. Johnson.

8 MR. JOHNSON: Your Honor, after
9 reflecting on it, I'm not going to make that
10 motion.

11 THE COURT: Okay.

12 MR. JOHNSON: I'm not going to make that
13 motion.

14 THE COURT: Anything before tomorrow
15 morning?

16 MS. CAMPBELL: Not from the State.

17 THE COURT: Right now, you just
18 anticipate Dr. Batalis and then resting; is that
19 correct?

20 MS. CAMPBELL: That's correct.

21 THE COURT: Okay. Well, then I think
22 everyone needs to be prepared to argue and charge
23 tomorrow.

24 MS. CAMPBELL: Yes, ma'am.

25 THE COURT: If the defense, if they put

1 up a case, it goes quickly. All right? So I just
2 want to make sure we're all on the same page.

3 Okay?

4 As far as I'm seeing in this case, it's
5 straight charge on murder, armed robbery, and
6 possession of a weapon during the commission of a
7 violent crime.

8 MS. CAMPBELL: That's correct. I believe
9 there is a charge that you would give to the jury
10 on dying declaration. That's the only specific
11 charge that the State would ask for.

12 THE COURT: Okay. Do you want to forward
13 it to me?

14 MS. CAMPBELL: We will. Absolutely.
15 We'll copy defense counsel as well.

16 THE COURT: Okay.

17 MR. JOHNSON: Your Honor, I think I would
18 be amenable to request that a mere presence charge
19 be included.

20 THE COURT: Okay, I can understand that.
21 Anything else?

22 MR. JOHNSON: I suspect I may have a
23 motion about the armed robbery charge. I don't
24 know if the State has met their threshold on the
25 armed robbery charge.

1 THE COURT: You make a direct verdict
2 motion they rest their case.

3 MR. JOHNSON: Okay.

4 THE COURT: But I don't see there being
5 any lesser included of a strong-armed robbery
6 because clearly whoever shot him, he was shot. So
7 your client either did it or he didn't do it. Not
8 that it was a strong-arm.

9 MR. JOHNSON: I would ask you to consider
10 voluntarily because there was some testimony about
11 there being a struggle.

12 THE COURT: Okay. I'll have to think
13 about that one, but I really don't see evidence as
14 to -- let me think about that overnight. Okay?
15 That was specifically Mr. Smith's testimony that
16 we just heard about him saying that, as far as the
17 struggle is concerned? It's based on Mr. Smith's
18 testimony?

19 MR. JOHNSON: That's correct. When he
20 said he woke up and they were struggling.

21 THE COURT: Is that exactly what he said?
22 What do you remember specifically as? Because I
23 thought he just said he heard a gunshot. I heard
24 his testimony being he heard a gunshot.

25 MR. JOHNSON: I can't remember, Your

1 Honor.

2 MS. CAMPBELL: I think, if we're looking
3 for the word "struggle," or something like that,
4 we'll have to consult with the court reporter for
5 the record. I don't recall it.

6 MR. JOHNSON: I don't either. I think I
7 remember -- I know I saw it in his actual
8 statement.

9 THE COURT: Okay.

10 MR. JOHNSON: But whether he said it or
11 not, Your Honor, I don't know.

12 THE COURT: That isn't in evidence, so I
13 need to know.

14 Sharon, can you back that up for me and
15 let me listen to it?

16 THE COURT REPORTER: Yes.

17 THE COURT: I appreciate that.

18 THE COURT REPORTER: Right now?

19 THE COURT: If you have some time, that
20 would be great.

21 (Court reporter reads back requested
22 testimony followed by playback.)

23 THE COURT: So, Miss Campbell, you're the
24 one that said there's some kind of situation going
25 on between the defendant and Samquan F., and I think

1 that's probably enough to charge them voluntarily
2 manslaughter, because he agreed with you.

3 So, again, in addition to the original
4 portion that she just played where it sounded
5 like -- there was a potential that there could
6 have been some type of -- the word "struggle" was
7 not used, but I do think that this jury could
8 determine there was a struggle, and potentially
9 could be voluntary manslaughter, so I will charge
10 that as a lesser included to murder.

11 MR. JOHNSON: Thank you, Your Honor.

12 THE COURT: So tomorrow morning.

13 Anything else we can think of? Okay.

14 All right. So I told the jury 9:30. So
15 let's just all be here a little bit before then
16 tomorrow. We'll see you then. Thank you.

17 Sharon, I appreciate that.

18 (The trial was adjourned.)

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CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions for Jasper County, South Carolina.

I do further certify that I am neither kin, counsel, nor interest to any party hereto.

February 8, 2025



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

Testimony of Ethan Rodgers

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF JASPER

4 State of South Carolina,

5 vs. Transcript of Record
6 2018-GS-27-00755
7 2018-GS-27-00756
8 2018-GS-27-00757

9 Javeris T. Williams,
10 Defendant.

11 August 14, 2024
12 Ridgeland, South Carolina
13 Volume III of III

14 B E F O R E:

15 The HONORABLE CARMEN T. MULLEN

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

17 Trasi Campbell, Solicitor

18 Charlie Johnson, Representing the defendant

19

20

21

22 SHARON G. HARDOON, CSR
23 Official Circuit Court Reporter, III

24

25

Testimony of Ethan Rodgers

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17

E X H I B I T S

18

STATE EXH. 29, Photo; Gunshot Wound to
Chest

19

STATE EXH. 29, Photo; Gunshot Wound to
Chest

20

STATE EXH. 42, Clip of Jail Call;
Colleton, 8/12/24

21

STATE EXH. 42, Clip of Jail Call;
Colleton, 8/12/24

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1 THE BAILIFF: All rise.

2 THE COURT: Please be seated.

3 I understand there may be an issue we
4 need to take up this morning before we begin with
5 the jury.

6 MS. CAMPBELL: Thank you, Your Honor. I
7 emailed the Court and defense attorney this
8 morning. Last night I was provided a summary of
9 the defendant's jail phone calls. And within that
10 summary there was a phone call that the defendant
11 made on Monday night after the first day of trial
12 testimony. I provided the Court the clip within
13 that jail phone call where he is talking about the
14 facts in this case. The location of parties in
15 this case. He's talking about a time of 7:30 not
16 being right, and that he is asking about and
17 there's talk about Reg who testified yesterday,
18 Reginald Jenkins, and Reginald getting in touch
19 with the man that Mr. Williams, the defendant, was
20 talking to. And the defendant says, and you, I'm
21 sure, listened to it to the effect that, *Those MFs*
22 *need to go in there tomorrow and bust those MFs*
23 *heads. And, essentially, Get it right, get it*
24 *straight. You know, Not 7:30.*

25 And so I went back and I looked at the

1 testimony, and, again, there was no testimony
2 about 7:30 being an approximate time of when the
3 victim was killed from those witnesses that
4 testified yesterday.

5 However, and I confirmed with the court
6 reporter who printed it out and is emailing it to me,
7 in my opening, I set up a time line, and that time
8 line began with my assertion that around 7:30 in the
9 morning was when the killing occurred. And so he's
10 clearly talking about evidence in the case. The
11 facts, the State's time line, and what the witnesses
12 need to do when they get in there tomorrow. And that
13 sounds a little bit like collusion and manipulation of
14 State witness testimony.

15 Thank you, Your Honor.

16 THE COURT: Yes.

17 MR. JOHNSON: Your Honor, it's very
18 simple: 7:30 came from the prosecution's opening
19 statement. Her statement is not evidence. My
20 client -- I'm sure you heard the tape. He did use
21 some cuss words, but there's one word in there
22 that she left out. He said that, *They need to*
23 *tell the truth*. That's not coercion. That's all
24 he said. He didn't threaten anybody. He didn't
25 say anything. And it's our position it is

1 irrelevant. How is that relevant to anything that
2 went on in this case? And it is our position the
3 State have to show relevance to that. Other than
4 that, it's extremely prejudicial and accumulative.
5 It's just he said something on the phone. They
6 still have to show relevance. And he says nothing
7 threatening to anybody.

8 THE COURT: All right. Miss Campbell,
9 what about relevance?

10 MS. CAMPBELL: Just briefly, Your Honor.
11 The *State v. White* case that I provided to the
12 Court and to the defense, we would rely on that.
13 I think the State has shown the relevance and the
14 probative value of the exhibit and a 403 further
15 analysis that it is probative, the probative value
16 is substantially outweighed by the danger of
17 unfair prejudice. He is talking about the time
18 line and when things happen and where people were
19 and what was going on, and that is an admission by
20 a party opponent.

21 Thank you.

22 THE COURT: Okay. I'm going to go ahead
23 and allow it. I think definitely under *State v.*
24 *Martin* and *State v. White*, I do agree that it's an
25 admission by a party opponent. Obviously, it

1 concerns about when this killing occurred.

2 So, Mr. Johnson, if there are portions of
3 it that you want played -- you just said the one
4 thing that was left out was, *They need to tell the*
5 *truth*. If you want the whole thing played,
6 certainly you are welcome to do that, or just
7 whatever portion.

8 What I heard -- and that was just a small
9 portion that you intend on playing. Is that correct,
10 Miss Campbell?

11 MS. CAMPBELL: Your Honor, I'll be happy
12 for us to pull it up right now, if you like, or
13 not?

14 THE COURT: It's fine. I just saw what
15 you did.

16 MS. CAMPBELL: The word "truth" is in
17 that clip.

18 THE COURT: It is in that clip?

19 MS. CAMPBELL: It is in that clip, yes,
20 ma'am.

21 THE COURT: Do you want to pull it up
22 just so we know what she's going to play right
23 now?

24 MR. JOHNSON: Yes.

25 THE COURT: Let's go ahead and do that,

1 okay, what you intend on playing. And then if
2 Mr. Johnson wants the full thing or more, I
3 understand that.

4 (Jail call clip played.)

5 MR. JOHNSON: I'm good with it, Your
6 Honor.

7 THE COURT: Okay. You don't want more
8 than that, so I'm going to allow it.

9 We're ready to go this morning?

10 MS. CAMPBELL: Yes, we are, Your Honor.
11 I am checking to see if the individual from which
12 I would authenticate it and introduce it is here
13 yet.

14 THE COURT: Okay.

15 MS. CAMPBELL: We can certainly go
16 forward and handle Dr. Batalis.

17 THE COURT: First, okay.

18 MS. CAMPBELL: While we wait on that
19 individual to arrive.

20 THE COURT: That's fine. That sounds
21 good.

22 MS. CAMPBELL: Thank you.

23 THE COURT: Are we ready to bring the
24 jury in?

25 MS. CAMPBELL: We are.

1 THE COURT: Dr. Batalis is here?

2 MS. CAMPBELL: He is here.

3 THE COURT: Ready to go, Mr. Johnson?

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Testimony of Nicholas Batalis, M.D.

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1 MR. JOHNSON: We are, Your Honor.

2 THE COURT: All right. Let's bring the
3 jury in.

4 (Jury enters the courtroom at 9:46 a.m.)

5 THE COURT: Good morning, ladies and
6 gentlemen. It is a pleasure to see you-all.
7 We're going to go ahead and continue this morning
8 with the State's case.

9 If you'll call your first witness for this
10 morning, Miss Campbell.

11 MS. CAMPBELL: Thank you, Your Honor.

12 Th estate calls Dr. Nicholas Batalis.

13 THE CLERK: Place your left hand on the
14 Bible. Raise your right hand. The testimony
15 you're about to give the Court will be the truth
16 so help you God?

17 THE WITNESS: Yes.

18 THE CLERK: Come right around. You can
19 adjust your chair and your mic.

20 WHEREUPON:

21 NICHOLAS BATALIS, M.D.,

22 after having been sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. CAMPBELL:

25 Q Good morning, Doctor.

Testimony of Nicholas Batalis, M.D. 375

1 A Good morning.

2 Q Please state your name and spell it for our court
3 reporter.

4 A My name is Dr. Nicholas Ike Batalis,
5 B-a-t-a-l-i-s.

6 Q Dr. Batalis, where were you currently employed?

7 A I'm employed at the Medical University of
8 South Carolina up in Charleston.

9 Q And as being employed there, what do you do
10 there?

11 A Sure. My official title, I'm a professor.
12 I'm in the department of pathology and laboratory
13 medicine, with my primary duties being as a
14 forensic pathologist.

15 Q And what sort of education and background do you
16 have that qualifies you to serve as a forensic
17 pathologist?

18 A Sure. So after graduating college from
19 Butler University in Indianapolis, Indiana, I then
20 went on to complete medical school at the Indiana
21 School of Medicine also in Indianapolis.

22 After completing medical school, I moved to
23 Charleston to MUSC for a four-year residency program,
24 training program in general pathology.

25 At the end of those four years, I passed a

1 national examination to become board certified in
2 general pathology.

3 Following that, I then went on to a one-year
4 fellowship or subspecialty training specifically in
5 forensic pathology at the Dallas County Medical
6 Examiner's Office in Dallas, Texas.

7 Again, at the end of that year, I passed a
8 new examination to become board-nationally certified
9 in forensic pathology.

10 At that point, I then returned to Charleston
11 and took my current position.

12 Q Thank you, Dr. Batalis.

13 MR. JOHNSON: Your Honor?

14 THE COURT: Yes, sir.

15 MR. JOHNSON: We would stipulate that
16 he's an expert in pathology.

17 THE COURT: Okay.

18 MS. CAMPBELL: Thank you, Your Honor.

19 The State would submit Dr. Batalis as an
20 expert in the field of forensic pathology.

21 THE COURT: Ladies and gentlemen, in this
22 case, Dr. Batalis is being qualified as an expert
23 in the area of forensic pathology. That allows
24 him to give his opinion and the reason for his
25 opinion. And that's for you to use as you see

Testimony of Nicholas Batalis, M.D. 377
1 appropriate and as compared to other evidence in
2 the case.

3 MS. CAMPBELL: Thank you.

4 BY MS. CAMPBELL:

5 Q Dr. Batalis, I'll direct your attention to a
6 forensic autopsy that you performed at the medical
7 university, forensic autopsy 18-797. Are you familiar
8 with that forensic autopsy?

9 A Yes, ma'am.

10 Q All right. Can you tell me the date and time that
11 you conducted that autopsy?

12 A Yes, I performed this autopsy on October 1st,
13 2018, at 8:30 a.m.

14 Q Could you tell me the name of the patient that you
15 performed the autopsy on?

16 A The decedent's name was Samquan F. [REDACTED].

17 Q All right. And the age or date of birth of the
18 decedent?

19 A At the time of the autopsy, the decedent was
20 17 years old. We had the birth date listed as

21 [REDACTED].
22 Q Thank you.

23 I would like to take you through, I guess,
24 it's the first page, and let's talk a little bit about
25 what you would call your diagnosis. So what would be

Testimony of Nicholas Batalis, M.D. 378

1 the diagnosis that you could explain to the jury about
2 this decedent, Samquan F. ?

3 A So the major finding in this case, you know,
4 really the main finding and the cause of death in
5 this case was a single perforating gunshot wound
6 at the chest.

7 Q All right. And let's talk about that gunshot
8 wound to the chest. Was that gunshot wound -- if you
9 could describe how that entered Samquan F.'s body and did
10 it exit his body.

11 A Yes. So the gunshot entered the right side
12 of the chest, so, kind of, outside on the --
13 outside of where the right nipple would be. After
14 going through the chest wall on the right side, it
15 went through the chest wall, perforated through
16 the right lung, and then went through the back
17 through one of the ribs on the right side of his
18 back.

19 So, again, traveling from his front to back,
20 a little bit from his right to left, and a little bit
21 downward -- may I stand up?

22 THE COURT: You may, sir.

23 THE WITNESS: Essentially, traveling
24 approximately like this (indicating), would be the
25 pathway that it traveled through the body.

Testimony of Nicholas Batalis, M.D. 379
1 And, again, it did perforate. The bullet

2 exited. And the major injury, again, was it
3 perforated through the lung, which led to
4 extensive bleeding. We collected almost a liter
5 of blood around the right lung.

6 (STATE EXH. 29, Photo; Gunshot Wound to
7 Chest, was marked for identification.)

8 BY MS. CAMPBELL:

9 Q All right. I want to explore a couple of those
10 things a little bit more with you now. I'm going to
11 show you what's been marked as State's Exhibit 29 and
12 I'll ask you if you could take a look at that and tell
13 me if you can identify State's Exhibit 29.

14 A Yes, I can.

15 Q And what is depicted in State's Exhibit 29.

16 A Exhibit 29 is a photograph I took showing the
17 gunshot entrance wound.

18 Q All right. And that's a fair and accurate
19 depiction of **Samquan F.'s** gunshot wound to his chest, the
20 front of his body?

21 A Yes. The front side, I guess.

22 MS. CAMPBELL: Your Honor, the State
23 would seek to introduce State's 29 and publish to
24 the jury.

25 MR. JOHNSON: No objection.

Testimony of Nicholas Batalis, M.D.

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1 THE COURT: Without objection.

2 (STATE EXH. 29, Photo; Gunshot Wound to
3 Chest, was entered into evidence.)

4 MS. CAMPBELL: Thank you. If we could
5 just pull that up.

6 BY MS. CAMPBELL:

7 Q So I note the forensic autopsy 797 there. I want
8 to talk a little bit about this entrance wound to
9 **Samquan F.** Tell the jury what you see and what this
10 injury to him, this gunshot wound, what does that tell
11 you about it?

12 A So, again, the circular wound there is right
13 there above the tag. So we know it's an entrance
14 wound because it is, kind of, that perfect circle
15 that the bullet tends to -- the way I can describe
16 it is like a football spiraling, so it kind of
17 drills its way through the skin, kind of, forming
18 that nice circle in contrast to what we typically
19 see with exit wounds. So it's the first thing
20 that tells me that this is a gunshot wound and
21 it's an entrance wound.

22 The other thing that I see is an abundant
23 black material that's surrounding the wound, and even
24 extending partially into it. This is going to be
25 soot. So when a gun is fired, the bullet obviously

Testimony of Nicholas Batalis, M.D. 381

1 comes out but there's more than that that comes out.

2 There's also a cloud of smoke or soot that's from all
3 the gases of the bullet being fired. And there's also
4 unburned and burning flakes of gun powder that will
5 strike the skin.

6 Soot will travel out to six inches to a foot
7 from the barrel of the gun. But if we see that
8 soot -- so we know that we have the soot on the skin
9 around the wound, so we know it's already within a few
10 inches of the body. And then the fact that we can see
11 some of that soot extending into the circular wound
12 tells us it's essential a contact wound that the gun
13 would have been, not necessarily forced into it, but
14 right up against the body.

15 Q All right, thank you.

16 Now, also, as you perform the forensic
17 autopsy, were you able to observe anything on **Samquan F.'s**
18 body that would indicate to you that his body had been
19 moved or dragged anywhere?

20 A The gunshot was the main injury. Other than
21 that, he did have a few abrasions or scrapes. One
22 being on the right elbow. He also had one on his
23 left hip. And then several around the knees. So
24 these are abrasions or scrapes. I can't say
25 exactly what they were from, but, certainly,

1 dragging would be one possibility.

2 Q And how about those defensive wounds? Do you note
3 in the forensic autopsy any defensive wounds?

4 A So, typically, we consider defensive wounds
5 if you had any injuries on the hands or wrists
6 that could be from blocking, or anything like
7 that. I did not have any injuries on the hands,
8 wrists, forearms, that I would classify as
9 defensive wounds.

10 Q Okay. So no injuries to his hands?

11 A No.

12 Q And you talked about the bullet piercing his lung.
13 And I think I heard you talk a little bit about blood
14 at that point. Tell us that little bit more about, I
15 guess, how much blood we might have moving around in
16 our body and how much of that blood then pooled around
17 **Samquan F.'s** lung or chest.

18 A Sure. How much blood we have in our body --
19 he was about a hundred, 120 pounds, so he probably
20 had about four liters of blood roughly, and we had
21 800 milliliters that were around his right lung.
22 So, close to 25 percent of his blood volume had
23 exited his blood vessels where it needed to be to
24 supply his organs and was just pooling around that
25 right lung. Obviously, that's just what we

Testimony of Nicholas Batalis, M.D. 383

1 recovered at the autopsy and would not account for
2 any bleeding that left either the entrance or exit
3 wound.

4 Q And so when our blood stops moving around our body
5 and supplying our organs, the organs are not going to
6 function well, properly. Is that fair?

7 A Correct. The whole point of blood is to
8 deliver oxygen to the organs. And so if we're not
9 delivering that blood, we're not getting oxygen,
10 so all the organs will tend to shut down one by
11 one if they're not getting enough oxygen.

12 Q Otherwise, any observations about Samquan F. in terms
13 of any issues? Was he a healthy kid otherwise?

14 A Yes. The only explainable cause of death in
15 this case is the gunshot wound. Otherwise, again,
16 he was a 17-year-old. His heart was a perfectly
17 normal size. There was no weird artery disease or
18 anything like that. You know, there is no reason
19 for him to be dead other than the gunshot wound.

20 Q And his height?

21 A We measured him at 67 inches in length, so
22 approximately five foot, seven inches.

23 Q And his weight?

24 A One hundred nineteen pounds.

25 Q So, at the conclusion -- well, let me talk to you

Testimony of Nicholas Batalis, M.D. 384

1 about this right quick. I noted that there was a
2 toxicology note that his blood alcohol level was .06.
3 Do you have any assertions about how that might have
4 affected his mental state or is that a toxicology
5 question?

6 MR. JOHNSON: Objection, Your Honor.

7 THE COURT: Basis?

8 MR. JOHNSON: The doctor is certified as
9 a forensic -- he is not certified to be able to
10 testify to his mental state. He is not a
11 certified expert in that area. He can testify to
12 his autopsy, but as far as the person's mental
13 state, he --

14 THE COURT: What was your question
15 specifically, Miss Campbell?

16 MS. CAMPBELL: I was asking him, again,
17 because it had been brought in cross-examination
18 of witnesses as to Sam's mental state, if this
19 doctor had any position on the .06 blood alcohol
20 level as to a mental condition.

21 THE COURT: Well, as a doctor, if he can
22 answer that question, he can, but I'm not sure.

23 MS. CAMPBELL: And that's fine. I don't
24 know the answer.

25 THE COURT: As an M.D., he may be able

1 Testimony of Nicholas Batalis, M.D. 385
2 to. I just don't know. And it's up to him to
3 tell us whether or not he can.

4 MS. CAMPBELL: Thank you, Your Honor.

5 MR. JOHNSON: Your Honor, if I may? The
6 question would go to the affect the alcohol would
7 have on his mental ability. That's a question for
8 a neurologist, which the doctor is not.

9 THE COURT: Actually, as an M.D., he can,
10 if he knows and can testify to it, that would
11 allow him to anticipate that question.

12 So, Dr. Batalis, if you answer the question,
13 fine. If you can't, then that's fine too.

14 THE WITNESS: Sure. Could I just ask you
15 to ask me one more time, please?

16 BY MS. CAMPBELL:

17 Q Again, you noted in the autopsy report that you
18 submitted that there was a blood alcohol level of .06.
19 And my question was, did you have anything to tell us
20 or any opinion on the mental state of Samquan F. at the
21 time with a blood alcohol level of .06?

22 A In short, I can't predict exactly how much
23 this would have affected him. You know, .06 is a
24 relatively low amount of alcohol. You know, for
25 reference, to drive, you have to be beneath a .08,
26 so it was a relatively low amount of alcohol.

Testimony of Nicholas Batalis, M.D.

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1 With that being said, I don't know exactly what
2 affect, if any, that would have had on his
3 behavior.

4 Q Thank you, Doctor.

5 MS. CAMPBELL: Your Honor; I'm going to
6 pose the same question about the toxicology with
7 the THC. I would first just ask him to tell us
8 what he found, and, again, what impact that might
9 have had if he knows.

10 THE COURT: Okay, I'll allow it.

11 BY MS. CAMPBELL:

12 Q Can you tell us a little bit about that, doctor?

13 A Sure. In addition -- so when we conduct an
14 autopsy, we collect samples of blood and we send
15 it to a national laboratory. So they look for all
16 sorts of legal and illegal drugs that may be in
17 the body.

18 So, in this case, alcohol was detected, in
19 addition to caffeine, cotinine, which is a nicotine
20 metabolite. And then the last thing that was detected
21 was Delta 9 THC, which is the active drug in
22 marijuana, and then a metabolite of that Delta 9
23 carboxy THC.

24 Again, in this case, the concentrations
25 were relatively low. But, again, it's very tough

Testimony of Nicholas Batalis, M.D.

387

1 to say. What we can say is that he did have the
2 active component compound of marijuana in his
3 system when he died. We know it's a relatively
4 low concentration, but I can't say what affect it
5 would have had, if any, on his behavior.

6 Q Thank you, doctor.

7 So what did you determine then to be the
8 cause of death for Samquan F. [REDACTED]?

9 A So, the cause of death in this case was a
10 gunshot wound to the trunk. And the mechanism, or
11 the more specific reason he would have died would
12 have been from exsanguination or bleeding from the
13 injury to the lung.

14 Q And then the manner of death?

15 A The manner of death in this case would be
16 homicide, as the death was due to the hand of
17 another individual.

18 Q So I think I heard you say that homicide, the
19 definition as used here, is death at the hands of
20 another?

21 A Yes.

22 Q Thank you.

23 MS. CAMPBELL: Thank you for being
24 here.

25 MR. JOHNSON: Thank you, Your Honor. May

1 it please the Court?

2 THE COURT: Yes.

3 CROSS-EXAMINATION

4 BY MR. JOHNSON:

5 Q Good morning, Doctor.

6 A Good morning.

7 Q Just a few questions. Doctor, do you have your
8 report before you?

9 A I do.

10 Q On the first page on case history --

11 A Yes.

12 Q -- will you please read what you wrote down for
13 case history?

14 A Yes. According to the Jasper County deputy
15 coroner, Mr. Todd Harvey, the decedent is a
16 17-year-old male who was found on the side of the
17 road by police on the morning of 9/30/2018 with an
18 apparent gunshot wound to the trunk. The decedent
19 was transported to a local hospital where death
20 was pronounced after resuscitative efforts. It
21 appeared the decedent had been shot at another
22 location and dumped where he was found.

23 Q So it's in your official report that he was shot
24 at a different location than where he was found,
25 correct?

Testimony of Nicholas Batalis, M.D.

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1 A That was what was reported to me initially.

2 Q From the police.

3 A I'm not sure exactly. We perform autopsies
4 for the coroners across the State. So the way it
5 works is, the coroner would call up and say, *We*
6 *have a case we would like you to examine. Here's*
7 *a brief case history*, so they'll provide a
8 history. Oftentimes, officers will attend the
9 autopsy and provide other information.

10 So the majority of that was probably from
11 the coroner. There may have been some information
12 from the police.

13 Q That's fine. But this is based on information and
14 facts that you received that you put in our report,
15 correct?

16 A This was information that was related to me
17 before the autopsy by coroner and/or law
18 enforcement.

19 Q And this being official report, this is your
20 official for a case history, correct?

21 A This is my report, yes.

22 Q Okay. And, in your report, he was apparently shot
23 at a different location from where he was found,
24 correct? That's what you wrote.

25 A That was what was reported to me.

Testimony of Nicholas Batalis, M.D. 390

1 Q Okay. Now let's talk about his blood alcohol.

2 .06, you said was a low amount, correct?

3 A Yes.

4 Q But .08 is enough to be found guilty of a DUI in
5 the state of South Carolina, isn't it?

6 A Yes.

7 Q So, he was .02 away from being legally drunk,
8 correct?

9 A I don't know. Again, I'm not a legal person.
10 As far as legally drunk -- as far as driving, yes.
11 I don't know if there's a legal drunk if you're
12 not driving.

13 Q I'm just asking you a simple question. If .08,
14 which we agree is, in South Carolina, considered you
15 would be legally drunk, correct, according to the
16 law?

17 A I don't know the law, sir. I know that you
18 cannot drive behind that, but I don't know what
19 qualifies as being drunk.

20 Q Well, I'm asking you to give your same opinion you
21 just gave the State based on information about his
22 mental state.

23 I'm just asking you -- okay, hypothetically,
24 let's try that one. If .08 is legally drunk in South
25 Carolina --

Testimony of Nicholas Batalis, M.D. 391

1 A Okay.

2 Q -- in this case, he's at .06, correct?

3 A Correct.

4 Q Mathematically, he is .02 away from being legal
5 drunk in South Carolina, correct?

6 A If .08 is legally drunk, then yes.

7 Q Okay. That's all I wanted.

8 All right. Now, he had THC in him, correct?

9 A Yes.

10 Q What is a high level?

11 A Again, with THC, concentrations, the specific
12 concentration -- unlike alcohol where we have a
13 specific metrics where we know, okay, .08, we
14 know -- THC is not as much of a linear
15 relationship where you get to this level then you
16 see the behavior.

17 But in the grand scheme of things, it was
18 relatively low. The recording limits of the least
19 amount they can detect is five units. About one unit
20 and he had 13 units. I've seen cases up to several
21 hundred.

22 Q I know what you've seen. But you told the jury
23 that that's a low level. I'm just asking you, what do
24 you base that theory on. Just because you've seen
25 people that have more in them than this?

1 A I'm basing it by the barely above the
2 detectable level, and, yes, it's way below many
3 other cases that I've seen.

4 Q That you have seen.

5 A Yes.

6 Q So when you say a low level, and isn't the amount
7 of -- the amount of THC level in the individual, the
8 effect it would have -- would have something to do
9 with the body weight, muscle mass, doesn't all that
10 affect how different levels of THC would affect
11 somebody's mental state?

12 A There's a variety of things. You know, past
13 use, if you have any tolerance built up, your
14 size. There are a multitude of factors that could
15 affect how you might be affected by the drug.

16 Q So that level of THC could affect someone, such as
17 of this individual who is extremely small, differently
18 than it would than somebody that was larger,
19 correct?

20 A It's possible, but he still -- the
21 concentration, the 13 nanograms per milliliter is
22 for his size. And so, essentially, if he had the
23 same amount of marijuana as a 300-pound person,
24 you would expect to see a lower amount in that
25 person.

Testimony of Nicholas Batalis, M.D. 393
1 So, once you get the concentration, that

2 almost, kind of, evens out the weight. It would be
3 more pot for a larger person to get to his level, but
4 once they get to that 13 nanograms, they would
5 essentially be equivalent.

6 Q But in short, you don't know.

7 A I don't know what, sir?

8 Q You don't know how it would affect him. He's not
9 here for you to ask him. You didn't examine him when
10 he was alive. You don't know how it would affect him,
11 do you?

12 A I believe I stated that on direct exam. I
13 didn't know how it would affect him, sir.

14 Q That's all I wanted you to say. You don't know,
15 that's correct?

16 A Correct.

17 Q Okay. So just in summary, on your official
18 report, this individual was killed by a single
19 gunshot, correct?

20 A Yes.

21 Q And it was close because you got this stippling
22 around the wound, which is the black stuff that you
23 reported, correct?

24 A Closer, even contact.

25 Q Would that be consistent with somebody being

1 involved in a fight?

2 A I don't know the situation that was happening
3 when the gun was pulled. I just know the location
4 of the gun was against the body and the direction
5 it was pointed.

6 Q Let's try this again. Hypothetically then, isn't
7 it possible that you could receive this type of wound
8 from being involved in a fight?

9 A Yes, that's one situation in which it could
10 occur.

11 Q Okay. So, just overall, you examine someone that
12 appears to have been shot at one location and left at
13 the location they was found. According to your
14 report, he had drugs and alcohol in his system and he
15 was shot being possibly consistent with someone being
16 in a fight, as it relates to your examination,
17 correct?

18 A I'm trying to think of everything you said
19 there. I believe that to be true. You strung a
20 few things together, but --

21 Q I'm not trying to trick you.

22 A I'm just trying to give an honest answer.
23 You listed a few things there.

24 Q And your honest answer is what?

25 A Could you ask me again?

Testimony of Nicholas Batalis, M.D. 395

1 Q Okay. From your examination, you determined that
2 the individual that you examined was shot at a
3 different location, brought to the location he was
4 found, he had drugs and alcohol in his system,
5 regardless of the liver, the wound -- by examining the
6 wound you determined it was a close shot, which could
7 be, not necessarily will be, but could be consistent
8 with somebody who was involved in a fight?

9 A So I agree with everything except the first
10 point. Nothing about my exam said that he was
11 shot in one place and dumped elsewhere. Again,
12 that was provided as history to me. That wasn't a
13 finding of my autopsy.

14 Q But you wrote it in your autopsy, in your official
15 report, correct?

16 A In a case history I said, "Apparently, it
17 appears the decedent had been shot at another
18 location." I did not state it as fact. It was
19 information related to me. It was not my
20 finding.

21 Q That's fine. But in your official document -- I
22 mean, I can only go by what you tell me, correct?

23 A I don't know what you go by.

24 Q When you do your report and I read it -- I didn't
25 write this in your report, did I?

1 A No.

2 Q You wrote it.

3 A Yes.

4 Q And, in your report, you wrote what I just asked.
5 That in your report you wrote for the case history
6 that "apparently the individual was killed at
7 different location than he was found."

8 A Correct, I did write that in my report.

9 Q That's all I want to know. That's all I want to
10 know. I'm not trying to trick you.

11 MR. JOHNSON: Thank you.

12 MS. CAMPBELL: No further questions.

13 THE COURT: All right. You are excused,
14 Dr. Batalis. Thank you.

15 THE WITNESS: Thank you.

16 MS. CAMPBELL: If it please the Court,
17 Your Honor, the last State's witness just arrived.
18 If I could just have five minutes with that
19 witness.

20 THE COURT: Okay.

21 MS. CAMPBELL: And then we'll be ready to
22 finish up.

23 THE COURT: All right. Ladies and
24 gentlemen of the jury, we're going to take a
25 five-minute break. Do not discuss this case. It

1 Testimony of Nicholas Batalis, M.D. 397
2 wouldn't be appropriate to do so. We'll bring you
3 right back out to finish up the State's case.
4 Thank you.

5 (Jury exits the courtroom at 10:12 a.m.)

6 THE COURT: All right. We'll take five
7 minutes. We'll be at ease. Thank you.

8 (A break was taken from 10:13 a.m. to 10:28 a.m.)

9 THE BAILIFF: All rise.

10 THE COURT: Is the State ready?

11 MS. CAMPBELL: We are ready.

12 THE COURT: Is the defense ready?

13 MR. JOHNSON: We're ready, Your Honor.

14 THE COURT: Bring the jury in.

15 MS. CAMPBELL: Your Honor, may we
16 approach before the jury comes in?

17 Your Honor, so, the State has decided
18 after we play the jail call to recall the lead
19 detective Ethan Rogers since Reggie's testimony
20 yesterday here in court was substantially
21 different from the testimony that he gave him
22 during the course of the investigation;
23 particularly one section that he changed
24 dramatically, which was, originally, he reported
25 that he had gotten to the house, he got in his
 car, was getting ready to leave, he called over to

1 Testimony of Nicholas Batalis, M.D.
the defendant and Smith and the victim, said,
2 *Where you-all going?* And the defendant said,
3 *We're going to his mama's house,* and he left.

4 So he left all three individuals in the
5 car --

6 THE COURT: In the car, right.

7 MS. CAMPBELL: Instead of what he said
8 here yesterday. And then that's the end of the
9 State's case.

10 MR. JOHNSON: Your Honor, I would object
11 to that. The State had their witness on. He
12 testified. He has been released. That was the
13 State's own witness they put up. So they're
14 putting another detective, the same detective
15 that's already testifies, to then impeach their
16 own witness. And once again --

17 THE COURT: Well, it came out that he had
18 given two inconsistent statements originally.
19 Because it came out -- this is talking about
20 Reginald, right?

21 MS. CAMPBELL: That's correct.

22 THE COURT: Yeah, he had originally
23 testified, the first one he gave, he knew nothing
24 about nothing, right? And then it changed. I
25 think she can recall him. I think she can recall

Testimony of Nicholas Batalis, M.D. 399

1 him.

2 MR. JOHNSON: Just for clarification, but
3 is she -- is he then allowed to bring up new
4 evidence that he didn't originally testify to
5 before?

6 MS. CAMPBELL: No, that is up and down.
7 That is zero focused. When I bring him back,
8 that's the only reason I'm putting him back up, is
9 to counter that testimony that was given here
10 yesterday. Again, based upon the jail phone call,
11 that I learned about last night.

12 THE COURT: And Rodgers -- correct me if
13 I'm wrong, Rodgers testified before Reginald,
14 correct?

15 MS. CAMPBELL: Absolutely.

16 THE COURT: Okay, I just wanted to make
17 sure.

18 MS. CAMPBELL: Yeah.

19 THE COURT: Okay. Yeah, he can go ahead
20 and testify. That's fine.

21 Really quickly, I want to make sure, the
22 jail is telling me that your client got your
23 Seroquel this morning. I just want to make sure
24 and verify with you that he did.

25 MR. JOHNSON: Yes.

Testimony of Nicholas Batalis, M.D.

400

1 THE COURT: He did? He's okay? I just
2 wanted to make sure that was on the record.
3 Okay.

4 MS. CAMPBELL: Thank you.

5 THE COURT: Thank you.

6 (Off the record.)

7 THE COURT: Whenever you're ready.

8 THE CLERK: We're ready.

9 THE COURT: Let's bring the jury out.

10 (Jury enters the courtroom at 10:34 a.m.)

11 THE COURT: State will call the next
12 witness.

13 MS. CAMPBELL: Thank you, Your Honor.
14 The State calls Detective Laura Rutland.

15 THE CLERK: Raise your right hand. Put
16 your left hand on the Bible. The testimony you're
17 about to give the Court will be the truth so help
18 you God?

19 THE WITNESS: I do.

20 THE CLERK: Come around. Pull the chair
21 forward.

22 THE WITNESS: I'm short. Can you-all see
23 me?

24 THE CLERK: Adjust the mic.

25 WHEREUPON:

Testimony of Laura Rutland
LAURA RUTLAND,

401

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after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q Please state your name and spell it for the court reporter.

A My name is Laura Rutland, L-a-u-r-a, R-u-t-l-a-n-d.

Q Where are you employed?

A I work for the Colleton County Sheriff's Office.

Q And what is your position there?

A I am a detective.

(STATE EXH. 42, Clip of Jail Call;
Colleton, 8/12/24, was marked for identification.)

BY MS. CAMPBELL:

Q I'm going to show you what's been marked as State's Exhibit 42 and ask you if you can identify that.

A Yes, ma'am. This is a clip of a jail call by defendant Javeris Williams's that was placed at the Colleton County Detention Center on August 12, 2024.

Q And how can you identify that in terms of any markings on State's 42?

Testimony of Laura Rutland

402

1 A It has my signature as well as the date and
2 what the item is.

3 Q Is it a fair and accurate recording of the
4 defendant Javeris Williams jail phone call made on
5 August 12, 2024?

6 A Yes, it is.

7 Q All right.

8 MS. CAMPBELL: Your Honor, the State
9 seeks to introduce State's exhibit 42.

10 THE COURT: Subject to your prior
11 objection?

12 MR. JOHNSON: That's correct, Your Honor.

13 THE COURT: Thank you, sir.

14 Okay.

15 (STATE EXH. 42, Clip of Jail Call; Colleton,
16 8/12/24, was entered into evidence.)

17 BY MS. CAMPBELL:

18 Q Just a couple of other questions. Did the
19 solicitor's office request that you listen to,
20 download, and provide to us the jail phone calls for
21 the defendant on Monday at the detention center?

22 A Yes, ma'am.

23 Q All right. Did you do that last night?

24 A I did, yes.

25 Q Thank you.

Testimony of Laura Rutland

403

1 MS. CAMPBELL: Your Honor, at this time,
2 we would publish the defendant's jail phone call,
3 the clip.

4 THE COURT: You may. Yes.

5 MS. CAMPBELL: Thank you.

6 (Jail call clip played.)

7 MS. CAMPBELL: Thank you, Your Honor.

8 That's all I have for this witness.

9 MR. JOHNSON: Thank you, Your Honor. May
10 I?

11 THE COURT: Yes.

12 CROSS-EXAMINATION

13 BY MR. JOHNSON:

14 Q Officer Rutledge, correct?

15 A Rutland.

16 Q I'm sorry.

17 A That's okay.

18 Q First of all, good morning.

19 A Good morning.

20 Q You heard the tape, correct?

21 A I have.

22 Q I mean, you heard the phone call.

23 A Oh, yes, sir. Yes.

24 Q You reviewed it?

25 A I did.

Testimony of Jackson Riley

404

1 Q In there he said a lot of cuss words and he said
2 he wants them to tell the truth, correct?

3 A I believe that's what he talked about, yes,
4 sir.

5 MR. JOHNSON: No other questions.

6 MS. CAMPBELL: She may be excused.

7 THE COURT: All right. You may be
8 excused. Thank you.

9 MS. CAMPBELL: Your Honor, the State
10 recalls Detective Ethan Rodgers.

11 THE CLERK: Do I need to swear him again?

12 THE COURT: You need to swear him again.

13 THE CLERK: Sir, raise your right hand.
14 Place you left hand on the Bible. The testimony
15 you're about to give the Court will be the truth
16 so help you God?

17 THE WITNESS: Yes, ma'am.

18 WHEREUPON:

19 JACKSON LEE RILEY,

20 after having been sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. CAMPBELL:

23 Q All right. Detective Rodgers, we just listened to
24 the defendant's jail phone call from Monday night, and
25 he's talking about Reg. Did you interview Reginald

Testimony of Jackson Riley

405

1 Jenkins in the course of your investigation in this
2 case?

3 A I did.

4 Q All right. And were you here present in the
5 courtroom when you heard his testimony yesterday?

6 A I was.

7 Q All right. And during the course of your
8 investigation, the information that Reginald Jenkins
9 gave you at that time, tell the jury what he told you
10 at that time about what happened when they got back to
11 the defendant's house.

12 A So while I was interviewing Reginald Jenkins,
13 the information that he provided to me after being
14 read Miranda was that, once they returned to the
15 defendant's house, he exits the vehicle, went with
16 the defendant, and then asked him, *Hey, where are*
17 *you guys going?* The defendant replied to him,
18 *We're going to Daevon's mother's house,* and they
19 left. He never indicated, whatsoever, the
20 defendant exited the vehicle along with him.

21 Q Okay. So when he left, he left, and the defendant
22 was in the car with Mr. Smith and with the victim?

23 MR. JOHNSON: Your Honor? Your Honor?

24 MS. CAMPBELL: I'm just trying to
25 clarify.

Testimony of Jackson Riley

1 THE COURT: Don't lead. All right.

2 Sustained. Don't lead him.

3 MS. CAMPBELL: I'm sorry, Your Honor.

4 BY MS. CAMPBELL:

5 Q For the jury, please clarify for them who was in
6 the defendant's car when Reginald Jenkins left.

7 MR. JOHNSON: Your Honor, objection.

8 THE COURT: Basis?

9 MR. JOHNSON: Objection again. He was
10 not there. He cannot say what was in the car.
11 All he can say is --

12 THE COURT: He can say what he learned in
13 his investigation and I think he's qualified it,
14 so go ahead.

15 MS. CAMPBELL: Thank you.

16 THE WITNESS: Reginald Jenkins's
17 statement was that the defendant, the victim, and
18 Daevon Smith remained inside the defendant's
19 vehicle, and Reginald Jenkins, himself, was the
20 only person to get out of it.

21 MS. CAMPBELL: Thank you. That's all I
22 have.

23 THE COURT: Mr. Johnson,
24 cross-examination.

25 MR. JOHNSON: Thank you.

Testimony of Jackson Riley
CROSS-EXAMINATION

407

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BY MR. JOHNSON:

Q Investigator Rodgers?

A Yes.

Q Mr. Jenkins was your witness, correct, put up by the State?

A He was the State's witness.

Q He was under oath, correct?

A He was.

Q All right. And he said what he said under oath and he took an oath to tell the truth, correct?

A He did.

Q And now you're saying that the witness you give to the jury is lying to the jury?

A I am telling the jury the statement that he provided to me does not match the testimony he provided in court.

Q So how would the jury be able to determine what is the truth?

A That is on the jury.

Q So now your witness is a liar?

A I'm telling you that his statement that he provided to me and the statement that he provided to the jury was not the same.

Q And you're saying that because it doesn't go along

Testimony of Jackson Riley

408

1 with what your belief is as to what happened, isn't
2 it?

3 A I'm saying that because that is the truth.

4 MR. JOHNSON: No other questions, Your
5 Honor.

6 THE COURT: Okay. Anything further?

7 MS. CAMPBELL: No, Your Honor.

8 THE COURT: You may step down, sir.

9 MS. CAMPBELL: Your Honor, the State
10 rests.

11 THE COURT: Ladies and gentlemen, at this
12 time the State rests their case. There is a
13 matter of law I need to take up with the
14 attorneys. I'm going to send you back to your
15 jury room. Do not discuss this case. It wouldn't
16 be appropriate to do so and we'll right back with
17 you. All right, thank you.

18 (Jury exits the courtroom at 10:42 a.m.)

19 THE COURT: Mr. Johnson, any motions?

20 MR. JOHNSON: Yes, Your Honor.

21 You Honor, at this time, we make a motion
22 for directed verdict. We do not feel that the
23 State has shown sufficient evidence to find my
24 client guilty of murder, armed robbery, or the
25 gun. Specifically -- I guess I will take it one

1 Testimony of Jackson Riley 409
2 at a time as related to each charge, Your Honor.

3 THE COURT: Please.

4 MR. JOHNSON: Okay. As it relates to the
5 murder, we have a statement from the victim
6 stating that, *Hustle Man shot me*. And you have a
7 statement from a second witness, which would be
8 Mr. Smith, who said that he witnessed my client
9 shoots him, but he didn't go on the stand -- he
10 then, as he's on the stand, he is more afraid of
11 the sister of the victim than he is of my client,
12 and his initial statement was that -- his initial
13 statement was that he didn't see anything. It is
14 our belief that he then -- by doing that,
15 basically saying that he was not telling the truth
16 when he said that my client -- he witnessed my
17 client killing anyone. It is our belief that he
18 withdrew his statement on the stand. There is no
19 other evidence. There is no gun. There's no
20 bullets. There is nothing that connects my
21 client -- or, I will say, independent evidence,
22 other than the witness's testimony that supports
23 the State's claim that my client killed anyone.

24 There's no -- they can't even -- the
25 State cannot even tell the State -- the State
 cannot even tell the Court what car was used.

Testimony of Jackson Riley

410

1 Where is the car? They never examined the car.
2 They have no other evidence except those two
3 statements.

4 We feel that that is not sufficient
5 enough to give to a jury. That would require a
6 jury then to speculate as to who killed the
7 individual.

8 And by -- the individual, the victim is
9 dead, Your Honor. We understand that. But it
10 would be the same as I would insinuate that the
11 Court robbed me, then -- and the only -- and my
12 client claims his innocence. If the Court would
13 say that I didn't rob you, the only way that you
14 can determine the truth would be to look at the
15 facts, or whatever supports the statements on
16 either side.

17 If there is no evidence to support either
18 statement, then you're speculating as to who is
19 telling the truth. This case was the same.

20 You have a victim that says my client
21 shot him. You have another individual who has
22 given a statement, but given two separate
23 statements. One that he didn't see anything. The
24 other one that he did. And then you have no
25 independent evidence to support either claim.

Testimony of Jackson Riley

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1 It is our position that that requires the
2 jury then to have to speculate if they go back to
3 deliberate as to who's telling the truth, and
4 that's not sufficient enough to meet the high
5 burden of guilty beyond a reasonable doubt as it
6 relates to the murder.

7 As it relates to the armed robbery --

8 THE COURT: Okay. Let's just -- I'm
9 going to have Miss Campbell or Mr. Sharpe respond
10 to the murder charge.

11 MR. SHARPE: Yes, Your Honor. Good
12 morning.

13 Your Honor, as Your Honor well knows, a
14 directed verdict motion is very low standard. In
15 order to meet a directed verdict, the State must
16 present any direct evidence whatsoever or some
17 circumstantial evidence.

18 Here, we have direct evidence, a
19 statement from the victim that he was shot, which,
20 as you heard from the forensic pathologist, the
21 gunshot is what caused the death by the defendant.
22 As well as we have circumstantial evidence, which
23 is the flight.

24 We also have more direct evidence coming
25 in from Daevon Smith, which is, *I watched the*

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1 shooting occur. I was told to keep quiet about
2 it. I was told to get back to the car.

3 Your Honor, hearing all of this evidence
4 in the light most favorable to the State, just
5 that small amount right there, is enough to
6 withstand a direct verdict motion. We would ask
7 you to deny that motion.

8 THE COURT: Okay. As to the charge of
9 murder, I'm going to deny your motion for a direct
10 verdict. There is some evidence, obviously, from
11 which a jury could infer that your client shot the
12 alleged victim in this case. And as a result, I'm
13 going to send it to the jury.

14 Let's go to armed robbery.

15 MR. JOHNSON: As to armed robbery, Your
16 Honor, there is no evidence -- the State has
17 presented the Court with no evidence of what --
18 supposedly my client robbed the victim up. There
19 is no evidence presented as to -- even if it's
20 alleged that he robbed him of money, there is no
21 evidence that the victim even had money at that
22 time. He had just spent six hours at a strip
23 club. He was intoxicated. They found money, two
24 dollar bills, change and stuff in his pocket,
25 which indicated to me that he wasn't robbed.

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1 There is no indication -- the State is still
2 required to present some evidence that the victim
3 was robbed.

4 THE COURT: I think the victim in his own
5 statement said Hustle Man robbed him.

6 MR. JOHNSON: Right.

7 THE COURT: Am I correct in that,
8 Mr. Sharpe? I remember that being part of the
9 testimony.

10 MR. SHARPE: Yes, Your Honor. That's
11 correct. And, again, for a directed verdict, we
12 do believe the burden has been met. The State has
13 presented direct evidence from the victim himself
14 that he was robbed and shot by the defendant.

15 On top of that, we did present
16 circumstantial evidence that he was playing dice
17 earlier, that he won approximately \$1500, and when
18 his pants were searched by the detective here,
19 well, there was no \$1500. There was a two dollar
20 bill, a pair of dice, a driver's license, and some
21 pocket change. It would stand to go to a jury.

22 THE COURT: And a Club Karma card, right?

23 MR. SHARPE: And a Club Karma card, which
24 corroborates even further with the testimony of
25 all the other witnesses that, in fact, this victim

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1 had a substantial amount of money on him. And
2 when his pants were found on the side of the road
3 near him, it was missing that \$1500.

4 And, for that reason, Your Honor, the
5 State would, again, respectfully request that this
6 directed verdict motion be denied as to armed
7 robbery as well.

8 MR. JOHNSON: Your Honor, for the record,
9 the \$1500 that they referred to, at best, was told
10 by one witness who then recanted his story, as
11 well as the \$1500 referred to was seen at
12 approximately -- or somewhere between six o'clock
13 in the evening and ten o'clock the day before, not
14 -- no one said they saw him at the club with
15 \$1500. No one said they saw him at anytime except
16 for the party. There is nothing to indicate he
17 even took \$1500 to the club or had \$1500 at the
18 time the lapse of time in between, Your Honor, we
19 submit is sufficient -- it's not sufficient enough
20 to have the nexus that's required.

21 It's one thing to say, I was gambling at
22 a place and had \$1500 and I walked outside and was
23 robbed. The State is saying I had \$1500
24 yesterday. The next day at nine o'clock in the
25 morning, I don't have \$1500 so I must have been

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1 robbed. Once again, it requires the jury to
2 speculate. The State is still required to show
3 some type of nexus to it and there is none.

4 THE COURT: Mr. Sharpe.

5 MR. SHARPE: Your Honor, the State is not
6 required to show a nexus. For a directed verdict,
7 we need to show any direct evidence or some
8 circumstantial evidence. Direct evidence such as
9 a victim's statement that he was robbed and shot
10 is plenty to withstand a directed verdict motion.
11 And, again, we would submit that you deny that
12 motion.

13 THE COURT: And in addition, just correct
14 me if I'm wrong, from the time that they left the
15 yard party, my understanding was the only thing
16 they went to was, potentially, the Pilot station
17 to buy beer, and -- was there one other home? I
18 guess I'm saying, at no time did the victim go to
19 his own home, correct, between the time they left
20 the yard party when he allegedly won \$1500 and
21 going to Club Karma, correct?

22 MR. SHARPE: Correct, Your Honor. The
23 chain of events, as has been testified to, is that
24 between 12:00 and 1:00 a.m., they left the yard
25 party with his winnings and stopped at the Pilot

1 Testimony of Jackson Riley
gas station, got some beer on the way.

2 There is no testimony that Samquan F.
3 ██████████, the victim, stopped at Pilot gas station.
4 That would have been a separate --

5 THE COURT: Vehicle.

6 MR. SHARPE: The car on the way there was
7 three individuals that did not include Samquan F.
8 ██████████. Samquan F. ██████████ came to Club Karma in a
9 separate vehicle than the defendant. So we don't
10 necessarily know that Samquan F. stopped at that gas
11 station from the testimony.

12 THE COURT: Okay.

13 MR. SHARPE: However, we do know that he
14 ended up at Club Karma where the defendant was at.
15 The defendant was also at the yard party as
16 testimony has shown.

17 And then later in the night, we have the
18 victim passed out in the car with the defendant
19 driving him from place to place. Ultimately, the
20 victim has no money. Says he's been robbed. Says
21 he's been shot. And the defendant is who he
22 names, as well as testimony from another witness
23 that the defendant is who shot him. Well, Daevon
24 Smith did not say that he robbed him. But, again,
25 Daevon Smith woke up to a gunshot, so he may not

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1 have seen a robbery occur, but he did, however,
2 witness a shooting itself. So that's the armed
3 robbery. The statement from the victim, the
4 missing money, and the statement that there was
5 \$1500 won in dice. There is no testimony as to
6 where **Samquan F.** went in between the yard party and
7 the club, we just know that he went to the club.

8 THE COURT: Yes, sir.

9 MR. JOHNSON: Your Honor, as I said, the
10 clarification as the State just said, **Samquan F.** was
11 not at the gas station. He did not go with my
12 client to the club.

13 THE COURT: I understand.

14 MR. JOHNSON: So the evidence you have is
15 that somebody saw him at sometime nine o'clock or
16 whatever at the party and allegedly had \$1500.
17 Nobody didn't see anything of any money or
18 anything after that. The victim did not say, *I*
19 *was robbed of money.* He said, *I was robbed.* The
20 State then has to prove specifically what he was
21 robbed of.

22 Now, they're saying money, but that was
23 not what the victim said. When the victim said
24 that he was robbed, that was sufficient enough to
25 get a warrant and meet probable cause to have my

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1 client arrested.

2 But to go to a jury with just that,
3 that's all they have, probable cause saying that
4 he did it. They have shown no other evidence
5 other than that.

6 THE COURT: I think the direct evidence
7 you have is the victim saying that Hustle Man
8 robbed him, and then it's circumstantial evidence,
9 allegedly, that he had won \$1500, which we know
10 through Reginald in his testimony. And when he
11 was found, obviously, after the gunshot, he only
12 had \$2.13, or whatever he had. I think that's
13 enough to send it to the jury.

14 So I'm going to deny that motion as well.

15 Yes.

16 MR. JOHNSON: Once again, as it relates
17 to the gun charge, Your Honor, the State put the
18 pathologist up and his case record said that -- it
19 was indicated that the victim was shot in a
20 different location and dumped where he was found.
21 There is no evidence that connects my client to a
22 gun.

23 There were no rounds found. There was no
24 gun found. The State can't even say what type of
25 gun was used to kill the individual.

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1 Therefore, we submit that there's not
2 sufficient evidence to show that my client was in
3 possession of a gun. And once again, it would
4 require the jury to speculate.

5 THE COURT: Mr. Sharpe.

6 MR. SHARPE: And, again, Your Honor,
7 looking at the evidence in the light most
8 favorable we can consider Daevon Smith's testimony
9 which was that he witnessed the two. He witnessed
10 the defendant with a gun. He witnessed the
11 defendant shoot the victim. And also we have a
12 victim saying, *I was shot.*

13 It's very easy, as Your Honor well knows,
14 to dispose of a gun. It's very easy for a shell
15 casing not to be used especially if a revolver was
16 used, per se, when a shell casing is not ejected.

17 As far as finding a projectile, those can
18 travel thousands of feet. They can travel over a
19 mile.

20 So in order to say because there was no gun
21 found, Your Honor, that's something for the jury to
22 decide.

23 We would submit that possession of a
24 weapon during the commission of a crime certainly
25 would withstand a directed verdict motion based on

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1 the fact that we now have a ruling for armed
2 robbery and because we have a gunshot wound to the
3 victim and, again, statements from other witnesses
4 that the defendant shot the victim.

5 THE COURT: All right. Again, I'm going
6 to deny your motion for a directed verdict as to
7 the possession of a weapon during the commission
8 of a violent crime. I think there is adequate
9 evidence from which this jury could find the
10 defendant guilty of possession of a weapon during
11 the commission of a violent crime.

12 All right.

13 MR. JOHNSON: Your Honor?

14 THE COURT: Yes, sir.

15 MR. JOHNSON: And just for the record, I
16 need to renew all my prior objections as it
17 relates to the dying declaration.

18 THE COURT: Yes, sir.

19 MR. JOHNSON: And all prior objections
20 that have been made.

21 THE COURT: Duly noted for the record,
22 sir. I base my rulings on my prior explanations
23 speeches. Thank you.

24 MR. JOHNSON: Thank you, Your Honor.

25 THE COURT: Mr. Johnson, is now a good

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1 time to go through your client's rights as to
2 whether or not he wishes to testify?

3 MR. JOHNSON: Yes, Your Honor.

4 THE COURT: Margaret, will you swear him
5 in for me, please?

6 THE CLERK: Raise your right hand. The
7 testimony you're about to give the Court will be
8 the truth so help you God?

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: Thank you.

11 THE COURT: All right. Mr. Williams, I
12 need you to speak up, sir. I'm having a hard time
13 hearing.

14 I want to make sure, sir, you understand
15 we have now come to the point in the trial where
16 you may present your defense. I want to make sure
17 you understand certain Fifth Amendment rights that
18 you have.

19 First, no person can require you to be a
20 witness against yourself. So no one can make you
21 take the stand and testify, and I want you to know
22 that. But also, sir, I want you to know that, if
23 you want to, you may take a witness stand in your
24 own defense. You just need to appreciate that, if
25 you do take the witness, the State will be able to

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1 cross-examine you on any testimony that I deem
2 relevant to this case. Do you understand that?

3 MR. WILLIAMS: Yes, ma'am.

4 THE COURT: Also, does he have any
5 previous qualifying convictions or anything that
6 you could use against him, Mr. Sharpe?

7 MR. SHARPE: He does, Your Honor.

8 THE COURT: What would those be?

9 MR. SHARPE: He's got a 2013 possession
10 with intent to distribute cocaine. And the reason
11 for that qualifying is there was a five-year
12 prison sentence associated and the 10 years begins
13 at the release from confinement.

14 THE COURT: Okay.

15 MR. SHARPE: A 2013 assault and battery
16 second degree. He received three years on that.
17 Again, the date would run from the date of
18 confinement, 10 years past.

19 A 2017 failure to stop for a blue lights.

20 And on that possession with intent to
21 distribute cocaine, that carries up to 15 years.
22 From 2013, that carries up to 15 years. In 2013
23 assault and battery second carries up to the
24 three. And the 2017 failure to stop for a blue
25 lights is also up to three years.

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1 THE COURT: Okay. Mr. Johnson, have you
2 spoken with your client and he understands?

3 MR. JOHNSON: Yes, Your Honor.

4 THE COURT: Okay. Mr. Williams, have you
5 had enough time to talk to your lawyer to
6 determine whether or not you wish to testify in
7 this case?

8 MR. WILLIAMS: Yes, Your Honor.

9 THE COURT: Do you want to testify, sir?

10 MR. WILLIAMS: Yes, ma'am.

11 THE COURT: And is that a decision you've
12 made your own free will?

13 MR. WILLIAMS: Yes, ma'am.

14 THE COURT: All right. And, Mr. Johnson,
15 you've spoken with him, is that correct, and he
16 understands he can be cross-examined on anything I
17 deem relevant?

18 MR. JOHNSON: That's correct, Your
19 Honor.

20 THE COURT: All right. Thank you. You
21 may be seated, sir.

22 I do find it was an intelligently and
23 knowingly made decision.

24 Mr. Johnson, other than your client, do
25 you believe -- or do you have any other witnesses

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1 that you think will testify?

2 MR. JOHNSON: Yes, Your Honor. I have
3 two other witnesses.

4 THE COURT: Okay. All right. Do you
5 need to take --

6 MS. CAMPBELL: Your Honor?

7 THE COURT: Yes.

8 MR. JOHNSON: If we might just know the
9 names of those, and also I'll just say if they
10 were on the witnesses that were -- the jury was
11 voir dired on, there might be an issue with that.
12 So I'd just like to know those names.

13 THE COURT: Okay.

14 MR. JOHNSON: One name is Dontae Collins.
15 And the second one is Donovan Chase Riley.

16 MS. CAMPBELL: And, Your Honor, the State
17 would absolutely object to either one of those
18 witnesses testifying. This jury was not given
19 those names as potential witnesses in this trial.
20 And to move forward and allow the defense to put
21 two witness in front of a jury at this point, with
22 them having no information previously in the
23 proper step and format in this trial, cannot be
24 done.

25 Clearly, the defendant can testify, but

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1 these two witnesses -- and I'll close with that,
2 and Mr. Sharpe would like to say something. Thank
3 you, Your Honor.

4 MR. SHARPE: Your Honor, it would also --
5 the State would need time to review the rap
6 sheets. I can tell you now that I'm concerned
7 with Donovan Riley testifying because that is an
8 active defendant I have a case with. So I would
9 certainly want to review the rap sheets of these
10 defendants before anyone takes the stand.

11 THE COURT: How were these people
12 involved allegedly?

13 MR. JOHNSON: They are witnesses.

14 THE COURT: Were they at the yard party,
15 or where were they?

16 MR. JOHNSON: No. They are witnesses
17 that would testify as to what happened after my
18 client returned to the house from the party that
19 night.

20 THE COURT: Are they alibi witnesses?

21 MR. JOHNSON: I guess they would be. I'm
22 not sure they would be considered alibi witnesses.
23 Mr. Riley, the State was aware of him already.
24 The solicitor asked the investigator about
25 Mr. Riley when he said that he didn't think his

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1 testimony was relevant. That's part of the record
2 already.

3 MS. CAMPBELL: That's absolutely untrue.
4 This investigator never talked to anybody by the
5 name of Donovan Riley.

6 MR. JOHNSON: Who was it that she said?

7 MR. SHARPE: It was Kyheem Joyner.

8 MR. JOHNSON: Kyheem Joyner.

9 I informed the State of Mr. Riley, which
10 is true, and that -- and told her that I was aware
11 of Mr. Riley's statement that he witnessed what
12 happened after my client returned from the
13 situation, and the solicitor told me she was aware
14 of that.

15 I told her I could not say whether he
16 will testify or not depending on how the trial
17 went and I would let her know later, which is what
18 I'm doing now.

19 Mr. Dontae Collins, I just became aware
20 of yesterday.

21 THE COURT: And, again what is
22 Mr. Collins's testimony going to be? Because if
23 it is alibi testimony, you're required to give
24 that to the State in advance of trial. If it's
25 something that you decided on doing since you

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1 heard the testimony, that might be a different
2 story. But you need to explain that to me.

3 And, again, what do I do with the jury
4 when they haven't been provided that name? My
5 office asked for any potential witnesses.

6 MR. JOHNSON: I was not aware of the
7 witness's name until the trial started.

8 THE COURT: That is as to Dontae Collins.
9 You already told me that Donovan Chase Riley you
10 told the solicitor's office about.

11 MR. JOHNSON: Correct. I did tell them
12 about them, but I did not know whether I would be
13 able to use them. And I made the State aware of
14 that. And, as I told the Court, I did not say
15 what witness that I would use depending on how the
16 trial went, but that I may have some witnesses.

17 But I made the State aware of Mr. Riley
18 prior to today. As a matter of fact, almost two
19 weeks ago.

20 THE COURT: And what did he tell about
21 Mr. Riley?

22 MS. CAMPBELL: So Mr. Johnson is just
23 confused because the person we talked about is
24 Kyheem Joyner. Kyheem Joyner made a written
25 statement in this case two years after it happened

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1 attempting to change some facts about what
2 occurred.

3 But the detective, when he interviewed
4 Kyheem Joyner, asked Kyheem Joyner, *Well, where*
5 *were you when you woke up in the car?* And he
6 said, *I-95*, which is clearly not related in any
7 way to this case.

8 I never heard the name Donovan Chase
9 Riley prior to five minutes ago. And so, again,
10 as an officer of the court, we talked about Kyheem
11 Joyner, who I knew about. I have his written
12 statement right here.

13 I know Donovan Chase Riley. We're
14 prosecuting him now. If we had any conversation
15 about him, I would report that to the Court and we
16 did not.

17 THE COURT: Okay.

18 MR. JOHNSON: Your Honor, these witnesses
19 was present. From my information, these witnesses
20 have come to me and informed me they were present.

21 One individual stated that he picked my
22 client up and took him somewhere. That's going to
23 be his testimony. And that when he picked my
24 client up, there was two people in the car. That
25 was a lie. I find that out since the case

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1 started. I got in touch with Mr. Dontae Collins.

2 Mr. Riley --

3 THE COURT: Are these two people here
4 right now?

5 MR. JOHNSON: Yes.

6 THE COURT: Okay. Well, get their social
7 security numbers and their date of births and let
8 them run rap sheets on them right now. Because if
9 they're going to testify --

10 MR. JOHNSON: I believe they have that
11 information. I'll get the name and social
12 security numbers.

13 THE COURT: And date of births for each
14 of them.

15 MR. JOHNSON: That's fine.

16 THE COURT: And Mr. Hightower is going to
17 go with you. Okay.

18 Solicitor and Mr. Johnson, I'm trying to
19 decide whether or not we need to take a lunch
20 break early right now, give you-all some time to
21 digest it, and then come back and put up those
22 three witnesses and argue and charge. Or do you
23 want to go forward right now?

24 MS. CAMPBELL: I think it would be best
25 right now to take an early lunch, and then maybe

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1 case. It wouldn't be appropriate to do so. Don't
2 do any independent research. Go get a bite to
3 eat. I'll see you back at 12:30. Thank you.

4 THE COURT: Miss Campbell, I'm thinking
5 about when the jury comes back stating that
6 potentially -- and I want to know if you either
7 object to this, would like me to do this, or not,
8 that two defenses were not called in the original
9 voir dire, and that a Dontae Collins and a Donovan
10 Chase Riley are going to be called and I need to
11 know if anyone here is related by blood, connected
12 by marriage, have a close personal relationship,
13 friendship, like I normally would if I had been
14 given the name ahead of time.

15 MS. CAMPBELL: Well, the State's position
16 is that ship has sailed. And, at this point -- I
17 mean, not that they would, it's potential that we
18 would completely -- if we had four people that
19 said, *Oh, I read about it.*

20 THE COURT: Potentially, we could find
21 out. That's why we have three alternates.

22 MS. CAMPBELL: Right.

23 No, but I'm saying it's within the realm
24 of possibly that the jury is then completely gone
25 and we don't have 12 jurors to proceed with. This

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1 is not the State's doing. There's a proper
2 procedure to follow, and these witnesses should
3 have been presented to this jury at that time.

4 I don't know anything about what either
5 one of these witnesses would talk about. He's
6 talking in terms of, like, an alibi.

7 And also, again, that ship has sailed, Your
8 Honor. And so, no. Asking them now? No.

9 THE COURT: So you don't want that done.
10 You just want them to get up blind and not worry
11 about it if I allow them to testify.

12 MS. CAMPBELL: If you allow them to
13 testify, we're running the rap sheets now. I know
14 enough about Donovan Chase Riley myself, you know.

15 But, again, I don't know what he's going
16 to say.

17 THE COURT: Right.

18 MS. CAMPBELL: In terms of -- again, it's
19 clear witnesses are being manipulated. What he's
20 going to say in terms of some craziness about
21 providing some sideways alibi to the defendant at
22 this point, and the State has the right to be
23 notified of an alibi, as you well know, under the
24 law long before five minutes before he takes the
25 stand.

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1 THE COURT: Is he an alibi witness or
2 not?

3 MR. JOHNSON: Your Honor, Mr. Riley's
4 testimony would be that he saw someone else kill
5 the victim.

6 THE COURT: Is he going to name the
7 someone else?

8 MR. JOHNSON: Yes.

9 And he tells me that the State was aware
10 of it and they decided not to believe him. It's
11 not my fault, Your Honor. I just became aware of
12 it.

13 THE COURT: Do you have Mr. Riley's
14 statement?

15 MS. CAMPBELL: No, because Mr. Riley
16 never made a statement.

17 THE COURT: Right.

18 MS. CAMPBELL: The person who made that
19 statement is Kyheem Joyner. I do have Kyheem
20 Joyner's statement, which I can mark as a Court's
21 exhibit.

22 THE COURT: Let me see his statement.

23 MS. CAMPBELL: Sure. Let me be grab
24 it.

25 MR. JOHNSON: Your Honor, I tried my best

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1 to make sure that I did not, short of better
2 words, mess up when interviewing Mr. Riley when he
3 told me about it. He tells that there was a
4 separate person that was a witness there. I don't
5 know if that was Mr. Joyner or not. But I
6 wanted -- my client -- I want him --

7 THE COURT: So who does he say this third
8 party is that shot him?

9 MR. JOHNSON: His last name is Collins.
10 I can find his exact name. From what they're
11 telling me --

12 THE COURT: You can't just throw a random
13 person's name. It has to be someone specific to
14 be able to allege third-party guilt.

15 MR. JOHNSON: He has a specific person,
16 but this person was actually killed in a car
17 accident in a car chase with the police.

18 But, once again, Your Honor, it's not --
19 once again, they are making it out like it's
20 something that they brought up this stuff. I can
21 only put on the stand the information that's given
22 to me when it's given to me.

23 Now, they can be upset about it, but if
24 the State can find some reason that he's lying,
25 then that's up to them. But they should want to

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1 know the truth, instead of being upset that their
2 case is being messed up.

3 I'm not lying to anybody. I've never
4 lied to the Court. And I have not lied to her. I
5 called her two weeks ago and told her about the
6 case. Now, if she assumed that it was a different
7 person, that's on her.

8 But to sit here and act like I'm trying
9 to pull some tricks, I've been practicing before
10 this Court for over 30 years and I've never been
11 questioned about my integrity with this Court, and
12 I resent that.

13 THE COURT: Why does no one know about
14 this Collins and Chase Riley then? Why didn't you
15 at least give us -- we know you knew the one name
16 before this week because you're saying you told
17 her two weeks ago. So why wasn't at least that
18 name provided to the Court on a witness list?

19 MR. JOHNSON: Because at the time, Your
20 Honor, we are trying to find out if what he was
21 telling me had any truth to it, and I have to
22 examine him to make sure before I brought it to
23 the Court. I was not even aware until today of
24 whether my client was going to testify or not. I
25 cannot bring anything to the Court until it

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1 becomes relevant.

2 And once again, Your Honor, as it relates
3 to whether there's some conflict with the jury, I
4 agree with the Court. We have alternates. If
5 there's one of the jury members that has a
6 conflict, that's fine. But for the State to say
7 whether it's four people or five people, that's --
8 once again, they're just speculating about stuff
9 that we have no knowledge of. But that's the
10 reason you have alternates.

11 THE COURT: This statement says that he
12 was there with Mr. Inabinette robbing everyone.
13 And that Mr. Williams was in the car, I guess,
14 allegedly. This doesn't even make any sense.

15 But I got to tell you this: So the State
16 is saying they don't want me to ask this jury
17 whether or not anyone knows those individuals or
18 has any connection with them. But, if I allow
19 them to testify, I'm certainly going to allow them
20 to say, *Isn't it, in fact, true that I'm*
21 *prosecuting you for, X, Y, and Z, because that*
22 *does go to their testimony and if they're lying or*
23 *not.*

24 MR. JOHNSON: I have no objection to
25 that, Your Honor. And as it relates to the

Testimony of Jackson Riley

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1 statement they gave you, I saw that statement.
2 This has nothing to do with that. I'm not sure
3 what that was. That was given to me in
4 discovery.

5 THE COURT: Let me ask you this: Was
6 there any phone calls from the Colleton County
7 jail from Mr. Williams to either Dontae Collins or
8 Donovan Chase Riley? And the only reason why I
9 ask that is because I heard in the testimony
10 earlier, that you gave me from a jail phone call
11 Monday night, he had said that Reg just called him
12 and that he was going to call him back, or, you
13 know, one way or the other. So were you able to
14 find any jail phone calls by Reginald with the
15 defendant?

16 MS. CAMPBELL: No, Your Honor. And I
17 haven't reviewed them for -- again, our
18 intelligence division would have to track down
19 those phone numbers. There's about eight phone
20 calls and determine who those phone calls are
21 connected to. All we can hear is a voice on the
22 other end. Usually names are not used or names
23 that are recognized.

24 THE COURT: But you can understand the
25 subject and the subject matter is of the case.

Testimony of Jackson Riley

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1 And if you heard anyone saying --

2 MS. CAMPBELL: No, I don't have any
3 conversations related to the case other than what
4 we gave you.

5 THE COURT: All right. And I'm going to
6 assume that this Dontae Collins and Donovan Chase
7 Riley never came to the police, never were
8 interviewed because they never availed themselves
9 of the police.

10 MS. CAMPBELL: Right.

11 THE COURT: And, obviously, that's
12 subject for cross-examination.

13 I don't think this has anything to do
14 with what you're talking about with this Mr.
15 Collins and Mr. Riley. This is a totally
16 different person.

17 MR. JOHNSON: That's correct, Your
18 Honor.

19 MS. CAMPBELL: Just so I'm clear --

20 THE COURT: Actually, I need Mr. Sharpe
21 to give me some case law on after the fact
22 witnesses in a criminal trial. I can tell you
23 that I've had the experience in a civil railroad
24 case where the plaintiffs, after the defense's
25 case, put up a rebuttal witness that was not named

Testimony of Jackson Riley

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1 originally because they didn't know what the
2 defense was going to completely put up. So that
3 name wasn't read to the jury, nor did they know at
4 the time that they potentially were going to call
5 them but decided that they needed them as a
6 rebuttal witness. I know that that is allowed.

7 I just don't -- I'm thinking, in a
8 criminal trial, they are not required to give me a
9 witness list.

10 Just, Mr. Sharpe, see what you can find
11 as far as case law that is late defense witnesses.
12 And I don't want you to specify as much as alibi
13 because I'm not even sure Mr. Collins or Riley is
14 going to be an alibi witness. They're just going
15 to say who they think someone else shot. It's
16 completely third-party guilt.

17 MR. SHARPE: Your Honor, again, with
18 third-party guilt, if they are unable to provide a
19 specific subject --

20 THE COURT: It's got to be a name. He's
21 got to have seen someone shoot someone.

22 MS. CAMPBELL: Just, again, so that we
23 could have a little bit of knowledge here, what is
24 that name? What is the name of the person that
25 they're going to testify that shot the victim?

Testimony of Jackson Riley

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1 What is that name?

2 THE COURT: You said it again. It's
3 someone who, of course, recently died in a car
4 accident.

5 MR. JOHNSON: Your Honor, I can go ask
6 the witness the name and bring it back to the
7 Court. Or, like I said, they want to talk to the
8 witness before he got on the stand.

9 THE COURT: Well, go talk to the witness.
10 You guys go talk to the witness before he goes on
11 the stand.

12 MR. JOHNSON: Okay.

13 THE COURT: Figure out who it is.

14 MS. CAMPBELL: Did you want Mr. Johnson
15 to speak to him first and then report back to the
16 Court?

17 MR. JOHNSON: I can bring the name in.

18 MS. CAMPBELL: Or me talk to him.

19 THE COURT: I think you-all can go back
20 there and talk to him if you want to.

21 MS. CAMPBELL: Well, Your Honor, again,
22 which witness are we talking about? Riley or
23 Collins?

24 MR. JOHNSON: It would be Riley.

25 MS. CAMPBELL: Okay. Well, we're

1 Testimony of Jackson Riley
prosecuting him right now.

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2 THE COURT: Is his lawyer here?

3 MS. CAMPBELL: Yes.

4 THE COURT: Is Riley's lawyer here?

5 MR. SHARPE: Hilary Futch.

6 MS. CAMPBELL: No.

7 MR. SHARPE: No? You Honor, I cannot
8 personally because I'm invested in that case.

9 THE COURT: Right.

10 MR. SHARPE: And actively planning on him
11 pleading because he's on a bench warrant right
12 now. So this is a mess.

13 THE COURT: Well, it's a mess, but you
14 can also, after he testifies, arrested him,
15 because he has a bench warrant. Of course you
16 can't do it before he testifies. I assume you got
17 him under subpoena; is that correct? Mr. Johnson,
18 do you have him under subpoena?

19 MR. JOHNSON: I was going to give him a
20 subpoena today. I have not seen -- I have not met
21 him in person.

22 THE COURT: What do you mean you were
23 given a subpoena today?

24 MR. JOHNSON: Your Honor, I have not seen
25 him or seen him in person. He's one of the

Testimony of Jackson Riley

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1 individuals that contacted me by phone. That's
2 when I found out about them being here this week.
3 It was my intention that, when they appeared
4 today, I'm going to have a subpoena for them to be
5 today so I could serve them when he showed up at
6 the courthouse, and that's what I intended on
7 doing.

8 I have not seen these -- I have not seen
9 either one of them in person. I don't even know
10 what they look like. I think Mr. Collins walked
11 up to me when I was walking in the courthouse to
12 tell me he was here. That's the first time I ever
13 seen him.

14 THE COURT: Well, first, go find the name
15 of the person they say allegedly shot --

16 MR. JOHNSON: I will do that.

17 THE COURT: All right. We're going to
18 take about a five-minute recess and come back.

19 Mr. Sharpe, if you can find me any case
20 law -- I'm going to go back and try myself to find
21 late disclosure of a criminal defendant witness.

22 Of course, Mr. Johnson, either of you, if you
23 can find me any case law, I'd appreciate it.

24 (A break was taken from 11:40 a.m. to 11:52 a.m.)

25 THE BAILIFF: All rise.

Testimony of Jackson Riley

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1 THE COURT: Mr. Sharpe, Mr. Johnson, were
2 you able to find any case law?

3 MR. SHARPE: I'm continuing to search,
4 Your Honor.

5 THE COURT: I just went back and reread
6 Rule 5, and it's not very instructive either. It
7 basically just says, for the most part, that it's
8 to be turned over, but it doesn't give any
9 specific time frame for it. And, again, I know I
10 had this experience in a case before where a
11 plaintiff in a civil case brought a rebuttal
12 witness something as a result of something the
13 defense brought up and that was allowed and
14 permitted.

15 MR. JOHNSON: Your Honor, the only thing
16 I could find that might be available was under
17 newly discovered evidence. I didn't have it at
18 the time that the jurors were initially --

19 THE COURT: Newly discovered evidence
20 would be with Dontae Collins.

21 I mean, I can tell you for the record,
22 and I'll put it right out there because I'm sure
23 the appellate court will all understand, if the
24 defendant is convicted, it would be a basis that
25 they all look at and consider. And I don't know

1 if they would treat that as newly discovered
2 evidence.

3 It certainly is to the one person that has
4 just come to your mind this week. I'm more concerned
5 about the man that you say you knew and talked to the
6 State about two weeks ago, which does not appear to be
7 the same person. You two were talking about two
8 different people.

9 MR. JOHNSON: Right. I believe -- we
10 probably thought we were talking about the same
11 person and got the names mixed up, but I just
12 became aware that Mr. Riley existed and I was
13 trying to find -- he came to me this week after
14 this started.

15 THE COURT: And did you check the jail
16 phone calls to make sure there were no phone calls
17 made to a Mr. Riley and a Mr. Collins?

18 MS. CAMPBELL: So, Your Honor, I'm going
19 to need the defense to provide their phone numbers
20 so that we can match that up to the numbers that
21 were called.

22 THE COURT: Okay.

23 MS. CAMPBELL: And, for the record, what
24 Mr. Johnson just informed me of before the Court
25 took the bench is that Donovan Chase Riley --

Testimony of Jackson Riley

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1 MR. JOHNSON: Your Honor?

2 THE COURT: Don't interrupt her. Let her
3 go.

4 MS. CAMPBELL: Donovan Chase Riley would
5 be testifying to third-party guilt and his
6 testimony would be -- and this is all he knows
7 right now, nothing more, that Daevon Smith shot
8 the victim. That's all he can tell me.

9 And that the testimony of the Dontae
10 Collins -- and, again, in my search for the Court,
11 would clearly fall within alibi testimony, because
12 Mr. Collins wants to come in here and testify that
13 he went -- on the morning of September 30, 2018,
14 he went to the defendant's house, he picked up the
15 defendant, he saw two people sitting in a car in
16 front of the defendant's house, which the
17 assertion is going to be that's Mr. Smith and the
18 victim, and he took the defendant away from that
19 house to his girlfriend's house.

20 THE COURT: Well, that's definitely an
21 alibi witness.

22 MS. CAMPBELL: Absolutely. And Mr.
23 Collins is out.

24 MR. JOHNSON: Your Honor, I can speak for
25 myself as to what I want to tell the Court. She's

Testimony of Jackson Riley

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1 categorizing what I'm going to tell the Court
2 before I tell the court.

3 Now, what I was going to tell the Court
4 now that I'm allowed to talk to the Court is that
5 I believe it's not an alibi witness as it relates
6 to Mr. Collins, Dontae Collins's testimony because
7 from my understanding, what Mr. Collins is going
8 to testify, he's told me he cannot specify the
9 time that he picked my client up. He cannot
10 specify who was in the car. He is only going to
11 be able to testify that sometime of the morning
12 after this occurred that he came to the house and
13 picked my client up and took him to another
14 location, which he believed to be his girlfriend.

15 The jury -- there's no specific time
16 given and no specific evidence given. It is
17 "possibly," "could be," and, to me, that does
18 not -- for an alibi, it has to be more specific.
19 Therefore, he's just going to state a fact of what
20 he did. And if it doesn't -- a jury can interpret
21 that any way it wants to.

22 THE COURT: Right.

23 MR. JOHNSON: But it's not an alibi.

24 As far as Mr. Riley, Mr. Riley --

25 THE COURT: So he's not going to say who

Testimony of Jackson Riley

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1 the two people were who were in the car.

2 MR. JOHNSON: No. He's told me, he don't
3 know who was the car. He saw two people in the
4 car. He didn't get out of his car. He didn't say
5 anything. He just went and I asked him what time,
6 he's told me that he's going to testify that he's
7 been out all night. All he knows it was in the
8 morning.

9 THE COURT: All right. Did you give over
10 the phone numbers for these two witnesses to the
11 State? Those phone numbers. You can, if they're
12 here, walk out there and ask them what their cell
13 phone numbers are.

14 MR. JOHNSON: I wasn't going to say, they
15 have them downstairs, so I'll go downstairs.

16 THE COURT: Go downstairs and get their
17 cell phone numbers.

18 MR. JOHNSON: Is there anything else I
19 need to get while I'm down there?

20 THE COURT: You can ask him if they've
21 talked to Mr. Williams in the last two weeks.

22 MR. JOHNSON: Okay.

23 THE COURT: All right. We will be at
24 ease until he comes back, and obviously then, you
25 will be able to look and see if there's any

Testimony of Jackson Riley

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1 numbers that match up. I have no way to be sure
2 that they're giving you truthful numbers.

3 Okay. So I'm just going to step down
4 until they get that information. You
5 cross-reference what you have, and let me know
6 when you've had an opportunity to do that.

7 MS. CAMPBELL: Thank you, Your Honor.

8 THE COURT: Thank you.

9 (A break was taken from 11:46 a.m. to 12:05 p.m.)

10 THE COURT: All right. So any luck with
11 phone numbers?

12 MS. CAMPBELL: If it pleases the Court,
13 Your Honor, we did have Dylan Hightower try and do
14 exactly what the Court asked. I'm going to turn
15 it over to him and let him report to the Court his
16 findings.

17 THE COURT: Mr. Hightower.

18 MR. HIGHTOWER: Thank you, Your Honor.

19 I called Mr. Riley's phone. His phone
20 did ring in his possession. I called
21 Mr. Collins's phone, the phone number that was
22 provided, it did ring. No one answered, but I
23 noticed another phone that was in his pocket and
24 he would not -- that phone was not ringing. He
25 would not give me that phone number.

Testimony of Jackson Riley

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1 THE COURT: Okay.

2 So, Mr. Johnson, what do you propose to
3 do?

4 MR. JOHNSON: Your Honor, as I said, I
5 have no objection to the court questioning the
6 jury for the conflicts that we have. Offer this,
7 and then see if there is a conflict, and then I
8 ask the Court to allow my client -- I mean, allow
9 the witnesses to testify.

10 As I stated, I found out about this since
11 court has started. And there being no conflict, I
12 see no reason it shouldn't go forward. The State
13 will still have the ability to cross-examine.
14 They have warrants. The witnesses state that they
15 are aware of that, and they are aware that the
16 State can cross-examine and question anything that
17 they find inaccurate.

18 But my client is charged with murder.
19 This is a serious charge. And I think the
20 witnesses are relevant to this case, and I think
21 it would be a miscarriage of justice not to allow
22 them to testify.

23 THE COURT: Mr. Sharpe.

24 MR. SHARPE: Your Honor, I'm currently
25 reviewing *State v. Powers*. It's 1998 Supreme

Testimony of Jackson Riley

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1 Court case. It's *State v. Powers*, 331 S.C 37.
2 Again that's a 1998 case. So far that's the only
3 thing I've seen that touches it. The beginning of
4 the Supreme Court's opinion as to the witness
5 list, basically it goes with: "Although we have
6 not previously addressed this issue, other courts
7 have mandated a defendant divulge his witness list
8 prior to the voir dire."

9 Your Honor, they go on to say depending on
10 the trial court, basically, "The trial court ordered
11 that the State and the defendant present the Court and
12 identify to the Court all witnesses to be called at
13 trial so that the judge can qualify this jury to some
14 degree of accuracy and pursuant to the law."

15 I would just ask that Your Honor review that
16 case and consider it.

17 THE COURT: I'm going to go ahead and
18 I'll review. My concern is this, Mr. Sharpe, if I
19 don't allow them to testify then this will either
20 come back on an appeal, or, more likely, a PCR,
21 because Mr. Johnson should have turned it over
22 ahead of time. Either way, it would be retrial,
23 and I know the State doesn't want to do that.

24 I do think I'm going to ask this jury
25 whether or not they know these people.

Testimony of Jackson Riley

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1 Also I think that, certainly relevant,
2 would be, you were asked for phone numbers, you
3 gave phone numbers, and neither of them were very
4 good, and they would be lying under oath if they
5 take the stand and lie what their phone numbers
6 are.

7 If they are in the courtroom, I think you
8 can even go so far as to call them while they are
9 sitting in the courtroom on the stand to see.

10 But, but I do think that -- and
11 truthfulness as to their testimony is relevant,
12 and certainly any other bias that's possible by
13 your office prosecuting one of them or both of
14 them, or whatever it is.

15 Let me go back and read the *Powers* case.
16 Let me just see.

17 MR. SHARPE: Yes, Your Honor.

18 THE COURT: I mean, I'm just trying to
19 weigh. I'm telling you, I'm saying all this on
20 the record for appellate purposes. I mean, that's
21 exactly what my weighing is right now. It's
22 whether or not this will come back on an appeal or
23 whether or not it will come back on a PCR, and
24 that's the problem we have.

25 MR. SHARPE: Yes, Your Honor. And out of

Testimony of Jackson Riley

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1 candor for the record, this case, *State v. Powers*
2 does not say that witnesses can't come in. I'm
3 just letting you know that this is the only case I
4 can find that governs, or at least speaks to it.
5 And so, at the moment, it's all I've found in the
6 past --

7 THE COURT: My concern is this: It's one
8 thing -- I think it's fair game to late-noticed
9 witness to testify if it is in response to
10 something that the State put on during the trial.
11 And a good -- I don't know if it's a good analogy,
12 but a potential analogy would be, we have this
13 jail phone call on Monday night once the trial
14 started. That's new evidence, right? But,
15 obviously, it was a statement by the defendant, so
16 we all know, and that's been addressed by our
17 appellate courts, that that comes in, and we know
18 that's allowed.

19 But it is late evidence, right? And that
20 the defense has to deal with it. So I'm kind of
21 looking at this in somewhat of a fairness that
22 this is late evidence if it's in response to
23 something they heard on behalf of the State.

24 Now, if the defendant told his counsel
25 about it, two weeks, however, at that point, I

Testimony of Jackson Riley

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1 think he had a duty to disclose a witness. And
2 then also it doesn't address this problem of does
3 someone on this jury know these witnesses. So I
4 do think I need to ask because it could influence
5 their decision if they know that person and what
6 they're doing. So I think it's fair that we do
7 ask that. I'm just trying to balance and weigh
8 what the best way is to approach this.

9 So I can just tell you that, for the
10 record, those are my consideration. Let me just
11 go look at the *Powers* case.

12 MR. JOHNSON: Your Honor?

13 THE COURT: Yes.

14 MR. JOHNSON: And just for the record,
15 when I initially called the prosecutor's office --
16 I live in Virginia Beach, Virginia. So when I
17 called the prosecutor's office in Virginia and I
18 heard of the witness Mr. Riley, that's when I
19 called to tell her about it. I did not -- I was
20 not here in the state to actually follow up on
21 that until I got here this week on Sunday. So I
22 just wanted to make that part of the record as to
23 if something came up, well, why didn't I go two
24 weeks ago. I wasn't here.

25 THE COURT: There would be no requirement

Testimony of Jackson Riley

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1 for you to physically go to her office. It would
2 whether or not you disclosed to her Mr. Riley's
3 specific name or someone else or whether or not
4 she was mistaken.

5 MR. JOHNSON: Right.

6 THE COURT: She tells me she's not
7 mistaken, that you were talking about two
8 different people. But, again, I know you both
9 have your own positions and your thoughts.

10 MR. JOHNSON: Thank you.

11 THE COURT: That's what we're going to
12 have to do.

13 MR. SHARPE: Thank you, Your Honor.

14 THE COURT: It is 12:15. The jury is
15 going to be back at 12:30. Let me read the *Powers*
16 case. If you-all want to grab a granola bar or
17 something, we can do that, but I'll come back and
18 I'll let you know, okay, if the *Powers* case
19 changes my mind. Okay?

20 MR. SHARPE: Thank you, Your Honor.

21 THE COURT: I appreciate it. Thank
22 you.

23 (A break was taken from 12:12 p.m. to 12:27 p.m.)

24 THE BAILIFF: All rise.

25 THE COURT: All right. So, Mr. Sharpe,

Testimony of Jackson Riley

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1 thank you. I reviewed the *Powers* case and it's
2 what I remember the law is to be, that it wasn't
3 required. And obviously that case hasn't changed
4 my mind about requiring it.

5 And, again, I'm concerned, obviously, for
6 appellate purposes for both the legal appeal and
7 for a PCR basis.

8 So we're going to go forward and allow the
9 testimony. Obviously, these people subject to
10 perjury, like anything else.

11 Are you going to do the cross or is
12 Miss Campbell going to do it, do you know?

13 MR. SHARPE: I'm not sure as to that just
14 yet.

15 THE COURT: Okay.

16 MR. SHARPE: We haven't had a chance to
17 discuss, but she will certainly do the cross of
18 the defendant.

19 THE COURT: Okay.

20 MS. CAMPBELL: Thank you, Your Honor.
21 And thank you, Mr. Sharpe. Yes, we are ready to
22 proceed.

23 THE COURT: Okay.

24 MS. CAMPBELL: The defense is going to
25 put up their case in accordance with your ruling.

Testimony of Jackson Riley

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1 We're ready to go.

2 THE COURT: All right. Is the jury back?

3 I don't even know if the jury is back.

4 THE CLERK: Not yet.

5 THE COURT: I'm going to step down until
6 the jury is all here.

7 MS. CAMPBELL: Thank you.

8 THE COURT: But don't let anyone go too
9 far. Okay? Thank you.

10 They're here?

11 THE DEPUTY: Yes.

12 THE COURT: Mr. Johnson, they are ready.

13 Will you just tell them him that whenever
14 everyone's up, they can bring them in.

15 THE CLERK: You can bring them in.

16 THE COURT: Go ahead and bring them in.

17 (Jury panel enters the courtroom 12:31 p.m.)

18 THE COURT: Welcome back, ladies and
19 gentlemen. I trust everyone got a bite to eat.

20 Who are you going to call first, Mr. Johnson?

21 MR. JOHNSON: Mr. Collins, Dontae
22 Collins.

23 THE COURT: And his name is Dontae
24 Collins; is that correct?

25 MR. JOHNSON: That's correct.

Testimony of Jackson Riley

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1 THE COURT: Ladies and gentlemen, there
2 are a couple of witnesses that I didn't read out
3 to you at the beginning of the case. This is a
4 Mr. Dontae Collins. Where is Mr. Collins from,
5 sir?

6 MR. JOHNSON: He's from Varnville.

7 THE COURT: From Varnville. I just
8 wanted to make sure nobody on the jury knows him.
9 Okay, anyone? No? All right. Thank you.

10 You can go ahead and call him.

11 MR. JOHNSON: Your Honor, at this time,
12 the defense would call Dontae Collins.

13 THE COURT: All right.

14 THE CLERK: Raise your hand. Place your
15 left on the Bible. The testimony you give the
16 Court will be the truth so help you God?

17 THE WITNESS: Yes.

18 THE CLERK: Come right around. Pull that
19 chair up.

20 MR. JOHNSON: May it please the Court,
21 Your Honor?

22 THE COURT: Yes, sir.

23 WHEREUPON:

24 DONTAE COLLINS,
25 after having been sworn, testified as follows:

Testimony of Dontae Collins
DIRECT EXAMINATION

1

2 BY MR. JOHNSON:

3 Q Dontae, good morning.

4 A Good morning.

5 Q I want you to speak up and be clear so that the
6 jury can hear you, okay?

7 A All right.

8 Q All right. Please state your full name.

9 A Dontae Collins.

10 Q Where do you live?

11 A Varnville.

12 Q Is that where you're from?

13 A Uh-huh.

14 Q How old are you?

15 A Thirty-three.

16 THE COURT: Sir, you need to speak up.

17 THE WITNESS: Thirty-three.

18 BY MR. JOHNSON:

19 Q Okay. Have you lived there all of your life?

20 A Yes, sir.

21 Q Did you finish high school?

22 A Yes, sir.

23 Q Are you presently employed?

24 A Yes, sir.

25 Q Where do you work?

Testimony of Dontae Collins

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1 A I do electric.

2 Q Okay. Let's get some stuff out of the way up
3 front. Do you have a criminal record?

4 A No, sir.

5 Q No criminal record?

6 A Long time ago, but it ain't --

7 Q Even a long time ago, make the Court aware of
8 it?

9 A Uh-huh.

10 Q What was it? What were you charged with?

11 A Marijuana charges, stuff like that.

12 Q How long ago?

13 A Misdemeanors. I reckon like 2011.

14 Q Okay. But nothing since then?

15 A No.

16 Q Do you have any warrants on you? Are you aware of
17 anything like that?

18 A No, sir.

19 Q Are you married?

20 A No, sir.

21 Q Have any kids?

22 A Yes, sir.

23 Q How many?

24 A One.

25 Q What is their age?

1 A Eight.

2 Q Okay. Do you know the defendant in this case,
3 Mr. Javeris Williams?

4 A Yeah.

5 Q How long have you known him?

6 A That's my cousin, so I've known him for a
7 while.

8 Q For most of your life?

9 A Uh-huh.

10 Q You know why you're here today; is that correct?

11 A Yes.

12 Q Because you've been called. It's related to the
13 murder charge filed against Javeris Williams.

14 A Yes, sir.

15 Q On September the 29th of 2018, do you remember
16 that date?

17 A Yes, sir.

18 Q Just to get you started, that was the date about
19 the strip club when this murder allegedly started. It
20 was on the 30th, the next day. Do you remember those
21 dates?

22 A Not like that. I just remember coming to
23 pick him up.

24 Q Okay. And what day was that? Explain how that
25 came about. Apparently you had been out all night?

Testimony of Dontae Collins

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1 A I was out at a friend's house that night, and
2 he called me to come and take him to his
3 girlfriend's.

4 Q What time was that?

5 A I don't remember. I don't know.

6 Q I mean, in the morning, evening?

7 A It was in the morning.

8 Q Like 10:00 o'clock or earlier in the morning?

9 A I can't recall.

10 Q Would it be after -- I mean, was it before
11 breakfast or -- try to get as specific as you can
12 remember.

13 A I know it was sunlight, but I don't know. I
14 know it was the morning time, though.

15 Q And you had been out all night?

16 A Yeah.

17 Q When you went to his house, was it a trailer or
18 what is it?

19 A Yes, sir.

20 Q What did you observe when you got there?

21 A I know they got out, but I know I seen, like,
22 there were two people in the car.

23 Q Two people in the car outside the house?

24 A Yeah.

25 Q Was Javeris one of those people in the car?

- 1 A No, he was in the house.
- 2 Q He was in the house.
- 3 A Yeah.
- 4 Q Now, where were they seated in the car?
- 5 A One was in the front and one was in the back.
- 6 Q Did they appear dead or was they alive?
- 7 A They look asleep.
- 8 Q They were asleep. And they was out in front in
9 the car?
- 10 A Yeah.
- 11 Q What kind of car was it?
- 12 A I don't know.
- 13 Q Try to describe it the best you can. I know it
14 was a while ago.
- 15 A It was like a white car, something like that.
16 I don't know.
- 17 Q You don't remember?
- 18 A No. Like I'm saying, I was out all that
19 night.
- 20 Q Okay. When did you first see Javeris?
- 21 A When I took him to his girlfriend's house.
- 22 Q I mean, when you got to the house, you say you saw
23 two people in the car, and said Javeris was in the
24 house?
- 25 A Yes.

Testimony of Dontae Collins

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1 Q You saw him walk out of the trailer?

2 A Walk out of the trailer, yeah.

3 Q And what happened?

4 A He got in. He got in the car. He fell
5 asleep, so, I mean, me and him didn't have no
6 conversation. He fell asleep.

7 Q You said he fell asleep once he got in the car?

8 A He was asleep. He was drunk.

9 Q He was drunk.

10 A Right.

11 Q And you took him where?

12 A Blackville.

13 Q To Blackville?

14 A Blackville.

15 Q Blackville. Where in Blackville?

16 A His girlfriend's house.

17 Q And what was her name?

18 A I think it was Carlesha. I don't know.

19 Q Carlesha. Did you-all have any kind of
20 conversation or anything?

21 A No.

22 Q And that's all you know about this case?

23 A That's it.

24 MR. JOHNSON: I have no other
25 questions.

Testimony of Dontae Collins

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1 THE COURT: Miss Campbell.

2 MS. CAMPBELL: Thank you, Your Honor.

3 My investigator is still printing out all
4 of the Facebook posts. He will be coming with
5 those in a moment.

6 THE COURT: Okay.

7 MS. CAMPBELL: But I am going to
8 reference those.

9 CROSS-EXAMINATION

10 BY MS. CAMPBELL:

11 Q Mr. Collins, spell your name for me?

12 A D-o-n-t-a-e.

13 Q D-o-n?

14 A -- t-a-e.

15 Q T-a-e?

16 A Yeah.

17 Q And Collins is C-o-l-l-i-n-s, correct?

18 A Correct.

19 Q And you have a Facebook page that says Dontae
20 Collins, don't you?

21 A Yes.

22 Q All right. And on that Facebook page, you are
23 friends with Hustle Man, aren't you? Would you like
24 to see that Facebook page?

25 MR. JOHNSON: Your Honor? Your Honor?

Testimony of Dontae Collins

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THE COURT: Yes.

MR. JOHNSON: Once again, I object to my client being called Hustle Man. He has a name. His name is Javeris Williams.

THE COURT: Okay. She's asking something specific off of what the Facebook page says. Am I correct about that?

MS. CAMPBELL: Correct.

THE COURT: All right. Overruled.

BY MS. CAMPBELL:

Q Would you like to see your post where you say, "Free Hustle Man"? Let me show it to you. Hashtag, "Free Hustle with Hustle Man." That's your Facebook, right? That's a picture of you, isn't it?

A (No response.)

THE COURT: You need to answer the question.

THE WITNESS: That is me.

BY MS. CAMPBELL:

Q That's you. And that's your post.

A I told you that was my cousin, so I mean --

Q That's not what I'm asking you. You've already told us he's your cousin. What I'm asking you is about your Facebook page where you have a hashtag that says " Free Hustle," and you're with Hustle Mane,

1 right?

2 A Uh-huh.

3 Q Yes. Thank you. Now, we got a lot of these to go
4 through, Mr. Collins, so just hold on.

5 All right. I'll show you the next one.

6 Dontae Collins, "Fuck talking to bro Hustle Mane
7 through a jail phone. "I need you out here with me.
8 Free my, Go now." That's your Facebook post, isn't
9 it? Mr. Collins?

10 A (No response.)

11 THE COURT: Mr. Collins, you need to
12 answer the question.

13 THE WITNESS: That's old.

14 BY MS. CAMPBELL:

15 Q That's your Facebook post, isn't it, Mr.
16 Collins?

17 A (No response.)

18 THE COURT: Mr. Collins, you need to say
19 yes or no and you can explain if you wish to.

20 THE WITNESS: Yes.

21 BY MS. CAMPBELL:

22 Q Thank you.

23 Mr. Collins, we heard a jail phone call that
24 the defendant made earlier in this case from the
25 Colleton County Detention Center. And we have phone

Testimony of Dontae Collins

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1 numbers that he called and phone numbers that he talks
2 about getting in touch with about their testimony in
3 this trial. You got a cell phone with you?

4 A (Witness moves head from side to side.)

5 Q Excuse me?

6 A No, ma'am.

7 Q No. You don't have a cell phone on you?

8 A No.

9 Q Did you bring a cell phone into this courthouse
10 today?

11 A No.

12 Q No? Did you speak with Dylan Hightower from the
13 solicitor's office just a few minutes ago when he
14 asked you about your cell phone?

15 A Yes.

16 Q And you had a cell phone with you?

17 A No.

18 Q You didn't have a cell phone with you?

19 A (Witness moves head from side to side.)

20 Q And you didn't refuse to give him that phone
21 number?

22 A I gave him my number. I ain't had no phone
23 with me.

24 Q So your testimony here today is that you gave a
25 phone number to Dylan Hightower from the solicitor's

1 office?

2 A He asked me for my number.

3 Q Did you give him a phone number?

4 A Yes.

5 Q Or did you refuse to give him a phone number?

6 A I gave him my number.

7 Q Oh, thank you.

8 Dontae Collins Facebook post: "Free Hustle
9 Mane."

10 MR. JOHNSON: Your Honor?

11 BY MS. CAMPBELL:

12 Q "Fuck the judge. Free all my niggers out of the
13 slammer."

14 THE COURT: Hold on a second. Just a
15 minute, Miss Campbell.

16 What's your objection?

17 MR. JOHNSON: Relevance. It's
18 accumulative.

19 THE COURT: All right.

20 MR. JOHNSON: It's saying the same thing.

21 THE COURT: Overruled. You can ask.

22 BY MR. JOHNSON:

23 Q That's your Facebook, isn't it, Mr. Collins?

24 A Yes.

25 Q Thank you.

Testimony of Dontae Collins

469

1 Mr. Collins, you just sat here and told this
2 jury that you had maybe a marijuana conviction; is
3 that right?

4 A Yes.

5 Q All right. November, 2011, convicted of burglary
6 in the third degree. You got five years suspended on
7 three years probation, right? Hold on. You've been
8 convicted of burglary, haven't you, Mr. Collins?

9 THE COURT: Hold on just a second.

10 MS. CAMPBELL: Just a moment.

11 BY MS. CAMPBELL:

12 Q Haven't you, Mr. Collins?

13 A That was a while back.

14 Q A while back. But you've been convicted of
15 burglary, right?

16 A (No response.)

17 THE COURT: You need to say yes or no.

18 THE WITNESS: Correct.

19 BY MS. CAMPBELL:

20 Q Yes, thank you.

21 In addition, Mr. Collins, you've been
22 convicted of giving false information to law
23 enforcement, haven't you?

24 A I don't recall that.

25 Q Okay. You've been convicted of breaking into an

1 automobile, Mr. Collins?

2 A I don't recall that.

3 Q You don't recall that. In 2017, three years for
4 breaking into an automobile?

5 A (No response.)

6 Q Okay. Facebook post, Dontae Collins: "Free my
7 bro, Hustle Mane." That's your post, right?

8 A Yes.

9 Q Facebook post: "Free little bro Hustle Mane,"
10 again, correct?

11 A (No response.)

12 THE COURT: You need to say yes or no,
13 sir.

14 THE WITNESS: Yes.

15 BY MS. CAMPBELL:

16 Q Okay. Mr. Collins, what is the phone number that
17 you say that you gave to Dylan Hightower?

18 A [REDACTED] --

19 MR. JOHNSON: Your Honor, I object to it
20 being made public. He gave the officer the phone
21 number.

22 THE COURT: Overruled. You can go ahead
23 and ask it.

24 BY MS. CAMPBELL:

25 Q What's the phone number you gave?

Testimony of Dontae Collins

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1 A [REDACTED]-8722.

2 Q [REDACTED]?

3 A 8722.

4 Q 8722.

5 All right. What's your street name?

6 A I don't have one.

7 Q You don't have one. You don't have Busto?

8 A No.

9 Q Okay. Who is Busto?

10 A I don't know.

11 Q You don't know, all right.

12 MS. CAMPBELL: That's all I have.

13 THE COURT: Any redirect?

14 MR. JOHNSON: Yes, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. JOHNSON:

17 Q Mr. Collins, there have been a big to do about the
18 Facebook page where you posted "Free Javeris." Why
19 did you write that?

20 A Because that's my cousin.

21 Q You want him to be free?

22 A Right.

23 Q Are you lying today?

24 A No.

25 Q Are you telling the truth?

1 A Yes.

2 MR. JOHNSON: I have no other
3 questions.

4 MS. CAMPBELL: Just very briefly.

5 THE COURT: Yes.

6 RECROSS-EXAMINATION

7 BY MS. CAMPBELL:

8 Q But you will lie -- you will lie, you just sat
9 here and told this jury you only had a marijuana
10 conviction on your record, but that's not true, right?

11 A (No response.)

12 Q Right, Mr. Collins? You lied to them, didn't you?

13 A (No response.)

14 Q Mr. Collins?

15 THE COURT: Sir, you need to answer the
16 question.

17 THE WITNESS: No, I didn't.

18 BY MS. CAMPBELL:

19 Q Oh, so -- they literally just heard your criminal
20 record.

21 MR. JOHNSON: Your Honor, asked and
22 answered.

23 MS. CAMPBELL: I'm following up.

24 BY MS. CAMPBELL:

25 Q They literally just heard your criminal record,

Testimony of Dontae Collins

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1 and you're saying don't believe what you hear.

2 A (No response.)

3 MS. CAMPBELL: Thank you. I think that's
4 all.

5 THE COURT: Anything else for this
6 witness?

7 MR. JOHNSON: I have no nothing further,
8 Your Honor.

9 THE COURT: All right. Sir, you're
10 excused and released from your subpoena as well.

11 Call your next witness, Mr. Johnson.

12 MR. JOHNSON: Your Honor, I call Jonathan
13 Riley.

14 THE COURT: Okay.

15 THE CLERK: Raise right hand. Place your
16 left hand on the Bible. The testimony you're
17 about to give the Court will be the truth so help
18 you God?

19 THE WITNESS: Yes, ma'am.

20 THE CLERK: Come right around.

21 MR. JOHNSON: May it please the Court,
22 Your Honor?

23 THE CLERK: Adjust the mic.

24 WHEREUPON:

25 DONOVAN RILEY,

1 Testimony of Donovan Riley
after having been sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. JOHNSON:

4 Q Donovan, good morning.

5 A Good morning.

6 Q Will you please state your full name for the
7 Court?

8 A Donovan Chase Riley.

9 Q Donovan, how old are you?

10 A Thirty-one.

11 Q Thirty-one. Where are you from?

12 A Hampton.

13 Q Are you living there now?

14 A No.

15 Q Where do you live now?

16 A Hardeeville.

17 Q Hardeeville. How long have you lived there?

18 A About the past year.

19 Q Last year?

20 A Past year.

21 Q Past year.

22 Are you married?

23 A No, sir. Single.

24 Q Single. Have any kids?

25 A A daughter.

Testimony of Donovan Riley

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- 1 Q How old is she?
- 2 A Eleven.
- 3 Q Okay. Are you working at the present time?
- 4 A Yes, sir.
- 5 Q Where do you work at?
- 6 A Waffle House.
- 7 Q How long have you worked there?
- 8 A Going on two months now.
- 9 Q Two months now. What other jobs have you done in
10 the past?
- 11 A Clean up, yard work, stuff like that.
- 12 Q Now, do you have a past criminal record?
- 13 A Yes, sir.
- 14 Q Would you please tell the Court and the jury about
15 your criminal record? Don't go into details as to
16 what it was, but what you were charged with and what
17 you were found guilty of?
- 18 A Burglary, something like forgery. That's
19 it.
- 20 Q One burglary and one forgery?
- 21 A Yes, a long time ago.
- 22 Q All right. But you are presently charged with
23 something now, aren't you?
- 24 A Yes, sir.
- 25 Q And you're aware you have a bench warrant on you,

1 correct?

2 A Yes, sir.

3 Q And you're aware of the consequences of that,

4 correct?

5 A Yes, sir, correct.

6 Q And you've been informed of that by me, correct?

7 A Correct.

8 Q And you still want to come forward and testify?

9 A Yes, sir.

10 Q Okay. You know that you're entitled to have a --

11 MS. CAMPBELL: Objection, Your Honor. He

12 is leading the witness. Can we just -- I'm

13 sorry.

14 THE COURT: You need to go forward.

15 MR. JOHNSON: Okay.

16 BY MR. JOHNSON:

17 Q Just to clarify, you know you have a right to have
18 attorney present?

19 A Yes, sir.

20 Q And you're willing to forfeit that to go
21 forward?

22 A Yes, sir.

23 MR. JOHNSON: That's all I wanted to get
24 there.

25 BY MR. JOHNSON:

Testimony of Donovan Riley

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1 Q Okay, let's talk about this case. Do you know
2 Javeris Williams?

3 A Yes, sir.

4 Q You're aware he is charged with murder? You're
5 aware of that, correct?

6 A Correct.

7 Q Now, you contacted me this week, correct?

8 A Correct.

9 Q And you told me you had information related to
10 this particular charge, correct?

11 A Yes, sir, correct.

12 Q Okay. So, this charge goes back to September the
13 29th of 2018. Do you remember back at that time?

14 A Yes, sir.

15 Q What was your connection to Javeris Williams at
16 that time?

17 A I clean his yard and feed his dogs for him.

18 Q Say that again. I missed that.

19 A I clean his yard and feed the dogs for him.

20 Q And that's what you were doing that time period?

21 A Correct.

22 Q Now, go back to the date, I guess it would be
23 September the 30th, or the morning. The 29th was
24 night before. The 30th is the relevant date we have
25 here. Do you remember that date?

1 A Yes, sir.

2 Q Will you please tell the jury what you told me, or
3 what you observed happened that day. Let's start from
4 when you got there and what you observed.

5 A I was out there feeding the dogs. I seen the
6 victim.

7 Q When you say "victim," say names.

8 A I don't know his name. Well, I guess, **Samquan F.**
9 and Daevon was out there was arguing.

10 Q When you say Von? Who is Von?

11 A Daevon Smith.

12 Q Daevon Smith?

13 A Correct.

14 Q And they was arguing?

15 A Yes, sir.

16 Q What time of day was this?

17 A Morning time.

18 Q Like --

19 A I don't remember the time, specifically. It
20 was in the morning, like, 6:45, 7:00.

21 Q It was early morning?

22 A Early morning.

23 Q Okay. And what did you observe?

24 A **Samquan F.** was walking in the yard. He was
25 stumbling. Holding up his hands. Then I heard

Testimony of Donovan Riley

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1 Daevon Smith say, *You robbed me. He thought it*
2 *was over, and I just heard a loud pop. After I*
3 *heard the pop, I ran because I was scared. I*
4 *didn't know if he was going to shoot me, or what*
5 *he was going to do.*

6 Q Okay. And what happened next? You ran where?

7 A I ran to Pepper Street.

8 Q Pepper Street. What did you do then?

9 A I just ran in the house, and I didn't come
10 back out for some days.

11 Q Did you tell anybody about this?

12 A No, sir.

13 Q Did you talk or tell anybody since then?

14 A Only you.

15 Q Well, why are you now telling me about this, this
16 week?

17 A I don't know. I don't want the man just
18 losing his life over something I know he didn't
19 do.

20 Q But you knew that -- and I'm sure they're going to
21 ask you. You knew that over the last six years,
22 right?

23 A Yes, sir. I was scared, nervous.

24 Q But you're now saying that you saw -- make sure I
25 get the names right. You tell me who you saw shoot

1 [REDACTED]?

2 A Daevon Smith.

3 Q Daevon Smith.

4 A Yes, sir.

5 Q And that was in -- and where was that located?

6 A I was at least a week there.

7 Q And that was at Javeris Williams's house?

8 A Yes, sir, correct.

9 Q Are you telling the truth or are you just trying
10 to make this up to help him?

11 A I'm telling the truth.

12 Q And one last time for the jury: Why are you just
13 waiting to now to contact me or what caused you to
14 change all of a sudden?

15 A I was scared. I don't want -- I didn't want
16 him to go down for something I know he didn't do.
17 I seen it. I known what I seen.

18 MR. JOHNSON: I have no other questions.

19 THE COURT: Miss Campbell.

20 MS. CAMPBELL: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MS. CAMPBELL:

23 Q Mr. Riley, burglary conviction, right?

24 A Correct.

25 Q Forgery conviction, right?

Testimony of Donovan Riley

481

1 A Correct.

2 Q And giving false information to the police
3 conviction, right?

4 A I don't recall that.

5 Q All right. And burglary, was that breaking into
6 somebody's house, breaking into their shed? What did
7 you break into, Mr. Riley?

8 A It was a house. I didn't break in. I was
9 the lookout.

10 Q You were just the lookout?

11 A That's what I got charged.

12 Q Who did you break into that house with?

13 A Ma'am?

14 Q Who did you break into that house with? You said
15 you were the lookout.

16 A I mean, I don't see why that's relevant.

17 Q Well, it's very relevant. I'm asking the
18 questions, you need to answer them.

19 Who did you break into that house with?

20 A His name is Dexter.

21 Q Dexter, okay. Thank you.

22 And the forgery, whose money were you
23 stealing? It says forgery \$10,000. Whose money are
24 you stealing there?

25 A It wasn't no stolen money.

1 Q Well, tell us about that. What did you --

2 A It was counterfeit.

3 Q Counterfeit?

4 A Yeah.

5 Q Okay. Who had been making counterfeit money,
6 Mr. Riley?

7 A I don't know where I got it from.

8 Q You don't know where you got it.

9 A That was a long time ago.

10 Q Long time ago. Don't know where you got the
11 counterfeit money. Okay, thanks.

12 Now, we looked. I don't see a Facebook page
13 for you, Mr. Riley. You got a Facebook page?

14 A Yeah.

15 Q Everybody's got a Facebook page. What is your
16 Facebook page name?

17 A Chase.

18 Q Chase, all right. Just Chase, that's the only
19 thing that's going to come up when I go have them look
20 for it, Chase?

21 A Riley.

22 Q Chase Riley. All right, we're on that now. All
23 right. Now, let's see if we can find anything else on
24 your Facebook page.

25 You said that you went to feed the dogs,

Testimony of Donovan Riley

483

1 right?

2 A That's what I do every morning.

3 Q Every morning you go feed the dogs. And on this
4 particular morning when you went to feed the dogs, you
5 saw Daevon Smith, right?

6 A Correct.

7 Q And he was fussing around with Samquan F. right?

8 A Right.

9 Q And he pulled out a gun and he shot Samquan F. dead,
10 right?

11 A His words were, *You robbed me, he thought it*
12 *was over.*

13 Q *You robbed me. He thought it was over.* And then
14 you ran down the street because you were scared. You
15 thought he was going to maybe shoot you too, right?

16 A Yes, ma'am. I've been shot before. That's
17 why I was scared.

18 Q You've been shot before. Well, who shot you?

19 A The police.

20 Q The police shot you. Oh, my God.

21 When you got shot, did you go to the
22 hospital?

23 A I mean, of course.

24 Q Yeah, where were you shot?

25 A In my finger.

1 Q Okay. And who is that?

2 A Right there?

3 Q Yes.

4 A That's Reggie.

5 Q Okay. Who's that?

6 A That's him.

7 Q That's Hustle Man, that's right.

8 Who is that?

9 A Right there or right there (indicating)?

10 Q Either one. Start with one, go to the next one.

11 A That's **Samquan F.** I don't know him.

12 Q You don't know who that is?

13 A No.

14 Q And you know that person, don't you?

15 A Yeah, that's Daevon Smith.

16 Q That's Daevon Smith.

17 And when you said Daevon Smith shot **Samquan F.**
18 when you were over there feeding the dogs and you said
19 he got -- 2018, that's a long time ago, right?

20 A (Witness nods head up and down.)

21 THE COURT: Is that a yes for the record,
22 sir? She can't take down a head nod.

23 THE WITNESS: Yes.

24 BY MS. CAMPBELL:

25 Q And your fella, every day you're with him feeding

Testimony of Donovan Riley

485

1 his dogs, this man right here has been sitting in jail
2 or under this murder case since 2018, right?

3 A Correct.

4 Q And you care about him, don't you?

5 A Yes, ma'am.

6 Q Absolutely. And you know he's been walking around
7 with this on him since 2018, yet you come in here and
8 you claim and you tell this jury, *I know who did it*.
9 That's what you're saying, right?

10 A Yes, ma'am.

11 Q Okay. And you kept all that to yourself until
12 just a few days ago?

13 A Yes, ma'am.

14 MS. CAMPBELL: That's all I have.

15 MR. JOHNSON: Your Honor, follow-up?

16 THE COURT: Yes, sir.

17 REDIRECT EXAMINATION

18 BY MR. JOHNSON:

19 Q Donovan, as you know, I just became --

20 MS. CAMPBELL: Objection, Your Honor. He
21 is going to lead him into some kind of situation
22 here. He can ask him a question, but "I just
23 became," no.

24 THE COURT: Ask a question.

25 MS. CAMPBELL: No.

1 BY MR. JOHNSON:

2 Q Okay. Donovan, do you know the prior attorney
3 that represented Javeris Williams? Were you aware of
4 a prior attorney that represented Javeris Williams
5 before me?

6 A Yes, sir, but I never spoke -- I spoke with
7 her but -- I contacted her.

8 Q And you contacted her to tell her what you told
9 me.

10 MS. CAMPBELL: Objection, Your Honor.

11 MR. JOHNSON: Your Honor, I thought we're
12 here for the truth.

13 THE COURT: Go ahead.

14 BY MR. JOHNSON:

15 Q When you talked with that attorney, was you
16 prepared to tell her what you told me?

17 A Yes, sir. The same exact thing.

18 Q So it wasn't that you kept this to yourself for
19 six years. You told his prior attorney?

20 A Yes, sir.

21 Q And then you found out about me?

22 A Yes, sir.

23 Q And you told me?

24 A Yes, sir.

25 Q And now you telling the jury?

Testimony of Donovan Riley

487

1 A Yes, sir.

2 Q Are you lying?

3 A No, sir.

4 Q Have you ever -- are you lying about what you
5 saw?

6 A No, I wouldn't lie about that.

7 MR. JOHNSON: I have no other
8 questions.

9 MS. CAMPBELL: Briefly.

10 THE COURT: Yes.

11 RE-CROSS-EXAMINATION

12 BY MS. CAMPBELL:

13 Q Your testimony to this jury when Mr. Johnson first
14 questioned was that you had not told anybody prior to
15 a week or so ago anything at all?

16 A I thought he was talking about if somebody
17 was one of my peers or someone. I didn't think he
18 was talking about his lawyer or anything.

19 Q Oh. "Anybody" means something different to you
20 than the rest the world. Is that what you're saying?

21 A I thought he was talking about my peers,
22 ma'am.

23 Q So then you change your story and you come back
24 and say, *Oh, yeah, yeah*. When he leads you, "*Oh,*
25 *yeah. I told that other lawyer*"?

Testimony of Donovan Riley

488

1 A I didn't think he was talking about his
2 lawyer, ma'am.

3 MS. CAMPBELL: Okay, thank you.

4 MR. JOHNSON: I have no other questions,
5 Your Honor.

6 THE COURT: All right. You're excused,
7 sir, and any objection to him being released from
8 the subpoena from anyone? No?

9 MS. CAMPBELL: No objection.

10 THE COURT: He is released from his
11 subpoena.

12 Call your next witness, Mr. Johnson.

13 MR. JOHNSON: Your Honor, at this time, I
14 call my client, Javeris Williams.

15 THE COURT: Come on up, Mr. Williams.

16 THE CLERK: Right here, sir. Raise your
17 right hand. Place your left hand on the Bible.
18 The testimony you're about give the Court will be
19 the truth so help you God?

20 THE WITNESS: Yes, ma'am.

21 THE CLERK: Have a seat right down there.
22 You can adjust the mic.

23 MR. JOHNSON: Your Honor, may it please
24 the Court?

25 THE COURT: Yes, sir.

Testimony of Javeris Williams

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1 WHEREUPON:

2

JAVERIS WILLIAMS,

3

after having been sworn, testified as follows:

4

DIRECT EXAMINATION

5

BY MR. JOHNSON:

6

Q Javeris?

7

A Yes, sir.

8

Q Now, you talk softly, but you have to speak up --

9

this is very important -- so the Court can hear you

10

and the jury can hear you. Okay?

11

A Yes, sir.

12

Q Please state for the Court your full name.

13

A Javeris Williams.

14

Q And how old are you?

15

A Thirty-three.

16

Q Thirty-three. Where are you -- where were you

17

born?

18

A Fairfax.

19

Q Fairfax?

20

A Yes, sir.

21

Q Where have you lived most of your life?

22

A Hampton.

23

Q In Hampton County?

24

A Hampton County, yes, sir.

25

Q At the time that you was arrested, where was you

1 living?

2 A Well, I actually was staying with my
3 girlfriend, but I had a residence in Varnville as
4 well.

5 Q And that's a trailer?

6 A Yes, sir.

7 Q That we spoke about in the trial, right?

8 A Yes, sir.

9 Q Let's start off like everything else. You have a
10 criminal record?

11 A Yes, sir.

12 Q Will you please tell the Court and the jury what
13 your criminal record is?

14 A I have a sale charge.

15 Q Sales of what?

16 A If I'm not mistaken, crack cocaine.

17 Q Okay.

18 A I have one assault and battery second degree,
19 and I have a failure to stop for blue lights.

20 Q Are you aware of any other charges?

21 A Not to my knowledge.

22 Q Okay. Now, do you have any kids?

23 A Yes, sir.

24 Q How many?

25 A One.

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1 Q And what is -- how old is she? Is it a boy or a
2 girl?

3 A A boy.

4 Q How old is he?

5 A Five.

6 Q Okay. And he lives here in the area as well?

7 A He would be with my mother most of the time.
8 But other than that, he stays with his mother in
9 the Upstate -- or mid state, Upstate.

10 Q Okay. Are you married?

11 A No, sir.

12 Q Okay. Now, as the State just said, you've been
13 charged with this since 2018, correct?

14 A Yes, sir.

15 Q And you waited to have this time to tell your
16 story, correct?

17 A Yes, sir.

18 Q Please look at the jury and tell them about that
19 night and what happened.

20 A Well, on September the 29th, 30th, they had a
21 yard party where I went to the strip club prior to
22 that night, me and my cousin Reggie, we went out
23 there and chilled. They had a yard party in
24 Furman, if I'm not mistaken.

25 And our intention was to go back to the strip

1 club. But since it was so early, we decided to go to
2 the yard party and try to burn some time until the
3 strip club opened.

4 So during that, we texted my cousin Daevon
5 and we linked up with him. At the yard party, they
6 had a lot of things going on. I don't want to get
7 myself involved with no gambling or rolling dice, or
8 whatever was going on, but a lot of things was going
9 on, drinking and everything.

10 And later on that night, we went to Club
11 Karma. Everything was okay. My intention was to meet
12 up with females that I didn't got with from that prior
13 night, but, unfortunately, my cousin lost his keys and
14 we had passengers -- extra passengers with us now.

15 So me being me, I was being nice and gave a
16 ride to Henry and Samquan F. And Henry -- or both of them
17 was supposed to go to Estill, but apparently Samquan F. was
18 asleep, so he didn't get out of the car when we got to
19 PI's resident. So, I mean, they already been to my
20 residence before and stayed. It's like a normal
21 routine. They come chill and stay at my crib and use
22 my vehicle. I live in Blackville, South Carolina, so
23 it really wasn't nothing new to me.

24 So I took -- Samquan F. and Reggie get in the car
25 with me, and me, Samquan F., Reggie, and Daevon we went to

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1 Varnville. I got in touch with my cousin Dontae
2 Collins to tell him to take me home, which I do on the
3 regular. The only reason why I didn't drive because
4 it was daytime and I had a situation going on in
5 Hampton, so that's the reason why I didn't drive.

6 Q I want to stop you. I know you want tell them.
7 When you say "situation," tell the jury what the
8 situation was that you didn't want to drive during the
9 daytime.

10 A Because the police had stopped me and I know
11 they was looking for me prior to this, but it was
12 like a failure -- it was, basically, like a
13 failure to stop for a blue lights. Which I did
14 get it situated and took care of it and got the
15 charges dismissed from it.

16 Q So there was a warrant on you?

17 A Yes, sir.

18 Q And explain to the jury why you didn't -- and
19 that's the reason you didn't want to drive during the
20 daytime?

21 A Correct, that's the reason I didn't want to
22 drive during the daytime.

23 Q Is that why you called Dontae?

24 A Yes, sir. And that's the reason why I asked
25 Reggie to switch with me because I know we was

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1 about to go through Hardeeville going to the strip
2 club and I didn't want to get stopped. I didn't
3 want them to be running my name or whatever,
4 however the case may be. That's why he drove
5 there, too. We swapped to let him drive at that
6 time.

7 Q Okay. Now, you saw the video of you on the phone
8 and you heard on the phone call about 7:30. Why were
9 you so upset about the 7:30?

10 A Because I heard Miss Campbell, she clearly
11 stated to the jury that, at 7:30, I dropped -- did
12 something to my alleged victim, and that had me,
13 kind of, highly upset because I know, 7:30, where
14 I was going, or around that time where I was
15 going. Where --

16 Q Where were you around 7:30?

17 A I should have been either gone from PI's
18 house in Varnville. But from there to there, I
19 went to Blackville to my ex-girlfriend's
20 residence.

21 Q So at 7:30 -- try to clear it up.

22 A 7:30 is -- I mean, we, kind of, stayed until
23 the strip club was over with. So I'm not
24 remembering exactly what time it was over, but I
25 know we were, like, almost the last people at the

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1 strip club.

2 Q And they usually close, what, about 5:30, six
3 o'clock in the morning?

4 A Yes, sir. It would be about 5:30, 6:00. I
5 can't actually remember the actual time, but I
6 know it was -- it was, kind of, already -- it was
7 morning time almost.

8 Q How long does it take you to drive from the strip
9 club to where you live? Well, you stopped at -- you
10 went to PI'S house, first?

11 A Yes, sir.

12 Q How long did it take you to get there?

13 A I don't be in Estill too much, so I'm not
14 exactly sure. But the time from the Club Karma, I
15 know it's, like, going more towards Savannah. I'm
16 not sure exactly the time.

17 Q Okay.

18 A But I know it shouldn't be no more than 30,
19 45 minutes.

20 Q Okay. So if you left, let's say, six o'clock,
21 that would have been 6:45?

22 A Yes, sir.

23 Q How long was you at PI's house?

24 A For just a few minutes. It was just a couple
25 words and -- it was just a couple words spoke with

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1 Tyreem Blacka and then whatever, and I was on my
2 way.

3 Q Who got in your car when you got ready to go to
4 PI's house to go to your house?

5 A Reggie Jenkins, Daevon Smith, and me.

6 Q Okay. And you drove to your house, the trailer?

7 A Yes, sir.

8 Q Did you stop anywhere along the way?

9 A No, sir.

10 Q Let's clear this up. Did you have any animosity
11 or anger or anything about Samquan F.?

12 A No intentions, no feelings, not even to this
13 day. Never had any problems, never had an
14 altercation, never had no mixed feelings, or
15 anything.

16 Q As long as you knew him, how long did you know
17 him?

18 A Well, I knew of him. I know he's way younger
19 than me. I knew of him, but to, like, actually
20 know him know him, I, kind of, met him through
21 Daevon.

22 Q Daevon Smith?

23 A Yes, sir.

24 Q Now, are you aware of any reason Daevon Smith --

25 MS. CAMPBELL: Objection, calls for

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1 speculation.

2 MR. JOHNSON: I can ask him what he
3 actually knows.

4 THE COURT: He can say what he knows, if
5 there is anything.

6 MR. JOHNSON: Okay, Your Honor.

7 BY MR. JOHNSON:

8 Q Of your own knowledge, personal knowledge, do you
9 know of any reason Daevon Smith would have to lie on
10 you?

11 A I don't know why he would. I just -- it
12 loses me. Like, all I did was been good to the
13 majority of all them. Like, anything they wanted
14 to ask for, I was there. I was willing to give it
15 to them. So I don't know why. Like, what made
16 him come to this. I never did nothing wrong to
17 none of them, so I don't know why they would even
18 put me in a situation like this.

19 Q Okay. And let's be real about it. The name
20 Hustle Man was a nickname, but, in short, you were
21 lying on the streets, weren't you?

22 A Yes, sir. And I have legions of nicknames.

23 Q But you was out basically hustling. You had
24 money.

25 A Yes, sir.

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1 Q So a lot of people hung around you?

2 A A lot of people leached off of me.

3 Q They leached off of you?

4 A Yes, sir.

5 Q And you took care of them.

6 A Yes, sir. Me being kind had me in a messed
7 up situation, predicament right now. Me always
8 willing to give, or trying to help someone else.

9 Q Okay. So, when Mr. Riley came in here and said
10 what he saw, he worked for you, didn't he?

11 A Yes, sir. He helped with the dogs. If I
12 needed the cars washed, whatever, he would come
13 doing that.

14 Q Okay. So he came on a regular basis?

15 A Yes, sir.

16 Q Now, do you know anything about what happened to
17 **Samquan F.**? Were you present when he was killed, shot, or
18 anything? Do you know anything about that?

19 A No, sir. I was not present at all, sir.

20 Q So, when you got back to the house, what happened?

21 Before you got back to the house, let's start
22 there. After you have left PI's house and you got
23 back to your trailer --

24 A Yes, sir.

25 Q -- what do you do when you get to the house?

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1 A When I went to the trailer, I went in to get
2 ready because I already was out from, like, what?
3 It was Friday night, Saturday night, I already
4 knew what time it was. I was going home. My
5 girl, she was going to be screaming on me,
6 tripping, because I never -- I didn't go home
7 Friday or Saturday because I end up meeting up
8 with someone, a friend of mine in Yemessee, which
9 I said me and Reggie went to the club that night
10 before so I didn't go home Friday or Saturday, so
11 it was Sunday morning. So I was trying to make it
12 there before she went to work. She worked in
13 Great Clips in Lexington, or River Bank, so I was
14 trying to catch her before she went to work on
15 that Sunday.

16 Q Okay. So that's why you called Dontae?

17 A Yes, sir. And I normally catch a ride.
18 Like, the majority of the time, someone takes me
19 home every day almost. Whenever I go to
20 Blackville, the majority of the time someone takes
21 me and get me, or meet my girl with me. They
22 would do that.

23 Q And what was the reason you wasn't driving?

24 A Because I had a warrant. I wasn't driving in
25 the daytime because I had a warrant. And Hampton

1 PD, they knew most of the vehicles I drove, so
2 they know who I were.

3 Q Okay. Now, they made a big fuss about saying that
4 you was running away from the police when the warrant
5 came out on the Facebook page. You saw that? When
6 was you first aware that the police was looking for
7 you?

8 A When -- probably from my sister. She
9 probably contacted me or something. But I was
10 never -- like I said, my girlfriend worked in
11 River Bank, so I stayed up in them areas, or been
12 around them areas. Because, like I said, I wasn't
13 home for the weekend, so I was just trying to be
14 close to her when she got off the work because we
15 was -- she was going to be screaming in some type
16 of way. I never had no intentions of running,
17 especially not an hour and a half up the street,
18 or hour to Columbia. That's not far enough if I
19 was trying to run.

20 Q Wait a minute. Do you remember when we were
21 sitting in court yesterday and you heard the testimony
22 from the officer? Correct?

23 A Yes, sir.

24 Q Now, you he made a thing about the video posted of
25 you in the car with the three people and then in the

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1 car with the four people. Do you remember that?

2 A Yes, sir.

3 Q You posted those videos, correct?

4 A Correct.

5 Q Now, what time did you post those videos?

6 A Well, I actually posted one of them on the
7 way going to the club.

8 Q Okay. That was the one with the three?

9 A Yes, sir.

10 Q Okay.

11 A But it didn't upload until the second one
12 uploaded because of the service, I'm assuming.
13 And it happened before, like, when the service is
14 not good, it won't upload until you upload another
15 My Story video like that.

16 Q All right. And when did you post the second
17 one?

18 A I post the second one sometime that morning,
19 like around the same time. Sometime in the
20 morning.

21 Q So this would be -- you heard the testimony, so
22 you actually went and posted this after the State is
23 alleging that you killed **Samquan F.**?

24 A It should have been -- it shouldn't have
25 been. I don't even know. She said 7:30, so I

1 don't know. If it was 7:30, I don't even remember
2 what time the videos were.

3 Q But you posted it that morning?

4 A Yes, sir, I posted it that morning.

5 Q Now, you heard the officer say he was pretty sure
6 that the Facebook story app didn't exist back then in
7 2018. Do you remember when the officer said that?

8 A Yes, sir.

9 Q Now, what did you do with -- what did I show you
10 today from doing a search? Do you remember what we
11 discussed today?

12 A You showed me that My Story was up since
13 2017.

14 MR. JOHNSON: Your Honor, can I approach
15 the witness?

16 THE COURT: You may.

17 BY MR. JOHNSON:

18 Q Take a look of that. Is that a copy of what we
19 found on Facebook off of Wikipedia?

20 A Yes, sir.

21 Q Would you please read the first sentence of that
22 page?

23 A Facebook Stories are shorter, user-generated
24 photo or video collections that can be uploaded to
25 user's Facebook.

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1 Q Now read this next sentence.

2 A Facebook Stories were created on
3 March 28, 2017.

4 MS. CAMPBELL: Your Honor, I object to
5 him reading from Wikipedia as to Facebook Story.
6 Wikipedia can be edited. It's not admissible.

7 If he has his own personal knowledge
8 about how Facebook My Sorry works, that's
9 appropriate.

10 THE COURT: Okay. He can't just be
11 reading this into the record.

12 MR. JOHNSON: Your Honor, the State made
13 a point to insinuate --

14 THE COURT: He's not doing this of his
15 own knowledge. If he knows that he posted
16 something by My Story, he can say, *I posted it by*
17 *My Story*, but that's all.

18 THE WITNESS: I did. I posted it on My
19 Story.

20 THE COURT: That's all that he can say.

21 MR. JOHNSON: I understand that, Your
22 Honor. What I'm saying is, the purpose of this --

23 THE COURT: I understand what the purpose
24 is. You got to get someone who actually knows and
25 has of their own knowledge what Facebook could or

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1 could not have done back in 2018.

2 THE WITNESS: It's self-explanatory.

3 MR. JOHNSON: I believe I can enter this
4 to the Court, not based on the truth of it, but
5 Wikipedia is a public paper, just as a newspaper.
6 And I think that can be entered, not necessarily
7 for the truth of it, but that it exists. And it
8 can be presented to the Court.

9 THE COURT: That's for the same thing.
10 You're saying whether or not it exists. That's to
11 the truth.

12 MR. JOHNSON: That's fine, Your Honor.

13 BY MS. CAMPBELL:

14 Q But according to our research, what did you
15 discover?

16 A That My Story only lasts for so many hours
17 and then it basically erases off of your news
18 feed, basically.

19 Q And that at the time you entered it in 2018, My
20 Story existed, correct?

21 A Correct.

22 Q And where did you find that information? Was it
23 Wikipedia?

24 A Wikipedia, and I already had knew because,
25 like, that's something we like to use. It's like

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1 we like to record a little quick, like 30 seconds,
2 or maybe a minute video and then there would be so
3 many hours and it would delete itself.

4 Q And did you go and delete anything off Facebook?

5 A No, sir. I did not.

6 Q Let's move to the most important thing. Did you
7 kill Samquan F. [REDACTED]?

8 A No, sir. I did not kill Samquan F. [REDACTED].

9 Q Did you have anything to do with it?

10 A No, sir. I did not.

11 Q Did you direct anybody to kill Samquan F. [REDACTED]?

12 A No, sir. I did not.

13 Q Did you rob Samquan F. [REDACTED]?

14 A No, sir. I did not.

15 Q Did you have a gun? Did you have a gun that you
16 used to kill Samquan F. [REDACTED]?

17 A No, sir. I did not.

18 Q Did you hide bullets that was used to kill Samquan F.
19 [REDACTED]?

20 A No, sir. I did not.

21 Q Did you take clothes from Samquan F. [REDACTED] and put them in a
22 bag and walk down the road somewhere to hide them?

23 A No, sir. I did not.

24 Q Did you threaten him?

25 A No, sir. I did not.

1 Q Did you do anything to Samquan F. other than be
2 nice to him?

3 A Besides gave an underaged individual some
4 alcohol to drink, that's it.

5 Q And did you know anything about how he was killed
6 or when he was killed?

7 A That was not really my concern, especially
8 after I'd been arrested and stuff. No, sir. I
9 don't know what was going on. I mean, you hear
10 things, but, you know, they say believe half of
11 what you hear.

12 Q Okay. Do you have anything else you want to tell
13 the jury? Your life is on the line.

14 MS. CAMPBELL: Objection, Your Honor, to
15 an open-ended narrative nature --

16 MR. JOHNSON: I'll withdraw that.

17 MS. CAMPBELL: -- of that question.

18 THE COURT: Thank you. Strike that, ladies
19 and gentlemen. Thank you.

20 BY MR. JOHNSON:

21 Q Do you have anything to tell the jury that I
22 haven't ask you?

23 MS. CAMPBELL: Again, that's not asking a
24 question.

25 THE COURT: He can say is there anything

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1 I haven't asked.

2 MS. CAMPBELL: Thank you.

3 MR. WILLIAMS: I just ask that you-all
4 just look closely into this case and hope you find
5 factual evidence.

6 MS. CAMPBELL: He's making a speech, Your
7 Honor, about how they should decide the case.

8 THE COURT: It should answer a question.
9 Is there anything your lawyer hasn't asked you
10 about this case?

11 BY MR. JOHNSON:

12 Q Samquan F., are you guilty of these charges?

13 A I'm not Samquan F..

14 Q I'm sorry. Take a breath myself.

15 Javeris?

16 A Yes, sir.

17 Q Are you guilty of the charge of murder, armed
18 robbery, or unlawful possession of a handgun?

19 A No, sir. I never robbed anyone a day in my
20 life. I never murdered no one a day in my life.
21 And I never had possession of a weapon that has
22 not even been retrieved a day in my life, sir.

23 MR. JOHNSON: I have no other
24 questions.

25 THE COURT: Miss Campbell.

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MS. CAMPBELL: Thank you, Your Honor.

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CROSS-EXAMINATION

BY MS. CAMPBELL:

Q You're convicted for selling crack cocaine in this community, right?

A Not this community. I was allegedly convicted -- well, I was convicted, you're right. But I just -- the only reason why I was convicted was because I could take one charge without the other. And I was charged for my uncle putting his hands on my auntie. That's the only reason why I was charged.

Q Okay. You were convicted of selling crack cocaine. How about that?

A Correct.

Q All right. And what community were you selling crack cocaine in?

A Hampton County community.

Q Hampton County. The next county over, right?

A It's still not this community.

Q All right. Thanks for clarifying that for us.

You were also convicted of assault and battery, right?

A Which was ran concurrent, ma'am, which I was just speaking of.

Testimony of Javeris Williams

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1 Q So the answer is yes?

2 A Yes, ma'am.

3 Q Thank you.

4 And assault and battery means beating
5 somebody up, right?

6 A Someone -- yes, ma'am.

7 Q Thank you.

8 And failure to stop for a blue light, that
9 means running from the police.

10 A Because I'm always in fear of thinking
11 you-all are out to hurt me or harm me.

12 Q I'm out to hurt you or harm you and that's why
13 you're running from the police?

14 A Yes. I just went up the street a little more
15 when I seen the blue lights, so I would have on
16 camera instead of just around one individual.

17 Q I got you.

18 So if I read your criminal record correct,
19 you are a drug dealer.

20 A If you want to say that because I took a
21 plea, but I took a plea I was convicted of. So if
22 that's what you want to consider me as, you could,
23 ma'am.

24 Q Right. You stood in a courtroom, just like this
25 courtroom, and you stood in front of a judge, and you

1 were sworn in and you're supposed to tell the truth
2 when you plead guilty, and you said, *I'm selling crack*
3 *cocaine*, right?

4 A No, I did not say I'm selling crack
5 cocaine.

6 Q You pled guilty to selling crack cocaine.

7 A Correct.

8 Q And do you think somebody who sells crack cocaine
9 is not a drug dealer?

10 A I never said that.

11 Q Is somebody --

12 A If that's what you want me to be.

13 Q -- who sells crack cocaine a drug dealer, Mr.
14 Williams?

15 A If that's what you want me to be.

16 Q Is he?

17 A No, he doesn't have to be a drug dealer. I
18 could have been using it.

19 Q Okay. And you beat people up and you run from the
20 police. And you testified and told this jury that you
21 actually know how to maneuver around here and how to
22 take steps to avoid the police locating you when
23 you're breaking the law when you're driving through
24 town?

25 A I told them that?

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1 Q Yeah, you did. You testified.

2 MR. JOHNSON: Your Honor, does she have a
3 question or is she testifying?

4 MS. CAMPBELL: I am cross-examining him.

5 THE COURT: She can cross-examine him all
6 she wants, and she can lead him all she wants.

7 MS. CAMPBELL: Thank you.

8 BY MS. CAMPBELL:

9 Q And you told this jury that you switched out the
10 driver when you got down to towards Hardeeville and
11 you put Reggie in the driver's seat.

12 A Because of my license, ma'am.

13 Q Right. Because you're breaking the law driving
14 that car, right?

15 A I never said I maneuvered or did any of
16 that.

17 Q I'm sorry. What?

18 A I never said I maneuvered or did any of
19 that.

20 Q No, I said that. So my question to you is: You
21 put Reggie in the driver's seat, right?

22 A Can you quit saying that's not true?

23 THE COURT: Sir, you need to answer the
24 questions. She is posing the questions and you
25 need to answer them. You got to say yes, no, or

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1 you can explain it, but you have to answer the
2 questions.

3 BY MS. CAMPBELL:

4 Q You put Reggie in the driver's seat, right?

5 A I didn't put him there, but he swapped and
6 got in the driver's seat.

7 Q All right. So when Reggie got in the driver's
8 seat, did Reggie say, *Hey, man, you need stop the car.*
9 *I need to start driving?* Did he do that?

10 A It was already talked about before we even
11 got where we were going. I just told you we went
12 to the strip club the night before.

13 Q Okay.

14 A So he knows he was actually the designated
15 driver.

16 Q So, what I heard you tell the jury, and then I'm
17 about to move on, is that you knew you weren't
18 supposed to be driving down towards Hardeeville and
19 you got Reggie to start driving?

20 A I didn't know I wasn't supposed to be driving
21 down to Hardeeville, no, ma'am.

22 Q Now, you got notice on your Facebook page on
23 October 3rd that you were a wanted man, right?

24 A I don't remember when it was.

25 Q Well, we're going to talk about it.

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State's Exhibit 24-D, October 3, 2018, *Should*

1
2 *I call or not? I see they have me on the Internet.*

3 Right?

4 A I don't remember that. I don't recall. I
5 didn't even know who that was to. I don't recall.

6 I'm not the only person with access to that

7 Facebook account, ma'am.

8 Q So that's your Facebook account. Is that what
9 you're saying?

10 A I mean, I use the Facebook account. I'm
11 saying, I'm not the only one with access to it,
12 ma'am.

13 Q Okay. And when Alexis Flowers, in State's 24-E,
14 sent you your photo and the Jasper County Sheriff's
15 Office post on October 3rd --

16 A That still doesn't clarify. I mean --

17 Q You had no idea on October 3rd, through all the
18 messages that are coming through from this community,
19 *They're looking for you. They're saying you shot and*
20 *killed* Samquan F.

21 A I don't reside in this community, so I
22 don't . . .

23 Q Did people not tell you they were looking for you?
24 Did you not get messages on your Facebook?

25 A I just told you I was not -- I'm not the only

1 person who has access. So if someone goes and
2 reads a message before I read it, I'm not -- the
3 only way I would know about it is if I go inside
4 and look inside the messages or something.

5 Q So you're telling this jury that on October 3rd
6 all those messages coming into your Facebook that you
7 didn't know you were a wanted man?

8 A I was with my old lady, probably at the
9 hotel, waiting for her to get out.

10 Q Okay. And on October 3rd, you ditched your old
11 phone and you got a new phone, didn't you?

12 A So if I did that, then how would I know about
13 Facebook --

14 Q Didn't you?

15 A -- if I did that?

16 THE COURT: You need to answer the
17 question, sir. Did you or did you not?

18 THE WITNESS: I don't even really -- can
19 you repeat the question again, ma'am?

20 BY MS. CAMPBELL:

21 Q You got a new phone on October 3rd.

22 A I have a lot of new phones, ma'am, so I
23 probably had a phone already purchased that I
24 activated or something.

25 Q Okay. You just had a phone laying around waiting

Testimony of Javeris Williams 515

1 to activate it. Coincidentally, on the same day, you
2 found out they're looking for you for killing Samquan F.?

3 A You're just going to forget about the
4 lifestyle that I live?

5 Q Your defense attorney characterized you as
6 hustling, that you had a lot of money, right?

7 A I had some money, somewhat.

8 Q You agreed with him?

9 A I just agreed with you, too, ma'am.

10 Q Okay. You're out there hustling and you said you
11 had a lot of money. And you were working, right?

12 A Correct.

13 Q Yeah. You were working for Big Mike, weren't
14 you?

15 A That's not correct, ma'am.

16 Q You never worked for Big Mike?

17 A No. I worked for Brunson Transport. That's
18 who I worked for.

19 Q Okay. And you said that you know absolutely
20 nothing about how Samquan F. was killed, right?

21 A No, ma'am.

22 Q Now, your defense attorney asked you something
23 like about having a gun when Samquan F. was killed. But
24 now -- and you said, no, you didn't have a gun in any
25 of that, right?

1 A Correct.

2 Q Okay. But we've already established that you sell
3 drugs, and people get beat up, and you run from the
4 police, but you're not -- well, are you one of those
5 drug dealers that doesn't carry a gun?

6 A For what purpose?

7 Q What purpose, right. I don't need to hear it,
8 sir. You don't carry a gun, Mr. Williams?

9 A I cannot. I signed the gun law.

10 Q I'm sorry.

11 A I signed the gun law, ma'am.

12 Q Okay.

13 A But I don't know how to move all these guns,
14 because I've been detained and incarcerated for so
15 many years.

16 Q So, again, back then when **Samquan F.** was killed, you
17 weren't the kind of drug dealer who carried a gun?

18 A No, I was the type of drug dealer that went
19 and tried to chill with females and support their
20 hustle. That's the type of person I was.

21 Q Support their hustle.

22 A Yes, ma'am.

23 Q Okay.

24 A I didn't put myself in an environment to
25 where would I need a weapon.

1 Q I think we got a pretty clear picture of it.
2 Thank you.

3 A Yes, ma'am.

4 THE COURT: Anything further?

5 MR. JOHNSON: Your Honor, I have no other
6 questions.

7 THE COURT: You may step down, sir.
8 Anything further from the defense?

9 MR. JOHNSON: Your Honor, I have nothing
10 else.

11 THE COURT: Are you resting your case?

12 MR. JOHNSON: Defense rests.

13 THE COURT: Thank you, sir.

14 Ladies and gentlemen, at this time the
15 defense has rested their case. There's a matter
16 of law I need to take up with the attorneys. I'm
17 going to send you back to your jury room. Don't
18 discuss this case.

19 What we have left to do, ladies and
20 gentlemen, is come back out, hear the closing
21 arguments from the lawyers, and I need to charge
22 you the law that's applicable to this case.

23 But we've got a few matters we got to
24 take up before that happens. So go back, refresh
25 yourselves, and we'll bring you out. Okay?

1 (Jury exits the courtroom at 1:30 p.m.)

2 THE COURT: All right. Mr. Johnson, you
3 want to renew your directed verdict motions?

4 MR. JOHNSON: Yes, Your Honor. I just
5 want to renew my directed verdict. The witnesses
6 come in here and they indicated it was somebody
7 else. I think that the State has not proven their
8 case beyond a reasonable doubt. And I do not feel
9 that the State has presented any evidence that
10 would require the Court to give it to a jury.

11 As before, with the evidence that I've
12 seen, it would only require the jury to speculate
13 as to find my client guilty.

14 Therefore, I ask the Court to consider a
15 directed verdict of not guilty.

16 THE COURT: Mr. Sharpe.

17 MR. SHARPE: Again, Your Honor, the State
18 has presented sufficient evidence to send this to
19 the jury. We presented the victim's own
20 statements saying that he was robbed and saying
21 that he was shot by the defendant.

22 In the light most favorable to the State,
23 that certainly would survive a directed verdict
24 motion, along with everything else we presented to
25 Your Honor.

1 THE COURT: Any response?

2 MR. JOHNSON: Not to that, Your Honor,
3 but just I also want to renew all my prior
4 objections.

5 THE COURT: Okay, thank you. It's noted
6 for the record.

7 Again, taking the evidence in the light
8 most favorable to the State as I'm required to do,
9 I think there is evidence from which this jury
10 could determine the defendant, Mr. Williams,
11 committed murder. I'm sorry. What are you
12 looking at? Armed robbery and possession of a
13 weapon during the commission of a violent crime.

14 MR. JOHNSON: And I just thought about
15 one thing, Your Honor.

16 THE COURT: Yes, sir.

17 MR. JOHNSON: I know we're real concerned
18 about keeping the record straight, maybe I missed
19 it, but I don't know if you asked the jury did
20 anybody know the second witness.

21 THE COURT: I did -- I'm sorry. I did
22 not. You're correct. I did not, but I'm not
23 worried about it. So unless the State has an
24 objection or a problem with it.

25 MS. CAMPBELL: No, Your Honor.

1 THE COURT: Thank you.

2 Okay. If there is any error in that, it
3 would benefit the defendant, not the State.

4 I would like to right now go through the
5 jury charge. And before I start, I do want to
6 have a discussion. I know we talked yesterday
7 about potentially putting a voluntary manslaughter
8 charge in. However, your defense today has been
9 it wasn't your client at all, so I don't know how
10 it could be voluntary manslaughter if your client
11 that he didn't do it. Why don't you go ahead and
12 address that.

13 MR. JOHNSON: Well, Your Honor, there
14 have been two -- I think the Court can admit two
15 separate stories of what happened. The State's
16 position is that my client was guilty. And under
17 the State's position, there is sufficient evidence
18 for an involuntary man --

19 THE COURT: Not involuntary.
20 Voluntary.

21 MR. JOHNSON: Voluntary. I'm sorry. A
22 voluntary manslaughter charge under the State's
23 position of what happened.

24 Under my -- under the defense's position
25 as to what happened, you're correct. But I still

1 have a -- I think we still have a right to a
2 voluntary manslaughter charge based on the State's
3 case that the defendant was killed by my client.

4 THE COURT: Go ahead, Mr. Sharpe.

5 MR. SHARPE: Your Honor, the State would
6 strongly oppose that. There is no evidence to
7 support voluntary manslaughter as a jury charge.
8 Voluntary manslaughter requires both heat of
9 passion and sufficient legal provocation, and both
10 must be present at the time of the killing.

11 I'm not exactly sure what evidence that
12 Mr. Johnson is alleging goes towards voluntary
13 manslaughter. Here, we certainly have implied
14 malice. If the State's case is correct, which the
15 State believes strongly that it is, then what
16 occurred here is that the defendant shot at
17 point-blank range a five foot seven, 120-pound
18 victim. I'm sorry, Your Honor, I'm six-foot tall,
19 roughly 190 pounds. This gentlemen is twice my
20 size.

21 Voluntary manslaughter, "Where death is
22 caused by the use of a deadly weapon, the words
23 must be accompanied if words by some overt
24 threatening act in the heat of passion." There is
25 no threat of a five foot seven, 120-pound victim

1 could have posed to this defendant.

2 THE COURT: There also wasn't any
3 testimony. I think you're trying to rely on what
4 Miss Campbell said in her opening argument about
5 there was some kind of struggle. I don't know
6 necessarily that we've heard any evidence of the
7 struggle other than -- go ahead.

8 MR. SHARPE: And, Your Honor, the State's
9 position is that if, in fact, the only evidence
10 that personally I recall on the State's behalf as
11 to what Mr. Johnson is referring to, it's a
12 hypothetical posed by Dr. Batalis that there could
13 have been a fight that occurred. That does not go
14 to this case because Dr. Batalis wasn't there.
15 His only testimony was that there could have been,
16 based on the proximity of the gun to the body, an
17 altercation.

18 But, Your Honor, again, that's a
19 hypothetical outside of our case. And even here,
20 if we look at the facts, the State has presented
21 evidence that the defendant is the shooter at
22 point-blank range. We know that the victim was
23 weak. We know that he was -- he had been sleeping
24 in the back of the car, was intoxicated and ill.
25 If he's pulled out of a vehicle by someone of that

1 size, there is no need for a firearm to be
2 involved, and voluntary manslaughter is certainly
3 -- certainly not an instruction that should be
4 given to the jury based on the evidence admitted
5 by the State.

6 THE COURT: I actually think, based on
7 what Dr. Batalis said, that I think it should be
8 charged.

9 I mean, that was the reason you asked him
10 that question, correct, Mr. Johnson?

11 MR. JOHNSON: That's correct, Your Honor.

12 THE COURT: All right. I'm going to
13 charge it.

14 Okay. So going through the jury charge,
15 I am charging the presumption of innocence,
16 reasonable doubt, the jury is the judge of the
17 facts, I'm the judge of the law, direct and
18 circumstantial evidence, credibility of witnesses
19 is to be the job of the jury. I'm also giving a
20 charge on expert witnesses because of Dr.
21 Batalis's testimony. I am giving a charge on
22 dying declaration. I am giving a charge on
23 murder, the lesser included of voluntary
24 manslaughter, armed robbery, and possession of a
25 weapon during the commission of a violent crime,

1 and then I'm also charging mere presence is not
2 sufficient to prove someone guilty of a crime.

3 Anything else that either one of you can
4 think of? From the State?

5 MR. SHARPE: Yes, Your Honor. Certainly,
6 the State would also oppose mere presence. There
7 is sufficient evidence here that, especially from
8 victim's own words, that the defendant was the
9 shooter. He robbed him and shot him. We also
10 have that from a witness himself, Daevon Smith,
11 that saw the defendant rob -- well, excuse me --
12 shoot the victim at point blank range. There is
13 certainly sufficient evidence to show that mere
14 presence should not be instructed to the jury,
15 Your Honor.

16 THE COURT: Your client says he wasn't
17 there, so how is there mere presence?

18 MR. JOHNSON: Your Honor, once again,
19 because the State's own witness stated that there
20 was two people there. Therefore, it would
21 indicate that I have a right for a mere presence
22 charge because there was actually another
23 individual there, which was Dontae -- Daevon
24 Smith. And the testimony that there was two
25 people there, it's reasonable that a jury --

1 THE COURT: But neither one of them were
2 your client.

3 MR. JOHNSON: Excuse me?

4 THE COURT: But neither one of them were
5 your client, correct?

6 MR. JOHNSON: Only Daevon Smith or my
7 client was in the position, through the evidence
8 that was shown, to kill Samquan F. Therefore, a
9 jury -- a mere presence charge is valuable because
10 of the two actual people present.

11 Samquan F. said that -- the testimony is that
12 the victim said Samquan F. -- I mean, that --

13 THE COURT: Hustle Man.

14 MR. JOHNSON: Hustle Man killed -- no.
15 Shot and robbed me. And he was asked by the
16 officer, *Is there anybody else that was there?*

17 THE COURT: And he said Daevon Smith.

18 MR. JOHNSON: He said Daevon Smith.

19 THE COURT: Go ahead, Mr. Sharpe.

20 MR. SHARPE: Your Honor, in either
21 scenario, the State's case is that Daevon Smith
22 witnessed the defendant shoot the victim. The
23 victim even says the defendant *shot me and robbed*
24 *me*. And then in the alternate case, Mr. Johnson's
25 case, the defendant is not even there.

1 At no point in time is mere presence a
2 part of either the State or the defense's case.
3 The State's case is that we got two witness saying
4 he shot and killed the victim, and the defense's
5 case is he's nowhere near it. So mere presence
6 wouldn't apply in either scenario, Your Honor.

7 THE COURT: All right. Let me think
8 about it for a little bit. I'm going to give you
9 about 10 minutes to get ready for your closing
10 statements.

11 Will you show them the verdict form, Jaime?

12 Let me think about mere presence for just
13 a moment and I'll let you know before we start
14 closings, okay, if I'm going to charge it.

15 MR. JOHNSON: Thank you, Your Honor.

16 THE COURT: We'll be at easier for ten
17 minutes, so be back at about three minutes to
18 2:00.

19 (A break was taken from 1:50 p.m. TO 2:03 p.m.)

20 THE BAILIFF: All rise.

21 THE COURT: Please be seated.

22 You're bringing Mr. Williams out?

23 THE DEPUTY: Yes, ma'am.

24 THE COURT: Thank you.

25 All right. So I thought some more about

1 the mere presence charge and the use of the mere
2 presence charge. In this case, we do not have a
3 prosecution that is the hand of one is the hand of
4 all or a typical constructive possession of drugs
5 case, which is being in the presence of something,
6 you know, makes you constructively possessing.
7 And it's not conspiracy charge. It's not an idea
8 that two people conspired together and, in
9 furtherance of that, someone was killed.

10 I just don't see how a mere presence is
11 appropriate in this case. The State's evidence
12 and their theory of the case is that the defendant
13 robbed the victim, shot him, and then he died as a
14 result of it with no one else involved.

15 The defense's argument is that the
16 defendant wasn't anywhere near there at the time.

17 I don't see a mere presence charge being
18 appropriate under this factual determination.
19 Again, it's more appropriate under a
20 hand-of-one-is-the-hand-of-all argument, but
21 that's just not what is being argued here. So I'm
22 not going to charge it.

23 I am going to go ahead and charge the
24 voluntary manslaughter. I'm not so sure that that
25 necessarily even goes to it, but because it goes

1 to the benefit of the defendant and because
2 defense counsel is asking me for it, I am still
3 going to charge voluntary manslaughter. Okay, so
4 I appreciate it. Subject to your objection, I
5 understand, Mr. Johnson.

6 Are you-all ready to go as far as closing
7 arguments are concerned?

8 MR. JOHNSON: Yes, Your Honor.

9 THE COURT: Okay.

10 MS. CAMPBELL: State's ready.

11 THE COURT: Okay.

12 MS. CAMPBELL: Your Honor, because the
13 defense put up a case, the State will make their
14 closing and Mr. Johnson will have his closing and
15 the State will have rebuttal.

16 THE COURT: That's fine.

17 Also, for the record, Jaime Rhett, my
18 administrative assistant showed you both the
19 verdict form. Is there any objection to it from
20 the State?

21 MS. CAMPBELL: Not from the State.

22 THE COURT: From the defense?

23 MR. JOHNSON: I have nothing from the
24 defense, Your Honor.

25 THE COURT: Okay, thank you.

1 All right. Are you ready for me to bring the
2 jury out, Miss Campbell?

3 MS. CAMPBELL: Yes, ma'am.

4 THE COURT: Are you going to use either
5 the ELMO or any of the overhead and have we tried
6 it to make sure it's working?

7 MS. CAMPBELL: We have the video.

8 THE COURT: Let's make sure it's working
9 before they come out. Is it fine?

10 THE CLERK: Yes.

11 THE COURT: Thank you. I appreciate it.
12 Let's bring the jury out.

13 (Jury enters the courtroom at 2:57 p.m.)

14 THE COURT: All right. Ladies and
15 gentlemen, as I told you, what we have left to do
16 in this case is to hear the closing arguments from
17 the attorneys. I am then going to charge you on
18 the law that's applicable to this case and we're
19 going to send it to you for your deliberations
20 today. Okay? So if you'll give Miss Campbell
21 your attention.

22 CLOSING ARGUMENT

23 MS. CAMPBELL: Thank you, Your Honor,
24 Mr. Johnson.

25 Well, all I can tell you after we just

1 lived through the last hour or so is that what you
2 just witnessed is Hustle Man try to hustle you.
3 He had three witnesses. Dontae Collins, you heard
4 his Facebook posts, "Free Hustle Man," "Fuck the
5 judge," "Free my man," "Free Hustle Man." He lied
6 about his criminal record. He's a liar and the
7 judge is going to tell you that if you find any
8 part of a witness's testimony to be not credible,
9 if you find that they haven't told you the truth,
10 then you can disregard that testimony. He's gone.
11 He lied.

12 You heard from Donovan Riley, and he told
13 you that the -- he told you the victim was running
14 away from Daevon Smith when Daevon Smith shot him.
15 Running away. Dr. Batalis told you the victim was
16 shot in the front of his chest with the gun on his
17 chest. He lied. He's a liar. Get rid of him.
18 And other things he said.

19 And then the defendant got up here and he
20 told you he's a drug dealer. He beats people up.
21 He is one of those drug dealers, though, who
22 doesn't carry a gun, and he ran, and he fled, and
23 he hid, and he lied. Same thing.

24 So now, harken back with me to Monday
25 when the defense attorney said to you, I want to

1 talk to you about the things that you don't have.
2 Well, let's talk about what he might not have and
3 what the reasons for that are.

4 The reasons you might not have certain
5 items is because Hustle Man, because the defendant
6 was careful, he was calculated, he ran, he fled,
7 he hid, and he destroyed evidence, and he stayed
8 on the run for nearly a week when he knew he was a
9 wanted man for the robbery and killing of Samquan F.
10 This 17-year-old child who hung out with them,
11 with all of the older guys and wound up robbed and
12 dead.

13 It's pretty clear that the gun that Samquan F.
14 was shot with was long gone by the time the U.S.
15 Marshals captured the defendant on October 8th,
16 2018, in Columbia, South Carolina. And it's
17 pretty clear that any digital footprint that law
18 enforcement might be looking for was long gone
19 since he ditched his phone and activated a new
20 phone on October 3rd. And the testimony from
21 Mr. Smith is that the defendant had shut down his
22 phone at the time that he was doing this robbery
23 so you can't track it. And any information that
24 might have been on the defendant's phone, if we
25 could have found a phone number for him, that's

1 long gone too. Because, whatever phone he had, if
2 he's shutting Smith's phone down, he's shutting
3 his phone down.

4 It was premeditated. It was planned.
5 Daevon Smith is asleep. Samquan F. is asleep. And you
6 know what, for this drug dealing, beating up
7 people, running from the police, man, it was time
8 to make a little bit of that easy money, and
9 that's exactly what he did.

10 The defense attorney also told you, he
11 stood up here and said, *Use your mind*. He said, *A*
12 *life is on the line*. He said, *A man is dead*.
13 *Don't send the wrong man to jail*.

14 Well, let's talk about the evidence and
15 the life -- the life that was on the line and the
16 man who is dead, and you will absolutely convict
17 the right man of the armed robbery and the murder
18 of Samquan F.

19 So what do you have? I'm going to talk
20 about the evidence that you have that proves
21 beyond a reasonable doubt that the defendant
22 robbed and killed the victim. The victim told you
23 with his dying words that Hustle Man robbed him
24 and shot him. He told you that Daevon Smith was
25 with Hustle Man when Hustle man robbed him and

1 shot him. You know, Samquan F. was so -- he was so
2 clear. He worked so hard to get the name of his
3 killer to you. He said, *Help me, please, I can't*
4 *breathe. I need some water.*

5 The officer says, *What happened?*

6 *Robbed.*

7 *Who did this to you?*

8 *Hustle Man.*

9 *Is there anybody with the Hustle Man?*

10 *Daevon Smith.*

11 The other one says, *What's the name of the*
12 *man that shot you?*

13 *Hustle Man.*

14 (Video played.)

15 Samquan F. he laid dying, bleeding in that
16 ditch before a miracle for him to get his last
17 words to you. That couple who wasn't from here,
18 they drove by, and he was raising himself up out
19 of that ditch and wave at them. They didn't know
20 where they were. And they went a short distance
21 down the road to Devon Johnson's house. And Devon
22 Johnson was here and he testified for you. They
23 got help. Devon Johnson, some people might say
24 he's like the Good Samaritan. So what he does is,
25 he calls 911. He goes down there. He gives aid

1 to [REDACTED]. He tries to comfort him. He watches
2 over him. He helps law enforcement get the right
3 place to go to help [REDACTED], and he is there. He
4 stands by, and he hears [REDACTED]. He told you, *I*
5 *heard him*. He said that Hustle Man shot him. And
6 it was loud and clear from that testimony.

7 EMS told you, gunshot wound to the chest.
8 Life Flight was called. They landed. [REDACTED] went
9 into cardiac arrest. We can't fly with him in
10 cardiac arrest. We took him to the closest
11 hospital. The doctors worked on him, tried to
12 save his life, but [REDACTED] had died. He died.

13 Ethan Rodgers, the lead detective
14 assigned to this case. He was there. He came to
15 the scene. And before he even got there, he had
16 started working on this case, and he was working
17 with the name of the killer that [REDACTED] had given
18 them, the name that [REDACTED] had given him of
19 himself, and the fact that he was from Estill.
20 And this officer reached out immediately to the
21 captain in Estill Police Department. He's like,
22 *Hey, I got these names. I need some help.*

23 And then Alex Williams testified for you.
24 He said, *Yeah, yeah, I know [REDACTED]'s family. I*
25 *know him*. And he told you he knew. He knew that

1 Hustle Man was Javeris Williams. And when the
2 defense attorney asked him, he was like, Well,
3 isn't there anybody else around there known as
4 Hustle Man? And his answer was very clear. He
5 said, No, huh-uh. We all know Hustle Man.
6 Everybody knows Hustle Man, and Hustle Man is
7 Javeris Williams.

8 Ethan Rodgers got the South Carolina
9 Department of Motor Vehicles' photographs for both
10 Samquan F. and for Javeris Williams. He compared those
11 photographs to Facebook pages and he found for you the
12 Facebook pages for the defendant. And in those
13 Facebook pages, he recognized photos, messages, and
14 tied that Facebook for you to the defendant.

15 And right there on that Facebook page
16 sitting at that crime scene he had his county
17 phone and he was able to -- when he saw that video
18 that was posted, he was able to screen record it
19 for you and he did. And in that screen recording
20 that was taken around 10:30 a.m. on September
21 30th, 2018, just hours after the defendant had
22 killed Samquan F., he found that video of our young
23 victim who appeared to be asleep in the back seat.

24 (Video played.)

25 And in that video, the victim, Samquan F. is

1 wearing, as you heard from the testimony, the
2 distinctive, you-buy-it-at-Walmart shirt. It's
3 his shirt. The "Free Brant" shirt and it's got
4 the bullet hole in the front of it. He's wearing
5 this shirt. And this shirt is found. Ethan
6 Rodgers collected it and he brought it into
7 evidence. State's 36 right there. And then he
8 had a bullet hole in the back of his shirt. He
9 had his name of the back of his shirt.

10 He led an investigation, Ethan Rodgers
11 did, that looked for the projectile. He couldn't
12 find it. You saw the scene. Casings, they looked
13 for them. They scoured the area for them.
14 Couldn't find any. Could have been a revolver.
15 They don't know. They don't have casings.

16 But once Ethan Rodgers had finished at
17 the crime scene, he began looking for -- you know,
18 saw the leads, solid information. And I asked him
19 and he told you, you know, we never have good
20 solid information, direction on a vehicle, for
21 Hustle Man that he was known to drive or that was
22 registered to him. I'm not surprised.

23 Law enforcement never had any good solid
24 information or a reliable phone number for him.
25 Again, not surprised.

1 And never had reliable specific
2 information on where this trailer was or residence
3 that could be tied to Hustle Man so that they
4 could get a search warrant. You can't just go
5 busting into people's houses if you don't have
6 good information. They have to do their due
7 diligence. They look for the evidence. They
8 searched for the evidence. But, you know, robbers
9 and killers, well, sometimes they actually know
10 how to not leave a trail.

11 The DNA that the defense attorney talked
12 about that you won't have. Well, you had
13 testimony Ethan Rodgers obtained the victim's
14 fingernail clippings from autopsy. He submitted
15 those in for analysis. And, you know what, the
16 only thing that came back in that report was that
17 it was the victim's DNA. So, you know, it's not
18 like he was in a fight with anybody or struggling
19 or having somebody else's DNA under his nails, no,
20 it was just Samquan F. It was just him. It was
21 literally like this, just Samquan F. And there's
22 nothing else to do when it's just Samquan F. No
23 further DNA.

24 So, you know, in that situation, it's
25 more like -- it's more like, *Give me your money,*

1 Give me the money. No? No? Okay, shoot. I
2 mean, that's pretty ice cold.

3 And, you saw, Smith testify and that kind
4 of witnessing, that kind of knowing about this
5 defendant, that's why Smith is terrified of this
6 defendant to this day. I think you've seen some
7 other witnesses here who are terrified of this
8 defendant who testified.

9 And even though there is no rule of law,
10 in other words you're not going to hear Judge
11 Mullen tell you that the State has to provide a
12 motive for why the defendant robbed and shot and
13 killed Samquan F., I will say that you heard testimony
14 that Samquan F. was -- he was a lucky 17-year-old out
15 there, you know, at the party with the big guys
16 and he won a lot of money that night. And he had
17 his, what some people say, you know, like, lucky
18 dice. You know, you can hang them in your car, or
19 whatever. So he had the lucky dice in his pocket
20 along with his driver's license.

21 And, you know, it swings both ways.
22 Sometimes I hear people say the two-dollar bill is
23 lucky. Some say it's not lucky. But clearly he
24 had that two-dollar bill and he had it with his
25 dice and had it in pants pocket. And that's in

1 this pocket, because the money he won, you know,
2 that's separate. That's in the other pocket. You
3 keep that separate from where you think your luck
4 is. And when Hustle Man left Samquan F., who he
5 thought was dead, that's all he left.

6 Essentially, what I will say that the
7 yard party witnesses, the fellows from around that
8 area, they do give some picture to you that the
9 defendant was at the yard party, the victim was at
10 the yard party, and that in various cars and
11 scenarios, they work their way down to the strip
12 club, and then they work their way back up to
13 Estill Hampton area, and that Samquan F. had won some
14 money. And there's testimony and evidence in the
15 record that the defendant had put Reginald into
16 driving the car that they were in that night,
17 because, again, from his own testimony, he said
18 things to you confirming that, you know, he knew
19 he shouldn't be driving and he was trying to
20 figure out how not to get in trouble for that so
21 he put Reggie driving, and then they stopped at
22 that Pilot gas station.

23 You also heard from Daevon Smith, clearly
24 he's the eyewitness. He was drunk. He was,
25 essentially, just about passed out. He was out of

1 it. What woke him up was the gunshot. And he
2 tried to see what was going on and he saw the
3 defendant and the victim.

4 THE COURT: Hold on just a second. Let's
5 get her some water.

6 MS. CAMPBELL: He saw the defendant and
7 he saw the victim. He saw the gun. The defendant
8 basically was like, you know, *You better get your*
9 *ass back in the car. I'll leave your ass out here*
10 *too.* That kind of situation.

11 You know, here's the funny thing. You
12 know, the defense attorney, when he was
13 cross-examining Mr. Smith, he kept waiving around
14 the 90-page transcript of, you know, your
15 two-or-so-hour interview with law enforcement.

16 And Mr. Smith was very clear. You know,
17 initially, yeah, he didn't quite give the whole
18 truth about how it happened, but he did finally.
19 And then in that 90 pages, the best -- the most
20 damning thing that he can cross-examine him with
21 is that he was really afraid of Precious, really
22 scared of the victim's sister, Precious Frazier.
23 I mean, I'm sure he looked for more damning things
24 that he could cross-examine Mr. Smith with and he
25 didn't find them because they weren't there in all

1 90 pages.

2 He told you the defendant had on gloves,
3 that the defendant shot the victim, that the
4 defendant had shut off his phone, that he had
5 burned their clothes, that he put the defendant's
6 clothes all in a bag, burned them as far as he
7 knew, and that he was afraid of Hustle Man. Yeah,
8 absolutely, and rightly so at this point. So that
9 red herring of Daevon Smith's being afraid of
10 Precious, that's to the side. Precious wasn't in
11 the car. She didn't have anything to do with
12 this. She didn't rob, shoot, and kill her
13 brother, and neither did Daevon Smith.

14 This was his childhood friend. He told
15 you they grew up together. Like, literally the
16 same street kind of growing up, and Samquan F. was like
17 his family. Samquan F. was like Daevon's family.

18 Samquan F. was nothing to Hustle Man. Nothing but an
19 easy mark. A kid who had been drinking, who had a
20 bunch of money in his pocket.

21 And I'm sure you-all remember R.J.,
22 Reginald Jenkins, our lively witness despite the
23 somber and serious nature of what we're dealing
24 with here who got a chuckle about, you know, the
25 strip club and some other off remarks that he

1 made. But R.J. got up there, Ethan Rodgers told
2 you when I called him back up, R.J., Reggie, Reg
3 had changed his story.

4 When he was originally interviewed by the
5 police about what happened, he said very clearly,
6 got to the house, I got in, I'm leaving and all
7 three of them are in the car. Now, all of a
8 sudden, after all these phone calls are going out
9 from the jail from Hustle Man, making all those
10 connections.

11 And you heard part of the jail phone call
12 that he made Monday night after he heard that I --
13 and he testified to it, that I might have a time
14 line because I mentioned that 7:30 might be
15 important. So he's listening and he's getting his
16 people out there working on that. You heard the
17 call. *You better tell them boys, you know, go in*
18 *there, meaning tomorrow, and bust those mother*
19 *f'ers, bust them up.*

20 Reg lied when he came in here. And even
21 if he didn't, the defendant knows he can't do what
22 he's going to do at his house. He's got to drive
23 down the road. He's got to find a place. And
24 anybody that drives in this community, in these
25 counties, knows without a doubt, if you're on a

1 stretch of a deserted road, you go up to Highway 3
2 and [REDACTED] Road right there, you're going to
3 find some place where you can stop your car in the
4 middle of the road, get that boy out of the back
5 and say, *Give me that money out of your pocket. I*
6 *got the gun on you. You're not going to give it*
7 *to me? Remember, I'm mad. Remember, I'm*
8 *frustrated. Remember, I'm the man who's dealing*
9 *drugs, beating people up, and I shoot you. You*
10 *know what, I'm going to send a message: If I tell*
11 *you to give me the money, you better give me the*
12 *money, because you're going to wind up dead if you*
13 *don't.*

14 He admitted on his Facebook where he was,
15 told you he testified. I was at the yard party.
16 He admitted to being at Club Karma. The defendant
17 told you on October 3rd, *No, I didn't know I was a*
18 *wanted man. I had no idea. You know, Other*
19 *people go on my Facebook. They take my Facebook*
20 *messages and then I don't get them. And he wants*
21 *you to believe that all these messages coming into*
22 *him, well, they're just going out into space*
23 *somewhere. He's not getting the word. He's just*
24 *hanging out in Columbia for the next six days.*
25 Local news media is flooded. Everybody in the

1 community knows what he did to Samquan F.

2 But you know what? The defendant knows.
3 The defendant knows when he gets word, because he
4 did get word. He knew they were looking for him.
5 He's thinking to himself, *Okay. Ooh, the jig is*
6 *up.* Somebody is talking. Somebody is talking out
7 of school. Somebody is cooperating.

8 But, you know what he didn't know? He
9 didn't know at that time that that somebody was
10 the most important somebody that talked, and that
11 is Samquan F. What he didn't know at that time was
12 that the young boy that he left robbed and shot --
13 and here's the key -- that he thought was dead on
14 that road in that ditch, had lived just long
15 enough to call his name over and over.

16 (Video played.)

17 And, finally, Dr. Batalis told you -- he
18 was the forensic pathologist who testified -- he
19 told you that he put in his report -- and the
20 defense attorney went on and on with him about
21 it -- about that he stated in the report what had
22 been told to him by the coroner about some theory,
23 or whatever the coroner might have thought. It's
24 his job to put that in his report. He can't just
25 leave that out. He's got to put in there the

1 information they gave him. That's not what he
2 found though. He testified to you what he found
3 from the autopsy, that Samquan F. was shot once in the
4 chest, through and through, front to back, left to
5 right, and slightly downward. And he said that
6 the blood in Samquan F.'s body had pooled around his
7 lungs. He was shot in the lung. It was stifling
8 his breath.

9 And that close-contact, soot-in-the-wound
10 shot told that doctor, and he told you, that meant
11 that that gun was on his chest. Not some crazy
12 hustle you heard up here where Samquan F. is running
13 away and he's gets shot like that, you know, from
14 far away.

15 And he told you that the definition --
16 the manner of his death -- excuse me. The cause
17 of his death was the gunshot wound to his chest,
18 and the manner of his death was homicide, and he
19 gave you the definition of homicide and homicide
20 is death at the hands of another.

21 And so your question. Whose hands were
22 those? Those hands. Those hands right there are
23 the hands that are responsible for shooting and
24 killing Samquan F. .

25 Now, there is more than enough credible

1 and reliable evidence for you to return to this
2 courtroom and unanimously and confidently declare
3 that this defendant robbed and murdered and
4 possessed a gun when he robbed and murdered young
5 **Samquan F.** on September 30th, 2018.

6 And, finally, your oath as jurors,
7 rendering your true verdict according to the
8 evidence and the law that the judge is going to
9 give you, that guilty verdict -- that guilty
10 verdict will echo the last words of **Samquan F.**, the
11 last words of a dying man naming his killer.

12 And you will find that Hustle Man, that
13 the defendant, that a Javeris Williams robbed and
14 murdered **Samquan F.**

15 (Video played.)

16 Thank you.

17 THE COURT: Mr. Johnson.

18 MR. JOHNSON: Thank you, Your Honor. If
19 it pleases the Court?

20 THE COURT: Yes, sir.

21 CLOSING ARGUMENT

22 MR. JOHNSON: Good afternoon. I want to
23 thank you for your service, for being here. I
24 want to thank you for the last three days. And I
25 watched and you paid attention. You watched all

1 the evidence and you'd been given all the evidence
2 that you're going to get in this trial.

3 As I said in the beginning, it's
4 important for you to be here because you are the
5 trier of facts, not what the solicitor said, not
6 even what I said. If I say something that's
7 different than what you remember things to be,
8 then use your mind to determine what is the facts.
9 So if I say something in my closing here that's
10 not what you remember, then go by what you
11 remember.

12 I'm not here trying to do smoke and
13 mirrors, make you see something that's not there.
14 There is no glove that don't fit. That ain't
15 happening here.

16 This is a real-life case, and my client,
17 his name is not Hustle Man. That is Javeris
18 Williams. A human being that has a right to be
19 free and found guilty of things that he did and
20 found not guilty of things that he didn't do.

21 You might not like him. You might not
22 like what he do. You might not like the color of
23 his skin. You might not like where he live, how
24 much money he's got, but, in our Constitution, as
25 he's sitting there now -- this is something that

1 hasn't been brought out -- he is an innocent man.

2 It's the State's responsibility to prove
3 he's guilty. It's not his position to prove he's
4 innocent. The State must prove you guilty in
5 America. That's requires a higher -- it's not a
6 50/50 thing. It's not 51/50. If it's 51, then
7 he's guilty. His a higher level. It's guilt
8 beyond a reasonable doubt.

9 Now, it's hard to explain what reasonable
10 doubt is. The judge will instruct you later on
11 the law and then explain the law to you. Anything
12 concerning the law, it's the judge's
13 responsibility, and she will tell you that.

14 I'm going to give you have my opinion
15 about what I believe reasonable doubt is. My
16 opinion what reasonable doubt is: When you look
17 at all the evidence and weigh it about guilt or
18 innocence, and you have doubt, you're not sure,
19 and it's a reasonable conclusion that you're not
20 sure, then that's reasonable doubt. And under my
21 understanding of the law, if you come to that
22 conclusion, you have to find my client innocent.

23 Now, what I have attempted over the last
24 few days -- I wrote down some things. April the
25 4th of this year, I was retained to represent my

1 client. Prior to that time, he was represented by
2 other attorneys. As the State pointed out to you,
3 he has been incarcerated since 2018 waiting for
4 this day. And since April, since I've taken over
5 this case, we have found more evidence to support
6 his innocence than the State found in the last six
7 years. And the reason being because -- I used to
8 be a prosecutor, and I found out that policemen
9 have sometimes what I call tunnel vision. They
10 have a lot of pressure on them to make sure the
11 community is safe. They have a community looking
12 at them, an impression, and they try to solve
13 crimes.

14 But what they will do is, they will go
15 and look at a scene and figure out Javeris did it.
16 They would immediately go and arrest them, and
17 then they will go back and try to get evidence to
18 prove that he did it. But that's not how it's
19 supposed to go.

20 The way you -- the way it's supposed to
21 go is, you go and collect the evidence, look at
22 the evidence, and then determine who did it. But
23 when you figure out who did it within the first
24 three or four days, before you even get any
25 evidence back, anything that comes to you that

1 suggests that what you believed to be the truth
2 that doesn't fit, you ignore it. As a result, you
3 don't get all the truth. You don't get all the
4 truth. There is no way that you as a jury can
5 make the decision about the outcome of a trial
6 without getting all the facts, and that's all I
7 attempted to do.

8 I would like to apologize to any of you
9 if anything I did offended you or caused you to
10 be -- I'm a little intense sometimes. These
11 officers and the prosecution, they have a hard job
12 and I respect them. But, you have four people
13 sitting here, attorneys, police officers have the
14 community looking. You have a SLED, you had U.S.
15 Marshals to represent this the State.

16 My client has me, so I have to be serious
17 about what I do. I take it very serious.

18 So let's talk about this case. There was
19 19 witnesses in this case. The very first witness
20 was actually the victim in this case. You have
21 him on tape, and I'm sure you will be able to look
22 at it again if you want to, and he clearly stated,
23 *Hustle Man robbed me*. If you notice, he didn't
24 say, *Shoot me*. He said, *Robbed me*. There is
25 evidence that he had alcohol. He had been

1 drinking. There was evidence that he had been
2 using drugs. Evidence that he was so intoxicated
3 that he threw up, and that he was passed out in
4 the back of the car.

5 I have no idea of why he would say Hustle
6 Man did it if Hustle Man didn't do it. But the
7 evidence doesn't support what he said. And
8 anybody can accuse you of anything, and that's
9 going to be probable cause for you to be arrested,
10 but then they have to show proof that what they're
11 saying is true.

12 Now, there would be no winners in this
13 case because we have a person that's dead. He
14 lost his life, and somebody did do that. The
15 question is, did Javeris do it? That's the
16 question. I don't know what he was thinking when
17 he said Javeris. The only thing I think of is
18 that either Javeris did it, or maybe because he
19 was intoxicated, he fell asleep and have a
20 hangover, and the last thing he remembers, he was
21 in a car with Javeris and Daevon, Daevon Smith.
22 And then the next thing he's remembering is, he's
23 laying in the bushes shot. He could be in shock
24 from being shot. He's lost a lot of blood. He
25 could be not remembering things and just

1 remembered being with Javeris. I don't know. I
2 cannot explain that, and I wouldn't try to. It is
3 what it is. But there is no evidence to support
4 that Javeris did it.

5 Now, what we do have is the next witness
6 after you have saw the videos. Mr. Devon Johnson.
7 He was a gentleman that called 911 that was at the
8 house. He said he came and found him laying there
9 with no shirt on, no pants on, and he was, I
10 guess, doing compressions on his chest to stop the
11 bleeding and stuff when they arrived.

12 I'm looking at the evidence, but you have
13 a shirt laying in the middle of the road with
14 bullet holes in the shirt meaning that,
15 apparently, he had his shirt on when he was shot.
16 But there is no evidence on how the shirt came
17 off. But why was -- if Javeris shot him, why you
18 shoot somebody and pull his shirt off or pull his
19 pants off. It could be evidence that he was not
20 shot or killed at the scene and the pants and
21 shirt was dumped there. That's a possibility. I
22 don't know, but I ask you just to consider these
23 things. But that's evidence that was given by the
24 state. I didn't give the evidence. That's the
25 State's evidence.

1 The next person that they talked to was
2 the person from fire and rescue. He gave you no
3 evidence that Javeris was guilty of anything. No
4 evidence at all. He just said there was a
5 gunshot, in and out, he showed the pictures.
6 There was a stack of them showing that the gun was
7 close, which might indicate there was some type of
8 struggle that happened at the scene.

9 The next person was Captain Williams from
10 Estill. He testified that when they asked, do you
11 know Hustle Man, or Hustle Mane, he knew of
12 Javeris and he gave the officer the information to
13 look on Facebook. Once again, no evidence that
14 Javeris shot, killed, or done anything to anybody.

15 The next person was Gregory White at the
16 gas station. Now, it's relevant evidence. He
17 showed a picture of -- I'm assuming it was
18 Javeris. They never did say who it was -- walking
19 into a gas station. He didn't rob the gas
20 station. He didn't steal anything. He wasn't
21 running from anybody. He walked into a gas
22 station, and they presented evidence of that. I'm
23 assuming it was to show that he stopped at the gas
24 station on the way to the scene, but the State
25 never explained that. They just showed you a

1 picture.

2 Once, again, it has nothing to do with
3 the murder. He wasn't hiding anything. No gun
4 found. Nothing. It was just something they
5 showed you.

6 The next witness was an investigator,
7 Investigator Rodgers. Now, let's talk about him.
8 He's the lead investigator and he tells you that
9 after he got the name Hustle Man, without looking
10 for any more evidence to support what the victim
11 said, he goes on Facebook and sits at his desk.
12 And from what I can tell, he never left that desk
13 again to check anything, except to send out
14 bulletins on Facebook and call the U.S. Marshals
15 to look for somebody that was supposedly running
16 from him when he never even took the time to go to
17 his house to look for him or go to his family and
18 him where he was.

19 There's a reason they do that. A lot of
20 the time -- you're not exposed to this -- but
21 there's certain techniques that are used by the
22 police. When you put out to the U.S. Marshals and
23 all this and say you're looking for someone or a
24 person of -- a suspicion or a person you want to
25 talk to, it's used later on when bond is being set

1 because you can say, he tried to abscond from the
2 police and then bonds are denied, and the
3 individual sits -- my client sits in jail for six
4 years before he gets to trial. But he told you he
5 didn't take the time to go look for him because he
6 already made up his mind that he was guilty.

7 He's the lead investigator. Everybody is
8 following his lead, and they've been following it
9 ever since.

10 He actually said -- well, you know what?
11 There's a thing about it, he tells you that he has
12 no gun. They can't even tell you the type of gun
13 that was used. They would give you a reason as to
14 why they don't have evidence. Like, we can't find
15 a round laying on the ground, so it must have been
16 a revolver. Suppose he didn't get clear evidence.
17 They didn't look anywhere else. They never even
18 went to his house where supposedly they was at and
19 checked the house. They never went down the
20 street. Supposedly, according to their testimony,
21 Javeris and Daevon take off his clothes and put
22 them in a bag and walk down the street. Did they
23 ever walk down the street to see if that was true?
24 No. He never told you anything about him leaving
25 the office to do anything, except arrest Javeris

1 and say he's guilty.

2 They have no DNA. I might jump around.
3 I apologize. But Mr. Smith, Daevon Smith,
4 testified that he saw Javeris shoot and kill
5 **Samquan F.** And they make a big thing about 95 pages,
6 but you never know. They didn't say it wasn't
7 true. It's 95 pages. Two-and-a-half hours of
8 cross-examination for a one-paragraph statement
9 that had nothing in it about white gloves, which
10 he testified that supposedly Javeris had white
11 gloves on. What's the significance of that?
12 That's called testi-lying. You have to explain
13 why there's no DNA.

14 So now -- look at Javeris. Take a look
15 at him. Do you ever think he ever owned a set of
16 white gloves? What he's giving, communion? Let's
17 be real about this. They have a strip club, they
18 drunk, and he's going to plan this and take the
19 time to put white gloves on? And they're white
20 gloves. I don't know where that came from. It
21 doesn't make sense.

22 The poet, Maya Angelou said one time,
23 "Once a person show you who he is, believe him."
24 Once a person shows you he's a liar, he's a liar.

25 The State tried to change stuff, or shade

1 stuff. Daevon Smith got on the stand and said he
2 first told the police he was drunk and he didn't
3 know anything. Then after two-and-a-half hours,
4 95 pages of tough cross-examination, Javeris did
5 it with white gloves on.

6 But he also told you that he was not
7 afraid of Javeris, but he was more afraid of his
8 sister, Precious, which is the victim's sister,
9 and he told you that. Now, the State a minute ago
10 forget to say that. She said that he's afraid of
11 Javeris. But use your own mind and remember what
12 he said. My remembrance tells me that he said,
13 *I'm afraid of Precious and not Javeris.* To me
14 that was him telling you that I'm saying this
15 because I ain't got no choice, but you make your
16 own determination about that.

17 I could go down the list of the people
18 that came before you, but everybody that came
19 before you gave you no evidence that Javeris
20 killed anybody. You have two people that even
21 said Javeris did anything. The victim, who I
22 submit to you was in shock. He had been drunk.
23 He'd been out all night. He was probably
24 dehydrated. He'd been shot. He's bleeding. He's
25 laying there, and no telling what goes through a

1 person's mind when they're that close to death. I
2 don't know. I don't have an explanation for it.

3 But I know that in order to find a person
4 guilty of murder and take away his freedom, there
5 got to get more than that. I can't just walk up
6 and say you shot my dog, and then they put you in
7 jail just on me saying that. There got to be more
8 than that.

9 I understand that this young man is dead,
10 so I can't cross-examine him, but there got to be
11 more to take a person's freedom than a person
12 saying he did it. There's got to be more.

13 But in this case there is more to say
14 that he didn't do it. We have two witnesses that
15 the defense put up. One saying he picked Javeris
16 up, which is consistent. Remember Mr. Jenkins
17 said he went to the house, that Mr. Smith and the
18 victim, **Samquan F.**, was still in the car passed out.
19 He got out of the car. Javeris got out of the
20 car.

21 Now, remember, this is the State's
22 witness. This is not the defense's witness. This
23 is the State's witness. Now, the State is going
24 to now call him a liar because he didn't say what
25 they wanted him to say. Then they shouldn't have

1 put him up there.

2 But this is what the State witness said:
3 *I got out of the car and Javeris went in the*
4 *house.*

5 Dontae Collins came in here and told you
6 that he got a call from Javeris. He went to the
7 house. It was early that morning. He doesn't
8 know what time it was. He said, *I picked him up*
9 *and took him to his girlfriend's house.* He said,
10 *There was two people in the car. I don't know who*
11 *was in the car. I don't know what time.* So you
12 take that for what it is, but it matches the
13 evidence.

14 The last gentleman, Mr. Riley, as I
15 stated, I found out about Mr. Riley within the
16 last three days of being here. Never knew about
17 him. You credit what he says and you make the
18 determination, but it does match the evidence and
19 let me tell you why. The only person that says
20 that they took off their clothes is Mr. Smith.
21 Now, according to his testimony, he was nowhere
22 near the shooting if Javeris did it. So why is he
23 taking off his clothes?

24 Once again, the only person that could
25 have done it, other than Javeris, is Mr. Smith.

1 The only one reason for Mr. Smith lying and
2 putting it on Javeris is because he did it.

3 Mr. Smith talked about he was afraid.
4 Javeris told him to get in the car and he got back
5 in the car, but then he's going to go to the
6 house, find his phone, and go in the house with a
7 person you're afraid of to charge it back up.
8 That don't make sense. You make your own
9 determination.

10 The State would have you believe that
11 Javeris was running away from here. But remember,
12 they did not even get a warrant for his arrest
13 until three or four days later. And he was not
14 running. He was in Columbia. He did not know the
15 police was looking for him because the police
16 didn't look for him. They just put it on Facebook
17 and on the news.

18 Imagine you going to Columbia and you
19 look on Facebook and see you got a warrant for
20 your arrest and you got federal marshals and
21 everybody looking for you, and then the police
22 come and say, you been running from me. That's
23 what happened to Javeris.

24 I'm glad I wrote this down. The State
25 brought up the two-dollar bill. Remember when

1 they searched his pockets, and it's in evidence,
2 they found a two-dollar bill and change in his
3 pocket. And I'm a retired sailor, so I guess it's
4 fair to say I've been in some strip clubs. This
5 \$1500, or whatever money Samquan F. had, it was true.
6 He was robbed of it, but it wasn't by Javeris.
7 When he was in the strip club from one o'clock in
8 the morning, at 1:00 a.m., to 6:00 that next
9 morning, that money is in that strip club. Now
10 that's where he got robbed. The key to the
11 two-dollar bill is in a strip club.

12 I did some research on this. That's how I
13 know this, but two dollars bills -- strip clubs don't
14 give people a dollar no more. They use two-dollar
15 bills in strip clubs. So when you do a dollar bill
16 for a dance or something, you're only tipping two
17 dollars, so they're making double what they normally
18 would make. That's the relevance of the two-dollar
19 bill. It's not a lucky two-dollar bill. It's what's
20 left of his money and that change in his pocket. He
21 was not robbed. And there is still no evidence, if he
22 was robbed, that Javeris did it.

23 As Javeris said, people would hang around
24 him because he took care of them. He was a
25 hustler. I ain't saying it's right. But, you

1 have people that are killers out here in these
2 streets and you got people that are hustlers. It
3 doesn't pay a hustler to kill. You can't hustle
4 in jail. It just ain't practical. I hate to put
5 it like that, but that's just it. It ain't this
6 boy.

7 Look at the evidence. You have a
8 reasonable reason and evidence that somebody else
9 did it. You have an eyewitness that the police
10 choose to not believe because they made up their
11 mind who did it. That's all it is. But you have
12 to have more than what they presented to you to
13 convict somebody of murder. If that's all there
14 is -- that it would take for somebody to be
15 sentenced and go to jail for possibly the rest of
16 his life, then we in a bad situation.

17 Thank you.

18 THE COURT: Miss Campbell.

19 MS. CAMPBELL: Nothing further, Your
20 Honor.

21 THE COURT: Thank you.

22 Let me ask you-all just to stand up and take
23 a stretch very quickly. My charge is going to take
24 roughly 15 minutes or so and I just want to make sure
25 you-all are awake enough. Just take a little bit of a

1 stretch. You feel okay? You-all, okay? Does anyone
2 need a break before I start?

3 All right. For those of you who are in
4 the courtroom, once I start charging on the law,
5 the doors are going to be locked in the back of
6 the courtroom. So if you want to leave, you need
7 to leave now or you're going to have to stay
8 through the whole thing.

9 Okay? Does anyone need a break? No, okay.

10 JURY CHARGE

11 THE COURT: Ladies and gentlemen, just to
12 begin, you are going to have back in the jury room
13 a copy of what I'm going to read to you right now.
14 It's the law in this case. So pay attention, but
15 sit back and realize that you will have a copy of
16 it at the end of the case when we send it to you
17 for the deliberations.

18 All right. Madame Foreperson, ladies and
19 gentlemen of the jury, you've followed very
20 patiently and listened very attentively to the
21 presentation of the evidence in this case, and I
22 want to thank you for that. It now becomes the
23 duty of the trial judge under the Constitution of
24 this state to charge and instruct you on the law
25 that's applicable to this case, and it's your duty

1 as jurors to accept and apply the law as the Court
2 will now state it to you.

3 As jurors, it is your exclusive duty to
4 decide all the issues of fact in this case. You
5 must determine the effect, the value, the weight,
6 and the truth of the evidence. But the State of
7 South Carolina and the defendant, Mr. Williams,
8 have a right to expect that you will carefully
9 consider and evaluate the evidence and apply the
10 law of the case to the evidence. And by doing
11 that, both the State and Mr. Williams will receive
12 a fair and impartial trial in this matter.

13 Now, the State of South Carolina by the
14 bills of indictment charges the defendant Javeris
15 Tremane Williams with the offenses of murder,
16 armed robbery, and possession of a weapon during
17 the commission of a violent crime.

18 Now, I remind you that the fact the
19 defendant was arrested, charged, and indicted in
20 this case is not evidence in this case and cannot
21 be considered by you as evidence of guilt in this
22 case, nor does it create any presumption or
23 inference of guilt. An indictment is simply the
24 formal written instrument which contains the
25 charge or charges made against the defendant.

1 It's the formal document by which the case is
2 brought into this court.

3 The defendant, Mr. Williams, has pled not
4 guilty to these indictments, and that plea puts
5 the burden on the State to prove the defendant
6 guilty. A person charged with committing a
7 criminal offense in South Carolina is never
8 required to prove themselves innocent. I charge
9 you that it's an important rule of law that a
10 defendant in a criminal trial, no matter what the
11 seriousness of the charges may be, will always be
12 presumed to be innocent of the crimes for which
13 the indictments were issued unless guilt has been
14 proven by evidence satisfying you, the jury, of
15 that guilt beyond a reasonable doubt.

16 This presumption of innocence does not
17 end when you begin your deliberations, but it
18 accompanies the defendant throughout the trial
19 until you reach a verdict of guilt based on
20 evidence satisfying of that guilt beyond a
21 reasonable doubt.

22 The presumption of innocence is like a
23 robe of righteousness that's placed about the
24 shoulders of the defendant and it remains with the
25 defendant until it has been stripped from him by

1 evidence satisfying you have the defendant's guilt
2 beyond a reasonable doubt.

3 The presumption of innocence is not a
4 mere legal theory. It's not just a legal phrase
5 we use. It is a substantial right to which every
6 defendant is entitled unless you, the jury, are
7 satisfied from the evidence of the defendant's
8 guilt beyond a reasonable doubt.

9 So what is a reasonable doubt in the law?
10 A reasonable doubt is the kind of doubt that would
11 cause a reasonable person to hesitate to act in
12 their most important decisions. The State has the
13 burden of proving a defendant guilty beyond a
14 reasonable doubt. And the term reasonable doubt
15 must be given its plain and ordinary meaning.
16 However, to the extent that I may define it for
17 you again, a reasonable doubt is the kind of doubt
18 that would cause a reasonable person to hesitate
19 to act in the most important of their personal
20 decisions.

21 The defendant is entitled to every
22 reasonable doubt arising in this case. If upon
23 any issue of fact essential to a conviction you
24 have a reasonable doubt as how that issue should
25 be resolved, you must resolve that reasonable

1 doubt in favor of the defendant.

2 Some of you may have served as jurors in
3 civil cases where you were told it was only
4 necessary to prove that a fact is more likely true
5 than not true, such as by the greater weight or
6 what we call the preponderance of the evidence.

7 In criminal cases, the State's proof must
8 be more powerful than that. It must be beyond a
9 reasonable doubt. Suspicion, no matter how strong
10 is insufficient to convict a person charged with a
11 crime. The facts and circumstances presented may
12 seem suspicious and the defendant's guilt may seem
13 probable, this is not sufficient in the law to
14 convict. Proof beyond a reasonable doubt is proof
15 that leaves you firmly convinced of the
16 defendant's guilt.

17 Now, there are very few things in this
18 world that we know with absolute certainty, and in
19 criminal cases the law does not require proof that
20 overcomes every possible doubt. If, based on your
21 consideration of the evidence, you're firmly
22 convinced that the defendant is guilty of the
23 crimes charged, you must find the defendant
24 guilty. If, on the other hand, you think there's
25 a real possibility that the defendant is not

1 guilty, you must give the defendant the benefit of
2 the doubt and find him not guilty.

3 I remind you that during this trial you
4 and I have certain duties to perform. As a trial
5 judge, it's my responsibility to preside over the
6 trial of this case, and I also have a duty to rule
7 on the admissibility of evidence that's offered
8 during this trial. You are to consider only the
9 competent evidence before you. You are to
10 consider only the testimony which has been
11 presented from the witness stand and any exhibits
12 which have been made a part of the record in this
13 case.

14 I have the additional duty to charge you
15 the law that's applicable to this case. As the
16 presiding judge, I am the sole judge of the law of
17 this case and it is your duty as jurors to accept
18 and apply the law as I now state it to you. If
19 you already have any idea as to what the law is or
20 what the law ought to be and it does not agree
21 with what I now tell you the law is, you must
22 abandon this idea because you are sworn to accept
23 the law and apply the law exactly as I state it to
24 you.

25 In every case tried in this court before

1 a jury, the jury becomes the sole and exclusive
2 judge of the facts. A trial judge cannot
3 intimate, state, comment on, or make any statement
4 to a trial jury about the facts in a case. And,
5 since you, the jury, are the sole judge of the
6 facts in this case, you are not to infer from what
7 I have said during the progress of this trial in
8 ruling upon the admissibility of evidence or
9 otherwise, or anything that I say now during the
10 course of this instruction to you, that I have any
11 opinion about the facts in this case. The law
12 does not allow me to have an opinion about the
13 facts in this case. This is a matter solely for
14 you, the jury, to determine.

15 Now, there are two types of evidence
16 which are generally presented during a trial;
17 direct evidence and circumstantial evidence.
18 Direct evidence directly proves the existence of a
19 fact and does not require deduction.
20 Circumstantial evidence is proof of a chain of
21 facts and circumstances indicating the existence
22 of a fact.

23 Crimes may be proven by circumstantial
24 evidence. The law makes no distinction between
25 the weight or value to be given to either direct

1 or circumstantial evidence. However, to the
2 extent the State relies on circumstantial
3 evidence, all of the circumstances must be
4 consistent with each other and when taken together
5 point conclusively to the guilt of the accused
6 beyond a reasonable doubt. If these circumstances
7 merely portray the defendant's behavior as
8 suspicious, the proof has failed.

9 The State has the burden of proving the
10 defendant guilty beyond a reasonable doubt and
11 this burden rests with the state regardless of
12 whether the State relies on direct evidence,
13 circumstantial evidence, or some combination of
14 the two.

15 Necessarily, you must determine the
16 credibility of witness who have testified in this
17 case and credibility simply means believability.
18 It's your duty as jurors to analyze and to
19 evaluate the evidence and determine which evidence
20 convinces you have its truth.

21 In determining the believability of
22 witnesses who have testified in this case, you may
23 believe one witness over several witnesses or
24 several witnesses over one witness. You may
25 believe a part of the testimony of a witness and

1 reject the remaining part of the testimony of that
2 same witness. You may believe the testimony of
3 weapon in its entirety or reject the testimony of
4 a witness in its entirety. And you may consider
5 whether any witness has exhibited to you an
6 interest, bias, prejudice, or other motive in this
7 case. And you may also consider the appearance
8 and manner of a witness while on the witness
9 stand.

10 The rules of evidence ordinarily do not
11 permit witnesses to testify to opinions or
12 conclusions. An exception to this rule exists for
13 witnesses we call expert witnesses. A witness who
14 by education and experience has become an expert
15 in some art, science, profession, or calling may
16 state an opinion as to relevant and material
17 matter in which the witness claims to be an expert
18 and they also state the reasons for the opinion.

19 You should consider any expert opinion
20 received in evidence in this case, and like any
21 other evidence, give it the weight you think it
22 deserves. If you decide that the opinion of an
23 expert witness is not based on sufficient
24 education and experience, or, if you conclude that
25 the reasons given in support of the opinion are

1 not sound, or that the opinion is outweighed by
2 other evidence, you may disregard the opinion
3 entirely. An expert witness's testimony is to be
4 given no greater weight than that of other
5 witnesses simply because the witness is an expert.
6 Further, you are not required to accept an
7 expert's opinion even though it is not
8 contradicted.

9 Now, ladies and gentlemen, this Court has
10 admitted evidence and statements allegedly made by
11 the deceased victim after the injuries. I have
12 determined that these statements should be
13 admitted into evidence in this case. However, it
14 is for you to determine the believability of these
15 statements. In deciding this question of
16 believability, you may consider whether the victim
17 was dying and knew he was dying and whether the
18 victim had lost all hope of recovery at the time
19 the statements were made.

20 Now, in this case, the defendant,
21 Mr. Williams, is charged with the murder of
22 **Samquan F.**. The State must prove beyond a
23 reasonable doubt that the defendant killed another
24 person with malice aforethought. Malice is
25 hatred, ill will, or hostility towards another

1 person. It is the intentional doing of a wrongful
2 act without just cause or excuse and with an
3 intent to inflict an injury or, under
4 circumstances, the law will infer an evil intent.
5 Malice aforethought does not require that malice
6 exists for any particular time before the act is
7 committed. But, malice must exist in the mind of
8 a defendant just before and at the time the act is
9 commit. Therefore, there must be a combination of
10 the previous evil intent and the act.

11 Malice aforethought may be express or
12 inferred, and these terms "express" and "inferred"
13 do not mean difficult kinds of malice but merely
14 the manner in which malice may be shown to exist.
15 That is either by direct evidence or by inference
16 from the facts and circumstances which are proved.

17 Express malice is shown when a person
18 speaks words which express hatred or ill will for
19 another or when the person prepared beforehand to
20 do the act which was later accomplished. For
21 example, lying in wait for a person or any other
22 acts of preparation going to show that the deed
23 was within a defendant's mind would be express
24 malice.

25 Now, ladies and gentlemen, in this case,

1 if you find that the State has failed to prove
2 beyond a reasonable doubt that the defendant
3 committed murder, you may consider whether the
4 State has proved beyond a reasonable doubt that
5 the defendant committed voluntary manslaughter.
6 Included with the offense of murder is the lesser
7 included offense of voluntary manslaughter.
8 Voluntary manslaughter is the unlawful killing of
9 another without express or implied malice. To
10 prove voluntary manslaughter, the State must prove
11 beyond a reasonable doubt the defendant took the
12 life of another in the sudden heat of passion and
13 with sufficient legal provocation. Both heat of
14 passion and sufficient legal provocation must be
15 present at the time of the killing to constitute
16 voluntarily manslaughter.

17 Second, heat of passion may for a time
18 effect a person's self control and temporary
19 disturb a person's reason, such as rage or terror.
20 The sudden heat of passion must be the type that
21 would make an ordinary person unable to coolly
22 reflect on his actions and would produce an
23 uncontrollable impulse to do violence.

24 Sufficient legal provocation must be the
25 type that would make a person of ordinary reason

1 and caution become enraged and to lose control
2 temporarily. The provocation needed for voluntary
3 manslaughter must come from some act of or related
4 to the victim. Words alone, however vulgar or
5 insulting, are not enough to be legal provocation.
6 Where death is caused by the use of a deadly
7 weapon, the words must be accompanied by some
8 overt threatening act which could have produced
9 the heat of passion. The exercise of a legal
10 right, no matter how offensive it is to another,
11 is never sufficient legal provocation for
12 voluntarily manslaughter. If the heat of passion
13 had cooled, or if there was enough time between
14 provocation, if any, and the killing for the
15 passion of a reasonable person to cool, the
16 killing would not be voluntary manslaughter.

17 In deciding whether a reasonable person
18 would have had enough time to cool off, you should
19 consider all the circumstances surrounding the
20 killing. You may consider the nature of the
21 provocation, if any, the defendant's mental and
22 physical state, and the circumstances and
23 relationship between the parties.

24 Now, in this case, the defendant is also
25 charged with armed robbery. In order to prove

1 armed robbery, the State must show that the
2 defendant committed robbery while armed with a
3 pistol, dirk, slingshot, metal knuckles, razor, or
4 other deadly weapon, or while alleging by either
5 actions or words he was armed while using a
6 representation of a deadly weapon or any object
7 which a person present during the commission of a
8 robbery reasonably believed to be a deadly weapon.

9 Ladies and gentlemen, robbery is the
10 taking of property from an individual or in the
11 presence of an individual by threat or force.

12 Now lastly, the defendant is charged with
13 the possession of a weapon during the commission
14 or attempt to commit a violent crime. To prove
15 this charge, the State must prove beyond a
16 reasonable doubt that the defendant was in
17 possession of a firearm or visibly displayed what
18 appeared to be a firearm during the commission of
19 a violent crime.

20 A firearm means any machine gun,
21 automatic rifle, revolver, pistol, or any weapon
22 which will is designed to or readily converted to
23 expel a projectile.

24 Now, in order to find the defendant
25 guilty of possession of a weapon during the

1 commission of a violent crime, you must first find
2 the defendant guilty of either committing a
3 violent crime or attempting to commit a violent
4 crime. I charge you it is the law of this state
5 that armed robbery, murder, and voluntary
6 manslaughter are violent crimes.

7 Ladies and gentlemen, the State must also
8 prove beyond a reasonable doubt that the weapon
9 further advanced or helped in the commission of a
10 violent crime.

11 Madame Foreperson, members of the jury,
12 as you retire to begin your deliberations in this
13 case, I wish to express the hope that each of you
14 are mindful of the importance of your
15 responsibility here today. You're not called upon
16 very often to serve as jurors and the proper
17 performance of that duty requires each of you to
18 reach the height of freeing your mind of all
19 improper influences.

20 So please don't get the idea that I'm
21 trying intimate to you how you should decide this
22 case. As I've already told you, under the laws of
23 South Carolina, you, the jury, are the sole judge
24 of all facts in this case and it would be highly
25 improper for me to influence you in your

1 performance of that duty.

2 However, ladies and gentlemen, as the
3 presiding judge, I am vitally concerned that
4 whatever verdict you reach will be the result of
5 you going back into your jury room and confining
6 your consideration to the evidence and the law
7 that you heard here in this courtroom weighing it
8 fairly and impartially as I have every confidence
9 you will.

10 Ladies and gentlemen, my law clerk has
11 prepared a verdict form in this case. It will be
12 back in the jury room with you and it has four
13 questions, and I ask that the foreperson fill out
14 this verdict form and sign it at the end and date
15 it.

16 Now, the verdict form has the case
17 caption, which is *The State of South Carolina vs.*
18 *Javeris Tremane Williams*, and it has, as I said,
19 four questions. The first question is: As to the
20 charge of murder, we, the jury, unanimously find
21 the defendant, Javeris Tremane Williams, and it
22 has a line for not guilty or guilty. You simply
23 check one or the other. If you find the defendant
24 not guilty of murder, I ask you to go on to
25 question number 2 where it asks you about whether

1 or not you considered the lesser included offense
2 of murder, which is voluntary manslaughter.

3 If you found him guilty of murder on the
4 first question, you would then just jump to the
5 third question, and it goes on to ask: As to the
6 charge of armed robbery, we, the jury, unanimously
7 find the defendant, Javeris Tremane Williams, and,
8 again, guilty or not guilty. You check one.

9 And then, ladies and gentlemen, you get
10 to number 4, it says: As to charge of possession
11 of a weapon during the commission of a violent
12 crime, we, the jury, unanimously find the
13 defendant, Mr. Williams, either guilty or not
14 guilty. You don't even get to question number 4
15 if you find Mr. Williams not guilty on murder,
16 voluntary manslaughter, and armed robbery. All
17 right? Because that would have to be one of the
18 underlying violent crimes.

19 After that, Madame Foreperson, when the
20 jury has reached a unanimous verdict, that is, it
21 must be the verdict of all 12 injuries in
22 agreement, there is a place for you to sign and
23 date the form.

24 When the injury has reached a unanimous
25 verdict, I need you to knock on the jury room door

1 and we are going to accept you back in the
2 courtroom to take your verdict.

3 Now, for a couple of housekeeping
4 matters, as I told you back in the jury room, you
5 are going to have the verdict form on top, you are
6 going to have the jury charge that I just read to
7 you, as well as all the evidence that has been
8 entered into this case.

9 Ladies and gentlemen, if you don't have
10 something back there that you're looking for,
11 you're not entitled to it because it wasn't
12 entered into evidence. So sometimes I'll have a
13 jury say, *Can we see, X, Y, and Z?* If it wasn't
14 entered into evidence, you can't have it. It just
15 wasn't entered.

16 And, additionally, do we have something
17 that if they need to play the video clips back
18 there again or do I need to bring them back out to
19 play those if that's the case?

20 MS. CAMPBELL: I think we bring them back
21 out, Your Honor. We can work on that for you.

22 THE COURT: Ladies and gentlemen, we had
23 some video clips in this case. If you want to see
24 those again, just tell me specifically what you
25 want to see and I can bring you back out here and

1 I can play them for you.

2 Additionally, ladies and gentlemen, if
3 you want to hear a certain witness's testimony
4 played back -- we don't have a printed transcript
5 for you of the testimony. You see Sharon, my
6 court reporter, has been taking down everything we
7 said, but she also has an audio back-up. If you
8 want to hear a certain witness's testimony, send
9 me a note and just say we would like to hear this
10 witness's testimony. The only thing I need to
11 make sure you understand is, I am required to play
12 that witness's entire testimony. In other words,
13 the direct exam, the cross-exam, the redirect, any
14 re-cross. All right? Very good.

15 Ladies and gentlemen, for the very last
16 time, I'm going to tell you to go back to your
17 jury room and I'm going to tell you not to begin
18 deliberating. If there is something further on
19 the law that the lawyers want me to charge you,
20 I'm going to bring you back out and I'm going to
21 charge you further and I'm going to add it to my
22 jury charge.

23 If not, like I said, you're going to
24 receive the verdict form, the jury charge, and all
25 the evidence in this case is going to be brought

1 to you for your examination in the jury room. All
2 right? So, again, do not begin discussing this
3 case until all that comes in to you. Okay? I
4 appreciate it.

5 Thank you for your attention, ladies and
6 gentlemen. We will be with you very shortly.

7 (Jury exits the courtroom at 3:30 p.m.)

8 THE COURT: Any exemptions or additions
9 from the State?

10 MS. CAMPBELL: No, Your Honor.

11 THE COURT: From the defense.

12 MR. JOHNSON: I have none, Your Honor.

13 THE COURT: All right. Make sure we get
14 all the evidence together and I'm going to give
15 Sharon the verdict form and the jury charge. When
16 you take that, Margaret, will you bring the
17 alternates out?

18 THE CLERK: Yes.

19 (Off the record; confirming exhibits.)

20 (Jury deliberations begin at 3:36 p.m.)

21 (Alternates enter the courtroom at 3:36 p.m.)

22 THE COURT: So this is probably the first
23 time in a few years I haven't lost a juror in any
24 of my trials. With COVID and everything else
25 that's going on, we seem to be having a hard

1 time, which is why we have alternates.

2 At this time, I am going to go ahead and
3 excuse you and excuse you for the remainder of the
4 week and I want to thank you. You don't know, but
5 your willingness just to serve and be potentially
6 on a jury panel not only helped us resolve this
7 case, but also many other cases that were on the
8 roster. When they know there are jurors willing
9 to listen, we're able to resolve cases by
10 different means, by guilty pleas or pretrial
11 intervention, or other means. So it is very
12 helpful. There's not a person in this room that
13 can do their job without having citizens willing
14 to serve, so thank you so much.

15 I will also tell you, at this time, you
16 are permitted to discuss this case. When you go
17 home, you can talk about. The only thing I would
18 ask is, I have no idea how long this jury is going
19 to deliberate and I don't you speaking to any of
20 them until they've reached a verdict. All right?
21 So, if for some reason, they happen to go over the
22 night or something along those lines, just don't
23 speak to anyone until then.

24 I will also tell you that sometimes the
25 lawyers or an investigators or someone may want to

1 ask your opinion about something. And you're
2 allowed to talk about it if you want to, but, of
3 course, you're not required to in any way. If you
4 have no interest and someone approaches you or
5 calls you on the phone and says, would talk about
6 this, you can simply say no thank you and hang up
7 the phone, or no thank you and walk away. If
8 anyone were to persist -- and they're not going
9 to, but if they did, I need you to call up to the
10 clerk's office, tell me who it is, and I will take
11 care of them. All right? Thank you. I really
12 appreciate it. You are excused.

13 (Alternates excused at 3:39 p.m.)

14 THE COURT: Is there anything else before
15 we're at ease? No? Mr. Johnson anything?

16 MR. JOHNSON: Nothing.

17 THE COURT: We'll be at ease.

18 (Off the record.)

19 (Question at 4:10 p.m.)

20 THE COURT: I understand you want to hear
21 the testimony of Daevon Smith. We're going to get
22 that cued up for you right now. It's going to be
23 played back on audio. Once the court reporter
24 starts playing it, if you can't hear it, I need
25 you to waive if you can't hear it.

1 (Testimony played back.)

2 THE COURT: Is that what you wanted to
3 hear?

4 FOREPERSON: Yes.

5 THE COURT: I'm going to send you back to
6 the jury room to continue deliberations.

7 (Jury exits the 4:36 p.m.)

8 THE COURT: We will be at ease until be
9 hear back from the jury.

10 (Verdict at 5:33 p.m.)

11 THE BAILIFF: All rise.

12 THE COURT: Take a seat everyone. Come
13 in and take a seat unless you're law enforcement.

14 All right. Ladies and gentlemen, I
15 understand that we have a verdict from the jury.
16 Obviously, none of us knows what it is, but I want
17 to make sure anyone that's in this courtroom can
18 contain themselves regardless of what the verdict
19 is. If for any reason you believe you cannot
20 contain yourself, I'm going to ask that you remove
21 yourself at this time. If there's any expletives
22 by any party, I'm going to have to take you into
23 custody. And we don't want to have to do that,
24 but we will. All right? So, again, if you don't
25 think you can maintain your decorum and you want

1 to remove yourself at this time, I'm giving you
2 the opportunity.

3 Very good. Let's bring the jury back in.

4 Madame Foreperson, I understand the jury
5 has reached a verdict.

6 FOREPERSON: Yes.

7 THE COURT: Will you please hand it to
8 Miss Bostick.

9 Margaret, will you read the verdict for
10 me?

11 THE CLERK: State of South Carolina,
12 County of Jasper, *State of South Carolina vs.*
13 *Javeris Tremane Williams*, indictment number
14 2018-GS-27-00754, 755, and 756. As to the charge
15 of murder: We, the jury, unanimously find the
16 defendant, Javeris Tremane Williams, guilty.

17 As to the charge of armed robbery: We,
18 the jury, find the defendant, Javeris Tremane
19 Williams, guilty.

20 As to the charge of possession a weapon
21 during the commission of a violent crime: We, the
22 jury, unanimously find the defendant, Javeris
23 Tremane Williams, guilty.

24 Signed by the foreperson, dated August
25 the 14th, 2024.

1 THE COURT: Thank you, Miss Bostick.

2 We need to roll call the jury.

3 Ladies and gentlemen, at this time, what's
4 going to happen is this: Your juror number is going
5 to be called and you're going to be asked two
6 questions. I need you, when your number is called, to
7 stand and we're going to ask you, Is this your
8 verdict, yes or no. Is this still your verdict, yes
9 or no. All right. It's going to go by your juror
10 numbers. Does everyone remember their jurors numbers?
11 Okay.

12 All right. Margaret, whenever you're ready.

13 THE CLERK: Jury 223, was this your
14 verdict?

15 JUROR 223: Yes.

16 THE CLERK: Is it still your verdict?

17 JUROR 223: Yes.

18 THE CLERK: Thank you.

19 Juror 138, was this your verdict?

20 JUROR 138: Yes.

21 THE CLERK: Is it still your verdict?

22 JUROR 138: Yes.

23 THE CLERK: Juror 11, was this your
24 verdict?

25 JUROR 11: Yes.

1 THE CLERK: Is it still your verdict?

2 JUROR 11: Yes.

3 THE CLERK: Thank you.

4 Juror number 129, was this your verdict?

5 JUROR 129: Yes.

6 THE CLERK: Is it still your verdict?

7 JUROR 129: Yes.

8 THE CLERK: Thank you.

9 Juror 227, was this your verdict?

10 JUROR 227: Yes.

11 THE CLERK: Is it still your verdict?

12 JUROR 227: Yes.

13 THE CLERK: Thank you.

14 Juror 159, was this your verdict?

15 JUROR 159: Yes.

16 THE CLERK: Is it still your verdict?

17 JUROR 159: Yes.

18 THE CLERK: Thank you.

19 Juror 107, was this your verdict?

20 JUROR 107: Yes.

21 THE CLERK: Is it still your verdict?

22 JUROR 107: Yes.

23 THE CLERK: Juror 230, was this your

24 verdict?

25 JUROR 230: Yes.

1 THE CLERK: Is it still your verdict?
2 JUROR 230: Yes.
3 THE CLERK: Thank you.
4 Juror 190, was this your verdict?
5 JUROR 190: Yes.
6 THE CLERK: Is it still your verdict?
7 JUROR 190: Yes.
8 THE CLERK: Thank you.
9 Juror Number 80, was this your verdict?
10 JUROR 80: Yes.
11 THE CLERK: Is it still your verdict?
12 JUROR 80: Yes.
13 THE CLERK: Thank you.
14 Juror number 58, was this your verdict?
15 JUROR 58: Yes.
16 THE CLERK: Is it still your verdict?
17 JUROR 58: Yes.
18 THE CLERK: Thank you.
19 And juror number 292, was this your
20 verdict?
21 JUROR 292: Yes.
22 THE CLERK: Is it still your verdict?
23 JUROR 292: Yes.
24 THE CLERK: Thank you.
25 THE COURT: Is there anything further

1 required of this jury from the State?

2 MS. CAMPBELL: No, Your Honor.

3 THE COURT: From the defense?

4 MR. JOHNSON: No, Your Honor.

5 THE COURT: Thank you.

6 Ladies and gentlemen, I want to thank you
7 for your service. You have done your job, that is
8 to determine guilty or not guilty. It's my job as
9 the trial judge to sentence Mr. Williams, and I'm
10 going to do that in -- it will probably be a few
11 minutes or so. I'll hear mitigation or anything
12 that anyone wants to say on his behalf. I'll also
13 hear from the victim's family as well.

14 But based on the hour, what I'm going to
15 go ahead and suggest is that you-all go ahead and
16 go on home. Obviously, we're going to make sure
17 you-all get to your cars.

18 Ladies and gentlemen, at this time when
19 you go home, you are permitted to talk about the
20 case. There's nothing wrong with that. You can
21 do that. Sometimes the attorneys or investigators
22 want to know your thoughts. They can ask you,
23 but, of course, you're never required to talk
24 about the case in any way. So if anyone asks you
25 your thoughts or impressions and you don't wish to

1 speak, simply say, I do not wish to speak, or no
2 thank you, and keep walking. All right? Ladies
3 and gentlemen, if they persist in any way, you can
4 look around and find whoever is here, hopefully
5 there's law enforcement or anyone who works in the
6 clerk's office and just let them know and I will
7 take care of them. All right?

8 I want to you know that now that you have
9 resolved this case for us. We resolve many of our
10 cases that were on the roster from the beginning
11 of the week. When we have jurors willing to
12 serve, we are able to resolve cases by other
13 means, whether it's guilty pleas, pre-trial
14 interventions, or whatever. We truly appreciate
15 your help deciding this case, ladies and
16 gentlemen.

17 If you need a work excuse or a work letter --

18 THE CLERK: I have some in the back.

19 THE COURT: Margaret has already got them
20 back there for you. All right?

21 Ladies and gentlemen, you have more than
22 earned your exemption for the next three years.
23 Again thank you. At this time I am going to go
24 ahead and excuse.

25 Thank you.

1 (Jury exits the courtroom at 5:37 p.m.)

2 THE COURT: All right. Miss Campbell,
3 are you going to go ahead and print for us the
4 sentences sheets?

5 MS. CAMPBELL: Mr. Sharpe is filling
6 those out right now. We have new sentencing
7 sheets. He is working on that as we speak.

8 Did you wish to hear from the State?

9 THE COURT: I was going to give you-all a
10 minute if you needed a minute to talk to your
11 client, Mr. Thompson, or do you want to go forward
12 right now?

13 MR. JOHNSON: That's fine, Your Honor. I
14 can go right now.

15 I also renew all my objections to make
16 sure I do everything properly for the record.

17 THE COURT: Yes, sir. I will note for
18 the record that you renew all your previous
19 objections. And based on your earlier objections,
20 my rulings remain the same. I appreciate that.
21 You are protected for the record, sir.

22 MR. JOHNSON: Let me speak with the
23 family.

24 THE COURT: What I'm going to do is, I'm
25 going to step down for about five minutes. Let

1 them print the sentencing sheets. Get them up to
2 me, Miss Campbell. You can talk to the family and
3 see if they would like to speak or not. Same
4 thing with the State. At that point, we'll go
5 forward.

6 MS. CAMPBELL: Thank you.

7 MR. JOHNSON: Thank you, Your Honor.

8 (A break was taken from 5:40 p.m. to 5:50 p.m.)

9 THE BAILIFF: All rise.

10 THE COURT: Please be seated.

11 All right. Let's start with the State.

12 If anyone would like to speak on behalf of the
13 victim's family or the victim, I'm happy to hear
14 from them. If they would just stand and give me
15 their name and how they are related to the victim
16 in this case.

17 MS. CAMPBELL: Thank you, Your Honor.

18 THE COURT: Yes, ma'am.

19 MRS. FRAZIER: I'm Diane, **Samquan F.'s**
20 mother. I have prayed for this day from day one,
21 but I know God was still in charge when the real
22 work was going to be done. **Samquan F.** was just 17
23 years old. He didn't ask for that.

24 And also the lingering in the -- also the
25 lingering all night long. However long. I can't

1 say.

2 But anyway, he had no right to do what
3 you did to my son. **Samquan F.** had so much to live
4 for. He didn't finish school. All that has fell
5 on me. But God give me the strength. I'll march
6 down here for him. All of this coming in and out
7 of court, and for the people to not show no kind
8 of remorse about a little child getting murdered.
9 It wasn't about you. It's okay. Got will deal
10 with you on this.

11 But right now, I'm asking you -- he took
12 my son's life. I'm asking you for the same. Not
13 take his life, but let him spend the rest of
14 his -- because I'm not that evil to ask nobody to
15 take nobody's life. But let him spend the rest of
16 his behind bars.

17 At least he have family members that can
18 come out and see him. I can't see **Samquan F.** no
19 more. I have to constantly visit his grave. We
20 have to mourn him every day, every second, every
21 house because that's how precious this little boy
22 was to us. Not only to me. My whole family. My
23 whole family. And not only my family. Everybody
24 that came in contact with that little boy, he had
25 an impact on them. A loving impact. The whole

1 world mourned when this vicious thing happened to
2 him, and they to get out of it.

3 Your Honor, I'm asking of you, do the
4 same that he done to Samquan F. Samquan F. can't come
5 back to us. But he still is blessed because he's
6 still alive and his people can go visit him. I
7 can't see my baby no more.

8 That's all I'm asking you to do to him,
9 what he did to me.

10 THE COURT: Thank you, ma'am.

11 Anyone else on behalf the victim's
12 family?

13 MS. CAMPBELL: No, Your Honor. That is
14 all.

15 THE COURT: Does the State have any other
16 position as far sentencing?

17 MS. CAMPBELL: Absolutely. Your Honor,
18 you have -- you know the defendant's criminal
19 record. You presided over this trial. We're not
20 going to rehash any of that with you. The State
21 is asking for a life sentence.

22 THE COURT: Mr. Johnson, are you ready?

23 MR. JOHNSON: Yes, Your Honor. May it
24 please the Court?

25 THE COURT: Yes, sir.

1 MR. JOHNSON: Your Honor, I talked to the
2 family. We have no one that wishes to come
3 forward at this time.

4 THE COURT: Okay.

5 MR. JOHNSON: Oh, we do, Your Honor.

6 THE COURT: Okay.

7 MR. JOHNSON: Your Honor, this is his
8 aunt.

9 THE COURT: Yes, ma'am.

10 MS. JEFFERSON: My name is Effy
11 Jefferson. Javeris is my nephew. What it might
12 look like he did -- because I wasn't there -- so I
13 don't know. I came and still support him. If you
14 have a child -- we raised our children the best we
15 can. Whatever situation, **Samquan F.** left something.
16 But still he have a good in him. I'm not to knock
17 nobody, but he have good in him. And I just want
18 to say just have mercy on him. I love him
19 regardless.

20 Things might look bad, and I am sorry for
21 their loss, because I'm a mother too, I still say
22 have mercy on him. He's not a bad child. I will
23 say not only did he got caught up in different
24 things, still have mercy on him.

25 That's all I have to say, and I thank you.