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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

AKEVIUS DAYQUAN LINDSEY,

APPELLANT

APPELLATE CASE NO. 2025-000317

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THE STATE OF SOUTH CAROLINA                    ) COURT OF GENERAL SESSIONS  
                                                           )  
 COUNTY OF GREENVILLE                        ) THIRTEENTH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA                    ) NO. 2023-GS-23-04555  
                                                           )  
                                                           ) VS.                                                )  
                                                           ) TRANSCRIPT OF RECORD  
 AKEVIUS DAYQUAN LINDSEY                        )  
 \_\_\_\_\_) Vol. I of IV, Pages 1 - 91

B E F O R E:

THE HONORABLE J. D. MORGAN, JR., JUDGE, and a jury

DATE: February 10, 2025  
 Greenville, South Carolina

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

BRITTANY D. SCOTT, ESQUIRE, ASSISTANT SOLICITOR  
 ELTERRICE F. WESTFIELD, ESQUIRE, ASSISTANT SOLICITOR

Attorneys for the State

DEMI L. MESSER, ESQUIRE  
 FRANK L. EPPES, ESQUIRE

Attorneys for the Defendant

Reported by: Cathy J. Provost, RMR, Official Court Reporter

JURY STRIKE SHEET

| <u>NAME:</u>                  | <u>RACE:</u> | <u>SEX:</u> | <u>STE:</u> | <u>DFT:</u> | <u>CRT:</u> | <u>SEATED:</u> |
|-------------------------------|--------------|-------------|-------------|-------------|-------------|----------------|
| 1. Catherine M. Munley        | W            |             |             | X           |             |                |
| 2. Jeffrey H. Curtiss         | W            |             | X           |             |             |                |
| 3. Pena Maite Martinez        | H            |             |             |             |             | # 1            |
| 4. Joyce P. Campbell          | W            |             |             |             | X           |                |
| 5. Harron J. Rice             | B            |             |             |             |             | # 2            |
| 6. Kayla N. Wood              | W            |             |             |             |             | # 3            |
| 7. Chilton L. Adkins          | W            |             |             | X           |             |                |
| 8. Jeffrey J. Stone           | W            |             |             |             |             | # 4            |
| 9. Carrie A. Powell-Taschetti | W            |             |             | X           |             |                |
| 10. Carolyn L. Grinstead      | W            |             |             | X           |             |                |
| 11. Christopher E. McKinney   | W            |             |             |             |             |                |
| 12. Lori A. Palmieri          | W            |             |             |             |             | # 5            |
| 13. Thomas H. McGinley IV     | W            |             |             |             |             | # 6            |
| 14. Heather N. Parker         | W            |             |             | X           |             |                |
| 15. Karl B. Woodham           | W            |             |             |             |             | # 7            |
| 16. Stephen B. Hanley         | W            |             |             |             |             | # 8            |
| 17. Charles A. Simmons        | W            |             |             | X           |             |                |
| 18. Steven W. Pruitt          | W            |             |             | X           |             |                |
| 19. Bryan R. Bell             | W            |             | X           |             |             |                |
| 20. Thomas A. Melone          | W            |             | X           |             |             |                |
| 21. Gregory S. Bausch         | W            |             | X           |             |             |                |
| 22. Connor S. Boulet          | W            |             |             |             |             | # 9            |
| 23. Onisha D. Goldsmith       | B            |             |             | X           |             |                |

**JURY STRIKE SHEET**

(cont.)

| <u>NAME:</u>           | <u>RACE:</u> | <u>SEX:</u> | <u>STE:</u> | <u>DFT:</u> | <u>CRT:</u> | <u>SEATED:</u> |
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| 25. Clayton D. Young   | W            |             |             |             | X           |                |
| 26. Jon M. Springer    | W            |             |             |             |             | #11            |
| 27. Revada P. Moon     | B            |             |             |             |             | #12            |
| 28. Michael N. Fuehrer | W            |             |             |             |             | Alt. 1         |
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- - - - -

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dash -- intentional/purposeful interruption; change in thought

ellipses ... trailing off

[ph] phonetically written

[sic] written as said

[indiscernible] unable to discern



-- P R O C E E D I N G S --

(Court called to order.)

PRETRIAL/MATTER(S) OF LAW

THE COURT: We are on the record in State versus Lindsey. It is about 10 till 1:00 right now, so they are, in the other case are, in the process of picking a jury in their case, and I'm not sure when they will get through. So what we're going to do in our case is at 2:00 start pretrial motions, to start those, and then possibly, depending on what happens in the other case, to select a jury, if we need to select a jury, and then go back and resume motions if we need to at that time.

So we're going to adjourn for now, start pretrial motions at 2:00, possibly select a jury, and possibly continue on motions. Anything I need to address? Anything from the State?

SOLICITOR SCOTT: Yes, Your Honor. The State subpoenaed several witnesses who did comply with their subpoenas at 9:30 this morning. We'd like at least for those two who are not involved in the motions competency hearing to be excused for today and then instructed by the Court to come back again tomorrow at 9:30.

THE COURT: Who are the two that have been subpoenaed?

SOLICITOR SCOTT: Mr. Lawrence Williams has been here since 9:30, and so has Mr. Burley Williams.

THE COURT: I've seen both of those gentlemen here. You have been. Thank you for being here. All right. Now, you are

1 under subpoena. Now, we are not starting the trial today due to  
2 there is another murder trial that's getting a lot of publicity  
3 and there's a lot of stuff going on in that, and that's why  
4 there's a little bit a delay here today, and so we're not  
5 starting the trial of this case with our jury until tomorrow.

6 So you are still under subpoena. And we will start at 9:30  
7 in the morning, and so that subpoena requires you to be here  
8 again for the start of that trial. Do you all understand that?

9 MR. LAWRENCE WILLIAMS: Yes, sir, but does this subpoena  
10 protect me from my job, because --

11 THE COURT: Yes, sir, it should. If you have a problem, you  
12 need to show that subpoena. And it does protect you. You are  
13 required to be here under that subpoena, and you cannot be  
14 penalized for being here, so you show them that subpoena. Have  
15 you already showed them the subpoena?

16 MR. LAWRENCE WILLIAMS: Yes, sir.

17 THE COURT: If you have any kind of issue you let the  
18 clerk's office know, and it will be handled, but it should -- you  
19 should not get any issue with that.

20 MR. LAWRENCE WILLIAMS: Okay. Thank you.

21 SOLICITOR SCOTT: Your Honor, the third State's witness that  
22 was subpoenaed is Ms. Kathy Williams, and she's been here, as  
23 well, since this morning, but based on you referencing that  
24 motions will happen at 2:00, one motion, defense counsel's  
25 motion, actually, requires her to still be here. But I would

1 like for her to be able to eat or whatever, take a break, Judge,  
2 and then asked to come back.

3 THE COURT: Yes, ma'am. You can take a break, Ms. Williams.  
4 And we will start at 2:00 here, so you've got over an hour to get  
5 you something to eat and take a break, and then again, we will  
6 start at 2:00.

7 MS. WILLIAMS: Okay.

8 SOLICITOR SCOTT: That's it from the State.

9 THE COURT: All right. From the defense?

10 ATTORNEY MESSER: Your Honor, just briefly, kind of an issue  
11 that -- he would like to be, the defendant would like to be, a  
12 part of the jury selection. And I know he's been currently  
13 housed at the detention center. And we certainly don't want him  
14 to be in shackles, and so I wanted to see if that was a  
15 possibility. If it is not a possibility, I've explained to him  
16 it is not worth him being in there. But he would like to  
17 participate, and I do think that -- and he's in clothes. He's in  
18 our clothes. I just worry about the shackles.

19 THE COURT: I'm not -- I'm going to keep him in those. Is  
20 there any kind of something we can put on the table that would --  
21 what's the State's position?

22 SOLICITOR SCOTT: I have had several cases where -- I mean,  
23 it's never been a State's position. The sheriff's office policy  
24 and the jail was for someone in custody to remain in custody with  
25 the shackles. So I've never been allowed to go against their

1 policy, Judge, about what they do. I certainly can offer any  
2 kind of clothing or covering -- my office is based here -- on  
3 this defendant if need be.

4 ATTORNEY MESSER: And I guess that goes for another thing.  
5 If he's required to be in shackles while we are sitting here, I'd  
6 like for him to -- the table to have the, what is it called, the  
7 little --

8 ATTORNEY EPPES: Skirt.

9 ATTORNEY MESSER: -- skirt that goes around. Judge, the  
10 jury thing is okay. He understands that he may not be able to  
11 sit through it, so I would just elect to have him not sit through  
12 it, and we won't worry about that because that sounds like it  
13 might cause too much of a -- I think it would look weird if he  
14 was the only one in front of a table. And so we would just  
15 request that the skirts come, and he will skip jury selection.

16 THE COURT: All right. We'll put skirts on both of them so  
17 it does not appear that he only has the skirt. All right.  
18 Anything else?

19 ATTORNEY MESSER: That's it from defense, Your Honor.

20 THE COURT: Okay. All right. 2:00.

21 SOLICITOR SCOTT: Thank you, Your Honor.

22 ATTORNEY MESSER: Thank you, Your Honor.

23 (Court recessed at 12:56 p.m. and reconvened at 2:12 p.m.)

24 THE COURT: All right. This is in the matter of State  
25 versus Akevious Dayquan Lindsey. All right. I understand we have

1 some pretrial motions, so I will hear from -- we'll start with  
2 defense, defense motion. I believe first matter may be a  
3 competency issue.

4 ATTORNEY MESSER: Yes, Your Honor. We have several motions.  
5 And just for understanding, we did email you the bulk of the  
6 motions but another one just came up, so we do have an additional  
7 motion that just came up an hour ago.

8 But the first motion that we'd like to present is the motion  
9 to exclude witness Kathy Williams for lack of competency. For  
10 that I have an expert, Dr. Price, who I will call to the stand  
11 shortly.

12 But ultimately, Judge, our argument is that Ms. Williams  
13 does not have the capacity to tell the truth and to recall the  
14 events of that night. To be competent as a witness -- or to be  
15 incompetent as a witness, excuse me, the Court must determine if  
16 the proposed witness is incapable of expressing herself  
17 concerning the matter as to be understood by the judge or the  
18 jury, either directly or through interpretation, or the proposed  
19 witness is incapable of understanding the duty of a witness to  
20 tell the truth.

21 I think, based on what we're going to hear from Dr. Price,  
22 that she doesn't meet either of those standards. I think she's  
23 incapable of understanding what's going on, I think she's  
24 incapable of expressing it, and I think she's incapable of  
25 telling the truth. And so at this time, Your Honor, the defense

1 calls Dr. Price.

2 THE COURT: All right. Dr. Price, please come up and be  
3 sworn.

4 DR. DAVID RICHARD PRICE,  
5 having first been duly sworn, is examined and testifies as  
6 follows:

7 CLERK OF COURT: And if you would state your full name for  
8 the record.

9 THE WITNESS: David Richard Price.

10 **DIRECT EXAMINATION**

11 BY ATTORNEY MESSER:

12 Q Just let me know when you're ready.

13 A I'm ready.

14 Q Thank you. Dr. Price, what do you do for a living?

15 A I'm a forensic psychologist, forensic neuropsychologist, and  
16 clinical psychologist.

17 Q About how long have you been doing that?

18 A I was licensed by the State of South Carolina in 1982.

19 Q Have you ever been entered in as an expert or qualified as  
20 an expert in any criminal case?

21 A I've always been qualified as an expert in every criminal  
22 case I participated in, and I've been qualified as a forensic  
23 psychologist, neuropsychologist, and clinical psychologist.

24 Q Could you kind of explain some of your qualifications that  
25 make you an expert in those fields?

1 A Well, certainly I have a doctorate degree in clinical  
2 psychology from Auburn University. I did a residency at  
3 University of Pittsburgh, University Drive, VAMC, in the '80s.  
4 I've been licensed by this state since 1982. I've been members  
5 of various faculties, including helping start the forensic  
6 psychiatry program at the Medical University of South Carolina  
7 where I was administrator/director. I've got about 50  
8 publications and over 300 professional presentations on my  
9 resume.

10 Q Have you done evaluations of individuals for capacity?

11 A I have, countless individuals.

12 Q I'm sorry?

13 A Countless individuals.

14 Q And I know we spoke about testifying in criminal trials.  
15 Have you testified for the State as well as the defense?

16 A I have.

17 Q Do you have any kind of percentage on about how much for  
18 each?

19 A You know, my percentages vary. And, like, I have been a  
20 witness before for the 13th Judicial Circuit, the 10th, the  
21 Department of Justice. It just varies.

22 ATTORNEY MESSER: At this time, Your Honor, I move to  
23 qualify Dr. Price as an expert in the field of psychology.

24 THE COURT: All right. Any objection?

25 SOLICITOR SCOTT: No, Your Honor. No objection.

1 THE COURT: All right. Dr. Price is so qualified in the  
2 field of psychology.

3 Q Dr. Price, you met with Ms. Kathy Williams?

4 A I did.

5 Q And I'm just going to ask you, what were your general  
6 impressions?

7 A I thought that she had vascular dementia that goes back to a  
8 stroke that she had. We know by proof of a CT scan she's got  
9 dead brain issue in her right frontal lobe. She also has a  
10 history of blood pressure, high blood pressure, and probably her  
11 kidneys problems contributed to that. I also felt that she  
12 mirrored with a diagnosis of schizophrenia because of auditory  
13 and visual hallucinations and delusions.

14 Q Did you find her to be confused?

15 A She's seated in the back, and I found her to be sort of as  
16 she looks. She looks immature, youthful, flat affect, and that's  
17 sort of how she presents. She -- you know, my evaluation of her  
18 probably is a minimal snapshot of how she functions because, as  
19 she told me, the birds had talked to her the day before she saw  
20 me and had warned her about seeing me and being careful with me,  
21 so I think some of that delusion's probably affected some of the  
22 things that she expressed to me, that she was being cautious  
23 related to the delusions and hallucination. And it's an ongoing  
24 problem for Ms. Williams about her having hallucinations  
25 involving animals talking to her.



1 Q Given the delusions and hallucinations, do you believe that  
2 she has capacity to tell the truth?

3 A Well, it would depend on her version of the truth. When  
4 you're delusional you think you're telling the truth, but as a  
5 part of your delusion -- and you also have the problem with the  
6 memory and the confusion related to the dementia.

7 Q And that was going to be my next question. Do you think her  
8 recall capacity is there?

9 A You know, I tested her with the Montreal test of cognitive  
10 abilities, is what we use with people in dementia. The scores on  
11 that range from 26 to 30, being normal. She had a 23, which was  
12 significant for the diagnosis of dementia.

13 Q In your time when you met with her did you notice any  
14 evidence of malingering?

15 A No. And I'm a national expert on malingering. I probably  
16 have had over a hundred presentations internationally on the  
17 subject of malingering, and I did not feel like she was  
18 malingering.

19 Q And could you explain what malingering is?

20 A It's the feigning of a mental disorder for some ulterior  
21 goal.

22 ATTORNEY MESSER: Beg the Court's indulgence.

23 Q Do you think that she has the ability to mask what's going  
24 on?

25 A I don't think that she can deliberately, nor has the

1 judgment to, try to present herself in another light other than  
2 the way she is.

3 Q And do you think the way she is can seemingly sound normal  
4 every once in a while?

5 A Somebody with a delusion seems normal to everybody if you  
6 believe their delusion. If you don't believe their delusion,  
7 they seem odd.

8 Q Do you think someone could determine if she's delusional  
9 over the phone?

10 A Absolutely not. If phone conversations were a useful  
11 diagnostic tool, we'd all be doing them in our interviews.

12 ATTORNEY MESSER: I have no further questions at the time.

13 THE COURT: All right. Cross.

14 **CROSS-EXAMINATION**

15 BY SOLICITOR SCOTT:

16 Q Just briefly, to start backwards and then go up, when you  
17 reference a phone conversation not being a way to test someone,  
18 is that what you mean?

19 A It's not a way to diagnose someone. If it was a useful tool  
20 we'd use it as a tool in our evaluation.

21 Q So you're referencing how you prefer to meet someone in  
22 person?

23 A I do all my evaluations in person.

24 Q Yes, sir. And we have some phone calls, though, that we  
25 were able to intercept between Kathy Williams and her family

1 members. Those phone calls of her normal interaction with her  
2 family members. Could that be pursued as, perhaps, exhibit of  
3 her normal behavior?

4 A You know, people with psychiatric disorders wax and wane.  
5 Sometimes they may seem normal and at other times be pretty  
6 Floyd.

7 Q So there is a possibility that she could seem normal and  
8 then not normal?

9 A That's a possibility.

10 Q So she could be telling the truth and then other times not  
11 telling the truth?

12 A All right. Her version of the truth.

13 Q Yes, sir.

14 A I mean, she has two significant mental disorders. She may  
15 not recall something the same with you and I have, and  
16 particularly after she's processed it with some of her other  
17 phenomena she has with hallucinations and delusions.

18 Q Is she able to understand reality?

19 A No. I mean, this is somebody that believes someone is  
20 trying to shoot in her house. She's sees flashlights out the  
21 window. They had to remove firearms in the house because they're  
22 concerned about her. She has to have 24-hour supervisions --  
23 supervision.

24 Q Are you aware there she does not have 24-hour supervision?

25 A She lives with her daughter --

1 Q As in --

2 A -- and they supervise her.

3 Q Well, when we talk about 24-hour supervision, that would  
4 mean that she would need to be watched even when she came to the  
5 courthouse today, right?

6 A It would be good to do that.

7 Q If I were to tell you that she's been about this courthouse  
8 unsupervised would that surprise you?

9 A Well, nothing really surprises me at this point in my life.  
10 You know, it depends on whether she was leaving here and directed  
11 to go to the restroom and back, she could do that.

12 Q What about that she drove here on her own?

13 A It is my understanding they had taken her license away.

14 Q Would it surprise you if you knew she drove here on her own  
15 today?

16 A That would be a surprise.

17 Q What about that she had been left home possibly an hour and  
18 45 minutes in her home alone?

19 A No. That wouldn't be a surprise.

20 Q In fact, someone with that condition shouldn't do all those  
21 things, right?

22 A They certainly shouldn't drive.

23 Q Now, in regards to the stroke that you said that she had, I  
24 could not find, based off your report, what year that stroke was.

25 A I don't know. The earliest evidence I saw was the 2021 CT

1 scan.

2 Q This incident happened in 2023. You reference that the  
3 stroke could have -- could contribute to some memory loss and  
4 possibly some frontal lobe issues.

5 A Yes, ma'am.

6 Q In 2023, having had that stroke in 2021, Ms. Williams drove  
7 at midnight to a crime scene. She also spoke with law  
8 enforcement. Would you say that the stroke did not prohibit her  
9 from doing those activities?

10 A Well, I wouldn't have wanted her driving but, no, apparently  
11 it did not prohibit her from doing those activities.

12 Q Also, furthermore law enforcement spoke with her, again  
13 after the stroke a couple years later, and she was unsupervised  
14 in her home, and spoke with them for roughly 30 minutes. Would  
15 you say that that didn't affect her memory loss or ability to  
16 understand?

17 A I'd have to know more about the conversation.

18 Q Yes, sir. As far as her hearing things from animals and  
19 birds, she also can articulate who she is to you, right, her  
20 name?

21 A That's correct.

22 Q Her relationship to family members?

23 A Except she had a delusion about her grandson being dead.  
24 But I think that's correct.

25 Q And did she tell you which grandson she thought was dead?

1 A No.

2 Q Would it surprise you that -- she has a grandson who's here  
3 and on trial. Was she referencing perhaps that grandson she  
4 thought was dead?

5 A She didn't give me, couldn't give me, a name, so.

6 Q You referenced that a person who has delusions, they appear  
7 normal to us so long as we believe their delusion. I'm trying to  
8 make sure I understand that correctly.

9 A Yes.

10 Q Is it possible that although someone can have a delusion of  
11 animals and birds speaking to them, they can also be very much  
12 matter-of-fact about truths what we all know and believe?

13 A It's not beyond the realm of possibility.

14 Q You referenced malingering, and I quaffed [ph] because I  
15 actually thought that was more of a street term, so I apologize,  
16 because that's actually a national thing, so I want to talk about  
17 things, because I'll reference it to the Court.

18 If the State says that I believe that her perception today  
19 is relative, selective, is that also malingering? Let me  
20 rephrase with that. If selectively she chooses to tell us about  
21 the birds and then later on we find that she doesn't reference  
22 birds at all, it's possible that she gives us information  
23 selectively at her choosing about her hallucinations?

24 A Psychiatric patients give you information selectively all  
25 the time.

1 Q Okay. You said that you met with her. Are you aware of how  
2 she got to your -- I'm sorry, I think it was the law firm -- how  
3 she got there that day?

4 A With her daughter.

5 Q Okay. And you pointed in the courtroom, for the record, so  
6 you see the woman that brought her here today?

7 A Yes, ma'am.

8 Q And that's the one that you were told that she lives with?

9 A Yes, ma'am.

10 Q Did you do any home visit at all after the psychiatric --

11 A No, ma'am.

12 Q Would someone with this condition be able to supervise  
13 children?

14 A Psychiatric --

15 Q Well, sorry. Ms. Kathy Williams, should she be supervising  
16 children?

17 A I would not want her supervising my young children. She  
18 could supervise probably children that have somewhat  
19 self-sufficiency, six, seven, and up.

20 Q What about age two?

21 A I wouldn't want her to supervise my two-year-old.

22 Q As far as her day-to-day functions, you referenced that she  
23 shouldn't drive. But let's talk about maybe some just household  
24 routine things. Should she be washing dishes?

25 A She could be washing dishes. I wouldn't recommend she cook

1 other than maybe a microwave.

2 Q And how old is Ms. Williams?

3 A Sixty-six.

4 Q You referenced that she looks youthful, with a flat affect?

5 A That's correct.

6 Q And that's just her demeanor?

7 A That is the persona that you see.

8 Q Are you aware that she schedules her own doctors'  
9 appointment and orders her own medicine?

10 A I think the medicine's delivered to her.

11 Q Would it surprise you to know that she actually keeps track  
12 of her own medicine and schedules her own doctors' appointments?

13 A I would think that her doctors' appointments are routinely  
14 scheduled from one doctor visit to the other. But it would  
15 surprise me if she independently did that.

16 Q Would it surprise you to know that she independently  
17 schedules her own car insurance when it lapses due to unpaid  
18 fees?

19 A Would it surprise me that she paid bills, is that the  
20 question?

21 Q More so would it surprise you to know that Ms. Kathy  
22 Williams, when her insurance lapsed recently, organized to  
23 reinstate those fees and to get her insurance back?

24 A Yeah. It wouldn't surprise me that she neglected her  
25 insurance and it lapsed.



1 Q But that she was the one who orchestrated to get it fixed  
2 herself?

3 A What does orchestrate mean? She called the insurance  
4 agency?

5 Q Yes. Yes, business.

6 A Yes. That wouldn't surprise me.

7 Q That can conduct her own business affairs?

8 A That she can call somebody? That wouldn't surprise me.

9 Q What about the specific nature of conducting her own  
10 business?

11 A What business?

12 Q The business would be health insurance, keeping that up; the  
13 business of keeping her medical care up on her own.

14 A She's been on disability from Social Security since 2004 so  
15 she doesn't have a whole lot she has to do to manage her own  
16 health insurance. I assume she's on, by now she's on, Medicare,  
17 which would be deducted from her Social Security.

18 Q What about her own car insurance? Would it surprise you  
19 that she also is responsible for her own car insurance?

20 A Yeah, and she let it lapse.

21 Q Right and, that she --

22 A And that's an indication of neglect.

23 Q Correct, but that she would be able to handle that getting  
24 it reinstated herself?

25 A That she could call an agency? That wouldn't surprise me.

1 Q And that she could conduct herself in a manner for the  
2 agency would be able to understand her and reinstate her?

3 A I think that she can hold a phone conversation, yes.

4 Q A phone conversation that could be productive in getting her  
5 insurance?

6 A It's really not very difficult to reinstate car insurance.  
7 I wouldn't categorize that as a test of intelligence or  
8 intactness.

9 Q Today's testimony would consist of me asking her if she  
10 recalled making a statement. Would that be something that you  
11 think would require a certain type of capacity?

12 A It would require intact memory.

13 Q And if the State were able to show her videos and perhaps  
14 even a written statement of something that she did just last  
15 year, I want to say about 18 months ago, would that be something  
16 that she should be able to do given your report?

17 A It depends on what state she's in when you do that. Because  
18 again, as I mentioned earlier, these conditions of conditions wax  
19 and wane somewhat.

20 Q If she chooses to wax or wane today in trial --

21 A She does not have control over wax and wane, so she wouldn't  
22 choose that.

23 Q Okay.

24 A It would choose her.

25 Q Is it possible, that over days of this trial, that we could

1 possibly bring her back up should she not able to complete her  
2 testimony when she's asked?

3 A Are you asking me if she might have islands of lucidity?  
4 That is possible. If you're asking me can you predict them, no.

5 Q Yes, sir. You reference in your report that she received a  
6 kidney transport in 2024.

7 A Yes, ma'am.

8 Q I understand that you're not a medical doctor. I'm  
9 certainly not. In fact, you taught me a lot today. I'm  
10 struggling talking to you, but thank you for your patience.

11 A Sure.

12 Q In regard to the kidney transplant, I was able to do a brief  
13 search on kidney transplant. Are you aware that she would have  
14 had to undergo a mental or, I think it was, mental and physical  
15 evaluation before she was to receive that --

16 A That's correct.

17 Q -- kidney transplant? And that if she had some type of  
18 severe mental health condition, she would not have been eligible  
19 to get that kidney?

20 A If she had a severe disorder that was not manageable she  
21 wouldn't have been eligible to get that kidney. They would given  
22 her that kidney given all those years of compliance with the  
23 dialysis. And part of being on dialysis, you have to limit  
24 yourself to 1200 cc's of fluid a day, and she had been doing  
25 that. That wasn't going to keep her from getting a kidney.

1 Q The fact that she was on dialysis when this occurred, even  
2 after her stroke and maintaining her own dialysis, would that  
3 also show her memory loss, at times, doesn't affect her ability  
4 to care for herself or to have routine?

5 A Well, that's really what we do in nursing homes, is we give  
6 them a routine in a structured environment so she could operate  
7 if that's structured for her.

8 Q Answer any questions defense counsel has for you.

9 A Thank you, ma'am.

10 THE COURT: Redirect?

11 ATTORNEY MESSER: Briefly, Your Honor.

12 **REDIRECT EXAMINATION**

13 BY ATTORNEY MESSER:

14 Q The State indicated that there was a possibility that she  
15 could seem normal and not normal, but ultimately in that seeming  
16 is she delusional?

17 A Just because someone seems normal doesn't mean they don't  
18 have a significant problem. The NIMH has determined that the  
19 natural occurrence of mental psychiatric disorders in adult  
20 population is like 28.1 percent, basically one in three, so a  
21 third of the people courtroom have a psychiatric disorder. Do  
22 they look normal to you?

23 Q I'm not on the stand so I can't answer your question, but I  
24 understand where you're going.

25 A But you understand the point I was making.

1 Q I understand the point. So ultimately individuals can be  
2 perceived as normal even though delusional?

3 A Correct.

4 Q Could you explain a little bit more about her executive  
5 function in dealing with the insurance that the State was talking  
6 about? How could a person be able to do that if they have the  
7 delusions and psychiatric disorders that she has?

8 A You can still be self-sufficient and have a delusional  
9 disorder. That third of the population we have is not -- that  
10 have a psychiatric disorder is not helpless, they do some things.  
11 And I would not regard reinstating her car insurance as any  
12 complex task.

13 Q If she were on the stand and she was shown a tape or an  
14 audio of something that she said and she was able to say that she  
15 said it based on hearing the audio, do you think that she could  
16 be cross-examined on what was said, or is she just basing it off  
17 what she just heard?

18 A I think she'll get confused and agitated, is what I think.

19 Q And in confused and agitated, do you believe that she'd be  
20 able to give a truthful answer?

21 A Again, when we talk about somebody having a delusion, it's  
22 their version of the truth. You know, if we define truth as  
23 reality, they have a different reality than we do, and they can  
24 talk from that reality which can be from who knows.

25 Q So her answer would be one that is her truth but is

1 ultimately delusional?

2 A Right. It's not like she's consciously lying.

3 ATTORNEY MESSER: No further questions.

4 THE COURT: All right. Any recross?

5 SOLICITOR SCOTT: No, Your Honor.

6 THE COURT: Thank you. You may step down.

7 THE WITNESS: Thank you. Can I be excused, Your Honor?

8 THE COURT: Any objection?

9 ATTORNEY MESSER: No objection.

10 THE COURT: You may be excused. All right. Any additional  
11 witnesses from defense?

12 ATTORNEY MESSER: Your Honor, procedurally we both agree  
13 that we believe that Ms. Kathy should take the stand. However,  
14 given the fact that she's a State's witness, we're unsure who  
15 should be the one to call her.

16 THE COURT: Well, for purposes of preliminary issues and in  
17 addressing admissibility of the evidence which this falls into,  
18 the burden, of course, is on the defense in this matter. I don't  
19 have any objection or any problem with the State, if you all --  
20 if you don't have any disagreement, I don't have any objection to  
21 the State calling the witness as a witness. Or, I mean, I'll  
22 leave that up to you. I don't have -- your question is who's  
23 going to call the witness. Either one of you can.

24 I mean, it's your burden of proof to prove her incompetent.  
25 But, I mean, you've already called one witness in support of your

1 case. The State can certainly call her -- or either one of you,  
2 but the State could call her -- to counter your burden and argue  
3 that she is competent, so there's no -- in admissibility issues,  
4 there's no problem with either witness, or either side, calling a  
5 particular witness.

6 I recognize that you've got the burden, and you can  
7 certainly call her if you would like, but the State is not -- if  
8 you don't call her, the State can call her. But again, keep in  
9 mind it is your burden.

10 ATTORNEY MESSER: Thank you, Your Honor. Your Honor, at  
11 this point defense gives the case to the State.

12 THE COURT: All right.

13 SOLICITOR SCOTT: Your Honor, I'd first like to talk about  
14 some things in response before we bring Ms. Williams up. I think  
15 it's important for her to hear some of the arguments that I'll be  
16 making after she testifies.

17 The first is, when I talked to Dr. Price in regards to her  
18 ability to conduct herself with insurance, both health insurance  
19 and car insurance, I provided the Court jail calls to where she  
20 refers to her health insurance and her car insurance, the  
21 condition of, and in her making solo efforts to get those things  
22 rounded up, her speaking about going to her doctors'  
23 appointments, and her speaking about ordering her own  
24 medications, again not utilizing anyone else.

25 I also reference in the jail calls that I provided --

1           THE COURT: And for the record, I have read the jail calls.  
2 And on the insurance, it did not lapse because she didn't make  
3 the payments -- I listened to the jail calls. It lapsed because  
4 of accidents.

5           SOLICITOR SCOTT: Yes, Your Honor. I think I --

6           THE COURT: It did not lapse, it actually didn't lapse. It  
7 was canceled because of accidents; it was not lapsed because of  
8 nonpayment.

9           SOLICITOR SCOTT: Yes, Your Honor. In regard to the first  
10 call, at the jail call where she answers, first of all, that her  
11 daughter had told her not to say anything, when this defendant  
12 contacts her and wants to know what happened at the doctor's  
13 office, what happened with your particular -- I assume the  
14 meeting she had with Dr. Price -- she was instructed by her  
15 family member not to say anything to the defendant, but once he  
16 continued to egg on she then started to talk to him further.

17           Your Honor, she does discuss her car insurance lapsing, is  
18 what I referenced. And it's somewhere -- because I listened to  
19 so many -- she does reference not making a payment on something,  
20 Judge. It may not have been for the car; it may have been for  
21 the health.

22           THE COURT: The call says when she got the insurance again  
23 and had to pay the extra \$200, that was in the conversation that  
24 dealt with that she had an accident, and the next thing it said  
25 was that she had had several accidents when the defendant asked



1 her why.

2 SOLICITOR SCOTT: Okay.

3 THE COURT: And that was her response in the jail call when  
4 the issue came up about her car insurance, because they had a  
5 discussion about the car insurance and that's when Ms. Williams,  
6 when she was asked by the defendant, again said, I had an  
7 accident, and then next sentence or two sentences later said,  
8 Well, I had several accidents --

9 SOLICITOR SCOTT: Yes, sir.

10 THE COURT: -- that she had take care of, and then had that  
11 conversation where she had to pay an extra \$200 and had her car  
12 insurance reinstated.

13 SOLICITOR SCOTT: Yes, sir. And being that you heard it  
14 just recently today, we're going with, yes, sir, I agree on that.

15 Furthermore, she references that she was going to be calling  
16 another family member. I understand Dr. Price said the fact that  
17 she used the phone is fine, and so I'll move on from that.

18 But she does encourage the defendant to read his Bible and  
19 he asked her why, and then, of course, he gives her that reason  
20 and she accepts that. We wanted to point out to the Bible and  
21 reference when we get to the second problem for her ability to  
22 tell the truth, if it's the Bible that we know that she is  
23 recognizing and understands that there is a moral standard of  
24 telling the truth.

25 In regard to the second phone call, she talks about she

1 remembered that she went to the doctor's office, so there was a  
2 memory recall there. She also recalls where other family members  
3 are from day to day. This defendant calls her and asks her,  
4 lists a number of family members, and says where are they. She  
5 says where they are. One family member, she references, is at a  
6 football game, and she even knows how that family member is going  
7 to get back to the football game.

8 The importance of recall is important for the State and for  
9 the defense so they can cross-examine. And she's able to recall  
10 when she's speaking with her grandson multiple times on these  
11 different occasions. There's not an issue where he has problems  
12 with her delusions. And this is a very natural, I understand,  
13 environment for her to talk with her grandson.

14 We will attempt to make it as natural as possible when we  
15 bring her on the stand, Judge, and I don't anticipate going on as  
16 long literally to where she has to draw from tons of inferences  
17 where she would get confused. We are going to simply ask her  
18 questions that I believe that she's been answering from her own  
19 grandson for months now.

20 In addition to that, Your Honor, we're looking at a  
21 particular reference where she may even be recalling the incident  
22 where she states on jail call January the 16th with a timestamp  
23 at 3:30, Nobody made you do this, is what she's saying to her own  
24 grandson. They subpoenaed so many people, she says. He says,  
25 How do you know that? She says, Cause they're telling me. And

1 then she says more about discussing those subpoenas.

2 So in that regard, Your Honor, she knows what a subpoena is,  
3 she knows that they, I'm assuming me or maybe my team, we sent  
4 out so many subpoenas, and people are telling her that, she's  
5 recalling that, and she's relaying that to her grandson, Your  
6 Honor, so I do believe she's capable of also understanding the  
7 court system.

8 And if given some time, and maybe some careful instructions,  
9 she can recall that this is what court is and this is what these  
10 subpoenas were about.

11 Your Honor, also, on the January 18th phone call she answers  
12 more questions to the defendant about where his family members  
13 are and what they've been doing that day. She passes off her  
14 phone to a third party, it appears to be a 14-year-old girl who  
15 also has the care of a two-year-old daughter that actually is  
16 shared between both this defendant and deceased victim. They get  
17 on the phone. They chatted up. I understand that she's not with  
18 that call, these people are talking to the defendant. But then  
19 she gets back on the phone and says she's been washing dishes,  
20 and she also asked him what channel the game might be on because  
21 he referenced after he hangs up he's going to watch a game  
22 with -- a game with his -- at the jail, Judge, and that she, too,  
23 might want to watch the game.

24 She's able to be in conversations with him. And that's what  
25 I simply want to have her with today, is a conversation. I

1 understand that Dr. Price talked about her waxing and waning, and  
2 I understand that we could possibly get someone different, but I  
3 think the State should be allowed to do so because she has shown  
4 that she can hold a conversation.

5       Going into the next jail call -- I'm almost done, Judge --  
6 she referenced a jail call on January the 6th where she recalled  
7 the age and birth year of her brother, Uncle Marv [ph]. She also  
8 said to the defendant she wants him to take care of himself and  
9 to remind him that he doesn't have any friends in there, and for  
10 him to keep putting his head up.

11       Again, she's referencing that she knows that something has  
12 happened, Your Honor, something bad, something that he needs to  
13 get through, and she's encouraging him. She's aware of what's  
14 going on in this conversation with him, and we believe she's  
15 aware you have what's going on here today.

16       In regards to whether or not he can get visitation, she's  
17 recognizing that her grandson, of course, is alive because she's  
18 talking to him but that it would require some type of  
19 incarceration and that she would need to get visitation upon him.  
20 She is very much in reality of where we are today in this court  
21 system. She again asked if he was all right in that particular  
22 conversation, again following up with his needs and his care in  
23 recalling that she needs to be there to uplift him.

24       On jail call January the 8th -- and I apologize, court  
25 reporter, I have a thing where I talk fast where I'm trying to

1 not use the Court's time. I'm going to go a little slower. Yes,  
2 ma'am.

3 On January the 8th, Your Honor, you can hear her making  
4 references that she, herself, was on the phone ordering her own  
5 medicine, and then she asked him repeatedly, Why did they change  
6 the court date? We've had municipal court dates in this case,  
7 Your Honor, and she's wondering when his court date is and why  
8 they would have changed it. She also did a recall moment where  
9 she asked him about money and what to do with it. She recalls  
10 having phone numbers, that she needed to make phone calls for  
11 him, and she then recalled moments later that, okay, I know court  
12 date is February 10th, no longer this old date, now this new  
13 date. I do believe she has the ability to recall.

14 Possibly I can organize my speech in the way that her  
15 grandson speaks to her so that it could not be at all convoluted,  
16 and I can work on that, Your Honor, by tomorrow to make sure that  
17 I don't invoke a delusion, but I understand from Dr. Price it  
18 could occur at any moment.

19 The last two jail calls, Your Honor, on jail call February  
20 the 4th she recalls her task about picking up money for him. In  
21 addition, this defendant had no issue asking her to do the job,  
22 and then she completed the task. And we're talking about money.  
23 I mean, that, to me, is a very important thing to be giving to  
24 the hands of someone who we are purporting as delusional. That  
25 doesn't sound correct, Judge.

1       Also, she recalls her doctors' appointments and scheduling  
2       them. She's going to make more calls for the defendant. She  
3       again recalls whereabouts of her family members, and she talks  
4       more about her insurance papers and the reinstatement fee.

5       And lastly, Your Honor, she answers questions regarding  
6       tasks on the final call, which was February the 5th, 2025. She  
7       recalls conversations she's had with other family members; she  
8       recalls how other family members are getting home from the game;  
9       and she states that she's on medication for diabetes, so she  
10      recognizes her health needs; and, again, she tells this defendant  
11      that she's going to be all right, referencing that she's going to  
12      to be all right. She had, in her mind, the ability to self-care.

13      And then I put a note, Your Honor, that we had her served  
14      recently. I asked about Dr. Price about whether or not she  
15      should be unsupervised because although, when my investigator  
16      went to serve her a subpoena she appeared to be with her mother  
17      and walking into the house, her mother then -- I'm sorry, not her  
18      mother, she was living with her daughter. She was with her  
19      daughter. Judge, I apologize.

20      Her daughter then left her in this residence and then  
21      proceeded to follow my investigator, I believe, from Laurens  
22      County to Greenville County, to figure out why he was out there  
23      taking pictures of tags, and she was home alone for at least for  
24      that extended amount of time until they returned back.

25      So to recap, there was a round trip made where Ms. Kathy and

1 her daughter were headed into the home, and then Ms. Kathy was  
2 allowed to go in the home and then the daughter left the home,  
3 and then proceeded to follow my investigator to a different  
4 county, talk with him, and then come back. Arguably, she was by  
5 herself then.

6 I would never dispute Dr. Price with his diagnosis of her.  
7 I just point to the Court that the case law also states that even  
8 a schizophrenic can testify in court. This goes to the  
9 credibility. And I do believe that if we need to put her  
10 diagnosis, and for her to openly tell the Court that she has  
11 these diagnoses, that's fine. And that goes to her credibility  
12 as to whether they believe the particular facts that I am trying  
13 to get from her in today's testimony.

14 I think the jail calls just show that she has the ability to  
15 recall and that she's not so delusional that we cannot have a  
16 conversation with her.

17 I specifically asked the Court -- sorry, Dr. Price -- about  
18 how she got here today; what she should be doing. And I believe  
19 that she's able, even if science says she shouldn't be, she is  
20 able to conduct herself like and you I. She can drive, she can  
21 move about, she can schedule, she can do a routine, she can  
22 recall, Your Honor, and she can appear normal, and I think that  
23 she can do this testimony today.

24 I think that we should be allowed to bring her forth to the  
25 Court and allow her to testify. And we can bring that to the

1 jury's attention that she has this diagnosis, but I don't think  
2 that prohibits her from being able to take the stand.

3 At this time, Your Honor, I do believe that the statute  
4 requires, according to case law, that you do see Ms. Williams for  
5 yourself.

6 But that is the argument the State would make as opposed to  
7 putting her on the stand beforehand. I wanted you to have that  
8 contact, and for her, quite frankly, to hear it, too, because she  
9 may not have known that I had the jail calls to hear her talk to  
10 her grandson.

11 THE COURT: All right. Call your witness.

12 SOLICITOR SCOTT: Ms. Kathy Williams.

13 KATHY L. WILLIAMS,

14 having first been duly sworn, is examined and testifies as  
15 follows:

16 CLERK OF COURT: And please state your full name.

17 THE WITNESS: Kathy Lee Williams.

18 **DIRECT EXAMINATION**

19 BY SOLICITOR SCOTT:

20 Q Ms. Williams, he's got some water for you.

21 A All right. Thank you.

22 Q You've been here since 9:30 this morning?

23 A Uh-huh.

24 Q Did you drive here?

25 A Yes.



1 Q Did you have anyone with you when you were driving?

2 A No.

3 Q Did you park in a handicapped spot?

4 A Yes.

5 Q Why did you park in a handicapped spot?

6 A Because I've got a handicap tag.

7 Q Okay.

8 A And --

9 Q How did you -- Yes, ma'am?

10 A -- my doctor said I could go back driving. He restored [ph]  
11 me for driving, and he told me I was good to go for driving.

12 Q Yes, ma'am. How did you know to come into the courthouse  
13 today?

14 A My daughter told me.

15 Q Did you bring anybody with you when you came into the  
16 courthouse this morning?

17 A No. I come by myself.

18 Q Yes, ma'am. Do you remember talking to me this morning?

19 A To whom?

20 Q To me. Did we ever talk about anything today?

21 A You said you were gonna bring some water and a blueberry ...

22 Q Did you get that blueberry thing? Because I told those  
23 men --

24 A Yeah.

25 Q Okay, you got it. So when we had the break did you go have

1 lunch?

2 A Yeah. I went to lunch. Yeah.

3 Q Okay. And then did you drive back here?

4 A Yes.

5 Q Do you live with your daughter?

6 A Yes.

7 Q Yes, ma'am?

8 A I'm trying to get me an apartment. The doctor here told me  
9 to stay with her a couple of months until I get better, and I'm  
10 trying to find me an apartment.

11 Q You don't want to live with your daughter anymore?

12 A She's young. She needed her own space.

13 Q That's fair. Do you handle your own doctor appointments?

14 A Well, now I do, but she, my daughter, will help me with it,  
15 cause they'll put it on the days she don't have to work, and then  
16 sometime I have to do it cause she have to work and I've got to  
17 go.

18 Q Are you working?

19 A Huh?

20 Q Do you work?

21 A No, but --

22 Q I just --

23 A But I want to work.

24 Q Well, what do you want to do for work?

25 A I want to work at Walmart in the bakery. I'm planning on

1     trying to get stronger to go back to the bakery.

2     Q     You said to go back to the bakery. Did you used to bake?

3     A     Yeah, at Walmart.

4     Q     Okay.

5     A     Well, while I was on dialysis I always kept going cause if  
6     you don't keep going you're gonna lose it.

7     Q     I've heard that myself. My dad does that, too. What  
8     Walmart did you work?

9     A     In Laurens.

10    Q     Okay. Do you know that we're in court today?

11    A     Yes, I know.

12    Q     And I'm asking you questions today. Can you hear me okay?

13    A     Yeah, I hear you. I can't hardly see you that good but I  
14    hear you.

15    Q     If you, at anytime, need me to get closer to you, I can.

16    A     Okay.

17    Q     Do you understand that we're here for a trial?

18    A     Yes.

19    Q     And that trial involves your grandson Akevius Lindsey?

20    A     Yes.

21    Q     Do you know about a subpoena?

22    A     Yes.

23    Q     Do you know I'm going to be asking you questions about  
24    Mr. Lindsey?

25    A     Yes.

1 Q Do you think you can answer those questions I'll ask you  
2 about your grandson?

3 A The best I can.

4 Q Yes, ma'am. Answer any questions that defense counsel might  
5 have for you.

6 THE COURT: All right. Cross.

7 **CROSS-EXAMINATION**

8 BY ATTORNEY MESSER:

9 Q Good afternoon, Ms. Williams.

10 A Uh-huh.

11 Q How are you doing?

12 A I'm doing good now.

13 Q Were you not doing good before?

14 A Every day will be a different day. And when I take my  
15 medicine, that's when I can function normal. When I don't take  
16 my medicine, I just feel weak and tired. You see, the people  
17 don't understand, when they see me up it's cause I have about 12  
18 pills in my body to make me get up. And when I ain't got my  
19 pills I can barely make it.

20 Q And do you take your pills on a daily basis?

21 A Uh-huh.

22 Q What do you take?

23 A Risperdal, Zoloft -- and what else? -- Diabetes Lipcy  
24 [ph] -- what is it? -- Vitamin D, Koredelah [ph], and castor oil,  
25 and a Bayer Aspirin.

1 Q You just said that you take about 12 pills a day.

2 A Yeah. And then I take --

3 Q You listed six.

4 A But two are -- some account for two.

5 Q You take 12 pills that can have two or more each?

6 A One will be one; one will be two.

7 Q Now, the State asked you if you knew what a subpoena was.  
8 What is a subpoena?

9 A You have to come to court.

10 Q There was also some discussion about you getting into car  
11 accidents.

12 A Yes. It was terrible. Ever since when I had my kidney  
13 transplant I had three accident in a row. And one of them was  
14 not my fault, and one of them was my fault. Well, I don't know,  
15 but -- I don't know.

16 And then that's why State Farm suspended my insurance. They  
17 didn't want to carry me no more. I had to get a new insurance.  
18 And then the lady at Progressive, she helped me fill out my  
19 information to get -- she told me how to do it, and go on the  
20 phone and do it.

21 Q Who helped you?

22 A A lady at Progressive in Laurens, insurance. I don't know  
23 her name. I forgot her name.

24 Q That's okay. How do you feel today?

25 A I'm really upset in a sense. Whenever we get this out, off

1 my mind and go on, cause I'm tired of people harassing me.  
2 they're making noise, and when driving down the car, road, and  
3 somebody in a white auto, he said, Your son killed my sister.  
4 And then they go around, and when I be in Walmart or even Food  
5 Lion, and they all will be laughing and stuff like that.

6 I don't know why people is messing with me. And I ain't had  
7 nothing to do, nothing to do, with this.

8 Q Do you know what -- is this your grandson over here,  
9 Akevius?

10 A Yes.

11 Q Do you know what Akevius is charged with?

12 A Uh-uh. I guess murder. I don't know the name of the  
13 charge. I don't know.

14 Q And can you recall anything about the charge?

15 A Nothing but they bringing me into it, and cause of the  
16 statement I said. I said he said that Akevius did what my  
17 brother did, call 9-1-1. I could have been talking -- it could  
18 have been Akevius telling me that, or somebody else, I didn't  
19 know, because I had so many phone calls. And I just want to know  
20 the truth.

21 Q Do you recall saying that or were you told you said that?

22 A The cop, he come into my house, and I told him that --  
23 they're can they come in, and I said, Yeah, you can come in. And  
24 then he looked for Akevius in my house. And then he was talking  
25 to me, and then he said, Will you mind writing that down? And

1 then I wrote it down. And then he got my phone, telephone, and  
2 going through the numbers. And I told him, You got it all wrong,  
3 what I told him, because the conversation he was talking about, I  
4 had talked to Akevious earlier that day.

5 SOLICITOR SCOTT: Objection just for a second. I'm not sure  
6 where they're going, but I think that the trial testimony is the  
7 trial testimony.

8 THE COURT: Ms. Messer, where are we going? This is a  
9 competency hearing only.

10 ATTORNEY MESSER: Ultimately, Judge, we're trying to  
11 determine whether she can recall this for purposes of  
12 understanding what I'm going to ask her on cross-examination, and  
13 so I'm asking this line of questioning to determine if this is  
14 something that she recalls or if she just heard it.

15 THE COURT: Is that the standard for competency under 601 --

16 ATTORNEY MESSER: I believe that she --

17 THE COURT: -- whether or not she can testify as to the  
18 action, the acts at the scene of the crime? Is that not -- the  
19 first thing, it has to be determined whether or not there's  
20 competency under 601, and then assuming there is, is that not an  
21 issue of credibility for the jury?

22 ATTORNEY MESSER: I believe it goes to her ability to tell  
23 the truth, Your Honor. If she is not under understanding where  
24 this came from, then she cannot tell the truth.

25 THE COURT: I don't believe that's what 601 calls for.

1 Let's move on. Let's go to the issue of competency.

2 ATTORNEY MESSER: One final question, Your Honor.

3 Q Do you trust your memory?

4 A Sometimes. Sometime I don't.

5 ATTORNEY MESSER: Thank you. No further questions.

6 THE COURT: Any redirect?

7 SOLICITOR SCOTT: No, Your Honor.

8 EXAMINATION BY THE COURT

9 BY THE COURT:

10 Q Ms. Williams --

11 A Yes.

12 Q -- how are you?

13 A I'm doing all right.

14 Q My name's Judge Morgan. I'm a judge. Do you understand who  
15 I am?

16 A Yes.

17 Q All right. Do you know what a judge is?

18 A The chief.

19 Q The chief, okay. I think that's probably a good way to  
20 describe it. Now, you understand, or do you understand, that if  
21 you testify, that you have a duty to tell the truth; do you  
22 understand that?

23 A Yes.

24 Q Do you understand that you're supposed to tell the truth and  
25 not tell a lie; do you understand that?



1 A Yeah.

2 Q And do you know and do understand that it would be wrong to  
3 not tell the truth; in other words, it would be wrong to tell a  
4 lie; do you understand that?

5 A Yeah.

6 Q And when you're on the witness stand if you do tell a lie,  
7 do you know --

8 A I'd go to jail.

9 Q Go to jail. That was going to be my question. Do you know  
10 that you could get in trouble for that?

11 A Yeah.

12 Q Do you understand that?

13 A Uh-huh.

14 Q Okay. All right. Thank you, Ms. Williams. You may step  
15 down.

16 A All right.

17 THE COURT: All right. Any additional witnesses from the  
18 State?

19 SOLICITOR SCOTT: No, Your Honor. The State will produce  
20 the jail calls for a court's exhibit to --

21 THE COURT: And let the record reflect I have listened to  
22 all of the jail calls. All right. Ms. Messer, it is your  
23 burden, so let me hear from you.

24 ATTORNEY MESSER: Yes, Your Honor. Aside from, or  
25 additionally to, the argument that I made prior to calling

1 Dr. Price, Dr. Price agreed that she can be self-sufficient and  
2 seem normal but that her version of the truth may be different  
3 from that of a non-delusional person.

4 I think the discussion about the car accidents somewhat  
5 benefits our side. If she shouldn't be driving and she's having  
6 car accidents, just because she is driving doesn't mean that she  
7 should. And a lot of the recall that she was discussing in the  
8 jail calls as presented by the State are short term as well.

9 She does seem to be able to hold conversations, and she  
10 seems normal, and considering her -- her testimony is based on  
11 confessions, so she has to be able to recall the confession. And  
12 that's what I was trying to get into, Your Honor, was the  
13 recollection of that.

14 THE COURT: But is that competency under 601, or is that  
15 recollection and under credibility in the trial? That's the  
16 point I was trying to get at. Is that really the standard under  
17 601? You're aware of the case law on 601, aren't you?

18 ATTORNEY MESSER: Your Honor, I'm just speaking on  
19 subsection 2 on 601 where it's discussing whether they're  
20 incapable of being able to tell the truth. I understand that she  
21 is saying that --

22 THE COURT: But isn't that a difference? You're saying  
23 whether she can recall it. You're not saying that she can't tell  
24 the truth, are you?

25 ATTORNEY MESSER: If she can't recall it then she can't tell

1 the truth.

2 THE COURT: Well, there are witnesses that can't recall, but  
3 it doesn't mean that they are telling a lie, does it?

4 ATTORNEY MESSER: Your Honor, I think going back to what  
5 Dr. Price said, her truth is her truth, it is not -- if she is  
6 under a delusion, is Dr. Price's position. And so that's what  
7 we're getting at. So I think it's a concept of the truth.

8 But she has the truth and she understands that she cannot  
9 lie. However, if she's under a delusion, if she has these  
10 psychiatric disabilities, then her ability to tell the real truth  
11 is she's incapable of that. And that's what our argument is  
12 under 601(2).

13 THE COURT: All right. Let me hear from the State.

14 SOLICITOR SCOTT: Your Honor, to say that everything she  
15 says is her version of the truth and, therefore, is not true is  
16 incorrect. So she drove here today. We can get some video  
17 footage of the drive. And that's the truth. She drove here  
18 today. And she also said she drove here today. Your Honor, she  
19 can tell truths. I think that that's important.

20 We can go into -- she went into a lot of recall, as well,  
21 Judge, about when she worked at the Walmart in bakery in Laurens.  
22 I think that, Your Honor, I understand from Dr. Price's testimony  
23 about waxing and waning, and I believe the Court can let the jury  
24 know about her medical condition as far as her diagnosis, excuse  
25 me, of schizophrenia, but I believe that she's able to tell the

1 truth as it is today; her name being Kathy Williams, her  
2 grandson, Akevius Lindsey, things that she's able to tell the  
3 truth about, the actions she took today, the actions she had with  
4 even me today being the truth.

5 Also, in regard to 601, the first one, is she capable of  
6 expressing herself concerning the matter, it's clear that she can  
7 express herself, she understands the consequence of not telling  
8 the truth, and she understands also about court, she understood  
9 what a subpoena was, so she knows about this matter. She even  
10 referenced the charge was murder or whatever they're calling it,  
11 because there are two charges, and one of them is, quite frankly,  
12 hard to talk about, possession of a weapon during a violent  
13 crime. We often forget about it because we only talk about  
14 murder.

15 Your Honor, secondly, the second prong is the duty of the  
16 witness to tell the truth. And I started off with that, that she  
17 can tell the truth, and her truth can actually be true, Your  
18 Honor, even though she can suffer from optional delusions.  
19 Forgive me for the word "optional". I don't want to downplay  
20 whatever's happening with her, Your Honor, but I think that she  
21 can testify today, and we'd ask to be able to call her as a  
22 witness.

23 THE COURT: All right. Anything else, Ms. Messer, in  
24 response?

25 ATTORNEY MESSER: I'm sorry, Your Honor. I beg the Court's

1 indulgence. Your Honor, again, if she's not competent and has  
2 the ability to tell the truth, then the State would be able to  
3 get in her testimony through either by way of impeachment or  
4 memory refreshing, and we wouldn't be able to cross her on that.  
5 And that's our argument.

6 THE COURT: All right. All right. Anything else from the  
7 State?

8 ATTORNEY MESSER: No, Your Honor.

9 THE COURT: All right. First and foremost, I've got to  
10 analyze it under the pretext of the analytical framework of 601.  
11 Under Rule 601, every witness is presumed to be competent unless  
12 the witness does not have the ability to know right from wrong,  
13 to not tell the truth, to have insufficient ability to  
14 understand, or is incapable of understanding the duty to tell the  
15 truth.

16 Ms. Messer, I do take into consideration the recollection  
17 argument that you're making, and I do find that question was  
18 asked, what she was here to testify about. She recalled it right  
19 away about the 9-1-1 call, which is an issue in the case.

20 So we start off with the first thing as a foundation that  
21 all witnesses are presumed to be competent unless the defendant  
22 can prove, or the opposing party that is challenging it, can  
23 prove otherwise. And that burden then rests on the defendant in  
24 this case to do that.

25 Now, I have listened to all of the recorded calls that were

1 submitted, and I thought there was some important things that  
2 were heard on those tapes -- and I listened to all of them -- and  
3 to me it appeared that Ms. Williams was quite competent.

4 Now, one of the first things, she was asked the birth, the  
5 date of birth of somebody, and she said right off 1960. And the  
6 defendant asked her, talking about age-wise, and she was popped  
7 right around and said, well, listen, he'll be 64, which is right,  
8 exactly what that witness, I mean, what that person would be.  
9 She talked about talking to Neil, told defendant she had talked  
10 to Neil. Not sure who Neil is. It was brought up here by  
11 Ms. Scott here, but I did think it was interesting that she, on  
12 the phone call, she was told by the defendant that the trial had  
13 now been moved and was on February 10th. And she was in quite a  
14 good mood. So she was capable, I mean, she was cognizant of the  
15 fact that the trial was previously scheduled and still it was  
16 moved to February the 10th. She talked about money. There were  
17 quite a few conversations about money. She recalled -- or not  
18 recalled -- when she was asked where, I assume it is the daughter  
19 of the defendant, the 14-year-old, she was asked where was she,  
20 or where was mom? Watching TV. Where was the, I guess the,  
21 14-year-old? She's at a game.

22 And I think it is important, too, that all of these  
23 responses to Mr. Lindsey's questions, there was no hesitancy in  
24 the responses, there was no pause. When asked most of these  
25 questions her responses were immediate to the questions.

1       She responded -- and the insurance issue was not due to a  
2       lapse, and the extra \$200. And she actually did tell Mr. Lindsey  
3       that when he asked her why it was canceled. She said, Because I  
4       had an accident, well, I had several accidents, and it had to  
5       get, been canceled, so I've got to deal with that.

6       And I'm not sure I agree that getting reinstated and getting  
7       insurance these days is not complicated. Getting insurance and  
8       dealing with insurance companies is not an easy kind of thing.

9       Some more examples: She was asked where people were, and  
10      she responded immediately. She didn't hesitate, she didn't sit  
11      there and think, she didn't pause, she didn't make any kind of  
12      groans or uh, I don't know. It was right off the bat;  
13      such-and-such is here, such-and-such is there, such-and-such is  
14      over here, right away. She was asked where's mom, Mr. Lindsey  
15      asked her where mom was. She immediately said, well, she gets  
16      off work at 7:30. Or maybe Mr. Lindsey asked her when does she  
17      get off work. She was asked, where's mom? Mom's at work. When  
18      does she get off? She gets off at 7:30. She said that DeDe  
19      [ph] -- not sure who DeDe is -- DeDe was going to pick her up.

20      Then she talked, there about was a discussion about someone  
21      distancing themselves from the family, she were very accurate and  
22      cognizant of that particular issue.

23      She did talk about her doctors. I made notes of her doctor  
24      appointments. She was cognizant of when those doctor  
25      appointments were. She talked about her diabetes. Mr. Lindsey

1 said, Oh, gosh, I hate -- sorry to hear that, something along  
2 those lines, and she said, Well, it's all right, I'm going to be  
3 all right. She was repeating what people had said. She was very  
4 cognizant of and answered every question, as I've said, without  
5 hesitation.

6 And I didn't hear anything on those tapes or anything from  
7 this witness stand today that Ms. Williams talked about any  
8 birds, talked about the flashlights, and talked about any of  
9 those things. And I'm not saying that she never has because I  
10 have not heard that, but I did not hear any, any kind of  
11 conversation or any kind of statement from Ms. Williams that was  
12 even really close to delusional about birds or anything else. It  
13 wasn't a single thing, of the issues were brought up in the  
14 expert's report, I didn't hear a single thing, a single one of  
15 those things that were brought up.

16 With the preface that all witnesses are assumed to be  
17 competent, again, it's a, it makes it a, it's a presumption that  
18 is a difficult thing to overcome, and I don't find that the  
19 burden was met in this case.

20 There's a case, interesting case of *Johnson v. Catoe*, that  
21 you may be familiar with, where the particular potential witness  
22 testified. She had multiple personalities. She wanted to hang  
23 herself. She was feeling a lot of stress, and sad because her  
24 father was dying. She had past drug use. She testified she was  
25 hearing voices, she testified she was seeing things, she



1 testified she saw little dinosaurs, she testified that she saw  
2 skeletons with red eyes, she testified that she's told many  
3 things to people that are not true. And the Court, in that case,  
4 held, under Rule 601, that that witness was competent.

5 I have not heard anything today -- I had read the report  
6 from the expert but I have not heard sufficient evidence in this  
7 case to cause me to believe Ms. Williams is not competent. I  
8 find that she knew about telling the truth; that she told, she  
9 kind of got on Mr. Lindsey when she asked him about reading the  
10 Bible, and he said he was too tired, he wasn't going to read it,  
11 he was going to bed, he was too tired, and she didn't like that,  
12 and she thought he should read the Bible. So she's very  
13 cognizant of telling the truth.

14 When I was getting ready to ask her if she know what the  
15 result is, and before I could even ask her the question, she knew  
16 that she could go to jail. And that is correct, if you don't  
17 tell the truth, you can go to jail. So she knows that she had  
18 the duty to tell the truth, she knows that you have to tell the  
19 truth and not tell a lie, she knows that you have to tell what's  
20 true and not what's wrong. She understands the difference in  
21 that, and she understandings the result of not doing that.

22 And based on those grounds, I find that Ms. Williams is  
23 competent under Rule 601, and so that motion is denied.

24 ATTORNEY MESSER: Thank you, Your Honor.

25 THE COURT: All right. You all want to take a break, or do

1 you want to keep going?

2 SOLICITOR SCOTT: Should we check to see about the jury,  
3 Judge?

4 THE COURT: We're waiting to get a text to let us know.  
5 They will let us know when the jury's selected. So you want to  
6 keep going?

7 SOLICITOR SCOTT: Yes, sir.

8 ATTORNEY MESSER: I'm good to keep going.

9 THE COURT: All right. Next motion.

10 ATTORNEY MESSER: Yes, Your Honor. At this time I'll --  
11 these motions that I'm about to present are the ones that I sent  
12 to you by way of email -- or your law clerk, excuse me, by way of  
13 email.

14 And I'm going to go through, for purposes of the record, the  
15 ones that, even though the State agreed to them, I just want to  
16 put on the record that that is the case.

17 My first motion was the motion to exclude Akevious Lindsey,  
18 the defendant, in this matter, his interview. The State had no  
19 objection to that and indicated by way of email that they did not  
20 intend to use that interview.

21 SOLICITOR SCOTT: And that's correct, Your Honor. We're not  
22 using that interview.

23 THE COURT: All right.

24 ATTORNEY MESSER: And I'll just go through those first so  
25 that we knock those out, Judge.

1 I moved to exclude the prior bad acts that were alleged in  
2 the officer's notes. The officer's notes indicated information  
3 such that Genesys, the victim in this matter, that there was an  
4 allegation that Mr. Lindsey had pulled a gun on her, that there  
5 was allegation that he was aggressive and manipulative, that he  
6 threw her keys out the window, that pulled a knife on her, and a  
7 few other things in those notes which the State has indicated  
8 they do not intend to use.

9 THE COURT: Is that correct, Ms. Scott?

10 SOLICITOR SCOTT: Correct. I think what we wrote was that  
11 we did not intend to use unless that door was opened, Judge.

12 THE COURT: Okay.

13 ATTORNEY MESSER: And to that note, in the same  
14 circumstances we moved to have excluded any mention that Akevious  
15 Lindsey was on probation at the time of this, in which the State  
16 indicated the exact same thing, they did not intend to use it  
17 unless the door is opened.

18 THE COURT: All right.

19 SOLICITOR SCOTT: That's correct, Judge.

20 ATTORNEY MESSER: And now I'm going to go on to the motions  
21 that I believe the State is contesting, Your Honor.

22 The first motion is the motion to exclude the prior bad act  
23 evidence of an alleged domestic violence that took place roughly  
24 a week before this incident. There's a lot of discussion in the  
25 discovery about this domestic violence throughout. The police

1 officers are talking about it, the witnesses, other people that  
2 are on scene are speaking about this.

3 The allegation, in summary, is that a week prior to this  
4 incident she alleged that he choked her and that he grabbed her  
5 leg, and charges were not brought. They were investigating this  
6 matter, and I believe it was a day later Ms. Genesys called back  
7 said that she did not want to pursue the charges and that she had  
8 made it up to get him out of the house, and that he did not choke  
9 her; however, she did agree that he did grab her leg.

10 So we move to exclude these allegations, one, because I  
11 believe they're irrelevant to this matter; two, their prior bad  
12 act evidence pursuant to Rule 404(b) and inadmissible and; three,  
13 they, in order for, they have to be, it had to be clear and  
14 convincing that it did happen in order for prior bad act evidence  
15 to come in, and given the fact that she did call and state that  
16 it did not happen, or at least in part did not happen, then I do  
17 not believe that it's clear and convincing that it happened at  
18 all; but finally, Your Honor, this is more prejudicial than it is  
19 probative. It does not give the State much. What it does is it  
20 paints Akevious out to be a bad guy and that he committed this  
21 domestic violence that we're not even sure happened because she  
22 called and said it happened but it didn't.

23 THE COURT: All right. Let me hear from the State.

24 SOLICITOR SCOTT: Yes, Your Honor. I'm just attempting to  
25 locate my case law on *State v. Sweat*. Okay. Your Honor, under

1 401, we do intend to put limited testimony in of this prior bad  
2 act to show motive and intent. So I wrote a brief motion  
3 regarding that. That's prong no. 1, Your Honor. I intend to  
4 offer limited testimony regarding the pending domestic violence  
5 investigation.

6 So without going into specifics in this trial, the State  
7 intends to do the following: There was a yellow sheet of paper,  
8 often called a written complaint or a victim's statement. On  
9 that yellow sheet of paper Genesys, the deceased, she wrote what  
10 happened to her that day. The State is not contesting what  
11 defense just said. In that yellow sheet of paper she references  
12 that she was strangled by this defendant, and then she also says  
13 that he had grabbed her, and then she also talks about how she's  
14 ready for him to go and she's sick of him getting away with  
15 everything.

16 I think the content of that message should not be brought up  
17 in this trial other than the following: That she provided a  
18 written complaint against this defendant citing abuse, wanting  
19 the defendant to leave, and pushing on the bedroom door. And  
20 you'll see where I'm coming with that in just a moment, Your  
21 Honor.

22 So the State intends to do a few things with the limited  
23 testimony. The first, Your Honor, is to produce a photograph of  
24 the written statement. And why is that important? Because we  
25 found that photograph in his personal belongings. The yellow

1 copy -- when a victim writes something down, is provided to the  
2 victim, the white copy is given to law enforcement. It belonged  
3 to her. Yet when the search warrant was conducted in that home  
4 the yellow sheet of paper, her property, was found among his  
5 personal items. Secondly, Your Honor, we had an officer  
6 testifying, Officer Semanski, that he did a search warrant on  
7 this defendant's social media/Snapchat. This defendant captured  
8 that photo of her written statement and posted, or at least  
9 preserved it, through his own Snapchat.

10 So, Your Honor, what we have here is, one, we have the  
11 presumption he knew about this written complaint that she made  
12 against him because we found it with his belongings; two, we also  
13 have reference that he knew about it because he photographed it  
14 and saved it, preserved it through his own social media.

15 We would like to introduce that as motive or intent when it  
16 comes to this murder trial, because these are just days apart,  
17 Your Honor, where she is writing this written complaint about his  
18 abusive behavior, citing that she wanted him to leave, and also  
19 talking about pushing on the door.

20 Then come a few days later, she's actually moving him out.  
21 We intend to put into evidence showing her physically moving his  
22 things out, Your Honor; also, that there was damage documented to  
23 the door when the forensics team came out; and then also the  
24 abuse, obviously, that she detailed in the report, he now has  
25 knowledge that she did so.

1        Now, given that, if you look at *State v. Sweat* where the  
2 court allowed actually testimony into the weeds, Your Honor,  
3 about how a, I would just say a, lovers' issue that happened in  
4 October could be brought up in a December assault and battery,  
5 high and aggravated, in another attempted murder case where they  
6 were able to show it was an ongoing conduct pattern, and the  
7 courts said it gave a full picture of what's going on. We'd just  
8 simply like to give the jury a full picture of what's going on.  
9 We understand that if we get into the actual acts of what that he  
10 did, that would be prejudicial to say that he did, just two days  
11 ago, strangle her. I'm not asking that.

12        But I do think it's important for the jury to know that this  
13 defendant had knowledge that she had made a complaint -- and  
14 we're using that word in efforts to keep any prejudice at bay --  
15 that she made a complaint against this defendant; that he was  
16 aware that she made that complaint because he memorialized that  
17 complaint with his belongings and his Snapchat. And we would  
18 like for those things to be entered into evidence, and it so does  
19 reference that something was happening, Your Honor. We don't  
20 intend for the officers to say that they were investigating him  
21 but that they knew about this written complaint. We have --

22        THE COURT: So you're not putting into evidence exactly what  
23 he did in attempting to choke her and?

24        SOLICITOR SCOTT: No, sir, we are not doing that. The  
25 testimony would be that there was a written complaint from the

1 victim against the defendant that cited abuse, and wanted the  
2 defendant to leave, and that it also discussed pushing on that  
3 bedroom door.

4 And I understand that that's three different prongs, and if  
5 the Court doesn't like some of the prongs in there, but we intend  
6 to show that that written statement was there in his property and  
7 he was aware of it, and it goes to his intent a few days later  
8 when he goes ahead and murders her.

9 In addition to that, Judge, we have the officer that was  
10 present for when she wrote that statement. I actually the  
11 photographs here, Judge. Your Honor, we also intend to put into  
12 evidence two photographs; one, Officer Kellett is the one who was  
13 present when she was writing that statement, and we have a still  
14 shot from a body-worn camera as she is writing the statement; and  
15 then also we have another photograph of her while she's holding  
16 the statement just in the event that the jury doesn't understand  
17 that she was the author of that yellow statement because we're  
18 going to have to blur out the statement so that they're not  
19 reading it. We don't want them to read the contents of the  
20 statement but to realize it is a written complaint that she made  
21 against him, so we were going to substantiate that by showing her  
22 writing it, it's yellow, there's a picture of it, it's yellow,  
23 and now it's found with his things.

24 That is how the State intends to even mention this pending  
25 domestic violence investigation. We're not going to reference --



1           THE COURT: So what are you whitening out? What are you  
2 putting -- what will the jury see?

3           SOLICITOR SCOTT: They will see -- and I'm going to make  
4 sure I don't mess anything up -- first, they will see a  
5 photograph taken by forensics of this written statement found  
6 with his belongings. We will make sure that written statement is  
7 not legible by blurring it. Okay. Secondly, they will see the  
8 defendant's Snapchat where, on what particular day he decides to  
9 take a photograph of the things that he already has in his  
10 belongings, and preserve it through his social media. Again, we  
11 will make sure the contents of what he wrote in the statement --  
12 or she wrote in the statement is not there. Third, the State  
13 will be putting in a still-shot photo of the actual victim  
14 writing that statement, having it in her hands to show that that  
15 is the same yellow sheet of paper from that date to show the  
16 chronological order of this leading up to this murder, his  
17 knowledge of it, Your Honor, and it's showing his motive and  
18 intent in this case.

19           So it would be four photographs in total, Your Honor, and  
20 the testimony from Officer Kellett that he had been to that  
21 apartment before, and that he had witnessed her write this  
22 statement.

23           THE COURT: All right. Ms. Messer, how does -- address for  
24 me intent, motive, and res gestae. How does that not fit within  
25 either one of those? Of course, as you know, 404(b), all you've

1 go to do is have one of those. And does that not fit into all  
2 three of those?

3 ATTORNEY MESSER: Your Honor, as far as the motive and  
4 intent, I disagree that the motive should be an option for the  
5 State to use. It is not an element of the crime that they're  
6 required to prove, and to say that they are using this to prove  
7 motive is saying that there's no probative value in it.

8 THE COURT: Well, you know the case law acknowledges that  
9 the State is never required to prove motive, but it can be used.

10 ATTORNEY MESSER: Yes, Your Honor.

11 THE COURT: It is an element that can be used.

12 ATTORNEY MESSER: It can be used, Your Honor, but my  
13 argument is that it should not, it should not be used as an  
14 element of the crime, in essence.

15 For purposes of intent, I think that there has to be some  
16 kind of connection between the two. There has to be a connection  
17 between the domestic violence, or the allegation of domestic  
18 violence, and the actual murder itself.

19 With intent, I believe, though, as case law, where they  
20 discuss threats, there's no indication of threats here, there's  
21 no indication of I'm going to kill you, things of that nature.  
22 So there's no --

23 THE COURT: Doesn't the case law require -- it's a logical  
24 connection. Isn't that what the standard is?

25 ATTORNEY MESSER: Yes, but there's no showing of intent

1 here. There's no showing of that, Your Honor. Ultimately what I  
2 wanted to argue regarding the State's attempt to enter this in,  
3 because the State is attempting to enter in the complaint without  
4 the words within it, but the complaint itself and the accusation  
5 of and saying that it's a complaint about abuse is hearsay, Your  
6 Honor. And the defendant has the right to confront the witnesses  
7 against him.

8 And saying that there is a complaint written, we have no  
9 ability to cross-examine. There is -- or not testimony, excuse  
10 me -- there is video audio of her retracting this statement. We  
11 have no ability to discuss that with any of these officers  
12 because the State has not brought anyone for us to, for us to  
13 assert our right to confront witness, Your Honor.

14 And so as far as *State v. Sweat* goes, *State v. Sweat*, they  
15 did allow all these things in; however, they had the opportunity  
16 to cross-examine her on it, defense had the opportunity to  
17 cross-examine her on that. We don't have that here.

18 We have a confrontation clause issue where this is hearsay  
19 evidence that they are attempting to get in, even on a limited  
20 basis, and we have no ability to cross-examine whether it did  
21 take place, or didn't, or explain to the jury what happened.

22 THE COURT: What's the confrontation issue? The statement  
23 in and of itself, is that what you're arguing, that you don't  
24 have the ability to cross-examine someone on that?

25 ATTORNEY MESSER: We don't have the ability to cross -- they

1 are saying that they are going to say that there's a statement  
2 that cites abuse, and we have no ability to cross-examine the  
3 abuse cited. And again, in this particular case she called and  
4 said that it didn't happen, so we would have cross-examination to  
5 give, but we have nobody to give it to. And I don't know who  
6 they're going to bring this in through, but I don't know that  
7 they would be able to answer those questions truthfully.

8 THE COURT: Ms. Scott, what's the response on the  
9 confrontation issue in *Crawford*?

10 SOLICITOR SCOTT: Your Honor, if I can also, because I did  
11 not, in my initial presentation, when she talked about connection  
12 to intent, the State does intend to offer additionally a Facebook  
13 message that this defendant wrote to his mother stating that he  
14 was waiting to see if he had a warrant, based off of him  
15 memorializing the fact that she had written this complaint and  
16 that he did not want to go back to jail, and I think that that  
17 would show, again, about the intent there, there's a connection  
18 there that again he's referencing I don't want to go back to  
19 jail -- or actually, he just said, I don't want to go to jail.

20 In regards to -- that was the first part. And I know you  
21 asked me a question. I'm going to ask you to repeat it.

22 THE COURT: Confrontation argument.

23 SOLICITOR SCOTT: Yes, Your Honor.

24 THE COURT: She's saying that they can't confront the  
25 witness about the statement.

1           SOLICITOR SCOTT: Yes, Your Honor. Again, that's why I  
2 wanted to reference it limitedly that she wrote the complaint.  
3 We don't think that we need to have a confrontation of whether  
4 she wrote it. Once they cite abuse, I think we can all agree  
5 that she did cite abuse, she recanted a portion of it, but it was  
6 still there.

7           The State is not at all opposed to refusing -- sorry -- to  
8 redacting the cited abuse, but the fact that she called a  
9 complaint against Akevious Lindsey, we feel that that should be  
10 let in, that she was writing a complaint against him, because  
11 that would, again, show why he would be photographing it, keeping  
12 it with his things, and then later on not wanting to go to jail.

13           One moment, Your Honor. Okay. These are great arguments.  
14 I have some cocounsel just to make sure in the case that you talk  
15 more about hearsay. We haven't referenced it. But, again, we  
16 kept it from the actual abuse so that there is no confrontational  
17 issue, confrontational clause issue. We've kept it at the fact  
18 that she, the victim, wrote a complaint against Mr. Lindsey; he  
19 perceived that; and that's our consent intent, that's his motive  
20 and. Therefore, we should be able to give the jury the full  
21 picture of what we know.

22           We're not stating that he did abuse her, a DV, first, that  
23 day; we're not saying that we're litigating whether or not he did  
24 what she claimed. But at some point, Your Honor, she did make  
25 the complaint. That part about whether or not he did it or not

1 is still up to debate, quite frankly. He has a pending --  
2 there's a pending domestic violence, first, on him right now  
3 based off that. We're not getting to that; just simply that she  
4 wrote a complaint.

5 Again, we think it gives the jury a full picture, Your  
6 Honor, a better understanding of the tension they had. You'll  
7 hear evidence throughout this trial that she was moving him out,  
8 moving him out. We still see that she's trying to move him out  
9 on this day when she writes this statement, and she's moving him  
10 out the day of the murder.

11 And also -- I think that's it, Your Honor, for answering,  
12 or responding.

13 THE COURT: Anything, Ms. Messer?

14 ATTORNEY MESSER: Yes, Your Honor. Again, my concern is  
15 with the citing abuse. We have no ability to cross-examine on  
16 the alleged abuse. We don't have a witness.

17 THE COURT: But is that it -- the issue, though -- and I  
18 hear your argument here -- whether or not that -- it's not  
19 necessarily whether he did do it or he did commit the abuse; the  
20 issue is she filed a complaint and he had a copy of it. Is that  
21 really a confrontation *Crawford* issue?

22 ATTORNEY MESSER: Your Honor, I believe it is, one, because  
23 she retracted it and so we would have the ability to discuss the  
24 retraction it. But we don't have that ability here, we don't  
25 have the ability to ask about it. And just saying, just saying

1 she wrote a statement --

2 THE COURT: Wait. How did she retract it? What evidence is  
3 that?

4 ATTORNEY MESSER: She called 9-1-1 and then spoke with  
5 Officer Kayer [ph] on a, I assume it was still, 9-1-1 because it  
6 was a recorded line, but I don't know if he recorded it somehow  
7 on his phone. But ultimately she called Officer Kayer and told  
8 him that she made it up to get him out of the house.

9 THE COURT: Can't you get that testimony in by calling the  
10 officer if there were an issue under *Crawford*?

11 ATTORNEY MESSER: I think the State would have to call that  
12 officer in order for us to be able to confront this situation.

13 THE COURT: Well, that's what I'm talking about. We're  
14 talking about a *Crawford* issue here. Doesn't that really  
15 dispense with the *Crawford* issue? Because the issue here is  
16 whether or not he had a complaint, it's in his belongings. And  
17 isn't that probative of, and provide a logical connection, which  
18 is the standard as to that event and what he did not too long  
19 after? So how long was it after? I wrote it down somewhere.  
20 Was it a week or something?

21 SOLICITOR SCOTT: No. Days, Your Honor. On May 2nd she  
22 wrote --

23 THE COURT: Four days? Okay.

24 ATTORNEY MESSER: Four days, Your Honor.

25 THE COURT: So doesn't it really bear a pretty close,

1 logical connection, a temporal connection, and it can go to his  
2 intent of why he did it and his motive as to why he did it and  
3 the res gestae as well? Because you would agree with me that  
4 404(b) is a rule of inclusion. A lot of people think it's a rule  
5 of exclusion, but it's actually a rule of inclusion, and you  
6 allow evidence in except the only time you don't do it is when  
7 the only probative value of that evidence is to show propensity.  
8 And otherwise, subject to other factual issues, 404(b), just like  
9 403, is a rule of inclusion. So is there, under 404(b), as a  
10 rule of inclusion, the only time that you exclude that evidence  
11 is if its only probative value is to propensity.

12 Here -- and I don't know all the facts, I'm just hearing for  
13 the first time today -- doesn't that provide more evidence than  
14 just propensity? Isn't it more than just propensity?

15 ATTORNEY MESSER: Your Honor, I think my concern is the  
16 allegation of abuse statement, the statement that the State is  
17 trying to get in. I think they're trying to kind of weave-in  
18 that an abuse took place. And saying that there was a statement  
19 written versus saying that there was a statement written that  
20 cited abuse is very different, and that takes away our  
21 confrontation, our ability to confront the witness, on that  
22 abuse.

23 And so I think that's my concern, is the addition of --  
24 they're basically summarizing what it says, and what it says is  
25 hearsay out-of-court statement. But ultimately, it removes our



1 ability to confront this witness on this issue.

2 And further, with Rule 404(b), the rule under (b) is that  
3 the evidence of other crimes or wrongs are not admissible unless  
4 they could be used to show motive, identity, a common plan,  
5 absence of mistake, and intent.

6 And so, Your Honor, the fact that they are trying to kind of  
7 weave in that this was an allegation of abuse removes our right  
8 to confront the witness.

9 If they want to say that there was a statement made or a  
10 statement written, then I don't necessarily -- I think that would  
11 go toward the intent but I don't think that they can say that she  
12 cited abuse. I think that removes our ability to confront her on  
13 that abuse, or confront anybody on that abuse, because if there's  
14 an allegation of abuse we should have the opportunity to confront  
15 that witness regarding it.

16 THE COURT: All right. Ms. Scott, what's your argument on a  
17 *Crawford*, confrontation, is there a confrontation issue?

18 SOLICITOR SCOTT: Well, Your Honor, we are intending to call  
19 Officer Kellett who is the one that took the report about the  
20 written statement there so that -- and we wouldn't object to her,  
21 or defense counsel's, cross-examining him about the contents of  
22 the actual statement. We just believe that, again, her citing  
23 abuse is that she said something happened, but we're offering it  
24 for the purpose that he had knowledge that she wrote a statement  
25 against him, and that is what the State intends to use. And

1 obviously a statement against someone is obviously not for them.

2 I think we have cured *Crawford* by having our officer  
3 testify, but in the interest of compromise, Judge, we would  
4 simply then revise to say that there was a written complaint from  
5 this victim against this defendant.

6 And I do believe the jury's going to infer that the police  
7 were the ones who took this written statement from her, and so I  
8 think we can accomplish the same vein to the jury about the fact  
9 that he had it with his belongings and that she had written  
10 something that got the police involved and, therefore, we can  
11 kind of squash the *Crawford* issue.

12 But I think it could have been cured with -- we had the  
13 actual officer that took the statement. And we also, even though  
14 it's not the one that was on the report, call when she recanted a  
15 portion of it -- I want it on the record -- a portion of the  
16 statement was recanted. That officer was made aware that she had  
17 recanted a portion of, and so I don't feel like he would not be  
18 barred from saying he was aware that she had recanted a portion  
19 of it.

20 THE COURT: Ms. Messer, if the officer is going to testify  
21 as to the statement and he was there, I assume, and that's what  
22 he's testifying to, and that's what the State's using it for, the  
23 fact that there was a complaint, there was a statement she made,  
24 she made it to law enforcement, and she made it to him, and he  
25 testifies about that, where does *Crawford* come in on that?

1           ATTORNEY MESSER: Judge, that was my concern, was the  
2 portion where they were going to say that it cited abuse. If  
3 that portion is removed, then I think that, ultimately, I think  
4 it's fine. I think that discussing that a statement was written  
5 by law enforcement without the citation of abuse gets us there,  
6 and so I tend to think that before Brittany kind of answered the  
7 question correctly.

8           SOLICITOR SCOTT: Well, I offered a compromise in the event  
9 that I was about to be ruled against, Judge. I think we can get  
10 past the Crawford, if she can, if she would like to go into the  
11 fact that the victim cited abuse and modified the abuse  
12 statement, but I certainly don't want to be precluded from  
13 referencing the statement. It's important to the State's case.  
14 And we would be willing to do the latter if you're inclined to  
15 take my statement completely out.

16           ATTORNEY MESSER: And, Your Honor, just because I didn't  
17 address this earlier, as far as the photograph, where the  
18 statement is, the photograph is among his belongings, but in the  
19 facts in the case which will come out during trial, she is  
20 putting his belongings outside, so she has access to those.

21           But I tend to think based on the Snapchat, as well as the  
22 photograph taken, I would be more inclined to see how she puts it  
23 in before I make an objection on those.

24           THE COURT: Well, I've got to wait. I've got to wait, as  
25 well, even though issues are being raised right now in a motion

1 in limine.

2 ATTORNEY MESSER: Thank you, Your Honor. But I do, I intend  
3 to, preserve the issue if it comes up.

4 THE COURT: Here's what I'll do at this point based on the  
5 -- and again, it's a motion in limine and certainly susceptible  
6 of changing -- but based on what I understand what the State  
7 would put in, that I think that 404(b) does apply. I think it is  
8 being used more than to share propensity. I think it's evidence;  
9 it's evidence of intent; the res gestae. And so I think there is  
10 a logical conclusion -- I mean a connection, excuse me -- a  
11 logical connection between when the incident and the murder. It  
12 does provide the necessary background to explain why the  
13 defendant did, allegedly did, what he did. And so I think it is  
14 not being presented and argued, or is not evidence of just  
15 propensity alone.

16 And as 404(b) states, that's what it is. If it's used just  
17 for propensity, it's not allowed except, in other words, unless  
18 they are -- it's not allowed if it's just propensity, and I  
19 don't, from what I'm hearing right now, it's more than  
20 propensity; again, motive, intent, res gestae.

21 Again, whatever court -- I mean, whatever evidence comes in  
22 down the road, it may be change. But that's just my preliminary  
23 ruling, and that's what I see at this point.

24 I also have to use 403. I've got to go to 404(b) to 403,  
25 and I've got to determine whether it's unfairly prejudicial and

1 does the prejudicial effect substantially outweigh the probative  
2 value in this case. And so, of course, the framework under 403,  
3 it's got to be unfairly prejudicial. It is prejudicial. All the  
4 evidence is prejudicial, especially probative evidence.  
5 Probative evidence is prejudicial to the other side. The  
6 question is whether the degree of prejudice that 403 requires --  
7 and 403 requires unfairly prejudicial -- it's got to be unfairly  
8 prejudicial, and it has to substantially outweigh the probative  
9 value, not just outweigh the probative value but it's got to  
10 substantially outweigh the probative value. And I find that  
11 there is probative value, again, based on what I've heard so far,  
12 this evidence has probative value.

13 And so the question then is does the evidence substantially  
14 outweigh that probative value? And, as I have said, the  
15 probative value, it does show potential intent, it shows motive,  
16 it shows the whole storey, i.e., the res gestae, and so I think  
17 it does provide probative value and I do not believe that that  
18 probative value is substantially outweighed by any unfair  
19 prejudice.

20 And so under 403 it is admissible. And again, 403 is a rule  
21 of inclusion, too. A lot of people, again, think Rule 404(b) and  
22 403 are rules are exclusion, but they're not, it's a rule of  
23 inclusion. So under 404(b) and under 403, at this stage I find  
24 the evidence is admissible. That is subject to change, of  
25 course, if the circumstances provide otherwise. But as it stands

1 right now, the evidence will be admitted.

2 All right. Anything? What's next?

3 ATTORNEY MESSER: Yes, Your Honor. I've got, I guess, kind  
4 of three more motions but two of them are kind of similar. One  
5 of them was in my email that I would choose to do last because  
6 ultimately it's about the photographs and I'd like to see what  
7 photographs the State had intended on entering in to determine if  
8 that motion is even necessary.

9 But the other motion is the motion that came up just a few  
10 hours ago, Your Honor. The State informed me that they intended  
11 on entering in the 9-1-1 call of Ms. Azaliah Rice and Mr. Lonnie  
12 [ph] -- and I can't remember his last name, I just remember  
13 Lonnie.

14 SOLICITOR SCOTT: Dobbins.

15 ATTORNEY MESSER: Dobbins, Mr. Lonnie Dobbins. I'll talk  
16 about Ms. Azaliah Rice's 9-1-1 call. Your Honor, she's on the  
17 witness list. She's testifying. I think, for purposes of the  
18 best evidence, the best evidence is her testimony. I don't know  
19 the relevance of bringing in the 9-1-1 call. There's nothing in  
20 the 9-1-1 call that she couldn't testify to, but what is in the  
21 9-1-1 call is accusations that Akevious was the one who killed  
22 Genysis, which is an opinion on the ultimate issue. And  
23 ultimately --

24 THE COURT: Now, give me a little background. Who is who,  
25 and?

1           ATTORNEY MESSER: I'm sorry. I'm sorry, Your Honor. I  
2 should have done that before. Azaliah Rice is the sister of the  
3 deceased.

4           THE COURT: Azaliah Rice?

5           ATTORNEY MESSER: Yes. The deceased's name is Genysis Rice.  
6 And --

7           THE COURT: And Azaliah is the sister?

8           ATTORNEY MESSER: The sister.

9           THE COURT: Okay.

10          ATTORNEY MESSER: And Mr. Dobbins, Mr. Lonnie Dobbins, is, I  
11 believe, a friend of Azaliah's. And they were you individuals  
12 that arrived at the home and found Ms. Rice in her state.

13          THE COURT: All right. So Dobbins is a friend of Azaliah's?

14          ATTORNEY MESSER: That's my understanding of it. I'm not  
15 sure of the true relationship, but based on the discovery, they  
16 were friends.

17          THE COURT: So both so Dobbins and Azaliah found the  
18 deceased?

19          ATTORNEY MESSER: Yes Your Honor.

20          THE COURT: Okay.

21          ATTORNEY MESSER: And so these 9-1-1 calls are from that,  
22 from that moment from after, whenever they called the police,  
23 after they found the deceased. And ultimately, because of what  
24 they just found, Ms. Azaliah is, she's incredibly upset, she's  
25 crying, she's screaming, she's like that for a lot of the

1 discovery, and I think ultimately that just impassions the jury  
2 when we don't really need it.

3 She can testify to everything that she said -- or not said,  
4 everything that she saw and everything that she witnessed, what  
5 she said on the 9-1-1 call, so I don't see the relevance in  
6 bringing the 9-1-1 call in other than to pull at the heartstrings  
7 of the jury.

8 Further, with Lonnie, he's not here to testify. He's not on  
9 the witness list, I'm not sure why, but anything that he says is  
10 hearsay. And further, he also accuses that Akevious was the one  
11 that killed her, which I think is an opinion on the ultimate  
12 issue.

13 THE COURT: So they actually say it in the 9-1-1 call that  
14 he killed her?

15 ATTORNEY MESSER: They say something to the effect -- I  
16 can't remember which one said which, Your Honor, forgive me, but  
17 ultimately one of them says something to the effect of, He did  
18 it, Akevious did it. And then another one, I believe it was,  
19 Lonnie who said, Her boyfriend killed her, or something to that  
20 effect. They're pointing to Akevious.

21 THE COURT: Of course, I don't know what the 9-1-1 case.  
22 I'm just taking your word.

23 ATTORNEY MESSER: Understood.

24 THE COURT: All right. Ms. Scott.

25 SOLICITOR SCOTT: Your Honor, just to first address



1 Azaliah's phone call, she is on the witness and will be  
2 testifying today. However, the 9-1-1 call for her is 3 minutes  
3 long, maybe 3 minutes and some change, and we have cut it down to  
4 30 seconds, your Honor; one, to show the time that she called;  
5 also, quite frankly, Judge, to show the state that she was in  
6 when she found her sister, not for any other purpose than when  
7 you have --

8 THE COURT: What's the relevance of that her state?

9 SOLICITOR SCOTT: Yes, Your Honor. So at times I find that  
10 jurors get into their minds about the fact that -- the first  
11 person to encounter her sister is her sister, and so at this  
12 point we need to, in case the jury wants to even go there, that  
13 anybody else could have done that, being the people that find  
14 her, her raw emotion of finding her sister rules her out  
15 immediately.

16 Also, Lonnie Dobbins is there. He gives more information  
17 about where it is, what they did, where they came from, and I  
18 believe that this can come in, Your Honor, through a hearsay  
19 exception, not only through a business record but also through  
20 excited utterance if you go with the hearsay within hearsay  
21 argument, Your Honor. Azaliah wouldn't have a confrontation  
22 issue because she is here present today, Your Honor.

23 Let's assume that Azaliah testifies today she has no  
24 emotion, she's flat, and someone holds that against her because  
25 why wouldn't she have emotion, this is a trial. They need to see

1 that that's there. I don't need any suspicion of someone else  
2 thinking what someone else did it, because although we have  
3 confessions later on that we intend to bring in, Your Honor, the  
4 idea is that there is no murder weapon that was found, and this  
5 defendant has not actually witnessed killing Ms. Rice, and so at  
6 this point we believe the State has the right to put in these  
7 9-1-1 calls.

8 THE COURT: What about the part that apparently one or both  
9 made the statement that says the defendant did it?

10 SOLICITOR SCOTT: Yes, Your Honor. So the statement from  
11 Lonnie, just doesn't even know Akevious's name, but he does  
12 reference her boyfriend must have did it or something of that  
13 nature.

14 THE COURT: Well, how is that relevant?

15 SOLICITOR SCOTT: Well, Your Honor, I think, again, it's  
16 clear that even when he's talking he doesn't know what he knows,  
17 but he's still in excited utterance just speaking on what he's  
18 aware of, is that they were there, Your Honor, to help move him  
19 out.

20 THE COURT: I don't disagree with 803(2), it's got to excited  
21 utterance. It's certainly an excited utterance situation. But  
22 it's still got to be relevant, and it still -- it can't be  
23 speculative, and it can't be prejudicial. So how is his  
24 statement in the 9-1-1 call that he thinks that the defendant did  
25 it, how is that relevant; how does he know; what's the foundation

1 for his making that statement?

2 SOLICITOR SCOTT: Well, I think the foundation, Your Honor,  
3 is his understanding of their toxic relationship and that they  
4 were being moved out -- they were moving him out that same night.

5 But we have no issue redacting that small portion where he  
6 says I think the boyfriend did it if we can get the call in, Your  
7 Honor, because the call needs to be in based on the time of day  
8 when it comes in. These are the first two people on scene to  
9 find her that way.

10 And I'll make a note, Your Honor, they're the only ones to  
11 call the police when she was found that way. They'll find  
12 testimony that somebody else was there and covered her up with a  
13 pillow. That person didn't call 9-1-1. So it's important, Your  
14 Honor, that we reference to that to the jury.

15 THE COURT: I'm going to exclude any statement by either one  
16 of those you two individuals on the 9-1-1 call that claim that he  
17 did it. So I'm going to exclude any of that testimony.

18 SOLICITOR SCOTT: Yes, sir. We can redact that.

19 THE COURT: I think it's relevant as to the time of death.  
20 I think that is relevant. What else? You say it's down to 30  
21 seconds?

22 SOLICITOR SCOTT: Yes, Your Honor. So the second prong  
23 would be Azaliah's phone call to 9-1-1. It's hard to hear. We  
24 understood that when we first heard it, so we narrowed it down to  
25 30 seconds, again, for the same purpose, of time of day, and that

1 she also called. We've got two people that find her, Your Honor,  
2 and both of them call.

3 There's a small, maybe, I don't know, 60-second -- no,  
4 30-second delay between the calls, and Azaliah's going to explain  
5 why that is. I think it's important for the jury to know they  
6 both called, and also to explain why her call, when it came in,  
7 maybe a few seconds after the call that Lonnie makes.

8 THE COURT: Again, I'm at a little bit of a disadvantage  
9 because I don't know what it says.

10 SOLICITOR SCOTT: I have it.

11 THE COURT: So what are the 30 seconds that the State  
12 proposes to use? The call; hangs up; they call; and then what do  
13 these individuals tell it 9-1-1 operator?

14 SOLICITOR SCOTT: This particular 30-second call is Azaliah  
15 stating to officers that they need to come out here; that she's  
16 dead; she's dead; and a lot of crying; and then it's over.

17 We took out other parts whey they ask her more about  
18 information because it is hard to hear, both emotionally and  
19 inaudibly. So we just have that portion where she calls in, and  
20 it's about --

21 THE COURT: Ms. Messer, how is that not relevant, time of  
22 death, call, finding the body? I'm going to exclude any  
23 testimony or anything from there that accuses or speculates that  
24 Mr. Lindsey did it. So by me excluding that part, the rest of it  
25 seems to be relevant. And certainly I know it's emotional, but I

1 don't think it's -- I've got to look at it because you've raised  
2 it as a 403. Prejudicial? Yes. Unfairly prejudicial? I don't  
3 think so. And does it substantially outweigh the probative value  
4 of the relevancy of the call? The first people on the scene that  
5 find her, the time of the call which relates to the murder and  
6 the death itself, so I think on those grounds it's relevant, and  
7 it also passes 403. I'm excluding anything, any reference by  
8 them, that Mr. Lindsey did it.

9 ATTORNEY MESSER: Your Honor, at this time we'd just request  
10 that we could listen to the pieces that they intend to put  
11 forward.

12 THE COURT: Why don't you all, after we break today, all  
13 listen, and then tomorrow morning let me know if there's still  
14 some issues, and then I'll address it.

15 ATTORNEY MESSER: Thank you, Your Honor.

16 THE COURT: But just to give a roadmap, I'm going to allow  
17 it in but I'm not allowing the comments about him doing it.

18 ATTORNEY MESSER: Thank you, Your Honor. And then the final  
19 motion, as I mentioned earlier, was my motion regarding the  
20 photographs, but the State ...

21 (Pause in the proceedings.)

22 THE COURT: Where was I when I had to step off?

23 SOLICITOR SCOTT: We were going to talk about gruesome  
24 photos, but we can skip that. That would require us to go up  
25 there and show you some things. If we can, we have other

1 arguments that we have.

2 THE COURT: Other arguments other than the photographs?

3 SOLICITOR SCOTT: Don't you? I know I do.

4 ATTORNEY MESSER: No. That's all my motions.

5 THE COURT: All right. That's it for defense motions. All  
6 right. The State's motion?

7 SOLICITOR SCOTT: Thank you, Your Honor. There's one more  
8 motion in limine that I wanted to discuss, Your Honor, and that's  
9 a hearsay exception under Rule 803(2) for excited utterance. The  
10 State intends to call Officer Coffman to the stand. He is one of  
11 the officers that Kathy Williams speaks to on scene.

12 The background, Your Honor, to show why she is in a startled  
13 state, along with receiving a call from someone in a startled  
14 state, the testimony is that she received a call from this  
15 defendant saying that he had done what uncle did and for her to  
16 call 9-1-1, and it excites her to the point where she gets into  
17 her vehicle around 11:30 to 11:45 at night, drives to the  
18 location, and she gets out of her car parked in the middle of the  
19 roadway, not a parking space, gets out, and comes straight to  
20 officers. And to that fact that she says here, My grandson said  
21 to call 9-1-1. I don't know, in reference to where he's at. He  
22 called me and told me to call 9-1-1. Who in there? What  
23 happened? Tell me. Tell me. And at that point, Is she dead?  
24 Is she dead? Were their children in there? Let's see. Sorry.  
25 Yes. Is she dead? Is she dead? is where I'm ending it at the

1 bottom, Your Honor, not Were their children in there.

2 We believe those statements, Officer Coffman should be able  
3 to testify to, because Kathy Williams was in a startled state. I  
4 referenced the time of night it was, I referenced that she parked  
5 the way she parked, I referenced that she approached law  
6 enforcement officers, and also in the manner in which she  
7 delivered the messages to the officer.

8 I have the video, Your Honor, if you would like to see, but  
9 you can see her in a panicked state. She's got her hands up in a  
10 worried position, her eyes are wide, she is concerned, she is  
11 looking about. I believe that that is under excited utterance at  
12 that point, Your Honor, and we're limiting it to that.

13 Now, Kathy said a lot of other things there, Your Honor, and  
14 I think because the State is mindful that there is, at some  
15 point, a cooling-off period from excited state to turning into  
16 basically a narrator, we have specifically narrowed it down to  
17 when she gets out of her car, approaches Officer Coffman, and  
18 then says those things, Your Honor, that is listed on page 2  
19 where I reference on no. 2, and involves her testimony. That's  
20 in the testimony we get from Officer Coffman, and that's what we  
21 believe falls under 803, excited utterance exception.

22 THE COURT: All right. Ms. Messer.

23 ATTORNEY MESSER: Your Honor, Ms. Williams was just found to  
24 be competent to testify. It's my understanding she's going to  
25 take the stand today. I'd argue that she can testify to this,

1 but there's no need to bring this in. Should she not remember,  
2 the State can certainly refresh her recollection. The State  
3 could also impeach her should she say she didn't say that. I  
4 don't think it needs to be brought in through the officer when we  
5 have the witness here to testify.

6 THE COURT: But is that a reason that 803(2) can't be used,  
7 excited utterance? Can you say are you allowed -- is that a rule  
8 that you can't testify about that because somebody's going to  
9 testify, Well, why don't we do this: What if that ruling is  
10 made, all right, I'm not going to allow that witness to testify  
11 because we're going to bring in officer such-and-such to testify,  
12 okay.

13 That witness goes, and then you say, uhm, Judge let that in;  
14 let's let officer such-and-such go on a trip somewhere, or do  
15 something, he's not going to be here? Or what if he gets hurt or  
16 killed by a wreck or something? I don't think that's what the  
17 rule really means, does it?

18 ATTORNEY MESSER: I'm referring to what I think is kind of  
19 the basis of in Rules of Evidence, which is the best evidence  
20 rule. I think that the best evidence in this case is her  
21 testimony. I don't think that it's necessary --

22 THE COURT: Are you sure that's what best evidence means in  
23 the Rules of Evidence?

24 ATTORNEY MESSER: I believe so.

25 THE COURT: You know that rule started 100 years ago because



1 they didn't have copy machines. That's the foundation and the  
2 basis of when the best evidence rule came in, is that because you  
3 didn't have copy, you couldn't make copies of things, that you  
4 had to copy, handwrite another copy, and so the best evidence  
5 rule came in because people may have written on the copies wrong  
6 and something wrong on there and it really didn't match up, and  
7 so they had to have the best evidence, the document. I'm not  
8 sure that really applies in testimony.

9 ATTORNEY MESSER: I think it relates to testimony. But if  
10 we have someone here to testify to what they said, then they  
11 should be able to say it. I don't think that it's necessary  
12 for -- I think ultimately it's also duplicative, and if she's  
13 able to testify to it, then she should testify to it rather than  
14 the State bring it in through hearsay.

15 THE COURT: I appreciate your argument, but I don't think  
16 803(2) requires, in order to be -- that you can exclude it if a  
17 witness is going to testify to it. It still can be used. And I  
18 don't think it's duplicative. Now, if there were maybe 10 other  
19 statements along the same lines, then I can see. But objection's  
20 noted. I think it's admissible.

21 It sounds like it is under -- the key under that rule is  
22 whether the stress of excitement, or that witness is under the  
23 stress of excitement. And again, I have not heard any testimony  
24 so I can't say exactly. But what I'm hearing is she comes up  
25 there -- she's notified about it, she comes up there, and she's

1 talking to the officers at the scene. I think that falls under  
2 803(2). I think that's an excited utterance.

3 ATTORNEY MESSER: Thank you, Your Honor.

4 THE COURT: All right. Next.

5 SOLICITOR SCOTT: Your Honor, that is all our motions in  
6 limine. I need to look at my email. I'm not looking up, being  
7 disrespectful, but --

8 THE COURT: No, take your time. Take your time.

9 SOLICITOR SCOTT: That's it, Your Honor, for the State's  
10 motions.

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

12 ATTORNEY MESSER: Yes, Your Honor. We would speak about the  
13 photographs, but I believe you should be aware of the  
14 photographs.

15 SOLICITOR SCOTT: We were just about to do a side conference  
16 when we were called back in, so she was looking at them.

17 THE COURT: If you all want to, I'll give you an opportunity  
18 to go back out there and do a side conference.

19 ATTORNEY MESSER: I appreciate that. Thank you, Your Honor.

20 THE COURT: I'll just hang around here.

21 (Pause in the proceedings.)

22 ATTORNEY MESSER: I understand that during the trial -- I  
23 believe she made a statement that he needed to be shackled. Do  
24 his arms need to be shackled? He's got to be able to write  
25 notes, and I think the jury seeing him shackled is not

1 appropriate. So I saw we have the skirt for the legs, but the  
2 arms, I don't think --

3 THE COURT: Any objection from the State on that?

4 SOLICITOR SCOTT: Not on the shackle to the arms. I just  
5 put on the record earlier, and I still say that in the event that  
6 the sheriff's office or detention think that I'm superseding any  
7 policy they have, I would defer to their policy regarding the  
8 custody of their inmates.

9 THE COURT: I'll allow him to be unshackled as far as  
10 wrists.

11 ATTORNEY MESSER: Thank you, Your Honor.

12 THE COURT: Anything else before we adjourn? As we spoke up  
13 here at the bench, they have completed the jury selection in the  
14 other case and so we will not pick a jury today because it's 4:30  
15 already. Judge Gravely, he has a civil case, so he will pick  
16 first in the morning at 9:30. Because it's a civil case, that  
17 will probably be done by 10:00 or before. So then we'll pick  
18 right after that.

19 So at the earliest, 10:00, so nobody needs to be here -- you  
20 can certainly come before 10:00 but 10:00 will be sort of the  
21 target of when we will pick the jury.

22 All right. Is there anything we need to address before we  
23 adjourn? Anything from the State?

24 SOLICITOR SCOTT: No, Your Honor. Thank you.

25 THE COURT: Anything from defense?

1 ATTORNEY MESSER: Nothing from us, Your Honor. Thank you.

2 THE COURT: All right. See you all tomorrow morning.

3 (Proceedings adjourned for the day at 4:28 p.m.)

4  
5 CERTIFICATE OF REPORTER

6 I, Cathy J. Provost, Official Court Reporter for the  
7 Fourteenth Judicial Circuit of the State of South Carolina, do  
8 hereby certify that the foregoing is a true, accurate and  
9 complete Transcript of Record of the proceedings had and evidence  
10 introduced in the trial/proceedings of the captioned case in the  
11 Court of General Sessions for Greenville County, South Carolina,  
12 on the 10th day of February, 2025.

13 I do further certify that I am neither of kin, counsel, nor  
14 interest to any party hereto.

15  
16 Date: June 1, 2025

17  
18 \s\ Cathy J. Provost  
19 Cathy J. Provost, RMR  
20 Official Circuit Reporter  
21  
22  
23  
24  
25

|                             |   |                               |
|-----------------------------|---|-------------------------------|
| THE STATE OF SOUTH CAROLINA | ) | COURT OF GENERAL SESSIONS     |
|                             | ) |                               |
| COUNTY OF GREENVILLE        | ) | THIRTEENTH JUDICIAL CIRCUIT   |
|                             |   |                               |
| THE STATE OF SOUTH CAROLINA | ) | NO. 2023-GS-23-04555          |
|                             | ) |                               |
| VS.                         | ) |                               |
|                             | ) | <u>TRANSCRIPT OF RECORD</u>   |
| AKEVIUS DAYQUAN LINDSEY     | ) |                               |
| _____                       | ) | Vol. II of IV, Pages 92 - 242 |

B E F O R E:

THE HONORABLE J. D. MORGAN, JR., JUDGE, and a jury

DATE: February 11, 2025  
Greenville, South Carolina

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

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Reported by: Cathy J. Provost, RMR, Official Court Reporter

-- P R O C E E D I N G S --

(Indexes contained in Vol. I, dated February 10, 2025.)

(Court called to order.)

PRETRIAL/MATTER(S) OF LAW

THE COURT: Okay.

ATTORNEY MESSER: Good morning, Your Honor. At this time I guess it would be a renewal of our objection regarding the 9-1-1 calls from Ms. Azaliah and Mr. Lonnie. Keeping them separate again, I did listen to the 9-1-1 calls that Brittany had redacted where Your Honor said the information could not go in, and Ms. Azaliah's 9-1-1 call is a lot of her screaming and screaming that she's dead. I don't think -- I believe the probative value that the State is intending to bring in is that the time that she called, but I think that they can get that in through other means, and so I'd argue that it's more prejudicial than it is probative for the State because it is very emotional. And so that's our argument on Ms. Azaliah's 9-1-1.

For Mr. Lonnie's, going back to the confrontation issue, he is not a witness here listed. We have no way to confront him on this 9-1-1 call. And again, we just have no ability to confront him.

THE COURT: All right. Ms. Scott.

SOLICITOR SCOTT: Your Honor, speaking to Lonnie in particular, under the business exception rule of hearsay we're going to have a custodian testify in order to get that 9-1-1 call

1 in. In addition to it being hearsay within hearsay, Lonnie  
2 certainly falls also on the excited utterance and also present  
3 sense impression exception. As far as him being here, it's  
4 immaterial, Your Honor, and therefore does not need to be here  
5 for this exception. Therefore, his call is good. In addition to  
6 the --

7 THE COURT: What about the confrontation clause issue?

8 SOLICITOR SCOTT: There's none, Your Honor. We're going to  
9 get it in through the business exception through hearsay.

10 Furthermore --

11 THE COURT: All right. You know the exception to the  
12 hearsay, getting it in through exceptions doesn't apply.

13 SOLICITOR SCOTT: Correct, Your Honor. However, when you  
14 deal with the 9-1-1 call, specifically with the confrontation  
15 clause, we do look at other holdings of hearsay. So first, under  
16 the confrontation clause, with the hearsay exception we have  
17 present sense impression and excited utterance, Your Honor, where  
18 the declarant being present at trial is immaterial.

19 THE COURT: Okay. Well, *Crawford* did away, though, with the  
20 exceptions of the hearsay. That was the gist of *Crawford* as far  
21 as confrontations. But, you know, the old rule was it was based  
22 on hearsay. If it came in under a hearsay exception then the  
23 Sixth Amendment didn't apply. *Crawford* pretty much ended that by  
24 saying you no longer rely on hearsay exceptions.

25 Now, *Williams v. Illinois* came out later after *Crawford*, and

1 it didn't deal with exceptions but said if it is not offered for  
2 the truth of the matter asserted then it is not a confrontation  
3 clause issue.

4 But your argument about exceptions, wouldn't *Crawford* pretty  
5 much say that that's not applicable, that that's not a basis  
6 anymore, for confrontation clause arguments?

7 SOLICITOR SCOTT: In addition to that, as you were speaking,  
8 I guess because you don't have the nature of the call itself,  
9 we're not offering it now, obviously, because we've had to redact  
10 it, for the truth of the matter asserted of the actual crime of  
11 the murder but that, indeed, he made a call and said she's dead.

12 That cannot be disputed because we obviously know that she's  
13 no longer with us, Your Honor. I don't believe there's anything  
14 to confront him on with that particular statement.

15 THE COURT: And let me ask you this, Ms. Messer. How is  
16 that testimony -- *Crawford*, before *Crawford* and confrontation of  
17 the Sixth Amendment applies, the first thing is it's got to be  
18 testimonial, doesn't it? And I don't think a 9-1-1 call is  
19 testimonial. And if a 9-1-1 call is not testimonial, *Crawford*  
20 and the confrontation clause under the Sixth Amendment does not  
21 apply and, therefore, you do go to hearsay exceptions.

22 I'm not aware of any case in South Carolina or in the  
23 country that says a 9-1-1 call is testimony -- and I don't see  
24 how it can be. I mean, that's not -- it doesn't fit within the  
25 definition. A statement in a 9-1-1 call clearly does not fit in



1 the definition of a testimonial statement.

2 SOLICITOR SCOTT: If I can confer with cocounsel briefly.

3 THE COURT: Yes, ma'am.

4 ATTORNEY MESSER: Judge, it is testimonial. In the 9-1-1  
5 call he describes, I believe, the condition of the body. Yes.  
6 In fact, he says that her head is wide open. He describes the  
7 scene. And I believe it is testimonial. He's describing the  
8 scene at which he walked upon.

9 THE COURT: Okay. Well, you know that the definition of  
10 testimonial under *Crawford* and all the cases that have followed  
11 *Crawford*, including the cases in South Carolina that have  
12 followed *Crawford*, define testimonial, the testimony, or  
13 testimonial evidence, is that the person who makes the statement,  
14 the declarant who makes the statement, who you are trying to get  
15 in via a confrontation clause issue, the statement he made had to  
16 be under the situation where he knew or it should be known that  
17 that was for the purpose of testimony in a trial down the road.

18 And I can't think of any situation where someone making a  
19 9-1-1 call after an emergency would believe, that as they are  
20 making that 9-1-1 call, that they know that this is going to be  
21 used, or will be, or the purpose of it will be, for testimony  
22 down the road.

23 I just, I think the 9-1-1 call is the actual epitome of  
24 nontestimonial. I think that's probably, if you had to give, in  
25 my opinion, and this is my opinion, but if you had to give an

1 example of nontestimonial statements, the 9-1-1 call is the top  
2 of the list because 9-1-1 calls are made on emergencies without  
3 thinking of anything but the emergency itself and what's taking  
4 place.

5 And 9-1-1 calls, if you point me to a case that says a 9-1-1  
6 call is testimonial under *Crawford* and any of the cases that have  
7 followed, I'll certainly consider that. But I, to be honest with  
8 you, I have never seen a case where a 9-1-1 call triggers the  
9 Sixth Amendment in *Crawford*. I just have not seen it. So,  
10 again, if you can show. Your argument's noted, but I just don't  
11 think a 9-1-1 call is testimonial.

12 How about the argument, so let's assume, as you can probably  
13 figure out in my ruling is that it's not a confrontation *Crawford*  
14 issue, so what about since it's not a *Crawford* you now then go to  
15 Rules of Evidence and hearsay. As I say, *Crawford* no longer  
16 applies, the Rules of Evidence and hearsay, but if a *Crawford*  
17 issue is not there -- so the State is arguing it's an 803(1) -  
18 803(2), present sense impression or excited utterance. What is  
19 the defense argument on that?

20 ATTORNEY MESSER: Your Honor, can I first respond to the  
21 testimonial?

22 THE COURT: Yes, ma'am.

23 ATTORNEY MESSER: I don't have a case to point to you. I'd  
24 argue, though, that when a person walks up on a dead body, that  
25 they could reasonably believe that their statements from here on

1 out could be a part of a court case, so I'd argue that it is  
2 testimonial. But I understand Your Honor's ruling.

3 As far as the hearsay exceptions -- excuse me, Your Honor.  
4 Your Honor, at this time I'd just renew my objection on the  
5 confrontation clause issue --

6 THE COURT: Okay. Definitely noted.

7 ATTORNEY MESSER: -- and the hearsay.

8 SOLICITOR SCOTT: I think I also need to speak on Azaliah's  
9 call, Your Honor. She had made a reference to Azaliah's call  
10 being ...

11 ATTORNEY MESSER: More prejudicial than probative.

12 SOLICITOR SCOTT: Yes. Your Honor, undoubtedly there will  
13 be a motion because it's a 9-1-1 call, and calls are generally  
14 made for emergency purposes, so there is a sense of haste and  
15 urgency in her call, and obviously she's crying. The State has  
16 redacted to 30 seconds. We've also further redacted it from  
17 where she did say, He shot my sister. We took that out, Your  
18 Honor.

19 We are producing that for a number of reasons we cited  
20 yesterday. One, for date and time of the call. Also, Your  
21 Honor, in regards to the fact that the manner in which she was  
22 found is that she had a pillow over her head. We have the two  
23 people that we know had found her immediately called 9-1-1. The  
24 argument would be to the jury that a third person or more would  
25 have placed the pillow there and did not call 9-1-1.

1 I think it's important for the Court to know that the people  
2 that did find her immediately sought help. To rule them out in a  
3 case that they might think that -- although I know they're now  
4 doing third-party guilt, Your Honor, I do think that it's  
5 important for the State's case to show the timeline of what  
6 happened leading up to her murder and also after her murder.

7 THE COURT: Now, the 30 seconds, if you -- which one that  
8 is?

9 SOLICITOR SCOTT: That is Azaliah's call, Your Honor.  
10 They're seconds apart from each other. To two of them go into  
11 the apartment together.

12 THE COURT: They go in together and they both made separate  
13 calls?

14 SOLICITOR SCOTT: Yes, sir, because obviously the sister had  
15 a moment of, My sister's dead, so the young man that found her,  
16 who is not related, he immediately runs out and calls 9-1-1 from  
17 the parking lot, or the breezeway, leaving the sister grieving  
18 for her sister on the floor.

19 She makes a quick call to her mama, Mama, and then she hangs  
20 up. We actually hear her screaming mama on the other call that's  
21 being made by Lonnie, the male. But then she calls 9-1-1, and  
22 she's upset, but she references that, Please help me, and then  
23 she will testify that as she's making this call that she's right  
24 there next to her sister.

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

1           ATTORNEY MESSER: We just renew our objection that it's more  
2 prejudicial than probative.

3           THE COURT: All right. I do think it is probative, as I  
4 said yesterday. So if you're looking at it from a 403 analysis  
5 to determine whether or not it's unfairly prejudicial and  
6 substantially outweighs the probative value, I believe the 9-1-1  
7 call is probative on the time of death, and the call to law  
8 enforcement, I believe, that is probative.

9           The emotion that the defense argues is prejudicial, I  
10 certainly understand and consider that, but it's pretty hard to  
11 redact emotion at a call like that. And I don't find that, even  
12 though there is emotion as there is on most 9-1-1 calls when you  
13 have a murder or a situation like this that you do have emotion,  
14 I certainly understand it's prejudicial, but it is not unfairly  
15 prejudicial and it does not substantially outweigh the probative  
16 value. It may be prejudicial and outweigh probative value, but  
17 it does not substantially outweigh the probative value. So on  
18 those grounds, I find the evidence is admissible.

19           Anything else from the defendant?

20           ATTORNEY MESSER: Nothing from us, Your Honor.

21           THE COURT: All right. Anything from the State?

22           SOLICITOR SCOTT: Your Honor, the matter of sequestration,  
23 the State has no bias if we do it or not, but I think we have to  
24 do put it on the record in this trial if we're putting in the  
25 rules of sequestration or not.

1 THE COURT: Is there any -- I don't -- it's discretionary to  
2 me, but are you all asking for --

3 SOLICITOR SCOTT: I'm not asking for it. I just want to  
4 know if the defense would like it so that I can inform the  
5 witnesses.

6 ATTORNEY MESSER: Your Honor, we were thinking that the  
7 family would want to be here for the trial, and they are a lot of  
8 the witnesses. So we were just going to -- we weren't going to  
9 request that.

10 THE COURT: Okay. And the State's not requesting it either,  
11 correct?

12 SOLICITOR SCOTT: No, sir.

13 THE COURT: All right. Well, neither party requesting it,  
14 then there is no issue for me to decide, so no sequestration.

15 All right. Anything else?

16 SOLICITOR SCOTT: No.

17 ATTORNEY MESSER: Nothing from us.

18 (Off-the-record discussion.)

19 THE COURT: All right. Any additional voir dire from the  
20 State or the defense?

21 ATTORNEY EPPEES: Your Honor, we just wanted to make sure  
22 that if anybody's a member of any anti-domestic violence group or  
23 anything like that or they've given any money to any domestic  
24 violence groups, Crimes against Women type things, or CAVE,  
25 Citizens Against Violent crime.

1 THE COURT: Yeah. I do have that.

2 ATTORNEY EPPES: I think you have that.

3 THE COURT: Yeah.

4 (State's Exhibit 1 through 16 are premarked for  
5 identification.)

6 (Panel of perspective jurors are seated in the courtroom at  
7 11:09 a.m.)

8 JURY SELECTION

9 THE COURT: Good morning, ladies and gentlemen. I'm Judge  
10 Morgan. You have not met me yet. I am one of the resident  
11 circuit judges here in the 13th Circuit, and I'm going to be  
12 presiding over this trial that we are about to start.

13 The case is the State of South Carolina versus Akevious  
14 Dayquan Lindsey. The indictments are, for Count 1, murder, that  
15 alleges, on May the 6th of 2023 that the defendant did,  
16 unlawfully and with malice aforethought, kill Genesys Rice.

17 Also Count 2 of the indictment is possession of a weapon  
18 during commission of a violent crime, that being the crime of  
19 murder alleged in the first count, that alleges the defendant did  
20 kill, with malice aforethought, Genesys Rice.

21 Now, ladies and gentlemen, this is just the indictment.  
22 This is not evidence. It does not mean anything. It is simply  
23 the matter, or the manner, in which cases are brought to trial,  
24 and the only evidence that you are to consider in this case will  
25 come from the witness stand and any exhibits that are admitted

1 into evidence in the trial of this case.

2 So again, these are, or this is, just an indictment that  
3 brings the case forward to us.

4 Mr. Lindsey, if you would stand, please, and face the jury,  
5 please. All right. Thank you, sir. You all may sit down.

6 All right. Has any member of the jury panel ever been  
7 related, by blood or marriage, to the defendant, Akevious Dayquan  
8 Lindsey or the victim, Genesys Rice? If so, please stand. (no  
9 response)

10 Has anyone ever had a close personal or social relationship  
11 with either Akevious Dayquan Lindsey or Genesys Rice? If so,  
12 please stand. (no response)

13 All right. Ladies and gentlemen, the following is a list of  
14 potential witnesses in this case, so listen up carefully: Kathy  
15 Williams; Burley Williams; Lawrence Williams; Jimmy Lindsey;  
16 Armecha Williams; Kyrah Rice; Azaliah Rice; Lieutenant T.J.  
17 Kellett, lieutenant -- with the police department; Lieutenant  
18 Joshua Coffman; Investigator Anthony Waugh; Dr. Grace Dukes;  
19 Crystal Minwegen. Did I pronounce that right, Minwegen?

20 SOLICITOR SCOTT: Yes, Your Honor.

21 THE COURT: Investigator Andrew Guest, the police  
22 department; Investigator Adam Semanski, the police department;  
23 Corporal Daniel Duncan, police department; Benjamin Wright, with  
24 SLED; and Lieutenant Weibel with the police department.

25 SOLICITOR SCOTT: Weibel.



1 THE COURT: Weibel. I'm sorry. Lieutenant Weibel with the  
2 police department.

3 Has anyone ever been related, by blood or marriage, to any  
4 of these potential witnesses, or have had or have any close  
5 personal or social relationship with any of these potential  
6 witnesses? If so please stand.

7 All right. Yes, sir, your number?

8 POTENTIAL JUROR: 130.

9 THE COURT: All right. Yes, sir.

10 POTENTIAL JUROR: I was a pastor for 10 years in Greenville,  
11 and at the end of my time Andrew, Investigator Andrew Guest, was  
12 a member of my church.

13 THE COURT: All right. And how long ago was that?

14 POTENTIAL JUROR: 2016 and '17.

15 THE COURT: All right. The fact that he was a member of  
16 your church, could you set that aside and view this case based  
17 solely on the evidence and be fair and impartial to both the  
18 State and the defendant?

19 POTENTIAL JUROR: Yes, sir.

20 THE COURT: All right. Thank you, sir.

21 All right. The lawyers will stand up and introduce  
22 yourselves, starting with the State.

23 SOLICITOR SCOTT: Thank you, Your Honor. I'm Brittany Scott  
24 for the State, Greenville County Solicitor's Office. I have my  
25 cocounsel here, Elterrice Westfield. She goes El. I have my

1 Investigator, Donna Smith, she's also with the solicitor's  
2 office. And Lieutenant Weibel that I corrected the name for is  
3 here. He's with the Greenville Police Department. Thank you.

4 ATTORNEY MESSER: Good morning. My name is Demi Messer.  
5 This is my cocounsel, Frank Eppes. We work at Eppes and Plumblee  
6 here in Greenville, and we represent Akevious Lindsey.

7 THE COURT: Thank you. All right. Has any member of the  
8 jury panel ever been represented by any of these lawyers or any  
9 members of their law firm? If so, please stand. (no response)

10 Has anyone had or ever been related, by blood or marriage,  
11 or had a close personal or social relationship with any of the  
12 lawyers or anyone in their firms? If so, please stand.

13 Yes, sir. Your number again for the record?

14 POTENTIAL JUROR: 130. I believe Mr. Eppes was a member of  
15 my church at that time, Greenville ARP. I had the great honor of  
16 knowing his parents.

17 THE COURT: All right. The fact that he or his parents  
18 would have been a member there, can you set that aside and view  
19 the case solely on the evidence --

20 POTENTIAL JUROR: Yes, sir.

21 THE COURT: -- and be fair and impartial to both the State  
22 and the defendant?

23 POTENTIAL JUROR: Yes, sir.

24 THE COURT: All right. Thank you, sir. Is any member of  
25 the jury panel who is a member of or who is a contributor to any

1 group which has as its primary concern promotion of law  
2 enforcement or victims' rights groups? These groups include  
3 MADD, Mothers Against Drunk Driving; SADD, which is known as  
4 Students Against Drunk Driving; CAVE, Citizens Against Violent  
5 Crime; or any domestic violence organizations? If so, please  
6 stand. (no response)

7 All right. Ladies and gentlemen, I've got two questions I'm  
8 going to ask next, and what I'm going to do, if you do respond or  
9 have a response to these questions, what I'm going to do is just  
10 ask you to stand, and I will have you come up and speak a little  
11 bit more privately with me and the lawyers in the case if anybody  
12 answers in the affirmative to these two questions.

13 First question: Have you or someone you know ever been a  
14 victim of domestic violence? That's the first question.

15 And then the second question: Have you or someone you know  
16 been accused of domestic violence?

17 So if there is any member of the jury panel that has an  
18 affirmative answer to those questions, I'll need you to stand,  
19 and then I'll have you come speak. All right. Come on up.

20 (In-camera discussion with potential juror no. 1 in front of  
21 the bench):

22 THE COURT: If you would step over to the court reporter.  
23 Your juror number?

24 POTENTIAL JUROR: 1.

25 THE COURT: Yes, sir. Tell me about it.

POTENTIAL JUROR: My adopted sisters had been from an abusive household.

THE COURT: Your adopted sisters?

POTENTIAL JUROR: Yes.

THE COURT: The fact that you have some adopted sisters who had been from a house of abuse, can you set that aside and view this case based solely on the evidence in this case and be fair and impartial to the State and to the defendant?

POTENTIAL JUROR: Yes, sir.

THE COURT: All right. Thank you, sir.

(In-camera discussion with potential juror no. 13 in front of the bench):

THE COURT: Yes, sir?

POTENTIAL JUROR: No. 13.

THE COURT: No. 13?

POTENTIAL JUROR: Yes, sir.

THE COURT: All right. Yes, sir.

POTENTIAL JUROR: In 2004 I pled guilty to misdemeanor domestic battery in the State of Indiana.

THE COURT: In Indiana?

POTENTIAL JUROR: Yeah.

THE COURT: It was a misdemeanor?

POTENTIAL JUROR: Yes, sir.

THE COURT: Okay. The fact that you had that plea and that happened to you, could you set all that aside and be fair and

1 impartial to both the State and the defendant?

2 POTENTIAL JUROR: Absolutely. Absolutely.

3 THE COURT: All right. Thank you, sir.

4 (In-camera discussion with potential juror no. 72 in front  
5 of the bench):

6 THE COURT: Yes, ma'am?

7 POTENTIAL JUROR: 72.

8 THE COURT: 72. All right. Yes, ma'am.

9 POTENTIAL JUROR: Yeah. I am a social worker, retired, and  
10 in the course of my work I've worked a lot of victims.

11 THE COURT: Of domestic violence?

12 POTENTIAL JUROR: Well, yeah, and child abuse.

13 THE COURT: Okay. The fact that you have worked in that  
14 field, can you set that aside --

15 POTENTIAL JUROR: Yes.

16 THE COURT: -- and still be fair to both the State and the  
17 defense --

18 POTENTIAL JUROR: No problem.

19 THE COURT: -- in this case?

20 POTENTIAL JUROR: (Nods head.)

21 THE COURT: All right. Thank you.

22 (In-camera discussion with potential juror no. 230 in front  
23 of the bench):

24 THE COURT: Yes, sir. What's your number?

25 POTENTIAL JUROR: 230.

1 THE COURT: 230. All right. Yes, sir.

2 POTENTIAL JUROR: Ten years ago my sister was murdered by  
3 her husband at the time, so.

4 THE COURT: All right. And I'm sorry for your loss.

5 POTENTIAL JUROR: Thank you.

6 THE COURT: Could you set that aside and view this case  
7 based solely on the evidence in this case and be fair and  
8 impartial to both the State and the defendant?

9 POTENTIAL JUROR: Yes, sir.

10 ATTORNEY EPPES: Your Honor, we'd ask to remove him for  
11 cause.

12 THE COURT: All right. The defense is moving for that juror  
13 to be removed for cause.

14 SOLICITOR SCOTT: What's the cause? He said he could be  
15 fair.

16 ATTORNEY EPPES: His sister was murdered by a partner. It's  
17 the exact same case we're trying here.

18 SOLICITOR SCOTT: We'll just note that we believe that he  
19 could be unbiased, Judge.

20 THE COURT: What about that, Mr. Eppes and Ms. Messer? What  
21 did happen to him or his family, he did say he could set it  
22 aside.

23 ATTORNEY EPPES: Your Honor, given that it is the issue in  
24 this case I just I don't think it's appropriate to have him on  
25 the jury. I don't think we have to say anything.

1 THE COURT: Anything else from defense? Yeah, I'm going to  
2 remove him.

3 ATTORNEY MESSER: What number was he?

4 SOLICITOR SCOTT: 230.

5 (In-camera discussion with potential juror no. 188 in front  
6 of the bench):

7 THE COURT: Yes, ma'am. What number are you?

8 POTENTIAL JUROR: 188.

9 THE COURT: 188. Right. Yes, ma'am.

10 POTENTIAL JUROR: I've been accused of domestic violence.

11 THE COURT: You've been accused?

12 POTENTIAL JUROR: Uh-huh.

13 THE COURT: Okay. The fact that you have been accused,  
14 though, could you set that aside and view this case based solely  
15 on the evidence here and be fair and impartial to both sides?

16 POTENTIAL JUROR: Yes, sir.

17 THE COURT: Okay. Thank you, ma'am.

18 (In-camera discussion with potential juror no. 179 in front  
19 of the bench):

20 THE COURT: Yes, sir. What number?

21 POTENTIAL JUROR: 179, Your Honor.

22 THE COURT: 179. All right. Yes, sir.

23 POTENTIAL JUROR: I was five years old but I was told part  
24 of the reason my parents divorced was because my father was  
25 abusing my mother, but I was young enough that I don't really

1 remember it --

2 THE COURT: You don't remember it.

3 POTENTIAL JUROR: -- but that was part of the divorce.

4 THE COURT: The fact that you were told that, could you  
5 still set that aside and be fair and impartial to both the State  
6 and the defendant and view this case solely on the evidence in  
7 this case?

8 POTENTIAL JUROR: Yes, Your Honor.

9 THE COURT: All right. Thank you.

10 (In-camera discussion with potential juror no. 161 in front  
11 of the bench):

12 THE COURT: Yes, sir. What number are you?

13 POTENTIAL JUROR: 161.

14 THE COURT: 161. Yes, sir.

15 POTENTIAL JUROR: Early in my career I decided I wanted to  
16 play attorney for a little while. Not my lifestyle, but I ended  
17 up handling a few cases where I suspected there was abuse, but  
18 there was nothing I could do about it. And I've been in some  
19 other situations where, how shall I put this, my father's a  
20 physician, too.

21 THE COURT: Your father's what?

22 POTENTIAL JUROR: A physician. Because I have seen domestic  
23 abuse used as a weapon, the accusation, so I tend to be somewhat  
24 skeptical about it, and I thought I should just bring that to  
25 your attention, I have seen it. I am not always skeptical. It's



1 more in a child-abuse type scenario, but ...

2 THE COURT: Tell me, what were you saying at the beginning?  
3 You were playing an attorney?

4 POTENTIAL JUROR: I am sort of joking. I still have an  
5 inactive license in Colorado, for instance.

6 THE COURT: Oh, so you were an attorney?

7 POTENTIAL JUROR: Yes. I've been in engineering for years  
8 now. I picked the wrong career.

9 THE COURT: Okay. No, that's --

10 POTENTIAL JUROR: I'm not saying nothing, I just can't do  
11 it.

12 THE COURT: Yeah.

13 POTENTIAL JUROR: For me.

14 THE COURT: Yeah. That's a good career.

15 POTENTIAL JUROR: It's limited, but it answers your  
16 question, I think, so.

17 THE COURT: All right. Thank you, sir.

18 ATTORNEY EPPES: Thank you.

19 THE COURT: Let me ask you. Let me, for the record, the  
20 fact that you have those experiences and your thoughts, could you  
21 set that aside and view this case based solely on the evidence,  
22 and be fair and impartial to both the State and the defendant?

23 POTENTIAL JUROR: I think what would be difficult is if I  
24 saw a child custody case come up, but if that's not an issue,  
25 then I would say yes. I just become sort of cynical on some of

1 those cases because of some of the things I've seen and things  
2 other people told me.

3 THE COURT: Okay. Thank you. All right.

4 SOLICITOR SCOTT: He was definitely down with this, he's  
5 somewhat skeptical. This isn't a child-custody case; however,  
6 there is a child involved. I just -- aside from that, because I  
7 think he's fine if there's a child involved, but he continued to  
8 talk about being somewhat skeptical, I don't believe I'm  
9 confident that --

10 THE COURT: I believe he said he was cynical sometimes about  
11 domestic violence cases.

12 SOLICITOR SCOTT: Oh, cynical. I didn't hear anything --

13 THE COURT: I'm going to excuse him for cause. Remove him  
14 for cause.

15 (In-camera discussion with potential juror no. 146 in front  
16 of the bench):

17 THE COURT: Yes, ma'am. What number are you?

18 POTENTIAL JUROR: I'm 146.

19 THE COURT: 146. Yes, ma'am.

20 POTENTIAL JUROR: I work as a speech and language  
21 pathologist, pediatric, and I've had a number of families dealing  
22 with domestic violence things, and so.

23 THE COURT: The fact that you have worked with families in  
24 that field, could you set that aside and view this case based  
25 solely on the evidence and be fair and impartial to both the

1 State and the defendant?

2 POTENTIAL JUROR: Absolutely.

3 THE COURT: Okay. Thank you.

4 (In-camera discussion with potential juror no. 68 in front  
5 of the bench):

6 THE COURT: Yes, ma'am, what number are you?

7 POTENTIAL JUROR: 68.

8 THE COURT: 68. Okay. Yes, ma'am.

9 POTENTIAL JUROR: I am a pastor, and one of my members was a  
10 survivor of domestic violence.

11 THE COURT: The fact that you had a member of your  
12 congregation in that situation, could you set that aside and view  
13 this case based solely on the evidence and be fair and impartial  
14 to both the State and the defendant?

15 POTENTIAL JUROR: Yes, sir.

16 SOLICITOR SCOTT: All right. Thank you, ma'am.

17 (In-camera discussion with potential juror no. 130 in front  
18 of the bench):

19 THE COURT: Yes, sir.

20 POTENTIAL JUROR: 130.

21 THE COURT: 130. Okay. Yes, sir.

22 POTENTIAL JUROR: My brother was the victim of domestic  
23 violence, including premeditated attempt on his life, but it was  
24 thwarted by the --

25 THE COURT: It was?

1 POTENTIAL JUROR: My brother.

2 THE COURT: Brother was a victim of domestic violence. And  
3 how long ago did that happen?

4 POTENTIAL JUROR: That was 2022.

5 THE COURT: 2022. All right. Has that -- did it go to --

6 POTENTIAL JUROR: There were reports filed and police  
7 involved, but they ended up pursuing divorce instead, so.

8 THE COURT: Okay. The fact that that occurred with your  
9 brother, could you set that aside and view this case based solely  
10 on the evidence and be fair and impartial to both parties?

11 POTENTIAL JUROR: Yes, sir.

12 THE COURT: All right. Thank you, sir.

13 Anything else? All right.

14 (The Court resumes speaking to the panel as a whole.)

15 THE COURT: Has any member of the jury panel heard of this  
16 case or formed or expressed any opinion about any issue in this  
17 case? If so, please stand. (no response)

18 Is there any member of the jury panel that is aware of any  
19 bias or prejudice towards either the State or the defendant in  
20 this case? If so, please stand. (no response)

21 Does any member of the jury panel know of any reason  
22 whatsoever why he or she should not serve as a juror in this  
23 case, with particular emphasis on your ability to be fair and  
24 impartial to both the State and the defendant in this case? If  
25 so, please stand. (no response)

1 All right. Any additional questions from the State?

2 SOLICITOR SCOTT: No, Your Honor.

3 THE COURT: Any from the defense?

4 ATTORNEY MESSER: No, Your Honor.

5 THE COURT: All right. Let's select our jury.

6 CLERK OF COURT: Okay. Whenever I say your number and your  
7 name, if you would please stand and gather your belongings and  
8 wait for further instructions.

9 Juror no. 272, Catherine Munley. What says the State?

10 SOLICITOR SCOTT: Please seat the juror.

11 CLERK OF COURT: What says defense?

12 ATTORNEY MESSER: Please excuse the juror.

13 THE COURT: Have a seat, ma'am. You've been excused.

14 Juror 45, Jeffrey Curtiss. What says the State?

15 SOLICITOR SCOTT: Please excuse this juror.

16 CLERK OF COURT: Have a seat, sir. You've been excused.  
17 230, James Davis. What says the State?

18 SOLICITOR SCOTT: Your Honor, I believe that's --

19 ATTORNEY MESSER: May we approach?

20 THE COURT: Yeah.

21 (Off-the-record discussion at sidebar)

22 THE COURT: You may sit down.

23 CLERK OF COURT: Juror no. 120, Pena Martinez. What says  
24 the State?

25 SOLICITOR SCOTT: Please seat the juror.

1 CLERK OF COURT: Says defense?

2 ATTORNEY MESSER: Please seat the juror.

3 CLERK OF COURT: Please gather your belongings, ma'am. Come  
4 forward to the jury box, and have a seat. Just come right up to  
5 the bailiff in the red jacket. Thank you.

6 224, Joyce Campbell. What says the State?

7 SOLICITOR SCOTT: Please seat the juror.

8 CLERK OF COURT: What says defense?

9 ATTORNEY MESSER: Judge, may we approach?

10 (Off-the-record discussion at sidebar)

11 THE COURT: Ma'am, you may sit down. Thank you.

12 CLERK OF COURT: Juror 282, Harron Rice. What says the  
13 State?

14 SOLICITOR SCOTT: Please seat the juror.

15 CLERK OF COURT: What says defense?

16 ATTORNEY MESSER: Please seat the juror.

17 CLERK OF COURT: Please gather your belongings, sir. Come  
18 up to the jury box.

19 Juror 204, Kayla Wood. What says the State?

20 SOLICITOR SCOTT: Please seat the juror.

21 CLERK OF COURT: What says defense?

22 ATTORNEY MESSER: Please seat the juror.

23 CLERK OF COURT: Please gather your belongings and come  
24 forward, please. Thank you.

25 212, Chilton Adkins. What says the State?

1 SOLICITOR SCOTT: Seat the juror, please.  
2 CLERK OF COURT: What says defense?  
3 ATTORNEY MESSER: Please excuse the juror.  
4 CLERK OF COURT: Have a seat, sir. You've been excused.  
5 294, Jeffrey Stone. What says the State?  
6 SOLICITOR SCOTT: Please seat the juror.  
7 CLERK OF COURT: What says defense?  
8 ATTORNEY MESSER: Please seat the juror.  
9 CLERK OF COURT: Please gather your belongings, sir, and  
10 come forward. Thank you.  
11 154, Carrie Powell-Taschetti. What says the State?  
12 SOLICITOR SCOTT: Please seat the juror.  
13 CLERK OF COURT: What says defense?  
14 ATTORNEY MESSER: Please excuse the juror.  
15 CLERK OF COURT: Have a seat. You've been excused.  
16 72, Carolyn Grinstead. What says the State?  
17 SOLICITOR SCOTT: Please seat the juror.  
18 CLERK OF COURT: What says defense?  
19 ATTORNEY MESSER: Please excuse the juror.  
20 CLERK OF COURT: Have a seat, ma'am. You've been excused.  
21 267, Christopher McKinney. What says the State?  
22 SOLICITOR SCOTT: Please seat the juror.  
23 CLERK OF COURT: What says defense?  
24 ATTORNEY MESSER: Please seat the juror.  
25 CLERK OF COURT: Please bring your belongings, sir, and come

1 forward. Thank you.

2 277, Lori Palmieri. What says the State?

3 SOLICITOR SCOTT: Please seat the juror.

4 CLERK OF COURT: What says defense?

5 ATTORNEY MESSER: Please excuse the juror.

6 CLERK OF COURT: Have a seat. You've been excused.

7 124, Thomas McGinley. What says the State?

8 SOLICITOR SCOTT: Please seat the juror.

9 CLERK OF COURT: What says defense?

10 ATTORNEY MESSER: Please seat the juror.

11 CLERK OF COURT: Gather your belongings, sir, and come  
12 forward. Thank you.

13 140, Heather Parker. What says the State?

14 SOLICITOR SCOTT: Please seat the juror.

15 CLERK OF COURT: What says defense?

16 ATTORNEY MESSER: Please excuse the juror.

17 CLERK OF COURT: Have a seat, ma'am. You've been excused.

18 205, Karl Woodham. What says the State?

19 SOLICITOR SCOTT: Please seat the juror.

20 CLERK OF COURT: What says defense?

21 ATTORNEY MESSER: Please seat the juror.

22 THE COURT: Come forward, sir, and have a seat in the jury  
23 box. Thank you.

24 75, Stephen Hanley. What says the State?

25 SOLICITOR SCOTT: Please seat the juror.



1 CLERK OF COURT: What says defense?

2 ATTORNEY MESSER: Please seat the juror.

3 CLERK OF COURT: Gather your belongings, sir, and come  
4 forward. Thank you.

5 179, Charles Simmons. What says the State?

6 SOLICITOR SCOTT: Would you repeat the number, please?

7 CLERK OF COURT: 179.

8 SOLICITOR SCOTT: Please seat the juror.

9 CLERK OF COURT: What says defense?

10 ATTORNEY MESSER: Please excuse the juror.

11 THE COURT: Have a seat, sir. You've been excused.  
12 280, Steven Pruitt. What says the State?

13 SOLICITOR SCOTT: Please seat the juror.

14 CLERK OF COURT: What says defense?

15 ATTORNEY MESSER: Please excuse the juror.

16 CLERK OF COURT: Have a seat, sir. You've been excused.  
17 13, Bryan Bell. What says the State?

18 SOLICITOR SCOTT: Please excuse the juror.

19 THE COURT: You said excused?

20 SOLICITOR SCOTT: Yes, please.

21 CLERK OF COURT: Have a seat. You've been excused.  
22 126, Thomas Melone. What says the State?

23 SOLICITOR SCOTT: Please excuse the juror.

24 CLERK OF COURT: Have a seat, sir. You've been excused.  
25 11, Gregory Bausch. What says the State?

1 SOLICITOR SCOTT: Please excuse the juror.

2 CLERK OF COURT: Have a seat, sir. You've been excused.

3 17, Connor Boulet. What says the State?

4 SOLICITOR SCOTT: Please seat the juror.

5 CLERK OF COURT: What says defense?

6 ATTORNEY MESSER: Please seat the juror.

7 CLERK OF COURT: Gather your belongings and come forward,

8 please. Thank you.

9 68, Onisha Goldsmith.

10 POTENTIAL JUROR: Onisha.

11 CLERK OF COURT: Onisha.

12 SOLICITOR SCOTT: Seat the juror.

13 ATTORNEY MESSER: Please excuse the juror.

14 CLERK OF COURT: Have a seat. You've been excused.

15 247, Jacob Hubbard.

16 SOLICITOR SCOTT: The number, please? Never mind. I didn't

17 know the last name, but I've got it now. Seat the juror.

18 CLERK OF COURT: What says defense?

19 ATTORNEY MESSER: Please seat the juror.

20 CLERK OF COURT: Please come forward. Thank you.

21 290, Clayton Young. What says the State?

22 SOLICITOR SCOTT: May we approach?

23 (Off-the-record discussion at sidebar)

24 THE COURT: He's dismissed for cause.

25 CLERK OF COURT: 293, Jon Springer. What says the State?

1 SOLICITOR SCOTT: Please seat the juror.

2 CLERK OF COURT: What says defense?

3 ATTORNEY MESSER: Please seat the juror.

4 CLERK OF COURT: Please come forward and have a seat in the  
5 jury box, please. Thank you.

6 132, Revada Moon. What says the State?

7 SOLICITOR SCOTT: Please seat the juror.

8 CLERK OF COURT: What says defense?

9 ATTORNEY MESSER: Please seat the juror.

10 CLERK OF COURT: Please gather your belongings, ma'am, and  
11 come forward. Thank you.

12 THE COURT: All right. We're going to have two alternates.

13 CLERK OF COURT: Thank you. 58, Michael Fuehrer. What says  
14 the State?

15 SOLICITOR SCOTT: Please seat the juror.

16 CLERK OF COURT: What says defense?

17 ATTORNEY MESSER: Please seat the juror.

18 CLERK OF COURT: Sir, gather your belongings and come  
19 forward, please. Thank you.

20 36, Steffond Clay. What says defense -- I'm sorry. What  
21 says the State?

22 SOLICITOR SCOTT: Please seat the juror.

23 CLERK OF COURT: What says defense?

24 ATTORNEY MESSER: Please excuse the juror.

25 CLERK OF COURT: Have a seat. You've been excused.

1 Juror no. 5, Emma Douglas. What says the State?

2 SOLICITOR SCOTT: Please seat the juror.

3 CLERK OF COURT: What says defense?

4 ATTORNEY MESSER: Please seat the juror.

5 CLERK OF COURT: Please gather your belongings and come  
6 forward, ma'am.

7 THE COURT: All right. Any motions as to selection of the  
8 jury? From the State?

9 SOLICITOR SCOTT: No, sir.

10 THE COURT: Any from the defendant?

11 ATTORNEY MESSER: No, Your Honor.

12 THE COURT: All right. Ladies and gentlemen, you all now  
13 have been selected for this trial.

14 I meant to tell everyone before we start, I know you all may  
15 have been involved here yesterday. This is not going to last  
16 three weeks or two weeks or -- we'll be finished this week. So I  
17 should have told everybody that from the beginning.

18 All right. Ladies and gentlemen, I'm going to ask those of  
19 you who have not been selected, I'm going to ask you just to  
20 report back downstairs for further instructions. Thank you.

21 (Remaining members of the jury panel are excused from the  
22 courtroom at 11:50 a.m.)

23 THE COURT: Let me see the lawyers up here for a second.

24 (Off-the-record discussion at sidebar)

25 THE COURT: All right. Dona, if you would swear in the

1 jury, please.

2 (Clerk of Court administers oath to the jurors.)

3 THE COURT: All right, ladies and gentlemen. We are going  
4 to take about a five-minute restroom break, and we're going to go  
5 ahead and get started, going to have the opening statements from  
6 the lawyers. I'm going to give you just some opening  
7 instructions, then we'll have the opening statements from the  
8 lawyers, and then we'll get started.

9 I'm going to send you back there just for a few minutes  
10 again for a restroom break. And I'm going to ask, if you can  
11 either this break or the lunch break, for the 12 of you -- you  
12 two are the alternates and you may be on the 12-person jury at  
13 the end of the case, but for purposes of this, it's just the 12  
14 of you -- I need for you to select a foreperson. And that person  
15 is simply the liaison between me and you all. That person has no  
16 greater weight, no great vote, no greater influence, or anything,  
17 it's just we have to have someone as the foreperson on the jury,  
18 that if any questions come up it comes through that person. So  
19 I'm going to ask at this break, if you would, to select it among  
20 yourselves, and let the bailiff know when we get ready to bring  
21 you back in. If you need some further discussion on it, you can  
22 do it at the lunch break when we take that shortly.

23 So I'm going to excuse you back for a quick restroom break,  
24 we'll start the case, and select the foreperson. If not, we can  
25 do it at the lunch break.

1           ATTORNEY EPPES: Your Honor, if I may, out of an abundance  
2 of caution because of some things that I've seen lately, would  
3 you please go ahead and instruct the jury that they're not to  
4 talk about the case, until you instruct them to deliberate, in  
5 any way, shape or form.

6           THE COURT: I'll tell you here shortly when I give you my  
7 opening instructions not to discuss the case and I'll go into a  
8 little bit more detail, but do not discuss the case among  
9 yourselves at this time. Thank you.

10          ATTORNEY EPPES: Thank you, Your Honor.

11          (Jury escorted out of the courtroom at 11:55 a.m.)

12          THE COURT: We'll be in recess for a short restroom break.

13          (Recess was taken)

14          THE COURT: State ready?

15          SOLICITOR SCOTT: Yes, Your Honor.

16          THE COURT: Defense ready?

17          ATTORNEY MESSER: Yes, Your Honor.

18          THE COURT: All right. Let's bring the jury.

19          (Jury seated in the courtroom at 12:07 p.m.)

20                   OPENING INSTRUCTIONS FROM THE COURT

21          THE COURT: All right, ladies and gentlemen. We are now  
22 going to start the case of the State versus Akevious Dayquan  
23 Lindsey. As I told you just a little while ago, and the entire  
24 panel, he has been indicted for murder and possession of a weapon  
25 during the commission of a violent crime. That is simply the

1 indictment and is not to be considered evidence.

2 I don't know if any of you have ever sat on a jury before,  
3 but it is a lot different than TV. This is not TV or the movies  
4 where something happens, you have the trial, and it's all over.  
5 This is the real world, and so it's going to be a lot different  
6 than you may have seen on TV. And with that, be patient. It  
7 goes a little bit slower than it does on TV, so be patient as we  
8 go through the trial.

9 As I told you a little while ago, I don't anticipate the  
10 case going past this week, and so we should finish this week.

11 This is a criminal case, and it's unlike a civil case where,  
12 if anybody has ever sat on a civil case, where the burden of  
13 proof in a civil case is different than the burden of proof is  
14 here.

15 The defendant has pled not guilty and, therefore, the burden  
16 rests with the State to prove the defendant guilty beyond a  
17 reasonable doubt.

18 If you have ever sat on a civil trial, or civil case, the  
19 burden there is what they call a preponderance of the evidence,  
20 the greater weight of the evidence, but here our standard in a  
21 criminal court is guilty beyond a reasonable doubt.

22 Now, there are certain constitutional safeguards, and that  
23 includes a presumption of innocence. The defendant is presumed  
24 innocent until the evidence proves to a jury his guilt beyond a  
25 reasonable doubt. And that presumption of innocence stands, or

1 stays, with the defendant throughout this entire trial.

2 Now let me just give you a little roadmap of what the case  
3 is, how it's going to proceed. After my initial instructions to  
4 you here the opening statements will take place, and that will  
5 simply be the statements, not argument but the statements, that  
6 each side, the lawyers, will give to you. First of all, the  
7 State, because they have the burden of proof, they'll go first,  
8 and they will give you their version of the facts in this case.  
9 The defense will then have the opportunity, if they so choose, to  
10 give their side, and their opening statement in the case.

11 Now, once the opening statements are done, then the State,  
12 again because they've got the burden of proof, will put up their  
13 case, their evidence. Once they complete their case, then the  
14 defendant has the opportunity to put up a case if he so desires.

15 Now, keep in mind this: Because the burden of proof is on  
16 the State to prove the defendant guilty beyond a reasonable  
17 doubt, the defendant has no burden whatsoever. He is not  
18 required to put on a case. But if they do, they have that  
19 opportunity at that point.

20 Once the defense, if they choose to do so, to put on a case,  
21 once that is completed, then the lawyers will get back up in  
22 front of you after the trial, I mean, after the case and the  
23 evidence, and give you what we call a closing argument. That  
24 will be their opportunity to give you their argument and tell you  
25 why they think you should decide in their favor.



1       Once the closing arguments are given by the lawyers, then I  
2 will give you the final instructions. And those will be the  
3 instructions on the law, the law as it applies to this case. And  
4 you will apply the facts, apply the law as to the facts which are  
5 determined by you. And that is where you come in as a judge.  
6 You are the judges of the facts in this case, and you are the  
7 sole judges of the facts. You and you alone determine what the  
8 facts are in this case.

9       I've got nothing to do with the facts. I cannot have any  
10 opinion as to the facts, I will not make any opinion or decide  
11 any facts. That is solely your responsibility, to determine what  
12 the facts are in this case.

13       Now, as you are the judges of the facts in the case, I'm the  
14 judge of the law, and at the end of this case I'll give you the  
15 instructions, as I said, on what that law is. And you are to  
16 take that law as I give it to you. If you have any opinion as to  
17 what it should be, what it isn't, or what it ought to be instead  
18 of what it is, you are to disregard that, and you will apply the  
19 law as I give it to you at the end of this trial. So, keep that  
20 in mind.

21       Now, part of your determination in deciding what the facts  
22 are is to determine credibility of the witnesses. That's simply  
23 just the believability. And again, that is your role and  
24 responsibility, and yours alone. You are to determine the  
25 credibility of the witnesses in your decision-making process in

1 this case.

2 Again, you are the judges of the facts, and then I'm the  
3 judge of the law. And I'll instruct you on that at end of the  
4 case.

5 Now, you will hear possibly throughout the trial lawyers  
6 will give objections; they'll stand up and give objections to  
7 potential exhibits or testimony. You are not to consider their  
8 objections at all in this case. Do not hold it against the  
9 lawyers or their clients, whether it's the State or whether it's  
10 the defendant, in this case. The lawyers are adversaries for  
11 their clients, and that's what their job is, and so do not hold  
12 anything against these lawyers for objecting to any of the  
13 evidence in this case. That's their job and their role, and  
14 they're zealously representing their clients.

15 Now, there might be some times throughout the trial where  
16 you'll hear some objections and there may be a time I need to  
17 discuss a legal issue with them outside their presence, and at  
18 that time I may excuse you for a little bit while I handle those  
19 issues. Now, there may be some times where I can just handle it  
20 up here, I can bring the lawyers up here and not have to excuse  
21 you, and I can handle it fairly quickly and then that way I won't  
22 have to excuse you. I'll try to keep from moving you in and out  
23 as much as I can, but there may be some times where I have to do  
24 that. And that, again, goes back to the first thing I said, just  
25 have some patience. And I know you will.

1 I often get asked by jurors if they can take notes. I have  
2 a policy where I don't allow it, and let me tell you why. I  
3 think that, as a juror, you are better equipped to listen to, you  
4 can hear the testimony as opposed to writing something down what  
5 the witness said 10 seconds ago and may be trying to write down  
6 and remember what they were saying while that witness is still on  
7 the stand testifying, and you're not listening to what the  
8 witness may be saying at the time that you're trying to write  
9 down what he or she just said. It's kind of like back in school.  
10 You're taking notes from the teacher, you're sitting there trying  
11 to take notes, and you may not have been listening to what he or  
12 she was telling you while you're trying to write the notes down.  
13 So that's just my policy. I have just found. I've been doing  
14 this a long time as a lawyer, and as a judge, that I just find  
15 that jurors seem to comprehend more by really just paying  
16 attention to the witnesses.

17 As I told you before we broke here for a restroom break,  
18 please don't discuss the case. That is actually an instruction  
19 and an order from me. Please do not discuss the case with each  
20 other. Do not -- you will have your phones at lunch and, of  
21 course, at the end of the day. Please do not Google anything.  
22 Don't look at anything on social media. Don't look at Instagram,  
23 don't look at Snapchat, don't look at Facebook, don't look at  
24 anything about this case. Don't look up the lawyers, don't look  
25 up the parties, don't try to go to the scene and look for

1 yourself.

2 Please only consider what is brought before you from that  
3 witness stand right there and any exhibits that may be brought  
4 in. Do not discuss the case. And I mean it as simple as I  
5 don't -- now, you see what that lawyer's wearing, or that  
6 witness, the clothes they're wearing, anything about the case.  
7 You can talk about the Super Bowl the other night, you can talk  
8 about the weather, you can talk about anything, but do not talk  
9 about the case.

10 Now, when you go home tonight your friends and/or family  
11 will probably ask you and try to find out what the case is about.  
12 That's just human nature when somebody's on the jury, and people  
13 are just so curious about it and they want to know what the case  
14 is about, and they're going to be asking you. And I'm going to  
15 order you and tell you to not say anything about it. And you can  
16 tell them that the judge has told you not to. And that's an  
17 order, because if it does occur, you will be in severe trouble.  
18 I just -- I'm going to just warn you, it is one of the biggest  
19 things, the most important things, the integrity of the jury and  
20 your deliberations is, that you do not discuss this case with  
21 anyone. And so if I do find out it will not be a good thing.  
22 And I know you won't, I feel confident you're not going to do it  
23 and, believe it or not, it does happen and it does get back to me  
24 and/or any other judge. We find out somehow. So please don't do  
25 that.

1       Once this case is over this week you can talk to all you  
2       want to anyone, but please don't do it during this case.

3       With that, I am going to recognize the State for opening  
4       statements.

5                   OPENING STATEMENT ON BEHALF OF THE STATE

6       SOLICITOR WESTFIELD: May it please the Court, Your Honor.

7       Good afternoon. Ladies and gentlemen of the jury, my name  
8       is Elterrice Westfield. My cocounsel and I, Brittany Scott,  
9       represent the State. You just heard the Judge mention that this  
10      defendant is charged with murder and possession of a weapon  
11      during the commission of a violent crime. We are here today to  
12      prove that this defendant killed Genesys Elizah Rice with malice,  
13      and did so by using a gun.

14      Today you will hear about a young, brave mother who finally  
15      had the strength to express that it was time to move on. Her  
16      name, again, is Genesys Elizah Rice. Today you will hear about  
17      her life being tragically taken, a life that was ended by  
18      deliberate actions of this defendant before you today.

19      On May 6, 2023, at [REDACTED] Circle, Genysis Elizah Rice  
20      rise was placing all of the defendant's things outside of her  
21      apartment. Genesys had briefly spoken to her sister Azaliah  
22      Rice. Azaliah was going to come over to help her sister.  
23      However, a short time later and before Azaliah arrived, Genesys  
24      had been brutally murdered by a gunshot wound to the head by this  
25      defendant, leaving behind a family shattered. You'll hear from

1 Azaliah. She was the one who found Genesys deceased on her bed  
2 with her back up against the wall.

3 You'll also hear that it took law enforcement almost 48  
4 hours to find the defendant. He was running. You'll hear the  
5 law enforcement officers who assisted in the investigation of  
6 this case. You'll hear from forensics who documented the  
7 condition of Genesys and her apartment. You'll also hear from  
8 the medical examiner who examined Genesys and determined her  
9 cause of death.

10 The State does have the burden of proof, and it's our job to  
11 prove to you that these elements are met beyond a reasonable  
12 doubt. That means that if you are firmly convinced that Akevius  
13 Lindsey committed these crimes, then you should find him guilty.

14 At the end of this trial you will have been provided the  
15 facts you need and the law to apply those facts. After hearing  
16 testimony we, the State, believe that we will have satisfied our  
17 burden and ask that you find this defendant guilty of murder and  
18 possession of a weapon during the commission of a violent crime.

19 THE COURT: Ms. Messer.

20 OPENING STATEMENT ON BEHALF OF DEFENSE

21 ATTORNEY MESSER: May it please the Court. Members of the  
22 jury. Accountability, that's what we're here for this week,  
23 accountability. I want you to hold the State accountable.

24 Good morning -- or afternoon, excuse me. My name is Demi  
25 Messer, and I, along with my cocounsel, Frank Eppes, represent

1 Akevius Lindsey in this case.

2 Now, the State just got up here and talked to you about all  
3 they intend to show you. I'm not going to stand up here and use  
4 too much of your time. I think it's important that we get to the  
5 evidence.

6 But I want to ask you a favor. When you are listening to  
7 the State's case, I want you to listen, I want to you keep an  
8 open mind, and I want you to listen to the evidence. Don't leave  
9 your common sense at the door. Bring it with you, okay.

10 The State has the burden to prove this case beyond a  
11 reasonable doubt. You'll hear that a lot. They just explained  
12 it. The Judge will explain it further. What is reasonable  
13 doubt? Reasonable doubt is anything that would cause a  
14 reasonable person to be hesitant to act. It is the State's  
15 burden to make it so that you are not hesitant to act.

16 We have no burden. I don't have a burden standing here.  
17 Neither does Akevius. Neither does Frank. We have no burden.  
18 We don't have to prove a thing. The State has the burden. Don't  
19 let them shift that burden to us. But more importantly, don't  
20 let them shift it to you. They may ask you to make connections  
21 to connect the dots. They have to make those connections for  
22 you. It is not up to you to swing at any ball they give you.  
23 They have to give you a ball worth swinging at.

24 Accountability. You have the unique opportunity to hold the  
25 government accountable, to ensure that the government, with all

1 of their power and all of their influence, to ensure that they  
2 don't overstep boundaries.

3 I thank you for your time and patience throughout this  
4 trial, and at end of all this I'm going to get right back up here  
5 and we're going to talk about the State's case.

6 THE COURT: All right. The State calls first witness.

7 SOLICITOR SCOTT: Yes, Your Honor. The State calls Lawrence  
8 Oneal Williams.

9 LAWRENCE O. WILLIAMS,  
10 having first been duly sworn, is examined and testifies as  
11 follows:

12 CLERK OF COURT: And state your full name for the record.

13 THE WITNESS: Lawrence Oneal Williams.

14 **DIRECT EXAMINATION**

15 BY SOLICITOR SCOTT:

16 Q Mr. Williams --

17 A Yes.

18 Q -- do you know why you're here today?

19 A That guy right there come to my house with his bag of  
20 tricks.

21 Q All right. When you say that guy right there, are you  
22 talking about Lieutenant Weibel?

23 A Yep.

24 Q Where's your house located?

25 A Gray Court.



1 Q Do you not want to be here today?

2 A Nope.

3 Q I won't have you here for long. How do you know Akevious  
4 Lindsey?

5 A He's my nephew.

6 Q Has he ever lived with you before?

7 A Yes.

8 Q Do you find that you're maybe someone who helped raise him?

9 A When he was a child I worked two jobs so, yes, I tried to  
10 give him a good life, better than what I had.

11 Q Did you take him to high school, like maybe to school at  
12 all, drive him to school?

13 A I probably worked. My mom probably was doing all that.

14 Q Did you take him to any sports events or games?

15 A Yeah. We, we -- me and his mother put him in all kind of  
16 youth events like basketball, football, baseball. That was  
17 [indiscernible].

18 THE COURT: Can move a little bit more towards that  
19 microphone sir.

20 THE WITNESS: Okay.

21 Q I know it's a lot. Okay. I want to draw your attention to  
22 what you mentioned, that a law enforcement officer, Lieutenant  
23 Weibel, had a conversation with you.

24 A Yes.

25 Q Okay, we can hear you. What did you tell him?

1 A What did I tell him? You all will have to excuse me. It's  
2 been two years ago.

3 CLERK OF COURT: Can't hear him.

4 SOLICITOR SCOTT: He's taking a moment to reflect.

5 THE COURT: Pull that mic in.

6 A What I remember, I had just got off work. I got to my home,  
7 there's a whole bunch of police cars in my yard. So I got two  
8 drives -- I got two driveways, so I went to the first one to see  
9 what they were doing. I seen them down at the bottom.

10 Q I'm sorry. One second. I don't want to interrupt you. I  
11 know.

12 THE COURT: Pull that towards him.

13 SOLICITOR SCOTT: Yes, sir.

14 A I seen them down at the bottom of the other side of the  
15 house. So I pulled in at the top and just got out of my truck.  
16 And like I said, I just got off work. I'm tired. I let my  
17 tailgate down and sat on the tailgate, popped me open.

18 And that's when he comes around the corner talking about,  
19 you know Akevious fucked up right; you know Akevious fucked up;  
20 your mom already told us. I'm like, what are you talking about?  
21 Yeah, we got it all. All right. I said, Go for it, dude. All I  
22 know is I want my son to turn himself in, turned himself in  
23 safely because I did not want him getting shot like they did my  
24 mentally ill cousin two years ago or three years ago. And it's  
25 my focus on making sure he that he was turning himself in safely.

1 And that's when he kept telling me that he did not do it.

2 Q So let's talk about, who was the "he" who kept telling you  
3 that he did not do it?

4 A My nephew kept telling me he did not do it as I was trying  
5 to get him to turn himself in safely. And, you know, he kept  
6 going back. He was scared. And I'm like, Well, Akevius, I'll  
7 tell you what, I need you to turn yourself in safely. I'll make  
8 sure I can get you the best lawyer I can possibly afford, and  
9 I'll make sure you're taken care of, guaranteeing while he was  
10 at the jail place while we go sort this out in court, as we are  
11 doing right now.

12 Q So let's talk about that. When you were talking to him, was  
13 that over the phone or in person?

14 A Over the phone. Over the phone.

15 Q Okay. So when you were talking with Lieutenant Weibel did  
16 you tell Lieutenant Weibel that -- you're calling him your son,  
17 but you mean your nephew, right --

18 A Yes.

19 Q -- that your nephew said he didn't do it, is that what you  
20 told Lieutenant Weibel?

21 A He never knew that to me, and I didn't have to say nothing.  
22 This is a conversation between me and Akevius.

23 Q Correct. I'm asking you if you talked to Lieutenant Weibel  
24 and told Lieutenant Weibel --

25 A I never told him that Akevius did it.

1 Q Okay. So let's go where -- do you recall making a statement  
2 to Lieutenant Weibel that you got a call from Akevius Lindsey --

3 A Yes.

4 Q -- on May the 6th?

5 A Yes.

6 Q Do you recall telling Lieutenant Weibel that when Akevius  
7 Lindsey called you he was crying?

8 A Yes, he was crying. He was scared. He was scared that he  
9 was gonna get killed.

10 Q Do you recall telling Lieutenant Weibel that your nephew,  
11 Akevius Lindsey, told you that he did it?

12 A No. Don't recall that. Sorry. He told me he did not.

13 Q So not that I need to refresh your recollection, your  
14 statement today is that he never told you that?

15 A Akevius did not tell -- Akevius Lindsey told me he did not  
16 do it. That's why I risked my money to get him an attorney --

17 Q Okay.

18 A -- cause I had other reasons to use that money for, to get  
19 me a home, I had to put that on hold, my purchase date. That's  
20 how much I believed him.

21 Q Are you stating to the Court that you didn't tell Lieutenant  
22 Weibel that your nephew told you --

23 A I don't recall him telling me that. I recall him telling me  
24 he did not do it.

25 Q I'm asking you more about the conversation you had with

1 Lieutenant Weibel. Did you or did you not tell Lieutenant Weibel  
2 that your nephew called you crying and said that he did it?

3 A Yeah, he did call me crying, but he did not say he did it.

4 Q Okay.

5 A He was scared. He was scared because he knew the cops was  
6 gonna be after him.

7 Q It's very important for me to get the correct answer from  
8 you only for the purpose of the rules of the court, so I'm  
9 phrasing it down to what you told Lieutenant Weibel, not anything  
10 else.

11 So if you can go back to when you were at the house on the  
12 tailgate --

13 A Uh-huh.

14 Q -- did you tell Lieutenant Weibel that when your nephew  
15 called you crying he told you he did it?

16 A I don't recall him -- I don't recall that. I'm sorry. I  
17 don't recall that, ma'am.

18 Q I'm going to show you a video, sir, just to refresh your  
19 recollection.

20 A I don't recall. It's been two years.

21 Q Yes.

22 SOLICITOR SCOTT: If you can put these on for me, sir. If  
23 counsel can come up with me.

24 ATTORNEY MESSER: If they're intending to refresh his  
25 recollection, I think it needs to be done outside of the presence

1 of the jury.

2 SOLICITOR SCOTT: Well, I've done so with the headphones,  
3 and I'm certainly going to do it this way, Your Honor.

4 THE COURT: Ms. Messer.

5 ATTORNEY MESSER: Oh, I didn't realize she had headphones.

6 SOLICITOR SCOTT: Oh, yeah. Oh yeah.

7 ATTORNEY MESSER: I apologize. Withdraw.

8 THE COURT: All right.

9 (Video is published to the witness only.)

10 A That sounds like that's been edited to me.

11 Q It sounds like it's been edited?

12 A Yes. I still don't recall saying that.

13 Q So to be clear, did you or did you not -- I need to finish  
14 the question, okay. Did you or did you not tell Lieutenant  
15 Weibel that Akevious Lindsey called you crying and said that he  
16 did it?

17 A He called me crying, but I still don't remember him saying,  
18 him saying, telling me, he did it. I'm sorry, ma'am, I don't.

19 Q Even after hearing a recorded interview, sir?

20 A That ... that -- I took that as being edited.

21 Q Well, sir, when you say you took it as being edited --

22 A Yes. I still don't recall saying it. I feel that that's  
23 edited.

24 Q You heard it, sir.

25 A Yes, I heard it.

1 Q So is that you talking?

2 A That's me talking, but the audio could be altered.

3 Q Was it altered, sir? Did you say it or did you not say it?

4 A I told that man what I said.

5 SOLICITOR SCOTT: Your Honor, at this time I'd like to  
6 declare this witness hostile. And I do believe that even though  
7 he's saying that he's recalling it differently, Your Honor, that  
8 this is, at this time, for me to be able to offer in inconsistent  
9 statements.

10 THE COURT: Defense?

11 ATTORNEY MESSER: I have no objection.

12 THE COURT: All right.

13 SOLICITOR SCOTT: If you can give me a second.

14 THE COURT: My law clerk is running an error right now, so  
15 he's my technical person, so I'm not necessarily technologically  
16 inclined. You're trying to play it through ACMI, right? I think  
17 I can do this.

18 ATTORNEY MESSER: Your Honor.

19 THE COURT: Yes, ma'am.

20 ATTORNEY MESSER: And for the record, the lack of objection  
21 is based on the idea that the State will present that another  
22 witness will come forward to authenticate this tape.

23 SOLICITOR SCOTT: Correct, but we've offered it into  
24 evidence now if she would like for me to have another witness  
25 authenticate the tape, if we could.

1       ATTORNEY MESSER: As long as she does it later I'm okay with  
2 it, Your Honor.

3       THE COURT: Under the rules, she's allowed to do that. I'm  
4 assuming that she authenticates it down the road.

5       SOLICITOR SCOTT: We're going to test the audio out. If I  
6 can hit play, please, on minute:16.

7       Q     Now, you've referenced that -- well, what Akevious's uncle  
8 do? There's a reference about he did what his uncle did.

9       A     He was convicted of, uh, killing his wife.

10      Q     You don't want to be here today, correct?

11      A     I come here to support my nephew, and that should be  
12 understood, right? I'm here for him.

13      Q     Right. In fact, on that day, talking to the police, you  
14 also wanted to make sure that your nephew was safe?

15      A     Yes. That's correct.

16      Q     But you told the truth to the officer, didn't you?

17      A     Like I said, I just got off work. I'm tired. Popped me a  
18 beer open. I mean, he came at me at the wrong time, and I'm  
19 tired. I don't feel like being bothered. I popped off at the  
20 mouth, yeah.

21      Q     You popped off at the mouth and you said that Akevious called  
22 you crying and said that he did it, and that's you popping off at  
23 the mouth?

24      A     Popping off at the mouth means you're tired and you don't  
25 want to be bothered. That's how I take it.



1 Q Let's talk about some steps that you took to turn your  
2 nephew in.

3 A Okay. Let's go there.

4 Q Do you recall going to an event where family members were  
5 present to say goodbye to Akevious Lindsey?

6 A Now I'll go ahead and tell you how that started, okay.

7 Q Okay.

8 A So it's Saturday night. I got off the phone with him. I'm  
9 still in shock. I'm like, God, I hope, I hope this shit's not  
10 true.

11 Q Well, wait a minute.

12 A No, I'm telling -- I'm telling, I'm telling you how things  
13 went that night. My wife and I had just, we had a cookout at  
14 Fountain Inn with my uncle and aunt, and so we go down. When we  
15 leave, it's around about maybe 9:30, 10:00, something, we're  
16 coming back from Fountain Inn, going to Gray Court, that's when I  
17 got the phone call and whatever that was right there will say.

18 So I get home. I'm assuming I'm still in shock about it. I  
19 said, I can't believe this crap. So we go home, we seen it on  
20 the breaking news right where the apartment complex was, and I'm  
21 like, God damn, maybe he's telling the truth, maybe he's lying to  
22 me. So I go, I go -- my wife and I go to bed.

23 And the next morning I'm thinking they're going to show up  
24 in handcuffs because his address was on my -- his license, my  
25 address is on it. I'm thinking, I'm prepared they're going to do

1 their search, or whatever.

2 So me and my wife, we're sitting there waiting. And we're  
3 like, well, let's go down to my uncle's house. I don't know if  
4 he knows what's going on. So we go down there, we're talking to  
5 him. Next thing I know that's when the other family start -- and  
6 I was expecting it -- everybody just start showing up.

7 Q All right. So everybody's showing up for the purposes of  
8 what?

9 A I guess they had found out, too, because it was -- at that  
10 time it was rumors saying that something had happened to Genesys.

11 Q But Akevius had called you that day.

12 A Yeah, but I had said nothing to nobody because that was late  
13 at night at the time.

14 Q Going back, you referenced that after he called you that  
15 night he was crying?

16 A Yes.

17 Q Okay. And that you --

18 A And he was scared.

19 Q And you were shocked about what he told you?

20 A Yes, ma'am.

21 Q He told you that he killed Genesys, didn't he?

22 A In the beginning, yes. And after he kept saying, y'all  
23 don't know the truth, y'all don't know, y'all just don't know. I  
24 did not do it. And that's why, when I got the lawyer for him  
25 because I believed him, I'm like, well, Akevius, what happened?

1 He goes, Y'all just don't know. So I'm like, damn, dude, come  
2 on, man, like what? I can't talk about it. Y'all just don't  
3 know. And I'm like, Well, I just you to turn yourself in, man,  
4 and let's handle this out in court. I said, I said, I said, I'll  
5 take care of your books. And I was going to get another  
6 double-wide, I had the money for it, and then I was like, well,  
7 I'll put that on hold and get you a lawyer to get this  
8 straightened out.

9 Q At any point in time did you try to drive him to turn him  
10 in?

11 A Oh, no. Oh, no. My uncle did, my Uncle Burley, tried to  
12 take him in. Once everybody got down to my other uncle's house,  
13 that's when I told him, I decided what I said, I told him again,  
14 you know, make sure you have money on this guaranteeing and  
15 getting him counsel. He was getting in the truck with my uncle,  
16 and my uncle was going to take him and meet one of the cops so he  
17 can say he turned himself in. That did happen. Yes.

18 SOLICITOR SCOTT: But that didn't work, did it?

19 ATTORNEY MESSER: Objection, Your Honor. He's speculating.  
20 He wasn't there.

21 THE COURT: Sustained. Rephrase it.

22 Q Do you know how he was turned in?

23 A (Nods head.)

24 Q You have to say a word. You shook your head, but the court  
25 reporter --

1 A Oh. No, I don't know, because I had left after all that. I  
2 had went back home after the Uncle Burley situation.

3 Q When Akevius called you crying telling you what had  
4 happened, what else did you do that day?

5 A That was at nighttime when it happened. Like I told you, I  
6 went and watched it on the news, watched it breaking on the news.  
7 My wife and I went to bed, woke back up, and like I said, I  
8 thought they were going to show that up morning, but they didn't.

9 That's when I told my wife, I was like, Well, let's go down  
10 to Uncle's, my nerves are too shot to be staying here. So that's  
11 what we did, and that's when everybody started showing up.

12 Q Did you ever try calling your nephew after he told you what  
13 he did?

14 A I may have tried one or twice.

15 Q Were you able to --

16 A But he was mostly making calls to me. And that's when I  
17 kept trying to beg him to turn himself in.

18 Q Thank you for coming today, okay. Answer any questions that  
19 defense counsel might have for you.

20 A Okay.

21 THE COURT: All right. Cross.

22 **CROSS-EXAMINATION**

23 BY ATTORNEY MESSER:

24 Q Good afternoon, Mr. Williams.

25 A Hey, ma'am. How you doing?

1 Q I'm good. How about you?

2 A Just okay.

3 Q Is this your nephew?

4 A Yes, ma'am.

5 Q And you don't want him to be in any kind of trouble?

6 A No, ma'am.

7 Q The day that the officers were at your house, do you recall  
8 what day it was?

9 A That was Monday, cause he -- that was the same day that he  
10 turned himself, in because he turned himself in later on that  
11 night. So it was on a Monday.

12 Q It was May 8th?

13 A Yes, ma'am.

14 Q The video that the State just entered into evidence, you had  
15 mentioned that he had scratches on his face?

16 A Yes. And I was wondering why they wasn't recording it in  
17 the jail when he was arrested, why it wasn't brought up. Looked  
18 like a cat had ripped his face all up.

19 Q And in the video, at the beginning of that video the  
20 investigating officer, who's sitting right over here who you  
21 referenced multiple times, he said that he didn't think Akevious  
22 walked in there that night with the intent --

23 A Yes, he did say that. That's the first time, that's how he  
24 opened up. Well, he cursed, he cursed first when he goes,  
25 Akevious fucked up, Akevious fucked up, trying to get me to say

1 like yeah, but I didn't. And then he come, once he got close to  
2 the truck he goes, You know, in all honesty, I don't think he  
3 went in there with the intent.

4 Q There were a lot of officers there?

5 A Yes, ma'am.

6 Q I think I counted, was it like, five or six?

7 A Something like that.

8 ATTORNEY MESSER: No further questions.

9 THE COURT: All right. Any redirect?

10 SOLICITOR SCOTT: No, Your Honor.

11 THE COURT: All right. You may step down. You want to  
12 bring out -- how long is this next one?

13 SOLICITOR SCOTT: Just two more and we're done. Well, I  
14 think they're going to be short, everyone else, Your Honor.

15 THE COURT: We'll try one, Ms. Scott.

16 SOLICITOR SCOTT: Okay. Well, we'll just do the 9-1-1 call  
17 at this time.

18 THE COURT: All right.

19 SOLICITOR SCOTT: Jackie Heil.

20 JACQUELINE M. HEIL,

21 having first been duly sworn, is examined and testifies as  
22 follows:

23 CLERK OF COURT: State your full name for the record.

24 THE WITNESS: Jacqueline Michelle Heil.  
25

**DIRECT EXAMINATION**

BY SOLICITOR WESTFIELD:

Q Thank you for being here today. Now, Jackie, where do you work?

A Simpsonville Police Department.

Q And what are your duties there?

A I'm responsible for answering 9-1-1 calls, any incoming calls, dispatching police, fire, and transferring to EMS.

Q And you stated you answer 9-1-1 calls there, correct?

A Correct.

Q Describe to the jury the process of how 9-1-1 calls are handled.

A When the caller dials 9-1-1 it automatically starts recording before we pick up. And once we pick up, all the information recorded, and we also put information in the computer, whatever the officer may need or fire department may need to know responding to the call.

Q Okay. And how are these calls preserved?

A In a database called Equiture.

Q Now, are they preserved in the regular course of business operations?

A Yes.

Q And are you custodian of these calls?

A Yes.

Q So how long do you keep these recordings?

1 A Three years.

2 Q And is there a written report that documents these  
3 particular calls when they come in?

4 A Yes.

5 Q And was it called? What is it on? What's that document  
6 called?

7 A A FOIA request.

8 Q No. The document -- where the 9-1-1 calls come in and  
9 they're recorded on this document, what's that document called?

10 A Are you talking about the CAD?

11 Q Yes. Okay. Could you tell the Court, what does CAD stand  
12 for?

13 A It's computer-aided dispatch.

14 Q And what type of information is documented on a CAD?

15 A It's going to be the address, the caller's name, telephone  
16 number --

17 Q Okay.

18 A -- cross streets.

19 Q Now, when investigators or prosecutors need copies of a  
20 particular call explain how they will receive that copy?

21 A They would submit a request in. I would go in and pull it,  
22 recording it to a disk, and then give it to the officer or  
23 investigator that requested it.

24 Q And on what media do you record the call?

25 A A CD.



1 Q Okay. Is there any other media you may use?

2 A You can use a flash drive or email it directly.

3 Q Okay. A flash drive like this?

4 A Correct.

5 Q Okay. So I'm handing you what has been premarked as State's  
6 Exhibit 16. And do you recognize it?

7 A Yes.

8 Q And how so?

9 A My initials and date.

10 Q Why do you put your initials there?

11 A Because I'm the one who pulled it. I listened to it.

12 Q Now, how many calls are on this USB drive?

13 A That one is probably going to have two on it.

14 Q Okay. And on these calls, is this a true and accurate  
15 recording of those 9-1-1 calls?

16 A Yes.

17 Q And do you have the CAD that's associated with these calls?

18 A Yes.

19 Q Do you have it with you today?

20 A I do.

21 Q Now, who placed these calls?

22 A Two different people. First one was a male who was later  
23 identified as Lonnie, I believe. The second was a female  
24 identified as Azaliah.

25 Q And who were the dispatchers to these calls?

1 A Lindsey Miller and's Dillon Stadtmeier.

2 Q And can you tell the Court when these particular calls were  
3 made?

4 A On the CAD report when the call came in --

5 Q Uh-huh.

6 A -- showing 2320 --

7 Q Okay.

8 A -- which would be 11:20 p.m.

9 Q Is that the first call?

10 A Yes.

11 Q Okay. And then what about this second call? Because you  
12 said there were two calls.

13 A The second information would have been linked directly to  
14 the original CAD report, and I believe it came in at 2320, a few  
15 seconds later.

16 SOLICITOR WESTFIELD: At this time, Your Honor, the State  
17 moves to move Exhibit No. 16 into evidence.

18 THE COURT: All right. Any objection from defense?

19 ATTORNEY MESSER: Without objection.

20 THE COURT: All right. State's Exhibit No. 16 is admitted  
21 into evidence, without objection.

22 (State's Exhibit 16 is admitted into the record.)

23 SOLICITOR SCOTT: Permission to publish to the jury, Your  
24 Honor.

25 THE COURT: Yes.

1           ATTORNEY MESSER: Your Honor, I apologize. I want to  
2 clarify the record. I'd like to renew my previous objection, but  
3 at this time with them entering in.

4           THE COURT: All right. Noted. The previous objection's  
5 overruled.

6           SOLICITOR WESTFIELD: This will be the second one, Your  
7 Honor. Nothing further, Your Honor.

8           Please answer any questions the defense may have for you.

9           THE COURT: All right. Cross?

10          ATTORNEY MESSER: No questions for this witness, Your Honor.

11          THE COURT: All right. You may step down.

12          Ms. Scott, you said you had one quick one, or is this a good  
13 time to break?

14          SOLICITOR SCOTT: She was the quick one, Your Honor. I  
15 thought I had, the other two real quick, but we're good.

16          THE COURT: All right, ladies and gentlemen, time to take  
17 our lunch break. So let's take a break, and be back here, we'll  
18 start up again at 2:30. Please do not discuss the case. And  
19 I'll see you here at 2:30. Have a good lunch.

20          (Jury escorted out of the courtroom at 1:02 p.m.)

21          THE COURT: All right. We'll be in recess until 2:30.

22          (Court recessed at 1:03 p.m. and reconvened at 2:31 p.m.,  
23 without the jury present.)

24          THE COURT: Anything we need to take up before we bring in  
25 the jury? Anything from the State?

1 SOLICITOR SCOTT: No, Your Honor.

2 THE COURT: Anything from the defendant?

3 ATTORNEY MESSER: No, Your Honor.

4 THE COURT: All right. Let's bring them in. I will remind  
5 all nonlawyers in the audience, your phones have to be off. If  
6 your phones are on, they are subject to being confiscated. So  
7 all phones, all nonlawyers' phones, are to be off, not in silent  
8 mode - off.

9 (Jury seated in the courtroom at 2:34 p.m.)

10 THE COURT: Good afternoon. Hope you all had a good lunch.  
11 All right. State, call your next witness.

12 SOLICITOR SCOTT: Thank you, Your Honor. State calls Kathy  
13 Williams.

14 ATTORNEY MESSER: Judge, at this time the defense renews  
15 objections.

16 THE COURT: Fine. Note your objection. Overruled.

17 KATHY L. WILLIAMS,

18 having first been duly sworn, is examined and testifies as  
19 follows:

20 **DIRECT EXAMINATION**

21 BY SOLICITOR SCOTT:

22 Q Would you state your name again for the record?

23 A Kathy Lee Williams.

24 Q Ms. Williams, how do you know Akevious Lindsey?

25 A That's my grandson.

1 Q Okay. Did you help raise him?

2 A Yes. He's my first grandchild.

3 Q Okay. Is he your only boy grandchild?

4 A Yes.

5 Q Do you recall talking with him in May and him telling you to  
6 call 9-1-1?

7 A I don't know who they was, but I talked to somebody.

8 Q And what did the person say?

9 A He told me, he said Akevius done what his uncle done, and  
10 call 9-1-1. But before, somebody called me, you can check the  
11 records and see, they spoke a different language and I didn't  
12 understand what they said.

13 Q Okay. So when you heard a phone call about calling 9-1-1  
14 you don't know who --

15 A No.

16 Q -- was on the other line?

17 A Uh-uh.

18 Q Did that person ask you to do anything else other than to  
19 call 9-1-1?

20 A No, they didn't tell me to do anything. I wanted to go see  
21 which is the truth.

22 Q So what else would they have said other than call 9-1-1?

23 A That's all they said. And my niece said something had  
24 happened in the building up there where Akevius's staying, and  
25 that's the reason why I went there, to see if everything okay.

1 I asked the policeman, I asked him where is Akevious, where  
2 is the children, and where is Genysis. And then I left because  
3 my brother came, and I told him to tell the -- Lord help me --  
4 tell the policeman I have been talking to, he can come to my  
5 house because I had to go back and get all my dialysis machine.

6 Q So let's talk about the night that you went to the  
7 apartment. Do you know the name of the apartment you went to?

8 A It started with C.

9 Q Like a cove?

10 A Yeah.

11 Q Okay. Did you drive there?

12 A Yeah, I did --

13 Q Did you --

14 A By the grace of God, I did.

15 Q Was it late at night or was it early --

16 A Yeah, it was late.

17 Q Did you drive alone?

18 A Yeah.

19 Q How did you --

20 A I had to go see about my grandson, see what was going on.

21 Q How did you know how to get there?

22 A I had went up there before when the baby came home to see  
23 their baby, my great grandchild.

24 Q You visited the cove before?

25 A Yes.

1 Q Okay. When you drove there did you make any calls to people  
2 along the way?

3 A No.

4 Q Did you talk to your daughter while you were headed to the  
5 cove?

6 A No, as that I know.

7 Q And when you got there you said you went and approached  
8 officers?

9 A Yeah, asked what was going on, and he told me not -- I  
10 wanted to go down there and see, and he told me not to go down  
11 there, the family's upset. I was trying to show that I cared  
12 what was going on.

13 Q Well, what was going on?

14 A When I asked him a question he told me that Genysis had  
15 passed.

16 Q The officer told you Genysis had passed?

17 A Yes, uh-huh, and the family was upset, and told me not to go  
18 down there. So I went to visit her grandmom, and she said that  
19 it's best not to go to the funeral and stuff like that. In my  
20 type of world, people are so remorse and caring.

21 Q Yes, ma'am. You referenced that you went to the cove. And  
22 I'm going to show you what's been premarked as State's Exhibits  
23 1, 2, and 3, and 4, and 5. Do you recognize yourself in State's  
24 Exhibit 1?

25 A Yeah, my hand, yeah, and my dress. Yes.

1 Q What about 2, is this you?

2 A Yeah.

3 Q Okay. What about in 3?

4 A I got the same dress I got on but my hair is different.

5 Q What about in State's Exhibit 4?

6 A That ain't me.

7 Q This is not you in State's Exhibit 4?

8 A No.

9 Q And what about in State's Exhibit 5?

10 A I can't tell.

11 SOLICITOR SCOTT: Okay. So let the record reflect that the  
12 witness identified herself in State's Exhibit 1, 2, and 5.

13 Q Now, when you drove to the apartment complex that we're  
14 calling the cove for now, do you recall talking to officers  
15 outside of your car?

16 A Yeah. Yeah, I got out. I think I did.

17 Q Okay. Do you recall talking to officers when you were  
18 inside your car?

19 A I think he came up to my window. I think.

20 Q Did your brother, Burley Williams, show up, too?

21 A Yes. That's when I told Burley tell them that if they want  
22 to talk to me I'm going back home.

23 Q Did you call Burley to come to visit, to see you there at  
24 the cove?

25 A Not as I remember.



1 Q Okay. Do you recall talking to officers the next day?

2 A Yeah, cause he had made me upset because he got my phone and  
3 he said something like -- I said, You got the wrong time, tried  
4 to tell him he got the wrong dates on my phone, wrong calls, and  
5 he said, And two hour later she was dead. And I said, looky  
6 here, I talked to Akevius early that day. He told me he was with  
7 his sister and he was coming back home with me, because he always  
8 took care of me and stuff, and he just wanted me to know when  
9 something's going on with him. I say he took care of me. That's  
10 my baby.

11 Q So you referenced that you were talking about a phone --

12 A Yeah.

13 Q -- and they got it wrong?

14 A Yeah. I was trying to explain that to him.

15 Q Is that where the call came from, from your landline?

16 A Yeah.

17 Q Okay. And the call didn't come to your cellphone, it came  
18 to your --

19 A No.

20 Q -- house phone number?

21 A Uh-huh.

22 Q And were you trying to show -- what were you trying to show  
23 officers on the phone?

24 A When he was going through the caller names and stuff like  
25 that and I was trying to tell him when the conversation started.

1 There was so many people that called me, I had to go see what was  
2 going on because I didn't know what was true.

3 Q So the particular call that they were getting wrong was the  
4 call you got about calling 9-1-1?

5 A Yeah.

6 Q Okay. And who was on that call?

7 A I don't know cause he called -- one of them called me in a  
8 different language. And I know Spanish. It wasn't Spanish.

9 Q Okay.

10 A And then next call I got, I got them.

11 Q Do you remember telling the officers that it was Akevious  
12 that called you?

13 A No.

14 Q Do you recall, or did that caller tell you I love you. Take  
15 care of my mama?

16 A Yeah. I remember that.

17 Q Okay. Who told you I love you and take care of my mama?

18 A My grandson.

19 Q And in that same call did he not tell you to call 9-1-1?

20 A No.

21 Q Okay. Is it your testimony today that you got a call and  
22 Akevious only told you I love you and take care of my mama?

23 A I guess I really don't know the -- what it is, but if you  
24 play it or whatever, I could see if it blocked my memory.

25 Q You want me to refresh your memory?

1 A If you want to.

2 Q Well, do you need your memory refreshed?

3 A Yes, cause I don't know.

4 Q Okay.

5 (Video is published to the witness only.)

6 Q Were you able to hear yourself on these calls?

7 A Some of it. Some of it, I didn't.

8 Q You need me to play it again, maybe louder?

9 A Yeah.

10 SOLICITOR SCOTT: At this time, Your Honor, I need the jury  
11 to be excused so I can play this loud for her to hear it.

12 THE COURT: Okay. All right, ladies and gentlemen, I'm  
13 going to excuse you just for a few minutes.

14 (Jury escorted out of the courtroom at 2:50 p.m.)

15 MATTER(S) OF LAW

16 THE COURT: What is the issue, she cannot hear it?

17 SOLICITOR SCOTT: Well, I asked if she --

18 THE WITNESS: One part of it, the begins, when it started, I  
19 can't hear, but later on down I know my voice talking.

20 ATTORNEY MESSER: Judge, to be fair, in some of these -- I  
21 don't know if it's in this particular part, but -- there's a loud  
22 noise, so it's very possible that she might have heard that loud  
23 noise and it kind of messed with her.

24 THE COURT: It drowned out.

25 ATTORNEY MESSER: It kind of, yeah.

1 SOLICITOR SCOTT: Maybe off -- well, on the record, I  
2 assume, Your Honor, if I could tailor very quickly to proffer to  
3 see if we do need to bring the jury back, the question of did she  
4 hear the reference about the 9-1-1 call and the I love you.  
5 Because I was just going to play it one more time. Let me just  
6 play it, Your Honor. It's just two minutes.

7 THE COURT: All right. Any objection?

8 ATTORNEY MESSER: I have no objection to her playing it.

9 THE COURT: All right. Are we ready to bring the jury back  
10 in?

11 SOLICITOR SCOTT: Yes, sir.

12 (Jury seated in the courtroom at 2:54 p.m.)

13 THE COURT: You may resume, Ms. Scott.

14 SOLICITOR SCOTT: Yes, Your Honor.

15 Q Now that you heard yourself on that video, do you remember  
16 telling the officers that it was Akevious that called you?

17 A I kept saying He said. Did I say Akevious on the phone?

18 Q Is that what you heard?

19 A I'm asking.

20 Q Unfortunately I'm not able to answer questions for you. Do  
21 you recall saying it was Akevious that called you?

22 A I don't recall if I said he said, the caller who called me.

23 Q Did the caller, in that same call, say, Tell -- I'm sorry --  
24 I love you, and take care of my mama?

25 A Uh-uh. That was in another call when he -- although call.

1 I told you I had so many calls that day. But I remember him  
2 telling me to take care of his mama --

3 Q All right.

4 A -- you know, cause she was broke down from somewhere up in  
5 North Carolina.

6 Q Let me just be plain. Did Akevius Lindsey call you and tell  
7 you he did what his uncle did, and to call 9-1-1, I love you,  
8 take care of my mama?

9 A I really -- I really can't say that.

10 Q Yes or no?

11 A If I was sure I would say so, but I'm not sure.

12 Q Well, Ms. Kathy, we'll get back to that, ma'am. Do you  
13 remember talking with officers the next day at your house?

14 A I thought he came that night.

15 Q The following morning. We are talking about midnight to the  
16 following morning. You remember being in your house talking with  
17 officers the following morning?

18 A Yeah.

19 Q And then did you write a statement to the officers?

20 A Yeah. He told me to write what I was saying.

21 Q And did you write it in your own handwriting?

22 A Yes, I did.

23 Q Do you remember what you wrote?

24 A I said -- yeah. It said, He said -- some of it I remember;  
25 some of it I don't.

1 Q Would you like your memory refreshed of what you wrote?

2 A Well, yeah. Let me see.

3 Q Okay.

4 A No. I didn't write that.

5 Q Okay.

6 A No. I don't know how my signature got down there, but I did  
7 not write that.

8 Q Did you remember writing anything?

9 A Yes, I remember.

10 Q Okay. What do you think you wrote?

11 A He said that Akevius did what my brother did, and call  
12 9-1-1, and hung up the phone.

13 Q That's what you believe you wrote down?

14 A Yeah, I -- yeah. I didn't write the words like that. I  
15 didn't write that.

16 Q Okay.

17 A I don't know how my signature got on there but I did not  
18 write that.

19 Q Yes, ma'am. I'm going to show you, to show you writing  
20 something. Is that you writing the statement?

21 A Yeah, I guess. I wish I had my eyeglasses. All right. I  
22 guess that's me. I guess.

23 Q What do you guess?

24 A That's me.

25 Q That's you writing the statement?

1 A Yeah. Yeah. But I didn't write that, that thing you showed  
2 me. I know that cause I never wrote Akevius's name like that.

3 Q So your testimony is that you did not write the statement I  
4 showed you?

5 A Yes, I did not.

6 SOLICITOR SCOTT: If I can have this marked, just premarked,  
7 as an exhibit for later on.

8 THE COURT: All right. Just for the record, State's ID,  
9 what number?

10 SOLICITOR SCOTT: State's Exhibit 17.

11 (State's Exhibit 17 was marked for identification.)

12 Q What do you remember writing down on the statement?

13 A As I told you, it was about the phone call.

14 Q Now, after the police left your house, when you were alone  
15 did you go driving around looking for your grandson?

16 A No. I went back on my dialysis machine.

17 Q Maybe the next day?

18 A Yeah. The next day I went all around, everywhere I could,  
19 cause if he did something that I know, he took a life, try to  
20 take his life or do something crazy if he had did that.

21 Q You didn't want him to take his life or do anything crazy?

22 A No. No. No.

23 Q And so how many places did you go?

24 A Oh, from one end of Fountain Inn to here, to Simpsonville,  
25 then going around and around in circles. And then when I drive

1 up to -- I was trying to go to my son's house, and then I sat in  
2 my car. And they told me come on, pull in. And I told them I'm  
3 looking for Akevius, myself, I said, because I don't want him to  
4 harm himself. And they said, one of them said, don't let Laurens  
5 get him; let Simpsonville get him. That's what they said.

6 Q Lawrence is his uncle?

7 A No. I'm talking about Laurens County.

8 Q Laurens.

9 A All of them were -- there was bunch of them up there.

10 Q Looking for your grandson?

11 A And my son, yeah.

12 Q Okay. Now, did you ever find your grandson?

13 A No. Until he came -- somebody find him to me, to us. He  
14 was over at my brother house, somebody, and he told me and my  
15 brother he was turning himself in.

16 Q Did you follow behind your brother when he was turning  
17 himself in?

18 A Yes, I did.

19 Q And did anything happen while he was --

20 A He jumped out of the truck.

21 Q Well, who jumped out of the truck?

22 A Akevius.

23 Q And where did he go when he jumped out the truck?

24 A I don't know. I don't know, but he came back and he said  
25 that he wants to see his other grandmom and then he will turn



1 himself in, cause his grandmom, she worried about him, too --  
2 worried about him, too.

3 Q Take your time, Ms. Kathy. I just -- ugh. Okay.

4 A Then he called me and he told me he turned himself in.

5 Q Okay. Do you know your grandson's voice when you hear it  
6 over the phone?

7 A Sometimes. Sometimes I don't.

8 Q And it's your testimony today that you didn't tell officers  
9 that Akevius called you and told you he did what his uncle did?

10 A I don't know -- it wasn't Akevius's voice; it was somebody  
11 else.

12 Q Did that same voice say, I love you; take care of my mama?

13 A Not in that conversation.

14 Q And is it your testimony today that the following morning  
15 you didn't write a statement that I showed you, State's Exhibit  
16 17, that you didn't write this?

17 A No. It's at nighttime when they came to my apartment.

18 Q Okay. But that you didn't write this statement that I  
19 showed you?

20 A Not that one. But I wrote a statement, but not that one.

21 Q Yes, ma'am. And then when Akevius jumped out of that truck  
22 you didn't know where he went?

23 A No, I didn't. No, I didn't. He came back on his own, and  
24 then he went up his grandmom's house and told his dad, and that's  
25 where he turned himself in at. He called and told me that he was

1 turning himself in.

2 Q And just for the records -- or reference, excuse me, what  
3 good Akevious's uncle do?

4 A Well, you really want to know the true story? The girl set  
5 him up to get him killed. But my brother, he was a sniper in the  
6 Army. And she had another man in the closet trying to, waiting  
7 to attack him. So the police took all this way. They didn't  
8 want to hear that. They said you can't speak about the dead, so  
9 now here -- and then they lie. And still, not [indiscernible].

10 Q So the uncle killed someone?

11 A He shot her because he didn't know who he was shooting at,  
12 but he shot her.

13 Q Okay.

14 A She was in the door. She had a gun. And the other boy, I  
15 don't know who his name is, but he got wounded because there  
16 was -- you don't abuse and play with people's mind. You never  
17 know what the other person's thinking. You never know. You  
18 never know.

19 Q Answer any questions the defense counsel has for you, okay.

20 A Uh-huh.

21 THE COURT: All right. Cross.

22 **CROSS-EXAMINATION**

23 BY ATTORNEY MESSER:

24 Q Good afternoon, Ms. Kathy.

25 A Uh-huh.

1 Q How are you doing?

2 A I'm all right.

3 Q I'm going try to get you down as quick as I can, okay. You  
4 went over with the State how you spoke with them the night of the  
5 shooting, right?

6 A Yeah.

7 Q And then you spoke with officers the next day?

8 A Yeah.

9 Q Do you remember speaking with him again the next day?

10 A Yes.

11 Q On May 8th?

12 A Yes.

13 Q And do you recall what you said to them?

14 A Yeah, I remember. It was about, I would tell him about --  
15 he got mad at me, and he seemed to think that the reason, it was  
16 about cause and effect, when somebody caused another person to do  
17 harm to them, but he had a different opinion than I had.

18 Q You told officers that Akevious told you that he and Genesys  
19 were arguing?

20 A No, I didn't tell him nothing like that. I don't know. I  
21 didn't tell them that. I was telling him about my statement,  
22 what I had written, and about the phone calls, I was discussing  
23 them with him. And I thought he was -- really, I took him as a  
24 kindness, a fair person, but I see now he's try to show me a  
25 negativity. I'm not negativity. I believe in the law and I

1 believe in God. I ain't worried about nobody.

2 Q Would it help you to remember that conversation that day if  
3 I showed you your video of you talking to him?

4 A You can go ahead. Yeah.

5 Q Okay.

6 ATTORNEY MESSER: Judge, at this time we'd ask for the jury  
7 to step out. I think we're going to have the same issue with  
8 headphones, and I don't want to waste more time.

9 THE COURT: All right, ladies and gentlemen, I'd ask that  
10 you just step out just a little bit.

11 (Jury escorted out of the courtroom at 3:10 p.m.)

12 (Video played for witness.)

13 ATTORNEY MESSER: If we can do a brief proffer --

14 THE COURT: All right.

15 ATTORNEY MESSER: -- quickly, Your Honor.

16 MATTER(S) OF LAW

17 **PROFFER TESTIMONY - by Attorney Messer**

18 BY ATTORNEY MESSER:

19 Q Did you hear what you said in that video?

20 A Yeah, I did.

21 Q And what were you talking about?

22 A I don't really -- I was there, that was me. I was talking  
23 about, you know, I don't recall what I was doing, what I did. I  
24 seen on the thing, but I don't remember talking to a cop like  
25 that, to his -- you know what I'm saying. But I know whenever I

1 went up to my son, I know that, and I told him that they were all  
2 surrounding -- and I told him, I said, he ain't there, I said, he  
3 get home at 4:30. And so I started a bath and he told me put it  
4 on hold.

5 I spent all them days looking for Akevious, trying to find  
6 out where he was, because I thought he took his life and I didn't  
7 want all ...

8 Q I want to ask you, you don't recall saying anything about  
9 Genysis saying that she would put him where he needed to be?

10 A No. Uh-uh. I wouldn't say -- she wouldn't say nothing like  
11 that to me.

12 ATTORNEY MESSER: Beg the Court's indulgence.

13 THE COURT: That's the end of the proffer? Is that the end  
14 of the proffer, or you --

15 ATTORNEY MESSER: Just a minute.

16 THE COURT: All right.

17 ATTORNEY MESSER: Your Honor, that would end my proffer, and  
18 we can bring the jury back in whenever you're ready.

19 SOLICITOR SCOTT: I will just say, Your Honor, based on that  
20 last question in the proffer about her asking her what Genesys  
21 said, we would object to that question based upon hearsay. And  
22 also, from what I know, the context of that, she's attempting to  
23 recall a conversation she had with her grandson about what --

24 ATTORNEY MESSER: I'm not going to get into it.

25 SOLICITOR SCOTT: Okay. Never mind, Judge.

1 THE COURT: All right. Bring the jury.

2 (Jury seated in the courtroom at 3:20 p.m.)

3 THE COURT: All right, Ms. Messer.

4 ATTORNEY MESSER: Thank you, Your Honor.

5 **CROSS-EXAMINATION (cont.)**

6 BY ATTORNEY MESSER:

7 Q All right, Ms. Williams. I just have a couple more  
8 questions, okay. Do you know if Akevious turned himself in?

9 A Yeah.

10 Q He did?

11 A Yes.

12 Q So you met with the officers a few times, right?

13 A Uh-huh.

14 Q After that weekend have you met with officers since?

15 A Uh-uh.

16 Q Have you met with anybody with the State since?

17 A Uh-uh.

18 Q And you were subpoenaed to be here?

19 A Yes.

20 ATTORNEY MESSER: No further questions.

21 THE COURT: Any redirect?

22 SOLICITOR SCOTT: No, Your Honor.

23 THE COURT: All right. Ms. Williams, you may step down.

24 Thank you. Next witness.

25 SOLICITOR SCOTT: Thank you, Your Honor. The State calls

1 Burley Williams. I think his first name might be something else.

2 BURLEY WILLIAMS,

3 having first been duly sworn, is examined and testifies as  
4 follows:

5 CLERK OF COURT: Please state your full name for the record.

6 THE WITNESS: Burley Williams.

7 **DIRECT EXAMINATION**

8 BY SOLICITOR SCOTT:

9 Q Good afternoon, Mr. Williams. How do you know Akevius  
10 Lindsey?

11 A He's my nephew, great nephew.

12 Q Okay. Is Kathy Williams your sister?

13 A Yes.

14 Q Do you recall going down to Jasmine Cove Apartments on May  
15 the 6th?

16 A Yes.

17 Q Was it late at night?

18 A I would say after 11:00.

19 Q And why did you go down there?

20 A I had got a phone call.

21 Q From who?

22 A I got a phone call from my niece, said something is wrong  
23 and I'm out of town, something had happened down there at the  
24 apartments with Akevius or something. She wasn't clear cause she  
25 didn't know. So I said, Well, I'm go down there and look.

1 And when I went down there I did see policemen everywhere,  
2 and when I got there I did see my sister Kathy there, she was  
3 standing. And I said, What's going on? And she said, I don't  
4 know what's going on, something about Akevius. So it was just a  
5 bunch of hearsay to me. I went down there to see.

6 And then when I saw the commotion, I told my sister that it  
7 would be best if she would leave and I leave. And I left.

8 Q Had you ever been to Jasmine Cove Apartments before?

9 A Yes. I've been there one time.

10 Q For what?

11 A I used to counsel Akevius and Genysis.

12 Q Now, you referenced when you were there that your sister was  
13 there. Did you know she would be there?

14 A I would no idea she would be there.

15 Q I'm going to hand you what's marked as State's Exhibit 8 and  
16 9. Do you recognize yourself in photographs 8 and 9?

17 A Yes. Yep.

18 SOLICITOR SCOTT: Let the record reflect that Mr. Williams  
19 has identified himself in State's Exhibit 8 and 9.

20 Q Now, do you recall giving the officers on scene a phone  
21 number to be able to reach Akevius Lindsey?

22 A Yes, but I don't remember who the officer was. I do not  
23 remember.

24 Q But you gave them a phone number?

25 A I gave them the number that he used to call me from.



1 Q Do you also recall maybe later that day trying -- not later  
2 that day, but the following day attempting to find Akevious  
3 yourself?

4 A Yeah, through phone calls. I was just using the number that  
5 he called me from, but he would never answer.

6 Q When was it that you were able to encounter Akevious?

7 A Say it again.

8 Q When did you find him?

9 A I didn't see him. I didn't find him, actually. I got a  
10 phone call, and actually I can't remember who told me he wanted  
11 to meet and turn himself in. And that's what we did.

12 Q Where did you meet?

13 A I met at my dad's house.

14 Q And where does your dad live?

15 A [indiscernible] Lane.

16 Q In what city?

17 A Laurens.

18 Q In Laurens? Is this in Laurens County?

19 A Yes.

20 Q And what happened when you got to Laurens County, that house  
21 in Laurens County?

22 A When I got there in Laurens County I was told that he was  
23 going to turn himself in and he wanted me to do it.

24 Q Did you do it?

25 A Yes.

1 Q And how did you do it?

2 A I put him in my truck and I called the police, let them  
3 know, Look, I really don't know what's going on, but he's not  
4 armed. I don't want to see no harm done to him. I just want him  
5 to turn himself in. And that's what I told them.

6 Q Okay.

7 A Because of the whole commotion of everything, hearsay, this  
8 and that, I said the most important thing is just turn yourself  
9 in.

10 Q You referenced that you called the police. Who did you  
11 call?

12 A I called a friend of mine named Dan.

13 Q Dan. And is he also an officer?

14 A Dan Duncan, yes.

15 Q And you called Dan, a friend of yours, because he had a  
16 connection to law enforcement?

17 A Yes.

18 Q And then at any point did you talk to anyone from the  
19 Simpsonville Police Department?

20 A Yes.

21 Q Do you know who you talked to?

22 A I can't remember his name.

23 Q Well --

24 A It seemed like it's him, but I can't remember his name.

25 SOLICITOR SCOTT: Okay. Just for the record, he pointed to

1 Lieutenant Weibel.

2 A I think -- I can't remember because it's been a minute.

3 Q Yes, sir. Now, you referenced that you had Akevious Lindsey  
4 in your truck. Were you able to drive him to the police  
5 department?

6 A When I was driving Akevious to the police department and I  
7 told them, of course, like I just stated, he's not armed, he  
8 don't have nothing on him, I just wanted to turn him in, on the  
9 way there Akevious started getting anxious, started getting  
10 nervous, and he said, I can't do this. I said, Well, you're  
11 doing the right thing, I said, that's what you're doing, is the  
12 right thing.

13 And my sister has her story messed up.

14 Q Let's just go with what you know.

15 A I'm just telling you, when she's talking about him jumping  
16 out of the truck, that's incorrect. Because he was in my truck,  
17 and he did not jump out of my truck. What he did, he said -- I  
18 told him, You're doing the right thing, he said, I can't do this.  
19 And then he asked me, Would you take me to your grandmom's house?  
20 I said, I will not, I said, but I'll take you back to your mama.

21 Q So you took him back to?

22 A I took him back down to my dad's house.

23 Q And where did you go after that?

24 A I didn't go -- after that I stayed around, see what was  
25 going to happen. And then what happened, I could tell Akevious

1 was all torn up and so forth. And then he decided to go another  
2 way to the police station, and I said, Well, I'll just go to the  
3 police station to meet him there if he gonna get another way to  
4 go there.

5 And the officer will confirm I came back to Simpsonville  
6 waiting for him to come there to turn himself in, but he never  
7 came.

8 Q When you went to the police department you went on your own?

9 A Uh-huh.

10 Q And you knew by that time that you didn't have Akevius with  
11 you?

12 A No, I did not have Akevius with me.

13 Q When you were on the phone with your friend Dan you had  
14 Akevius with you?

15 A No. No. He hadn't entered into my truck then. We was just  
16 talking to the phone.

17 Q You called him you were about to turn him in?

18 A And I told him, Please call your friends and tell them we're  
19 not armed. And he told me, I will give you his number so you can  
20 speak to him when you're on your way. I said, I'm on my way.  
21 I'm in a black truck. Because I don't want nobody rushing up on  
22 me pulling a gun and stuff.

23 Q So when you got there did you provide law enforcement some  
24 description of your nephew?

25 A Description of him, how he looks?

1 Q Yeah, and also his clothes that he was wearing?

2 A I don't remember doing that.

3 Q How long did you stay there and talk with officers, do you  
4 remember that?

5 A It couldn't have been more than maybe five, ten minutes.

6 Q Now, you were attempting to call the defendant on the day  
7 that you went to Jasmine Cove; you made some calls to him  
8 yourself?

9 A I would say I did, but I honestly don't remember if I did.  
10 But I will say I did, trying to at least get in touch to see what  
11 in the world is going on.

12 Q Well, were you able to get in touch with him on May the 6th?

13 A No.

14 Q The next day were you able to ever reach him by phone?

15 A The only time I reached him by phone, it was -- I called  
16 numerous a time -- it was on a Sunday morning and I was at  
17 church, Akevious called me and said, Uncle Burley, I'm turning  
18 myself in --

19 Q Okay.

20 A -- and I want you to do it.

21 Q He trusted you with doing that. Are you all close?

22 A Me and my nephew, he hadn't been in my life a while but just  
23 in the last couple months he called me and wanted to turn his  
24 life around, and I counsel him and I talked to him to guide him  
25 the right things do with life, because he was planning to get

1 married to Genesys, from what I was told. And I sat and  
2 talked --

3 Q By him?

4 A No. I sat and talked to both of them.

5 Q But your great nephew told you he wanted to marry Genesys?

6 A Yes.

7 Q Okay.

8 A They both had planned, and we sat and we talked, and I tried  
9 to guide them the right way about doing things.

10 Q All right. Answer any questions defense counsel might have  
11 for you.

12 A What?

13 Q Answer any questions that she might have for you.

14 THE COURT: Cross.

15 **CROSS-EXAMINATION**

16 BY ATTORNEY EPPES:

17 Q Mr. Williams --

18 SOLICITOR SCOTT: Oh, he, he might have for you.

19 Q Mr. Williams, just to be clear, Akevius ultimately did turn  
20 himself in, correct?

21 A Yes.

22 Q And your family, it sounds like everybody in your family was  
23 trying to get that done during these two or three days --

24 A Yes.

25 Q -- that was going on?

1 A That was the purpose.

2 Q And Simpsonville was investigating this case, right?

3 A Yes.

4 Q And you wanted to turn him in to Simpsonville? You've got  
5 to speak. I'm sorry.

6 A Yes.

7 Q And your sister, Ms. Kathy Williams, she mentioned, We  
8 wanted to him himself in to Simpsonville and not Laurens?

9 A Uh-uh.

10 Q And is that because y'all felt like turning him in to  
11 Simpsonville was safer and you were worried that Laurens would be  
12 a little more rough and tumble?

13 A Yes. Laurens has a bad reputation.

14 Q And it's fair to say that as an African American in South  
15 Carolina you all had concern about making sure --

16 SOLICITOR SCOTT: Objection, Your Honor.

17 THE COURT: What's the basis?

18 SOLICITOR SCOTT: Well, I think we're now outside the scope  
19 of the entire trial at this point. It's not relevant.

20 ATTORNEY EPPES: Your Honor, they said that --

21 THE COURT: What's the relevance of this?

22 ATTORNEY EPPES: They said that my client ran instead of  
23 turning himself in. He ultimately turned himself in. He had  
24 trepidation about it because of their fear of something happening  
25 with the police.

1 SOLICITOR SCOTT: Your Honor, at this time I believe the  
2 objection at this point is testimonial. And also, Your Honor, I  
3 do not believe it's relevant.

4 THE COURT: Yeah. Let's move on.

5 ATTORNEY EPPES: Okay.

6 Q You all wanted him to turn himself in, correct?

7 A Yes.

8 Q And eventually he turned himself in, correct?

9 A Yes.

10 Q And it's fair to say that before he turned himself in he was  
11 scared for whatever reason?

12 A Yes.

13 Q And that's because partly because he knew he had very  
14 serious charges, and partly because he didn't want to get hurt in  
15 the process of being turned in?

16 A Yes.

17 Q And you mentioned that to Mr. Duncan and to others of the  
18 police department, that you wanted to make sure that your nephew  
19 got in safely, correct?

20 A Yes.

21 Q And ultimately he did turn himself in safely, correct?

22 A Yes.

23 Q And it wasn't a month later or six months later or a year  
24 later; it was just a day or so later, correct?

25 A Yes.



1 ATTORNEY EPPES: Thank you.

2 THE COURT: All right. Any redirect?

3 SOLICITOR SCOTT: No, Your Honor.

4 THE COURT: All right. You may step down. All right. Next  
5 witness.

6 SOLICITOR SCOTT: The State calls Kyrarah Rice.

7 KYRAH M. RICE,

8 having first been duly sworn, is examined and testifies as  
9 follows:

10 CLERK OF COURT: Please state your full name for the record.

11 THE WITNESS: Kyrarah Rice.

12 **DIRECT EXAMINATION**

13 BY SOLICITOR SCOTT:

14 Q Kyrarah, how do you know Genesys Rice?

15 A She's my sister.

16 Q Is she your older sister or younger sister?

17 A My younger sister.

18 Q Okay. I need to talk to you about a couple of days leading  
19 up to you losing your sister. Kyrarah, do you recall in May if  
20 Genesys was driving?

21 A Not a lot, no.

22 Q What were you doing to help her with getting to and from?

23 A I would pick her up and take her wherever she needed to go.

24 Q Okay. You're going to have to speak up just a little more.

25 A Okay, sorry. I was driving for her. I'd come and pick her

1 up, take her to work, wherever she needed to go.

2 Q Did you take her to work May 2nd?

3 A That whole week I believe I took her to work. Yes, ma'am.

4 Q Just tell us what happened when you would take her to work?

5 A Uhm, one occasion I think it was, I believe it was --

6 ATTORNEY MESSER: Objection, Your Honor. I'm not sure where  
7 we're going, but this is outside of what we're here for this  
8 week.

9 THE COURT: So your objection is relevance?

10 ATTORNEY MESSER: The objection is relevance based on she's  
11 talking about a different day.

12 SOLICITOR SCOTT: If I can have a little bit leniency, Your  
13 Honor, we're about to get there.

14 THE COURT: I'll give you little bit.

15 SOLICITOR SCOTT: Thank you, Judge.

16 THE COURT: Overruled for right now.

17 A May 2nd I remember I stayed the night with her so I could  
18 take her to work the next day. I want to say it was the same  
19 night that the police -- well, she called me. I left work  
20 because she called me.

21 ATTORNEY MESSER: Objection, Your Honor. We need a proffer.  
22 I don't know what she's going --

23 THE COURT: Come forward.

24 (Off-the-record discussion at sidebar)

25

1 Q I want to talk about when you took Genesys to work on  
2 May 2nd. Was the defendant there?

3 A The defendant was there.

4 Q Is this morning-time that you're taking her to work or  
5 afternoon or --

6 A This is morning-time.

7 Q Okay. And he was living at the apartment at that time?

8 A He was. He was still there.

9 Q And at that point did you go upstairs --

10 A I did.

11 Q -- or did you meet your sister at the door?

12 A I went upstairs. She was taking too long and I was pressed  
13 for time because I had to be at work, so I went upstairs to see  
14 what was going on. And I was told they were arguing, so I had to  
15 sit down with them to see what was going on. And then the end of  
16 the conversation was he was leaving, and that was it, he was  
17 gonna move out.

18 Q All right. Did you take your sister to work after that?

19 A I did.

20 Q Do you know how she got home from work?

21 A My younger sister took -- picked her up from work that  
22 evening.

23 Q Now, at some point do you recall coming back to that house  
24 later on that week?

25 A No.

1 Q At any point did you come back to that house and -- making  
2 clear that I understand the Court's ruling -- to spend the night?

3 A I did. I did come back, and I spent the night.

4 Q And was the defendant there when you spent the night?

5 A He was gone when I first got there, but then he came, and I  
6 want to say he left back out.

7 Q When you arrived there to spend the night who was there?

8 A My sister, the kids, and the police.

9 Q Now, you spent the night that night. What did you do the  
10 next day?

11 A Got the kids, I took Genesys to work, and me and the kids  
12 went to where I was staying.

13 Q You've taken the kids to work -- or, I'm sorry. Where did  
14 you take the children?

15 A No. Sorry. I took Genesys to work.

16 Q Okay.

17 A And the kids went with me to my house.

18 Q All right. And where did Genesys work?

19 A Spectrum.

20 Q Which Spectrum?

21 A The one located off of Butler Road in Simpsonville.

22 Q Now, you reference you took the kids. What kids are we  
23 talking about?

24 A Her two children, and my child was there. That's all.

25 Q Let's talk about her two children. How old are they?

1 A The oldest is four. The youngest is now two.

2 Q And do you know the fathers of those two children?

3 A Yes.

4 Q Who is the father of the four-year-old?

5 A Qyantez McGowan [ph].

6 Q And who is the father of the two-year-old?

7 A Akevius Lind -- Lindsey. Excuse me.

8 Q Now, how old was your sister?

9 A I want to say she was 17.

10 Q When she passed, do you know how old she was, or are you

11 certain she was 17?

12 A Yes. She was 17 when she passed. Yes, ma'am.

13 Q Could she have been 18?

14 A I believe she turned 18 later that year.

15 Q Okay. Now that we have you with her babies and your baby

16 and she's at work, do you know how she got home that day?

17 A I'm not sure.

18 Q If you don't know, that's fine.

19 A I'm not sure.

20 Q On any occasion did the defendant speak with you through

21 Facebook Messenger?

22 A Yes.

23 Q What is your Facebook handle?

24 A I believe it's Kyrah Monet, my first name and my middle

25 name.

1 Q And what, if anything, would you all have talked about  
2 regarding anything on Facebook?

3 A So the day that this happened, his grandmother came to my  
4 house and was looking for him, and so I reached out to him on  
5 Facebook and asked where he was, explaining to him that his  
6 grandma was here and she was worried about him. Do you want me  
7 to go on with the conversation?

8 Q Let's be careful. In that conversation did he reference he  
9 knew he needed to move out?

10 A Yes.

11 Q Was the night that you spent the night with Genesys the last  
12 time you saw her?

13 A No. It was days before, but the night -- the morning before  
14 the incident is when I took her to work. Yes, ma'am.

15 Q I apologize. Was the day that you took her to work the last  
16 day you saw her?

17 A Yes.

18 Q Now, what were your plans this weekend with her, if any?

19 A I believe that was the weekend my relatives were in town,  
20 and we were planning on taking my grandmother out and just all  
21 spending time with her.

22 Q Now, why would you be taking your grandmother out this  
23 particular weekend?

24 A I want to say it was around Mother's Day.

25 Q And what was the plan for Mother's Day?

1 A To all either have a cookout or take her out to eat. We  
2 were still deciding.

3 Q And where does that grandmother live?

4 A In Clinton.

5 Q Were you in charge of getting her to your grandmother's  
6 house for the Mother's Day event?

7 A Not that particular day, no.

8 Q The Jasmine Cove apartment that she was living in, were you  
9 there when she first moved in?

10 A Yes.

11 Q Okay. And she moved in and was living there with the  
12 defendant, Akevious Lindsey?

13 A Correct.

14 Q How many bedrooms is in that apartment?

15 A Two.

16 Q And to your recollection, are the bedrooms side by side or  
17 are they far apart?

18 A They're far apart.

19 Q What's in between them?

20 A The living room and the kitchen.

21 Q So when you first enter the apartment what do you see?

22 A The kitchen.

23 Q Do you come straight into the kitchen, or do you go up any  
24 stairs?

25 A You go up stairs. There's a -- go upstairs, the master

1 bedroom's on the right-hand side, and the kitchen's directly in  
2 front of you.

3 Q Now, you said the master bedroom's on the right-hand side  
4 right up the stairs?

5 A Yes.

6 Q And when they first moved in who lived in that master  
7 bedroom?

8 A They both did at first.

9 Q Okay. And what about that second bedroom on the other side  
10 of the kitchen, who lived there?

11 A The children. That's was children's room, the girls' room.

12 Q Now, at some point did that layout change about who lived  
13 where?

14 A Yes.

15 Q And how do you know that?

16 A Everything from the girls' room was in the master bedroom,  
17 and I believe he -- well, I know he had a bed or a blow-up  
18 mattress and all of his belongings in what was the children's  
19 room.

20 Q Do you know when they would have switched bedrooms like  
21 that?

22 A Not exactly, no.

23 Q So to be clear, the master bedroom right off the stairs, the  
24 last time you were there, who was living in that master bedroom?

25 A Genesys and her children.



1 Q Okay. And the other bedroom on the other side of the living  
2 room, who was living in that bedroom?

3 A That was Akevius's room.

4 Q Were they no longer living in the same bedroom --

5 A Correct.

6 Q -- at the end?

7 A Yes, ma'am.

8 Q Answer any questions defense counsel may have for you.

9 THE COURT: All right. Cross.

10 ATTORNEY MESSER: No questions for this witness, Your Honor.

11 THE COURT: All right. You may step down. Thank you. Next  
12 witness.

13 SOLICITOR SCOTT: Your Honor, the State calls Azaliah Rice.

14 AZALIAH RICE,

15 having first been duly sworn, is examined and testifies as  
16 follows:

17 CLERK OF COURT: Please state your full name for the record.

18 THE WITNESS: Azaliah Alyse [ph] Rice.

19 **DIRECT EXAMINATION**

20 BY SOLICITOR WESTFIELD:

21 Q Azaliah, can you spell your name out for the record?

22 A A-z-a-l-i-a-h.

23 Q Okay. And thank you for being here. Now I want to jump  
24 right into the day, okay. How do you know Genysis?

25 A That's my sister.

1 Q Sister. Is she your older sister?

2 A Yes, ma'am.

3 Q And if you can recall, when was the last time you saw  
4 Genesys?

5 A The night of -- well, the morning of the day.

6 Q So it was May 6?

7 A Yes, ma'am.

8 Q And we heard your sister Kyras testify that you had picked  
9 Genesys up from work on the day before. Is that correct?

10 A Yeah.

11 Q That would be May 5th, correct?

12 A Yes, ma'am.

13 Q And take your time, okay, I know it's a lot. What did you  
14 and Genesys do that day? When you picked her up from work, what  
15 did you guys do that day?

16 A I was taking her to get groceries.

17 Q Okay.

18 A That's basically all we was doing. Just hanging out. We  
19 got groceries, and then got food and went back to the house.

20 Q You went back to the house. Were you going to stay there  
21 with her or were you going back home?

22 A Yes, ma'am. I spent the night.

23 Q Now, when you spent the night with her in her apartment that  
24 night who was there with you two?

25 A It was just us two.

1 Q Just you all two just hanging out?

2 A Yes, ma'am.

3 Q So the defendant wasn't there?

4 A No, ma'am.

5 Q Now, when you were with her that day do you recall any of  
6 the defendant's things being in the apartment?

7 A Yes.

8 Q Okay, so he still had things there?

9 A Yes.

10 Q All right. Do you recall, if anything that night, if the  
11 Ring doorbell was up?

12 A No, ma'am.

13 Q It wasn't up, okay. Were you looking for it to be up, or?

14 A We noticed that, we both noticed that, it wasn't up when we  
15 first walked in. And then we found it on the counter. Kind of  
16 just like, shrugged it off at first.

17 Q Okay. So you found it on the counter?

18 A Yeah. Well, we was both shocked. Well, I was, and then I  
19 asked her about it, and she was just like, I didn't. But she  
20 said he probably did it, but.

21 Q So you found the Ring camera on the counter. Was there  
22 anything else that you couldn't recall that was kind of just out  
23 of place or not normal?

24 A Well, she went in her room, and ... well, we both went in  
25 her room and saw a bottle on her bed which she was shocked about,

1 but we just moved on to the living room and we just hung out.

2 Q Now I want to go back to you taking her to work, okay. So  
3 was her car not working?

4 A Yeah. Her car wasn't -- I believe it was in the shop at the  
5 time.

6 Q Okay. Now, was it normal for others to get her back and  
7 forth to work?

8 A Yes, ma'am.

9 Q Okay. Is there anyone that she knows that gets her back and  
10 forth to work other than, I'm assuming, yourself and your sister?

11 A Yeah.

12 Q Who else would take her to work?

13 A Well, when her friend was around she would bring her back  
14 and forth to work.

15 Q Her friend, meaning her?

16 A Her close friend.

17 Q Her close friend?

18 A Yeah.

19 Q Okay. Now take your time with this, okay. So you spend the  
20 night, okay. Describe how your day started on May 6 --

21 A Uhm ...

22 Q -- that Saturday?

23 A -- it was basically normal.

24 Q Did you take her to work?

25 A Yes, ma'am.

1 Q Okay, you did take her to work. Was there anything -- when  
2 you took her to work was there anything unusual about the place  
3 with the Ring camera?

4 A It was still down.

5 Q Was still down. Okay.

6 A Yeah.

7 Q Now, were you going to pick up Genesys on that day? Were  
8 you going to pick her up from work that day?

9 A No. Her best friend was picking her up that day from work.

10 Q Now, did she and her best friend, that you recall, have any  
11 plans after you she picked her up?

12 A Yeah. They was -- she texted me and told me that they were  
13 at the mall, and she asked me to come hang out with her, but I  
14 was with my mom. And then she told me that she's going to go to  
15 Clinton with my grandmother and the babies to spend Mother's Day  
16 with them.

17 Q What other plans did you have for May 6th?

18 A None, honestly. After I got back home earlier that the  
19 night my best friend called me and told me to meet him to go get  
20 food, so we was going to go out to get food.

21 Q Who's your best friend?

22 A Lonnie.

23 Q You guys want to go out and get food, okay. Did you speak  
24 with Genesys later on that night?

25 A Yeah. She called me, she FaceTimed me.

1 Q She FaceTimed you?

2 A Yes, ma'am.

3 Q Can you recall about what time you guys spoke?

4 A Not exactly. It was -- I believe it was around 10:00 or  
5 11:00.

6 Q Do you recall how long you might have spoken, spoke with  
7 her?

8 A Only a few minutes cause she was rushing me to come.

9 Q Okay. Okay. And why was she rushing you to come?

10 A She was kicking Akevious out because she said that she was  
11 tired of him and there was just too much going on.

12 Q All right. When you talked to her on FaceTime what was --  
13 never mind. You already answered that. You said that she was  
14 moving out some of Akevious's things when you talked to her on  
15 FaceTime, correct?

16 A Yes, ma'am.

17 Q Who was helping her move those things out?

18 A Nobody.

19 Q Nobody.

20 A She called me to help.

21 Q Okay. And when did you leave to go to her apartment?

22 A Like a few minutes after I called Lonnie to tell him that we  
23 was going over there.

24 Q Did you call her when you were on your way there?

25 A Yeah. Yeah, I tried to call her.

1 Q Did she answer?

2 A No.

3 Q Where did Genesys live?

4 A Jasmine Cove in Simpsonville.

5 Q And where were you coming from?

6 A Caledon Court in Greenville.

7 Q In Greenville?

8 A Yes, ma'am.

9 Q Now, how long did it take you to get there?

10 A It's like 15-, 20-minute drive.

11 Q Fifteen, 20 minutes, okay. Did you make any stops along the  
12 way?

13 A No, ma'am.

14 Q Now, who else did you call before you arrived at Genesys's  
15 apartment?

16 A Nobody besides Lonnie.

17 Q Nobody beside Lonnie?

18 A Yes, ma'am.

19 Q Who rode with you there?

20 A Nobody.

21 Q Nobody. And you said Lonnie was going to meet you there?

22 A Yes, ma'am.

23 Q So he was driving a separate car?

24 A Uh-huh.

25 Q I understand. Okay. Now, can you recall what time you both

1 might have arrived there?

2 A Uhm, I don't remember the time.

3 Q That's fine. Now, when you arrived at her apartment and  
4 entered the apartment what do you immediately see?

5 A We see the stuff outside --

6 Q Uh-huh.

7 A -- and we just walked in because the door was unlocked.

8 Q So before you get to the door of the apartment what do you  
9 do with some of the things that you see?

10 A I just walked up the walkway to the apartment, and ... what  
11 do you mean?

12 Q You said you see Akevious's things?

13 A Yeah. His things are outside.

14 Q What, if anything, did you do with his things when you saw  
15 them?

16 A Just moved them around and walked in.

17 Q Moved them around, okay. So did you notice if the Ring  
18 camera was back up?

19 A Yeah, it was.

20 Q What did you do when you saw the Ring camera back up?

21 A I played in it like I usually do before I go upstairs to  
22 her.

23 Q And why do you play in it, are you --

24 A Just to let her know that I'm coming up.

25 Q Right, let her know you're coming?



1 A Yes, ma'am.

2 Q All right. Azaliah, I'm going to be handing you what had  
3 been premarked as State's Exhibit No. 12. Do you know who that  
4 person is?

5 A Yeah.

6 Q Who is it?

7 A My sister Genes- ...

8 Q Can you say it?

9 A Genesys.

10 Q Genesys, okay.

11 SOLICITOR WESTFIELD: Let the record reflect, Your Honor,  
12 that Azaliah has identified her sister Genesys. State's Exhibit  
13 No. 12. Sorry.

14 Q Take your time, okay. I am handing you what's been marked  
15 as State's Exhibit No. 13. Can you let me know who those people  
16 are?

17 A Me and Lonnie.

18 Q You and Lonnie?

19 A Uh-huh.

20 Q Okay.

21 SOLICITOR WESTFIELD: Your Honor, we move to enter State's  
22 Exhibit No. 13 into evidence.

23 THE COURT: All right. Any objection to State's Exhibit 13?

24 SOLICITOR WESTFIELD: Your Honor, I'm going to proffer for  
25 evidence some information.

1 THE COURT: All right.

2 Q Can you tell the Court, Azaliah, where are you and Lonnie  
3 are located?

4 A At the front door.

5 Q Okay. Can you tell us what's down at the front door, if you  
6 can?

7 A Looks like baskets. There was a basket, like tubs, with  
8 stuff in it.

9 Q Tubs of what?

10 A Clothes and stuff.

11 Q Okay.

12 SOLICITOR WESTFIELD: Your Honor, the State moves to enter  
13 Exhibit 13 into evidence.

14 THE COURT: All right. Any objection?

15 ATTORNEY MESSER: Your Honor, we need more of a foundation  
16 for when it was taken that night and, I believe, what it is.

17 Q Azaliah, is this an accurate and true depiction of you and  
18 Lonnie --

19 A Yes, ma'am.

20 Q -- in the Ring camera?

21 A Yes, ma'am.

22 Q Okay.

23 THE COURT: All right. Any objection?

24 ATTORNEY MESSER: No, Your Honor.

25 THE COURT: All right. State's Exhibit 13 is admitted into

1 evidence, without objection.

2 (State's Exhibit 13 is admitted into the record.)

3 SOLICITOR SCOTT: Permission to publish, Your Honor --

4 THE COURT: Yes, ma'am.

5 SOLICITOR SCOTT: -- State's Exhibit No. 13.

6 Q So again, Azaliah, can you state to the Court who is this  
7 we're looking at?

8 A Me and Lonnie.

9 Q Okay. And what's at the front door?

10 A The tubs of clothes.

11 Q And it looks like there's something behind you. What is  
12 that behind you?

13 A I think that's the big, you know, those juice water jugs.

14 Q Okay. Now, how did you get inside the apartment?

15 A The door was unlocked.

16 Q The door was unlocked?

17 A Yes, ma'am.

18 Q And take your time here. Tell us what happened when you  
19 went inside?

20 A We walked upstairs, and I was yelling for her but I didn't  
21 hear nothing so I figured she was like in the room or something  
22 moving her stuff.

23 Q Can I stop you there.

24 A Yes.

25 Q You said you're yelling for her. What's the, I guess what's

1 the, atmosphere like in there when you're going up those steps?

2 A I really wasn't thinking of nothing. I was just ...

3 Q How were you feeling?

4 A Ready to bother her, basically.

5 Q Okay. You can continue.

6 A Yes, ma'am. I go up the stairs, and, uhm ...

7 Q Take your time.

8 A -- I walked to the door and I see her laying down with a  
9 pillow over her head, but when I first got back into where her  
10 foot looked like, I couldn't tell ... but I moved the pillow, and  
11 I seen her face.

12 Q Can I go back and ask, when you go up the stairs, where is  
13 the bedroom in position of going up the stairs?

14 A It's to the right. As soon as you get up the stairs it's to  
15 the right.

16 Q And you said you went into the room. Did you have to twist  
17 a knob, or?

18 A It was like, no, I didn't have to twist it. It wasn't fully  
19 closed. But it was right there.

20 Q And you see her lying on the bed?

21 A Uh-huh.

22 Q And you see a pillow over her face?

23 A Uh-huh.

24 Q Is there anything you do?

25 A I went -- I went, I walked up, and I moved the pillow, and

1 that's when I seen.

2 Q And at that moment when you see her in that condition what  
3 do you do?

4 A I dropped to the floor.

5 Q Take your time.

6 A I dropped to the floor and I was hollering, and I called my  
7 mom screaming, and I hung up on her and called the cops.

8 Q Now, when you were making these calls do you leave your  
9 sister's side?

10 A (Nods in the negative.)

11 Q And you're still holding on to her leg?

12 A Yes, ma'am.

13 Q Did Lonnie come into the bedroom as well?

14 A He didn't walk all the way in the room.

15 Q Okay.

16 A He ran down the stairs as soon as I moved the pillow.

17 Q And how long do you stay in there with Genesys?

18 A I don't really remember. I think right after I hung up the  
19 phone with the cops I looked for Lonnie.

20 Q Okay. And did you see the defendant that night?

21 A No, ma'am.

22 SOLICITOR WESTFIELD: Nothing further. Please answer any  
23 questions the defense might have.

24 THE COURT: All right. Cross.

25 ATTORNEY MESSER: No questions, Your Honor.

1 THE COURT: All right. You may step down.

2 THE WITNESS: Thank you.

3 THE COURT: All right, ladies and gentlemen. We're going to  
4 take our afternoon break, so please don't discuss the case, and  
5 I'll bring you back out here in a bit.

6 (Jury escorted out of the courtroom at 4:04 p.m.)

7 (Court recessed at 4:02 p.m. and reconvened at 4:22 p.m.,  
8 without the jury present.)

9 THE COURT: All right. Bring the jury.

10 (Jury seated in the courtroom at 4:25 p.m.)

11 THE COURT: All right. Next witness.

12 SOLICITOR SCOTT: The State calls Lieutenant Kellett.

13 THOMAS JASON KELLETT,

14 having first been duly sworn, is examined and testifies as  
15 follows:

16 CLERK OF COURT: And please state your full name for the  
17 record.

18 THE WITNESS: Sure. Thomas Jason Kellett.

19 **DIRECT EXAMINATION**

20 BY SOLICITOR SCOTT:

21 Q All right. Where do you work?

22 A The Simpsonville Police Department.

23 Q How long have you worked there?

24 A Fourteen years.

25 Q And what is your position there?

1 A I am currently a lieutenant over one of the four road  
2 shifts.

3 Q Well, what are your duties as a lieutenant?

4 A I am the lead watch commander for the shift. I am  
5 responsible for the day-to-day operations of the shift that I,  
6 the shift that I am assigned to.

7 Q Were you working in that capacity as lieutenant in May of  
8 2023?

9 A Yes, ma'am.

10 Q Were you dispatched to a residential area on [REDACTED]  
11 Circle in May of 2023?

12 A Yes, ma'am, I was.

13 Q So is that an apartment complex, a single-family  
14 neighborhood? What is this out there?

15 A Jasmine Cove is an apartment complex on Harrison Bridge Road  
16 in Simpsonville.

17 Q Is that in Greenville County?

18 A Yes, ma'am, it is.

19 Q Now, what caused you to go out to Jasmine Cove?

20 A We responded out there that evening for a murder  
21 investigation.

22 Q Where were you around that time when you got the dispatch to  
23 go out there?

24 A I was on Harrison Bridge Road near a business called Clemson  
25 Eye which is just, I would say, not even a half a mile from the

1 entrance of Jasmine Cove Apartments.

2 Q All right. Would it be fair to say you were the first to  
3 arrive out there?

4 A Yes, ma'am.

5 Q What time did you arrive?

6 A It would have been ...

7 ATTORNEY MESSER: Your Honor, for the record, let the record  
8 reflect he's refreshing his recollection with his report.

9 THE COURT: All right.

10 A I believe it was sometime after 11:00 p.m. My body-camera  
11 footage would have the exact timestamp.

12 Q All right. Let's first talk about what you have with you.  
13 When you go out to calls do you generate a report documenting the  
14 steps that you took while you were out there?

15 A Yes, ma'am, I do.

16 Q And you do that in some type of supplemental report?

17 A Yes.

18 Q And do you have that with you today?

19 A I do. That's what's right here.

20 Q All right. And you can feel to refer to it if you need to.

21 A Thank you, ma'am.

22 Q Now let's talk about this area here. You said that you  
23 would be able to refer to when you arrived on scene by looking at  
24 your body-worn camera?

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



1 Q That means you were wearing body-worn camera?

2 A Yes, ma'am.

3 Q Now, were you familiar with the Jasmine Cove complex? Was  
4 that part of your beat?

5 A Yes, ma'am, it is.

6 Q Now, given that you were by the Clemson Eye and close to  
7 Jasmine Cove what did you do when you arrived there as you're  
8 going there?

9 A Considering the nature of the call, I began looking for any  
10 vehicles or people that were fleeing the scene. Typically with  
11 something like this they'll leave at a high rate of speed. I did  
12 not observe anybody doing that when I arrived, though.

13 Q Now, once you get to the complex, like the parking lot, what  
14 did you do?

15 A I continued to look for any signs of anybody that looked  
16 like they were trying to flee the area as I went and got on  
17 scene.

18 Q Did you encounter anybody in the parking lot?

19 A Only the two people that had placed the call to the  
20 Simpsonville Police Department.

21 Q What was the gender of the two people that placed the call?

22 A One was a male and one was a female. They were the ones  
23 that were outside.

24 Q What was the male and female doing when you encountered  
25 them?

1 A The male was relatively, I'll say, calm compared to the  
2 female. The female was hysterically screaming. In fact, when I  
3 exited my vehicle she screamed out, She's in there. She's dead.

4 Q So when you hear that what do you do?

5 A I began proceeding to the apartment that we were sent to,  
6 which came out to us as [REDACTED] Circle instead of [REDACTED]  
7 [REDACTED] Circle, which was the actual incident location.

8 Q And for reference, is [REDACTED] before you get to [REDACTED] or after  
9 you get to [REDACTED]?

10 A It's after it. You have to pass [REDACTED] to get to [REDACTED].

11 Q How did you get to [REDACTED] then?

12 A I went and went down a small set of stairs right there that  
13 leads down to the walkway that goes to that set of apartments. I  
14 initially proceeded past the apartment [REDACTED] and checked [REDACTED],  
15 which is where I was sent to. When -- I believe nobody -- I  
16 believe nobody was home when I went there. Yep. Yep. When I  
17 got to [REDACTED] it was locked with no lights on inside.

18 I then went back to the two people that were, that I had  
19 first encountered in the parking lot, and asked them for  
20 clarification. That's when I was told no, it's actually [REDACTED].

21 Q Now, did one of those people take you to [REDACTED]?

22 A The male did, yes.

23 Q And did you and the male enter into the apartment together?

24 A We did initially. He accompanied me to the top of the  
25 stairs, and when you come to the top of the stairs in the landing

1 there's a bedroom that's immediately to your right. He pointed  
2 in that bedroom, and then told me he couldn't -- he couldn't stay  
3 in the apartment. So I directed him to go back outside.

4 Q Now, did you go into that bedroom that was right off the  
5 stairs?

6 A Yes, ma'am, I did.

7 Q And what did you observe upon entering that bedroom?

8 A When I came into the bedroom I observed the victim, it was  
9 Genysis Rice, laying on the bed, and it was clear that she had  
10 been shot in the head.

11 Q Referring to your report, do you know what side she was  
12 laying on when she was laying on the bed?

13 A She was laying on her left side.

14 Q Okay. Did you notice any injury to her?

15 A She had -- there were massive amounts of blood on the bed  
16 under her head, as well as she had brain matter on the pillows  
17 and the bedding, the place where she had been shot in the head.

18 Q Now, was there anyone in the room there with her when you  
19 went to her?

20 A No.

21 Q Did you look around the house?

22 A I did. After encountering her, I then did what we call a  
23 protective sweep where I checked the remainder of the apartment  
24 for anybody else that could be trying to hide inside and found  
25 nobody else in the apartment.

1 Q You reference that you worked with the Simpsonville Police  
2 Department for 14 years.

3 A Yes, ma'am.

4 Q Have you worked on homicide cases before?

5 A I have.

6 Q How many, roughly?

7 A I would say three or four. Thankfully they're not that  
8 common in Simpsonville.

9 Q Now, when you encountered her body did you touch it in any  
10 way?

11 A I did. I felt her body with the back of my hand to see if  
12 she -- to see what her body temperature felt like. She was still  
13 warm to the touch which indicated to me that this would have been  
14 a fairly fresh occurrence.

15 Q Now, given that you saw a wound to her head, did you check  
16 for any weapons around her?

17 A I did. My first thought was that this could have possibly  
18 been self-inflicted, so that's one of the first things we do, is  
19 check the area to see if there's any weapons. I did not locate  
20 any, any firearm, or any weapon for that matter, in the vicinity  
21 around her body.

22 Q Now, you didn't find a firearm, but did you find anything  
23 that would be associated with a firearm like firearm gear?

24 A I did. Over near the doorway of the bedroom there was a gun  
25 case for a pistol that was on the floor. I did check that gun

1 case to see if the gun was in there. There was only one magazine  
2 in there. The firearm itself was missing.

3 Q Okay. Now, had you been in that apartment before?

4 A I have.

5 Q One second. I'm handing you what's been premarked as  
6 State's Exhibit 14 and 15. Do you recognize who is in the  
7 photograph of 14?

8 A That is a picture of myself and the victim, Genesys Rice.

9 Q All right. Is that a true and accurate depiction of  
10 yourself --

11 A Yes, ma'am.

12 Q -- and Genesys Rice?

13 A It is.

14 Q And State's Exhibit 15, do you recognize this photograph?

15 A I do. That is also the victim, Genesys Rice.

16 Q Now, when was the date that you said that you've been to  
17 that apartment, or according to these photographs?

18 A According to the timestamp on there it would have been  
19 May 2nd.

20 Q What time?

21 A At 11:25 p.m.

22 Q Now, this particular time that you were there, were you with  
23 another officer?

24 A I was. That would have been Officer Ryan Kayer.

25 Q Do you all typically wear body-worn camera when you go out

1 to calls?

2 A Yes, ma'am.

3 Q And just for the record, this particular still shot is from  
4 whose body-worn camera?

5 A That would have been Officer Kayer's body-worn camera.

6 Q But you were there?

7 A I was.

8 Q In fact, is that you again in State's 14?

9 A It is.

10 SOLICITOR SCOTT: At this time the State would like to enter  
11 Defendant's Exhibit 14 and 15, as photographs, or still shots.

12 THE COURT: All right. Any objection?

13 ATTORNEY MESSER: Defense renews the previous objection,  
14 Your Honor.

15 THE COURT: All right. Overruled. State's Exhibits 14 and  
16 15 are admitted into evidence, over objection.

17 (State's Exhibits 14 and 15 are admitted into the record.)

18 SOLICITOR SCOTT: All right. This is State's Exhibit 14,  
19 for the record.

20 Q Would you point to the screen where you're located?

21 A I am in the background right there.

22 Q And then you mentioned had Genesys was in the photograph.  
23 Could you go ahead and point to her?

24 A She's right there.

25 Q What is she doing there, sir?

1 A She is currently writing a statement.

2 Q Okay. Now I'm going to show you State's Exhibit 15. Who is  
3 that there?

4 A That is also Genesys Rice.

5 Q What's she holding in her hand?

6 A Her statement form.

7 Q And what is the color of that statement form?

8 A Yellow.

9 Q All right. Now, given that you were there, who was she  
10 writing the statement against?

11 A She was writing a statement against Akevious Lindsey.

12 ATTORNEY MESSER: Your Honor, defense renews the previous  
13 objection.

14 THE COURT: All right. Overruled.

15 Q Oh, let me go ahead and do the time on this again. Sorry.  
16 One more time. The date that you referenced, you're getting that  
17 from here, could you say that for the Court?

18 A May 2nd, 2023, and that is 11:25 p.m.

19 Q Do you recall, when someone writes a statement, that yellow  
20 copy, who does that belong to?

21 A The victim, or the person filling out the statement.

22 Q Is that a carbon copy, or is that how the paper is, it's  
23 just yellow?

24 A The yellow copy is a carbon copy.

25 Q The original copy is what color?

1 A White.

2 Q And who keeps that color?

3 A We do, the police department.

4 Q What's the purpose of providing someone with a copy of their  
5 statement?

6 A That way they have a copy of what they wrote, and there can  
7 be no question about what they wrote because it's carbon copy.

8 Q And is that standard practice for the Simpsonville Police  
9 Department, that when they take a statement of any kind, that  
10 they give the yellow copy to the author of the statement?

11 A Yes, ma'am.

12 Q And also, do you all generally have them write those  
13 statements or do you write them for them?

14 A Unless there is some reason they physically cannot write the  
15 statement, yes, they write it themselves.

16 Q And do you witness their signatures when you get these  
17 statements?

18 A Yes, ma'am. An officer signs the bottom portion before it's  
19 separated.

20 Q And what's the purpose of witnessing a signature that  
21 someone has written in front of you?

22 A So you can testify that it was not -- or, that it was given  
23 freely, voluntarily, there was no coercion, and it's a true and  
24 accurate reflection of that statement.

25 Q Now, when you were at the apartment on this day, that



1 May 2nd, was the defendant there?

2 A No, ma'am.

3 Q Was she alone? Did she have anyone with her?

4 A I believe her children were there with her. There may have  
5 been somebody else there with her, too. I don't recall.

6 Q Now, going back to the fact that you've been to this  
7 apartment complex before, did you share that information with the  
8 officers on scene?

9 A I did.

10 Q And while you're on scene -- now we're back to May 6,  
11 okay --

12 A Uh-huh.

13 Q -- did you see the defendant, Akevious Lindsey, there?

14 A No, I did not.

15 Q So what steps did you take to locate him?

16 A I was providing a VAA tag number for the vehicle that he was  
17 driving or had access to, and I actually put that vehicle's tag  
18 number into our city's license plate reader system.

19 Q Okay. Aside from the tag number, did you do anything else?

20 A I was also provided a phone number for Akevious Lindsey. I  
21 was provided that phone number by Corporal Coffman. And I had  
22 dispatched him to ping that phone number to get a location on  
23 where it was.

24 Q And then aside from doing the ping and the license-plate  
25 tag, did you do anything on foot to find him?

1 A We canvassed the other apartments nearby trying to see if  
2 anybody else had heard or seen anything, heard any kind of  
3 arguing, or maybe they had heard the incident when it happened.

4 Q Now, you say "we" so is this a team effort that you all are  
5 doing out there?

6 A It is. There were several of us out there.

7 Q Let's talk about any of the neighbors that you spoke to.  
8 Did you go to a particular neighbor and speak with anyone?

9 A I spoke -- let me find it in here. I spoke with somebody at  
10 [REDACTED] Circle. It was a male. And I asked him if he  
11 had heard anything during the evening regarding his neighbors at  
12 [REDACTED]. He told me that he had heard arguing earlier in the  
13 evening but nothing else.

14 Q You weren't able to pinpoint what type of argument he even  
15 heard?

16 A No.

17 Q Okay. When you came out on scene you referenced that there  
18 was Azaliah screaming hysterically.

19 A Yes, ma'am.

20 Q Was there any other commotion outside?

21 A As the incident went on several other family members began  
22 to arrive, and it just, it continued to get more and more hectic  
23 from there, obviously, because of what's just occurred.

24 Q And to be clear, you said family members. Are these family  
25 members of the deceased, Genesys --

1 A Yes.

2 Q -- her family started to arrive?

3 A Yes, they are.

4 Q What were they doing when they were there?

5 A They were panicked, they were crying, screaming, they were  
6 very distraught over what occurred.

7 Q All right. Now going back to the license-plate reader that  
8 you had the tag put into, what is the purpose again of that? Is  
9 that nationwide, statewide? What do you do with that?

10 A The license-plate reader system that we use is, I think it's  
11 12 or 13 cameras that we have all over the city, the purpose is  
12 to recognize license plates that are associated with stolen  
13 vehicles, people that have warrants. It can even recognize  
14 people -- or tag numbers that are associated with missing or  
15 endangered people.

16 In this particular instance the purpose of entering that tag  
17 number into the system was so if that vehicle passed one of those  
18 cameras officers would be alerted to where that vehicle was.

19 Q Now, were you able to determine if he was even using that  
20 vehicle that day?

21 A No. Uh-uh. I was simply advised that that was -- that was  
22 a vehicle that was associated with him.

23 Q Is it fair to say that you're just, at that point, searching  
24 for anything that's associated with him to find him?

25 A Yes.

1 Q So let's talk about the pings again. How do you initiate a  
2 ping when you're out on scene of someone's location?

3 A They have to be done by our dispatch center. I provide a  
4 dispatcher with the phone number associated, or with the phone  
5 number, and they, they research what carrier the phone number  
6 goes to, and then have that carrier initiate the ping.

7 Q And just in case -- I think we've got a pretty adult jury --  
8 but in case, what is a ping?

9 A A ping is a cellphone's location. So every -- phones do it  
10 at different rates. Some do it every 10 minutes, some do it  
11 every 30 minutes, but it's updating the phone's location by GPS  
12 and cell towers.

13 Q What were some locations that you were provided that that  
14 phone was pinging on by dispatch?

15 A It pinged to two different areas that I was, or two  
16 different addresses that I was, given. One was [REDACTED]  
17 Boulevard in Fountain Inn, and the other was [REDACTED] Drive in  
18 Fountain Inn.

19 Q What do you know, if anything, about [REDACTED]  
20 Boulevard in Fountain Inn?

21 A That, I know nothing about, other than it's a simply an  
22 residence.

23 Q Do you know if it's a single-family residence, a wooded  
24 area, an apartment complex, anything?

25 A I believe when I looked up pictures of it beforehand it was

1 some type of wooded area.

2 Q All right. What about the [REDACTED] Drive location?

3 A That is a residence. Now, whether it's single story or  
4 multistory, I couldn't tell you off the top of my head without  
5 seeing a picture of it again but, yes, that's a residence.

6 Q Now, while you're having these different locations ping what  
7 else did you do while you were out there on the scene?

8 A So I simply provided additional scene security while we were  
9 still there. I also took those two locations that the phone,  
10 that I was provided with the phone ping, and I provided them to  
11 Sergeant Landreth who was the sergeant working that night at the  
12 Fountain Inn Police Department for him to see if they can go  
13 check those areas for us.

14 Q You referenced now Laurens County. Did you say Sergeant  
15 Landreth's from where?

16 A Fountain Inn Police Department.

17 Q Fountain Inn. I'm sorry. Okay. How many agencies did you  
18 employ at that point while you were out on scene? I've heard  
19 about Fountain Inn. Any other agencies that you all --

20 A Both of those locations were within Fountain Inn city  
21 limits, so those were the ones -- or, the Fountain Inn Police  
22 Department was the one that I called.

23 Q How long did you stay out there that night?

24 A It was several hours. I don't recall exactly what time we  
25 left.

1 Q Were you there when they removed her body from the  
2 apartment?

3 A I was.

4 Q Okay. Now, later that day did you have any other  
5 involvement with this case? Did you go anywhere else, sir?

6 A I did not. Other officers did, but I did not go anywhere  
7 else.

8 Q Okay. One moment, please. While you were on scene did you  
9 notice if any the defendant's family members came out there?

10 A The grandmother came out there.

11 Q And you saw her there?

12 A I did.

13 Q Other officers talked with her, but you did see her there?

14 A Yes, I did see her there.

15 Q At any point did you see the defendant there?

16 A No. I did not see the defendant there anytime.

17 Q Answer any questions defense counsel has for you.

18 THE COURT: All right. Cross.

19 **CROSS-EXAMINATION**

20 BY ATTORNEY MESSER:

21 Q Were you the first officer to arrive on scene?

22 A I was.

23 Q And you said earlier in your testimony that you found a gun  
24 case in the room where Ms. Rice was found.

25 A Yes. That's correct.

1 Q And it was empty?

2 A Other than the magazine, yes.

3 Q And you mentioned during your testimony today that you had  
4 spoken with a neighbor; is that right?

5 A Yes.

6 Q And that neighbor had said that he had heard arguing; is  
7 that right?

8 A Yes.

9 Q Now, you've been in this courtroom -- is it all day, or?

10 A Since the afternoon, since you returned from lunch.

11 Q And have you seen that neighbor take the stand?

12 A No.

13 Q You're a law enforcement officer. How long have you been  
14 one?

15 A Fourteen years.

16 Q And in that 14 years, do you -- do you work on a beat or do  
17 you do more investigations?

18 A I work the road so, yes, beat work.

19 Q So you do a lot of ticket writing?

20 A Sometimes.

21 Q And you take people to jail?

22 A Yes, ma'am.

23 Q Now I want to talk about this report that the State brought  
24 in. Do you recognize that --

25 A Yeah.

1 Q -- one that you were speaking of? So you were present  
2 whenever she wrote that report?

3 A I was.

4 Q And you became aware in your investigation that she lied on  
5 that report?

6 A I was told that she called in to us trying to recant what  
7 she wrote.

8 Q What does recant mean?

9 A To take back.

10 Q Okay. And she said it didn't happen?

11 A She attempted to. Yes.

12 ATTORNEY MESSER: Thank you. No further questions.

13 THE COURT: All right. Any redirect?

14 **REDIRECT EXAMINATION**

15 BY SOLICITOR SCOTT:

16 Q Well, Officer Kellett, did she say all of it didn't happen?

17 A She said part of it didn't happen.

18 Q So she cited something happened?

19 A Yes, ma'am.

20 Q And she didn't recant all of what happened?

21 A Correct.

22 Q Now, were you aware that she was getting calls while she's  
23 writing the statement from the defendant and his family?

24 A That, I don't know that I was aware of that at that time but  
25 I did find out about that later.



1 Q While she's writing that statement?

2 A Yes.

3 SOLICITOR SCOTT: Nothing further for this witness.

4 THE COURT: Any recross?

5 ATTORNEY MESSER: Nothing further.

6 THE COURT: All right. May step down. Next witness.

7 SOLICITOR SCOTT: Officer Coffman. I'm sorry. Corporal.

8 JOSHUA COFFMAN,

9 having first been duly sworn, is examined and testifies as  
10 follows:

11 CLERK OF COURT: And state your full name for the record.

12 THE WITNESS: My name is Joshua Coffman.

13 **DIRECT EXAMINATION**

14 BY SOLICITOR SCOTT:

15 Q We have saved the best for last today. All right. Where do  
16 you work?

17 A Currently I work for the Honea Path Police Department as a  
18 Lieutenant of Operations.

19 Q Lieutenant of operations. But in May of 2023 were you  
20 working for Honea Path?

21 A No. In May of 2023 I was working for the Simpsonville  
22 Police Department as a road corporal.

23 Q How long have you been in law enforcement?

24 A Since 2017.

25 Q Let's go back to May of 2023 as far as your duties there

1 when you were working as a road corporal. What does that mean?

2 A So the road corporal's the first supervisor on the road.  
3 That's who the patrolman first come to me if they've got stuff  
4 that's something that I need to pass up to the sergeant or  
5 Lieutenant Kellett. That's what I would do. But I primarily try  
6 to handle things on the lowest level.

7 Q So were you dispatched May of 2023, May 6 to be exact, to  
8 [REDACTED] Circle?

9 A Yes, ma'am.

10 Q All right. And we've already discussed it being in  
11 Greenville County. Now, what was the nature that you got out of  
12 the dispatch call, why were you going out?

13 A So we got dispatched to Jasmine Cove for a murder that just  
14 occurred. Just, they --

15 ATTORNEY MESSER: Objection, Your Honor. Opinion on the  
16 ultimate issue.

17 THE COURT: Overruled.

18 Q Now, when you go out and do these calls at any point in time  
19 do you generate a report?

20 A Yes, ma'am.

21 Q Okay. And that's referred to as incident report or  
22 supplemental?

23 A Yes, ma'am.

24 Q Do you have that with you today?

25 A Yes, ma'am.

1 Q That's what that is?

2 A Yes, ma'am.

3 Q All right. So do you know when, if any, what time you  
4 arrived on scene?

5 A We were dispatched at 2320ish. I think it, if I recall, it  
6 took me about four minutes to get there myself. I'm not sure  
7 where I was in the city at the time.

8 Q So when you get there what do you do?

9 A So on my way I make sure my guys are looking for people  
10 leaving, leaving the scene, noticing tag numbers, people,  
11 anything suspicious. When I get there other officers are already  
12 there, so I just start trying to make sure the scene is secure.

13 Q Now, as you're doing that, in securing the scene did you  
14 have an occasion to -- well, before I get to that, did you see  
15 the defendant there, Akevious Lindsey, when you first arrived?

16 A I did not.

17 Q Did you make any interaction with a female named Azaliah  
18 Rice?

19 A Yes.

20 Q What about a Lonnie?

21 A I don't recall a Lonnie.

22 Q Now, that's the parking lot. Do you ever go into the  
23 apartment?

24 A Yes, ma'am.

25 Q And who was there when you get into the apartment?

1 A When I get into the apartment Lieutenant Kellett is in the  
2 apartment.

3 Q Did you see Genesys there in the apartment?

4 A Yes, ma'am.

5 Q Were you able to clear the residence or had that already  
6 been done?

7 A That pretty much had been done. I did look around just to  
8 make sure. I saw Lieutenant Kellett in the bedroom, and I  
9 conversed with him, and ...

10 Q Now, aside from Genesys, were there any other, I guess,  
11 residents of that apartment there?

12 A No, ma'am.

13 Q And particularly, when I say residents, were there any  
14 children around?

15 A No, ma'am.

16 Q Okay. Now, you said you spoke to Azaliah Rice. Did you  
17 speak to anyone else on Genesys' side of the family?

18 A Yes, ma'am.

19 Q Okay. Who might that have been?

20 A When I first come out of the apartment we actually had to  
21 run down the stairs, because people -- we got alerted on the  
22 radio that there was a male there that was irate and trying to  
23 get into the apartment, so we went down the stairs and we were  
24 able to remedy that. And it was the stepfather and the mother  
25 trying to make their way into the apartment. We got them to then

1 back back out to the parking lot. And the stepfather, he left.  
2 The mother was irate.

3 Q Okay. So let's talk about that. You're referencing that  
4 her family was trying to get into the apartment where you all  
5 were.

6 A Yes, ma'am.

7 Q Is that normal?

8 A Yeah. You never -- on scenes, people, everybody reacts  
9 differently, but families will want to come in and see for  
10 themselves what happened, and we just, for the integrity the  
11 scene, we can't allow that.

12 Q What do you mean by for the integrity the scene that the  
13 family members can't rush up there and see for themselves what  
14 happened?

15 A Well, we can't allow people up there because we need to  
16 preserve the evidence as best we can in its original state.

17 Q So as you're talking to the family explaining that they  
18 can't come up, is it like an argument?

19 A I don't want to say it's an argument. They're upset and  
20 irate, understandably so. And it's our job just to be there and,  
21 for whatever reasons, we, you know, whatever we can assist him  
22 with while at the same time trying to make sure everybody stays  
23 safe and not doing anything they shouldn't do.

24 Q And while they're upset and irate is this happening right  
25 there at the front porch area? I'm handing you State's Exhibit

1 13. Is that where you encountered the family trying to come in?

2 A Yes. That's where we encountered the family trying to come  
3 in initially.

4 Q Let me publish this very quickly. This is where -- is this  
5 the area where you stopped the family from coming in?

6 A Yes, ma'am.

7 Q Okay, this porch area?

8 A Yes, ma'am.

9 Q All right. Now, did you notice at any point in time if a  
10 woman named Kathy Williams came on scene?

11 A Yes, ma'am. We were in the parking lot, and one of my  
12 officers was standing by with Ms. Williams and called me over  
13 there and said that Ms. Williams would like to talk to somebody,  
14 and so I encountered Ms. Williams.

15 Q All right. So let's talk about what you said, that somebody  
16 identified that she wanted to talk to you. Were you aware of  
17 where she had parked when she came out to talk to you?

18 A Not right away, but she had -- I saw a car parked over there  
19 that wasn't there prior to. But she was on foot, so she was  
20 walking almost all the way up to the door. She was just behind  
21 the car with my officer and right in line with the steps as you  
22 come up the steps to the parking lot.

23 Q Okay. And could you describe to the Court her demeanor when  
24 she just walked right up there to you?

25 A She seemed upset, but as anybody else would.

1 Q Okay. I'm going to hand you what's been premarked as  
2 State's Exhibit 1, 3, 2, and 4; 1, 2, 3, and 4.

3 A Okay.

4 Q Do you recognize what I just handed to you?

5 A Yes. That's the woman I spoke to, Ms. Williams.

6 Q Okay. Were you wearing your body-worn camera that day?

7 A Yes, ma'am.

8 Q Are those still shots from your body-worn camera that day?

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

10 Q Now, based off of you viewing those, is it the same woman in  
11 each photograph there?

12 A Yes, ma'am.

13 Q How do you know that?

14 A Well, she's wearing the same dress. You can see her hands.  
15 In this picture there where you can't see her face the lights in  
16 the background matches this one. It's the same person.

17 Q What time of day did you encounter her according to your  
18 body-worn camera footage?

19 A That was 2337, or 11:37 p.m.

20 Q And what day?

21 A That was on 5/6/2023.

22 Q And this is the location of where?

23 A This is in the parking lot just in front of the [REDACTED]  
24 apartment at [REDACTED].

25 Q Okay.

1 SOLICITOR SCOTT: At this time the State would like to offer  
2 into evidence State's Exhibits 1 through 4.

3 ATTORNEY EPPES: No objection, Your Honor.

4 THE COURT: State's Exhibits 1, 2, 3, and 4 admitted into  
5 evidence, without objection.

6 (State's Exhibits 1, 2, 3, and 4 are admitted into the  
7 record.)

8 SOLICITOR SCOTT: Permission to publish, Your Honor.

9 THE COURT: You may.

10 Q All right. This woman here to the front of the photo, is  
11 this Kathy Williams?

12 A Yes, ma'am.

13 Q And this is your bodycam footage. Are you speaking with  
14 her?

15 A Yes, ma'am.

16 Q Now, what, if anything, did she tell you at that time?

17 A She came up and she said --

18 ATTORNEY EPPES: Your Honor, before he goes forward, we  
19 would renew our objection on the issue/the issues concerning  
20 Ms. Williams and these statements.

21 THE COURT: All right. Objection is overruled.

22 Q Just limit it to what she told you at that time as she's  
23 right here, not at her car yet.

24 A Yes. So I asked her who she was. She told me who she was.  
25 And I asked -- she said that her grandson called her and said



1 that she needed to call 9-1-1. And then she asked me, you know,  
2 who was in there and what happened. I told her I couldn't tell  
3 her that. She wanted to go talk to Genesys' family, and I told  
4 her that wasn't a great idea, they were pretty upset, and I said,  
5 Let me walk you back over to your car.

6 Q Did she inquire if Genesys was dead?

7 A She did.

8 Q Now, you said you walked back with her to her car?

9 A Yes, ma'am.

10 Q I see a lot of headlights. I'm going to point right to the  
11 first set of headlights here, and then there's some more  
12 headlights back here.

13 A Yes, ma'am.

14 Q What headlights are these here, sir?

15 A So that's the fire truck.

16 Q Okay. Then so what about here then?

17 A That's her car.

18 Q Is she parked in a parking lot?

19 A No. She's parked in the road. Like, in an apartment  
20 complex, cars will pull in and park on both sides, she's parked  
21 in the alley between the two cars where they park.

22 Q Are you aware if she parked here before fire arrived or at  
23 the same time? Would you know?

24 A Well, the fire wouldn't park behind her if they were there  
25 first.

1 Q Oh.

2 A And they came up and talked to me. When they were getting  
3 out of their truck, as I was talking to her, they came up to me  
4 and spoke with me afterwards.

5 Q Well, is it your testimony she arrived before fire did?

6 A Yes, ma'am.

7 Q Okay.

8 SOLICITOR SCOTT: That was State's Exhibit 3, for the  
9 record, when he was referencing the fire truck.

10 Q Now looking at State's Exhibit 4, did you have her go into a  
11 vehicle while you were talking with her further?

12 A Yes, ma'am. I had her just sit down in her car.

13 Q Okay. Did she provide you any phone numbers in order locate  
14 her grandson?

15 A Yes, ma'am. She told me that her grandson had called her,  
16 and I asked her if she had a phone number for him, and she  
17 provided me a phone number, and I immediately got that to my  
18 supervisor.

19 Q Now, I skipped State's Exhibit 2. Going back to this, these  
20 two sets of headlights, there's a set here and a set here. Which  
21 one is hers?

22 A So this forward set, this forward set is hers, and this is  
23 the fire truck arriving.

24 Q All right. Now, after you talked to with her, if I go back  
25 to State's Exhibit 4, in this vehicle, did you ask her to wait

1 here?

2 A Yes, ma'am, I asked her to wait there. It was for her own  
3 safety. I didn't want anything to happen to her.

4 Q Were you here when Kathy Williams testified?

5 A Yes, ma'am.

6 Q All right. So I want to get to some of the things that you  
7 did. Let me make sure that I'm completely finished speaking with  
8 you about what you did that night. Well, how did your night end  
9 there? What did you do after talking to her at that car?

10 A I spoke with her, informed my supervisors of who she was,  
11 where she was, and what she had told me. And then I went and  
12 interacted with Genesys' family, and that's when I learned that I  
13 knew them. I didn't recognize Genesys in the house. It had been  
14 a while since I seen her, she was a little kid, but it had been a  
15 while. I knew them from church.

16 Q Who did you know, the Rice, the Genesys Rice family?

17 A Yes, ma'am, Genesys' Rice family.

18 Q Okay.

19 A And so I notified Investigator Weibel, and I just held scene  
20 security and tried to make sure everybody, you know, if they  
21 needed something, I would do that.

22 Q The following day did you continue to work on this case?

23 A The following day Sergeant Waugh and I went to the  
24 grandmother's house. As she said, You guys can come see me.  
25 Well, we did get her address because of her driver's license. We

1 went to her apartment to speak with her that -- right after shift  
2 we drove down there to do what we call a "knock and talk".

3 Q Okay. Now, when you knocked did she talk?

4 A Yes, ma'am.

5 Q Did she open the door for you?

6 A Yes, ma'am.

7 Q And you guys went inside, or talked with her at the door?

8 A Yeah. Sergeant Waugh went inside. The door was kind of  
9 blocked by her dialysis equipment. I was -- I stayed outside,  
10 and as Sergeant Waugh would need something, I would go to the car  
11 and grab it and bring it back to him.

12 Q Were you able to observe her interaction with Investigator  
13 Waugh, or Sergeant Waugh?

14 A Yeah. Yes, ma'am.

15 Q At any point in time were they behind closed doors and you  
16 weren't there?

17 A No, ma'am. The door remained open.

18 Q Earlier in Kathy's testimony we talked about a statement.  
19 Were you present when she was writing a statement?

20 A Yes, ma'am.

21 Q I mean, what was your involvement, if any, when she was  
22 writing a statement?

23 A Officer Waugh, I observed Officer Waugh ask her if she would  
24 willingly write a statement. She said she would. I went to the  
25 car to grab the statement and a clipboard, brought it back to

1 Sergeant Waugh, who then explained it to her, handed it to her.

2 She filled out the statement, and then Officer Waugh, or  
3 Sergeant Waugh, gave her her copy, which would be the yellow  
4 copy, and then we -- he showed me a phone. He did -- she offered  
5 us to look at her phone and see the previous call log.

6 Q Let's stop at the phone because I want to still focus on  
7 that statement that you said.

8 A Yes, ma'am.

9 Q She wrote it herself?

10 A Yes, ma'am, she wrote the statement herself.

11 Q Is it fair to say that some of the handwriting on here is  
12 Investigator Waugh's?

13 A Well, his signature would be on there.

14 Q And we'll talk with him later but I just want to reference  
15 that you said that there's a yellow copy that they would be  
16 provided?

17 A Yes, ma'am, a yellow copy that would be provided.

18 Q And that the original copy, is a white copy, stays with law  
19 enforcement?

20 A White copy always stays with law enforcement.

21 Q Okay. I'm just going to show you, only for identification  
22 purposes, State's Exhibit 17. Is this a written statement that  
23 was taken on May the 7th at Kathy Williams' home?

24 A Yes, ma'am.

25 Q Okay. And how do you know that?

1 A It says May the 7th, 2023, it has her signature on it,  
2 Sergeant Waugh signed it, has her statement, the case number  
3 which is what we would write down --

4 Q Now --

5 A Sergeant Waugh -- this would be a different handwriting  
6 where he wrote her information at the top, which would be her  
7 phone number and date, and then, so.

8 Q All right. So I want to know more about her writing the  
9 statement. She wrote it herself --

10 A Yes, ma'am.

11 Q -- with a pen?

12 A Yes, ma'am.

13 Q Okay. Were you present during the conversation she had with  
14 Investigator Waugh?

15 A That morning, yes.

16 Q You heard what they talked about?

17 A Yes, ma'am. She was just sitting 20 feet inside the room  
18 from the door.

19 Q Now, you referenced a phone. This is important here. I  
20 forgot. Now, you referenced that she allowed you to look through  
21 a phone?

22 A Yes, ma'am.

23 Q Okay. Is this a cellphone or a landline?

24 A It's a landline.

25 Q All right. And then what, if anything, do you remember

1 about looking through that phone? Why were you all looking  
2 through her phone?

3 A We're trying to see if Mr. Lindsey had called her on her  
4 landline and if we could get a record of that on her landline,  
5 because it would hold a, it would hold a, memory for the previous  
6 call log.

7 Q At that time were you told by her that the call was from  
8 Akevius Lindsey that you all were looking to --

9 A Yes, ma'am.

10 Q -- not an unknown caller?

11 A Yes, ma'am.

12 Q Now, while you're there talking with Kathy did Akevius  
13 Lindsey show up?

14 A No, ma'am.

15 Q And was he even there?

16 A No, ma'am.

17 Q Now, if we're going from this day, May 7th, I do need to  
18 know what other attempts you made to locate the defendant?

19 A So me, personally, up to -- this is -- after this, it was a  
20 pretty long shift that night. This was the next morning. I went  
21 home, and this was the end of my shift. I was woken up that day.  
22 I got a phone call from a law enforcement friend of mine that  
23 worked at the Greer Police Department named Dan Duncan, or Daniel  
24 Duncan.

25 Mr. Duncan asked me if we had a murder the night before, and

1 I thought that was a strange question to call me and wake me up  
2 about from someone from another agency, so I said, Yes, why? And  
3 he said, Well, the uncle of the suspect is a friend of mine and  
4 he said that he's going to turn him in, and wanted me to make  
5 sure that it was going to be safe and to talk to you guys. And  
6 he told me that he assured him that it would be safe.

7 Q Okay. Well, did you talk to the uncle who was attempting to  
8 turn him in?

9 A I did.

10 Q Who is that uncle?

11 A His name was Burley. I don't recall, I can look at my  
12 notes, but I don't recall his last name.

13 Q Were you here for Burley Williams' testimony? I don't know  
14 if you were or not.

15 A Yes, ma'am.

16 Q Is that the man -- well, you believe that you spoke to a  
17 Burley?

18 A Yes, ma'am.

19 Q Okay.

20 A Later on I saw him at the police department that day, so I  
21 could recognize him as that was the man that was there.

22 Q All right. So to get the narration correct for me and the  
23 Court, you stated that you got a call from a friend Dan, and then  
24 you did speak to Burley on the phone?

25 A Yes. I gave Officer Duncan permission to hand my phone



1 number off.

2 Q Okay.

3 A And so he called me on my cellphone, and I had a  
4 conversation with him. He told me -- I'm just going to review  
5 this because --

6 Q Yes, please.

7 A -- it's been a while, so. Mr. Burley called me and said  
8 that his nephew was the passenger in a black Camaro, a 2014  
9 Camaro, and while he was on his way in -- I guess Mr. Burley was  
10 following him -- I'm not certain about that -- but he said  
11 that -- Mr. Lindsey jumped from that vehicle and ran on foot  
12 somewhere around South Carolina Highway 76 and Georgia Road in  
13 Hickory Tavern --

14 Q All right.

15 A -- so I got a clothing description for him over the phone  
16 and sent/put it out over the radio so officers could be looking  
17 in that area.

18 Q You got a clothing description from Burley Williams of  
19 Akevius Lindsey?

20 A Yes, ma'am.

21 Q And did Burley show up at the Simpsonville Police  
22 Department?

23 A He did.

24 Q Did he have Akevius Lindsey with him?

25 A He did not.

1 Q What's the purpose of him -- what were you led to believe  
2 why he would be at the police department then?

3 A I was led to believe that he was bringing him in himself,  
4 and that he was going to bring his nephew in. Then it came to he  
5 was actually a passenger in a whole other vehicle, but he was  
6 following him. And it seemed kind of weird, to be honest.

7 Q At any point did you go to an address of [REDACTED] Court?

8 A Yes, ma'am. We drove past [REDACTED] just to see if the  
9 vehicles were there because Ms. Williams had told us that her  
10 grandson said he was going to go stay with his sister, and that's  
11 where his half-sister is, that's where her address was.

12 Q All right. And was he at his half-sister's address when you  
13 went?

14 A We didn't see any of those vehicles there.

15 Q Answer any questions that defense counsel has for you,  
16 please.

17 A Sure.

18 THE COURT: All right. Cross.

19 **CROSS-EXAMINATION**

20 BY ATTORNEY EPPES:

21 Q Officer Duncan also told that you Mr. Lindsey was suicidal,  
22 correct?

23 A Yes, sir.

24 Q And ultimately Mr. Lindsey turned himself in, correct?

25 A Yes, sir.

1 Q Thank you.

2 THE COURT: Any redirect?

3 SOLICITOR SCOTT: No, Your Honor.

4 THE COURT: Thank you. You may step down.

5 THE WITNESS: Thank you.

6 THE COURT: Let me see the lawyers up here.

7 (Off-the-record discussion at sidebar.)

8 THE COURT: All right, ladies and gentlemen, that will be it  
9 for today, so I'm going ask you be back tomorrow morning. We'll  
10 start back at 9:30.

11 Again, please do not discuss the case, especially tonight  
12 when you get home. Do not answer any questions that your  
13 friends, or relatives, family may ask you. Please don't discuss  
14 it. You can talk to them again all day along after this trial is  
15 over and tell them everything they want to know, but please don't  
16 do that until this case is over.

17 So with that, I'm going to excuse you. Hope you all have a  
18 good night, and I'll see you in the morning.

19 (Jury excused for the day at 5:15 p.m.)

20 THE COURT: All right. Anything we need to address before  
21 we adjourn for the day? Anything from the State?

22 SOLICITOR SCOTT: No, Your Honor.

23 THE COURT: Anything from defendant?

24 ATTORNEY MESSER: Nothing from us.

25 THE COURT: All right. See you all tomorrow.

1 SOLICITOR SCOTT: 9:30, Your Honor?

2 THE COURT: 9:30.

3 (End of Transcript of Record.)

4  
5 CERTIFICATE OF REPORTER

6 I, Cathy J. Provost, Official Court Reporter for the  
7 Fourteenth Judicial Circuit of the State of South Carolina, do  
8 hereby certify that the foregoing is a true, accurate and  
9 complete Transcript of Record of the proceedings had and evidence  
10 introduced in the trial/proceedings of the captioned case in the  
11 Court of General Sessions for Greenville County, South Carolina,  
12 on the 11th day of February, 2025.

13 I do further certify that I am neither of kin, counsel, nor  
14 interest to any party hereto.

15  
16 Date: June 1, 2025

17  
18 \s\ Cathy J. Provost  
19 Cathy J. Provost, RMR  
20 Official Circuit Reporter  
21  
22  
23  
24  
25

|                             |   |                               |
|-----------------------------|---|-------------------------------|
| THE STATE OF SOUTH CAROLINA | ) | COURT OF GENERAL SESSIONS     |
|                             | ) |                               |
| COUNTY OF GREENVILLE        | ) | THIRTEENTH JUDICIAL CIRCUIT   |
|                             |   |                               |
| THE STATE OF SOUTH CAROLINA | ) | NO. 2023-GS-23-04555          |
|                             | ) |                               |
| VS.                         | ) |                               |
|                             | ) | <u>TRANSCRIPT OF RECORD</u>   |
| AKEVIUS DAYQUAN LINDSEY     | ) |                               |
| _____                       | ) | Vol. III of IV, Pages 243-401 |

B E F O R E:

THE HONORABLE J. D. MORGAN, JR., JUDGE, and a jury

DATE: February 12, 2025  
Greenville, South Carolina

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

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Attorneys for the Defendant

Reported by: Cathy J. Provost, RMR, Official Court Reporter

-- P R O C E E D I N G S --

(Indexes contained in Vol. I, dated February 10, 2025.)

(State's Exhibits 18, 19, 20, and 21 are premarked for identification.)

(State's Exhibits 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100, 101, 102, 103, and 104, and 105 are premarked for identification.)

(Court called to order.)

MATTER(S) OF LAW

THE COURT: All right. Anything to take up? From the State?

SOLICITOR SCOTT: Yes, sir. Just for housekeeping matters, we had a motion for competency on Monday, and the State represented to the Court that we would put the jail call as a court exhibit. I'm handing that to the court reporter, Your Honor, today.

(Court's Exhibit 1 is marked for identification.)

In addition to that, we had testimony from Lawrence Oneal Williams, and the State introduced a prior inconsistent statement. We played one minute, from 16 minutes up until 17-probably:02 as far as the timestamp, but that was just a

1 one-minute-and-two-second clip, and we have that here on this  
2 USB. Before we give that to the Court we will give it to defense  
3 counsel, and over their lunch break they can verify that that is  
4 all that was played to the jury, and then that will also be an  
5 exhibit.

6 ATTORNEY EPPES: Is that all that's on it?

7 SOLICITOR SCOTT: That's all that's on it right now.

8 ATTORNEY EPPES: Okay.

9 SOLICITOR SCOTT: Thank you, Judge. And for the record, I  
10 don't know what number that court exhibit is, Judge, but this  
11 exhibit is 105 for the prior inconsistent statement. Thank you.

12 THE COURT: All right. Anything from the defense?

13 ATTORNEY MESSER: Nothing further.

14 THE COURT: One thing I do want to mention. When we heard  
15 motions on Monday, on my 404(b) ruling one thing I want to make  
16 sure, on the record, as a requirement also is to find clear and  
17 convincing evidence that was raised by the defense, and I do find  
18 it was clear and convincing evidence of that incident. Of  
19 course, that was a motion in limine. At the time I was only  
20 informed as to what evidence may be.

21 Lieutenant Kellett yesterday testified about that day when  
22 he went and the report was done, so I do find, based on that  
23 testimony, and any additional testimony that may be brought  
24 out -- there was discussion about a Facebook message. I haven't  
25 seen that and I don't know what it is, and something, one other

1 piece of evidence, but I do find there is clear and convincing  
2 evidence. So just for the record I want to make sure, because  
3 that has to be part of my analysis under 404(b).

4 ATTORNEY MESSER: At this time, Your Honor, we renew our  
5 objection.

6 THE COURT: All right. Objection noted. My ruling stands.  
7 All right. Let's bring them in.

8 SOLICITOR SCOTT: While they're coming in, who is the  
9 foreperson, Your Honor?

10 THE COURT: Juror no. 124.

11 SOLICITOR SCOTT: Okay. Thank you.

12 (Jury seated in the courtroom at 9:46 a.m.)

13 THE COURT: All right. Good morning, ladies and gentlemen.  
14 Hope you all had a good night. I want to apologize for us being  
15 a few minutes late. We've actually been in here working a little  
16 bit and just getting some matters taken care of from an exhibit  
17 standpoint. What that does a lot of times, and what it will do  
18 here, is it saves maybe from having to send you out. Lawyers can  
19 work on it and agree to some things, and I can handle some  
20 things, so sometimes I've got to do that and that keeps you in  
21 there a little bit longer than I'd like, so I want to apologize.

22 Don't hold it against the lawyers, and don't hold it against  
23 the parties, hold it against me, blame me. Don't get mad at them  
24 and talk about we kept staying in there too much. Blame me. So  
25 I apologize. Please don't blame them at all.



1       Also, I meant to introduce to you the gentleman that's  
2       sitting here. You may wonder who in the world this guy is  
3       sitting up here with me. This is Adam Compton. He's my law  
4       clerk. Adam just graduated from law school last year, took the  
5       bar. He passed the bar. He is now a lawyer. So he works --  
6       I'll have a law clerk every year. They work for me for a year.  
7       And so he's been with me since August, and he will be with me  
8       another five, six months, and then he will go out in the real  
9       world and be a lawyer. So he's up here and assisting me. So I  
10      meant to introduce him to you yesterday, and I apologize I didn't  
11      do that.

12       All right. State, call your next witness.

13       SOLICITOR WESTFIELD: May it please the Court, Your Honor.  
14      The State calls Dr. Grace Dukes.

15                               GRACE DUKES,

16       having first been duly sworn, is examined and testifies as  
17      follows:

18       CLERK OF COURT: Please state your full name for the record.

19       THE WITNESS: Grace Dukes.

20                               **DIRECT EXAMINATION**

21      BY SOLICITOR SCOTT:

22      Q     Good morning, Dr. Dukes. Thank you for being here.

23      A     Good morning.

24      Q     What is your profession?

25      A     I am a forensic pathologist.

1 Q And what is a forensic pathology?

2 A A pathologist in general is a physician/diagnostician who  
3 takes specimens from patients, looks at them under the microscope  
4 or otherwise, and makes a diagnosis.

5 A forensic pathologist is one of those people who uses the  
6 entire body by way of autopsy to make our diagnosis, which is a  
7 determination about a cause and manner of death.

8 Q And do you hold any licenses?

9 A I do.

10 Q In what states?

11 A Currently in South Carolina and California.

12 Q And how long have you been licensed to practice in this  
13 profession, in your profession?

14 A I've been licensed as a physician since 2012.

15 Q Okay, as a pathologist?

16 A The licensing is the same. I've been board certified as a  
17 pathologist since 2016.

18 Q And does your work include, like you say, performances of  
19 autopsies?

20 A Yes.

21 Q Now, roughly how many autopsies have you performed?

22 A Approximately 2,000.

23 Q And are you a member of any specialized medical or  
24 scientific groups or associations?

25 A I'm a member of some professional organizations for

1 pathologists including College of American Pathologists, National  
2 Association of Medical Examiners, and I sit on a couple of  
3 committees for each of those.

4 Q And you are a member of the American Board of Pathology?

5 A I am board certified by the American Board of Pathology.

6 Q And what is the significance of being board certified?

7 A The American Board of Pathology regulates who is certified  
8 to practice in that specialty of medicine, in this case of  
9 pathology, and I'm board certified in anatomic and forensic  
10 pathology.

11 Q And have you been qualified as an expert in forensic  
12 pathology in court?

13 A Yes.

14 Q Roughly how many times?

15 A Twenty-five to 30.

16 SOLICITOR WESTFIELD: Your Honor, at this time the State  
17 moves that Dr. Dukes be qualified as an expert in forensic  
18 pathology.

19 THE COURT: All right. Any objection or voir dire?

20 ATTORNEY EPPEES: No objection, Your Honor.

21 THE COURT: All right. Dr. Dukes is qualified in the field  
22 of forensic pathology.

23 Ladies and gentlemen, under our rules witnesses normally can  
24 only testify as to facts and they cannot give an opinion, only as  
25 to what they heard/saw/smelled. Our rules allow certain

1 witnesses to be able to give opinions, and those witnesses are  
2 called expert witnesses. Because of their expertise by way of  
3 education, by way of work, experience, knowledge, skill, they are  
4 qualified as experts, and they are allowed to give an opinion,  
5 whereas a regular lay witness cannot give an opinion, only as to  
6 facts.

7 So expert witnesses -- and this witness has been qualified  
8 as an expert. Now, you are to take the testimony of any witness,  
9 whether it's an expert witness or if it's a lay witness, the same  
10 as any other witness. You don't give an expert witness any  
11 greater weight just because they are an expert. You can judge  
12 the expert's testimony just like you judge the other witnesses'  
13 testimony. But they are allowed, because of their expertise in  
14 this field, to give an opinion. All right.

15 SOLICITOR SCOTT: Thank you, Your Honor.

16 Q And, Dr. Dukes, did you perform an autopsy on the deceased  
17 in this case, Genesys Rice?

18 A I did.

19 Q And did you generate an autopsy report after completing this  
20 autopsy?

21 A Yes.

22 Q Do you have a copy of the report with you today?

23 A I do.

24 Q And when did you perform that autopsy?

25 A The autopsy was performed on May 8th, 2023.

1 Q Around what time?

2 A 9:15 a.m.

3 Q And how did you receive her body?

4 A Decedents come through the, for Greenville County, the  
5 jurisdiction is taken by the Greenville County coroner. The bag  
6 is then sealed at the scene. The decedent is brought into the  
7 Greenville Memorial Hospital morgue, and that's where I will be  
8 the next day to do the autopsy.

9 Q And what was your external examination of her body?

10 A The decedent was a normally developed, well-nourished adult  
11 female who weighed 176 pounds, measured 66 inches. Do you want  
12 me to go into clothing items?

13 Q Not yet. No, ma'am.

14 A Okay.

15 Q So what does your report reflect regarding any jewelry she  
16 might have been wearing?

17 A The decedent was wearing a necklace, yellow metal necklace,  
18 and then one, in the right ear, was a white metal hoop hearing,  
19 and then stud hearings, the two earrings, in her right ear.

20 Q Was there any jewelry in her left ear?

21 A No.

22 Q Did she have on any other jewelry?

23 A She did not.

24 Q Are you sure? Can you check that?

25 A The necklace and two earrings.

1 Q Okay. Now, what do you note regarding her fingernails?

2 A They were trimmed and intact.

3 Q Now let's move forward and discuss the evidence of the  
4 injuries. What was the jury of note that you examined?

5 A A gunshot wound to the head.

6 Q And please tell the Court the findings you made regarding  
7 this gunshot wound?

8 A Pardon?

9 Q Please tell the Court the findings you made regarding the  
10 gunshots wound?

11 A Okay. The gunshot wound was a penetrating gunshot wound,  
12 meaning the projectile entered the head and did not leave the  
13 head, so there's no exit wound, there's only one entrance wound.  
14 The entrance wound was on the right side of the forehead. There  
15 were characteristics of the entrance wound which tell me that it  
16 was a contact gunshot wound.

17 Those things include there were large lacerations extending  
18 from the gunshot wound that happens with a contact gunshot wound  
19 over the flat bone like the skull. There was soot present within  
20 the wound edges where the gun was in contact with the skin.

21 And then on the outside of the skull table, it was fractured  
22 underneath. Because of those lacerations and the fractures, the  
23 wound was sort of gaping open and with brain matter exposed and  
24 fractures and all of that.

25 So because of the nature of the wound, it was sort of an

1 open wound.

2 Q Thank you, Dr. Dukes. What is the significance of observing  
3 the soot around the edges of her outer skull?

4 A So when a gun is fired several things leave the muzzle of  
5 the gun, including the projectile, unburned gunpowder, burned  
6 gunpowder which deposits on the skin in the form of soot, and  
7 then gases at a high pressure. And so, yes, that's where the  
8 soot comes from.

9 Q I know you mentioned that there was no exit wound. What is  
10 the significance of no exit wound?

11 A The projectile was still in the head.

12 Q I am handing you what has been premarked as State's Exhibit  
13 18 through 21. Do you recognize those?

14 A Yes.

15 Q How so?

16 A These are photographs taken at the time of autopsy after the  
17 projectile was recovered from the decedent. These are photos of  
18 the projectile.

19 Q And are those photos a true and accurate depiction of the  
20 photos that you took that day?

21 A They are similar, yes. These, I believe, were taken by  
22 forensics, but they are similar. The projectile is the same  
23 projectile.

24 SOLICITOR WESTFIELD: Your Honor, we offer to enter State's  
25 Exhibits 18 through 21 into evidence.

1 THE COURT: All right. Any objection?

2 ATTORNEY EPPES: Without objection, Your Honor.

3 THE COURT: All right. State's Exhibit 18, 19, 20, and 21  
4 are admitted into evidence, without objection.

5 (State's Exhibits 18, 19, 20, and 21 are admitted into the  
6 record.)

7 SOLICITOR SCOTT: Permission to publish, Your Honor.

8 THE COURT: Yes, ma'am.

9 Q All right, Dr. Dukes. Can you explain to the Court what  
10 we're seeing here? State's Exhibit No. 18. Let me turn that  
11 around.

12 A This is a projectile that's been fired and deformed because  
13 it's impacted hard objects like the skull. This is the base of  
14 the projectile. And you can see the opposite end of the  
15 projectile has been splayed out for that reason. And it's a  
16 jacketed projectile. We're looking at the jacket right now.

17 Q It's kind of similar. Can you tell the Court what we're  
18 looking at here?

19 A This is a similar photo with the same orientation.

20 Q That was State's Exhibit No. 19. State's Exhibit No. 20.  
21 Can you tell the Court what we see here?

22 A This is an additional view of the same projectile where you  
23 can see a portion of the core, which is the gray matter right  
24 there.

25 Q Could you turn around and point at --



1 A I'm sorry. The core right here, and then the jacket here  
2 which is what we were seeing in the previous photo.

3 Q And this is State's Exhibit No. 21. Could you explain to  
4 the Court what we're seeing here?

5 A This is an additional angle of the same projectile, showing  
6 the same thing.

7 Q Thank you. Now, when you were explaining about the  
8 significance of the soot and you went into hard contact wound,  
9 could you explain it a little bit more to the jury?

10 ATTORNEY EPPES: Objection, Your Honor.

11 THE COURT: What's the basis?

12 ATTORNEY EPPES: The basis is she's adding something to the  
13 witness's testimony. The witness said contact, not hard contact.

14 THE COURT: All right. Just rephrase your question.  
15 Sustained.

16 Q Could you explain to the Court what you mean by contact?

17 A Contact meaning that the gun was in contact with the skin.

18 Q Now, were you able to determine a trajectory of this  
19 projectile?

20 A Yes.

21 Q And what was the path of that projectile?

22 A The projectile traveled -- within a body in anatomic  
23 position, the projectile traveled from front to back, right to  
24 left, and downward.

25 Q Can you demonstrate to the jury?

1 A The entrance wound was approximately here, and the  
2 projectile was recovered from approximately here.

3 Q Now, what was the manner and cause of death of Genesys Rice?

4 A The cause of death was a gunshot wound to the head, and the  
5 manner of death was homicide.

6 Q Thank you. Answer any questions defense may have.

7 THE COURT: All right. Cross.

8 **CROSS-EXAMINATION**

9 BY ATTORNEY EPPES:

10 Q Doctor, I'm not the most organized person on this planet.  
11 May I look briefly at your autopsy that you have up there?

12 A You may.

13 ATTORNEY EPPES: I apologize, Your Honor.

14 Q Thank you. Doctor, homicide is the term you use for any  
15 kind of death that's caused by another human being, correct?

16 A Correct.

17 Q And you don't know anything about the facts of this case  
18 other than what you determined from your autopsy, correct?

19 A What I observed and what I reviewed in this autopsy.

20 Q Thank you, ma'am.

21 ATTORNEY EPPES: No further questions, Your Honor.

22 THE COURT: All right. Any redirect?

23 SOLICITOR WESTFIELD: Nothing further, Your Honor.

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

25 THE WITNESS: Thank you.

1 THE COURT: All right. Next witness.

2 SOLICITOR SCOTT: Yes, Your Honor. The State calls -- I'm  
3 sorry. One second.

4 THE COURT: All right.

5 SOLICITOR SCOTT: Investigator Anthony Waugh.

6 ANTHONY WAUGH,

7 Having first been duly sworn, is examined and testifies as  
8 follows:

9 CLERK OF COURT: State your full name for the record.

10 THE WITNESS: Anthony Waugh.

11 SOLICITOR SCOTT: If the Court can give me just a second to  
12 set up my stuff, Your Honor.

13 **DIRECT EXAMINATION**

14 BY SOLICITOR SCOTT:

15 Q All right. Sergeant, I apologize, I called you investigator  
16 earlier. Where do you work?

17 A I work for the Simpsonville Police Department.

18 Q Okay. And how long have you worked there?

19 A I've worked there three-and-a-half years.

20 Q And what are your duties at the Simpsonville Police  
21 Department?

22 A I'm a sergeant on uniform patrol. I'm the sergeant on our  
23 delta shift.

24 Q What does a sergeant on a delta shift do?

25 A I supervise the day-to-day activities of our officers on the

1 road, approve reports, make sure that all of our equipment is up  
2 to par, and then assist them with any cases that they're working  
3 as well.

4 Q Now, were you working in that capacity that you referenced  
5 May of 2023?

6 A I was.

7 Q So let's talk about your involvement in this case. What was  
8 your role?

9 A I was the sergeant on that night, and I was the second  
10 person on the scene.

11 Q So as a second person on the scene what did you do when you  
12 arrived?

13 A As I was arriving into the apartment complex -- I had  
14 multiple other officers arriving at the same time -- I instructed  
15 one of my officers, Officer Anderson, to stop there at the  
16 entrance of the apartment complex -- the apartment complex has a  
17 one-way in, one-way out. At the time we didn't know the  
18 timeframe -- and had her post there taking any license plates of  
19 vehicles, as well as descriptions of vehicles that were leaving  
20 before I then went to the apartment.

21 Q Now, what apartment number did you go to?

22 A [REDACTED].

23 Q So you went inside the apartment, and what did you see?

24 A As I went into the apartment, there's a set of stairs that  
25 leads up. As I went up to the top of the stairs, directly to the

1 right there is a bedroom. Lieutenant Kellett was already inside  
2 the room. And when I went into the room I found the deceased  
3 laying on the bed with a large wound to her front of her head.

4 Q What did you do after finding that she was in that apartment  
5 on that bed?

6 A At that point I assisted Lieutenant Kellett just to make  
7 sure there wasn't any weapons, anything inside the room. I then  
8 exited and went back, got scene tape, and secured the front of  
9 the apartment.

10 Q Why are we putting tape across the apartment? What's going  
11 on?

12 A Anytime that we have a scene where there's evidence involved  
13 or any type of a crime scene, we're going to try to preserve  
14 evidence as much as possible. We're going to secure the front  
15 and any other entrances into that area with scene tape to prevent  
16 unwanted people coming in and destroying, tampering or, in any  
17 way, damaging the evidence of what had occurred.

18 Q Did you have any contact with the 9-1-1 callers, Azaliah  
19 Rice and Lonnie Dobbins?

20 A I did. As I was exiting the apartment to go back to my  
21 patrol vehicle they were both outside. Azaliah was speaking with  
22 Officer Pittman at the time, and I spoke to Lonnie for a minute  
23 as well.

24 Q Now, was the defendant, Akevious Lindsey, on scene?

25 A He was not.

1 Q What attempts did you make to locate him?

2 A At the time we were able to find a phone number and we had  
3 began to ping that number I also contacted Laurens County  
4 Sheriff's Department and had our dispatch contact the Fountain  
5 Inn Police Department and had them looking. At the same time I  
6 had dispatch send out a statewide BOLO of the known vehicle that  
7 we believed he may have been using for anyone to be on the  
8 lookout.

9 Q Any addresses that you provided to law enforcement?

10 A Yes, there was one. [REDACTED] Avenue in Laurens.

11 Q And I notice that you were looking down. Did you write a  
12 report of your -- you were documenting what you did throughout  
13 this investigation?

14 A I did.

15 Q And you have it with you today?

16 A I do.

17 Q So you referenced that you spoke with the 9-1-1 callers.  
18 Did any of the defendant's family come on scene?

19 A Yes. I had two of the defendant's family come on scene.

20 Q Okay. So I would like to talk about the first one, a Kathy  
21 Williams.

22 A That is correct.

23 Q Could you describe your interaction with her?

24 A Ms. Williams had arrived on scene. She had spoke with  
25 Corporal Coffman first. I then went and spoke to her briefly.

1 Q So when you're speaking with someone on scene are you  
2 wearing body-worn camera footage?

3 A I am.

4 Q Were you wearing it that day?

5 A I was.

6 Q All right. And you said you spoke with her. Was she in a  
7 car, standing up? Where was she?

8 A She were sitting in a vehicle.

9 Q Her vehicle or someone else's?

10 A Her vehicle.

11 Q And do you know about whereabout that car was parked?

12 A It was parked roughly probably 50 to 100 feet away from  
13 where the apartment was. I was parked directly kind of in the  
14 middle of the aisle between where the parking spaces are.

15 Q We have footage of your body-worn camera.

16 SOLICITOR SCOTT: And at this time the State would like to  
17 enter it into evidence for a prior inconsistent statement made by  
18 Kathy Williams yesterday, Your Honor.

19 THE COURT: All right.

20 SOLICITOR SCOTT: Hold on one minute. We're just going play  
21 the first minute and 04 seconds on this first call for the first.  
22 Your Honor, we have issues with no sound again. Is it possible  
23 that ...

24 Q You recall that conversation you had with her?

25 A I do.

1 Q And did you document that in your report as well?

2 A I did.

3 Q I'm handing you what's been premarked as State's Exhibit 5.

4 Do you recognize what I just handed you?

5 A I do.

6 Q How so?

7 A It is a still shot of my body-worn camera that I was wearing  
8 that night of Ms. Kathy Williams.

9 Q And is it a true and accurate depiction or freeze frame of  
10 your body-worn camera?

11 A It is.

12 SOLICITOR SCOTT: This is State's Exhibit 5 on the screen  
13 for the record.

14 Q Would you tell us the time that you're now talking with  
15 Kathy Williams there on the scene?

16 A It is roughly 1 minute and 17 seconds after midnight.

17 Q So it's late?

18 A Yes.

19 Q While you were talking with Kathy on scene did anyone else  
20 show up?

21 A Yes. Another one of the defendant's family members,  
22 Mr. Burley Williams, arrived on the scene as well.

23 Q All right. I'm handing you what's been premarked as State's  
24 Exhibit 8 and 9. Do you recognize what I've just handed you?

25 A I do.



1 Q How so?

2 A These are also still shots from my body-worn camera that  
3 night of Mr. Burley Williams.

4 Q Are they a true and accurate depiction of your body-worn  
5 camera?

6 A They are.

7 SOLICITOR SCOTT: The State would like to enter this into  
8 evidence as State's 8 and 9. And I don't know if I've done the  
9 other one.

10 THE COURT: What about Exhibit 5?

11 SOLICITOR SCOTT: Exhibit 5.

12 ATTORNEY EPPEES: I thought 5 has been admitted, Your Honor,  
13 but if it's not --

14 THE COURT: 1, 2, 3, and 4 were, but 5, was because --

15 ATTORNEY EPPEES: Then I have no objection to all of those.

16 SOLICITOR SCOTT: Your Honor, I think what's happening with  
17 me is that I'm trying to get through a lot before lunch. And I'm  
18 going to slow down.

19 THE COURT: All right. So 5 has not been admitted, but we  
20 will now admit it.

21 ATTORNEY EPPEES: Without objection.

22 THE COURT: State's Exhibits 5, 8, and 9 are admitted into  
23 evidence, without objection.

24 (State's Exhibits 5, 8, and 9 are admitted into the record.)

25 Q All right. Would you tell us the timestamp you have here?

1 A It would be two minutes and seven seconds after midnight.

2 Q All right, 12:02 a.m?

3 A That is correct.

4 Q And then on State's Exhibit 9, what time do we have here?

5 A 12:03 a.m.

6 Q Okay. Now I want to draw your attention to State's Exhibit  
7 9 as well. Did Burley Williams provide you a phone number?

8 A He did.

9 Q Do you have that in your report of what that phone number  
10 would have been?

11 A I do.

12 Q What is it?

13 A [REDACTED]-3417.

14 Q Did you provide that number to law enforcement on the  
15 scene --

16 A I did.

17 Q -- to assist with locating him?

18 A That is correct.

19 Q Now, as far as Kathy Williams, were you able to find out  
20 where she lived?

21 A I was.

22 Q Did you go over to her place?

23 A Yes. After we had cleared the scene there, myself and  
24 Corporal Coffman, it would have been more than into the morning  
25 at that point, went to her apartment and spoke with her again.

1 Q Where is her apartment located?

2 A [REDACTED] Street, [REDACTED] in Laurens, South  
3 Carolina.

4 Q Now, roughly how far is Laurens, the apartment in Laurens  
5 where she lives, to Jasmine Cove in Simpsonville?

6 A Twenty-three miles.

7 Q All right. Were you able to determine where Burley Williams  
8 lived?

9 A I was.

10 Q And what county does he live in?

11 A He also lives in Laurens.

12 Q Again, how far is his place of residence to the Jasmine Cove  
13 Apartments?

14 A It is also 23 miles.

15 Q We saw on the bodycam footage that we just watched here that  
16 there was fire behind her, behind Kathy Williams?

17 A That is correct.

18 Q Are you aware if Kathy Williams appeared on the scene before  
19 the fire department?

20 A I'm not sure of the exact time when she arrived on scene.  
21 She had spoke with Corporal Coffman before me.

22 Q Okay. To your knowledge, did Kathy Williams or Burley  
23 Williams have any interaction with the Rice family that was  
24 coming on the scene?

25 A They did not. Most of the Rice family had arrived prior to

1 her arriving. Ms. Kathy Williams, as far as I know, never exited  
2 her vehicle. And once I had spoken with her, as well as  
3 Mr. Williams, they left not long afterwards.

4 Q So after talking with Kathy and getting that phone number  
5 from Burley, what did you do while you're on scene?

6 A At that point Investigator Semanski had got the search  
7 warrant for the apartment. I served the search warrant to the  
8 apartment. I then stood by with the family, helped maintain  
9 scene security, as well as be there for the family during the  
10 time that the other investigations, as well as forensics,  
11 executed the search warrant of the apartment.

12 Q All right. So when you said you served that search warrant,  
13 you didn't search the home but you did serve it on --

14 A That is correct. I did not search the home; I simply served  
15 the search warrant to the apartment.

16 Q Were you on scene when forensics went into the home to do  
17 the actual search?

18 A I was.

19 Q Now, while that's happening what are you doing then since  
20 you didn't go in and do the search?

21 A Like I said, I was standing by with the family and helping  
22 maintain scene security.

23 Q While you're maintaining security and with the family, did  
24 the defendant come on scene?

25 A No, he did not.

1 Q Now, we had heard testimony, I think, from Officer Coffman  
2 previously about pinging of a cellphone. Did you have any other  
3 agencies attempt to locate him simultaneously while you all are  
4 pinging him?

5 A Yes. We had contacted the Fountain Inn Police Department,  
6 as well as the Laurens County Sheriff's Department, and had both  
7 of them on the lookout for him as well.

8 Q So let's go into the following day. You referenced that you  
9 went to Kathy Williams' apartment?

10 A That is correct.

11 Q Was she alone there?

12 A She was.

13 Q Okay. And did she recall meeting with you earlier that day?

14 A She did.

15 SOLICITOR SCOTT: At this time the State would like to admit  
16 a second prior inconsistent statement by Kathy Williams through  
17 Sergeant Waugh.

18 THE COURT: You're using this video for impeachment under  
19 613, right?

20 SOLICITOR SCOTT: Yes, Your Honor.

21 THE COURT: All right.

22 SOLICITOR SCOTT: And for the record, for defense, we are  
23 playing only 45 seconds of that second video at the house, and  
24 then additionally, we will then skip to a-minute-5:30 to  
25 a-minute-5:37. All right.

1 And then we'd also like to play the second clip.

2 ATTORNEY EPPEES: Your Honor, what's the second clip?

3 THE COURT: Ms. Scott, what is the second?

4 SOLICITOR SCOTT: Your Honor, Kathy Williams testified that  
5 she didn't write the statement; that that wasn't the statement.  
6 That's what the second clip is.

7 THE COURT: All right.

8 ATTORNEY EPPEES: Your Honor, I just -- they're beating this  
9 horse to death. Ms. Williams loves her grandson. She did the  
10 best she could on the stand. I don't understand why we have to  
11 go through this over and over and over again, and I would object  
12 to the repetition of it.

13 THE COURT: All right. Objection noted. Overruled.

14 SOLICITOR SCOTT: Thank you, Your Honor.

15 (State's Exhibits 107, 108, and 109 are marked for  
16 identification.)

17 Q Now, we played that short clip of a statement. Do you  
18 recognize what I just handed you?

19 A Yes. These are also still shots from my body-worn camera.

20 SOLICITOR SCOTT: And for the record, this is State's  
21 premarked Exhibits 107, 108, and 109.

22 Q This is a true and accurate depiction of your body-worn  
23 camera footage?

24 A It is.

25 SOLICITOR SCOTT: At this time the State would offer 107

1 through 109 into evidence, Your Honor.

2 ATTORNEY EPPES: Without objection.

3 THE COURT: All right. State's Exhibits 107, 108, and 109  
4 are admitted into evidence, without objection.

5 (State's Exhibits 107, 108, and 109 are admitted into the  
6 record.)

7 Q First of all, what day is this that your bodycam footage is  
8 capturing?

9 A It's 5/7/2023.

10 Q Now, what do we see here in State's Exhibit 107?

11 A This is the statement that Ms. Kathy Williams had provided  
12 to us. She also provided us with a phone, and we were getting  
13 numbers out of the phone.

14 Q Now, I do see that you are writing on this statement, sir.

15 A That is correct.

16 Q And that's in this portion here?

17 A That is correct.

18 Q Is there a narrative somewhere on this page?

19 A That's what is at the top area of the statement.

20 Q Up here?

21 A Yes.

22 Q I want to show you State's Exhibit No. 9. Again, same day,  
23 sir?

24 A That is correct.

25 Q Now, if I look at this here, this statement here and this

1 one here, this is before you wrote on the bottom of it?

2 A That is correct.

3 Q And this is the statement here?

4 A That is correct.

5 Q That she wrote in her handwriting, or did you write it for  
6 her?

7 A She wrote it.

8 Q Did you have her sign that statement?

9 A I did.

10 Q And on State's Exhibit 108, did you provide her a copy?

11 A I did as well.

12 Q And what color's her copy?

13 A Her copy is yellow. We have the white copy.

14 Q Now and finally I'm handing you what's been premarked as  
15 State's Exhibit 17. I'm also going to display prior Exhibits 107  
16 through 109. Is the statement before you the same as the  
17 statements here, the statement of State's Exhibit 17, the same  
18 here that we see in your bodycam footage?

19 A It is.

20 Q How do you know that?

21 A I was there that evening, or that morning. Looking at it,  
22 it has the case number from that evening, and this is what I  
23 remember as her handwriting as to what she provided to me.

24 Q Is her signature on that statement?

25 A It is, yes. She has actually two signatures on there. The



1 top one is her saying that she wrote the statement. The bottom  
2 one is a signature saying that I was going to provide her a copy  
3 of it.

4 Q And did you sign the statement as well?

5 A I did. I signed as the witness.

6 Q What is the purpose of you signing a statement alongside a  
7 person who's writing the statement?

8 A It just allows us to say that I was there, I witnessed her  
9 writing the statement, and that she wrote it, that it was coming  
10 directly from her.

11 SOLICITOR SCOTT: And lastly, Your Honor, the State would  
12 like to enter these into evidence, State's Exhibit No. 17, as a  
13 prior inconsistent statement by the previous witness.

14 THE COURT: All right. Any objection?

15 ATTORNEY EPPES: Without objection, Your Honor.

16 THE COURT: State's Exhibit 17 is admitted into evidence,  
17 without objection.

18 (State's Exhibit 17 is admitted into the record.)

19 Q Would you read this statement for me, please?

20 A Akevius Lindsey told me to call 9-1-1. He's gonna do what  
21 his uncle did. I believe that's what it says.

22 Q How did your interaction with Ms. Kathy Williams end that  
23 day?

24 A I provided her with my business card that has my direct  
25 email on it, as well as a phone number directly to our dispatch.

1 I asked her if she had any contact with the defendant to please  
2 contact us so that we could try to make contact with him.

3 Q Okay. And after doing that what else did you do as far as  
4 your involvement in this case?

5 A After that, I returned to the Simpsonville Police  
6 Department. Based on everything that we had observed, evidence  
7 that we had taken in at that point, I signed two warrants: One  
8 for murder; one for use of a weapon during a violent crime.

9 Q And when you say we at the police department, we went over  
10 things, who are the we?

11 A Myself, Investigator Weibel, Investigator Semanski,  
12 Lieutenant Kellett, and Corporal Coffman.

13 Q Now that you've obtained these warrants what do you do with  
14 that information?

15 A So once the warrants are written, they are presented to a  
16 judge, the judge finds probable cause, signs the warrants. I  
17 also sign the warrant. It is then listed or placed into the  
18 national database, NCIC, for anyone that has access to NCIC will  
19 be able to see that warrant, and all law enforcement will be able  
20 to see that they had interaction with Mr. Lindsey.

21 Q And when was this defendant located?

22 A I believe it was three days later.

23 Q And what day would that be, or date?

24 A Give me just one second. It would have been on --  
25 correction. It was on 5/8/2023.

1 Q Okay. Did you transport him, sir?

2 A I did. I transferred him -- transported him from the  
3 Simpsonville Police Department to the Greenville County Detention  
4 Center.

5 Q All right. Answer any questions defense counsel might have  
6 for you.

7 THE COURT: All right. Cross.

8 **CROSS-EXAMINATION**

9 BY ATTORNEY EPPES:

10 Q So the defendant was located at the Simpsonville Police  
11 Department, correct?

12 A That's not correct. He was located by the Laurens County  
13 Sheriff's Department, and was then transferred -- transported to  
14 the Simpsonville Police Department where we took custody of him.

15 Q Did he turn himself in to Laurens?

16 A I do not believe so. I wasn't a part of that.

17 Q You signed the warrant on the 7th, and he was arrested the  
18 next day --

19 A Correct.

20 Q -- correct?

21 ATTORNEY EPPES: Just a second, Your Honor.

22 THE COURT: All right.

23 Q Investigator Waugh, on the video Mrs. Williams said he told  
24 me he did what Unc did; isn't that right?

25 A Roughly.

1 Q And then in the statement do you know why she wrote He gonna  
2 do instead of He done did?

3 A I can't speak about why she wrote the things the way that  
4 she wrote it, sir.

5 ATTORNEY EPPES: Okay. Thank you.

6 THE COURT: All right. Any redirect?

7 SOLICITOR SCOTT: No, Your Honor.

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

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: All right. Next witness.

11 SOLICITOR SCOTT: Yes, Your Honor. This is a lengthier  
12 witness, Your Honor, if, at any point in time, you would like to  
13 take a break, or we can go right into it.

14 THE COURT: Anybody need to take a break, or can we go right  
15 on in?

16 SOLICITOR SCOTT: Thank you, Judge.

17 THE COURT: Let's go right on into it.

18 SOLICITOR SCOTT: The State calls Sergeant Crystal Minwegen.

19 CRYSTAL J. MINWEGEN,  
20 having first been duly sworn, is examined and testifies as  
21 follows:

22 CLERK OF COURT: State your full name for the record,  
23 please.

24 THE WITNESS: Crystal June Minwegen.  
25

**DIRECT EXAMINATION**

BY SOLICITOR SCOTT:

Q Minwegen. Where do you work?

A I'm currently employed at the Greenville Department of Public Safety within our Crime Scene Unit.

Q How long have you been working there?

A Approximately eight-and-a-half years.

Q And what do you do there?

A My current role is a sergeant, so I do the day-to-day activities, respond to autopsies, search warrants, also do/conduct field assessments, do employee evaluation, peer-view reports, as well as respond to calls for service.

Q All right. Were you working at that position May of 2023?

A I was.

Q As part of forensics do you document a report of your findings when you do a forensic investigation?

A We do.

Q Do you have it with you today?

A I do.

Q All right. Earlier -- well, roughly how many photographs do you take when you go out to a scene to process it?

A Depending on the size of the scene and what kind of scene it is, but usually if it's something to this effect there's a lot.

Q When you say a lot are we talking about a hundred or are we talking about thousands?

1 A Hundreds to thousands.

2 Q Would it surprise you to know that your team took over 1,200  
3 pictures in this case?

4 A It does not surprise me.

5 Q I'm handing you what's been premarked as State's Exhibit 22  
6 through 104 minus two numbers. There is no 98 and there is no  
7 76. Do you recognize -- taking your time, those packets, please  
8 keep them together -- those exhibits?

9 All right. Are those exhibits a true and accurate depiction  
10 of the items and the layout that you saw on May 6, 2023, leading  
11 into May 7th, 2023, those early morning hours?

12 A Yes, it is.

13 Q All right. In addition to taking photographs what else does  
14 the forensic team do when they go out there?

15 A So we're also going to collect evidence, scale any type of  
16 blood spatter that's on the wall. There's also a 3D scan that  
17 we've also taken of the scene. Instead of a 2D -- pictures are  
18 2Ds, you know -- we have 3D scan, and processing for latent  
19 prints when necessary.

20 Q And who is the forensic team that came out this day for this  
21 incident?

22 A It was myself, Forensic Evidence Technician Darby Pairman  
23 [ph] Jackson, and Benjamin Murray.

24 Q When the three of you are going in do you all take a team  
25 approach or a delegation approach? How does it work with all

1 three of you all in this apartment?

2 A So typically we'll have our technician take primary the  
3 scene, so she's responsible for taking all the photos, collecting  
4 evidence. There's a secondary technician that is out there to  
5 assist, you know, and if they need swabs or bags, or they need to  
6 run to the truck to get whatever type of supplies, they're also,  
7 you know, the primary technician can delegate certain things.  
8 And then myself, who is a supervisor, I'm in control of making  
9 sure the scene is done correctly and obtaining the 3D scans.

10 Q All right. So let's go into, when you arrive on scene, do  
11 you speak with the investigators and the officers on scene to  
12 understand why you're there?

13 A Yes.

14 Q Why are you doing that?

15 A So we can kind of have a guideline of what we're looking for  
16 and what we're trying to do and trying to accomplish.

17 Q Let's start with the outside of this apartment, okay. Is  
18 this unit an upstairs or downstairs unit?

19 A It is an upstairs.

20 SOLICITOR SCOTT: Your Honor, I apologize. For purposes of  
21 the record, have I introduced these into evidence? I'd ask that  
22 we enter these into evidence, Your Honor, now that she's  
23 identified they're a true and accurate depiction of the  
24 photographs and the scene on May 6th, leading into the hours of  
25 May 7th.

1 THE COURT: Any objection?

2 ATTORNEY EPPES: Your Honor, because there's so many and so  
3 varied and because, frankly, there's a couple in there of the  
4 victim, I would like to enter them group by group. She has them  
5 grouped. She's clearly, in my view, going to elicit testimony on  
6 each one, and I'd like to do it that way in case something comes  
7 up that I may want to question later.

8 THE COURT: So you're not -- I mean, you are objecting --

9 ATTORNEY EPPES: To the procedure but not necessarily to any  
10 of the photographs. I just feel like given that it's 70-some-odd  
11 photographs grouped in 12 or so groups, I'd prefer if she'd move  
12 to enter them one group at a time.

13 THE COURT: Well, that's what I'm asking. So I thought I  
14 understood you to say that you didn't have any objection to all  
15 the photographs but just as to the procedure.

16 ATTORNEY EPPES: There's two of them I have objections with.  
17 And as to the procedure, I'd just like her to check with me when  
18 she's flipping through each group.

19 THE COURT: How about if they are -- if you say there may be  
20 two or whatever number, consult right now as to what those  
21 numbers are, and if you can agree --

22 ATTORNEY EPPES: Okay.

23 THE COURT: Just hold those two, or whatever they are, out,  
24 and if you can agree to the remaining exhibits --

25 ATTORNEY EPPES: Yes, sir.



1 THE COURT: -- we can do that.

2 SOLICITOR SCOTT: Yes, Your Honor. I have no opposition of  
3 going group by group either.

4 THE COURT: All right. Well, just, I've got, from an  
5 admission-into-evidence standpoint, if there are some objections,  
6 the easiest thing to do is admit what is agreed to and then hold  
7 the two out, and you can go group by group or as a whole.

8 ATTORNEY EPPEES: Your Honor, I'd just like to hold 64 and 65  
9 in abeyance. I do not object to any of the other ones. And,  
10 quite frankly, I likely won't object to 64 or 65.

11 THE COURT: Okay. So Exhibits 2 through 104, with the  
12 exception there is no 76 and there's no 98, so those exhibits are  
13 admitted into evidence without objection as to except there is  
14 not 76, there is not 98, and 64 and 65 are not being admitted  
15 without objection at this point.

16 SOLICITOR SCOTT: Yes, Your Honor.

17 THE COURT: The remaining exhibits are admitted into  
18 evidence, without objection.

19 ATTORNEY EPPEES: Okay. He said two.

20 SOLICITOR SCOTT: Your Honor, for the record, defense  
21 counsel believes you said 23.

22 ATTORNEY EPPEES: No. I believe he said 2 and not 22 through  
23 whatever it is.

24 THE COURT: So what are the exhibits numbered?

25 SOLICITOR SCOTT: It starts at 22 and goes to --

1 THE COURT: It's 22, is what you said?

2 SOLICITOR SCOTT: 22, yes, sir.

3 THE COURT: All right. Mr. Eppes is right. I did say -- I  
4 thought you said 2. So Exhibits 22 through 104, with the  
5 exception of 64 and 65, are admitted into evidence, without  
6 objection.

7 ATTORNEY EPPES: With the exceptions of the two that I  
8 pulled.

9 THE COURT: Well, they're not in there, so I don't have to  
10 deal with that.

11 SOLICITOR SCOTT: Thank you, Judge.

12 (State's Exhibits 22, 23, 24, 25, 26, 27, 28, 29, 30, 31,  
13 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47,  
14 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 63, 66, 67, 68,  
15 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85,  
16 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100, 101,  
17 102, 103, and 104 are admitted into the record.)

18 Q I want to talk about the outside of the apartment. Is this  
19 an upstairs unit or a downstairs unit?

20 A It is an upstairs unit. When you walk into the front door  
21 you immediately go up the steps to the second floor.

22 Q This is State's Exhibit 22. Would you point on your  
23 screen -- I think that they can see when you point on your screen  
24 but I guess defense counsel needs to see where you point. Could  
25 you point behind you where the apartment is?

1 A I believe it is right here where the crime-scene tape is.

2 Q Okay.

3 A The door is clearly marked in a different photo.

4 Q This is State's Exhibit 23. You've referenced that -- and I  
5 only refer to this apartment which is, for the record, [REDACTED], not  
6 the apartment -- you enter into ground levels on these  
7 apartments?

8 A Yes.

9 Q And when you enter in there are stairs leading to the top?

10 A Yes.

11 Q What do we see at the entrance in State's Exhibit 24, at the  
12 entrance of this apartment?

13 A It appears to be like personal belongings, clothes, hangers,  
14 there's like bins and baskets full of things. I think there's,  
15 like, shoeboxes as well.

16 Q I'm going to show you State's Exhibit 25. Are we still  
17 outside this apartment?

18 A Yes, we are.

19 Q Again, what do we see in 25?

20 A This, again, looks like more personal belongings; shoe  
21 boxes, maybe a picture frame, other things.

22 Q And how about State's Exhibit 26?

23 A Looks like clothing items.

24 Q And they are in -- for the record, they're in some type of  
25 container?

1 A Yes, like a gray bin.

2 Q And State's Exhibit 27?

3 A That's more clothes and, like, a white basket.

4 Q Are you able to determine what this is here? Let me go  
5 closer in there.

6 A It looks like it might be shorts or a pair of boxers. I'm  
7 not sure.

8 Q I'm showing you State's Exhibit 28. What is this view from?

9 A I believe this view is from the balcony of that apartment  
10 looking down.

11 Q So if I can draw your attention to shrubbery here, is this  
12 up against this apartment or not?

13 A You mean, like, flush against the actual --

14 Q Yes.

15 A -- structure? I would have to see a different angle.

16 Q Okay. We'll get that angle in a minute. State's Exhibit  
17 29, though, would you tell us what we see here on this yellow  
18 mark here?

19 A I think it's a step.

20 Q And then are there any other steps in this photograph?

21 A The steps on the right side of the photograph leading up to  
22 where the cars, multiple vehicles, were parked.

23 Q And then what would you refer to as this right here? For  
24 the record, I'm pointing to a long parallel --

25 A It would be a retaining wall.

1 Q A retaining wall. And then State's Exhibit 30, why would  
2 you take this photograph?

3 A I guess to show the view of standing in that sidewalk where  
4 the yellow line was, to show what you see.

5 Q And this is leading into this parking lot?

6 A Yes.

7 Q I want to go to the entryway of this apartment now. This is  
8 State's Exhibit 31. What, if anything, did your report note  
9 about the door of this apartment?

10 A About this specific door?

11 Q Yes. Anything of note?

12 A No. I don't believe so.

13 Q Was there any damage to this door?

14 A I don't believe so.

15 Q Okay. And this is State's Exhibit 32. What is located on  
16 or next to this door?

17 A It appears to be like a doorbell Ring camera of some sort.

18 Q Now, that's the entryway. You reference a patio. Did you  
19 take photographs of the patio door?

20 A We did.

21 Q This is State's Exhibit 33. Is that the patio door?

22 A Yes, it is.

23 Q Do you know what room the patio door comes off of?

24 A I believe it's the living room.

25 Q Did you note anything of note, of damage, to this door?

1 A No.

2 Q State's Exhibit 34. Did you go out on that patio?

3 A Yes.

4 Q Okay. Again, is the door in this photograph?

5 A Yes.

6 Q Now let's go upstairs. State's Exhibit 35, can you tell the  
7 Court about what this shows?

8 A Of the stairs leading up to the main common area of the  
9 apartment. It opens up kind of like to a living space, and a  
10 bedroom on the right and a bedroom on the left.

11 Q So could you point to where that bedroom on the right -- do  
12 you see an actual doorway?

13 A Right here.

14 Q We also see, since you're standing, another door open with  
15 some items on a shelf. What is that?

16 A That is what I would call a pantry.

17 Q And what leads to the other side of that pantry?

18 A It's the kitchen area.

19 Q You can have a seat. State's Exhibit 36. All right. Where  
20 is this picture taken from, at what angle?

21 A So we are standing directly outside of the bedroom door  
22 looking into the bedroom where the victim was.

23 Q All right. So coming into the door straight on do you see  
24 anyone there?

25 A I can see the victim's legs off of the bed.

1 Q And just to get some kind of perspective of this bedroom,  
2 can you tell the Court, from State's Exhibit 37, where this room  
3 is in relation to the kitchen?

4 A If you're standing directly into the kitchen, if you're  
5 standing at the kitchen sink, it's to the left.

6 Q Let's go inside that room. This is State's Exhibit 38.  
7 What kind of furniture items did you observe in this room?

8 A There was a bed, a, I believe there was a, crib also in  
9 there, like a bookshelf of some sort with a TV on it, a child's  
10 trampoline. There's also clothes and things.

11 Q Let's talk about that crib that you reference here. Is it  
12 in State's Exhibit 39?

13 A I'm sorry?

14 Q Do you see the crib in State's Exhibit 39?

15 A Yes, I do.

16 Q Did you take pictures basically of the entire room at  
17 different angles? What are you doing here?

18 A Yeah. So we use a technique called four cornering. So we  
19 basically stand in each corner of the room and kind of pan over,  
20 showing it along the way, and we go through corner so you get to  
21 see the room at different angles to show everything.

22 Because if you stand in one corner of the room, you're not  
23 going to see what's on the other side of the bed or other side of  
24 the dresser, so you move to the other side of the room so you can  
25 capture stuff that's not visible on different sides.

1 Q All right. Let's go to State's Exhibit 40. You've got a  
2 different view. So now what is that here?

3 A I would call that H probably a changing table.

4 Q And then over here?

5 A A crib.

6 Q All right. Let's go to State's Exhibit 41. Would you say  
7 this is a different view?

8 A Yes. We're panning more over, I guess, to the left.

9 Q And now State's Exhibit 42, what angle do we have here?  
10 What do we see in this picture?

11 A On the lower part of the wall, to the left of the door there  
12 are tiny, little bloodstains on the wall.

13 Q Oh. You're speaking of here?

14 A Yes.

15 Q Are you able to -- and I may be able to bring up another  
16 picture -- know what this door leads to here?

17 A I believe that that leads to the living room area.

18 Q Is it possible it leads to a closet?

19 A That might be possible.

20 Q Okay. We've got another door here so we'll just keep going  
21 around this room. State's Exhibit 43, just what perspective is  
22 this?

23 A That is a standing in the bedroom looking out into the  
24 living room.

25 Q And then again, State's Exhibit 44, what angle is this?



1 A I think the purpose of this photo is to document the edge of  
2 the door, the side of the doorframe.

3 Q Can you tell me about this room here, or if that is a room  
4 inside of this room?

5 A I believe it is a bathroom.

6 Q State's Exhibit 45, the photographer is standing where in  
7 this photograph to get this angle?

8 A Just outside of that bedroom door shooting into the bedroom.

9 Q We're going to do some more close-ups of this bedroom. We  
10 may have -- I don't think I'm able to zoom in as much. Is this a  
11 separate angle here of this bedroom?

12 A Yes. We are just moving closer to the decedent.

13 SOLICITOR SCOTT: And this is State's Exhibit 46, for the  
14 record.

15 Q I need to talk to you about State's Exhibit 47. I notice  
16 that you've got some yellow placards here. What is the purpose  
17 of -- I mean, is that something that forensics put there, or was  
18 that there when you got there?

19 A That is something that we put there.

20 Q And what's the purpose of that?

21 A So to identify pieces of evidence, we utilize yellow, we  
22 call them yellow, placards that are numbered and the  
23 corresponding number, so you see no. 5 in the picture, and then  
24 no. 5 in the report kind of correspond to what item we're  
25 collecting.

1 Q Well, since we are talking about items collected, just what  
2 is 5 and 6?

3 A Item DHJ-5 is a Chime debit card belonging to the decedent,  
4 or with the name of the decedent. And placard no. 6 is a  
5 silver-in-color doorknob. And the other half of no. 6 is the  
6 red, white, and black and gray pillowcase - pillow.

7 Q Pillow?

8 A Yes.

9 Q Can you point to that? Well, we're okay, 6 and 5 is fine.  
10 I need to go closer to Genysis on the bed. State's Exhibit 48,  
11 would you tell us the position that you see in the photograph of  
12 her on the bed here?

13 A Yes. She appears to be laying on her left side, and her  
14 body's kind of up against the wall.

15 Q Let's go lower, and we'll work our way up. Where are her  
16 feet located in this picture of State's Exhibit 49?

17 A They are hanging off the bed, slightly on the floor.

18 Q You referenced earlier that there was a doorknob, placard 5.  
19 Is that in this picture?

20 A Yes, it is.

21 Q Is it right here, ma'am?

22 A Yes, it is.

23 Q You also referenced about a red and white pillow in that  
24 State's Exhibit 50. Do you see that here?

25 A Yes, I do.

1 Q What significance -- did you do anything with that pillow  
2 there?

3 A No. We ended up just collecting it because of the amount of  
4 suspected blood that was on it.

5 Q Did you find any penetrating holes in this pillow?

6 A No, we did not.

7 Q But you said you wanted to do something with this pillow.  
8 What did you do?

9 A We ended up collecting it.

10 Q At any point did you attempt to grab anything, any DNA, from  
11 this pillow?

12 A I am not sure what was done to with the pillow once it was  
13 submitted into our Property and Evidence Section.

14 Q I think we have a -- all right. State's Exhibit 66. Now  
15 can you tell us what's around her feet?

16 A It looks like to be a pair of, like, headphones and a  
17 random - a wire.

18 Q I'd like to talk to you about State's Exhibit 51. What is  
19 this a photograph of?

20 A It's of the decedent's hands. It appears to have a vape, I  
21 believe, that was in her left hand.

22 Q I want to talk to you about some of the items that are on  
23 the bed now that we focus on Genesys on the bed for now. What do  
24 we see here in State's Exhibit 52?

25 A I believe we're looking -- the main part of that is a photo

1 of, it is, a purse. There's also some cards, keys, clothing, the  
2 card that I was speaking of earlier.

3 Q All right. State's Exhibit 53?

4 A It appears to be a purse, some clothing, keys.

5 Q In particular, these type of clothing, what type of clothing  
6 are these?

7 A They appear to be like a child's clothing.

8 Q All right. And then these clothing here at the top of this  
9 photograph appear to be what?

10 A Adult clothing.

11 Q You referenced keys. How many keys do you see in State's  
12 Exhibit 53?

13 A I see one down in the corner over here. And maybe that  
14 might be another set of keys. I would have to see a different  
15 view of the photos.

16 Q Maybe a different view, okay. Now, let's also talk about  
17 things around the purse. State's Exhibit 54, what do we see  
18 here?

19 A It looks like an employee ID for the decedent.

20 Q I'm unaware I could zoom that good. State's Exhibit 55, is  
21 this an upclose view of that ID?

22 A Yes.

23 Q And this is of the deceased?

24 A Yes.

25 Q I'm going to show you State's Exhibit No. 56. I think now

1 we see this placard 5. What did 5 represent?

2 A 5 represented that card, the Chime visa, the Chime visa  
3 card. The white one in the corner.

4 Q There?

5 A Yes.

6 Q This is State's Exhibit 57. Let's look at this view here.  
7 Where are you standing, or is the photographer standing, for this  
8 picture?

9 A She would have probably been standing at the foot of the  
10 bed.

11 Q We've got some items stacked here. What do you see here?

12 A Appears to be clothing that's folded, appears to be folded.

13 Q Okay. So this right here, what do you see here?

14 A It appears to be a card.

15 Q What do you see in State's Exhibit 58?

16 A Another card, along with some clothing.

17 Q All right. We're going to ...

18 ATTORNEY EPPES: Your Honor, as to these two exhibits, I  
19 think they're 63 -- 64 and 65, I believe that they've been made  
20 black and white, which is good, but they obviously show Ms. Rice.

21 THE COURT: All right. Let me see them.

22 SOLICITOR SCOTT: Yes, sir.

23 (Off-the-record discussion at sidebar)

24 THE COURT: All right, ladies and gentlemen. We've got to  
25 take up a matter, and this is a good time to take a morning break

1 anyway, so I'm going to excuse you for your break. Please don't  
2 discuss the case. Thank you.

3 (Jury escorted out of the courtroom at 11:11 a.m.)

4 ATTORNEY EPPES: Your Honor, can we get a restroom break  
5 before we make argument?

6 THE COURT: Yes. Let's take our restroom break. Then we'll  
7 address this on the record.

8 ATTORNEY EPPES: Thank you, Your Honor.

9 (Court recessed at 11:10 a.m. and reconvened at 11:26 a.m.)

10 MATTER(S) OF LAW

11 THE COURT: Before the break we were discussing Exhibits No.  
12 64 and 65 for ID, State's exhibits. Mr. Eppes, if you have an  
13 objection, let me hear from you.

14 ATTORNEY EPPES: Your Honor, as I stated before, I believe  
15 that these photographs -- I mean, there's ample photographs of  
16 Ms. Rice, unfortunately, that have already been placed in the  
17 record. These photographs are close up, designed to just horrify  
18 the jury and strengthen their resolve as to how horrible the  
19 crime was, and I don't think they're necessary.

20 THE COURT: All right. Let me hear from the State.

21 SOLICITOR SCOTT: Your Honor, the key is to relevance in  
22 this particular matter, and they are relevant. Both photographs  
23 show also her positioning in relation to other things around  
24 here. In particular, the State did provide, upon the Court's  
25 instruction, a black and white photo to not shock the conscience,

1 that we were quite aware of, we do have her family here today,  
2 Judge, so we placed them in black and white. But in reference to  
3 particular items around her, underneath her, and adjacent to her  
4 that has to have her positioning there in order to see that  
5 relation.

6 Furthermore, we do believe that as far as this particular  
7 crime, that they want an interpersonal connection. And the  
8 particular wound that she has and the particular way she was  
9 killed would rule out any suspicion from the jury that a stranger  
10 could have committed this offense.

11 We also heard some testimony about how a pillow was placed  
12 over her head. That pillow has been entered in, as well, in a  
13 different document, again to show what's the relationship as far  
14 as the distance from these items to her body.

15 We are now in 2025, as you know, Judge, and I know that this  
16 would be on TV, Your Honor. This certainly would. We have  
17 definitely blacked out -- literally there's a square over her  
18 head -- as to what the injury looked like inside. I did feel  
19 like that would be jarring. I don't know if that particularly  
20 would have been in a movie.

21 But in particular, the other one, Your Honor, I don't see  
22 any prejudice here as far as sort of getting some type of  
23 sympathy that the State is trying to elicit is happening here,  
24 Your Honor; we're simply doing it for positioning sake.

25 THE COURT: Let me ask you this: How does it -- you've

1 gotten photographs already showing the position of the body,  
2 you've gotten photographs in that show the pillow, you've gotten  
3 testimony as to the exact pathway of the bullet, the description  
4 of the bullet and how it entered the head, the description of  
5 the, it was a contact shot, you've got extensive testimony from  
6 not only the forensic, I mean the pathologist, but you've got  
7 photographs of showing the, again, as I said, the position of the  
8 body.

9 How do these two, how do these two photographs -- and for  
10 the record, they are closeups of the decedent's head. And how  
11 does that -- how is that relevant? You've got all these  
12 photographs. You've got the photograph showing the body, you've  
13 got the photograph showing the position, you've got the  
14 photograph showing the items around the body, you've got  
15 photographs showing the items under the body, you've got the  
16 scene of where the body is from all different kinds of angles  
17 from sergeant here, so how does this, how does this add to your  
18 proof? What's the relevance?

19 SOLICITOR SCOTT: Yes, Your Honor. I'm going to look  
20 through the pictures that are in. I do not believe I have photos  
21 of what's around her. They're so far away. In particular,  
22 there's a doorknob, there's a vape in her hand, there's a  
23 mechanical pencil underneath her arm, there's ...

24 THE COURT: Okay, I understand that. How does that  
25 additionally prove your case?



1 SOLICITOR SCOTT: Well, Your Honor, if there is ever going  
2 to be a doubt or testimony -- I'm not sure -- that this was,  
3 indeed, some type of argument where there was some type of fight  
4 that was occurring, where there was some type of weapon that was  
5 yielded to have the shooter do what they did, Your Honor, we are  
6 presenting to the Court that she's alone in this room, her back  
7 is against the wall, she's laying down on this bed, she has a  
8 vape in her hand, some mechanical pencils, and she has a  
9 doorknob.

10 Q And everything you just said right there is in the evidence  
11 right now. I've seen it and I've written it down.

12 SOLICITOR SCOTT: Through testimony or through photographs?

13 THE COURT: Through photographs and through testimony.

14 SOLICITOR SCOTT: I don't have the mechanical pencils in  
15 yet. I do see the --

16 THE COURT: What is the relevance of having mechanical  
17 pencils?

18 SOLICITOR SCOTT: Well, Your Honor, mechanical pencils  
19 aren't a weapon.

20 THE COURT: How is that relevant?

21 SOLICITOR SCOTT: Well, in the event the Court, or the jury,  
22 would even surmise that she was harming him and that that's --

23 THE COURT: With mechanical pencils?

24 SOLICITOR SCOTT: Correct, Judge, to show the -- to show  
25 that there is no other issue here; there is just murder here,

1 that is all that there is. There is no self-defense, there's no  
2 provocation; it's just murder. There's nothing around her that  
3 would suggest otherwise.

4 THE COURT: So what I'm hearing you, to show that she wasn't  
5 because she had pencils?

6 SOLICITOR SCOTT: No, Your Honor. To show that she had the  
7 lack of a weapon. If anything, she had some pencils and she had  
8 a doorknob.

9 THE COURT: There's already been testimony that there was no  
10 weapon.

11 SOLICITOR SCOTT: And I also remind the Court that we don't  
12 have the ability to have the jury take notes and at times they  
13 look at pictures in order to refresh what was said. Oh, was  
14 there a doorknob? I don't know, I didn't hear a doorknob. Oh,  
15 there's that picture with the doorknob. I mean at some point the  
16 photographs do help the jury remember.

17 Q But the pictures, 64 and 65, are closeups of her head. How  
18 is that relevant?

19 SOLICITOR SCOTT: Well, first, we speak to 65, it's a  
20 closeup of her head but it's blocked out completely with a  
21 square, Judge.

22 THE COURT: But what is the relevance of that?

23 SOLICITOR SCOTT: On 65 in particular, your Honor, there is  
24 some brain matter there and there is an earring --

25 THE COURT: Exactly. And so, as I heard at bench

1 conference, where it showed malice and it showed the nature of  
2 this shooting, how does the fact that a piece of brain matter  
3 adds to that? I mean --

4 SOLICITOR SCOTT: Yes, sir.

5 THE COURT: -- you've got testimony that it was shot from  
6 front to back, down, and left to right. You've got testimony it  
7 was a homicide, a murder. You've got testimony it was a contact  
8 shot. You've got photographs of the body, several, a number of  
9 photographs of the body in the position where it was.

10 How does the photograph of one, small piece of brain matter  
11 add to anything? It doesn't add to malice. Are you saying,  
12 okay, it's because there's a piece of brain matter there, that  
13 that shows malice; if you didn't have a piece of brain matter  
14 then, therefore, there's no malice?

15 SOLICITOR SCOTT: No, Your Honor. I was going to say brain  
16 matter and the earring stud. This one is --

17 THE COURT: What does the earring stud have to do with  
18 anything?

19 SOLICITOR SCOTT: That the force of that projectile knocked  
20 her earrings out, which were found later.

21 THE COURT: Without being callus, but a shot to the head is,  
22 in and of itself, significant, substantial, and a very bad thing.  
23 I don't think the fact that a person's earring may have -- I  
24 think that is pretty understandable that a shot to the head is  
25 significant and is a terrible thing. I don't think adding that

1 the earring going from a person's head adds anything to malice.  
2 It just doesn't. And so when you balance, I don't, I just don't  
3 see the relevance of it.

4 But more importantly, I just, I think from a 403 analysis,  
5 whether it's unfairly prejudicial and substantially outweighs the  
6 probative value, so analyzing from a relevance standpoint whether  
7 it's probative I find that it's not probative because it really  
8 doesn't add anything to the case.

9 There are a number of pictures out there of Ms. Rice's body.  
10 There's testimony from the pathologist as to how Ms. Rice was  
11 killed, detailed testimony as to how the bullet entered, the  
12 pathway of the bullet, the fact that it did kill Ms. Genesys, and  
13 you've got photographs.

14 You've got testimony from the investigators, or the police  
15 department, that went out there to the scene. You have testimony  
16 from the sergeant here as to the position of the body and what it  
17 was, and again, in addition to all the photographs.

18 So I don't find that there is any probative value to these  
19 two particular photographs. And even if there was probative  
20 value I've got to analyze it from a framework in 403 and  
21 determine whether it's unfairly prejudicial and substantially  
22 outweighs that probative value. I don't think it has any  
23 probative value, but even if it did have probative value I think  
24 it's unfairly prejudicial, and I think it does substantially  
25 outweigh any potential probative value.

1       So on those grounds, 64 and 65 will not be admitted.

2       (State's Exhibits 64 and 65 not admitted by the Court.)

3       SOLICITOR SCOTT: Thank you, Your Honor. I will give it to  
4 the clerk for the court's file --

5       THE COURT: All right.

6       SOLICITOR SCOTT: -- since you did admit that. Your Honor,  
7 since we don't have the jury, the State put in two additional,  
8 three additional, photographs 59, 60, and 61, correct, that we  
9 would ask to withdraw from evidence.

10      THE COURT: Again, tell me those?

11      SOLICITOR SCOTT: 59, 60, and 61.

12      THE COURT: Okay. So out of the group that we admitted  
13 without objection, State's withdrawing?

14      SOLICITOR SCOTT: 59, 60, 61.

15      THE COURT: 59, 60, and 61. Okay.

16      ATTORNEY EPPES: Have they been published to the jury?

17      SOLICITOR SCOTT: They have not been published. One is the  
18 exact same photo that's already in, and the other two was opening  
19 up cards.

20      THE COURT: All right. Let the record so reflect. Let's  
21 bring the jury back in.

22      (Jury seated in the courtroom at 11:40 p.m.)

23      THE COURT: The State may proceed.

24      SOLICITOR SCOTT: Thank you, Your Honor.

25

1 Q We're finishing up with the bedroom here. In State's  
2 Exhibit 69, what do we see down here?

3 A That would be a silver hoop earring.

4 Q All right. And how about closer to the wall there? I think  
5 I have a closeup. State's Exhibit 70.

6 A I don't know. It appears to be some blood on the wall.

7 Q Now, in relation to blood, did you photograph and take swabs  
8 of blood, suspected blood, on scene?

9 A Yes, we did.

10 Q Where is this -- what is this picture of? What is this a  
11 photograph of?

12 A It looks like a piece of clothing with a scale.

13 Q Is that on the bed?

14 A I would have to look at an overall photograph to articulate  
15 where that actually is on the bed.

16 Q Okay, but is it bedding?

17 A Underneath it it appears to be. Yes.

18 Q Did you take a swab of this trampoline?

19 A Of the trampoline?

20 Q Well, sorry. Of any matter on the trampoline.

21 A I do not believe that we collected anything from the  
22 trampoline.

23 Q What was the purpose of taking the photograph of the  
24 trampoline?

25 A There is suspected brain matter on the trampoline.

1 Q All right. What is this photograph of, 72?

2 A That appears to be the ceiling right above the decedent.

3 Q And what do we see in 72?

4 A It looks to be some blood on the ceiling.

5 Q Is 74 this popcorn ceiling that we see in 72?

6 A Yes.

7 Q Okay. What's going on with this yellow marker that you have  
8 here, or that we see here?

9 A So, yes. It's scale tape. Our procedure is to scale any  
10 type of blood that is found on scene.

11 Q State's Exhibit 75, what do we see here?

12 A More scaled photographs of blood.

13 Q What side of the bed is this on?

14 A I believe it's around the foot of the bed. It would be to  
15 the left.

16 Q Now we're going to go to the other side of the bed. What do  
17 we see here in State's Exhibit 62? We'll get closer, obviously,  
18 here, but what do we see here on this windowsill?

19 A Yes. On the windowsill, kind of under the blind, it's kind  
20 of tucked in there, is what we call a cartridge casing.

21 Q All right, tucked in there. Let's go -- State's Exhibit 63,  
22 we'll see if we can get a closeup to it on this one. Is that  
23 that cartridge casing that you found?

24 A Yes, it is.

25 Q Did you collect this?

1 A Yes.

2 Q Now, did you find any gun paraphernalia in that home or in  
3 the room?

4 A Yes, we did. We found a gun box/case.

5 Q State's Exhibit 77, what do we see here?

6 A That is the black gun case. It was an American Tactical  
7 box.

8 Q Where is it, for the record, here in this photograph?

9 A It appears to be next to that changing table.

10 Q Here?

11 A Yes.

12 Q Let's see if we've got a closer-up of it. State's Exhibit  
13 78, is that that gun box but closer up?

14 A Yes, it is.

15 Q You referenced -- what type of brand is it?

16 A American Tactical.

17 Q Did you open this box up?

18 A We did.

19 Q State's Exhibit 79. What, if anything, did you do with  
20 what's inside here in State's Exhibit 79?

21 A We obviously photographed that there were some cartridges  
22 inside of the actual magazine.

23 Q Let's get out of that bedroom for a minute. State's Exhibit  
24 81, where are we here?

25 A We are in the kitchen.



1 Q Okay. And there are some things highlighted in this  
2 photograph. Would you tell us what those are?

3 A Those are scaled photographs of additional blood that was  
4 located.

5 Q Sergeant, you referenced that you've been with forensics for  
6 a while. I need to talk to you about State's Exhibit 80. You  
7 scaled those. What, if anything, can you tell us about this?

8 A Due to the location of the victim -- I'm assuming that  
9 you're referring to, like, where the blood is, that specific  
10 blood in relation to the actual victim?

11 Q Yes.

12 A That blood was either deposited either before or after.  
13 That could not have been from the actual event that took place in  
14 the bedroom.

15 Q I want to go to more of the common area. State's Exhibit  
16 82, what do we see here?

17 A It's a portion of the living room.

18 Q Okay. What do you note as far as electronics in this  
19 picture?

20 A That is a gaming console. I'm sorry, I'm not up to date on  
21 my gaming consoles, but it might be a PlayStation, I believe. I  
22 don't know.

23 Q And a TV as well?

24 A Yes.

25 Q All right. We're going to start panning this room. Did you

1 do the same four-corner aspect when you take photographs with  
2 this room as well?

3 A Yes.

4 Q State's Exhibit 84, what view do we have here?

5 A So we're standing next to the television looking into the  
6 kitchen.

7 Q Okay. State's Exhibit 85, what do we see in here?

8 A That is a different viewpoint of the actual living room  
9 looking into the kitchen.

10 Q Do you recognize what's going on in these pictures here, I  
11 mean, these -- sorry -- with this furniture here? What is this?

12 A The tiny, little box-looking thing is a safe. There are  
13 different angles of that, you can kind of see the front of it,  
14 and I believe that the larger object is a dresser.

15 Q And that's in the middle of the living room?

16 A Essentially, yes.

17 Q Okay. And State's Exhibit 86, what do we see here?

18 A A couch that was in the living room.

19 Q Do you see any pillows in this picture --

20 A No.

21 Q -- like throw pillows?

22 A No.

23 Q State's Exhibit 87, is this a different view here of you  
24 panning around?

25 A Yes.

1 Q And lastly, State's Exhibit 88, what do we see here?

2 A It's a different viewpoint of the living room.

3 Q Now, on the other side of this living room what is there?

4 A If I remember correctly, there is an additional bedroom and  
5 an additional bathroom.

6 Q State's Exhibit 90, where is the bedroom and the bathroom  
7 that you just spoke about?

8 A I believe that this is the bathroom, and this is the bedroom  
9 door.

10 Q All right. Let's look at that bedroom door. State's  
11 Exhibit 91. What did you note in your report about this door?

12 A That the exterior door handle was missing.

13 Q State's Exhibit 92, what is this a photograph of?

14 A Of the bed and the specific bedding that was on there.

15 Q All right. What type of bedding do you see here? What's  
16 the color?

17 A It's the red, black, white and gray.

18 Q In State's Exhibit 93, what's this a photograph of?

19 A It's just an additional photograph of the actual bedding.

20 Q I'm going to go back to State's Exhibit 41. Would you say  
21 that this throw pillow here for State's Exhibit 41 is the same as  
22 in State's Exhibit 93 as far as the style of the bedding?

23 A Yes.

24 Q State's Exhibit 94, what perspective are you photographing  
25 here?

1 A I believe we're kind of in that doorway, kind of panning  
2 over, so that would be, I guess, the foot of the bed that you're  
3 seeing.

4 Q And let's look at State's Exhibit -- well in, particular  
5 about the foot of the bed, what do we see here in State's Exhibit  
6 94?

7 A That would be, like, kind of like an entertainment center  
8 with a television sitting on top of.

9 Q State's Exhibit 95, what is that perspective of here?

10 A We're looking in the corner next to the actual entertainment  
11 center.

12 Q And what do we see in the corner here?

13 A I believe that to maybe be a printer and some tools.

14 Q All right. State's Exhibit 96, what do we see here?

15 A There's additional tool-like gadgets. I believe there is a  
16 high-school diploma. There is also, I think, a police statement  
17 that might have been in there, along with some pamphlets.

18 Q What color is this particular item here?

19 A Yellow.

20 Q And you referenced that there was a diploma. Is that right  
21 here with the seal?

22 A Yes.

23 Q Are you aware from your report who this diploma and seal  
24 belonged to?

25 A I believe it was Mr. Lindsey.

1 Q Akevious Lindsey?

2 A Yes.

3 Q Let's pan the room. This is State's Exhibit 99. Of what  
4 perspective is this?

5 A I believe that might have been the other side of the  
6 bedroom.

7 Q There is a doorway here. I might be able to see something  
8 better here in State's Exhibit -- I'm sorry. Is this a doorway  
9 here?

10 A Yes.

11 Q State's Exhibit 100, you see that same doorway in State's  
12 Exhibit 100?

13 A Yes.

14 Q What is that a doorway into?

15 A A closet.

16 Q All right. What else do we see in State's Exhibit 100?

17 A A desk.

18 Q Is the light on or off on this desk?

19 A It's on.

20 Q Did you all, as forensic technicians, do you turn on lights  
21 of lamps of this kind?

22 A Not usually, but I don't recall if that was on or off when  
23 we got there.

24 Q This is State's Exhibit 101. What is this here?

25 A Looks like something dealing with graduation.

1 Q Is this the furniture -- what's the furniture pieces?

2 A Oh. The desk.

3 Q You referenced something about a graduation. What do you  
4 see about a graduation on here?

5 A Maybe it's a card.

6 Q Okay. You see the word "graduate" on here?

7 A Yes.

8 Q Let's go to what's underneath this particular card. What do  
9 we see here?

10 A It looks like an orientation document.

11 Q Do you know the date here that you see on this orientation  
12 document?

13 A Appears to say May 1st.

14 Q Let's go into that doorway there. Let's go back to the  
15 doorway that was in State's 101. What is behind this door?

16 A I believe that's a closet.

17 Q In State's Exhibit 103, what is this a photograph of?

18 A That's either a television of some sort or a computer  
19 monitor.

20 Q Located in what room?

21 A The closet, on the shelf.

22 Q Let's get a pan in that closet. What's State's Exhibit 104?

23 A Additional photographs of the closet.

24 Q Would you describe this closet as full or empty?

25 A Primarily empty.

1 Q And you referenced there was a bathroom when you were in the  
2 living room. State's Exhibit 89, which bathroom is this?

3 A That would be the other bathroom that was not attached to  
4 the bedroom on the right. So this is next to the bedroom we were  
5 just in.

6 Q Now, it's fair to say that you went into the pantry, the  
7 laundry room, the patio, as well, as you were doing your forensic  
8 testing and searching and photographing?

9 A Correct.

10 Q And you took, like we mentioned, over 1,200 photographs out  
11 there, possibly?

12 A It was a large number.

13 Q You also referenced that you took 3D scans of this  
14 apartment?

15 A Correct.

16 Q I want to talk to you about any swabs or anything that you  
17 collected. What items did you collect?

18 A So we swabbed the interior and exterior of the front door  
19 handle. We also swabbed the bedroom where the decedent was  
20 located. We swabbed the interior and exterior of those door  
21 handles. The Chime Visa card from the top of the bed was also  
22 collected, along with the silver-in-color doorknob, the red,  
23 white, black, gray stained throw pillow, the black firearm  
24 American Tactical case, the cartridge casing, the vape, and  
25 silver-in-color earring, along with some bedding and swabs for

1 blood from various areas within the residence.

2 Q Did you do any, like, latent prints out there?

3 A Yes, we did.

4 Q What did you do?

5 A We processed the interior and exterior of the front door and  
6 the front right -- or the right bedroom door which was the same  
7 bedroom where the decedent was located.

8 Q Did some of your tests yield negative result on the latents?

9 A We received -- the only positive result that we received was  
10 on the exterior of the front door.

11 Q Did you get any latents from that gun case?

12 A I believe the only fingerprints that were located were on  
13 the Chime credit card. Yes, the Chime credit card.

14 Q So no to the gun case?

15 A Correct.

16 Q Did you check under the mattress of that bed that the  
17 deceased was on?

18 A Did we check underneath it?

19 Q Underneath the mattress.

20 A Yes.

21 Q Did you find anything?

22 A No.

23 Q Answer any questions defense counsel might have for you.

24 THE COURT: All right. Cross.

25



**CROSS-EXAMINATION**

BY ATTORNEY EPPES:

Q Do you know whether the doorknob upstairs matched the door --

A I do not.

Q -- that had the doorknob off it?

A Yes, that bedroom had a missing doorknob. I do not know if that is the doorknob that came from that door.

Q You didn't check on that; you didn't try to compare it?

A No.

Q How far was your education?

A I have had a bachelor's degree in forensic biology with a minor in chemistry.

Q So you graduated high school and college?

A Correct.

Q Do you still have your high-school and college diplomas at your house?

A I would have to find them but probably, yes.

ATTORNEY EPPES: Thank you, ma'am.

THE COURT: Any redirect?

SOLICITOR SCOTT: No, Your Honor.

THE COURT: All right. You may step down.

All right. Next witness.

SOLICITOR SCOTT: Yes, Your Honor. Investigator Guest.

1 JOHN ANDREW GUEST, JR.

2 having first been duly sworn, is examined and testifies as  
3 follows:

4 CLERK OF COURT: Please state your full name for the record.

5 THE WITNESS: My name is John Andrew Guest, Jr. I go by  
6 Andrew. That's my father who goes by John.

7 **DIRECT EXAMINATION**

8 BY SOLICITOR SCOTT:

9 Q Okay. Thank you for coming here today. Where do you work?

10 A I work for Simpsonville Police Department.

11 Q And how long have you worked there?

12 A I started with Simpsonville in June of 2013, so going on 12  
13 years.

14 Q And what are your duties there?

15 A I am an investigator in the Criminal Investigation Division.

16 Q And were you working as an investigator of criminal  
17 investigations in May of 2023?

18 A Yes, ma'am.

19 Q Let's talk about your role in this case. What initially was  
20 your role in this case?

21 A I was placed on standby the evening of the incidents. I  
22 didn't respond to the crime scene or anything like that. I  
23 wasn't needed. There were other investigators there.

24 So when I came in Monday morning I assisted with some  
25 background-type research, mostly behind-the-scenes kind of stuff.

1 That Monday I was asked to go to Ms. Rice's autopsy. I did  
2 attend that. And then after the autopsy I assisted other  
3 investigators and then other agents from SLED and Laurens County  
4 Sheriff's Office as we went looking for the defendant,  
5 Mr. Lindsey.

6 Q Now, you mentioned that you did some, I guess we call it,  
7 homework while you were at the police department. Did you obtain  
8 any search warrants or any kind of data collection of any kind?

9 A I did. I drafted one search warrant in this case. It was  
10 for Uber.

11 Q And what's Uber in this case?

12 A Uber is a taxi kind of service where you summon a ride using  
13 your cellphone or electronic device, and they come pick you up  
14 and take you wherever you go.

15 Q Would you tell us the process of getting some kind of  
16 information from Uber?

17 A Sure. So in this case I got the search warrant, like I  
18 said. I presented that search warrant to a judge, the judge  
19 reviewed it, and signed off on it. Then another investigator  
20 executed the search warrant. And we upload -- every company has  
21 a different process for search-warrant delivery. Uber wants  
22 theirs delivered through a law-enforcement portal, so I logged  
23 onto the law-enforcement portal online and uploaded an additional  
24 copy of the search warrant, along with a cover letter, explaining  
25 the case number and my contact information.

1 Q So when you go through Uber and go through their portal how  
2 do they interact with you?

3 A I didn't really have any interaction with Uber, per se,  
4 until the search warrant was completed. I received an email  
5 indicating that the records were ready for download from the same  
6 law-enforcement portal, so I got the email that was ready, I  
7 logged back in, and downloaded the records.

8 Q Did they provide you with a certificate of authenticity of  
9 the records that they submit to you in a digital file?

10 A Yes, ma'am, they did.

11 Q And then how did their records come to you, in what type of  
12 form?

13 A The certification of authenticity was, I believe, a PDF.  
14 There were three files total. I think it was a PDF, a cover  
15 letter from them also a PDF, and an Excel spreadsheet.

16 Q Do they charge you for these requests?

17 A Some companies do. I don't think Uber did in this case.

18 Q What is your purpose of going to this Uber; like, why are we  
19 looking at Uber?

20 A So I was told that one of the other investigators found out  
21 during the course of their interviews with witnesses or family  
22 members that the defendant didn't have a car and that he was  
23 Ubering around sometimes. So we were, we weren't sure where he  
24 went or where he was at the time, so I did a search warrant for  
25 the timeframe of May 5th to May 8th. Because I wrote it on

1 the 8th, that's why I say that day, obviously.

2 Q And what particular information do you have to give to Uber  
3 for them to even know who Akevious Lindsey is?

4 A Uber currently uses cellphones so we provided four phone  
5 numbers that we learned through the investigation process that  
6 might have been associated with him.

7 Q All right. And did one of those phone numbers yield a  
8 result?

9 A Yes.

10 Q And what result did it yield?

11 A It indicated a ride for Akevious Lindsey from apartment  
12 complex, it was -- can I refer to my notes?

13 Q Absolutely. In fact, as you're doing your investigation do  
14 you compile a report, sir?

15 A Yes.

16 Q And do you document in your report the steps that you take?

17 A Yes, ma'am.

18 Q Do you have that report with you today?

19 A I do.

20 Q Okay. Also, you did that Uber search. Do you have that  
21 Uber search with you today?

22 A I don't have a copy of the search warrant. No.

23 Q Did you get the Uber search? Did I come to you and give you  
24 something?

25 A No, you did not.

1 Q No?

2 A Thank you.

3 Q All right. So we're back to Uber, and we're talking about a  
4 phone number that did yield a ride.

5 A Yes, ma'am.

6 Q What, if anything, did Uber search give you?

7 A So it provided the services used, the rider name, the  
8 driver's name, the fact that the ride was completed, the date and  
9 time and local time, the inputs, pickup location the dropoff  
10 location, the actual pickup location and the actual dropoff  
11 location, the distance, the fare amount, and the fact of the bill  
12 of sale, and the duration of the trip.

13 Q All right. Well, let's just go ahead and tell us what each  
14 of those things are.

15 A Okay. So the service was provided by Uber X by Akevius  
16 Lindsey. The driver's name was Sharon Chapman. The ride, as I  
17 said, was shown to have been completed. The pickup time was May  
18 5th at 1301, so 1:01 p.m. The request time was May 5th at  
19 12:49 p.m. The dropoff time was May 5th at 1319, or 1:19 p.m.

20 It's got GPS coordinates for the inputs and the actual  
21 pickup and dropoff locations. Would you like those?

22 Q Yes. Well, please do not read off GPS coordinates --

23 A That's a blessing.

24 Q -- no, sir. As a part of investigation you are able to do  
25 GPS coordinates lookup?

1 A Yes, ma'am.

2 Q Okay. Just tell us the actual locations.

3 A Okay. The pickup location was listed as Mayfield Estates on  
4 East Georgia Road, which mean East Georgia Road and Crest Drive.  
5 When you search that address on Google Maps it comes up with a  
6 Woodcreek Apartments at [REDACTED] Road. And then when you  
7 look at the GPS for the dropoff location it was Jasmine Cove  
8 Apartments, so 4.6 miles away.

9 Q All right. Dropoff at Jasmine Cove --

10 A Yes, ma'am.

11 Q -- and picked up from Woodcreek Apartments?

12 A Yes, ma'am.

13 Q Is Woodcreek Apartments in Simpsonville, Fountain Inn,  
14 Laurens? Where is that again?

15 A It's a Simpsonville mailing address, but it's just outside  
16 the city.

17 ATTORNEY EPPEs: Your Honor, can we clarify that we're  
18 talking about May 5th, 2023?

19 A Yes, we are.

20 Q Now, in addition to that search warrant for Uber for  
21 May 5th, did you do any other further research in this case?

22 A While I was doing some of the background stuff, like I said,  
23 one of the other things I did was since I didn't go to the crime  
24 scene I looked through some of the crime-scene photos to try to  
25 get a better understanding of the events of the evening, and in

1 one of the photos I observed the American Tactical, of course,  
2 handgun case that was in the apartment, so I did some research on  
3 American Tactical to find out if that pistol case could have  
4 possibly belonged to the murder weapon.

5 Q So let's talk about you and your gun research. What  
6 experience do you have with weapons?

7 A I guess you can call me a firearms enthusiast. I've been  
8 shooting since I was about 14 years old. I took formal classes.  
9 I'm a firearm's instructor, an advanced handgun instructor, and  
10 advanced rifle instructor. I'm a certified armor through Glock  
11 and Smith & Wesson on revolvers, and as well as AR15 or M16-style  
12 rifles.

13 Q So let's talk about some of the things that you were able to  
14 research in particular with -- well, before, we did find that gun  
15 case. Let's start there. We got a gun case with American  
16 Tactical on it.

17 A Yes, ma'am.

18 Q Tell us about that brand.

19 A So American Tactical Imports, they're based in Summerville,  
20 South Carolina. They import mostly firearms, but they also  
21 manufacture some firearms. I was trying to determine whether or  
22 not the casing, like I said, that could have belonged to a gun  
23 that would have been found in that case.

24 I found out later that the case is actually marked with a  
25 particular make and model, serial number, caliber for a specific



1 weapon. A lot of manufacturers do that to brand their cases with  
2 the actual gun that goes in that case. In this case it was a .45  
3 caliber 1911, which the shell casing that was found at the scene  
4 was a .40 caliber, so it's a different caliber from the case.

5 Q All right. Because there may be folks who don't know about  
6 this gun, let's go to State's Exhibit No. 78. We're talking  
7 about this. Mr. Guest, we're talking about this case, 78, and  
8 you referenced that this case has a serial of a particular weapon  
9 that goes to it?

10 A The serial number was documented in the property evidence  
11 report. I have never actually seen this pistol case but it's  
12 common for a manufacturer to pick a sticker, or a brand, on the  
13 side of the case. I would assume it's on the other side of the  
14 case, but I can't see. But the serial number and the model  
15 number came from somewhere in the forensics report.

16 Q Okay. And then you reference there was a shell casing in  
17 the window. And do you know, what caliber was that shell casing?

18 A It was a .40 caliber Smith & Wesson.

19 Q .40 caliber?

20 A Yes, ma'am.

21 Q All right. Let's talk about the case again. Well, let's go  
22 back to the casing. We've got a picture. State's Exhibit 73,  
23 this is what caliber?

24 ATTORNEY EPPES: Objection, Your Honor.

25 THE COURT: What's the basis?

1       ATTORNEY EPPES: Can he clarify that, when he says it's a  
2       .40 caliber Smith & Wesson, he's talking about the bullet and not  
3       necessarily the gun?

4       THE COURT: All right. Just rephrase, or just lay a little  
5       bit more foundation.

6       Q     All right.

7       A     Okay. So -- sorry.

8       Q     This casing is what?

9       A     So that casing belongs to a .40 caliber Smith & Wesson.  
10      Firearm calibers are typically named for the company that first  
11      develops that cartridge. In this case, the .40 caliber was  
12      developed by Smith & Wesson. So you can have a .40 caliber Smith  
13      & Wesson made by "Six Hour Hold". You know, any Glock -- any  
14      manufacturer, can make a .40 caliber Smith & Wesson.

15      The magazine weapon that would have been in the case is a  
16      .45 caliber, it's called, ACP. That stands for Automatic Colt  
17      Pistol because Colt is the first one who developed a .45 caliber  
18      ACP cartridge.

19      Q     So the weapon associated with this is a .45 caliber?

20      A     Yes, ma'am.

21      Q     Not a .40?

22      A     Correct.

23      Q     Now I want to talk to you about, we did open this case and  
24      we got something in here?

25      A     Yes, ma'am. According to the forensics report, that is a

1 .45 caliber Smith & Wesson magazine. You can see the Smith &  
2 Wesson logo on the lower part of the magazine.

3 Q Well, I can't.

4 A It's the silver circle just above the black base.

5 Q Could you point to it so I could point to it now?

6 A Yeah, absolutely. It's kind of hard to see, but it's right  
7 here.

8 Q Okay. Yes, sir.

9 A That's the Smith & Wesson crest.

10 Q Now, you reference that the ATI gun case had a serial number  
11 attached to a weapon.

12 A Yes, ma'am.

13 Q This weapon, would a magazine fit with that weapon?

14 A No, ma'am.

15 Q So again, this magazine is not connected to the weapon  
16 assigned to this case?

17 A Correct.

18 Q All right. Let's go forward. Did you attempt to do any  
19 pawn shop or store shops regarding weapons associated in this  
20 case?

21 A I did.

22 Q What did you do?

23 A We have access to a program that's called LeadsOnline that  
24 can search pawn shop and resell store like Video Games, GameStop,  
25 they'll search their records and will come up with items that

1 were bought or pawned by an individual, or bought from or pawned  
2 by an individual. I found that Mr. Lindsey had sold and/or  
3 pawned a Rossi model -- or, a Rossi .22 caliber rifle and a Glock  
4 Model 19. It's a 9mm handgun.

5 Q These are different types of weapons?

6 A Yes, ma'am.

7 Q Any other weapon paraphernalia that he may have pawned?

8 A The only other thing that I saw was that he sold an AR15  
9 magazine in, I think it was, 2020 to Little Star Pawn in  
10 Simpsonville.

11 Q This is just a magazine itself?

12 A Just a magazine, yep.

13 Q All right. How many pawnshops did you go to, sir?

14 A I went to two. One was Simpsonville Gun & Pawn in  
15 Simpsonville. Mr. Lindsey had pawned, or sold, some electronics  
16 to them, including a laptop.

17 And I was also interested in the ATI pistol before I learned  
18 that it was a .45 caliber case. I was trying to see if that case  
19 could have been for a .40 caliber. It turned out, like I said,  
20 it was kind of a moot point because it was a .45, we found out  
21 later.

22 And then I also went to Rich's jewelry Pawn in Laurens.  
23 Mr. Lindsey had pawned his Glock 19 there, and I believe he also  
24 pawned the Rossi rifle there, or he sold the Rossi rifle. I'm  
25 not sure. I don't know if it was pawned or sold.

1 Q We have the casing and the shell -- the shell casing in the  
2 windowsill. I'd like to show that photograph to you. When you  
3 fire a weapon as a firearm's instructor could you tell the Court  
4 what happens when you fire a weapon of any kind? Well, in  
5 particular, any handgun.

6 A So in a semiautomatic handgun, the slide -- that's the top  
7 part of the gun -- will go back and forth. And you see it in  
8 movies all the time, or TV shows. It's reciprocating. Basically  
9 it's ejecting a spent shell casing and putting a new cartridge in  
10 into the system to load it to make it ready for the next shot.

11 Q So when you're saying it's ejecting. As things eject, where  
12 are they going?

13 A It kind of varies based on a lot of facts, depending on how  
14 the person's moving, how they're holding their hand. Even the  
15 manufacturer of the gun can determine that. Some guns will eject  
16 one direction more than another. It's pretty variable.

17 Q We found, or forensics found, a shell casing here on this  
18 side of the room. All right. Any particular thing that you  
19 would make a note of as a firearm instructor if the shell casing  
20 is over here?

21 A Not necessarily because, as I said, you know, the casing  
22 itself is pretty lightweight, and the action the system is  
23 performing, a fairly violent action of ejecting it. Because that  
24 casing is no good to the gun anymore, it's trying to get it out  
25 and get it ready to keep going, so it's common for them to go all

1 over the place, really.

2 Q All right. Answer any questions defense counsel might have  
3 for you.

4 A Thank you.

5 THE COURT: All right. Cross.

6 **CROSS-EXAMINATION**

7 BY ATTORNEY EPPES:

8 Q So the -- what do you call this -- the magazine --

9 A Yes, sir.

10 Q -- in the gun case didn't match the serial numbers on the  
11 gun case?

12 A So the magazine itself would not be serialized like the gun  
13 would.

14 Q I understand.

15 A But the magazine's for a Smith & Wesson and the gun case is  
16 for an ATI.

17 Q So it didn't match the gun that was in there?

18 A Correct --

19 Q Now, you've seen that before, I'm sure.

20 A Yes.

21 Q -- people that had a gun case that didn't match the gun?

22 A Yes, sir.

23 Q And just to be clear, the casing that was found in the  
24 window, you called that a casing for a Smith & Wesson but that's  
25 because of the gun, name of the gun, but you don't know what gun

1 that casing came from?

2 A I call it a .40 caliber Smith & Wesson. That's the actual  
3 name of the cartridge, for the caliber. So a .40 caliber is a  
4 .40 caliber Smith & Wesson whether it's filed from a Glock or a  
5 Sig, or it doesn't matter what manufacturer is. We don't know  
6 what manufacturer, or the company, of the weapon that was used.

7 Q And you put in your report that the gun that was used in the  
8 homicide was potentially from that gun case?

9 A That was a theory we were working off of until I learned  
10 that it was a .45 caliber.

11 Q But it's still possible it would have fit in there, correct?

12 A It would have fit. Yes.

13 Q And you didn't find any evidence of Akevious Lindsey having  
14 around him a .40 caliber gun?

15 A No, sir, I did not.

16 ATTORNEY EPPES: Thank you.

17 THE COURT: All right. Any redirect?

18 SOLICITOR SCOTT: No, Your Honor.

19 THE COURT: All right. You may step down.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: Well, ladies and gentlemen, I think this is a  
22 good time to take our lunch break, so let's take our break. And  
23 we'll start back at 2:00. So enjoy your lunch. Please don't  
24 discuss the case. And we'll see you after lunch.

25 Let's have order until the jury leaves. Order until the

1 jury leaves.

2 (Jury escorted out of the courtroom at 12:21 p.m.)

3 (Court recessed at 12:21 p.m. and reconvened at 2:02 p.m.,  
4 without the jury.)

5 THE COURT: All right. Anything we need to take up before  
6 --

7 SOLICITOR WESTFIELD: Your Honor, Brittany is on her way.

8 THE COURT: Okay. Is there anything we need to take up that  
9 you know of?

10 ATTORNEY MESSER: Possibly, Your Honor. I'm going to speak  
11 with Brittany briefly whenever -- I'm going to try to catch her  
12 in the hallway for time's sake.

13 (Pause in the proceedings.)

14 THE COURT: All right. I don't want this to happen again.  
15 We were to be back here at 2:00, and we were not given any  
16 information as to any issues that would come up. If there are  
17 any issues that you all need to deal with, you deal with it  
18 before we are to start back, and if there are any problems with  
19 that you are to let me or my law clerk know.

20 SOLICITOR SCOTT: Yes, Your Honor.

21 THE COURT: And here it is, it's 2:25. We were supposed to  
22 start back at 2:00. That jury is sitting back there, and I'm not  
23 taking the blame this time. I told them I will always take  
24 responsibility, to blame everything on me, but I'm not. I'm not  
25 going to identify, but I'm going to tell them that it's not my



1 fault this time. I don't want this to ever happen again. Do you  
2 all understand that?

3 SOLICITOR SCOTT: Yes, Your Honor.

4 ATTORNEY MESSER: Yes, Your Honor.

5 THE COURT: When I say we're starting court at whatever  
6 time, you all need to be in the seats. And you all know me. If  
7 there is any issue to deal with, I will come in beforehand, I  
8 will come in early, I will stay late, I will work through lunch,  
9 I will do anything to accommodate lawyers. I was there for 36  
10 years as a trial lawyer and so I know how it is in trying cases,  
11 and I've tried a bunch of them, but if there is any issue that  
12 needs to be dealt with, I will deal with it, and I will take  
13 whatever time is necessary to do it out of my time, out of my  
14 lunchtime, whatever.

15 But when we are to start court at a particular time, you all  
16 are to be there, and then not letting me know what I'm sitting  
17 here - I've been sitting here for 25 minutes on the bench. So I  
18 do not want this to happen again.

19 Now, what is the issue?

20 ATTORNEY MESSER: There is no issue, Your Honor. We were  
21 discussing the matter of Facebook messages, and we got it  
22 resolved. And that was the reason that I walked out, was to try  
23 to get it resolved so that we didn't take up the Court's time on  
24 a motion.

25 THE COURT: We broke at 12:20 or 12:25, so why was this not

1 taken up during the hour and 40 minutes during the lunch break?

2 SOLICITOR SCOTT: Your Honor, I gave this to her after the  
3 lunch break and, quite frankly, gave it to her right around 2:00.  
4 I went to lunch. I thought she might have an issue with  
5 something. She has this evidence, Your Honor. I wanted to know  
6 if she wanted something redacted. I didn't think it needed to be  
7 redacted but in the event that it needed to be redacted, I went  
8 ahead and made a redacted form.

9 What I should have done, Your Honor, was to come in, we have  
10 that redaction conversation on the record, and then you rule, and  
11 then I pop up or ask for time to go back and make the redaction.

12 So what occurred was me delaying giving her this  
13 information, and then deciding to go ahead and have a backup to  
14 the backup before we started so that we didn't start and then  
15 need to recess and do the backup. So that was just poor judgment  
16 on my part.

17 But in my rush to get here I just looked down, and it turned  
18 into some Chinese up here, but I think we can fix this. We've  
19 done it. But that was just me trying to be careful and not  
20 interrupt in between the trial, and what happened is I delayed  
21 the trial.

22 THE COURT: I understand. Again, like I said, I was a trial  
23 lawyer --

24 SOLICITOR SCOTT: Yes, sir.

25 THE COURT: -- and I've tried a bunch of cases, so I'm not a

1 judge that's just on the bench, that wasn't was just a lawyer, so  
2 I know the difficulties in trying cases, and I know how issues  
3 come up, but I never, ever, when I was told to be, when the judge  
4 was going to be on the bench, to not show up.

5 You can come in and tell me the judge, We've got an issue,  
6 that can we have some time? I'm always amenable considering  
7 certain circumstances. There may be times where I'm not because  
8 of the time issue, but these are matters that need to be handled  
9 during our breaks, our lunch breaks, or our overnight breaks.

10 And I just don't want to -- you all are good lawyers.

11 SOLICITOR SCOTT: Yes, sir.

12 ATTORNEY MESSER: Yes, sir.

13 THE COURT: All of you do a really good job, you're very  
14 professional, but this is -- this is not -- this is unlike you  
15 all. You all are in front of me a lot, and so I'm very  
16 respectable of you all. Again, all of you do a really good job  
17 representing your clients, but we just can't let this happen  
18 again. Does everybody understand that?

19 SOLICITOR SCOTT: Yes, sir.

20 ATTORNEY MESSER: Yes, Your Honor. And for the record, Your  
21 Honor, the lack of communication was my fault. I should have  
22 said from the beginning. So I apologize for that.

23 MATTER(S) OF LAW

24 THE COURT: Now, is there anything we need to take up?

25 SOLICITOR SCOTT: Should we put this on the record?

1 THE COURT: I want to hear it. Yes. Put it on the record.

2 SOLICITOR SCOTT: All right. Your Honor, the State intends  
3 to call Investigator Semanski. And he conducted a variety of  
4 search warrants, one being a Facebook search warrant, and we have  
5 some returns. We intend to do -- and defense and I have  
6 compromised at that timeframe when we should have been here -- we  
7 did intend to put in a Facebook message conversation between  
8 Genesys Rice and Akevious Lindsey.

9 Additionally we had, the way it printed out, it printed out  
10 another person's message, Your Honor, and we have redacted that  
11 but with our redacted software and, quite frankly, my rush to get  
12 in here, it turned, where it normally says Facebook it says some  
13 type of, I don't know what, some type of Sanskrit. But it's  
14 still fine, it's just an odd --

15 (Counsel confer with each other.)

16 SOLICITOR SCOTT: So that is fine, Your Honor. That's a  
17 Facebook redaction that we agreed upon.

18 And then the next thing, Your Honor, was we referenced a  
19 Snapchat photo of the victim's statement, and then I wanted to  
20 tie that in, as well, that the defendant also didn't want to go  
21 to jail and he referenced that in a Facebook message, and we have  
22 that here today. There was just an added bonus to that. He said  
23 he didn't want to go back to jail.

24 That was going to be an issue that she and I worked out  
25 before walking in here, that we decided to take the "back" out

1 because that suggested, when we were talking, that that suggested  
2 that "back" meant that he was previously in jail and showed a  
3 conviction of some sort. And perhaps we know that, but the jury  
4 doesn't and that would infer that, so she asked for me to take  
5 that out, and I have taken that out. It's not stapled.

6 ATTORNEY MESSER: That's okay.

7 SOLICITOR SCOTT: And that is it, Your Honor.

8 THE COURT: That's correct, Ms. Messer?

9 ATTORNEY MESSER: Yes, Your Honor, that's what happened.

10 THE COURT: Now, again, I'm not going to belabor it but  
11 that's something I knew. I knew myself on Monday what the  
12 Facebook message said, and that needs to be worked out. I'm not  
13 going to belabor it anymore. You all got a good idea of my  
14 displeasure, and I know it's not going to happen again. But  
15 again, you're all good lawyers, and I just do not want to see  
16 that again.

17 All right. Is there anything else? Anything from the  
18 State?

19 SOLICITOR SCOTT: No, Your Honor.

20 THE COURT: Anything from the defense?

21 ATTORNEY MESSER: No, Your Honor.

22 THE COURT: All right. Bring them in.

23 (Jury seated in the courtroom at 2:34 p.m.)

24 THE COURT: Good afternoon, ladies and gentlemen. My  
25 apologies for the delay. State, call your next witness.

1 SOLICITOR SCOTT: The State calls Investigator Semanski.  
2 ADAM SEMANSKI,  
3 having first been duly sworn, is examined and testifies as  
4 follows:

5 CLERK OF COURT: Please state your full name for the record.

6 THE WITNESS: Sure. My name's Adam Semanski,  
7 S-e-m-a-n-s-k-i.

8 **DIRECT EXAMINATION**

9 BY SOLICITOR SCOTT:

10 Q And where do you work?

11 A The Simpsonville Police Department.

12 Q And what is your job duties there?

13 A I'm an investigator.

14 Q And how long have you worked with the Simpsonville Police  
15 Department?

16 A Going on 12 years.

17 Q All right. So what does an investigator with the  
18 Simpsonville Police Department do?

19 A We investigate any larger-scale crimes that deal with more  
20 follow-up, with more investigation. It just depends on which  
21 crime.

22 Q Were you an investigator in May of 2023?

23 A I was.

24 Q What was your role in this case?

25 A I was initially contacted by Lieutenant Weibel in reference

1 to obtaining a search warrant for the residence where the  
2 incident occurred.

3 Q And as an investigator, did you generate a report  
4 documenting the steps in the role that you played in this case?

5 A I did.

6 Q And do you have that report with you today?

7 A I do.

8 ATTORNEY MESSER: I apologize, Your Honor. I can barely  
9 hear him. Could you move the mic up?

10 THE WITNESS: Sure. Is this better?

11 ATTORNEY MESSER: Yes.

12 THE WITNESS: Okay. Sorry.

13 Q All right. So now that you have that report with you can  
14 you tell us, what was some of the things that you did in regards  
15 to the actual apartment or on scene?

16 A Sure. So initially upon obtaining the search warrant I  
17 responded to the scene. I met with other officers there. The  
18 search warrant was executed. Took scene photographs.

19 Q Now, were you in there with forensic at the same time or is  
20 this something you did after forensic was over?

21 A Correct, at the same time.

22 Q Did you also recall that there was a Ring doorbell there at  
23 the entrance of that apartment?

24 A I did.

25 Q State's Exhibit 32, this doorbell?

1 A Yep. That's it.

2 Q Did you do any search warrant pertaining to that Ring  
3 doorbell?

4 A Correct. Yes. After the fact, there was a search warrant  
5 for the seizure of the Ring device itself, and then there was a  
6 secondary search warrant for the actual, like, I guess, cloud  
7 contents from Ring specifically.

8 Q New, that Ring doorbell's attached to that door there, did  
9 you notice anything of that note as to any damage to that front  
10 door?

11 A So, no, I did not observe any damage to the door of the  
12 residence itself. No.

13 Q Let's talk about the layout of this apartment. We've heard  
14 testimony about it but I think -- in your investigation did you  
15 provide a layout in order for other officers to assist?

16 A I did.

17 (State's Exhibits 110 and 111 are marked for  
18 identification.)

19 Q Excuse me. I'm handing you what's been premarked as State's  
20 Exhibit 110 and 111. Tell us what we see? What is this?

21 A Sure. So this was straight from the apartment complex's  
22 website. This is kind of just the layout of the apartment. So  
23 obviously, depending on where the apartment is in the building,  
24 this is kind of the regular layout. The incident location itself  
25 is basically the mirror of the layout that I observed on the



1 website.

2 Q All right. Is that a true and accurate depiction of the  
3 layout of the apartment that you Googled and printed out?

4 A It is. Yes.

5 SOLICITOR SCOTT: At this time the State would like to offer  
6 into evidence State's Exhibit 111 and 110.

7 THE COURT: Any objection?

8 ATTORNEY MESSER: Without objection.

9 THE COURT: State's Exhibit 110 and 111 are admitted into  
10 evidence, without objection.

11 (State's Exhibits 110 and 111 are admitted into the record.)

12 Q Investigator Semanski, you referenced that you printed this,  
13 State's Exhibit 111, out on, from the website?

14 A Uh-huh.

15 Q And you noted here that's the original way --

16 A Correct.

17 Q -- it appears?

18 A Correct.

19 Q And then you converted it to a mirror image?

20 A That's correct. I just used, like, a photo software that  
21 basically just inverted the image to be an accurate depiction of  
22 how the layout was of the apartment.

23 Q So this is State's Exhibit 110, and we would have now the  
24 master bedroom on what side of the stairs?

25 A The master bedroom is, when you get to the top of the

1 stairs, to the right.

2 Q Now, I think you can see, did you make some specific markers  
3 here on this layout?

4 A I did. I made some annotations.

5 Q All right. The front door is where? Could you just point  
6 to the screen behind you.

7 A Sure. The front door is listed right here. It's on the  
8 first floor.

9 Q Okay. And then what else did you mark on this sketch?

10 A I marked, I kind of drew that in here. This is the master  
11 bedroom. And then that is where Ms. Rice was located. And then  
12 the shell casing was located on this windowsill in relationship  
13 to the bed.

14 Q Okay. How many bedrooms did we see in the apartment?

15 A There were two.

16 Q And given that layout of the apartment, if we focus in on  
17 that master bedroom, there was a doorknob that was located next  
18 to the deceased, Ms. Genesys.

19 A Correct.

20 Q Did you check to see if that doorknob matched any other  
21 doorknobs in that house?

22 A It definitely appeared to. I don't recall physically taking  
23 the doorknob and matching it up to the other door handle, but it  
24 looked very, very similar style, size, everything.

25 Q And did you find any weapon in that house?

1 A No. We didn't locate a weapon.

2 Q What about any weapon paraphernalia?

3 A Yes. So there was a gun case that was located in the room  
4 which contained a magazine for a .45 caliber.

5 Q Did you find anything else other than that gun case?

6 A Outside of just the shell casing --

7 Q The shell casing.

8 A -- that's it.

9 Q Thank you. Did you observe any damage to that window where  
10 the shell casing was found?

11 A No damage, not that I observed.

12 Q I want to draw your attention to some bedding. In State's  
13 Exhibit 50, did you observe any puncture wounds in this pillow  
14 here?

15 A No. I don't recall any puncture wounds.

16 Q Do you recall reviewing statements made by the on-scene  
17 9-1-1 caller, Azaliah Rice?

18 A I don't recall.

19 Q We've had testimony about a statement that was written by  
20 Genesys on May the 2nd. Did you observe that statement?

21 A I did.

22 Q And it was located where?

23 A It was located in the second bedroom, not the one where  
24 Ms. Rice was located, the further one to the left.

25 Q Did you do a Snapchat return -- well, how about this: How

1 many returns and bench warrants did you do in this case?

2 A I'd have to reference my report just to see. There were  
3 several. I know we did a, it looks like there was, there was  
4 Facebook, there was T-Mobile, there was Charter, there was Snap,  
5 there was another one, Demeto which was for Instagram  
6 specifically, there was one for Apple, I think Verizon. At least  
7 six.

8 Q I want to talk to you about your Snapchat return --

9 A Yes.

10 Q -- since we're on the statement that was in the bedroom.  
11 How do you go about getting a Snapchat return?

12 A Sure. So as far as the Snapchat warrant itself is  
13 concerned?

14 Q Yes. Sorry.

15 A Sure.

16 Q How do you go about doing a Snapchat warrant?

17 A Yes. Obviously you draft a search warrant, present it to a  
18 judge. The warrant is signed into service and Snap receives  
19 theirs via, like an, an online portal where you submit it to  
20 them. They will generally have some correspondence back and  
21 forth, and then it's fulfilled.

22 Time, I can't remember the exact timeframe, but, you know,  
23 based on the provider, you can get records back within a couple  
24 days, and sometimes it takes weeks, or potentially months. But  
25 that's the general flow of how you would submit records and then

1 receive them back.

2 Q Okay. And did that general flow occur here with this  
3 Snapchat return that you did?

4 A Yes.

5 Q And tell us how you received the Snapchat of the defendant?

6 A So it was received back throughout the portal, downloaded,  
7 and then basically, if I recall, it was in, like, sent back in  
8 two different folders. And that's just based on the size of,  
9 like, the different videos. They separate into two different  
10 folders.

11 Q And what was the Snapchat name in regards to Akevious  
12 Lindsey?

13 A That was Kevius23, K-e-v-i-u-s-2-3.

14 (State's Exhibit 114 is marked for identification.)

15 Q I'm handing you what's been premarked as State's Exhibit  
16 114. Can you recognize what I just handed you?

17 A Yes.

18 Q And how so?

19 A That looks like a copy of the complaint form.

20 Q Right. Is that from Snapchat, sir?

21 A Correct.

22 Q And how do you know it's from --

23 A I had to make sure. Well, just from looking at this, it has  
24 the memories. When you use Snapchat there's some memories. And  
25 it has the time, date, location, and some, it looks like some,

1 other data. But, yes, that's from Snapchat.

2 Q Now, this particular State's exhibit does have some blocks  
3 inside of the statement.

4 A Uh-huh.

5 Q Okay. That's been done to comply with the rules of the  
6 Court. But other than those blocks there, is this a true and  
7 accurate copy of the Snapchat photo that you received from the  
8 Snapchat company?

9 A Yes.

10 Q All right.

11 SOLICITOR SCOTT: At this time the State would like to enter  
12 into evidence State's 114.

13 THE COURT: Any objection?

14 ATTORNEY MESSER: Without objection.

15 THE COURT: State's Exhibit 114 is admitted into evidence,  
16 without objection.

17 (State's Exhibit 114 is admitted into the record.)

18 Q Do you see the name written here on the statement?

19 A I do.

20 Q What is it?

21 A Genesys Rice.

22 Q What is the date of there statement?

23 A The date is marked May 2nd of 2023.

24 Q And who is this statement against?

25 A It says --

1       ATTORNEY MESSER:  Objection, Your Honor.

2       THE COURT:  What's the basis?

3       ATTORNEY MESSER:  We've discussed the -- we discussed this.

4   And, Your Honor, the whole thing was supposed to be redacted.

5       THE COURT:  Let me see you all.

6       (Off-the-record discussion at sidebar)

7       THE COURT:  All right.

8       ATTORNEY MESSER:  Your Honor, defense objects based on the  
9   previous objection pursuant to Crawford, as well as a 403  
10   analysis, as well as hearsay.

11       THE COURT:  All right.  Objection noted.  Overruled.

12       SOLICITOR SCOTT:  If we can have this back on the screen.

13   Q     Looking at the top of the Snapchat caption, what date was  
14   the Snapchat created?

15   A     So it looks like, it looks like it's on the 4th.  That time  
16   format is in UTC so if that's 1:32, that would be 9:32 a.m. on  
17   the morning of 5/4.

18   Q     Thank you.  Aside from doing that search inside that  
19   apartment did you speak with any neighbors or canvass the  
20   neighborhood at any point?

21   A     I did.  That morning I spoke to a neighbor.  I spoke to some  
22   officers who did some canvassing.  Ultimately I went back and  
23   spoke to more neighbors to see if there was anybody they had seen  
24   that night.  Tried to identify any other personally owned Ring  
25   cameras all up at the apartment complex, for use of video

1 potentially.

2 Q So when you say you followed up at the apartment complex to  
3 get video, what type of video were you looking for?

4 A So they have, they have, like, one camera that faces the  
5 exit, so they have like a CCTV camera that faces the exit, so  
6 obviously if that would have captured anything that would have  
7 been noteworthy.

8 Q Did anything come from you reviewing all the surveillance  
9 footage?

10 A No. So upon reviewing it, you know, at the time we weren't  
11 100 percent sure as far as what vehicle had been identified as  
12 potentially the getaway vehicle, so reviewing it was, you know,  
13 just kind of looking for anything that stuck out very obviously,  
14 like was there a speeding vehicle, was there somebody running  
15 away at a specific time. But I reviewed the video footage and  
16 didn't identify anything of significant noteworthiness.

17 Q Earlier in the week an officer testified that there were  
18 pings being done at the scene to different locations. Did you go  
19 to any of those locations where there was a ping?

20 A Yeah. So upon finishing up that, say, that night, it was  
21 like early morning, what I was told, hey, the last phone ping was  
22 somewhere by min [ph] I followed up over there, once again, and  
23 attempted to locate a vehicle or a person, and wasn't able to  
24 locate.

25 Q All right. Did you participate in the, I guess, "knock and



1 talk" searches of this defendant?

2 A Uh-huh. Yes.

3 Q And what was your participation role?

4 A So when we were obviously trying to apprehend Mr. Lindsey we  
5 went to several different family members' residences.

6 Q Did you also call any family members?

7 A Right. So we obviously, Lieutenant Weibel and I, had been  
8 attempting to make contact first off in just trying to locate  
9 him, tried to gather information from family members. That took  
10 up a substantial amount of time on that following morning.

11 Q Well, did you encounter him while you were searching for him  
12 in these different homes throughout the counties?

13 A No.

14 Q We mentioned that you did a search warrant on the Ring  
15 camera footage.

16 A Uh-huh.

17 Q How do you go about getting Ring camera footage?

18 A So Ring is submitted also through an online law-enforcement  
19 portal, I believe, if I recall, it's through Amazon Web Service.  
20 And then when you submit, you get a notification from their  
21 system called an alert, and then that's how they receive and then  
22 submit records back.

23 Q Okay. In this regard, how did you get the footage from that  
24 particular Ring doorbell? How did it come to you?

25 A Sure. So as I kind of mentioned before, you know, obtaining

1 video footage, nowadays everything's in the cloud and so, you  
2 know, the days where you would, like, remove a memory card, a lot  
3 of times now you're requesting services that are in the cloud.

4 So obviously for this case, the initial search warrant was  
5 to physically remove the camera to get some of the device  
6 information off of the camera such as an address and any kind of  
7 specific information from the camera, and then that was then used  
8 to then send off that second search warrant to Ring for the, more  
9 or less, video footage, the cloud information.

10 Q And they submit it to you electronically?

11 A Correct. Yeah, they sent it back.

12 Q Did they also submit you a certificate of authenticity?

13 A Yes.

14 Q Did you create still shots of -- well, did you review the  
15 footage that you received back from Ring camera?

16 A I did.

17 Q Did you, yourself, create still shots of the different  
18 footages you received?

19 A I did.

20 Q We already have in evidence State's Exhibit 13. Is this one  
21 of the still shots that you created?

22 A Yes.

23 (State's Exhibit 106 is marked for identification.)

24 Q I want to show you -- well, first off, let's do this. What  
25 is this, sir? This is State's Exhibit 106.

1 A It looks like a USB drive that has a sticky that says Ring  
2 videos on it.

3 Q Have you reviewed all the Ring camera footage in this case?

4 A If I recall correctly, yes.

5 Q And is that a true and accurate copy of the Ring camera  
6 footage that you reviewed on this USB?

7 A Yes.

8 SOLICITOR SCOTT: At this time the State would like to enter  
9 into evidence State's Exhibit 106.

10 THE COURT: All right. Any objection?

11 ATTORNEY MESSER: Without objection.

12 THE COURT: All right. State's Exhibit 106?

13 SOLICITOR SCOTT: Yes, sir.

14 THE COURT: 106 is admitted into evidence, without  
15 objection.

16 (State's Exhibit 106 is admitted into the record.)

17 (State's Exhibits 112 and 113 are marked for  
18 identification.)

19 Q While we're preparing that I want to talk to you about the  
20 still shots you created from these videos.

21 A Okay.

22 Q I'm handing you what's been premarked State's Exhibit 12,  
23 112, and 113. Do you recognize those?

24 A I do.

25 Q What are they?

1 A They're screenshots of the outside of the apartment.

2 Q Did you generate those yourself?

3 A I did.

4 SOLICITOR SCOTT: At this time the State would like to enter  
5 into evidence, Your Honor, State's 12, State's 112, and State's  
6 113 into evidence.

7 THE COURT: All right. Any objection?

8 ATTORNEY MESSER: Without objection.

9 THE COURT: State's 12, 112, and 113 admitted into evidence,  
10 without objection.

11 (State's Exhibits 12, 112, and 113 are admitted into the  
12 record.)

13 SOLICITOR SCOTT: At this time, also, Your Honor, I'm asking  
14 for you to take judicial notice that this State's Exhibit 12 was  
15 identified, the woman in this was identified, as Ms. Genesys  
16 Rice.

17 THE COURT: That's Exhibit No. 12?

18 SOLICITOR SCOTT: Yes, Your Honor.

19 THE COURT: And you're asking me to what?

20 SOLICITOR SCOTT: To make judicial notice that this was  
21 previously identified by another witness that the woman in this  
22 photo was Genesys Rice.

23 THE COURT: I don't know I can judicially noticed that.

24 SOLICITOR SCOTT: Yes, Your Honor. For identification  
25 purposes, I put that on the record. This witness is not here for

1 me to -- when I put -- I'm now just talking to you, Judge, in  
2 this courtroom.

3 So I will come back here and say, Your Honor, we entered  
4 State's Exhibit 12 into evidence, and we'd like to make a note  
5 that a previous witness identified the woman in State's Exhibit  
6 12. Is there any objection?

7 THE COURT: It has not been put into evidence before; you  
8 are just connecting it up from the previous witness?

9 SOLICITOR SCOTT: Yes, Your Honor. Is there any objection  
10 from the defense about that connection?

11 THE COURT: Any objection to that?

12 ATTORNEY MESSER: I have no objection, Your Honor.

13 Q Let's start with State's Exhibit 12. I'm going to zoom in  
14 on this timeframe here. What is the date that you see here?

15 A So the date that's displayed is 5/7 of 2023. However --

16 Q Go ahead.

17 A -- once again with UTC records, that would be -4 for the  
18 Eastern Standard Time that we are in, so the date that this video  
19 is showing is May 6th at 10:12 p.m.

20 Q I'm going to show you what has been marked as State's  
21 Exhibit 12 and 13. What is the time and date here?

22 A Sure. So that one would be also the 6th, at 10:26 p.m.

23 Q We will watch this video, sir --

24 A Okay.

25 Q -- a little later, but is there someone or something in this

1 photograph of State's Exhibit 112?

2 A Yes. There's a person running.

3 Q I want to take you to State's Exhibit 113. I need to get  
4 the time that's on this one.

5 A The time for this one?

6 Q Yes.

7 A Once again, it's May 6th, 10:26 p.m.

8 Q And is there someone or something here in this photograph?

9 A Yep. Right there.

10 Q All right. We're going to play the video that you received  
11 from the Ring camera footage.

12 What, if anything, did we see or hear from this first video?

13 A I didn't observe any movement but it sounded like I heard  
14 like a, some type of, audio noise.

15 Q Do you own any kind of Ring doorbell or surveillance  
16 doorbell footage --

17 A I do.

18 Q -- personally?

19 A Uh-huh.

20 Q What triggers particular doorbells to open or activate?

21 A So mine activate by your motion or audio like noise, and  
22 sometimes the wind may. It doesn't take much.

23 Q We'll play that one more time.

24 What did you observe here in that second file?

25 A I observed Ms. Rice. It looks like she's just briefly

1 stepping outside to put some things out.

2 Q I'm sorry. Could you say that a little bit louder?

3 A Sure. It looked like Ms. Rice was just stepping out  
4 temporarily out to the front.

5 Q What did we see or hear in this film?

6 A Didn't see anything. It was just some, once again, just  
7 some audio that might have triggered the camera.

8 Q I would like for you to tell us how many items you see here  
9 in this picture?

10 A A couple items. It looks like there's a laundry basket,  
11 there's a pile of clothes, there's a water jug that had some  
12 loose change in it.

13 Q You reference that water jug. If we go to here, do you see  
14 that water jug here?

15 A I don't.

16 Q And does it appear in the next video?

17 A Yep. It's there.

18 Q What, if anything, happened in this clip?

19 A I didn't see any movement in that one.

20 Q Is it the same items that were in the previous clip that's  
21 still there?

22 A Yeah. That looks to be the same.

23 Q What did we see in this clip?

24 A I see a female walking by the front of the camera.

25 SOLICITOR SCOTT: If I could just check these sound

1 speakers. I'm going to try something here to make sure the sound  
2 is on. I don't think it is. Okay, it is.

3 Q Did you see anything in this clip?

4 A I did. Towards the end of the clip there was obviously a  
5 runner right there on the right side of the screen.

6 Q Let's try this again.

7 All right. You said you saw something in that clip?

8 A Uh-huh.

9 Q All right. Where did the runner show up in this clip?

10 A Uh, it looks ...

11 Q Would you like me to play it again?

12 A Yeah, if you don't mind. Obviously it looks like by the  
13 time, I guess, the camera activates they're already, like, right  
14 there, kind of.

15 Q This particular video showed up black first?

16 A Uh-huh.

17 Q And then it popped up light?

18 A (Nods in the affirmative.)

19 Q All right. One last time. I have to always close out and  
20 go back on these things.

21 What do we see in this clip?

22 A Looks like a male walking in front of the camera.

23 Q And how about this clip?

24 A Uh, it looks like Ms. Azaliah and Mr. Lonnie showing up.

25 Q And how about that clip?



1 A That, to me, looked like Mr. Lonnie running out of the  
2 apartment.

3 Q Did we hear any other audio?

4 A Yeah. It sounded like screaming, crying.

5 Q What about that clip?

6 A That was Lieutenant Kellett.

7 Q Doing what?

8 A I think there was some issue initially with dispatch as far  
9 as the specific apartment number.

10 Q No. I'm just asking about what was he, that figure, doing?

11 A Oh. He was running in front of the camera up towards the  
12 parking lot.

13 Q If we look back at State's Exhibit No. 112 which is the  
14 still shot that you created, could you just tell us what you can  
15 about what you see on the individual running here?

16 A It looks like darker clothing. To me, I perceived that as a  
17 cellphone. Looks like the illuminated screen of a cellphone.

18 Q I would like to go over your other return, sir. I'm going  
19 to grab one of your reports so that I don't miss anything.

20 A Okay.

21 Q You did a return on Facebook, sir, a search warrant on  
22 Facebook?

23 A That's correct.

24 Q And how did you get that done?

25 A Once again, I submitted via their law-enforcement portal.

1 They also send the records back via the same portal.

2 Q And whose Facebook return did you get?

3 A So I did for Ms. Rice and for Mr. Lindsey.

4 Q And how were they returned to you?

5 A Via like an electronic exit [ph] file via the  
6 law-enforcement portal.

7 Q And are you presented a certificate of authentication --  
8 thank you -- for that?

9 A Yes. Correct.

10 (State's Exhibits 115 and 116 are marked for  
11 identification.)

12 Q I want to talk about some of your returns here. I want to  
13 hand you what's been premarked as State's Exhibit 115 and 116.

14 A Okay.

15 Q What are these?

16 A This is records that were returned back from Facebook that  
17 show their conversation.

18 Q Aside from redactions that have been done to comply with the  
19 rules of the Court, is this a true and accurate copy of the  
20 Facebook returns that you received on Akevious Lindsey?

21 A Yes.

22 SOLICITOR SCOTT: At this time the State would offer into  
23 evidence, Your Honor, State's Exhibit 115 and 116.

24 THE COURT: Any objection?

25 ATTORNEY MESSER: No objection, Your Honor, but I do want to

1 point out the top part, regarding the weird writing, I just want  
2 that noted so that the jury understands that that writing's  
3 strange.

4 THE COURT: If you would explain what that writing is.

5 SOLICITOR SCOTT: Absolutely.

6 Q Investigator Semanski, the State was redacting these  
7 documents to comply with the rules of the Court. What do you see  
8 here in your best way there?

9 A I see some fonts that I cannot discern into words.

10 Q I'm going to show you an unredacted copy just for the  
11 purpose of you being able to tell the Court what it did say  
12 before we had to --

13 A That says Meta Platform business record. I can read that.

14 Q In regards to State's Exhibit 115 --

15 SOLICITOR SCOTT: Your Honor, I don't believe, or maybe I  
16 have. We just discussed the Sanskrit type at the top -- have I  
17 admitted this into evidence? I'd like to offer it into evidence  
18 before I publish it.

19 THE COURT: You haven't admitted it yet. Are you admitting  
20 it now? All right. Any --

21 ATTORNEY MESSER: No.

22 THE COURT: You said without any objection, but you said  
23 with the exception of the funny lingo or whatever that is.

24 ATTORNEY MESSER: Correct, Your Honor. Without objection.

25 THE COURT: State's 115 and 116 are admitted into evidence,

1 without objection.

2 (State's Exhibits 115 and 116 are admitted into the record.)

3 SOLICITOR SCOTT: Thank you, Your Honor.

4 Q And just for the Court here, this did say Meta Platform  
5 business record?

6 A That's correct.

7 Q Okay. Now, you also got the Facebook return from Genesys  
8 Rice?

9 A Correct.

10 Q What was her Facebook name on Facebook?

11 A I'd have to reference that. I do not recall off ...

12 Q Investigator Semanski, would it be Genesys Rice?

13 A It could be.

14 Q Okay. We're back at this UTC time again --

15 A Okay.

16 Q -- sir. If you could just tell us what date that this  
17 message here about, Why do you keep sending me the voicemail come  
18 in?

19 A Sure. So that's on the morning of May 3rd. So that's  
20 showing 7:27 UTC, so subtract 4 for EST conversion, and that  
21 would be 3:27 a.m.

22 Q 3:27 a.m. on May 3rd?

23 A That's correct.

24 Q I'm looking to publish State's Exhibit 14. What time is  
25 this?

1 A That is showing local time, so that is May 2nd at 11:25 p.m.

2 Q And at 3:00 a.m. the following day we have this message?

3 A Correct, like three, four hours later. Correct.

4 Q This state's what?

5 A It says, Genesys, missed your call.

6 Q And then right here?

7 A You called, Genesys.

8 Q And you would be the author. Who's the author?

9 A Akevius Lindsey.

10 Q What do we have here?

11 A Some further messages from Mr. Lindsey. Be honest with me

12 and tell me the truth. You and him been hanging out?

13 Q What was the time here?

14 A That time would be May 3rd. And that's showing 9:50 p.m.

15 With the UTC conversion -- I'm sorry, that's 7:50 p.m., so that

16 would be 3- -- 3:50 p.m. on the 3rd.

17 Q Sorry. Say it for me again?

18 A Sure. That would be 3:50 p.m.

19 Q Let's find out the author of this message here. I want to

20 go to the first page again in State's Exhibit 15. Who is the

21 author of that mess- -- the author of the message on the second

22 page?

23 A Akevius Lindsey.

24 Q And what is the text here?

25 A The message says, I'm sorry I cursed at you. I'm going to

1 walk. I'll be okay. I'm just cooking off taking a walk.

2 Q Then the following message?

3 A Just forget about it. Imma leave you alone and let you be  
4 happy with this guy. Good luck. Hope he treats you good.

5 Q And then the next following message?

6 A It says, My last message I just want to say thank you for  
7 helping me in times you didn't have to. I'm sorry for all the  
8 wrong things I've done during our entire relationship. I hope  
9 this new guy treats you better. I'll be there for my daughter.  
10 It hurts me that this is the way our relationship ends, you  
11 having someone else, but I guess if it makes you happy, then  
12 okay.

13 Q What is the time here?

14 A So that is on the morning of the 4th. That would be  
15 2:30 a.m.

16 Q Who sent a thumb's up sign?

17 A That looks to be Mr. Lindsey.

18 Q Further down, would you read that for us, please?

19 A It says, I've also made up in my mind that it's best for me  
20 to leave so I won't have to deal with police and going to jail.

21 Q And what time is that?

22 A That is on the morning of May 4th at 2:33 a.m.

23 Q Looking at this, who is the author here?

24 A Akevious Lindsey.

25 Q And then turning the page, what is the message?

1 A It says, I'm gone for the night. I'll talk to you another  
2 day.

3 Q And what is the timeframe here?

4 A So that's showing the morning of the 5th at 12:20 a.m. So  
5 from UTC to the EST conversion, that would be 8:20 p.m. on the  
6 4th.

7 Q We're leading up to the 5th. Or maybe not. Can you tell us  
8 about this message here, when that would have been sent?

9 A The last one?

10 Q Uh-huh.

11 A It says, Where is my child. It was sent, it's showing, on  
12 the morning of the 7th at 12:45 a.m. Obviously with the UTC  
13 conversion that would be the night of the 6th at 8:45 p.m.

14 Q Now, you've referenced a lot about him being the author.

15 A Uh-huh.

16 Q If we look here on this page we do have a response from  
17 Genesys here --

18 A Uh-huh.

19 Q -- of an Okay, I guess, as in the flow of this conversation.  
20 This 0022, what is that?

21 A That would be on the night of the 4th. That is 8:22 p.m. on  
22 the night of the 4th.

23 Q And these following messages, though, that come here, do we  
24 see a response from Genesys?

25 A No. I don't see a response.

1 Q Now I want to show you State's Exhibit 116. Again, what did  
2 this say? Did it say Meta Platform --

3 A Meta Platform business records.

4 Q Okay. We heard testimony earlier from Kyras. We'll move on  
5 to a conversation here. Are you familiar with Akevious Lindsey's  
6 mother's name?

7 A Yeah, I'm familiar with, yeah, her name.

8 Q What's her name?

9 A It is Armecha Williams.

10 Q If you could start here, sir, and just read down?

11 A Sure. Ms. Williams says, Where are you? Mr. Lindsey says,  
12 My sister house. Ms. Williams says, Why didn't you go over to  
13 Gene's? Mr. Lindsey says, Because I'm waiting to see about if I  
14 have a warrant. Mr. Lindsey says, I'm not going, Mr. Lindsey  
15 further says, to jail. Ms. Williams says, Oh.

16 Q And what is the timeframe of this conversation starting in  
17 13, and I think it ends in 14?

18 A Sure. So that would be the late morning of the 5th. That  
19 is, if we're looking at, say, the 1408, that would be 10:08 a.m.  
20 on the 5th.

21 Q We can skip down to here, May 6.

22 A Okay. Mr. Lindsey says, Well, I haven't seen her yet. I'm  
23 still waiting. Ms. Williams says, Well, don't pressure it and  
24 get in any trouble. It will all work out. Mr. Lindsey says, She  
25 didn't even bring her home. Like this shit pissing me off.



1 Ms. Williams says, Where are you? And Ms. Williams further says,  
2 Just have to go to court.

3 Q What timeframe is -- what is this, the time here?

4 A Sure. So we'll look at the middle one. It says 2:07, so  
5 that would be, it's showing, the 2:07 a.m. With the UTC  
6 conversion, that is on the night of the 6th at 10:07 p.m.

7 Q Which one?

8 A I'm sorry. The one where Mr. Lindsey says, She didn't even  
9 bring her home. Like this shit pissing me off. That is on the  
10 6th at 10:07 p.m.

11 Q Thank you. This timestamp that we have here, what is this?

12 A This is showing May 6th at 10:26 p.m.

13 Q Going back to that same message, or the same photograph --  
14 page, excuse me. On May 5th, could you read here?

15 A Sure. Ms. Williams says, I know you see me calling you.  
16 Your phone turned off? Mr. Lindsey says, No. I changed my  
17 number. And then Mr. Lindsey tries to call Ms. Williams.

18 Q Are you familiar if people can call using Facebook? Can you  
19 make calls through Facebook?

20 A Correct. Yeah.

21 Q Can you read this out loud here?

22 A Sure. Mr. Lindsey says, Can I drive the car to bring Mani  
23 tomorrow? Ms. Williams says, Yes -- or, I'm sorry, Yeah.

24 Ms. Lindsey says, Well, I haven't seen her yet. I'm still  
25 waiting. And Ms. Williams says, Well, don't pressure it and get

1 in any trouble. It will all work out.

2 Q Okay. We did Snapchat. We've talked about -- and the Ring.  
3 Let us -- briefly about the Snapchat, did you find other memories  
4 that Akevious had posted on his Snapchat?

5 A I did.

6 Q All right. There's no evidence of photographs on Snapchat  
7 but did you find that he had any Snapchats where he was around or  
8 used any weapons?

9 A Yeah. There was a couple of memories, some video clips  
10 where it looks like him and maybe some buddies are out in the  
11 woods. They're, like, shooting guns. I saw handguns. There was  
12 a couple with a rifle. So, yeah, there was several videos that  
13 displayed firearms.

14 Q Just having fun in the woods?

15 A That's what I observed.

16 Q Now going into Charter --

17 A Okay.

18 Q -- did you do a search warrant for Charter?

19 A I did.

20 Q What, if anything, can you tell us, based off of a report,  
21 did you find from Charter?

22 A So the initial Charter was, from information gathered the  
23 night of, was obviously in the hopes of -- I don't know enough  
24 about the WiFi device, as far as way Charter's equipment works,  
25 can you tell which devices are connected at the time of a certain

1 time. And that search warrant didn't yield any. They don't keep  
2 a record of, I guess, what devices are connected to the WiFi at a  
3 certain time; it just basically has subscriber information and  
4 things like that.

5 Q All right. And we talked about -- let's see here.  
6 T-Mobile. Did anything yield from your T-Mobile search?

7 A I believe T-Mobile was for some phone numbers. Just from my  
8 understanding, there was a lot of changing of the phones and back  
9 and forth and calling from different numbers after the incident.  
10 And I think the T-Mobile had a lot of phone information that was  
11 type active, like family members. I think one was for his  
12 father. So I didn't see anything super noteworthy from T-Mobile.

13 Q I'm going to read your report on Charter regarding Genesys'  
14 number, the 421-7376. What did you note about his accusation?

15 A Sure. So this subsequent search warrant to Charter/Spectrum  
16 showed that there was some activity of, like, changing around the  
17 time of the day of the incident, like switching off a number, or  
18 trying to add a number, take a number off with Ms. Rice's phone  
19 number.

20 Q All right. You also got a search warrant for Instagram and  
21 Apple?

22 A Correct. Yeah, Instagram. Apple, they are very, a lot of  
23 times, nonresponsive, so still haven't received any records back.  
24 Sometimes they're difficult to fulfill records for.

25 Q Did you get anything back from Instagram?

1 A Yes. Instagram was the Glock-O-Key23, was the Instagram  
2 name.

3 Q But anything of note there, sir?

4 A No, nothing. Nothing like relevant other than the day of  
5 the incident.

6 Q And lastly let's talk about Verizon.

7 A Okay.

8 (State's Exhibits 117, 118, and 119 are marked for  
9 identification.)

10 Q I'm handing you what's been premarked as State's Exhibit  
11 117, 118, and 119.

12 A Okay.

13 Q When Verizon sends you a search-warrant return, how does it  
14 come to you?

15 A Verizon sends electronically in, like, a secure message, and  
16 then they're downloaded in more or less it's a file that has  
17 various folders like subscriber information, call-detail records,  
18 things like that.

19 Q And what, I guess, for lack of words, software program do  
20 they come in?

21 A So a lot of them are just returned in like an Excel  
22 spreadsheet.

23 Q Okay. Do you recognize what I've just handed to you?

24 A I do.

25 Q All right. Do they capture many, if maybe thousands of,

1 records you received from Verizon wireless?

2 A Uh-huh.

3 Q Are they have a true and accurate depiction of some of the  
4 records that you received from your search warrant at Verizon?

5 A Yes.

6 Q And did Verizon provide a certificate of authenticity prior  
7 to giving you these records?

8 A Yes.

9 SOLICITOR SCOTT: At this time the State would like to offer  
10 these into evidence, Your Honor. And I'm not sure the number I'm  
11 going to come back up.

12 THE COURT: 117, 118, and 119.

13 SOLICITOR SCOTT: Yes, Your Honor.

14 THE COURT: Any objection?

15 ATTORNEY MESSER: Without objection.

16 THE COURT: All right. State's 117, 118, and 119 admitted  
17 into evidence, without objection.

18 (State's Exhibits 117, 118, and 119 are admitted into the  
19 record.)

20 Q In order to understand and read Verizon records, do they  
21 send you guys clues or keys?

22 A Yeah. Most mobile providers will send you like a key to  
23 explain further as far as what some of their analogies mean and  
24 things like that.

25 Q I'm going to hand you up some keys, sir, just for your

1 records, not for admitting into evidence, just for you to be able  
2 to refer to some keys.

3 A Okay.

4 Q When we see MO on the record, what does that mean?

5 A Says MO is an outbound message.

6 Q And incoming?

7 A MT is an incoming message.

8 ATTORNEY MESSER: Your Honor, for purposes of the record,  
9 I'd like it noted that he's referring to the record that they're  
10 -- the key that they are showing him.

11 THE COURT: All right. So noted.

12 Q Do you have on one of the keys before you anything about an  
13 MT or an MF, or knowledge of what that means?

14 A Yes. In this key it describes MO as outbound call MT as  
15 incoming call, and MF is voicemail or mobile forwarded call.

16 Q All right. So let's talk about State's Exhibit 117. I'm  
17 going to go out. I don't know how good you can see on your  
18 screen. How are you looking on your screen, sir?

19 A I can read it.

20 Q Okay. I'd like to zoom in because we really probably can't  
21 read it, sir. But before I zoom in, what is, first of all, down  
22 here, what is the phone number associated with Genesys Rice?

23 A That looks like that's ...

24 Q From your report.

25 A Yeah. It looks like that part's partially cut off, but her

1 phone number, was associated, was -- give me one second. All  
2 right. Her phone number was 864-421-7376.

3 Q All right. Could you read out just these last numbers here?

4 A Sure. That says 864-4217.

5 Q All right. Are these her records here?

6 A Correct.

7 Q Let's go further in here. Whose number is this?

8 A That one right there would be the best call number. That's  
9 Ms. Rice.

10 Q And whose number is this?

11 A That would be Mr. --

12 Q So, I'm sorry. You don't see what I see. My bad. That?

13 A That would be Mr. Lindsey.

14 Q Now, you referenced MTs and MFs meaning what?

15 A MT is -- what did I say -- MT is an incoming call, and MF is  
16 a mobile forwarded call or voicemail.

17 Q So could you, for our sake, tell us, before we get to the  
18 dates here, there is a -- what this means?

19 A So the way I would interpret that is it looks like  
20 Mr. Lindsey is sending calls to Ms. Rice, several of which appear  
21 to go to voicemail or mobile forwarded.

22 Q Now let's talk about the duration of those calls. SOU, what  
23 does that stand for?

24 A SOU stands for seconds of use --

25 Q Okay.

1 A -- how long the call is.

2 Q So these calls are seconds?

3 A Correct.

4 Q Now let's go here. When are these calls made?

5 A That first entry is 8:39 p.m.

6 Q On what day?

7 A On the 6th.

8 Q It's clear we all see May 7th at 039, and you're stating  
9 what it is actually in our Eastern time?

10 A Right. So then the subsequent number where it says 0040,  
11 that would be 8:40, another 8:40, 8:43, 8:43, 8:43, 8:43, 8:44,  
12 8:44, and then that last one in the blue, that is 9:12.

13 Q P.M?

14 A Correct.

15 Q But leading up to these yellow which are, again, only with  
16 his number, they're in succession and they're at eight at 56, and  
17 they're coming into her phone?

18 A Uh-huh.

19 Q And how many seconds is this call?

20 A The last one?

21 Q Well, just --

22 A Very, very short duration, if anything.

23 Q All right. Now, we do see in blue here that there is an MO.  
24 What does an MO mean?

25 A That is an outbound call.



1 Q And what number did Genesys outbound call?

2 A That would be the 423-6552.

3 Q And you said that would be a 9?

4 A That would be 9:12 p.m.

5 Q Okay. I draw your attention to State's Exhibit 119. Get  
6 that out of here. Again, are these messages from her phone?

7 A Correct.

8 Q Okay. We've heard testimony that things went down on  
9 May 2nd where she wrote a statement. What -- can you tell us,  
10 what was the time here on May 2nd?

11 A Sure. So for messages, for Verizon, those are actually  
12 listed in the correct local time. There's no -- if you notice,  
13 there's no like -4, GMT, -0. These are the true and accurate  
14 times. So the first one I'm seeing is May 2nd at 8:43 p.m.,  
15 followed by May 2nd at 10:45 p.m., 10:57 p.m., 10:58 p.m., and so  
16 on.

17 Q All right. So let's make sure. These are actual text  
18 messages. Earlier we were talking about phone calls?

19 A Uh-huh.

20 Q So going into these text messages, this 200-8456 number, are  
21 you aware of who the owner of this number is?

22 A I don't recall that number off the top of my head. I'd have  
23 to check that.

24 Q And then we've got a lot of messages, though, however, to  
25 this 200 number.

1 A Uh-huh.

2 Q So we'll talk about that later. And then we've got, here,  
3 whose number is this?

4 A That is Mr. Lindsey.

5 Q Now, that's not the same number we saw earlier. So how many  
6 numbers do you have for him?

7 A There were several, two to three, around that timeframe.

8 Q So this is another number?

9 A That's correct.

10 Q Now, all of this is five second, 5/2, and the real time,  
11 Eastern time?

12 A Correct.

13 Q Eastern military time?

14 A Uh-huh.

15 Q Let's get to 5/3. Can you just tell us what this military  
16 time is in our Eastern time that we normally see?

17 A Sure. So that is still local time. It's just military. So  
18 that one, the first one, it would be 2:06 p.m., and the second  
19 one would be 2:39 p.m.

20 Q And this is on may the?

21 A 3rd.

22 Q 3rd. And these are messages going back and forth with the  
23 MT and MO and the MTs?

24 A It appears that way. Yeah.

25 Q And the yellow, we've got this 200 number and then this

1 other number here.

2 A Uh-huh.

3 Q And the 6581 number you're identifying as the defendant's  
4 number?

5 A Correct.

6 Q Okay. And then you were not sure about whose number this  
7 was, this 376-8523?

8 A I don't recall.

9 Q Okay. But these numbers are talking back and forth?

10 A Uh-huh. It appears that way.

11 Q And that's around -- that's May 3rd?

12 A Okay.

13 Q Lastly, you did a search on his phone. Tell us that number  
14 there, sir?

15 A That is 864-432-3417.

16 Q Okay. Now, in particular, this is SMS content?

17 A Correct.

18 Q Which is?

19 A Short messages like text messages.

20 Q Let's just go to the text messages here. And highlighted in  
21 yellow, what do you see here in the beginning yellow?

22 A Sure. The beginning block yellow looks like a couple of  
23 text messages from Ring, looking for verification codes from  
24 Ring.

25 Q And what's the date that the Ring is being/sending him

1 verification codes?

2 A Sure. So, once again, the time -- so that would be May 5th  
3 at, first one is, 10:34 a.m.

4 Q And it goes on to May 6th, all the way to May 6th?

5 A Yep. The subsequent one is May 6th at 8:16 p.m., and the  
6 one after that would be also May 6th at 8:17 p.m.

7 Q Let's go to the second block of yellow.

8 A Okay.

9 Q This block. All right. What do we see here in these  
10 messages?

11 A Once again, some more Ring verification codes.

12 Q And what's the date that it's sending verification codes?

13 A That first one is, the first one is, showing the morning of  
14 the 7th at 1:32 a.m., and then the second one would be, looks  
15 like, the morning of the 9th at 1:53 a.m.

16 Q And then I've got some green here. What do you read here?

17 A First message says, Please call me. Second one, likely a  
18 duplicate, says, Please call me. And that the over one says,  
19 Yooo.

20 Q And then lastly I want to talk about this last part here.  
21 What do you see in this yellow here?

22 A Some more Ring verification codes.

23 Q And when were these Ring verification codes being sent?

24 A That one is showing May 8th at 10:57 a.m.

25 Q That phone number, as you state again, that's for him that

1 ends in 7?

2 A Yeah. That was -- that was 864-432-3417.

3 Q All right. What, if anything, did you do with that number  
4 regarding where that number was on the night of May 6th when this  
5 incident occurred?

6 A Sure. So just as far as the records that come back, we are  
7 able to put them into a program that helps to interpret the  
8 records by showing them on a map, more or less, where calls are  
9 placed, received, and so that information was input into that  
10 program.

11 Q All right. You said that you put the locations in a  
12 program?

13 A Well, you just upload the files, or the records. The call  
14 records that you would get back from the multiple provider, you  
15 upload them to this program, and then the program would  
16 essentially map the records.

17 Q So you referenced that you get this from that Verizon search  
18 warrant we've already talked about.

19 A Correct.

20 Q And we don't need all of this. I just need you to tell us,  
21 from your search, what are the relevant charts that we do need in  
22 order to discuss what you found doing your program?

23 A Can you just rephrase that for me.

24 Q Yes, sir. I understand that you were able to use the  
25 longitudes and latitudes of his phone from that night. You put

1    them in a program.

2    A     Uh-huh.

3    Q     The program, how does it generate its findings?

4    A     Sure.  So the records that are provided back from this case  
5    from Verizon, they are attached, and based on the, you know if  
6    you see an Excel spreadsheet, it has a lot of the coordinates, it  
7    has like the different cell tower sector information, and it  
8    takes that information and puts into it basically a map format.

9    Q     Right.  And it gives you several maps?

10   A     Correct.

11   Q     So my question to you, sir, because we have a lot of maps I  
12   just handed to you --

13   A     Uh-huh.

14   Q     -- would you only direct me to the most important map to  
15   articulate what you found when you ran the coordinates?

16   A     Yes.  So there's the activity right around the timeframe of  
17   the incident.  There is data here that puts that, puts that  
18   cellphone, it appears to be, right in the middle of Jasmine Cove  
19   Apartments.

20   Q     Which photograph are you looking at so I can show it to  
21   defense?

22   A     Sure.  This one right here.

23   Q     If you see something else, let me know.

24   A     Sure.

25   Q     I've got to go talk to defense.

1 A This one is also. This one is also displaying ... Yeah.

2 Q All right. Any other ones?

3 A I think those are probably the most relevant.

4 (State's Exhibits 120 and 121 are marked for  
5 identification.)

6 Q Out of that stack of maps that you were able to go through,  
7 you pointed out to two which are now premarked State's Exhibits  
8 120 and 121. Do you recognize what I've just landed you?

9 A I do.

10 Q Are those the maps that were generated upon putting the  
11 longitude and latitude of Verizon cellphone records into the  
12 program?

13 A They are.

14 Q Is it a true and accurate map that you got from the program?

15 A It is.

16 SOLICITOR SCOTT: At this time the State would like to offer  
17 into evidence State's 120 and 121.

18 THE COURT: Any objection?

19 ATTORNEY MESSER: Without objection.

20 THE COURT: State's 120 and 121 are admitted into evidence,  
21 without objection.

22 (State's Exhibits 120 and 121 are admitted into the record.)

23 Q Investigator Semanski, help us understand, what are we  
24 looking at on this map?

25 A Sure.

1 Q And you need to probably stand up.

2 A Okay. So the records that come back from the cell carriers  
3 are going to have different, it's going show you different,  
4 aspects of, like, which side the tower these records are coming  
5 from. So as you can see here, this is showing -- and I know it's  
6 kind of hard to see. This is showing -- May 6 at 10:25 p.m.  
7 we've got that phone on this side the tower. So here is the  
8 incident location. This is Jasmine Cove Apartments. We've got  
9 records, as we can see, we've got these arcs coming from this  
10 side, and we've got arcs from this side.

11 When we have intersecting arcs in a case like this area  
12 right here, that would be the highest likelihood where the phone  
13 is at the time, because you're getting information from this  
14 tower and this tower and they're intersecting at that area.

15 Q And point to the intersection?

16 A Sure. It's going to be right here where this arc from that  
17 tower and this arc from the other tower are intersecting.

18 Q And again for the record, where is Jasmine Cove Apartments?

19 A Jasmine Cove Apartments is literally right there.

20 Q And the timeframe, is that on here? Do I see a time? There  
21 it is.

22 A Yes. It's 10:25 p.m.

23 Q Now, State's Exhibit 121, you referenced that this one was  
24 an equally important map, and so if you can tell us why?

25 A Sure. That's just a view showing -- you know, obviously



1 this is approximately a minute beforehand. We're still showing  
2 that this is right there at the area. The phone is on that side  
3 the tower, which this is, the timeframe is, obviously very  
4 relevant.

5 Q All right. Thank you. Answer any questions defense counsel  
6 might have for.

7 THE COURT: All right. Before we cross, let's take a little  
8 break here. Time for our afternoon break. So please don't  
9 discuss the case. I'm going to excuse for a little bit.

10 (Jury escorted out of the courtroom at 3:57 p.m.)

11 THE COURT: All right. Be in recess.

12 (Recess was taken at 3:57 p.m. and reconvened at 4:12 p.m.)

13 (Jury seated at 4:12 p.m.)

14 THE COURT: All right. Cross.

15 ATTORNEY MESSER: May it please the Court.

16 **CROSS-EXAMINATION**

17 BY ATTORNEY MESSER:

18 Q Officer, please tell me your title so I don't get it wrong.

19 A Sure. Investigator.

20 Q Investigator Semanski, okay. Thank you.

21 A Yeah.

22 Q Investigator Semanski, you discussed information about  
23 several warrants, right, that you got, search warrants, right?

24 A Sure. Yes.

25 Q And one of those was for the Ring; is that right?

1 A Correct.

2 Q Do you recall how long that warrant was for? Did you get it  
3 for the whole night? Did you get it for a couple days?

4 A I would have to -- I'd have to refer back to the warrants.  
5 I can't remember off the top.

6 Q Now, you said in your testimony today that kind of when it  
7 comes to, like, Ring cameras, everything kind of goes into the  
8 cloud, right?

9 A Uh-huh.

10 Q Would you yes or no? I'm sorry.

11 A I would say that, to obtain records, you're pretty much  
12 going to end up retaining them from a cloud somewhere.

13 Q Was it you who took the, who physically took the, Ring  
14 camera down?

15 A Correct. I had a lieutenant that was assisting me with the  
16 execution of the search warrant. Yes, I was one of the people  
17 that was physically removing that.

18 Q Were you one of the first officers on scene, or second,  
19 third?

20 A So the night of the incident --

21 Q Yes.

22 A -- I was probably not in the top five.

23 Q So you were kind of at the end?

24 A Correct.

25 Q So you would have taken the camera down a little bit later

1 that evening?

2 A Correct. That was taken down the following morning, if I  
3 remember correctly.

4 Q Okay. I want to talk a little bit about --

5 ATTORNEY MESSER: And these are kind of unorganized, so I  
6 apologize for any delay, Your Honor.

7 Q I want to talk about the exhibits that the State entered  
8 into evidence earlier. Okay. So I want to talk about Exhibit  
9 118.

10 ATTORNEY MESSER: May I approach?

11 THE COURT: Uh-huh.

12 Q This is the one that shows the Ring texting the cellphone;  
13 is that right?

14 A That looks right. Yeah.

15 Q And you said that you own a Ring yourself?

16 A I don't own a Ring specifically, but I do have a doorbell  
17 camera.

18 Q Okay. So you understand how they work?

19 A Correct.

20 Q So if somebody's trying to log in, it sends a verification  
21 number to the number that's on file?

22 A Sure.

23 Q And that's if anybody's trying to log in?

24 A Potentially.

25 Q It's not just the person who has a phone; is that right?

1 And that's for security purposes; correct?

2 A Sure. I would assume it's whatever number's associated with  
3 the Ring account. Correct.

4 Q Right. Now, I want to talk about the cellphone. I  
5 believe -- forgive me. Was this Verizon?

6 A That was Verizon. You're correct. Yes.

7 Q So the Verizon that was entered into evidence indicated the  
8 ping, the first ping, was at 10:24:20?

9 A Yeah. That's how I took it.

10 Q Do you recall from your report when it first pinged?

11 A So that is not a, like a, ping in the sense of like -- that  
12 would be where the cellphone -- I just want to make sure we're  
13 talking the same thing. Are you talking about the ping as far as  
14 like the night of the incident, or --

15 Q Kind of the location of the phone.

16 A -- about the location of the call detail records?

17 Q The location of the phone. Because that's what this shows  
18 you, right, the --

19 A Sure. So that's showing the area where the call detail  
20 records are being processed off of the tower.

21 Q Right. So when I say ping, that's what I mean. I  
22 believe -- you weren't here yesterday but I believe a previous  
23 officer had testified to that --

24 A That's correct.

25 Q So I apologize. I jumped the gun on that. But do you

1 recall, through your reports, when it was, the first time that it  
2 pinged at that area?

3 A So for that specific, for those specific, call detail  
4 records, it looks like those are coming in at, it's 2:25 -- I'm  
5 sorry -- 10:21, it looks like --

6 Q 10:21?

7 A -- when it's into that area.

8 Q And the ones that the State entered into evidence, those  
9 both -- and I'll bring about those back up to remind you, but  
10 this one's for 10:24 and this one's for 10:25; is that right?

11 A Right, of the various ones that were submitted.

12 Q Now I want to talk to you about the Facebook messages.

13 A Sure.

14 Q So there were several Facebook messages so let me make sure  
15 I got the right ones here. Okay. So on this one, I'm referring  
16 to the ones -- I'm referring to the ones about Armecha.

17 A Okay.

18 Q Armecha's back there.

19 A Okay.

20 Q Do you recognize her?

21 A I don't -- I don't recollect ever --

22 Q You never met her?

23 A No, I don't think so.

24 Q Okay. So these are the messages with Armecha. Can you tell  
25 in this part where Akevius says, She didn't even bring her home.

1 Like this shit's pissing me off. Did I read that correctly?

2 A Yes, ma'am.

3 Q And throughout this on Armecha's kind of saying, you know,  
4 Don't pressure it, and then she says, You just have to go to  
5 court?

6 A Uh-huh.

7 Q And do you know who Mani is?

8 A I believe that's their daughter.

9 Q Okay. So they're referring to their daughter --

10 A Correct.

11 Q -- when they talk about court?

12 A That's the way I interpret it. Yes.

13 Q Okay. And I want to jump to the messages between  
14 Ms. Genesys and Akevius --

15 A Okay.

16 Q -- that you testified to earlier. The last message, I  
17 believe -- yes. The last message that had been sent that is on  
18 this exhibit, it says, Where is my child?

19 A Correct.

20 Q Is that right?

21 A Yep.

22 Q Okay. Do you have children?

23 A I do.

24 Q Have you ever had them where you didn't know where they  
25 were?

1 A I can't think of a time in recent memory when that happened.

2 Q That wouldn't be a good feeling, though?

3 A No, it wouldn't.

4 Q And if you didn't know where they were you'd probably be  
5 making some calls, wouldn't you?

6 A That's reasonable.

7 Q They showed the videos, and I'm going to ask you to draw  
8 from memory because I don't want to --

9 A Sure.

10 Q -- talk about -- there were several videos where it was  
11 black and then you saw a person running. There were a few of  
12 those.

13 A Yep, there were.

14 Q And there was one of the officer running by.

15 A Sure.

16 Q And there was one of the young man, Mr. Lonnie, running by,  
17 correct?

18 A That's correct.

19 Q And the Ring video didn't pick up the initial motion; is  
20 that right?

21 A That's right.

22 Q And there was also a Ring video that showed Ms. Genesys  
23 putting stuff outside; is that right?

24 A That's right.

25 Q And then you see the next video where there is, I believe

1 it's, a water jug?

2 A Uh-huh.

3 Q But there is not a Ring video showing her putting that water  
4 jug out, is there?

5 A Sure.

6 Q Okay. How long have you been an investigator?

7 A In May it will be four years.

8 Q Four years. And how long have you been an officer?

9 A In June it will be 12 years.

10 ATTORNEY MESSER: I have no further questions.

11 THE COURT: Any redirect?

12 SOLICITOR SCOTT: No, Your Honor.

13 THE COURT: All right. You may step down. All right.

14 SOLICITOR SCOTT: The State calls Daniel Duncan.

15 JEFFERSON DANIEL DUNCAN,

16 having first been duly sworn, is examined and testifies as  
17 follows:

18 THE WITNESS: Jefferson Daniel Duncan.

19 **DIRECT EXAMINATION**

20 BY SOLICITOR SCOTT:

21 Q All right. Where do you work?

22 A I'm a project manager for some apartments complexes in North  
23 and South Carolina.

24 Q Now, were you working here today?

25 A I was.



1 Q Before you came here to testify?

2 A Yes, ma'am.

3 Q You were on the field?

4 A Yes, ma'am. Sorry for my appearance for that.

5 Q In May of 2023 what were you doing then as far as  
6 occupation?

7 A I was a law enforcement officer for the City of Greer.

8 Q Do you know a man named Burley Williams?

9 A I do.

10 Q I mean, what do you know him as?

11 A He's a pastor of a church, been a friend of mine, for  
12 10-plus years.

13 Q We heard testimony from Burley that he made a call to you.  
14 I'd like to talk to you about the first call regarding this  
15 incident. Did he contact you?

16 A He did.

17 ATTORNEY MESSER: Your Honor, objection.

18 THE COURT: What's the basis?

19 ATTORNEY MESSER: They're eliciting hearsay.

20 SOLICITOR SCOTT: Not yet, Judge.

21 THE COURT: I think -- I'll overrule as to that question.  
22 Overruled.

23 Q He made a call to you?

24 A Correct.

25 Q What did you offer him as assistance in that call?

1 A He called and asked --

2 ATTORNEY MESSER: Objection.

3 THE COURT: Sustained.

4 SOLICITOR SCOTT: Your Honor, may I be heard?

5 THE COURT: Yes.

6 SOLICITOR SCOTT: Earlier testimony was provided from Burley  
7 Williams about this very same conversation.

8 ATTORNEY MESSER: Your Honor, I think we need to approach  
9 the bench on this one.

10 (Off-the-record discussion at sidebar)

11 Q We heard what Burley said to you. So in response to the  
12 call that you received from Burley, what did you offer him? And  
13 I know it may not sound contextual to you, but we already know  
14 what he said to you. What did you respond?

15 A Confirmed that there was an active warrant for his nephew's  
16 arrest.

17 Q All right. And how did you offer to assist him with the  
18 fact that his nephew had an active arrest?

19 A So I -- like I said, Burley and I have been friends for a  
20 very long time. I, based on that relationship, offered that if  
21 he would like to turn himself in he could come to the City of  
22 Greer and I would make sure that they bring him in as safely as  
23 possible.

24 Q And did he do that?

25 A No.

1 Q Did you provide him with a phone number with someone from  
2 the Simpsonville Police Department?

3 A I did.

4 Q Who?

5 A Detective J. Weibel.

6 Q Okay.

7 A And then Officer Josh Coffman.

8 SOLICITOR SCOTT: Your Honor, I do think that I do have a  
9 prior inconsistent statement now that I do think fall within the  
10 rules of evidence that either I need to go in front of the  
11 conference with you, Judge, or have the jury out.

12 THE COURT: All right. Come here.

13 (Off-the-record discussion at sidebar)

14 THE COURT: Any objection as to the testimony is overruled.

15 Q All right. So going back to the conversation that you had  
16 with him regarding turning Akevious Lindsey in, were you told  
17 about if that effort was complete or not by Mr. Burley?

18 A So he and I had several conversations over the next several  
19 days. There was an incident to where a black Camero was supposed  
20 to bring him in. I was given a license plate number, and then  
21 was told that the suspect had jumped out of the car and ran  
22 towards the woods, and was given a clothing description. And I  
23 passed all that information on as quickly as possible.

24 Q And that's what Burley told you?

25 A Correct.

1 Q Now, that's not the first time that Burley contacted you  
2 about his nephew, is it?

3 A That is correct, that's not the first time.

4 Q Did you get a call from Burley Williams on May 3rd regarding  
5 his nephew?

6 A I don't recall the date.

7 Q Did you -- I'm sorry. Did you get a call regarding his  
8 nephew from Burley Williams?

9 A I did. There was a call prior to this incident asking if  
10 there was --

11 ATTORNEY MESSER: Objection.

12 Q Don't tell us what he --

13 THE COURT: Sustained.

14 Q Do not tell us what he said.

15 A Okay.

16 Q What did you offer him in that conversation?

17 A To verify whether there was an active warrant or not.

18 Q Now, since you were in law enforcement would you have been  
19 able to take Akevious Lindsey into your custody and then bring him  
20 to Simpsonville Police Department?

21 A Correct.

22 Q Answer any questions defense counsel has for you.

23 THE COURT: All right. Cross.  
24  
25

**CROSS-EXAMINATION**

BY ATTORNEY MESSER:

Q Briefly. Are you aware that Akevious Lindsey did peacefully turn himself over to police?

A I was told that there was an incident where he did turn himself in in some capacity. How that was done, I didn't get any information on that.

ATTORNEY MESSER: Thank you. No further questions.

THE COURT: Any redirect?

ATTORNEY EPPES: Your Honor.

ATTORNEY MESSER: Excuse me. I apologize, Your Honor.

Q You indicated that these phone conversations were over several days?

A Correct.

Q Do you consider two days to be several?

A If memory serves correct, yeah. Well, there was phone calls prior to related to a different incident.

Q I understand.

A So the timeline for a couple years ago for me is a little, without going back and reading through.

Q I understand.

ATTORNEY MESSER: Thank you. No further questions.

THE COURT: Any redirect?

SOLICITOR SCOTT: No, Your Honor.

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

2 SOLICITOR SCOTT: Your Honor, if I can get through one more  
3 witness today, please.

4 THE COURT: All right.

5 SOLICITOR SCOTT: Agent Brian Wright.

6 BRIAN WRIGHT,  
7 having first been duly sworn, is examined and testifies as  
8 follows:

9 CLERK OF COURT: And can you state your full name for the  
10 record.

11 THE WITNESS: It's Brian Wright, W-r-i-g-h-t.

12 **DIRECT EXAMINATION**

13 BY SOLICITOR SCOTT:

14 Q And where do you work?

15 A I'm a special agent with the South Carolina Law Enforcement  
16 Division, which is commonly known as SLED.

17 Q Did you help with the apprehension of Akevious Lindsey in  
18 this case?

19 A I did.

20 Q And why is SLED even involved?

21 A So SLED is an assisting agency to local sheriff offices and  
22 local police departments. We work specialized units. I work in  
23 the fugitive unit which, basically we go after the violent  
24 criminals, violent crimes, sometimes we have more resources  
25 available where we can go and assist them better.

1 Q Now, are you, as a SLED agent, able to go to different  
2 jurisdictions and counties within the state of South Carolina?

3 A Yes. I'm currently assigned to six counties but we do have  
4 state jurisdiction, so I assist in other parts of the stays.

5 Q Did you participate in what was referred to as "knock and  
6 talk"?

7 A Yes, I did.

8 Q And that would be what, in your capacity, do you do with a  
9 "knock and talk"?

10 A As far as when we, when we take on a case we try to talk to  
11 family members. And by a "knock and talk," that just means that  
12 we go to the address of the mother/father/grandmother/whoever's  
13 in the family, knock on the door, and try to talk to some family  
14 members.

15 Q One second. May I borrow this for just a second?

16 ATTORNEY EPPEES: Your Honor, I apologize for the  
17 interruption. I saw the paper up there and thought he had a  
18 report.

19 THE COURT: All right.

20 Q You referenced a "knock and talk" that you participated in.  
21 I'm going to hand you what's been premarked as State's Exhibit 10  
22 and 11. Are you in any of the photographs?

23 A Yes, ma'am.

24 Q Okay. And we're not publishing them yet, but could you just  
25 tell us where you are in the photographs and what you're wearing

1 so that when we do see it we can know who you are in these  
2 photographs?

3 A I've got a brown vest on, a brown gun belt, a hat, and I  
4 think I have sunglasses over my head.

5 Q Do you have on a different-color outfit than the rest of the  
6 officers on scene?

7 A I do. I have -- we have tan vests with insignia that says  
8 SLED State Police on it, and usually they're different than the  
9 other police departments and sheriffs' offices.

10 SOLICITOR SCOTT: And just for the record, he identified  
11 himself in State's Exhibit 10 and 11.

12 Q Now, when you do these "knock and talks" what's the  
13 atmosphere that you provide when you go to people's residences to  
14 talk to them?

15 A We just -- I mean, we don't -- we usually get out and knock  
16 on the door, explain why we're there. It's nothing -- no  
17 different than us knocking on the door just talking to you just  
18 to try to find out some information to locate the individual as  
19 peaceful as possible for everyone, is the goal behind it.

20 Q But do you have weapons on your person?

21 A Yes. We do have our SLED-issued sidearm, and in some cases  
22 we carry rifles also.

23 Q Now, in regards to, how many locations did you go to, or if  
24 you could even recall one or two, or multiple locations, to  
25 locate the defendant, Akevious Lindsey?



1 A It's multiple locations.

2 Q As you were knocking and talking as in you were purposely  
3 going there, did you locate him in that manner?

4 A I did not.

5 Q So tell us how you were able to locate him?

6 A So we, after we talked to people, we tried to talk to them  
7 as normal and we hand out cards, this is my name, who I work for,  
8 and a phone number, and I just say, Hey, if you can let me talk  
9 to him I will be glad to talk to the person, the individual, or I  
10 can talk to family members or anything.

11 Like I said, the goal to do this is to bring everybody in as  
12 safe as possible. That's the goal of it.

13 And talking to family members and stuff, sometimes the  
14 people are scared, and we can talk to them and just confirm, you  
15 know, that they're not going to be harmed or anything like that;  
16 we're just there to get them in custody as safe as possible.

17 Q And did a family ever call you -- do not tell us what they  
18 said -- in reference to the location of Mr. Lindsey?

19 A Yes, ma'am.

20 Q Okay. And did you go to that location?

21 A I did.

22 Q What was that location?

23 A It was a grandmother's house.

24 Q Now, when you saw him where was he?

25 A I'm sorry?

1 Q Where was he when you saw him in relation to the house,  
2 inside the house, outside the house, where?

3 A I recall that he was on the porch waiting on us when we got  
4 there.

5 Q Okay. And then you were able to take him in?

6 A Yes, ma'am. We identified who we were and told him what the  
7 next step was going to be, to obviously put him in handcuffs and  
8 take him to Simpsonville Police Department to get him booked in  
9 over there, and if they had any questions, that he -- I told him  
10 basically we're not part of the investigation, we're just part of  
11 the fugitive stuff.

12 Q When you're take anyone in that capacity do you do a search  
13 on them?

14 A Yes, we do.

15 Q Did you perform a search on him?

16 A On his person, we did. We do that every time before we put  
17 anyone in the vehicle.

18 Q Do you inquire if they need any medical attention?

19 A We do.

20 Q Why can't you transport someone who needs medical attention?

21 A Well, most jails will not take somebody that's got some  
22 injuries.

23 Q And then when you took him in what do you do with him?

24 A Once we got to Simpsonville Police Department, another  
25 investigator with me, we drove straight to Simpsonville from the

1 location where we found him at and turned him over to the  
2 Simpsonville Police Department.

3 Q And that location of the grandmother's house, what county is  
4 that in?

5 A Laurens County.

6 Q Did you have a Laurens County Sheriff's Office with you when  
7 you went out there?

8 A I did. I had an investigator from the sheriff's office with  
9 me.

10 Q And then you guys drove to the Simpsonville Police  
11 Department?

12 A Yes, ma'am, together.

13 Q And then you just -- how does that work after you got there  
14 and how do you transfer him into a different custody?

15 A We usually pull into Simpsonville Police Department's intake  
16 facility, where it could be a garage or just a sallyport, and  
17 then we take him out of our vehicle, uncuff him, and then hand  
18 him over to Simpsonville where they receive and assist.

19 Q All right. Answer any questions defense counsel might have  
20 for you.

21 THE COURT: All right. Cross.

22 **CROSS-EXAMINATION**

23 BY ATTORNEY EPPES:

24 Q Do you remember the grandmother's name?

25 A I have it documented in my report.

1 Q If I told you it was Rita [ph] Lindsey, would that refresh  
2 your recollection?

3 A Yes, sir.

4 Q Ms. Williams had testified today his other grandmother. I  
5 just wanted to make sure. So you did these "knock and talks".  
6 Mr. Lindsey has a fairly extensive extended family that goes  
7 through Fountain Inn and Gray Court and Laurens, correct?

8 A Yes, sir.

9 Q Do you remember how many family houses he went to?

10 A I don't recall.

11 Q Was it more than five?

12 A I know it was more than two cause we usually check, you  
13 know, parents, grandparents, typically what we do, but I can't  
14 recall how many we went to.

15 Q And this started on the 7th of May; correct?

16 A We started --

17 Q The search, when you started looking, it was May 7th?

18 A No, sir. I started May 8th.

19 Q You started May 8th?

20 A Yes, sir.

21 Q And he was found May 8th, correct?

22 A Yes.

23 Q So the day you started, was it somebody you had given a card  
24 to or was it somebody else?

25 A Somebody I had given a card to.

1 Q Somebody you had given a card to called you and said, He's  
2 at Ms. Lindsey's house and he's waiting on you?

3 A Yes, sir.

4 Q And he waited on the porch?

5 A Yes, sir.

6 Q Was anybody with him?

7 A I don't recall that.

8 Q You don't recall if any other people were on the porch?

9 A No, I don't. Sorry. No.

10 Q Did the door to the porch open? Was it locked?

11 A I believe Ms. Lindsey might have been there with us. I'm  
12 sorry, I don't have that in front of me.

13 Q But he wasn't surprised when you showed up, was he?

14 A No, sir.

15 Q He was waiting on you?

16 A Yes, sir.

17 Q Because all he wanted to do was peacefully --

18 SOLICITOR SCOTT: Objection, Your Honor, to anything that  
19 the defendant wanted to do.

20 THE COURT: Sustained. Rephrase your question.

21 Q His family expressed to you their desire that he turn  
22 himself in --

23 SOLICITOR SCOTT: Objection, Your Honor. It calls for  
24 hearsay.

25 THE COURT: Sustained.

1 Q They called you and said he was turning himself in?

2 SOLICITOR SCOTT: Objection.

3 THE COURT: Sustained.

4 Q Did he turn himself in?

5 A Yes, sir.

6 Q As far as you're concerned, he turned himself in even though  
7 it was on grandma's porch?

8 A Yes, sir.

9 Q Because you knew the location?

10 A Uh-huh.

11 Q And he was there?

12 A Uh-huh.

13 Q And he made no effort to run?

14 A No, sir.

15 Q Okay.

16 ATTORNEY EPPES: Thank you, Your Honor.

17 THE COURT: Any redirect?

18 SOLICITOR SCOTT: No, sir.

19 THE COURT: You may step down. Let me see the lawyers.

20 (Off-the-record discussion at sidebar)

21 ATTORNEY EPPES: Your Honor, I would ask that the SLED agent  
22 be released from his subpoena.

23 THE COURT: He is. He will be released.

24 All right, ladies and gentlemen, that will be it for today.

25 We will resume tomorrow morning at 9:30. My continuing

1 instructions still apply. Please don't discuss the case with  
2 anybody at all, family members, friends, or anyone else. Again,  
3 when this case is over this week you can talk to anybody you  
4 want, you can say as much as you want.

5 So with that, everybody have a good night, and I'll see you  
6 tomorrow morning at 9:30.

7 (Jury excused for the day at 4:45 p.m.)

8 MATTER(S) OF LAW

9 THE COURT: All right. Anything we need to take up before  
10 we adjourn for the day? Anything from the State?

11 SOLICITOR SCOTT: Your Honor, I was going to ask the defense  
12 to stay back. We are going to give those to the court reporter  
13 but I need her to verify that we clipped it correctly.

14 And we also have one other exhibit, a Facebook exhibit, we  
15 wanted to make sure was adequately redacted. And I'll just put  
16 that on the record, we plan on doing that before the end of the  
17 day.

18 THE COURT: All right.

19 SOLICITOR SCOTT: Judge, do you have a record of whether or  
20 not 105, which was published to the jury, if it was officially  
21 entered into evidence?

22 ATTORNEY EPPES: Which one was that?

23 SOLICITOR SCOTT: Well, we gave it 105 toward the end of the  
24 day. It's the prior inconsistent statement audio/video of  
25 Lawrence Williams.

1 THE COURT: No. There's no 105 entered into evidence.

2 SOLICITOR SCOTT: We got the number, Your Honor. I  
3 published it during that and I said at this time I'd like to  
4 offer in a prior inconsistent statement and we played it, but at  
5 the time it did not have a number and I just offered it into  
6 evidence and published it but incorrectly should have given it to  
7 the clerk for a number. It did not get a number, quite frankly,  
8 until I would say the end of our morning session when I asked her  
9 to give me a number for it.

10 THE COURT: So you're moving the statement into evidence?

11 SOLICITOR SCOTT: Yes, Your Honor. I played it for the  
12 jury. Yes, sir.

13 THE COURT: Okay. What's the defense -- any objection from  
14 the defense?

15 ATTORNEY EPPES: Your Honor, that one was impeached, but it  
16 doesn't have to be entered into evidence.

17 THE COURT: What about that?

18 SOLICITOR SCOTT: Your Honor, it is under the rules of  
19 evidence. I can make a prior inconsistent statement admissible  
20 and enter into evidence.

21 THE COURT: Extrinsic evidence itself. You impeached the  
22 witness with the video itself that was played, that is and can be  
23 substantive evidence under the rules, but that has been played,  
24 her impeachment has been played, but does the video itself --  
25 let's just say it was a statement. You don't admit, move, and



1 have -- admit statements when you're impeaching somebody, do you?

2 SOLICITOR SCOTT: You could, Your Honor. We did it with  
3 Kathy Williams. You can move in a prior inconsistent statement  
4 into evidence.

5 THE COURT: I know you did, and there was no objection. I  
6 know. But now there's an objection.

7 SOLICITOR SCOTT: Your Honor, under the rules of evidence, I  
8 understood admissibility to be just that. It's admissible and,  
9 therefore, I could ask the Court enter it into evidence as well.  
10 I understand that to be the rule, not that I can only just  
11 showcase it but not enter it. I think the purpose of this  
12 evidence was it was published and also should be able to be  
13 entered into evidence for them to refer back to should they need  
14 to.

15 THE COURT: What about that, Ms. Messer?

16 ATTORNEY EPPES: It's me.

17 THE COURT: Or Mr. Eppes.

18 ATTORNEY EPPES: Your Honor, they used it for impeachment.  
19 If I had a police officer's report and I used it for impeachment  
20 and he said, Yeah, that was me, or, No, that wasn't me, it  
21 wouldn't go into evidence.

22 This is a similar thing. It's a very limited redaction. We  
23 allowed her. She showed us the redaction, and we said, fine,  
24 play it for him. She played it for him, he testified about it,  
25 and that's the end of it.

1 SOLICITOR SCOTT: Your Honor, just to respond, with the  
2 police report we have case law that we cannot put in police  
3 reports because it has subjective information inside and,  
4 therefore, that would not be a special circumstance.

5 ATTORNEY EPPES: But you don't redact it and put in what you  
6 can.

7 THE COURT: On the video that you impeached her with, is  
8 there anything else other than what you used to impeach her with?

9 SOLICITOR SCOTT: Are you saying her? I just want a  
10 reference. It's a man.

11 THE COURT: Yes.

12 SOLICITOR SCOTT: What's the question, sir?

13 THE COURT: So whatever you're putting in, is it a disk?

14 SOLICITOR SCOTT: It's a USB disk drive.

15 ATTORNEY EPPES: Your Honor, it's got some stuff on it that  
16 is not part of the impeachment.

17 THE COURT: So that was my question. Is there anything on  
18 there that's not part of the impeachment?

19 SOLICITOR SCOTT: No.

20 ATTORNEY EPPES: Yes.

21 SOLICITOR SCOTT: It is?

22 (Counsel confer.)

23 SOLICITOR SCOTT: One moment, Your Honor.

24 (Counsel confer.)

25 ATTORNEY EPPES: We withdraw our objection, Your Honor.

1 THE COURT: All right. Objection is withdrawn. So what is  
2 it, Exhibit 105? Exhibit 105?

3 (State's Exhibit 105 is admitted into the record.)

4 ATTORNEY EPPES: Yes, sir.

5 ATTORNEY MESSER: This is Kathy Williams.

6 SOLICITOR SCOTT: Yes. Make sure that's clipped like it  
7 should be clipped.

8 (Counsel confer.)

9 SOLICITOR SCOTT: Your Honor, at this time they're just  
10 doing some housekeeping.

11 ATTORNEY EPPES: We're re- --

12 SOLICITOR SCOTT: Oh. Sorry.

13 SOLICITOR WESTFIELD: You and I were about to say the same  
14 thing. We're reviewing this evidence, Judge. There's no reason  
15 for you to be here for this unless you just are enjoying your  
16 company so much.

17 THE COURT: I always enjoy y'all's company, but not this  
18 much, so we'll adjourn for the day. 9:30 in the morning.

19 ATTORNEY EPPES: Yes, sir.

20 THE COURT: And any issues that I need to address, please  
21 email Mr. Compton tonight, and I will come in, at 6:30 in the  
22 morning I'll come in, but please do that so that at 9:30 I can  
23 have the jury out here and not keep them waiting.

24 SOLICITOR SCOTT: Yes, sir.

25 ATTORNEY MESSER: Yes, sir.

1 THE COURT: All right. You all have a good night.

2 (End of Transcript of Record.)

3  
4 CERTIFICATE OF REPORTER

5 I, Cathy J. Provost, Official Court Reporter for the  
6 Fourteenth Judicial Circuit of the State of South Carolina, do  
7 hereby certify that the foregoing is a true, accurate and  
8 complete Transcript of Record of the proceedings had and evidence  
9 introduced in the trial/proceedings of the captioned case in the  
10 Court of General Sessions for Greenville County, South Carolina,  
11 on the 12th day of February, 2025.

12 I do further certify that I am neither of kin, counsel, nor  
13 interest to any party hereto.

14  
15 Date: June 1, 2025

16  
17 \s\ Cathy J. Provost  
18 Cathy J. Provost, RMR  
19 Official Circuit Reporter  
20  
21  
22  
23  
24  
25

|                             |   |                             |
|-----------------------------|---|-----------------------------|
| THE STATE OF SOUTH CAROLINA | ) | COURT OF GENERAL SESSIONS   |
|                             | ) |                             |
| COUNTY OF GREENVILLE        | ) | THIRTEENTH JUDICIAL CIRCUIT |

|                             |   |                              |
|-----------------------------|---|------------------------------|
| THE STATE OF SOUTH CAROLINA | ) | NO. 2023-GS-23-04555         |
|                             | ) |                              |
| VS.                         | ) |                              |
|                             | ) | <u>TRANSCRIPT OF RECORD</u>  |
| AKEVIUS DAYQUAN LINDSEY     | ) |                              |
| _____                       | ) | Vol. IV of IV, Pages 402-527 |

B E F O R E:

THE HONORABLE J. D. MORGAN, JR., JUDGE, and a jury

DATE: February 13, 2025  
Greenville, South Carolina

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

BRITTANY D. SCOTT, ESQUIRE, ASSISTANT SOLICITOR  
ELTERRICE F. WESTFIELD, ESQUIRE, ASSISTANT SOLICITOR

Attorneys for the State

DEMI L. MESSER, ESQUIRE  
FRANK L. EPPES, ESQUIRE

Attorneys for the Defendant

Reported by: Cathy J. Provost, RMR, Official Court Reporter

1                   -- P R O C E E D I N G S --

2           (Indexes contained in Vol. I, dated February 10, 2025.)

3           (Court called to order.)

4                   MATTER(S) OF LAW

5           THE COURT: I received an email that we had some issues you  
6 wanted to take up this morning, so I'll hear from you.

7           SOLICITOR SCOTT: Thank you, Your Honor. The first thing,  
8 there was wrong evidence that we had marked as State's Exhibit  
9 97. When I talked with defense counsel she has very good vision,  
10 and where I did not think I could see the contents of the written  
11 statement that has been referenced throughout this trial -- but  
12 we were not going to put the actual allegation that the victim  
13 said about Akevius Lindsey but rather that it was just a  
14 statement against him -- she was able to read.

15           And so because of that I told her I would work on trying to  
16 use a blur tool, and at this point it's just not necessary to  
17 even bring this in if I've got to now get a blur tool.

18           THE COURT: All right. You say that's 97?

19           SOLICITOR SCOTT: Yes, Your Honor.

20           THE COURT: Okay.

21           (State's Exhibit 97 is withdrawn from evidence.)

22           SOLICITOR SCOTT: And so I'm handing it back over to the  
23 court reporter, and she can have her sticker.

24           THE COURT: Yes, ma'am.

25           SOLICITOR SCOTT: Yes, sir. The second matter is during

1 Kathy Williams' initial statement -- or testimony, excuse me, on  
2 Monday morning I was able to enter in her prior inconsistent  
3 statement through another officer, Anthony Waugh. That was  
4 published to the jury but not officially entered into the  
5 evidence with a number. And the State would ask to do so at this  
6 time.

7 THE COURT: All right. Any objection from the defendant?

8 ATTORNEY MESSER: No objection.

9 THE COURT: All right. And that's exhibit no. what?

10 SOLICITOR SCOTT: We're about to get the number now.

11 THE REPORTER: 122.

12 (State's Exhibit 122 is marked for identification.)

13 (State's Exhibit 122 is admitted into the record.)

14 THE COURT: Next matter?

15 SOLICITOR SCOTT: That's it from the State, Your Honor.

16 ATTORNEY MESSER: Nothing from us, Your Honor.

17 THE COURT: Okay. I guess they're probably not here yet.

18 THE BAILIFF: Not quite.

19 THE COURT: All right. If you all will be in recess for  
20 five minutes, whatever.

21 (Court recessed at 9:22 a.m. and reconvened at 9:32 a.m.)

22 THE COURT: Jury's here. Anybody need anything? Any  
23 motions or motion for the State or defense?

24 ATTORNEY MESSER: None from us, Your Honor.

25 SOLICITOR SCOTT: No, Your Honor.

1 THE COURT: All right. Bring them in.

2 (Jury seated in the courtroom at 9:35 a.m.)

3 THE COURT: Good morning. Hope you all had a good night.  
4 All right. We are ready to start. Will the State call their  
5 next witness.

6 SOLICITOR SCOTT: State calls Investigator J. Weibel -- or,  
7 Lieutenant J. Weibel.

8 **JASON WEIBEL,**

9 having first been duly sworn, is examined and testifies as  
10 follows:

11 CLERK OF COURT: State your full name for the record.

12 THE WITNESS: My full name is Jason Weibel, W-e-i-b-e-l.

13 **DIRECT EXAMINATION**

14 BY SOLICITOR SCOTT:

15 Q All right. Where do you work?

16 A I work for the Simpsonville Police Department.

17 Q And how long have you worked there?

18 A March will be 17 years.

19 Q And what's your job description there?

20 A I am currently the lieutenant over the investigations  
21 division.

22 Q And were you the lieutenant of investigations in May of  
23 2023?

24 A I was.

25 Q So what was your role in this particular case?



1 A Even as the lieutenant and the supervisor of the  
2 investigations unit, I am still subject to being called out. I  
3 hold a call-out rotation, or spot on the rotation. I was  
4 actually the on-call investigator when this call came out. I was  
5 contacted by one of the patrol supervisors, I believe it was  
6 Sergeant Waugh, who advised me what was, what they had responded  
7 to, at which time warranted a response for me to come out.

8 And when I got there I started talking with and getting an  
9 understanding of what the patrol officers who were on scene had  
10 already learned.

11 Q All right. And since you are the lead investigator, did you  
12 review other officers' and their findings as you are -- what do  
13 we call it -- supervisor in this case?

14 A Absolutely.

15 Q And do you have those reports with you?

16 A Yes, I do.

17 Q Your reports, particularly, in your case file?

18 A Yes, I do.

19 Q So what do you do when you're asked to be on-call? How do  
20 you get there? Do you get your own vehicle or patrol vehicle,  
21 or?

22 A Yes, ma'am. In Simpsonville Police Department, we are  
23 assigned patrol vehicles so I have a vehicle that I take home  
24 with me every day. And I'm subject to being called out for any  
25 major case, certainly as the lieutenant over investigations but

1 primarily as just an investigator, right.

2 Some of these bigger cases warrant more time, experience,  
3 and that's where the investigators come in -- and we're subject  
4 to being called and essentially go anywhere.

5 Q So while you're en route, are you working the case while  
6 you're en route?

7 A I am gathering as much information from the patrol  
8 supervisors who are already on scene, and based on the  
9 information that they provided I actually contacted a second  
10 investigator, Investigator Semanski, who you've heard from  
11 yesterday, and requested that he start drafting a search warrant  
12 for the apartment.

13 Q Okay. So let's talk about you arrived at Jasmine Cove. Did  
14 you make any interactions with Azaliah Rice or Lonnie Dobbins?

15 A Yes, ma'am. When I arrived on scene, the first thing I did,  
16 again, I get briefing from the patrol supervisors, everybody  
17 who's there. And I was pointed in the direction of Ms. Azaliah  
18 and Lonnie Dobbins, at which time they said that they --

19 ATTORNEY MESSER: Objection, Your Honor.

20 THE WITNESS: My apologies. I understand where you're  
21 going.

22 THE COURT: What's the basis?

23 ATTORNEY MESSER: Hearsay and duplicative.

24 SOLICITOR SCOTT: Your Honor, I'll instruct the witness.

25 Q Please don't tell us what people have said.

1 A Absolutely.

2 THE COURT: Sustained.

3 A My apologies. I did meet with Azaliah and Lonnie once I  
4 arrived on scene.

5 Q Now, did you go into the apartment as well?

6 A I did.

7 Q And when you say you met with Azaliah and Lonnie on scene,  
8 did you also take any kind of interview with them?

9 A I did. I escorted them to my vehicle where we took a  
10 recorded interview.

11 Q Now, were you made aware that Kathy Williams had been on  
12 scene?

13 A I was made aware of that as I was en route to the scene.

14 Q Now, was she still there when you arrived?

15 A No, ma'am.

16 Q Were you made aware that there was a Burley Williams there  
17 on scene?

18 A Again, I was made aware as I was en route, but he wasn't  
19 present either.

20 Q When you arrived?

21 A Yes, ma'am.

22 Q Now, we heard testimony from Crystal Minwegen with forensics  
23 team. Were you present when she was doing, her and the forensics  
24 team were, conducting a search on that apartment?

25 A Yes, ma'am, for some of it. I was kind of in and out,

1 managing the scene outside, and trying to talk with responding  
2 officers, as well as inside working with Semanski and Sergeant  
3 Minwegen, and I can't remember the other tech's name, but, yeah,  
4 and the coroner's office.

5 Q Sir, you were able to observe Genesys there on the bed?

6 A Yes, ma'am.

7 Q Let me show you what's been marked as State's Exhibit 57.

8 Did you observe this bed on the night of May 6, --

9 A I did.

10 Q -- early morning of May 7th?

11 A I did, ma'am.

12 Q What's the significance to the items here on this bed to  
13 you?

14 A To me it looks like clothing, it looks like folded clothing  
15 as if you're packing. I see -- I feel like there's adult  
16 clothing, and a pillow, a purse, just items that appears folded  
17 and possibly packing just based on what I was advised, as far as  
18 I believe the family was going to get together that weekend, the  
19 entire family.

20 Q And we have adult clothes here. Do you see any children's  
21 clothes in this picture?

22 A I don't know if it's children's clothing or not. I see  
23 purple, it looks like purple, and green socks and smaller  
24 clothing, I feel like. Yes, ma'am.

25 Q Okay. On State's Exhibit 56, did you observe this pillow on

1 May the 6th?

2 A Yes, ma'am, I did.

3 Q Okay. What's the significance of this pillow, sir?

4 A To me it appears, one, after going through the entire  
5 apartment, it appears out of place from the bedding that was  
6 found and located in the other room, but also the amount of blood  
7 that appears to be on it.

8 Q On what side, sir?

9 A From this side, it looks like it's the top side and B side.

10 Q Did you notice any penetrating holes on this pillow?

11 A No, ma'am, I did not.

12 Q And you mentioned that you referenced speaking with Azaliah  
13 in a recorded interview. Were you also here for her testimony  
14 today in court?

15 A Yes, ma'am.

16 Q There was testimony from her about the pillow that she  
17 removed from her sister's head.

18 A Yes, ma'am.

19 Q Do you see that significance here?

20 A I do. Just based on the blood that is on the pillow, it  
21 would have to have been placed postmortem.

22 Q You were also here for the testimony of Azaliah, witness,  
23 referencing opening the door to this room.

24 A Yes, ma'am.

25 Q What significance does that have to you?

1 A I would feel that who -- the shooter closed the door behind  
2 them if she was first on scene and hasn't opened the door.

3 Q In reference to the pillow that we saw earlier, you said it  
4 came from another room. Can you tell us what room you're  
5 speaking of? This is State's Exhibit 93.

6 A This comforter, or blanket, whatever -- I would call it  
7 comforter -- was located -- is a matching print, and it was  
8 located -- this picture is of the other bedroom that had  
9 Mr. Lindsey's belongings, identified belongings, in there.

10 Q You've not been to that apartment before, right?

11 A Not that particular apartment. No, ma'am.

12 Q I'm going to show you State's Exhibit 24. What do you see  
13 in State's Exhibit 24?

14 A I see clothing items, it looks like a laundry basket, and  
15 then another basket or bin. In the bottom right corner I see a  
16 gray bin with other belongings.

17 Q All right. And have you had opportunity to review the Ring  
18 doorbell footage that we got from the search warrant in this  
19 case?

20 A I did. Yes, ma'am.

21 Q And to your knowledge who put these items here?

22 A I'm sorry.

23 Q Who put these items outside? Maybe not in the stacked place  
24 but outside.

25 A Sure. Based on the Ring doorbell, the brief clip, it

1 appeared that Ms. Genesys did.

2 Q And then if we can just zoom in, are these male and female,  
3 or -- I'm zooming it. Male and female clothing here, sir?

4 A It appears to me to be male clothing.

5 Q Why do you say that?

6 A Well, number one, the tie. Some of the other clothes, I  
7 don't know that she would be putting her own stuff out, but I see  
8 a sneaker box, I see what appears to be boxer shorts down at the  
9 bottom, the blue boxer shorts.

10 Q And did you happen to go in the closet, State's Exhibit 103,  
11 of that residence?

12 A I'm sure I did.

13 Q Whose closet is this in State's Exhibit 103?

14 A This appears to be the closet in that second bedroom where  
15 Mr. Lindsey's items were found.

16 Q And then again, State's Exhibit 104?

17 A I believe this is the same closet.

18 Q What's the significance of this closet to you?

19 A Honestly, it appears empty.

20 Q We also know from testimony about a door knob that was found  
21 on the bed.

22 A Yes, ma'am.

23 Q One moment. I'm going to show you State's Exhibit 50. Sir,  
24 did you see a door knob on this bed here?

25 A Yes, I do.

1 Q Okay. And then State's Exhibit 91 -- I'll put it on top --  
2 what is the significance here?

3 A The picture on top looks as if the ball, or the handle of a  
4 door, door knob, was broken off, sheered off somehow. While I  
5 didn't match it up, you know, hold it to the door, to me it  
6 appears consistent with what could be that door knob.

7 Q Were there any other doors in that apartment that had no  
8 knob?

9 A No, ma'am.

10 Q I'm going to zoom in on this door knob, sir. Can you tell  
11 us what I'm pointing to here?

12 A That appears to be, while not a keyhole, it appears to be, a  
13 hole to possibly unlock a door, like, on the end of the door  
14 knob.

15 Q You said unlock. So these door knobs are able to be locked  
16 or unlocked?

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

18 Q And then while we're here -- okay, let me zoom out -- we  
19 heard testimony that a vape was found in her left hand. Do you  
20 see anything in her right hand, sir? This is, again, State's  
21 Exhibit 60.

22 A I do see the vape. To me, it almost looks like her right  
23 hand is kind of clutching her left hand or -- can you zoom out  
24 just a little bit. I'm sorry.

25 Q Other than her hand being in her hand do you see anything



1 else?

2 A I don't. Okay. I didn't know what it was that was kind of  
3 her fingers were in, but it appears a sheet or bedding or  
4 clothing of some sort.

5 Q In her hand?

6 A Not in her hand. It's kind of -- not in her hand. I think  
7 this is covering her hand.

8 Q Okay. So my question is is there anything in her hand?

9 A Other than her other hand, I don't see anything.

10 Q We heard from Investigator Semanski that he did search  
11 warrants for phones.

12 A Yes, ma'am.

13 Q That is of Genesys' phone and Akevious Lindsey's phone, the  
14 defendant.

15 A Yes, ma'am.

16 Q But did you locate an actual, hard phone, a physical,  
17 tangible phone that belonged to Genesys Rice in that apartment?

18 A We did not.

19 Q Now, you spoke with Azaliah in the actual interview process  
20 with her on scene.

21 A Yes, ma'am.

22 Q Did you have occasion to look at Azaliah's phone?

23 A Yes, ma'am, we did.

24 Q Okay. And when you looked at Azaliah's phone when was the  
25 last time that she had spoken with her sister on the phone?

1 A May I refer?

2 Q Please.

3 A Approximately 10:25 p.m.

4 Q And were you aware of what type of call that was?

5 A I believe it was a FaceTime call.

6 Q While you were inside that apartment did you encounter the  
7 defendant in that apartment?

8 A No, ma'am.

9 Q While you were on scene did you encounter the defendant on  
10 scene?

11 A No, ma'am.

12 Q And what did you do after leaving that particular crime  
13 scene?

14 A I know I returned back to the Simpsonville Police  
15 Department, just for the massive amount of information that we  
16 gathered while on scene, myself, other officers, investigators,  
17 to basically try to piece together a very preliminary thought  
18 process about what we had observed, the evidence that we  
19 gathered.

20 If I'm not mistaken, other officers testified about that  
21 same time officers went and spoke with Kathy Williams again, so I  
22 know that occurred, and they obtained a written statement.

23 And I know based on, I believe, his testimony, Investigator  
24 Semanski was out doing other follow-ups as well.

25 Q Now, you referenced that other investigators went to Kathy's

1 home. Were you made aware of what Kathy did or said on scene as  
2 well?

3 A I was made aware while I was en route to the initial scene.

4 Q Okay.

5 A And then after the other officers left Ms. Williams' home I  
6 was made aware of what had occurred there.

7 Q Okay. Now, and I guess I do need to get when you actually  
8 do leave the apartment. Are you the one who locks this apartment  
9 up?

10 A Yes, ma'am.

11 Q Okay. And how are you locking up this apartment?

12 A There was -- we located a key, a house key, inside.

13 Q Did you locate the keys with the deceased, Ms. Genesys?

14 A I believe so. If I'm not mistaken, they were on the bed.

15 Q Okay. Now, you referenced that you guys went back to the --  
16 well, you guys -- but your team --

17 A Yes, ma'am.

18 Q -- go back to the police department and brief what you all  
19 have learned so far.

20 A Yes, ma'am.

21 Q What's your plan here with what do next?

22 A We had access to multiple information-gathering websites. I  
23 believe Investigator Guest spoke about something called -- and he  
24 may not have, CLEAR, which I'll speak about it -- CLEAR, which  
25 is, it's an investigative website that you have to pay to gain

1 access to. It ultimately gathers from credit-card companies,  
2 stuff like that, cellphone companies, so every time, you know,  
3 you would sign up for a credit card or a cellphone, and they say  
4 they sell their information, they sell it to places like this,  
5 just to break it down. So we have access to that.

6 And based on Mr. Lindsey's name -- and we were able to -- we  
7 knew Ms. Kathy Williams' name -- we were able to kind of piece a  
8 family dynamic together, and with that, their cellphone numbers  
9 or phone numbers associated with names in these databases. So I  
10 attempted to start calling some of the family members in the  
11 hopes of trying to gather more information or a possible  
12 location.

13 Q Do you recall from your report any of the family members  
14 that you just spoke to other over the phone? Just the names, not  
15 what you all said.

16 A Yes. May I refer to?

17 Q Yes.

18 A Yes, ma'am. I made multiple phone calls. Would you like me  
19 to list who I spoke to and what time, or?

20 Q Yes. The time of day. Yes. Go ahead, officer.

21 A All right. On May the 7th at approximately 0813, or 8:13 in  
22 the morning, I called -- and I don't want to butcher, I don't  
23 know if it's Armecha or Armecha -- I apologize, but --  
24 Mr. Lindsey's mother. And I have that phone number. I did leave  
25 a voicemail for Ms. Williams.

1       At 8:19 I spoke with -- or, I'm sorry -- I attempted to call  
2       Ms. Shontaye Hawthorne [ph] who, it was referred to me, or  
3       provided to me was a half-sister to Mr. Lindsey, where I left a  
4       voicemail.

5       At 8:21 I contacted a Courtney Cook Clinton. It was one of  
6       the phone numbers that was assigned, or attached. And that was a  
7       wrong number, I was advised.

8       At 8:25 I attempted to contact the phone number that was  
9       associated with Mr. Lindsey, and that went straight to voicemail.  
10      And at approximately 10:18 that morning Mr. Lindsey's mother,  
11      Ms. Williams, contacted me back.

12      Q     At what time?

13      A     That would be at 10:18 in the morning.

14      Q     Okay. Any other family members before I move?

15      A     No, ma'am.

16      Q     And based off these conversations were you able to locate  
17      the defendant?

18      A     No, ma'am.

19      Q     Now, what other agencies were involved in assisting you with  
20      finding the defendant?

21      A     So as you can imagine, going from the 6th into the 7th, up  
22      to that point, was a very long day. I sent my team home. There  
23      was a break in there. We did contact -- I know, as they  
24      testified before, Lieutenant Kelly had contacted or Sergeant  
25      Waugh had contacted Laurens County Sheriff's Office and Fountain

1 Inn Police Department to kind of be on the lookout with some  
2 addresses that they were provided.

3 The next day I ended up contacting, you heard from his  
4 testimony, Special Agent Brian Wright with SLED who is part of  
5 their apprehension team, I contacted him. And Laurens County  
6 Sheriff's Office actually contacted us because they were asked to  
7 go look at some addresses, so they contacted us offering their  
8 assistance as well. So it was us, Laurens County, and SLED.

9 Q So we've heard testimony about May 7th and May 8th. And I  
10 want to be clear, May 7th was your research day?

11 A Yes, ma'am.

12 Q And the calls?

13 A Yes, ma'am.

14 Q And May 8th was on the ground?

15 A Yes, ma'am.

16 Q Before we get into where you went on the ground, at some  
17 point did you have information that a man, Burley Williams, was  
18 attempting to turn in Akevious Lindsey?

19 A That was one of the things that I was advised of, yes,  
20 ma'am.

21 Q Okay. Referring to your report, around what time would this  
22 fit in with these "knock and talks" you all did on May 8th?

23 A It was before the "knock and talks" started. We started our  
24 "knock and talks" at approximately 3:12 in the afternoon.

25 Q Now, where did you go when you went to your "knock and

1 talks"?

2 A Yeah. So once we -- earlier that day we came up with a game  
3 plan. Laurens County Sheriff's Office was participating, they  
4 responded with police department and SLED, we kind of came up  
5 with a game plan and tried to put together the best team that we  
6 could as far as attempting to locate Mr. Lindsey.

7 On the 8th the first address that we responded to -- and  
8 this was approximately 3:12 when we arrived -- was [REDACTED]  
9 [REDACTED] Road, which would be Mr. Lindsey's father and his paternal  
10 grandmother, Ms. Massy -- Ms. Lindsey. I'm sorry.

11 Q Okay. That's the first place?

12 A Yes, ma'am.

13 Q Where else did you go?

14 A After leaving there we responded to [REDACTED] Road.  
15 No, I'm sorry. We left [REDACTED] Road and we responded to  
16 [REDACTED] Ave. in Gray Court, and we arrived there at  
17 approximately 3:43 p.m.

18 Q Who's there? Who lives there?

19 A It is, we were advised that it was, Mr. Lawrence Williams.

20 Q We heard testimony earlier from Lawrence Williams, and I  
21 want to talk to you a little bit about that.

22 A Yes, ma'am.

23 Q When you came out to speak with him was he already at the  
24 house when you arrived or did he arrive after you got there?

25 A He arrived after we got there.

1 Q Who was there before he got there?

2 A Nobody was there when we arrived on scene. However,  
3 Ms. Kathy Williams arrived while we were on scene, formulating  
4 her next step. And she arrived at approximately 4:04 p.m.

5 Q And what's that in military time?

6 A Well, 1604 is what it is in military time. It is 4:04 p.m.

7 Q Okay. Thank you. I'm going to hand you what's been marked  
8 as State's Exhibit 6. What time is here on State's Exhibit 6?

9 A It appears on this, it looks like, 40- -- in 12-hour clock,  
10 it's 4:05 p.m.

11 Q All right. So this would have been -- this residence  
12 belongs to whom? You referenced that you were at a particular  
13 residence.

14 A Her son's residence, Lawrence Williams.

15 Q And she just arrived there, but does she live here?

16 A No, ma'am.

17 Q And did you speak with her when she rode up?

18 A I did.

19 Q Oh, sorry. Did you obtain a phone number for her?

20 A I believe so.

21 Q All right. Now, you referenced at some point, though, you  
22 were able to speak with Lawrence Williams.

23 A Yes, ma'am.

24 Q I'm going to show you what's been premarked as State's  
25 Exhibit 10 and 11. Do you recognize what I've handed you?



1 A Yes, ma'am, I do.

2 Q How's that?

3 A Those are still images from my bodycam of Mr. Williams,  
4 Special Agent Wright, and Investigator Semanski.

5 Q Are they a true and accurate depiction of still shots from  
6 your bodyworn camera?

7 A Yes, ma'am, they are.

8 SOLICITOR SCOTT: At this time the State would offer into  
9 evidence State's Exhibit 10 and 11, Your Honor.

10 THE COURT: Any objection?

11 ATTORNEY MESSER: No objection.

12 THE COURT: State's Exhibits 10 and 11 are admitted into  
13 evidence, without objection.

14 (State's Exhibits 10 and 11 are admitted into the record.)

15 Q Now, you referenced that Kathy Williams was there first and  
16 Lawrence arrived later.

17 A Yes.

18 Q In his own vehicle or something else?

19 A Yes, ma'am, his own vehicle.

20 Q And describe that interaction with him when he drove up?

21 A I was behind, or around the side of the residence when he  
22 pulled up. When he arrived he got out of his truck, which was  
23 about the time I activated my bodycam. And I felt it was a  
24 pretty cordial conversation. I walked up to him and introduced  
25 myself and my team.

1 Q All right. This is State's Exhibit 10. Would you identify  
2 who this is here?

3 A That is Special Agent Wright with SLED.

4 Q And earlier we had Special Agent Wright testify and we, for  
5 the court's record, he identified himself there as well. Now, in  
6 regards to -- who is here on the tailgate?

7 A Mr. Williams.

8 Q And whose truck is this?

9 A Mr. Williams.

10 Q All right. Silly question, but did you put him on his  
11 truck?

12 A I did not.

13 Q And he spoke with you?

14 A Yes, ma'am.

15 Q Freely?

16 A For approximately 25 minutes, yes, ma'am.

17 Q At any point did he have any food or drink?

18 A Not with him while I was speaking with him. It wasn't until  
19 I walked away to re-engage with Ms. Kathy Williams that  
20 essentially I heard was sounded like a can opening. So he did  
21 not have anything at the time.

22 Q But later he had something to drink?

23 A Yes, ma'am.

24 Q Let's talk about State's Exhibit 11. Could you identify the  
25 people in this photograph here?

1 A To the right is Investigator Semanski. Sitting on -- yes,  
2 ma'am. Sitting on the tailgate still is Mr. Williams. And I  
3 believe the other gentleman is Investigator Nations [ph] of  
4 Laurens County Sheriff's Office.

5 Q We heard testimony from Lawrence Williams that he was tired  
6 and that he was confused, but did you experience that with him  
7 when you were talking with him?

8 A I feel like I did not. I am aware that he had just got done  
9 with work, but tired and confused, I feel that was not the case.

10 Q I need to know where you went next.

11 A Back to my notes, about this time, or at the end of this, we  
12 received further information, I was -- Investigator Semanski and  
13 I, at 1828, or 6:28 p.m., responded to [REDACTED], I  
14 believe it's [REDACTED] Lane or just [REDACTED], in  
15 Simpsonville to conduct a "knock and talk" and Special Agent  
16 Wright and Laurens County Sheriff's Office responded to another  
17 location that I was not a part of, but that was at [REDACTED]  
18 [REDACTED] Drive to meet with Princess Williams and Michael Sweeney.  
19 And at [REDACTED] -- I'm sorry -- we met with Rochelle  
20 Nabors.

21 Q I'm going to show you what's been premarked as State's  
22 Exhibit 7. And just looking at the time -- first of all, do you  
23 recognize this?

24 A Yes, ma'am. This also appears it's from my bodycam.

25 Q Okay. Now, I do need you to look at the time of that

1 timestamp.

2 A Yes, ma'am.

3 Q And based off that time are we still at Lawrence Williams'  
4 home here, or somewhere else?

5 A Lawrence Williams' home.

6 Q Is this a true and accurate depiction of your bodyworn  
7 cameras?

8 A It is.

9 SOLICITOR SCOTT: At this time the State would like to admit  
10 into evidence State's Exhibit 7.

11 THE COURT: Any objection?

12 ATTORNEY MESSER: Without objection.

13 THE COURT: All right. State's Exhibit 7 is admitted into  
14 evidence, without objection.

15 (State's Exhibit 7 is admitted into the record.)

16 Q I'm going put up first State's Exhibit 6. What time was  
17 this here?

18 A That is 1605, or in the 12-hour clock it's 4:05 p.m.

19 Q And this location here is at Lawrence Williams' home?

20 A Yes, ma'am, it is.

21 Q And now at State's Exhibit 7, you testified this is also  
22 Lawrence Williams' home?

23 A Yes, ma'am, it is.

24 Q Who is this here standing?

25 A That's Ms. Kathy Williams.

1 Q And now what time is it?

2 A The 24-hour clock is 1725, or the 12-hour clock is 5:25 p.m.

3 Q Did she remain on scene from here to here, or leave and come  
4 back?

5 A If I'm not mistaken, I believe she left and came back.

6 Q Thank you. So I've heard about [REDACTED] and  
7 simultaneously [REDACTED] Drive. Where else, if anywhere else,  
8 did you go?

9 A I believe that was it. That was -- once Mr. Lindsey was not  
10 located at any of the addresses that we went to with the business  
11 cards that we passed out, as well as Special Agent Wright, it was  
12 kind of like a let's go back to the police department and regroup  
13 and figure out the next steps.

14 Q Did you check any past employers of where the defendant  
15 worked?

16 A We did.

17 Q What's the purpose of that?

18 A To confirm phone numbers, to confirm any possible other  
19 addresses that they may have had.

20 Q We heard testimony from Agent Wright about locating this  
21 defendant. What, if any part, did you participate in that?

22 A As far as the location aspect, I did not. I was made aware  
23 at approximately 11:00 on the 8th that he received a phone call  
24 and he was en route to the [REDACTED] address to take  
25 custody of Mr. Lindsey because he was turning himself in.

1 Q Did you have occasion to see him later on that day?

2 A Mr. Lindsey?

3 Q Uh-huh.

4 A Yes, ma'am. He was brought back to the Simpsonville Police  
5 Department --

6 Q Okay.

7 A -- where we provided the opportunity to --

8 Q That's fine.

9 A I'm sorry.

10 Q So if you could just now talk to me about if you had to give  
11 him any medical treatment.

12 A I'm sorry?

13 Q Did you have to give him any medical treatment?

14 A No, ma'am.

15 Q We heard testimony from Investigator Semanski regarding a  
16 Verizon cellphone search. And you referenced that you called  
17 multiple family members.

18 A Yes, ma'am.

19 Q Referring to your notes -- this is State's Exhibit 119 --

20 A Yes, ma'am.

21 Q -- there were some numbers that Semanski could not recall so  
22 I need you to look through your case file. Whose number is this?

23 A Are we talking about the 200-8456?

24 Q Yes.

25 A I'm sorry. Please just give me one second to refer to my

1 notes. Ma'am, I have that as the phone number I left a voicemail  
2 for Ms. Williams, Mr. Lindsey's mother.

3 Q Okay. You're going to have to say her name.

4 A I'm sorry. At 200-8456, I have it as Armecha Williams,  
5 Mr. Lindsey's mother.

6 Q Okay. Mr. Lindsey's mother, is that the defendant,  
7 Mr. Lindsey, or --

8 A Yes. Yes, ma'am. I'm sorry.

9 Q Okay.

10 A The defendant, Mr. Lindsey's, mother.

11 Q This phone number here -- oh, goodness, I'm seeing what you  
12 all are seeing. Okay. Is this one of the phone numbers you  
13 gathered for the defendant we've heard testimony about? I just  
14 want to confirm.

15 A Please forgive me while I try to view real quick. I'm  
16 sorry. It was the 423-6581. I apologize.

17 Q You're fine.

18 A During the investigation we determined that 423-6581 came  
19 back to Akevious Lindsey, and that was essentially by using Cash  
20 App, I believe.

21 Q Now, I have another phone number here, a 376-8523. From  
22 your numbers, from your calling and researching, whose number is  
23 this, sir?

24 A That's the 376-8523? That is going to be Ms. Lisandra's  
25 phone number, who would be Genesys' mother.

1 Q Genesys' mother?

2 A Yes, ma'am.

3 Q Thank you. And now looking at State's Exhibit 117, here in  
4 blue, whose number is this?

5 A The 423 -- I'm sorry. 423-6522, that phone number belongs  
6 to Ms. Azaliah Rice, Genesys' sister.

7 Q Thank you. Are you aware that Officer Semanski was  
8 researching the locations of the phone at the time of the  
9 incident?

10 A I'm sorry?

11 Q Are you aware that Officer Semanski was researching the  
12 location of the defendant's phone around the time of the  
13 incident?

14 A Yes, ma'am, I am.

15 Q And you were here for his testimony today?

16 A I was here yesterday --

17 Q Yesterday.

18 A -- for his testimony. Yes, ma'am, I was.

19 Q All right. Would you read for me, on State's Exhibit 20,  
20 this time here?

21 A That appears to be May the 6th of 2023 at approximately  
22 10:25:28 p.m.

23 Q And you referenced that you saw Azaliah's phone where she  
24 spoke with Genesys on her FaceTime. And what time was that?

25 A Approximately 10:25, or 2225 is what I referenced in my



1 report, which is 10:25. At the same time.

2 Q And then I want to talk about this intersection here. What  
3 is the area here that this intersects in?

4 A The Jasmine Cove Apartment complex.

5 Q We had testimony from Crystal Minwegen about her taking some  
6 swabs in the house. To your knowledge, she took swabs inside  
7 that room, where Genesys was found, --

8 A Yes, ma'am.

9 Q -- of suspected blood?

10 A Yes, ma'am.

11 Q Did you send off any of that swabs of that suspected blood  
12 for testing?

13 A No, ma'am, we did not. And the reason that we did not was,  
14 without being too graphic, the injury that was sustained and what  
15 was found on the bed and below the bed we felt was pretty  
16 consistent with the injuries sustained.

17 Q Consistent that the source of that was -- what is  
18 consistent?

19 A It was from Ms. Genesys Rice based on where it was located  
20 in proximity to Ms. Genesys.

21 Q Answer any questions the defense counsel might have for you.

22 A Yes, ma'am.

23 THE COURT: All right. Cross.

24 ATTORNEY MESSER: May it please the Court.

25

**CROSS-EXAMINATION**

BY ATTORNEY MESSER:

Q Good morning.

A Good morning, Ms. Messer.

Q It's Lieutenant Weibel?

A It is, but --

Q Okay. I just don't want to mess it up, and I always --

A It's a title, ma'am. That's all.

Q Okay. You were the lead investigator on this case?

A Yes, ma'am, I was.

Q Okay. And you did go to the scene?

A Yes, ma'am.

Q So you observed a lot of things. I think we went through some of the things that you observed.

A Yes, ma'am, we did.

Q Okay. As part of that observation -- excuse me. I'm going to try to get through these exhibits. I'll show you this one. State's Exhibit 57, you pointed out the pillow --

A May I, again?

Q -- in that? Sorry.

A As I'm getting older, that's why. Yes, ma'am, I did.

Q And that pillow was different -- was what matched in the bedroom, the other bedroom?

A The second. The second bedroom. Yes, ma'am.

Q And do you know how that pillow got in that room?

1 A I wasn't there when it occurred so I have no idea how it got  
2 there. I'm confident Genesys Rice didn't put it on her herself.

3 Q But are you confident she didn't have it in the room?

4 A I don't know the answer to that.

5 Q Now, I want to talk a little bit about the door knob. And I  
6 picked up the wrong exhibit. On the door knob, you described a  
7 hole in it --

8 A Yes, ma'am.

9 Q -- that was meant that you can kind of unlock it?

10 A Yeah. I mean, you have some door knobs that have an actual  
11 key where it is obvious you have a key, and you have others that  
12 have the little hole to unlock it, a locking pin or unlocking  
13 pin.

14 Q That you can kind of stick something in there to unlock it?

15 A Yes, ma'am.

16 Q But it's not like an obvious unlock, like you can't just  
17 take a key or something like that?

18 A Correct. That's what I observed.

19 Q Okay. And so basically that lock, if it were to be locked,  
20 traditionally it would have been the lock on the other side of  
21 the door knob?

22 A Yes, ma'am.

23 Q Which would traditionally be inside the room?

24 A Inside the bedroom. Yes, ma'am.

25 Q You kind of went through all of the people that you spoke

1 with.

2 A Yes, ma'am.

3 Q And during the time that you were looking for Akevius you  
4 spoke with -- I counted that you went to three houses?

5 A Yes, ma'am.

6 Q And you spoke with several people within that?

7 A Yes, ma'am.

8 Q Okay. And one of those was Uncle Lawrence?

9 A Yes, ma'am.

10 Q I wrote it down. Was it 3:12 p.m. on May 8th?

11 A May I refer --

12 Q You may?

13 A -- just to confirm?

14 Q You may. Excuse me, not Uncle Lawrence. 3:12 is when you  
15 started the "knock and talks"?

16 A I believe so. We started at his father's house. It may  
17 have been 3:12. I can confirm that if you'd like. I'd like to.  
18 3:12, yes, ma'am.

19 Q Okay. And you went to Akevius's dad's?

20 A Yes, ma'am.

21 Q And you went to Uncle Lawrence's?

22 A Yes, ma'am.

23 Q And the third one, was it his aunt or his sister?

24 A Again, referring to this --

25 Q That's fine. Please refer to it.

1 A Absolutely. 610 Liberty Walk in Simpsonville is the third  
2 place I went to where we met with Ms. Rochelle Nabors. And I  
3 believe it was described to me she is either the cousin of  
4 Akevius or the cousin of Ms. Armecha Williams.

5 Q Okay. And you got done with Uncle Lawrence around 5:25, or  
6 you were near done?

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

8 Q Okay. And then at that point you went to --

9 A Liberty Walk.

10 Q -- the cousin's?

11 A Yes, ma'am.

12 Q I want to jump back to the day before May 8th, May 7th.

13 A Yes, ma'am.

14 Q May 7th was the day that -- were you there to speak with  
15 Ms. Kathy Williams when she wrote the statement?

16 A I was not.

17 Q You were not there?

18 A No, ma'am.

19 Q But you became aware of the statement?

20 A I did become aware of the statement.

21 Q And you've been courtroom this whole time watching  
22 testimony?

23 A Yes, ma'am.

24 Q All right. Do you recall, in the course of this trial that  
25 at that time whenever she was, she was writing the statement, do

1 you remember that was the one where she was kind of in the  
2 blanket and she was kind of, like, tucked in? Do you recall  
3 that?

4 A I feel like I do. Yes, ma'am.

5 Q Do you know what I'm talking about? So this is the one  
6 that's in her house?

7 A In her apartment, or in her house.

8 Q Yes.

9 A Yes, ma'am.

10 Q Okay. And then you said that you spoke with -- and it is  
11 Armecha.

12 A Okay. My apologies.

13 Q I just wanted to let you know.

14 A Okay.

15 Q And so all of this, whenever you spoke -- when you went to  
16 the three houses, that was on May 8th?

17 A Yes, ma'am.

18 Q And that's when you started going to houses, was on May 8th?

19 A Yes, ma'am.

20 Q Prior to that it was phone calls, right?

21 A Yes, ma'am.

22 Q And it was May 8th that Akevious turned himself in  
23 peacefully, right?

24 A Yes, ma'am.

25 Q Now, whenever you were speaking with all of these people, at

1 this point you're just trying to find Akevius, right?

2 A Yes, ma'am.

3 Q Okay.

4 ATTORNEY MESSER: Beg the Court's indulgence. No further  
5 questions.

6 THE COURT: All right. Any redirect?

7 SOLICITOR SCOTT: No, Your Honor.

8 THE COURT: All right. You may step down.

9 THE WITNESS: Thank you very much, sir.

10 THE COURT: All right. Next witness?

11 SOLICITOR SCOTT: At this time the State rests, Your Honor.

12 THE COURT: All right, ladies and gentlemen. The State has  
13 now rested their case. And with that, I just need to take up  
14 some matters, so I'm going to excuse you for a little bit.  
15 Please don't discuss the case.

16 (Jury escorted out of the courtroom at 10:25 a.m.)

17 MATTER(S) OF LAW

18 THE COURT: All right. The State has now rested. Any  
19 motions?

20 ATTORNEY MESSER: At this time, Your Honor, defense moves  
21 for a directed verdict. It is our position that the State has  
22 not proved their burden beyond a reasonable doubt that Akevius  
23 Lindsey killed Genesys Rice with malice aforethought.

24 THE COURT: All right. What's the State's response?

25 SOLICITOR SCOTT: The State believes, in looking at the

1 evidence in the light most favorable to the State, that we have  
2 produced enough to take to the jury for murder; that this  
3 defendant did so kill Genesys Rice. We have established they're  
4 household members, we established their relationship, we  
5 established a connection of him actually in the area of the  
6 crime, Your Honor, and we believe we presented enough for the  
7 jury.

8 THE COURT: All right. Ms. Messer, anything in response, or  
9 anything?

10 ATTORNEY MESSER: No, Your Honor. We stand by our motion.

11 ATTORNEY EPPES: Your Honor, I'd like to add one thing. And  
12 honestly I do not know the legal answer to this, but I'm going to  
13 make the motion.

14 At no point did they identify Akevious Lindsey as the person  
15 in the courtroom at any point during the trial, and I believe  
16 that -- I don't know that the jury would have any confusion about  
17 it, but I think they have an obligation to identify as the  
18 person, I think, is guilty of murder. And I would like to make a  
19 motion to dismiss on those grounds.

20 THE COURT: All right. Are you aware of any case law  
21 that --

22 ATTORNEY EPPES: I am not.

23 SOLICITOR SCOTT: Your Honor, I believe, through testimony,  
24 it was clear the defendant was in the courtroom and also referred  
25 to by even his uncle pointing at him that that's his nephew right



1    there.

2           THE COURT:   And I'm not aware of any case law requires that.  
3   In addition, the jury, during voir dire, was introduced to him,  
4   the jury was asked whether or not they knew him, and he's been  
5   present during the entire time.

6           But again, I'm not aware of any case law that requires that,  
7   so on those grounds the motion is respectfully denied.

8           Of course, as you know, at this time it's whether or not I  
9   have, or whether there is any evidence, or existence or  
10   nonexistence. I've got to look at it whether there exists any  
11   evidence, and if there's any direct evidence or any substantial  
12   circumstantial evidence, then the motion must be denied.

13          I do find that there is both direct evidence and substantial  
14   circumstantial evidence in this case that would tend to prove the  
15   guilt of the defendant.

16          So based on those grounds, the motions are respectfully  
17   denied.

18          All right. Anything else from the defendant?

19          ATTORNEY MESSER: Nothing regarding a motion, Your Honor.  
20   However, we would point out that there would be a question of  
21   whether he would want to testify.

22          THE COURT: I'm getting ready to get to that.

23          ATTORNEY MESSER: Okay. Thank you, Your Honor.

24          THE COURT: All right. Anything from the State?

25          SOLICITOR SCOTT: No, Your Honor.

## 1 DEFENDANT'S FIFTH AMENDMENT RIGHTS

2 THE COURT: All right. Mr. Lindsey, if you will please  
3 stand, sir. All right. We have now gotten to the point in this  
4 case, Mr. Lindsey, at the stage in the trial where you may  
5 present your case and any evidence in support of your case.

6 Now, you have the right to claim the protection of our  
7 Constitution, specifically the Fifth Amendment of the  
8 Constitution, that states, in part, no person shall be compelled  
9 in any criminal case to be a witness against himself. Now, this  
10 means that you cannot be required to testify at all in this case.  
11 You have the right to certainly testify on your own behalf.  
12 However, no one can make you testify. This is a personal right  
13 that you have under our Constitution, and no one can waive this  
14 right except you.

15 Now, if you do decide to testify you may be subject to the  
16 same rules that govern any other witness that has testified in  
17 this case, and you may be examined and you may be cross-examined  
18 on any relevant issue in this case.

19 In addition, if you have any convictions that involve any  
20 dishonesty or false statement or for any crimes punishable by  
21 imprisonment for more than one year, and I determine that the  
22 probative value of admitting that evidence outweighs its  
23 prejudicial effect to you, then the State will be able to  
24 introduce that record to attack your credibility.

25 Is there any such record the State has that the State would

1     impeach the defendant?

2           SOLICITOR SCOTT: As far as what falls into the rules of  
3 more than one year, Your Honor, in 2023 he was convicted of  
4 domestic violence in the second degree, which carries up to three  
5 years. And then in regards to opening the door, Your Honor, he  
6 was also convicted of an assault and battery, third degree.  
7 Again, that would have to require an opening of the door for  
8 that. And he was also convicted of -- I don't believe there  
9 would be any door that could open for the -- 2018 possession of  
10 marijuana charge.

11          THE COURT: All right. Domestic violence was a 2023?

12          SOLICITOR SCOTT: I'm sorry, Judge. Yes. Domestic violence  
13 was 2023, it carries up to three years, and he has a conviction  
14 for that.

15          THE COURT: Okay. All right. Mr. Lindsey, if I do -- at  
16 the time that you, if you did decide to testify I would then  
17 determine whether or not that would be, can be used against you  
18 if you did testify. It does fit within the Rules of Evidence  
19 under Rule 609, so that is a possibility that that could occur.

20          Now, if you do decide to testify, this decision,  
21 Mr. Lindsey, has to be your own, and it has to be made freely,  
22 voluntarily, and intelligently with the knowledge of the  
23 protections that you have under our Constitution, that being the  
24 Fifth Amendment.

25          If you decide not to testify, you make that decision freely,

1 voluntarily, and intelligently not to testify, I will instruct  
2 the jurors, in other words I will tell the jury, that they cannot  
3 give the fact that you did not testify any consideration  
4 whatsoever and that there is to be absolutely no prejudice to you  
5 because you did not testify. It's left entirely up to you,  
6 Mr. Lindsey, whether or not you want to testify.

7 Now, you can talk with your lawyer, you can talk with your  
8 family, your friends here, or anyone else, but the final decision  
9 has to be made by you.

10 Now, do you understand everything that I've explained to  
11 you?

12 THE DEFENDANT: Yes, sir, I do.

13 THE COURT: Do you have any questions of me whatsoever?

14 THE DEFENDANT: No, sir, I don't.

15 THE COURT: What I'm going to do, I'm going to step off the  
16 bench here for just a minute and give you an opportunity to speak  
17 with your lawyer and any family members or friends here to give  
18 you that opportunity to make that decision.

19 So if you would just let me know when he is ready to let me  
20 know what his decision is.

21 ATTORNEY EPPEES: Thank you, Your Honor.

22 ATTORNEY MESSER: Thank you, Your Honor.

23 (Pause in the proceedings.)

24 THE COURT: Ms. Lindsey, have you had an opportunity to  
25 speak with your lawyer, and family, friends, on whether you

1 should or should not testify?

2 THE DEFENDANT: Yes, I have.

3 THE COURT: And what is that decision?

4 THE DEFENDANT: I'm not testifying.

5 THE COURT: All right. We will proceed to defense case, if  
6 there is anything. Do we need to take anything up before we  
7 bring the jury back in?

8 SOLICITOR SCOTT: We do, Your Honor. I'm doing this a lot,  
9 and I want to make sure. On State's Exhibit 6, which I  
10 published, I wanted to know if I officially entered it. I  
11 actually went in front of the witness and had him identify a  
12 time, and then I placed it here. I put 7 on the screen, Your  
13 Honor, and then placed down 6, but I am not confident that I  
14 asked for 6 to be moved in or if you read it that.

15 THE COURT: Who did 6 come in through?

16 SOLICITOR SCOTT: It just came in through Jason Weibel.  
17 Lieutenant J. Weibel. Excuse me.

18 THE COURT: I don't have 6. I've got 7, 10, and 11.

19 SOLICITOR SCOTT: All right, Your Honor. I think I need  
20 to -- I published it, Your Honor. I know we talked about it, and  
21 I said that it was premarked. But you don't have it, and I don't  
22 believe the clerk would have it, then I would ask to move that  
23 into evidence.

24 THE COURT: All right. Any objection from the defense?

25 ATTORNEY MESSER: None from us.

1 THE COURT: All right. State's Exhibit No. 6 is admitted  
2 into evidence.

3 (State's Exhibit 6 is admitted into the record.)

4 ATTORNEY EPPEES: Your Honor --

5 THE COURT: Yes, sir.

6 ATTORNEY EPPEES: -- this is just a good time to raise this.  
7 I would note for the Court that we've admitted some things when  
8 the jury wasn't in here, we removed some things when the jury  
9 wasn't in there, so I would ask you to make sure you tell the  
10 jury that we're making sure they're getting what they're supposed  
11 to get but there may have been shown some things during trial  
12 that were not admitted into evidence or there may be some  
13 exhibits that were admitted into evidence that have now been  
14 removed.

15 ATTORNEY MESSER: I think the concern Frank has is that it  
16 might be like 1, 2, 3, 4, 5, 6, 8.

17 ATTORNEY EPPEES: I also have some concerns that they saw  
18 something and they keep looking for it and can't find it.

19 SOLICITOR SCOTT: Well, I don't believe that will occur,  
20 that they saw something that wasn't admitted in.

21 ATTORNEY EPPEES: The one that you retracted was very  
22 definitive. It had the statement and the little card on it.

23 ATTORNEY MESSER: But she never showed it.

24 ATTORNEY EPPEES: You never showed it to him?

25 SOLICITOR SCOTT: No. In fact, I knew better because I

1 couldn't blur it.

2 ATTORNEY EPPES: Okay.

3 ATTORNEY MESSER: I think it's just the numbers issue. And  
4 maybe they'd be able to --

5 THE COURT: I would be surprised if they, you know, would  
6 know exactly what numbers that they're going through because  
7 there are a lot of exhibits there.

8 However, what I'll do is, in my charge, I'll just, when I  
9 tell them that they are to review and consider only the testimony  
10 and the exhibits that have been entered into evidence, I can tell  
11 them at that time something along the lines of a few exhibits may  
12 have been referred to and admitted but have been mutually  
13 withdrawn by the parties, something along those lines. Does the  
14 State have any issue with that?

15 SOLICITOR SCOTT: No, Your Honor. And I'm adding what  
16 cocounsel -- not cocounsel, defense counsel, is that they're  
17 going to see it's not sequential, and letting them know the  
18 numbering here is not sequential and they're not to think of  
19 numbers in a sequence if they think they're going to line stuff  
20 up, that it's impossible now, and that's all. And remind them  
21 that these are numbers just to identify, not numbers in a  
22 sequence order.

23 That may be silly to do, Judge, but I think that's where she  
24 was headed, and I agree with her. Perhaps if they're trying to  
25 number things they won't be puzzled why there's no 3.

1 THE COURT: Okay. I think it would be extremely difficult  
2 for any person, not just this jury, or any person, over the  
3 course of several days where a bunch of exhibits are admitted at  
4 various times in the trial with different numbers and not  
5 sequentially to then recall exactly, oh, I remember 93. I'm  
6 looking for it. It's not here.

7 I think by me telling them that some exhibits have been  
8 removed by consent of the parties will take care of whatever  
9 concern that you have.

10 All right. Anything else before we bring the jury back in?

11 SOLICITOR SCOTT: No, Your Honor.

12 THE COURT: Anything from the defense?

13 ATTORNEY MESSER: Nothing from us.

14 THE COURT: All right. Let's bring them in.

15 (Jury seated in the courtroom at 10:45 a.m.)

16 THE COURT: All right. Ladies and gentlemen, as I told you,  
17 the State has rested now. The defendant is entitled to present a  
18 defense, so I recognize defense in this case.

19 ATTORNEY MESSER: At this time, Your Honor, defense rests.

20 THE COURT: All right. All right, ladies and gentlemen.  
21 That concludes all of the evidence in the case. What I'm  
22 going -- I'm sorry to bring you back in and then send you back  
23 out. The evidence has been concluded, so I've got to discuss  
24 with the lawyers some matters and also talk about logistics. So  
25 the evidence has been put before you, and so what we'll have next



1 are the closing arguments and my charges, and then your  
2 deliberations. So we have completed the evidentiary part of the  
3 case, and that's what we have left.

4 So I'm just going to excuse you for just a little bit to  
5 discuss with the lawyers the logistical standpoint of when we  
6 want to start the next step, and then I'll bring you back after  
7 that.

8 THE BAILIFF: Excuse me, Your Honor.

9 (Bailiff approaches the bench.)

10 ATTORNEY EPPEES: Your Honor.

11 THE COURT: Yes.

12 ATTORNEY EPPEES: I'd request that you remind the jury not to  
13 discuss the case at all even though it's over.

14 THE COURT: As I've told you all, don't discuss the case.

15 THE BAILIFF: I'll remind them, too, Frank. I've got it.

16 THE COURT: All right.

17 (Jury escorted out of the courtroom at 10:49 a.m.)

18 MATTER(S) OF LAW

19 THE COURT: Now both sides have rested. Any motions?  
20 Anything from the State?

21 SOLICITOR SCOTT: No, Your Honor.

22 THE COURT: Anything from the defendant?

23 ATTORNEY MESSER: Your Honor, at this time I renew all of my  
24 previous objections regarding the bringing in of the statement  
25 made by the defendant -- or -- yes, made by the victim in this

1 matter regarding the defendant. I renew Kathy Williams'  
2 testimony and argue that she is incompetent, and it was shown on  
3 cross-examination that her memory recall was not there.

4 Further, we renew all other objections that were made  
5 throughout the trial. I won't go through each of them, but the  
6 hearsay objections, as well as the ultimate issue objections.

7 We also renew our objection, or our directed verdict motion,  
8 that the State did not produce the case beyond a reasonable  
9 doubt.

10 And we renew our motion to dismiss based on the lack of  
11 pointing out the defendant in the courtroom.

12 At this time that is it.

13 THE COURT: All right. Thank you. My rulings remain. On  
14 the evidentiary issues and as far as the evidence, as far as the  
15 extent of the evidence towards a directed verdict, I, again deny  
16 that motion.

17 As I said in the prior -- at the close of the State's case,  
18 existence or nonexistence of the evidence is the key. I find  
19 there is direct evidence and substantial circumstantial evidence  
20 that tends to prove the defendant's guilt. So on those grounds,  
21 the motions are denied.

22 ATTORNEY MESSER: I'm sorry, Your Honor. I did forget one,  
23 and I wanted to point out -- or two, rather. I renew our motion,  
24 or our objection, to playing the 9-1-1 calls from Mr. Lonnie and  
25 Ms. Azaliah.

1 THE COURT: All right. Those motions are noted and denied  
2 at this time. All right. Anything else from defendant? All  
3 right. Anything from the State?

4 SOLICITOR SCOTT: No, Your Honor.

5 THE COURT: All right. Logistically, it's almost 11:00.  
6 I'll let you all tell me what you would like to do. You want to  
7 just go right on in with closing arguments right now?

8 ATTORNEY MESSER: Your Honor, I'm sorry, this is my fault  
9 because I'm not sure when the appropriate time to bring this up  
10 is, but we, at this time, would request that the Judge charge the  
11 jury on voluntary manslaughter.

12 THE COURT: All right. Let's do this. You wanted to look  
13 in a little bit more detail, is that correct, on the charges?  
14 Let me do this for the record, just for the record. Then I'll  
15 hand it back down to you just to let you know.

16 All right. I intend to charge that the indictment is not  
17 evidence; duties of the jury and trial judge; presumption of  
18 innocence; reasonable doubt; what is not evidence; direct and  
19 circumstantial evidence; credibility of the witnesses; expert  
20 witness; defendant's right to not testify; intent; charge the law  
21 on murder; charge the law on possession of a weapon during  
22 commission of a violent crime; charge a sympathy, I'll give them  
23 a sympathy instruction, in other words, it cannot be based on any  
24 sympathy, past or prejudice, emotion, or any other consideration  
25 other than the evidence; and then their duty to deliberate.

1       So I will, if you all would like to take a look again at my  
2 proposed charges, and I'll give you whatever time you need to  
3 look at them.

4       ATTORNEY MESSER: Thank you, Your Honor.

5       (Pause in the proceedings.)

6       THE COURT: You all have reviewed it. Any objections to my  
7 proposed charge? From the State?

8       SOLICITOR SCOTT: No, Your Honor.

9       THE COURT: Any from the defendant?

10       ATTORNEY MESSER: Judge, at this time the defense moves that  
11 the jury be charged on voluntary manslaughter.

12       THE COURT: What's the evidence?

13       ATTORNEY MESSER: So voluntary manslaughter, the standard,  
14 based on *State v. Sams* and *State v. Wharton*, is that a trial  
15 court is required to charge a jury on lesser-included offense if  
16 there is evidence of which it can be inferred that the defendant  
17 committed the lesser rather than the greater.

18       The evidence, Your Honor, that was presented at trial the  
19 last couple of days, there's evidence she was throwing him out of  
20 the apartment; there's evidence that they were fighting; there  
21 was discussion by a neighbor, as well as by Uncle Lawrence,  
22 talking about how they were fighting; uncle Lawrence talked about  
23 how there were scratches on his face. And I already talked about  
24 the neighbor.

25       That would be the evidence that would be presented for

1 purposes of voluntary manslaughter.

2 THE COURT: What's the evidence --

3 ATTORNEY MESSER: Or that was prevented, rather. Excuse me.

4 THE COURT: What's the evidence as to whether the scratches  
5 occurred?

6 ATTORNEY MESSER: Uncle Lawrence discusses that there were  
7 scratches on his face. I think it can be reasonably inferred by  
8 the jury that that took place the night of. I think that it  
9 should be up to the jury to determine the facts.

10 THE COURT: What's the evidence, though, that it could have  
11 even occurred that night? I didn't hear any testimony, even from  
12 Uncle Lawrence, that it happened, that the scratches were he  
13 observed that night or immediately before, or.

14 ATTORNEY MESSER: He observed them when they were having  
15 their, like, family meeting to get him turned in the next day,  
16 Your Honor. That was the testimony.

17 THE COURT: But how does that get to manslaughter?

18 ATTORNEY MESSER: I think that gets to manslaughter because  
19 the manslaughter shows that there's a -- excuse me. Manslaughter  
20 requires that there be a provocation, and where there's a deadly  
21 weapon is where they -- requires a physical confrontation. It  
22 shows that there could have been a physical confrontation that  
23 the jury could infer made this a manslaughter. The same with the  
24 broken door knob near her hand.

25 THE COURT: All right. What's the State's response?

1           SOLICITOR SCOTT: I disagree, Your Honor, that there is any  
2 provocation here that has been established. In regard  
3 specifically to what defense counsel referenced, Lawrence  
4 Williams said that he didn't know what happened, and he also  
5 didn't know when that would have happened, and he alluded to  
6 scratches as cat scratches.

7           And then also, Your Honor, in regards to the things leading  
8 up to this incident, they do not reference provocation. What  
9 they reference to her is -- sorry. I'll add also that SLED  
10 indicated there was no medical injuries as far as injuries that  
11 required medical attention for the defendant when he was  
12 arrested.

13           And in regard to the things leading up to this incident of  
14 her moving his things out, removing a door knob, all of those  
15 things did not amount to provocation to the actual act of  
16 killing, Your Honor.

17           THE COURT: Ms. Messer, what does having the clothes out on  
18 the sidewalk, how is that provocation?

19           ATTORNEY MESSER: Your Honor, as far as -- I'm -- I was  
20 using that for the first part of voluntary manslaughter for the  
21 heat of passion. That's showing that there was a fight, that  
22 there was an argument; that is evidence that an argument was  
23 happening or was due to happen. And again, the provocation would  
24 be the scratches. And I think the jury can infer it.

25           And in *State v. Wharton*, *Wharton* -- I cannot say that word

1 -- the Court found that to warrant the Court eliminating the  
2 offense of manslaughter, it should very clearly appear that there  
3 is no evidence whatsoever tending to reduce the crime from murder  
4 to manslaughter. I think there is evidence. There's evidence  
5 that shows that there could have been a manslaughter. The jury  
6 could infer that through that evidence. I think it should be up  
7 to the jury, Judge.

8 THE COURT: I just don't see the evidence of any  
9 provocation. The fact that some clothes were put out, and stuff  
10 put out on the sidewalk. And there were scratches, which there's  
11 no testimony at all as to when those scratches occurred. There's  
12 no testimony that there's any fight going on at the time the  
13 murder happened. That's what -- the provocation has to occur  
14 during the events leading up to the murder, and there's no  
15 evidence as to that at all.

16 ATTORNEY MESSER: Judge, there is evidence that there was a  
17 fight. There was a neighbor that -- I believe I think it was  
18 Kellett -- discussed who said that he heard them fighting. There  
19 was the uncle who said -- the uncle said that they were fighting  
20 before. He says it on the video, that they were fighting before,  
21 and he had scratches on his face in reference to it. He's  
22 talking about the fight. It's in reference to this. It is an  
23 inference the jury could get to.

24 THE COURT: There's no testimony as to when that occurred,  
25 though. I made a note of it.

1           ATTORNEY MESSER: He's discussing, he's saying that they  
2 were getting into it. Whenever he's talking to officers, he's  
3 discussing that night, so Uncle Lawrence talks about the  
4 provocation and he talks about the fight.

5           There is evidence that they were fighting before, and  
6 there's evidence that the jury could infer there was provocation.  
7 It should be up to the jury to determine whether this was a  
8 voluntary manslaughter or murder, and ultimately, Judge, they  
9 haven't proven malice.

10          THE COURT: Haven't proven malice on what ground?

11          ATTORNEY MESSER: Your Honor, there's no evidence of malice.  
12 I don't know the State's theory ultimately, but there's no  
13 evidence of malice. The only thing I can think of is they're  
14 saying that he did so because of the statement that she wrote,  
15 but -- and that that makes it planned. But other than that,  
16 there's not evidence of --

17          THE COURT: It's evidence she turned him into the police.  
18 They came. A statement was given about the incident. And that  
19 certainly is evidence of intent and motive and res gestae, isn't  
20 it?

21          ATTORNEY EPPES: Your Honor, in addition to that, there's  
22 evidence that Mr. Lindsey had communicated with Ms. Rice after  
23 the police report; said he was going to leave, said he wished her  
24 well. There were -- the things that he had that had been packed  
25 and put on the stoop were not all his things. It's clear he had



1 reason to go into the house because his high-school diploma was  
2 there. He had other things in the house.

3 In addition to that, given the placing of the doorbell, it  
4 would appear to me -- the door knob, it would appear to me that  
5 possibly he had had his door locked with his things in there,  
6 Ms. Rice had taken the door knob and ripped it off and had it  
7 with her while they were talking. He had a reason to be in the  
8 house. His things were still there.

9 There's nothing about the evidence the State has presented  
10 that tells us anything about what happened in the house. And the  
11 jury is entitled to infer from the evidence that there was an  
12 altercation, that the door knob was torn off, that there was  
13 scratches on his face. They're entitled to determine that there  
14 was an altercation and there was provocation. It is just as  
15 likely a result as whatever the State's theory is.

16 THE COURT: All right. Thank you. What's the State's  
17 response?

18 SOLICITOR SCOTT: I disagree, Your Honor, that they put in  
19 any evidence, that there's any evidence, actually, that the State  
20 has put in, to show provocation.

21 My memory of Lawrence Williams was that he didn't know what  
22 happened, and at that time he was imagining what could have  
23 happened but not that he knew what happened. Furthermore, we  
24 know that Lawrence Williams wasn't there.

25 Again, in regards to the actual, provocation needs to be

1 occurring at the time of the killing, and there is no evidence of  
2 that, Your Honor, that anything of that nature was going on.

3 We had testimony from Azaliah Rice that she was talking to  
4 her sister while her sister was alone in that apartment on a  
5 FaceTime call, Your Honor, and then we see her later lying on the  
6 bed with no weapon around her, Your Honor, a vape in her hand,  
7 Your Honor, suggesting again that she's not wielding any type of  
8 argument or any necessary provocation to have been shot in the  
9 head.

10 We also disagree that the door knob, or the act of her going  
11 into that room, would be a sufficient provocation here in this  
12 matter. We do know from the timeline that the things, the  
13 clothing items, would be items that would come from the closet.  
14 In order to gain entry into the closet you would have to gain  
15 entry into the bedroom.

16 And we have here, Your Honor, on Ring video footage camera  
17 that she's already into the closet because she's moving things  
18 out onto the porch, Your Honor. So I submit to the Court that  
19 that time would be the time Azaliah was also calling her, the  
20 defendant wasn't there. So even in the act of moving him out, he  
21 wasn't present for that, Your Honor, at least from the part where  
22 she opens the door. And so at this point there is no evidence of  
23 provocation at all, and it's just that.

24 In regards to malice, Your Honor, as you know, malice does  
25 not required -- malice, ill will, hatred, or hostility towards

1 another person, the act of the actual killing is that, and we do  
2 have a confession of the third party of his intent do so.

3 And also, it doesn't require that malice exists at any  
4 particular time before the act was committed but exists in the  
5 mind of the defendant, which we have here clearly from the act  
6 that was done.

7 And so I believe that the State is correct, that we should  
8 only have murder here, that there is no voluntary manslaughter  
9 evidence to produce.

10 THE COURT: All right. I note the defense's argument. I do  
11 not find there is sufficient evidence to establish sufficient  
12 provocation to warrant a manslaughter charge. So on those  
13 grounds, I will not charge manslaughter.

14 All right. Any additional matters from the defendant?

15 SOLICITOR SCOTT: From the defendant, Judge?

16 THE COURT: Yes. Anything else from defense?

17 ATTORNEY MESSER: Nothing, Your Honor.

18 THE COURT: All right. Anything from the State?

19 SOLICITOR SCOTT: No, Your Honor.

20 THE COURT: All right. You all ready to --

21 ATTORNEY MESSER: I'm sorry. I'm sorry, Your Honor.

22 Nothing further, Your Honor.

23 THE COURT: All right. Why don't we -- let's go into  
24 closing arguments. I'm going to take a little break here to get  
25 your stuff organized.

1           ATTORNEY MESSER: I'll ask for a recess, Your Honor. And  
2 given the fact that it's a little after 11:00, my closing is a  
3 little bit long, and so I don't know if getting started before  
4 lunch ...

5           THE COURT: Yeah. I mean, it's only 11:00. I mean --  
6 Ms. Scott?

7           SOLICITOR SCOTT: I guess mine would be long, too. I don't  
8 know. I'm fine with whatever, Judge, at this point. I can do it  
9 now; I can do it after.

10          THE COURT: See, we're not going to go to lunch at 11:00.  
11 They just ate breakfast probably two-and-a-half hours ago.

12          ATTORNEY MESSER: Because I'm also asking for a short recess  
13 in order to kind of gather things together, Your Honor.

14          ATTORNEY EPPES: Judge, I think we'd be able to argue before  
15 lunch. In the worst case, if it takes really long then charge  
16 afterwards.

17          THE COURT: I'll let you all argue, then I like to go ahead  
18 and charge and eat. We're going to bring them in lunch. How  
19 long -- when you all are saying long, long means different for  
20 different people. So what, Ms. Scott, you say yours may be  
21 long -- and I'm not a judge that holds lawyers to it --

22          SOLICITOR SCOTT: Thank you.

23          THE COURT: -- so you argue all day long. That's up to you  
24 all. So just kind of for logistic purposes, just an estimate,  
25 Ms. Scott, how about yours?

1 SOLICITOR SCOTT: I'd say about 25 to 30 minutes, but maybe  
2 I'll just say 25.

3 THE COURT: Well, I'll give you 30 for logistics purposes.  
4 You've got all the time in the world. All right. Ms. Messer?

5 ATTORNEY MESSER: My time has fluctuated in the time that  
6 I've thought about this, Your Honor, but I'd say probably -- it's  
7 probably somewhere between 30 and 35 minutes.

8 THE COURT: So we're talking to an hour to an hour and 15  
9 minutes. It's just a little after 11:00. Done by 12:00, the  
10 latest probably 12:30. I think we'd probably be through by then.  
11 And then I charge them. My charge, criminal charge, is not that  
12 long. My charge usually takes 20 minutes in a criminal case. So  
13 it's not even 1:00 yet. We ordered lunch for the jury.

14 Let's -- I'm going to give you all an opportunity to gather  
15 your things and your thoughts, but it's just too early to break,  
16 to have the jury go to lunch. But I will give you whatever time  
17 you need, you need 15 minutes, 20, whatever. Even giving you, if  
18 you all want till 11:30, I'd be glad to do that.

19 But I'm going to order lunch for the jury, so it really  
20 doesn't matter as far as they're concerned, but I don't want --  
21 once we get the closing arguments, I don't give closing  
22 arguments, let them go, bring them back and charge them. So what  
23 I'm going to do is let you all take whatever time you need to  
24 gather your thoughts, and then we'll go into closing. I'll  
25 charge and order lunch for the jury, and then we'll go from

1 there.

2 SOLICITOR SCOTT: Thank you, Judge.

3 THE COURT: You just let one of the bailiffs know when you  
4 all are ready. Like I said, take whatever time you need to get  
5 your thoughts together, just let them know, and then I'll come  
6 back in and we'll start.

7 (Court recessed at 11:10 a.m. and reconvened at 11:36 a.m.,  
8 without the jury.)

9 MATTER(S) OF LAW

10 THE COURT: One thing I wanted to clarify in my ruling on  
11 voluntary manslaughter, I said two "sufficients", the word  
12 "sufficient". When I said not sufficient evidence or sufficient  
13 legal provocation, what I meant to say is no evidence of  
14 sufficient legal provocation.

15 So my ruling is based on the fact that there is no evidence,  
16 in my opinion, that would justify a charge on voluntary  
17 manslaughter. There has to be both the heat of passion and legal  
18 provocation, both of those. In *Wharton*, the case you cited, is  
19 the one that is sort of a leading case, but it's a 2009 case.  
20 But I do not find any evidence of both legal provocation and heat  
21 of passion.

22 And so in order to eliminate a voluntary manslaughter charge  
23 there has to be no evidence, and I find, that based on the  
24 testimony in this trial, that there is no evidence of both legal  
25 provocation and heat of passion to warrant a voluntary

1 manslaughter charge.

2 Ms. Messer.

3 ATTORNEY MESSER: Judge, we renew our objection and argue  
4 that there is evidence that the jury could infer a voluntary  
5 manslaughter.

6 THE COURT: All right. I understand your argument, but I  
7 will not charge voluntary manslaughter. All right.

8 Anything else we need to take up before closing arguments?  
9 Anything from the State?

10 SOLICITOR SCOTT: No, your Honor. I will be using this  
11 primarily. That's it.

12 THE COURT: All right. From the defense?

13 ATTORNEY MESSER: Nothing, Your Honor. Just for  
14 clarification for housekeeping, prosecution goes first and then  
15 we go last?

16 THE COURT: That's correct. The defense didn't put up any  
17 evidence so defense gets the last argument.

18 ATTORNEY MESSER: Thank you, Your Honor.

19 THE COURT: All right. Let's bring them in.

20 (Jury seated in the courtroom at 11:42 a.m.)

21 THE COURT: All right. Ladies and gentlemen, we have now  
22 reached the point in the trial for the lawyers' closing  
23 arguments. And with that, I recognize the State.

24 CLOSING STATEMENT ON BEHALF OF THE STATE

25 SOLICITOR SCOTT: Thank you, Your Honor. May it please the

1 Court; and defense counsel.

2 Members of the jury, thank you all for listening to me in  
3 this case, and my cocounsel, for the past three fours, four days,  
4 who knows what day it is.

5 El Westfield here, Donna Smith, myself, we're not important.  
6 I want to introduce you to someone who is. Genesys Rice. We  
7 heard from two of her sisters earlier on in the trial, Genesys  
8 was the mother of two. Her two children are now four and  
9 two-years old, meaning that when this happened, when she was  
10 killed, she had a baby and a two-year-old.

11 We also know that Genesys worked. You heard a lot of  
12 testimony that her sisters were taking her to and from work. We  
13 know that despite having car trouble she knew that working was  
14 important. She got there. She worked at Charter Communications,  
15 Spectrum, in Mauldin, I believe, one of her sisters said.

16 We know that leading up to when she was killed she made some  
17 decisions. It's interesting that Genesys, that name means  
18 beginning, start anew. We heard testimony that she was 17 but,  
19 actually, she was 18 years old when she was killed. Starting  
20 anew. Do you remember when you were 18 and you're essentially an  
21 adult? She needed to make some decisions in order to start anew.

22 And the first decision that she started to make before she  
23 was killed was to leave Akevious Lindsey. So let's take the  
24 journey with her and let's remember her.

25 We start off May 2nd. I produced evidence in this trial



1 about May 2nd. On May 2nd Genesys, in the nighttime hours, wrote  
2 a statement against Akevius Lindsey. Officer Kellett, he came  
3 before you and he said he was in that apartment earlier, and he  
4 said when he was there there were children there. And remember  
5 we also heard from her older sister Kyrah, and she said, Oh, I  
6 remember, I was there and the police were there, and I spent the  
7 night, me, her, and the baby. She said I wanted to spend the  
8 night because I wanted to make sure she felt safe.

9 I drew attention to the statement because we also see her  
10 here holding it. She said something against Akevius. She's got  
11 it in her hand. And I wanted you all to remember it was yellow,  
12 because when we find it again, although she's now dead, we find  
13 it later on the day of her death. It's in another room, a room  
14 with all his stuff, Akevius's stuff. He's got it now.

15 I also showed it to you another time through his Snapchat.  
16 He's posting it. He's got it now, but it belonged to her. It's  
17 her statement against him. And he took it, just like he took her  
18 life.

19 Now, on May 2nd Kyrah said, her sister, when she spent the  
20 night, going back to the May 2nd incident date, that Genesys  
21 still is going to go to work, so Kyrah said, I'm going to take  
22 these baby to his grandma's house and I'm going to take Genesys  
23 to work because, despite what's going on with Genesys, she's  
24 still keeping the babies where they need to be and going to work.

25 Now, imagine yourself where you're getting out of a

1 situation, right. If you're a father or mother, remember this,  
2 when you want to make sure everything is in line and everybody's  
3 where they need to be, if you can recall, and you'll see in a  
4 minute, May 2nd was the last time that we recall children being  
5 in this house. I submit to you that at this point she's got some  
6 things to do to clean up this house and the babies don't need to  
7 be there. They're with the grandma.

8 She's going to see grandma later because remember, the night  
9 of her killing, that next day was Sunday, Mother's Day. Family  
10 had come in from town, and they are going to have a Mother's Day  
11 celebration at that grandmother's house, that grandmother who has  
12 the kids. In fact, that family had come in, all ready to be with  
13 grandma, but instead of celebrating grandma on Mother's Day they  
14 were grieving Genesys.

15 Now, Genesys, on this day, going to work, Kyrah has taken  
16 the kids to grandma, and she needs a ride back home. And we  
17 heard that throughout that time she was getting rides. We got to  
18 May 2nd.

19 So now we're at May 3rd. And let's talk about some things  
20 that were happening on May 3rd. So you see, while Genesys was  
21 writing that statement, we were able to uncover what was  
22 happening in the background that night, leading into that  
23 morning. This yellow portion at the top, she starts getting  
24 messages all that day from the defendant and his mother, the  
25 defendant and his mother, up until 3:00 a.m. Kyrah said on this

1 night, I think he came back but he left again. Kyrah was there  
2 to make sure she's safe.

3 Again, we're at work on May 3rd. She gets back home. We've  
4 got some more things that are happening on May 3rd. At 3:27 in  
5 the morning she's getting up, going to work. We've got a  
6 conversation that we all need to look at where Akevius Lindsey is  
7 talk to go Genesys through Facebook. Maybe he can't reach her by  
8 phone so he's going through Facebook at this time. He says, Why  
9 do you keep sending me to voicemail? Then he calls her but she  
10 misses his call, and then calls her again. Be honest with me,  
11 tell me the truth, you and him been hanging out? We get a  
12 response from her, No. Why would you put a heart by his name if  
13 that's the case? I'm okay with the truth. Just tell me. I  
14 literally called him for a vape and that's it, she said. Well,  
15 now he's going, I'm sorry I cursed at you. I'm going to walk.  
16 I'll be okay. I'm just cooking off taking a walk. Well, just  
17 forget it. Imma leave you alone and let you be happy with this  
18 guy. Good luck. Hope he treats you good. She's not even  
19 responding.

20 You ever been in a conversation with someone who's having a  
21 conversation with themselves? Let's do it. Here he goes: My  
22 last message I just want to say thank you for helping me in times  
23 you didn't have to. I'm sorry for all the wrong things I've  
24 done. I hope this new guy treats you better. I'll be there for  
25 my daughter. It hurt me how our relationship ends, you having

1 someone else, but I guess if that's what makes you happy, okay.  
2 No response from her. Then, you know, the old sarcastic thumbs  
3 up he sends her. He goes -- I thought he was done talking,  
4 right, he said he was done talking, but no, we've got more. I've  
5 also made up in my mind that it's best for me to leave so I won't  
6 have to deal with police, going to jail. Can you send me back  
7 \$300 I sent? I sent it twice. I need to get a U-Haul. Cause,  
8 you know, she doesn't want him there. Got to get that stuff out.  
9 This is May 3rd still. He's talking about this UTC sign. I'm  
10 not doing that math today. You know what he said. You've got to  
11 subtract. We're not in the next day. Please, he says. I'm  
12 gone for the night. I'll talk to you another day. Sends her  
13 some type of video. Wonder what it was.

14 But we do have her finally coming back, with all that he  
15 said, all that vomiting, Okay, she writes. I told you all about  
16 her cleaning up. You can't talk to people when you're done with;  
17 you've just got to try to stop. So here we go. Well, I thought  
18 he was done but now, Your room's cleaned and up clothes put up.  
19 That shit crazy. They say ole girl waited on dude outside and  
20 walked back inside the building. Never mind. Ian and I going.  
21 You cool with Kayla and K9 chillin? And, man, while you out  
22 could have brought Mani home so I can spend some time with my  
23 daughter, real shit -- I've got to curse for this -- well, they  
24 tryin to get my clothes. He's just still talking.

25 When you're done with someone you try to limit that. Then

1 we have, Where is my child, May 6, 8:45. So if you can recall,  
2 we starting off with that May 3rd, she's mostly at work getting  
3 this these messages from him about ending the relationship and  
4 things of that nature.

5 When we go to May 4th, okay, we also heard about some other  
6 conversations he's had. Let's look at mama. Now, we talked with  
7 Semanski. I know you start seeing May 5th, and you can do the  
8 background noise on that, it's actually not that, and I was  
9 trying to read more into where we are with the actual time.

10 Actually, we do. On this, I'm not going to jail, we heard  
11 testimony from Investigator Semanski, I'm not going to jail, was  
12 sent May 5th. She wants to know where he is. He's at his  
13 sister's house. We heard testimony his sister's house is in  
14 Simpsonville. She's asking, Why didn't you go over to someone  
15 else's house, Gene's house. I'm waiting to see if I have a  
16 warrant. I'm not going to jail. She goes, Oh. Then she says, I  
17 know you see me calling you. You turned your phone off? No. I  
18 changed my number.

19 I think that's important because, remember, we talked about  
20 all these different numbers he had, he's changing his number  
21 right around this time, and that's good for us to know because  
22 had we not known he changed his number we wouldn't have known  
23 where he was through his phone pinging. But we'll get there in a  
24 minute.

25 So Genesys, on May the 5th, she goes to work. Her sister

1 tells you, her baby sister, Azaliah, tells you that she picked up  
2 her sister from work and that she was getting back to the house  
3 and they noticed that the Ring camera was down. Right. It's  
4 just down on the counter, is what she said. Again, the babies  
5 aren't there.

6 I need to use a tissue. Sorry, guys. Thank you, sir.

7 We notice that the Ring camera is down May 5th. Azaliah  
8 spends the night with Genesys. All right. They go, leave out  
9 that Saturday morning. Now May 6th the Ring camera is still  
10 down. Genesys is at work.

11 Now, Azaliah testified somebody else brought her home, but  
12 Azaliah had planned oncoming back because, remember, Genesys  
13 can't get around. And it's interesting, usually when your car  
14 breaks down it's an inconvenience but it actually is a saving  
15 grace because Genesys, people are always looking to pick her up,  
16 and pick her up, and take her there. Azaliah was going to be en  
17 route to get her. So she was found pretty soon when she was  
18 killed and she wasn't left all alone for too long.

19 But we do know that when Genesys gets home and Azaliah's  
20 planning to see her later that Ring camera had to have come back  
21 up. I think it's important to know what we know about that Ring  
22 camera. We know that the defendant had access to that camera,  
23 and we also know that Genesys had access to that camera. We know  
24 that the defendant was taking it down because Azaliah said they  
25 were surprised it was down Friday, still wasn't up on Saturday

1 morning, but it shows back up Saturday night. And we know,  
2 because you all seen it both physically by the door frame, and  
3 also you've seen some videos.

4 Azaliah testified that she got a call from her sister. She  
5 was going to pick her up. They were going to get some food, and  
6 then they were supposed to go to grandma's house. She told you  
7 all that her sister had a plan that night, though, to just go  
8 ahead and move him out.

9 I need you all to use the commonsense that the Judge is  
10 going to tell you to use. The door knob that we see next to  
11 Genesys is most likely the door knob from the defendant's  
12 bedroom. I don't need to show it. I think I've seen that door  
13 knob enough.

14 I submit to you to this: The defendant keeping that door  
15 locked is how he was controlling when he was moving out because  
16 we've been talking about him leaving for almost a week, okay, but  
17 he hasn't left. I submit he's been locking that door while he's  
18 not there or she's there and making sure that she doesn't disturb  
19 his stuff. We know he takes her stuff and keeps it with his  
20 stuff because her statement's is in his room.

21 Now, she gotta to get in. If you had a door like that, you  
22 all can talk about that, but I submit I'm thinking she's trying  
23 to use a mechanical pencil to try to get into that little hole.  
24 And I don't know if that's going to fit. So eventually she used  
25 a lot of strength that day and she probably nailed [ph] the door

1 knob after that to get into that room. She's going to get in  
2 that room and she's going to move his stuff out. You all saw his  
3 stuff. It clearly came from the closet that was empty, and she's  
4 moving it out.

5 Now, when you move stuff out, just like we saw on the Ring  
6 camera footage, don't you think he saw that on the Ring camera  
7 footage, right? And they both have access to it. Don't you  
8 think he saw that, too, all that movement generated with that  
9 coin jug? We got all kind of stuff just coming out.

10 We already know he was in the area. We know because he's  
11 talking to his mama at 8:00. Remember, this is around 10:00,  
12 this photograph. She's not even here. Where is my child? So we  
13 know he's in the area.

14 Probably that Ring footage is going off, and he sees what  
15 she's doing. That means she got into my house, got into my room.  
16 Those are my things. I'm leaving when I'm ready to leave. Now  
17 remember, guys, we just saw text messages on May 2nd and May 3rd  
18 where he said he was going, he was bowing out, right. But  
19 there's none of that, right. There's been no U-Haul coming.  
20 There's no testimony he has job that he's going to to keep him  
21 from moving out. He's just not ready to let her go.

22 She's ready to clean house. The babies can only be at  
23 grandma's house for so long. You all know how that is, they want  
24 you to come get your kids. So she's got this week to get it  
25 done, so she starts moving him out.



1       We also know that while she's doing that, we heard from  
2 Azaliah, at 10:25, we heard from Lieutenant Weibel, he saw the  
3 phone, we know that Genesys was alive at 10:25. Azaliah said  
4 that call was quick. I'm coming. I'm coming. I'm coming, she  
5 said, and she gets into the car. She's headed to this place. I  
6 submit to you that at 10:25 that defendant was probably on the  
7 stairwell. He was so close he probably heard when she hung up  
8 that phone.

9       As soon as you walk into that townhome you go up some steps.  
10 They're steep. You can get up those steps, especially if you've  
11 got a young woman who's just trying to clean house. Mind you,  
12 she's also packing, right. We had talked about that with  
13 Lieutenant Weibel. She's packing. Come on, now. You see these  
14 laid up here. She's packing. She hadn't forgotten about her  
15 babies. Got some clothes for them, too. Pulling out a good  
16 purse for Sunday morning. She's got her stuff out here. She's  
17 organized. She's got somewhere to be. She has no intention of  
18 having any interaction with Akevious Lindsey because he's not  
19 supposed to be there, completely unsuspecting what was waiting  
20 down there.

21       Because we know from Investigator Semanski that at 10:25,  
22 which is the same time, it's crazy, the same time that Azaliah's  
23 on the phone, we got him right there on top of Jasmine Cove.  
24 He's right there on top of Jasmine Cove the last time we see her  
25 alive, according to her sister on FaceTime. And there's his

1 phone.

2 Now let's talk about the phone. We know he changed his  
3 number, and that thankfully Uncle Burley came on scene when he  
4 did. He wasn't very helpful to us on Monday -- I'll get to them  
5 in a minute, the family members -- but he did give a number, and  
6 that number ended in a 7, and it was that number that shows that  
7 that number was still operating and that number, that phone, was  
8 right here on top of Jasmine Cove at that time.

9 I submit that after she hung up that phone he went in there  
10 with a gun. And we know she wasn't suspecting it. She wasn't  
11 suspecting it because look at her. Her back is against the wall,  
12 all she has is a vape in her hand, and she's in her room packing.  
13 There's not a weapon near her.

14 We know further Azaliah opens the door to be able to see her  
15 sister's legs. The first thing she said was, I opened the door  
16 and saw her legs, and I went closer and there was a pillow over  
17 her head. And I moved it, and I saw the blood on her. And she  
18 went to the floor, she held onto her leg, she called her mama,  
19 and then she called 9-1-1. And you heard those calls.

20 This is the pillow. No penetrating holes in this pillow.  
21 All this blood is on the top of this pillow. You take it like  
22 you flipped something here and you put it right back on her, that  
23 pillow was laid on Genesys postmortem. She's killed.

24 Where did this pillow come from? Well, I'm not saying  
25 anything other than this picture would say. Where's that bedding

1 match? I submit he killed her, went into his room, tried to get  
2 whatever he needs, because you know he's about to run, we're  
3 going to talk about all the running that he did. There was no  
4 turning ourselves in compliantly -- and then we get what we need  
5 and, oh, I've got to cover her up a little bit, right.

6 We heard from Dr. Dukes. We saw that that shot was a very  
7 powerful shot. We've got blood on the ceiling, we've got blood  
8 on the trampoline, we've got blood on the walls. Powerful shot.  
9 Probably got on him, too. Goes back in -- I hate to use the  
10 Bible like this, but puts it on her head, and that he goes back  
11 out and he runs on down the steps.

12 Then he makes a call. He made a call to his grandmother,  
13 Kathy Williams. We heard from her. It was hard for her. And,  
14 you all, I have not done that before where I called people's  
15 family members like this, but the story needs to be told. And so  
16 grandmother comes on scene. At 11:30 at night she's on scene,  
17 and she gets there before fire. She came from Laurens. So when  
18 she gets a call, you all have to know that she had to get the  
19 call from the source. She got the call from her grandson because  
20 she gets there before 9-1-1 is called. She's already en route.  
21 Grandma, either she flies when she drives, or this is a normal  
22 way of getting here, and she gets there before fire.

23 When she gets on scene the first thing she's thinking, the  
24 idea that what she heard, it is true. There's a lot of  
25 commotion. And she said it. She said, He called me. He said he

1 did what his uncle did. He did it. She said he told me, I love  
2 you, and take care of my mama. That's the one phone call. He  
3 confessed to her. He told her. And she went out there to see if  
4 it was true, and she found out it was true.

5 And, come on. Burley Williams shows up, too, because his  
6 niece calls him. I'm just trying to figure out what's going on.  
7 Everybody knows what's happened. He gives that phone number but  
8 then he thinks it's just best now for him and Kathy to leave.  
9 They don't bring the defendant back on scene to explain this  
10 because they already know what he's done.

11 We go back to Kathy's house the next day. She goes further  
12 into talking about that he calls her from his sister's house.  
13 Well, we know that he was hanging out with his sister. You all  
14 saw the conversations between him and his mama at his sister's.

15 She writes a statement, Akevius told me to call 9-1-1. In  
16 the event that you all are concerned when she said that that  
17 statement has been altered, I wanted to show you those steps if  
18 you thought I was doing too much. It's important for me to get  
19 this right. I showed you that these officers did not switch out  
20 a statement. They gave it to her, she wrote it, and then they  
21 gave her a copy. And you saw that whole thing take place. They  
22 had an officer in there that witnessed her signature. This is  
23 something she not only verbally said; she wrote down. He told  
24 her that he did it.

25 Officers can rely on confessions conclusively as evidence of

1 a crime. You, as the jury, can rely on a confession as evidence  
2 of this crime. But he didn't just confess to his grandma. The  
3 first witness, I would say the most hostile witness, was the  
4 uncle. He marched up here, and even if you state, or anybody, of  
5 putting some type of altered voice, but that's not true. We  
6 heard from Lieutenant Weibel he's not altering his bodycam. And  
7 you heard him say, He called me, he told me he did it, and I know  
8 he was telling me the truth because he was crying. So he's  
9 confessing.

10 And I don't think it's a confession of remorse. I think  
11 he's confessing because he knows his family is willing to cover  
12 him up because they did a little bit of that today. Come on.  
13 They did a little bit of that this whole week trying to cover  
14 this up.

15 It's not all about feeling bad for Genesys; it was more  
16 about, We don't want him to get shot, and he's our grandson, and  
17 we love him, and we raised him. Well, Genesys is somebody's  
18 baby, too. I mean, when we start doing that, we're like, you  
19 know, your life is more than my life - hers is gone. There's no  
20 more running into the woods and escaping something.

21 We heard testimony from this Ring camera footage through  
22 Semanski. Right here. You ever wonder why we don't have him  
23 coming in, coming out, being normal? I showed you all text Ring  
24 camera footage -- sorry. I showed you all Verizon records that  
25 his phone was still activating or doing something with that Ring.

1 We got Ring verification codes being sent; Ring verification  
2 codes being sent; Ring verification codes. All these things are  
3 happening remotely.

4 Now, it's interesting, because the Ring is struggling here.  
5 We heard testimony that May 7th -- look at that May 9th there. I  
6 wish that this had more here. There's another, there's more here  
7 on this side -- I don't know why it printed out like this, it's  
8 different here. We've got May 7th here, May 8th here, and  
9 May 7th here. We know that May 9th is not really May 9th. You  
10 all know about the UTC stuff. It's May 8th.

11 We know that something is still happened with that Ring.  
12 Maybe he deleted some footage. So we're lucky, we're lucky that  
13 the footage he couldn't delete was this one, because remember it  
14 started off black? I hope you all remember it. And you're going  
15 to have this back with you. You can play it again. No. 40. It  
16 started off black. And if you were normal -- you'd just hit off,  
17 because it's a black screen, and only at a small second did  
18 somebody appear on screen, rapid movement. And I played every  
19 single one of those tapes, because if you're walking at normal  
20 speed that Ring camera caught people. I think you all saw a  
21 woman, I think you all saw even a male, and even an officer, his,  
22 you know, you saw them clearly through the thread. But this time  
23 I see the Ring triggered late. Whoever that is is running fast.  
24 I submit -- look at this frame. That's the defendant. And if he  
25 would have realized that that was still there we wouldn't have

1 had that, but we do.

2 We know about these stairs. They're steep. Here's an  
3 aerial view of the route he had to take back. They've got a  
4 caution step here, mind you this is not her porch here, and we've  
5 got these steps here, and once you pop up those steps you're in  
6 the parking lot. Jasmine Cove has one way in and one way out.

7 Those messages show that he doesn't have a car so he's also  
8 bumming rides. We don't know how he got in there and got out.  
9 Like to know who else helped him in that family get him up out of  
10 there.

11 We have do know that he lived there and all his stuff was  
12 there. We know he never returned there. That's odd, right?  
13 He's got nothing going on. Why you not going back to your house?  
14 Instead, you're all over Greenville and Laurens County. What  
15 for? Because you're running. There's no I'm turning myself in.  
16 There was testimony that there was him jumping out of cars and  
17 running into the woods, so the idea that he peacefully no  
18 surrendered, that's just not there. Ultimately it's one of his  
19 grandmothers that said, He's here, it's time for you to come  
20 down, and that was at the porch. But that was at 11:00 at night  
21 on May the 8th. Genesys was killed May the 6th. So I just need  
22 you to understand there's a lot of time trying to find him. It  
23 wasn't about, I didn't want to get shot. He didn't want to get  
24 caught.

25 Lastly, I had a point to make here. They wanted to bring

1 out the weapon because in every murder case I've done people want  
2 to know where the weapons are. That's not how it goes. When you  
3 had multiple days of running we're not going to find that weapon.  
4 He made sure of that.

5 And I apologize to the Court. I just need to put my --

6 THE COURT: It's all right.

7 SOLICITOR SCOTT: There's a gun case in her room. And I  
8 wanted you all to talk about it in case anybody says she never  
9 talked about a weapon. I think she's lazy. So I'm not gonna be.  
10 Let's talk about this gun case. We know that when we look inside  
11 of it there's a magazine. I need you to recall Investigator  
12 Guest. He sat up here. He was a firearms instructor. He wanted  
13 make sure you all knew a few things. I'm going to reiterate them  
14 now.

15 This gun case, and even the magazine inside, didn't match,  
16 all right. It's basically used as a -- in fact, the magazine  
17 inside that gun case was a 45. The shell casing that you all see  
18 was a 40. So, okay, we haven't found it. He didn't stop there.  
19 He's like, Well, let me see if we have the defendant having  
20 access to weapons at all. Oh, yeah, we found this defendant had  
21 lots of access to weapons. We know he pawned weapons, both the  
22 actual weapon, and we know he pawned just magazines. He liked to  
23 do that, right? I mean, that's good money, this pawn stuff. He  
24 had access to weapons, was actually pawning weapons. So for  
25 anyone to suggest, how did he get a weapon, he's got access to



1 weapons.

2 We also know through Snapchat, we heard from Investigator  
3 Semanski, he found plenty of videos of him accessing even more  
4 different types of weapons and shooting them in the woods, so not  
5 only did he have access to his own weapons that he can pawn, he's  
6 got friends that have weapons, too. He had access to weapons,  
7 and I needed you all to know that.

8 And also, because of that do not be confused about why  
9 there's a .45 magazine in a gun case that doesn't match the  
10 magazine and a .40 shell casing. He's just got a hodgepodge of  
11 weaponry, and on that night he just chose what he chose. And  
12 maybe if he wouldn't have probably disposed of it, maybe, in the  
13 woods, we'd have it.

14 We don't need the murder weapon. You all have the  
15 commonsense to know that he used a weapon, and we know that he  
16 made sure of it that we didn't find it because it took us two  
17 days to get to him.

18 Throughout this trial I was concerned that you all were  
19 bored, maybe confused as to why I was trying so hard because with  
20 the first two witnesses I got out that he had confessed to them.  
21 But the State takes this case extremely seriously, and law  
22 enforcement took this case extremely seriously and they continued  
23 to investigate this case even knowing that he had confessed to  
24 family members, because that's what the State is required to do.

25 I'm asking you all to consider all the evidence and, yes,

1 consider these confessions, and find him guilty of murder.  
2 Because what is it? Murder is a killing, an unlawful one at  
3 that, with malice aforethought. And malice aforethought does not  
4 need to be present and lying in wait, it just needs to happen at  
5 the time of the event. And you can infer that malice by the way,  
6 extreme way, it's done.

7 And I told you all after she was killed, after that  
8 testimony from Dr. Dukes about allow that bullet penetrated her  
9 head, opened up her skull, an open wound, did he call 9-1-1,  
10 right? No. The people who loved her, who really loved her,  
11 called instead. He goes and gets a pillow, and then he goes  
12 ahead and he closes the door. Malice.

13 Find him guilty of murder. Find him guilty of possession of  
14 that weapon during that murder. That's what I'm asking. You  
15 won't hear from me today anymore. Thank you.

16 THE COURT: All right. Defense is recognized.

17 CLOSING STATEMENT ON BEHALF OF THE DEFENDANT

18 ATTORNEY MESSER: May it please the Court; State.

19 SOLICITOR SCOTT: Yes.

20 ATTORNEY MESSER: I have been waiting to speak to you. We  
21 sat through this whole trial, this entire, this entire trial, and  
22 they have not shown any evidence of malice. That is a  
23 requirement. That is a requirement the State has to prove. The  
24 State -- it is with malice aforethought. They have to prove that  
25 element, and they have not proven it.

1       The State has theorized a lot, you heard a lot of theory in  
2 the closing argument, and I will talk to you about those later,  
3 but they have not proven malice aforethought.

4       The State, with all of their power and all of their  
5 influence, has to prove malice. I'm not going to sit here and  
6 read a legal definition to you. Judge Morgan, I don't know if  
7 he'll come down here or stay up there but at the end of this he  
8 will read legal definitions to you, so I'm not going to do that,  
9 but ultimately what they have to show is that it's a state of  
10 mind, hatred, or ill will.

11       Again, they have not proven anything; all they have done is  
12 theorized it. This is not a technicality; this is a  
13 constitutional right. The State has to prove this case beyond a  
14 reasonable doubt. That is a constitutional right that we all  
15 hold as citizens. That is a constitutional right that Akevious  
16 Lindsey has. He has rights. The State has to prove its case.

17       The whole beginning of this case -- you know, the first day,  
18 the first day of the case, I know it tugged at your heart  
19 strings. That's what it was meant to do, it was meant to make  
20 you feel something, to feel an emotion because that's what they  
21 want you to decide this case on, is emotion and not for what it  
22 is.

23       You heard from Uncle Lawrence. God bless him, he did not  
24 want to be here. I bet that was very clear. He didn't want to  
25 talk. He was subpoenaed here. He didn't want to be here. You

1 heard in his testimony that he said that they were arguing and  
2 that there were scratches on his face. That was in his  
3 testimony. And that's in the video. As you watched the video --  
4 all this will be given to you at the end of this, so go through  
5 all of it. Uncle Lawrence, again, this is his family member,  
6 his -- he kept -- it's his uncle, but he kept calling him his  
7 son. Of course he didn't want to be here. Of course he wasn't  
8 happy about what was going on.

9 The next person they brought in was grandma, Grandma  
10 Williams, because there's two grandmas but the other grandma  
11 wasn't brought here, but Grandma Williams. She was put on this  
12 stand. And I know you all saw her demeanor. I know you saw her.  
13 She is not well. She was not well when she wrote the statement.  
14 She barely could remember anything here.

15 The next person that went up was Uncle Burley. And I  
16 disagree that Uncle Burley would ever cover for anyone. Uncle  
17 Burley, as you saw him on the stand, was a standup guy. He was  
18 just there trying to do the right thing, and the whole time he  
19 was trying to do the right thing he was just trying to get this  
20 figured out. That's what we're trying to do, right, we're trying  
21 to get this figured out. And that's Uncle Burley, okay.

22 Those two witnesses, Uncle Burley and grandma, they didn't  
23 bring anything to the case. I mean, they didn't bring you much.  
24 They didn't bring you malice. What they brought was -- it was  
25 hard to watch, it was hard to sit there through that. It felt

1     cruel.

2             And then they brought in Ms. Genesys' sisters. That was  
3     meant to bring out emotion. And I know it did. That's what it  
4     was meant to do.

5             But otherwise what did they give us? Ms. Azaliah talked  
6     about the Ring camera and how it got taken down but it was put  
7     back up, by who we don't know. And she talked about the time.  
8     Look at these. If you can figure them out, look at these and  
9     show me where the time is. She testified to it. They have all  
10    these records. Show me where the time is.

11            We can all agree that this is sad, that this is emotional.  
12    I'm not blind to that. I have two sisters. I can't imagine what  
13    walking in that room would have been like, but we have to set  
14    aside our emotion and look at the case for what it is.

15            They have overcharged Akevious. They could have charged him  
16    with some other things, but they overcharged him, and they want  
17    you to make that connection. They called all these witnesses,  
18    they called, I think I counted, 15, 15 witnesses they called, and  
19    none of those witnesses proved malice.

20            But I want to talk about the witnesses they didn't call.  
21    You heard in testimony today that Lieutenant Weibel met with dad  
22    and other grandma, Grandma Lindsey, and a cousin. You heard that  
23    in testimony today. Where were they? You heard in testimony  
24    from, I believe it was, Sergeant Waugh who said that there were  
25    other officers on scene. He talked about Officer Pittman and

1 Officer Anderson. Where are they?

2 But the most important one that I want to talk about is the  
3 neighbor, the neighbor. There was a next-door neighbor who said  
4 he heard fighting. A next-door neighbor, that is as close as we  
5 get to an eyewitness. And they didn't bring him. He did not  
6 take the stand at any point. We know he existed so why wasn't he  
7 here? I submit if there are witnesses or evidence that the State  
8 did not bring in you should presume they would have helped us.  
9 You should presume that they would have shown what the real  
10 charge was. That should be your presumption. Excuse me.

11 The State's whole theory is that this was a planned  
12 occasion, that this was something that was thought out, that was  
13 planned. Let's talk about it then. All right. So in a nutshell  
14 I'll kind of list out what their theory is. That Akevious has  
15 this big plan to murder Genesys because she wrote some report on  
16 him -- I can't find it right now -- because she wrote a report on  
17 him, so in order to avoid jail he kills her, tells people about  
18 it, and turns himself in. That's the State's theory.

19 The day before, the other part of the theory is the Ring  
20 camera is down and then the Ring camera went back up. And they  
21 have all these messages on Akevious's phone showing the Ring  
22 verification. You heard the officer. These are meant to just --  
23 they're security messages. They're the ones that say, like, when  
24 somebody's trying to log in they send that you security number.  
25 That happened on anyone's account. It doesn't mean that they're

1 trying to log in. There are probably people trying to log into  
2 that Ring camera. I'll talk about the Ring camera later because  
3 I wrote down some things about their clothes.

4 Their argument regarding the weapon, she talked a little bit  
5 about the weapon. It seems to me they're saying he walked in  
6 with a gun in and shot her, and that he runs out, and then he  
7 proceeds to tell his family. So let's walk all of that back.  
8 Let's walk every bit of that back. I talked about the Ring  
9 camera. I won't walk that part back. If this was planned, if  
10 this was an occasion that was something that he had been planning  
11 all week, why didn't he bring his cellphone? Look at him. He  
12 looks 12. He knows that cellphones track you. He knows that.  
13 Everybody knows that. Why would he bring his cellphone if this  
14 was a planned event?

15 They say that he walked in with a gun and shot her. This  
16 one I really want to spend time on because there is no evidence  
17 of that. You have over a hundred pieces of paper on this table  
18 and you heard from 15 witnesses. There is no evidence he walked  
19 in with a gun. There is not video, there's not testimony, there  
20 is not pictures. There is nothing.

21 But you know what there is evidence of? There is evidence  
22 that there was a gun already in that house. The gun case, what  
23 we've been talking about, the gun case, there's evidence the gun  
24 was already in that house. So there's no evidence he walked in  
25 with a gun, but there's evidence one was in there. Could have

1 caused an impulsive decision. It's just as likely that this was  
2 an impulsive act and not a murder. That's all I'm saying. The  
3 State, what their theories are, are no more likely than that.

4 Finally, the last part, if this was all some big, planned  
5 occasion don't you think he'd have made it part of the plan not  
6 to tell anybody? Don't you think he would have thought about  
7 that? What's the first thing -- he, you see it on TV. What's  
8 the first thing? Keep your mouth shut, right.

9 And you know, the State theorizes that he told his family  
10 because they believed they'd cover for him. They all -- they're  
11 all law-abiding citizens, they all got subpoenaed, they all  
12 showed up, they all got on that stand. He knows that. He knows  
13 they're law-abiding.

14 Poor grandma. This was not a planned, cold, calculated  
15 murder as the State would have you believe. This was not that.  
16 It doesn't fit. They have the burden to prove this case, and  
17 they did not prove it. They didn't prove it.

18 What was the first word out of my mouth when I stood up here  
19 in front you guys two, three days ago? The first word.  
20 Accountability. Hold the State accountable. They have the  
21 burden of proof. Hold them accountable. It's your duty. It's a  
22 constitutional right that they prove this beyond a reasonable  
23 doubt. That walks around with all of us, all of us, including  
24 Akevious, including him. If we leave him off we leave everybody  
25 off and we all lose.



1        Now I want to talk to you about the statement. I want to  
2 talk to you about the statement that they keep pointing out that  
3 she wrote. She lied on it. At least, in part, she lied on it.  
4 But they are saying she wrote a statement; that Akevious knew  
5 about, therefore there's malice; therefore it was planned. That  
6 is a big leap. That is a huge jump.

7        Remember I told you in my opening statement that I said that  
8 the State would try to make you connect dots? Those are not your  
9 dots to connect. What did I say? It is not your job to swing at  
10 everything the State gives you; it is their job to throw you a  
11 ball worth hitting. And, they didn't. They want you to make  
12 leaps.

13       If you find yourself, in the process of deliberation, or if  
14 you found yourself, in the process of this entire trial, if you  
15 have found yourself saying something to the effect of, well, it  
16 must have been that, or, well, it had to be this, right, that is  
17 reasonable doubt. That is a State's case unproved. That is a  
18 violation of a constitutional right.

19       Let's talk about the statement. She wrote a statement to  
20 law enforcement that, as you know, puts people in jail. She lied  
21 on it. So the State's asking you to connect dots. Let's connect  
22 them. You think for a second when they were fighting that it  
23 didn't come up that she had lied to the police again and put him  
24 in jail? You think that didn't come up? Let's connect dots if  
25 we're connecting them.

1 All right. So the State, the closing argument, everything,  
2 they have theorized a lot in this trial and proven very little,  
3 so I want to walk through some of these theories, because I wrote  
4 some, I wrote a few of them, down because I think they're  
5 important. They have theorized that grandma, who's sitting back  
6 there, that grandma, who could not have made it from Laurens to  
7 Simpsonville in the time that she got there. If you are to  
8 believe their timeline, there was at least an hour of time for  
9 her to get from Laurens to Simpsonville. She showed up in her  
10 nightgown. I don't think she got up, got ready, you know, did  
11 her hair. She got in the car and drove. And I'm sure she may  
12 have driven slow, but an hour is plenty of time to get from  
13 Laurens to Simpsonville. I don't know if you've ever made the  
14 drive, but it is.

15 The other thing that I want to talk about is the door knob.  
16 The door knob is interesting. The door knob is interesting  
17 because what kind of force do you need to rip off a door knob? I  
18 mean, it's just, it's one of those, it's one of those pieces of  
19 evidence that I still don't really know where they're going with  
20 it but it seems to me that they're saying that she ripped it off  
21 to try to get in the room, okay. Okay. What does that prove?  
22 What does that prove?

23 You want to talk about theories, let's talk about a theory.  
24 The door knob, you have a picture of it, you have a picture of it  
25 from where it was ripped off. You can see on it there's sharp

1 edges. He had scratches on his face. And they didn't test that  
2 door knob for blood or skin. Let's theorize if we're theorizing.

3 The pillow. The pillow is, it's just a red herring.  
4 Walking into a room, covering her up, all that, is it not also  
5 likely that the pillow was already in the room? Is it also not  
6 likely that she went to that room, grabbed a pillow because she  
7 wanted an extra one or she wanted to hold one? I mean, how many  
8 times has anybody done that? I've done it a million.

9 Now, here's something that I -- is this part of it? Here is  
10 something that I do feel compelled to point out. I wasn't going  
11 to when I initially thought about this because I didn't think it  
12 would happen this way. The text messages -- well, the Facebook  
13 messages, okay. You've got these Facebook messages. The  
14 prosecutor got up here and read these in a tone that is  
15 theorized. She read these in a way to -- every time she read  
16 about Akevious, what was her voice like? My last message. Well,  
17 I mean, that's a theory that that was his tone. You can't read  
18 tone in a message. Everybody knows that. That's one of the  
19 first things they tell you whenever you're talking about emailing  
20 lawyers and stuff, talking about, you know, when you send emails  
21 to make sure that your tone can't be misconstrued because it will  
22 get read aloud in court. You can't interpret tone through this.

23 Don't pay attention to how that was read. One of his  
24 messages is, I just want to say thank you for helping me in these  
25 times you didn't have to. I'm sorry for the wrong things I've

1 done in this entire relationship. I hope this new guy treats you  
2 better. I'll be there for my daughter. It hurts me that this is  
3 the way our relationship ends, you having someone else, but I  
4 guess if that makes you happy, then okay. That sounds like  
5 someone who's heartbroken from a breakup; that doesn't sound like  
6 somebody who's being smart.

7 And they talk about the messages to Armecha, who is here and  
8 has been here the whole time, but she didn't take the stand. The  
9 just wanted to bring in these messages; they didn't want to hear  
10 what she had to say. You know, it's just, it's all Armecha just  
11 trying to talk to him about child custody. And the court things,  
12 they're talking about kids, they're talking about kids in Family  
13 Court.

14 The other thing that was theorized that was in the closing  
15 argument which I think -- I don't know why it was theorized  
16 because I don't think it matters one bit -- but that he didn't  
17 have a job. There is a picture in here of an orientation letter.  
18 He had a job. I don't know why that was part of the theory but  
19 it is -- you have evidence that he had a job, okay.

20 They theorized that that video of the Ring camera, they  
21 theorized that that's him running out. You watched that video.  
22 You watched it 100 times. I did. I talked about the Ring codes.  
23 And, you know, it doesn't prove anything but his number is on the  
24 account. It doesn't even prove he had the app on his phone. It  
25 proves nothing.

1        Now, I do want to talk about the Ring videos because the  
2        allegation that the State has made just now is that he deleted  
3        the videos. You heard Investigator Semanski on this stand who  
4        said that it all goes in the cloud. I am the first to admit that  
5        I am not good with technology. I am not. I don't know anything  
6        about it. But what I believe is, when things go into the cloud,  
7        you can't just delete them. You have to delete them out of a  
8        server, the cloud, the cloud. So is it their theory that Akevius  
9        had access to the Ring server so that he could get in and delete  
10       all those things? Set that aside.

11       Why wouldn't he delete all the videos from that night? Why  
12       would it just be -- because, remember, there's a video of the  
13       officer running by. Other officers came in. Other ones did.  
14       Where are those videos? Where's the video of Genesys putting out  
15       that water pan? Where is that video? And the fact that they  
16       showed black in some of them before they played, something was  
17       wrong with that camera, like something was wrong with it. Ring  
18       cameras don't do that. But there's no evidence he deleted  
19       videos. There's evidence that they were trying to get into Ring  
20       camera that night because a message kept getting sent to his  
21       phone. It doesn't even show that that was his Ring camera.

22       And then the last thing that was theorized in the closing  
23       argument is that this was a manhunt, this was a long time. You  
24       know, whenever we were sitting here throughout all the testimony  
25       where the officers were talking bit, every last one of those

1 officers made it seem like this was weeks, they made it seem like  
2 it was long, it was drawn out, they made it seem like they went  
3 to house after house in the neighborhood. You heard evidence  
4 that he has family all in the area, and they went to three  
5 houses. They went to three houses on May 8th, two days later.

6 And then he did turn himself in. I think that's very clear.  
7 Sergeant Wright got up here and said that he waited for him on  
8 the porch, and that he knew he was coming and he didn't fight.  
9 You didn't see him was running, when he saw the police to take  
10 off. He turned himself in. He turned himself in the best way he  
11 knew how.

12 You heard from that family the distrust that they have in  
13 law enforcement. You heard them talk about Laurens County and  
14 how Laurens County is aggressive, and they just didn't want him  
15 to get picked up by Laurens. They didn't care when he got turned  
16 in. They just really didn't want him to get picked up by Laurens  
17 because they didn't want anything to happen to him. I think  
18 that's very fair. I think it's very fair based on what you see  
19 on the news all the time, it is scary. He is so young. It is  
20 scary for anyone to turn themselves into the police, anyone. Of  
21 course he was scared. I mean, it's two days. Think -- remember  
22 that, it was two days, it was not weeks, it was two days, and he  
23 turned himself in.

24 The evidence that they entered, you've got it all right  
25 here, and it will all be more organized for you, I'm sure, but

1 when you look at this evidence none it is evidence of malice.

2 The statement wrote by Ms. Williams, grandma, Grandma  
3 Williams, says, He gonna do what his uncle did. You have the  
4 video. You can watch it. She didn't say, He did what his uncle  
5 did? The whole he gonna do -- look at grandma when she's writing  
6 it. She's got a towel over her. I mean, she's not well, she's  
7 not one that can recollect a lot, and saw that on the stand.

8 Here's the problem. This was not a murder, but the State's  
9 sticking to it. They got to. They already made up their minds.  
10 They made up their minds before they even got to the scene. How  
11 do I know that? Every officer -- I won't say every because I  
12 don't think Semanski said it, but almost every officer, when they  
13 talked about arriving to the scene, they all said they were  
14 arriving to a murder. They all did. They had made up their  
15 minds before they even got there.

16 And they had an opportunity to speak with people and figure  
17 out the case but, as Sergeant Waugh said, they wrote out that  
18 warrant the next morning before they talked to all these people.  
19 They had an opportunity to change the charge and they didn't.  
20 They already made up their mind. It's already a murder to them.  
21 Nothing changed.

22 But you know what's interesting, what I found very  
23 interesting? And you have it on video. They charged it murder.  
24 Lieutenant Weibel doesn't even believe it was murder. You hear  
25 it on video. He says -- well, I'm not going to say what he

1 really says because he said some curse words and things like  
2 that, but he says something to the effect of, I don't think that  
3 he walked in there with the intent to kill her. He said that.  
4 He said, I think he says, something to the effect of, blowing her  
5 brains out, but he said that. And this is after the warrants are  
6 written, when they've already made up their minds. He doesn't  
7 even believe the theory of this case.

8 But they're overcharging murder. They could have charged  
9 anything else, and they charged murder. This is not a cold,  
10 calculated murder.

11 This is what -- this is what we know. Genesys was kicking  
12 Akevius out. Akevius told his uncle they got into a fight, and  
13 his uncle said he had scratches on his face when they met at  
14 that, you know, they were all meeting to try to figure out how to  
15 turn him in. The neighbor down the way who you did not hear from  
16 but we know that he said he heard fighting, I would have loved to  
17 have heard mother from him.

18 Akevius -- his grandma said he told her to call 9-1-1, he  
19 told his family, and he turned himself in peacefully. None of  
20 that is evidence of malice, none of that. At best this is a  
21 manslaughter, at best. It's not malice. They have not proven  
22 their case. Hold them accountable. Hold the government to their  
23 word. This is not murder. This is not murder.

24 You know, when I was in college I had a professor who taught  
25 criminal justice, and it was my first real introduction into law,



1 I'm kind of going into being a lawyer, and he talked about murder  
2 versus manslaughter. And he always, he used to joke, and he'd  
3 always say, You know, what you should take out of my class is  
4 make sure that call before you go home, or you don't go home  
5 early because what may happen is you may find your wife in bed  
6 with someone else and then you may shoot them, and then that's a  
7 manslaughter. Classic example. Fighting, getting scratched in  
8 the face, arguing over a child, not murder. This is not murder.

9 The State did not prove malice. You should hold them  
10 accountable. You should hold them to their burden. That's why  
11 they're there. They have to prove this. They have to.

12 When I was a kid I played baseball, I played Little League  
13 baseball, and my dad coached us. And in Little League  
14 Baseball -- me and my two sisters, that I mentioned earlier -- at  
15 some point the boys said that we can't play anymore because girls  
16 don't play baseball, so what my dad did was he started the Little  
17 League Softball team in Woodruff. Believe it or not, we were the  
18 first team. And I don't know if any of you have had a coach that  
19 is a dad, but it is not for the faint of heart.

20 But what you learn is a lot of lessons, you hear a lot of  
21 speeches, you hear a lot of things, and something that my dad  
22 used to tell me that sticks with me that I think is relevant  
23 here, my dad used to tell me before I go up to bat, during every  
24 game before I go up to bat he would say, Messer, when you get up  
25 there and you've got a split second to decide whether you're

1 going to swing or not, you better make damn sure you're going to  
2 hit it because you don't want to miss.

3 Members of the jury, you are up to bat, bases are loaded,  
4 two strikes, three balls, this is the last pitch, and the State's  
5 throwing it. I'm telling you the State wants you to swing at a  
6 ball you can't hit. If you swing, you'll miss. If you swing and  
7 miss, you know, 40 years from now or 50 years from now you  
8 probably won't think about it, but Akevius will. Akevius will  
9 think about it the rest of his life. This was not a murder.

10 They can't prove murder because it wasn't a murder.

11 Find him not guilty. Find him not guilty of murder because  
12 this was not a murder. That is the right outcome. That is the  
13 just outcome. Ballgame.

14 THE COURT: All right, ladies and gentlemen. What I'm going  
15 to do is just give you a short five-minute, or restroom, break  
16 before I provide you the law on the case. This will not be a  
17 full break. I ordered lunch for you. Actually, it may already  
18 be in there for you. So let's just take a short stretch and  
19 bathroom break, and then I'll bring you back out and give you the  
20 law.

21 (Jury escorted out of the courtroom at 12:54 p.m.)

22 (Court recessed at 12:52 p.m. and reconvened at 1:07 p.m.,  
23 without the jury.)

24 THE COURT: All right. The jury's now ready, so bring them  
25 in.

1                                   MATTER(S) OF LAW

2           SOLICITOR SCOTT: Your Honor, before we bring the jury --

3           THE COURT: Hold on. Yes, ma'am.

4           SOLICITOR SCOTT: Your Honor, I was looking at some case  
5 law, and I would like to state that during defense counsel's  
6 closing she referred to a comparison charge of manslaughter which  
7 I believe was improper closing argument about her referring that  
8 the State charged the wrong offense and that they should consider  
9 that, and I'd ask for you to do a curative instruction regarding  
10 that.

11          THE COURT: Okay. Ms. Messer, what about that?

12          ATTORNEY MESSER: Your Honor, I don't know the case law.  
13 I'm trying to read it right now so I won't pretend to know it.

14          THE COURT: You did refer to --

15          ATTORNEY MESSER: I did, Your Honor. And I think the  
16 appropriate time to bring up that objection would have been  
17 during closing. If the State had an issue with it then they  
18 should have brought it up while I was closing and I would have  
19 stopped.

20          THE COURT: What about that, Ms. Scott?

21          SOLICITOR SCOTT: Your Honor, we try to not disrupt closing  
22 argument. I never knew how far she were was going to go, and at  
23 that point in time it just didn't seem like it was appropriate to  
24 get up and directly object to it. I think it could be cured, but  
25 I think it was improper. You know, I did make a judgment call on

1 interfering with the passion that she was giving to the jury in  
2 that manner, and how that would perceived also by the jury for me  
3 to disrupt her. I'm sure she was unhappy with some of the things  
4 that I did. But I do believe that I still was able to reserve  
5 that right to bring it up before you brought the jury in to  
6 instruct them to ask that you include that, that that's not to be  
7 considered.

8 THE COURT: Ms. Messer, my initial thought is that is an  
9 improper argument when you made it. I thought that same thing.  
10 I hadn't looked at the case law recently on that so I don't know.  
11 Ms. Scott, what is the --

12 SOLICITOR SCOTT: Well, I'm looking particularly the *State*  
13 *v. Condrey*, Your Honor.

14 THE COURT: State v. what?

15 SOLICITOR SCOTT: *Condrey*. And I could be saying it wrong,  
16 so I'll spell it. It's C-o-n-d-r-e-y. The citation is 349 --

17 THE COURT: Hold on just a second.

18 SOLICITOR SCOTT: Yes, sir. Would you like --

19 THE COURT: It's lagging logging on.

20 ATTORNEY EPPEs: What's the citation?

21 THE COURT: Let me log on now. I'll get the citation for  
22 everybody. Okay, what's the citation?

23 SOLICITOR SCOTT: 349 South Carolina 184.

24 ATTORNEY MESSER: Judge, I want to point out there's a part  
25 in it from where I'm reading it -- and I'm reading it off my

1 cellphone -- that discusses, it's about receiving stolen goods  
2 and grand larceny, and it discusses that they presented receiving  
3 stolen goods as a quasi lesser-included offense of larceny, which  
4 it is not. I think that might have been the key issue. But  
5 again, I'm not purporting to know that case.

6 THE COURT: All right. Ms. Messer, what's your argument?

7 ATTORNEY MESSER: Again, Your Honor, I'm not well-versed in  
8 the case but there was a statement in the case that discussed how  
9 the defense attorney said something to the effect that receiving  
10 stolen goods was a lesser-include offense, and it was not. I  
11 think that was part of the problem, was the fact that it didn't  
12 relate to it, rather.

13 THE COURT: Well, in that case the defendant was charged  
14 with grand larceny, or larceny, and so the defense wanted to  
15 argue receiving stolen goods. They phrase it as they wanted to  
16 argue the offense of receiving stolen goods as an exclusionary  
17 offense, and says that our Supreme Court has cautioned that  
18 requiring a comparison charge when the facts do not warrant one  
19 opens the door for every criminal defendant to create a quasi  
20 lesser-included offense for which they could not be convicted.

21 The real impact of the instruction is that it permits the  
22 jury to reach a compromised verdict on a non-charged offense.  
23 Allowing defense counsel to argue on a comparison charge of  
24 receiving stolen goods when the defendant was charged with grand  
25 larceny would have improperly presented receiving stolen goods as