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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Hon. Daniel Coble, Circuit Court Judge

Appellate Case No. 2024-000890
Lower Case No. 2022GS4001884

State of South Carolina Respondent,

vs

Troy C. Stevenson, Jr., ... Appellant

RECORD ON APPEAL
VOLUME I

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State of South Carolina
 County of Richland

Court of General Sessions

State of South Carolina	)	
	)	
	)	Transcript of Record
v.	)	2022-GS-40-01884
	)	
Troy Christopher Stevenson, Jr.)	)	
	)	
<u>Defendant.</u>)	)	

May 13, 2024
 Columbia, South Carolina

B E F O R E:

The Honorable Daniel Coble, Judge; and a jury.

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

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 Attorney for the State

Aimee Zmroczek, Esquire
 Attorney for the Defendant

Lisa Scott
 Circuit Court Reporter

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Investigator Jordan

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1	Search warrant		X
2	Facebook post		X
3	Incident report		X

P R O C E E D I N G S

- - -

THE COURT: All right. We are back on the record, Troy Stevenson trial. Mr. Stevenson is present. Ms. Zmroczek, we have a long list of defense's anticipated pretrial motions. So let me go ahead and hear from Ms. Zmroczek what -- what you got? What we're going to hear this afternoon.

MS. ZMROCZEK: So, Your Honor, I spent the hour break trying to figure out which motion to -- to, like, what order to do them, what makes sense. I couldn't think of a -- of a -- an order, but -- so just in looking, I mean, I think the easiest is to, I guess, start with the discovery due process violations and then -- and then go to the speedy trial, because I don't think either of those require testimony. So if we may start with those. And I believe I e-mailed them to you, and I handed them up as I filed them. So, Your Honor, I guess what I would like to start with is the motion to dismiss for discovery violation/the due process motion. I'm not going to read it. It's a 12-page motion.

Your Honor, last night, whenever y'all got my first e-mail, I -- I don't know how I missed -- well, I do, those e-mail, but I was like, it's weird

1 that I haven't heard from them, and then I realized
2 that you were asking for things, so I -- I certainly
3 apologize. I was trying to get it out to you so
4 that we didn't all come in here this morning with
5 it. So, hopefully, even having it for a little bit
6 helped.

7 But, Your Honor, so this motion to dismiss for
8 discovery violations/due process violations, I -- I
9 don't take lightly. This -- and I try to be very
10 concise with my concerns as I -- as I laid them out
11 with regards to -- with regards to what we're
12 missing. And -- and then, additionally, some of the
13 late -- late discovery things.

14 Your Honor, and so that's why I think beginning
15 on the bottom of page 3, but really the top of page
16 4 on my -- on my motion. It -- it outlines the
17 things that, to this day, I -- I still don't have as
18 we're sitting here and we've picked a jury and
19 Mr. Stevenson is on trial. And -- and there are
20 lots of things that are very concerning that I don't
21 have. And some of these arguments, you -- you'll
22 probably hear or see over and over because they
23 bleed into one another, but, especially, with the
24 discovery violations because the discovery
25 violations, when I first got the first round of

1 discovery, which was August 30th of 2021, I went
2 through it that night. It was 300-some-odd pages.
3 I spent a lot of time detailing what was in there.
4 I knew I didn't have everything, but still, you
5 know, things to be out on the lookout for. And I
6 even put the page numbers that -- that -- that
7 referenced what I was looking for to make it easier
8 for the State, right? Because I -- I understand
9 that -- that a lot of times, you know, I like to
10 cast a net of discovery, right? And because I --
11 because I think that that's what clients are owed.

12 But in this case in particular, Your Honor, I
13 wasn't just throwing out my pole and seeing what I
14 could catch. Literally, when they say, for example,
15 we used Antonio Barnes' ankle monitor records to
16 verify his story, to find out where he was, et
17 cetera, et cetera. So on August 30th of 2021,
18 that's when I made my very first specific request,
19 and I included it in the -- in the exhibit that
20 corresponds with that because they rely -- their
21 case relies heavily on -- on Antonio Barnes
22 constantly over and over and over. I'm asking for
23 it over these last three years. And finally -- and
24 with no response.

25 Finally, Mr. -- can you say it for me one time?

1 MR. KREUSH: Kreush.

2 MS. ZMROCZEK: Kreush. I just want to make
3 sure I don't say it incorrectly.

4 Finally, Mr. Kreush responded to me last Friday
5 and says, "We don't have it." Okay. That -- those
6 records are mentioned in multiple probable cause
7 listings for the search warrants, which is why I
8 sent you all of the search warrants because when we
9 get to that issue, we'll have to talk about totality
10 of circumstances, but -- but in particular, that --
11 that evidence is not only referenced in search
12 warrants. It's referenced in discovery. It's
13 referenced in -- in their investigation. And, Your
14 Honor, to say that they don't have it, so either
15 they lost it or they never had it or -- but they
16 relied on it so heavily that -- that I can't even
17 cross-examine or challenge because I don't have it.

18 And -- and I'm not going to go through each and
19 every one of these because I think that's why I
20 spent the time doing the motion, but, Your Honor,
21 the things that I'm -- and I'm missing other stuff.
22 The stuff that I put in here -- the items that I've
23 listed in here that I'm missing are -- are, I think,
24 not only very particularized and relevant, but they
25 are germane to his ability to cross-examine, to

1 question -- to -- to question, you know,
2 impeachment, but also to -- to help provide a
3 defense for him.

4 And another -- another example, page 5 of 12.
5 A copy of all paperwork regarding Troy's
6 (inaudible). The reason I asked for that is
7 because, again, that was the basis for one of the
8 search warrants that I'm going to argue later is
9 that they claim that they got some work records from
10 2020 that had a different phone number on them. And
11 all I've asked for is, okay, if that's what you're
12 basing these things on, where are those records?
13 You say you got them. Why don't I have them?

14 And, Your Honor, I want to point out because
15 later on, I -- I attached some of the e-mails
16 that -- that Assistant Solicitor Scott and I have
17 had -- kind of had a little back and forth, and I
18 can tell you it's incredibly frustrating for --
19 for -- for prosecutors, you know, under 3.8, have
20 the special duty to -- to protect the case, right?
21 And to say, oh, well, you know, better late than
22 never that you're getting it. That -- that's not --
23 that's -- that's not what Brady and discovery and
24 all of these rules require.

25 So the items that I've listed here that I still

1 don't have are not only incredibly germane to this
2 case, they take away Mr. Stevenson's ability to be
3 able to not only cross-examine, to present a
4 defense, to do all of these things, and to
5 challenge, for example, when I go to challenge
6 search warrants, I can't say, well, you stated that
7 you had Mr. Barnes' records and they say he was
8 here, but he was actually here, because I don't have
9 those records.

10 In line with that discovery argument as I've
11 outlined, beginning March 22nd, and what I believe
12 actually Your Honor heard our second trial motion
13 and our bond motion, and you -- you -- you got us to
14 where we are today, for -- for which I'm thankful;
15 however, that opened kind of a floodgate of things
16 that I was starting to miss. And I was -- that I
17 was continuing to miss. And I was getting
18 frustrated, and I said, "Why am I getting things
19 that are dated -- reports that are dated from 2021
20 that there's no logical reason or explanation?"
21 Mr. Scott's explanation in e-mail was, "Well, when
22 we learn about it, you get it."

23 Your Honor is very familiar with *Kyles v.*
24 *Whitley* and the duty of -- of the prosecutor. And,
25 unfortunately, in this case, every arm of the

1 prosecution, meaning law enforcement or they're all
2 considered part of that team under *Kyles v. Whitely*.
3 So I think it's disingenuous to say "once we learn
4 about it," when I've been specifically asking for
5 these things over and over, but how are they just
6 learning about handgun hits or -- or things like
7 that, or, you know, brand new witnesses? How are we
8 just learning about that three years after this
9 crime when Mr. Stevenson has been incarcerated for a
10 substantial amount of time and not even been able to
11 prepare for a defense?

12 Your Honor, in the -- in the law in the
13 arguments that I outlined, I think that it's very
14 clear that there's a -- a violation. And I want to
15 be careful with how I say it because I'm not trying
16 to say, oh, it's just prosecutorial misconduct. I
17 think it's -- it's a systematic failure that -- that
18 we have, and I see it often here unfortunately in
19 the Fifth Circuit. And the reason is is because
20 prosecutors are asking police and the people that
21 are bringing them the cases and bringing the
22 investigations, they're asking them for things that
23 are either not being provided, they weren't
24 recorded, and -- and, unfortunately, that reflects
25 on the Solicitor's Office. And -- and that's why

1 the rules are outlined the way that they are because
2 it's a whole team and they are all responsible to
3 provide the information that Mr. Stevenson needs to
4 determine if he wants to plead guilty or not, to
5 believe able to prepare a defense, to be able to
6 impeach witnesses.

7 And, Your Honor, I think that the motion is
8 very detailed in what it outlines, and -- and it --
9 and I did that for a reason because we're asking for
10 a serious remedy. I wouldn't be here day in and day
11 out in this courthouse fighting for discovery over
12 and over if one time -- if one time a judge says,
13 this is what's constitutionally required, Federal
14 and State. Two separate constitutions address these
15 important issues. And if one time someone would
16 say, this is a violation. This is clearly a
17 violation. And, yes, it's a serious remedy, but
18 that's how they learn and that's why that remedy
19 is -- is -- is the way it is, is because until
20 someone says, you are violating the law. Stop doing
21 it, then it's going to continue.

22 I mean, this is not the first time that I've
23 made discovery motions over and over. We've had
24 them outlined in this case. We had a motion to
25 compel heard in front of Jocelyn Newman back in 2021

1 in September where she ordered, according to the
2 public index because I never actually got a copy of
3 the order, but the order on the public index says,
4 "Provide all discovery within 10 days."

5 The information that -- the information that
6 I've been receiving over the last few days was
7 available those 10 days. So they become the remedy
8 of, okay, we'll do them and just exclude all of that
9 evidence. It's so voluminous, Your Honor. And what
10 needs to be done is, somebody needs to take a stand
11 and say, Solicitor's Office, you have to get onto
12 these police officers. They want to try
13 Mr. Stevenson for murder, but they're not willing to
14 do the work. They're not willing to provide what's
15 constitutionally protected and constitutionally
16 required for them -- for him to believe able to
17 defend himself.

18 Your Honor, I -- I think that -- I can keep
19 talking over and over, but I spent a long time
20 detailing with exhibits and time lines because
21 until -- this is a clear violation in my mind. And
22 until something is done, it's going to continue. We
23 would ask that this case be dismissed due to these
24 due process and discovery violations.

25 THE COURT: All right. Thank you. All right.

1 MR. SCOTT: Thank you, Your Honor. We have
2 compiled an audit which completely contradicts what
3 you just heard from Ms. Zmroczek. We have complied
4 completely with Rule 5, Brady and Riddle. Your
5 Honor, we have taken extraordinary steps to get her
6 what she wants, and it's an ever shifting kind of
7 demand. One day she wants K-9 records. K-9 is
8 not -- was never even used in the case. It is
9 not -- there's nothing that State would present.
10 There's no exculpatory. No inculpatory evidence
11 involving a K-9. We simply don't have what we don't
12 have.

13 Antonio Barnes is this man's cousin. I know
14 Antonio Barnes because he's serving 30 years in
15 prison from a trial I did last year. While he was
16 out on bond, he's armed with a gun and he's hanging
17 out with Troy Stevenson. When the shooting happens
18 at Lucille, one of the first things law enforcement
19 wants to know is, who was there? They run the
20 records checks and they find out that somebody's GPS
21 is located at Lucille Drive. This is the home that
22 he lived in.

23 They bring Antonio Barnes in. He admits to
24 being there. That -- this was a tool they used
25 initially to figure out exactly who was at the scene

1 because people weren't all that cooperative, and
2 that means his family and his friends. They're now
3 coming forward to speak with law enforcement because
4 they know what he did in retaliation from them
5 shooting up his mother's house. I don't have
6 Antonio Barnes' GPS records. They're not
7 inculpatory. They're not exculpatory. I've asked
8 for them. I have not been given them. So if that
9 is her great issue that she has with discovery, I
10 admit it. She has not been given Antonio Barnes'
11 ankle monitoring information. There's -- has
12 nothing to do with innocence or guilt on
13 Mr. Stevenson's behalf. Mr. Barnes admits to being
14 there. Other people say he was there. I don't
15 understand really how it would help or hurt her
16 case, but we don't have it. I cannot give her what
17 I have not been given.

18 We've taken extraordinary steps, to the degree,
19 I have asked her and her team -- Mr. Setree was
20 there. He will -- I think he would attest to this.
21 Invited them to the Sheriff's Department. Said,
22 "Guys, let's sit down. Let's go over Investigator
23 Oxendine's entire case file. Let's go through it
24 page by page. Let's get it straight." When was
25 that? Early March? Early March?

1 MR. KRUESH: March 19th.

2 MR. SCOTT: Say again?

3 MR. KRUESH: March 19th.

4 MR. SCOTT: March 19th. Ms. Zmroczek showed up
5 and left after about five minutes, after I had
6 arranged this meeting where we could figure out
7 everything she's missing. We're going to get to the
8 bottom of this, Ms. Zmroczek said. I know you need
9 all of this stuff. I want to help you. These
10 people took time out of their day. They pulled
11 evidence out of the room, and she only gave us five
12 minutes of her time. She left their investigator
13 there and another investigator. And we tried our
14 best to go through it, but the lawyer wasn't there.
15 And so really it was almost fruitless, you know. We
16 were able to speak with them and try to get some
17 information and try to get some leads on some things
18 that we thought we were lacking, and I think we were
19 successful. And, of course, what we found, we
20 turned it over to her immediately.

21 Judge, we have been met with responses. This
22 is one, and I don't -- I don't say this flippantly
23 either. She -- this defense attorney -- and I take
24 issue when she is -- as rude as she has been to my
25 paralegal, who's only trying to do her job. My

1 paralegal, trying her best to comply with these
2 demands that sometimes come dozens at a time, e-mail
3 after e-mail. You've seen that how she sends
4 e-mails out. They're rapid fire. They're one after
5 another. And they're a stream of consciousness
6 sometimes, but we're trying to figure out what it is
7 she's asking for.

8 Here is one response where we sent a T-Mobile
9 certification to Ms. Zmroczek March 22nd. Here's
10 how she responds to my paralegal who -- who is not a
11 lawyer. Not a prosecutor. It's all caps. "Note:
12 I do not expect this because even though your office
13 received this on April 27, 2021, I do not have these
14 records." This is us trying to comply with
15 discovery and these are her responses. They're
16 rather rude. They're rather curt. And they're
17 disrespectful, but, of course, that does not prevent
18 us from doing our best to give her this discovery.
19 And as I stand here today, she -- we have completely
20 complied with our Rule 5 and Brady, in the extent --
21 or to the extent we can. To the extent anything
22 exists that she has -- has gotten these Rule 5 and
23 Brady materials.

24 I've got a number of things where she sends
25 these lists demanding T-Mobile records from Troy

1 Stevenson. Demanding his Facebook records. I sent
2 this on April 29th. This was sent to
3 Aimee@ajzlawfirm.com on March 26th, but I'm sending
4 it again. So that's what I've been doing, resending
5 and sending again and resending.

6 It turns out, when she replies to us, she's
7 using an A-i-m-e-e@ajzlawfirm.com, so a lot of times
8 we're replying to that with an AIS. She's at an
9 ajzlawfirm@gmail.com. So she's using these things
10 interchangeably. And what we have taken to doing is
11 just, we're going to send it to the AIS verified, so
12 that's what we've been doing.

13 There's a number of times, for instance, here
14 is April 2nd, I sent her this. We went to the
15 impound lot to look at Ashely Carter's black Honda
16 last week. "Let me know if you need for us to
17 arrange for you to do the same." Here's my
18 response: "Yes." I wrote back. I said, "You're
19 going to have to give me a more responsive reply
20 than that so I can help you." Nothing. So it's
21 disingenuous for her to say that it is the State
22 who's been nonresponsive. We've tried to arrange
23 for her to come in person to view the physical
24 evidence, to speak with these investigators, tell us
25 what you need -- what you need and we'll get it for

1 you.

2 Candidly, there have been things that we have
3 asked about and -- and gotten them later than we had
4 hoped, but we have gotten them. That -- that is
5 through us meeting with the investigator, speaking
6 with them, and everything. And I just hate it that
7 we give her the opportunity to do that, and she
8 can't grace us with more than about five minutes of
9 her time. And that was after me asking her when
10 would be a good time that they can meet. This is
11 what we've come up with.

12 And, Judge, even last week, Mr. Kreush, and he
13 has complied -- if he cares to give a time line of
14 all the discovery and when it was sent out, but even
15 last week, he is e-mailing her, "Let us know what
16 are you lacking. Let us know what else do you
17 need." And I think he can answer that, but, Judge,
18 we have tried our best, I mean, we really have to
19 give her everything. And I stand here saying that
20 she has everything we have and everything that would
21 fall under Rule 5 and fall under Brady.

22 MS. ZMROCZEK: Your Honor, if I may respond?

23 THE COURT: Yes.

24 MS. ZMROCZEK: Thank you. Okay. So first of
25 all, he said, if you'll turn to -- if you have the

1 motion, if you'll turn to Exhibit H where he said,
2 "We went to the impound lot to look at Ashely
3 Carter's black Honda Accord last week. Let me know
4 if you need us to arrange for you to do the same."

5 Response: "Yes." Next page ---

6 THE COURT: Hold on. Hold on. Let me get
7 to ---

8 MS. ZMROCZEK: Okay. I'll wait.

9 THE COURT: All right. Go ahead.

10 MS. ZMROCZEK: Thank you. So my response:
11 "Yes." His response: "You're going to have to give
12 me a more responsive reply than that." And he sent
13 that at 1:51.

14 And then if you look at the next page at 2:04,
15 I respond: "Yes. I would have liked to look at the
16 evidence when you did since I had previously asked
17 to see all of the evidence. Please set up a viewing
18 for me and my staff this week or provide me the
19 number of the person I need to call to set up the
20 viewing of all the evidence that I previously
21 requested to see. I have available time Thursday
22 afternoon and Friday. Thank you." And then there's
23 a no response. So to say I'm not responsive is just
24 untrue.

25 Okay. He just sat here and told you that there

1 was no K-9 deployed and then this -- that's what he
2 said. There was no K-9. I don't know why she needs
3 K-9. On the CAD report and in their reports, Your
4 Honor, the K-9 was deployed because they saw a
5 shadowy figure going back and forth from the back of
6 the house at 209 Devoe to the car. So to tell the
7 Court that there was no K-9 involved is false.

8 And -- and -- and -- and this -- and this
9 is why I have a problem. If he wants to call me a
10 pain in the whatever because I demand discovery that
11 they put in search warrants and they that they are
12 using to prosecute him, I'll take that all day long.

13 And on August 30, 2021, I included a very
14 detailed list and have been asking for those things.
15 And it's not just Antonio Barnes -- Antonio Barnes'
16 ankle monitor. That's why I listed each and every
17 one of them out and included the letter that I sent.
18 I am not being unreasonable when I am trying to
19 defend my client.

20 Yes. Did I get frustrated when they're sending
21 me things? "We sent her things on March 26th."
22 Yeah, March 26, 2024, right before we're supposed to
23 go to trial when I've been asking for it for three
24 years. So to -- to say I'm not responsive or I'm
25 just being whiney is -- is also untrue.

1 The evidence review. The evidence review was
2 to review the physical evidence. We do it all the
3 time in cases. I said, "I need to review the
4 physical evidence." There's no discussion about,
5 hey, let's all sit down. I had Federal Court.
6 There was nothing I could do, which is why I brought
7 my investigators to review the evidence. And so
8 there's nothing inappropriate about that. There's
9 no, hey, let's all sit down and go through this
10 file. No, no, no. It's your job under 3.8 to
11 provide what I've asked for. I filled out an
12 18-page discovery request at the beginning of this
13 case and I have continued to ask for discovery. To
14 say, oh, I don't know what it would matter to her.
15 With all due respect, that's my job to know what it
16 would matter. And it's certainly Mr. Stevenson's
17 right to be able to have evidence that is referred
18 to in multiple search warrants, to be able to attack
19 and defend.

20 Your Honor, there's -- there's simply no
21 excuse, which is why I provided the documentation
22 that I did. And as I said, I printed out each and
23 every e-mail of when I was getting things. I didn't
24 bog down the Court with it. I certainly can if --
25 if that's what it's going to take, but -- but as an

1 officer of the Court, I'm telling you once
2 March 2024 hit and we -- and I filed my second
3 speedy trial motion, then we start to get movement
4 on the case.

5 And -- and -- and, Your Honor, if I said, no,
6 I'm not going to accept this and I -- and I hurt
7 this paralegal's feelings, I certainly didn't intend
8 to. I'm sorry that she took the brunt of it, but
9 it's incredibly frustrating when you have someone's
10 life on the line and they are not giving you what
11 you want, especially when -- when now he's standing
12 up to you in -- standing up in front of you saying
13 that there was no K-9 deployed in this case. Little
14 things like that add up. They're untrue.

15 And as we go forward, one thing that I do do is
16 read every single piece of discovery. I'm sorry.
17 Actually, I'm not sorry. That is my constitutional
18 obligation and ethical obligation, and it just
19 doesn't apply to me. It applies to the State. It
20 applies to the police.

21 And, Your Honor, the police -- I can -- I mean,
22 I can go through and count how many times they
23 referenced using Antonio Barnes' ankle monitor. And
24 a perfect example, he had a gun and he was hanging
25 out with Troy. Says who? Says who? Is there proof

1 of that? Let me see. Does the ankle monitor show
2 that he was with Troy? Oh, wait, I don't know
3 because we don't have the records. They did, but we
4 don't now.

5 And, again, I know we're focusing on the ankle
6 monitor, but I focus on that because it was put in
7 so many of the search warrants. So, Your Honor, as
8 I listed out all of this evidence that I'm missing,
9 it's not just that. And, yes, it is important.
10 Every little bit of it, regardless of what the State
11 believes it would show or not, the rules say and the
12 Court precedent says, especially, under *Kyles v.*
13 *Whitely*, that we are owed the discovery that is
14 relevant and that they relied upon to prosecute this
15 case.

16 THE COURT: Thank you. All right. Let me take
17 that one under advisement. I'll review the motions
18 and the attachments, and if you could provide -- if
19 you have a time line that you could share with
20 Ms. Zmroczek, as well, that you can provide to the
21 Court at some point.

22 MR. SCOTT: Yes, Your Honor.

23 THE COURT: All right.

24 MS. ZMROCZEK: Thank you.

25 THE COURT: Thanks.

1 MS. ZMROCZEK: And, I guess, Your Honor, so the
2 next one that I would argue is that the violation
3 for the speedy trial, the motion for it to be a
4 trial violation. Again, I have outlined in the
5 motion I think pretty clearly what -- what's
6 required under the current case law, especially, in
7 South Carolina, which is *State v. Hunsberger*. I
8 think is the leading case, Your Honor. And I
9 have -- I have a copy if I may hand it up?

10 THE COURT: Yes.

11 MS. ZMROCZEK: I know that there's a lot of
12 cases in here, so when -- when -- when I can print
13 them, I did. But, Your Honor, Hunsberger outlines
14 all of the analysis that is required in -- in
15 determining whether or not there's been a speedy
16 trial violation. Your Honor, it talked about the
17 length of delay; the reasons for the delay; his
18 assertions of his rights, which have been clearly
19 asserted in this case; and the prejudice to the
20 defendant.

21 Your Honor, the prejudice to the defendant is
22 what I would like to address because I think that
23 that is kind of the -- there's no -- the case law as
24 it stands right now, there's no, like, one-year,
25 two-years. There's no definitive time line, right,

1 so we have to look at the prejudice that is caused
2 from the delay. Not only -- not only the fact
3 that -- that Mr. Stevenson has been, you know, back
4 in the detention center, which has its own problems,
5 but, Your Honor, I focused more on the prejudice to
6 this case.

7 And so that's why I included the exhibit which
8 I did. And this is just one example I cited,
9 another one, as well, but so as we're getting a
10 trial date and, of course, send out our trial
11 subpoenas, as well. I -- I -- I didn't do that once
12 ten years ago, and I didn't get some evidence in and
13 that's was on me. So every time we have a trial, I
14 subpoena everybody that's involved. I let them go
15 if they're not needed.

16 But, for example, so Richland County sends me a
17 list back of the people who are no longer employed
18 at Richland County or they don't have an employee by
19 that name. Well, all of these people are no longer
20 employed.

21 Emily Ricci, Your Honor, was a first -- one of
22 the first responders. She's, I believe, in
23 Wisconsin now is what I've been able to find out,
24 but she was one of the first responders. What's so
25 important is on the scene when she arrived at 209

1 Devoe, she has a conversation with Ms. Jackson,
2 Tamira Jackson, the daughter of -- of -- Mr. Charlie
3 Jackson. For whatever reason, she does not turn her
4 body cam on. I know she had a body cam on because
5 she hits the button once and goes, "Oh, wait, that
6 was my body cam," and then turns it back off. So
7 what's not preserved is the first statement that
8 Ms. Jackson says. And as the case develops, Your
9 Honor -- Your Honor, you will learn that she has
10 given multiple statements of maybe some -- some
11 varying degrees of truth, but certainly
12 contradictory. I can't cross-examine her because,
13 (a) I don't have the statement. I just have what
14 Emily Ricci said on somebody else's body cam, but
15 now I can't call Ms. Ricci to impeach her -- impeach
16 Ms. Jackson if I need to because she's not here.

17 Oh, K-9 Deputy Caughman, not a name I picked
18 out of a crowd. K-9 Deputy Caughman was called to
19 209 Devoe that night with his K-9. Didn't put his
20 body cam on. I don't know where he looked, but the
21 reports show that he had negative results. Well,
22 why is that important? Well, because I need to know
23 who -- for whom they were looking. What kind of
24 hits they were? What direction he went into? But,
25 again, K-9 Deputy Caughman isn't there.

1 Deon Hardy. Mr. Hardy, I have found him
2 actually. He is with the highway patrol now, but
3 what's important about Mr. Hardy is that he has --
4 no longer has access to -- to his notes or his
5 information. And Mr. Hardy states as soon as he
6 meets his cohorts on scene, that he heard the shots.
7 And, Your Honor, these are -- these are things that
8 will prejudice Mr. Stevenson in preparing a defense
9 for his case.

10 The delay also prejudices Mr. Stevenson because
11 on March 8th of 2024, I learned for the first time
12 that a -- that a woman named Taylor was at the scene
13 last night. And she shows up because she lives
14 right next door or right down the road, and her --
15 and she's never been identified before in any of
16 the -- any of the reports. And she tells the
17 solicitor's office three years later that after all
18 of this went down, that she received a text from
19 Mr. Stevenson's girlfriend saying something about
20 check on or look out for the two girls that live in
21 the house.

22 That information was provided to me on May 8th.
23 I responded, "Great. Can I see the text messages?"
24 right, because I can't cross-examine her. She gets
25 to get up now and say these things, and I have no

1 way of being able to get those -- to be able to
2 cross-examine her, except for "huh-uh" because the
3 records have expired. Had this investigation or
4 this information been provided with a -- within a
5 timely manner, then I could have gotten the records,
6 either shown that that was false, or in the
7 alternative said to Ms. Carter, "Why'd you send
8 these texts?" right, but I can't because I didn't
9 learn about it. All of these delays, Your Honor,
10 are prejudicing Mr. Stevenson and his rights.

11 The -- I don't know the reason for delays. We
12 have never asked for continuances. I think that as
13 you can see, included in my motion for discovery
14 violation, were procedural identifiers, for example,
15 when we filed the first discovery request, when we
16 filed the speedy trial -- first speedy trial, et
17 cetera, et cetera. I didn't feel that I needed to
18 be duplicative with that paper, but -- but, again,
19 Your Honor, this is a right that he is trying to --
20 that he has been asserting, that he is entitled to
21 assert under both South Carolina and the United
22 States Constitution. And I don't -- I don't have a
23 reason as to why it has taken this long.

24 THE COURT: All right. Thank you.

25 MR. SCOTT: Some of the information that she --

1 she referenced the Taylor Thomas girl. That was
2 information he learned in preparation for trial when
3 we're speaking with witnesses. One of them just
4 kind of said, oh, by the way, this Taylor Thomas
5 girl sent me a text the night this happened or
6 talked to me and said she received a text. These
7 were things we uncovered that law enforcement wasn't
8 even privy to. These were leads, after speaking
9 with witnesses, who say, y'all might want to check
10 over here. So this wasn't anything that would've
11 been privy to law enforcement in 2021 or even, but
12 for them sitting in a meeting with the solicitor's
13 office, would've been identified. Whenever we find
14 these things out pursuant to Riddle, we let
15 Ms. Zmroczek know and that's what we did here.

16 Judge, when the speedy trial motion was filed,
17 and the word "filed" is important here, because in
18 my mind the only valid request for a speedy trial is
19 the one she filed with the clerk of court, the one
20 that's heard by a judge, and the one that everybody
21 was privy to.

22 You have a transcript from Judge Bonds where
23 she came into court and orally asserted a speedy
24 trial request. I looked at that and I said, "How
25 did I forget that? How could I have forgotten

1 that?" So I go back in my text messages with Aimee
2 Zmroczek, and a conversation between she and I was,
3 I was out of town. I was on a family trip at the
4 beach with my children.

5 She demanded that she was -- that Troy
6 Stevenson should be brought to court. She had
7 something she wanted to put on the record. I told
8 her I wouldn't be there, could it wait. She
9 demanded it be heard that week, even though I was
10 out of town. I had him put on the transport list
11 and I said, "Well, what's this hearing about? Can I
12 have a heads up?"

13 She said, "It has to do with requesting a
14 trial. Don't need a ruling. Don't need a hearing.
15 Just need to put it on the record. I don't even
16 need him there." She said, "I just keep forgetting
17 to do it."

18 I said, "I'm not sure I've seen that done."

19 And she said, "Yeah, it's just something we do
20 in Richland." Now, at the time I was new to
21 Richland County, so I'm taking her word that this is
22 common custom here to put something on the record
23 and the solicitor not being there. She says, "I
24 just keep forgetting. Since I have to be there for
25 something else, I'm just going to do it so I don't

1 forget."

2 And I said -- and this is a direct quote. Your
3 Honor can read this if you want. I said, "Not a
4 speedy trial request?"

5 This is Ms. Zmroczek's response to me June
6 22nd. "No. Just a trial request."

7 Why would she mislead me that way? Maybe she
8 wanted to file the speedy trial motion and have this
9 argument today and catch me off guard because she
10 didn't feel the need to file this with the clerk of
11 court. She misled me knowing I would be absent,
12 that it would not be a speedy trial request, and
13 then she gets up in front of Judge Bonds and does
14 just that.

15 And so now we're here today so she can make
16 this argument that the State has not complied with
17 my first speedy trial motion, so I had to file a
18 second. Well, the State didn't know about your
19 first one because you did it without them. As soon
20 as she filed the one and went through the proper
21 avenues of filing it with clerk of court and
22 advising the solicitor what she was doing, I did
23 everything I could to schedule this thing as quickly
24 as we possibly could.

25 And I can't remember when she filed that second

1 one, but it would've been a legitimate one, but in
2 front of a judge, we said, "Let's do it as quickly
3 as we can." I have a very busy trial schedule. I
4 just -- a month ago, probably this week, I was
5 trying a murder case in here. I get to them as soon
6 as I can, but, you know, unless I'm given the right
7 to bump other people off, you know, I just -- I get
8 to them when I can. And, certainly, when she filed
9 a legitimate motion for speedy trial, we did
10 everything we could to be here in court this week
11 and we are ready to try the case now.

12 So to the extent he feels prejudiced, you know,
13 it would've been nice if we could've gotten together
14 early on and scheduled the trial back then, but at
15 the time we were, you know, telling the solicitor
16 that we're not going to do one thing and then we go
17 and do it, so that's kind of -- and I've got the
18 text messages if Your Honor wants to see it. I
19 never delete those text messages just so I won't
20 find myself in a situation we're in today, but, Your
21 Honor, we're ready to go ahead and try this case.

22 He is not prejudiced. Deon Hardy is here. Any
23 of these other officers she feels she needs, we'll
24 do whatever we can to have them here if I don't call
25 them myself. And I'm calling Deon Hardy. I'm going

1 to call Taylor Thomas. She was somebody. And Your
2 Honor knows, like a trials comes up, that's when
3 things get ramped up. That's when meetings are
4 called. That's when you're out in the field. Just
5 doing diligent work is how I uncovered the name of
6 Taylor Thomas, and I had an investigator track her
7 down and bring her into court. As soon as she gave
8 that information, that's when I let Ms. Zmroczek
9 know what she told me. There's been no prejudice,
10 Your Honor. We've complied with the legitimate
11 speedy trial motion that was filed with the clerk of
12 court and we're ready to try the case.

13 THE COURT: All right.

14 MS. ZMROCZEK: Your Honor, briefly in response.
15 The song and dance about the text messages, et
16 cetera, et cetera, was argued to Judge Newman in
17 October or November of that same year.

18 THE COURT: What year is that?

19 MS. ZMROCZEK: 2021.

20 THE COURT: Speedy trial ---

21 MS. ZMROCZEK: Sorry, 2022. 2022. And he had
22 a big -- he had the big blowup board with text
23 messages on there. So let's take -- let's take
24 the -- the oral motion that I did and say it wasn't
25 good enough, but it was when he made this exact same

1 argument to Judge Newman, and she denied
2 Mr. Stevenson's bond. And so to say that, again,
3 that he had no idea about any speedy trial request
4 is an untrue statement.

5 Secondly, Your Honor, it almost proves my
6 point. You know how it gets amped -- ramped up when
7 there's -- when it's trial time, right? So if this
8 trial had been set, even in 2022 when he learned
9 about the request, he got a copy of the transcripts.
10 All of it. Made the same argument to Judge Newman
11 that he shouldn't get out on bond because I tried to
12 pull a fast one on him. Okay. But at least in --
13 in 2022, he knew and it was not set.

14 When Mr. Stevenson was revoked on his bond,
15 which he had a different lawyer to get a bond. I
16 was not part of all that, but -- but he -- we had a
17 motion to revoke in front of Judge Hood in 2023, and
18 Judge Hood says, "Get this on the trial docket. I
19 don't want it sitting out." So, Your Honor, to say
20 that -- that they're -- they're just complying is --
21 is -- is, again, a misstatement.

22 And, also, Your Honor, to say, oh, we get
23 ramped up and we start looking at what evidence
24 you're missing. And, yes, Mr. Kreush did send me an
25 e-mail after multiple calls to him and Mr. Fowler

1 trying to get somebody to pick up the phone. He
2 said, "Oh, hey, what are you missing? Let me see if
3 I can get it for you." Respectfully, you know, a
4 week before I'm supposed to be getting ready for --
5 for trial, you want to see what I'm missing now.
6 And I -- and I was sending him things left and
7 right, but also trying to prepare for Mr. Stevenson.
8 So, again, they want to throw it back on the
9 defense, Your Honor, and say that they didn't know
10 that he had been asking for a speedy trial is again
11 a misstatement.

12 Let's just say that he somehow forgot that he
13 made the same argument in 2022 in front of Newman.
14 In 2023, when we were in front of Judge Hood, Judge
15 Hood specifically said, "Get a trial date." So to
16 say that they had no notice until I filed my second
17 speedy trial motion in February when it was heard in
18 front of Your Honor I think a month later is
19 disingenuous.

20 THE COURT: What are the dates? I mean,
21 because one of the things that are required by the
22 assertion of the right, I need the dates and maybe a
23 clocked copy of in '23, when was this in front of
24 Judge Hood? What date was that in front of me?
25 What date was that in front of Judge Jocelyn Newman?

1 MS. ZMROCZEK: Your Honor, I believe that I put
2 it -- I outlined the dates in the -- in the motion
3 to dismiss, but I can tell you.

4 THE COURT: All right. In June of '23 is the
5 Judge Hood reference.

6 MS. ZMROCZEK: Okay.

7 THE COURT: And then ---

8 MS. ZMROCZEK: Okay. On November 30th ---

9 THE COURT: Hold on. And what Mr. Scott was
10 referring to is the second speedy trial motion.
11 Whether or not we -- I heard the argument just in --
12 just for procedurally, the second speedy trial
13 motion was the one that was heard in front of me; is
14 that correct?

15 MS. ZMROCZEK: Second speedy trial motion was,
16 Your Honor.

17 THE COURT: In March of this year?

18 MS. ZMROCZEK: Yes. And if you'll look, Your
19 Honor, if you -- if you have the other motion, the
20 motion to dismiss for the due process and discovery.

21 THE COURT: Yes.

22 MS. ZMROCZEK: Okay. So Exhibit D.

23 THE COURT: All right.

24 MS. ZMROCZEK: So that oral assertion was made
25 on June 23rd of 2021. And then, Your Honor, I filed

1 a file with the clerk, Exhibit E, which is dated
2 November 30th of 2021, where I was seeking to have
3 Mr. Stevenson released from jail.

4 Juge Newman heard that motion and denied it
5 again with this -- with the -- with these same
6 arguments about the -- the text messages, which is
7 why I included the last page of Exhibit E, Your
8 Honor, says that order -- her order, Judge Newman's
9 order, on September 3rd of 2021, bond denied.
10 Discovery provided in ten days. And -- and that's
11 where we were.

12 So -- so to say that he has not been put on
13 official notice until February 14th of 2024, that
14 Mr. Stevenson wanted a speedy trial, again, that's
15 why I included it in these exhibits, Your Honor.

16 THE COURT: But the reason for the delay so far
17 is anything concrete?

18 MS. ZMROCZEK: I -- I -- I don't know the
19 reason for the delay, Your Honor. And -- and -- and
20 I don't know. I can't answer that.

21 THE COURT: All right. I will take that under
22 advisement.

23 MS. ZMROCZEK: Your Honor, the next -- so I
24 think under 2(b), we filed -- like I said, we filed,
25 again, our initial discovery back in 2021. It

1 was -- it's the extensive 18-page request that
2 outlines very specific requests, including Giglio.
3 At this time we have not been provided any Giglio
4 evidence. We have not been provided -- and --
5 and -- and later on, you'll see I have motions to
6 reveal and things like that, so I think that we can
7 get to that. But -- but, Your Honor, I guess what
8 I'm asking is if the State is going to stand up and
9 say that there is no Giglio on any of these
10 witnesses -- well, actually, that's not true. They
11 did, under Riddle, provide me -- they met with
12 Ms. Johnikqa Tobias, who had given a statement back
13 in 2021. And when they met with her in prep -- in
14 prep -- preparation for trial, said she was drunk
15 and high. Doesn't remember anything. So they did
16 provide -- I would consider that appropriate, right?

17 But I have no other information on any other
18 witnesses or law enforcement regarding that. So at
19 this point, we would, in addition to asking that the
20 State certify that there's no Giglio out there,
21 that -- that we would renew our Riddle and discovery
22 motion again under Rule 5 and Brady.

23 THE COURT: All right.

24 MR. SCOTT: Your Honor, I think, typically,
25 that motion is -- typically, there's a conversation

1 with the sheriff's department and counsel. I've
2 also spoken with members of the sheriff's department
3 here with me. I know of no Giglio material as far
4 as the sheriff's department is concerned. We have
5 one Columbia police officer. We know of no Giglio
6 material pertaining to her.

7 THE COURT: All right. That's certified.
8 Okay.

9 MS. ZMROCZEK: In that motion -- or so moving
10 onto 2(d), Your Honor, in that original Brady
11 request we asked for, if you're going to present
12 expert testimony, we need CVs, what they've relied
13 upon in making their decision, et cetera, et cetera.
14 I have not received that.

15 THE COURT: Okay. Experts?

16 MR. SCOTT: We have two. That -- that was kind
17 of like an example of -- of the requests made. One
18 she says, "I need CVs, but I need everything they've
19 relied upon." She has been given everything that's
20 been relied upon once; twice; three times. So I
21 think what she's talking about is raw data regarding
22 T-Mobile records. She's been given them. Maybe
23 she's talking about Facebook search warrant results.
24 She's been given that duplicate times. So that's
25 kind of what we're dealing with. It's confusing and

1 it's difficult to follow what she's requesting
2 because sometimes it's a two-step thing.

3 A CV, I've got those right here. Scott
4 McDonald with the sheriff's department, he has done
5 some cell site location graphs and reports for us.
6 I have -- he has updated them as the weeks have gone
7 by. If he caught something and he's says, "Well,
8 that's not exactly right. I'm going to redo it,"
9 I'll send that to her the next day with complaints
10 from her that I'm -- I'm giving her too many
11 reports, but that was my effort to give her the most
12 up-to-date records of Scott McDonald, but I do have
13 his CV.

14 And I've got one for Ricky Johnson. Ricky
15 Johnson was going to be the Cellebrite expert. He's
16 going to have some testimony regarding some of the
17 things Mr. Stevenson did with his phone after the
18 killing in order to mask his dealings. That would
19 be Ricky Johnson. So she has -- she's getting CVs
20 for Scott McDonald and Ricky Johnson. And, of
21 course, she has been given their reports already.

22 THE COURT: All right. You got a copy of the
23 CVs?

24 MS. ZMROCZEK: I -- I -- I don't yet, Your
25 Honor, but I'm assuming that they'll -- that they'll

1 give them to me.

2 I want to address two things. I'm so confusing
3 about what I want. Your Honor, on page -- beginning
4 on page 7 of 18 of the original discovery request,
5 which is Exhibit A in the motion to dismiss, it
6 clearly -- thank you. I have received CVs. Your
7 Honor, it clearly outlines what I'm looking for word
8 for word. So if that's confusing, I -- I don't know
9 what else to do.

10 Secondly, he says that I'm complaining that
11 he's giving me too much work. Your Honor ---

12 THE COURT: All right. Hold on. This motion
13 right here is going into stuff that I am not
14 concerned about.

15 MS. ZMROCZEK: Right.

16 THE COURT: Okay. I understand and I've let
17 this drag on for a very lengthy amount of time
18 because I understand this is an old case and there's
19 some personal issues going on. And I respect the
20 professionalism of both of the officers of the court
21 to keep it in check, but when you start dragging
22 this out, it's affecting Mr. Stevenson's issue,
23 which you're fighting very hard for. I understand
24 that, but I don't care about the personal animosity.
25 I want to know did they turn stuff over? Did they

1 not turn stuff over? And I will happily address
2 that in the appropriate fashion.

3 Now, when it comes to the experts, you wanted
4 the CVs; the underlying data. Do you have it? What
5 do you need?

6 MS. ZMROCZEK: He has provided me the CVs, yes.
7 He has provided me underlying data and the reports,
8 Your Honor, that were generated a week ago.

9 THE COURT: Is this first time reports or is
10 this updated reports?

11 MS. ZMROCZEK: First time reports. The first
12 time I received a report was at the end of April.
13 And then they said, "Oh, wait. We're going to
14 change it." And then May 8th, I received the second
15 one. So both of those dates were in 2024.

16 MR. SCOTT: As soon as they were generated,
17 Your Honor. These things were things in preparation
18 of trial. We asked to be done and we provided them
19 as soon as they were done. April 28th is Ricky
20 Johnson's. And then Scott McDonald, May 8th. Upon
21 its birth is when she got it.

22 THE COURT: All right. Next motion.

23 MS. ZMROCZEK: Your Honor, so -- and, again,
24 that's part of the reason that I outlined in the
25 motion to dismiss is because I'm getting these two

1 days before Mr. Stevenson goes on trial -- two
2 business days. It's probably easier to skip down.
3 Just -- just things that we don't have to take
4 testimony for I'm trying to knock out of the way,
5 Your Honor. 3(d) to establish admissibility of
6 criminal records of potential witnesses. Your
7 Honor, I assume they will provide those records to
8 me. And it kind goes along with 3(b), which -- or
9 excuse me. Actually, it kind of goes along -- oh,
10 yeah, with -- with 3(g), motion to reveal the deal.

11 So, Your Honor, Mr. Richardson, Mr. Jeffcoat,
12 and I didn't know that they were going to call
13 Mr. Benson, but all of those -- at least I know that
14 three of those witnesses have pending charges in the
15 solicitor's office now. And so we would ask that
16 (a) all of the criminal records of the -- of the
17 State's potential witnesses be turned over, and that
18 there be a discussion on what, if anything, because
19 I think I'm allowed to cross-examine them about what
20 benefits they get for providing testimony.

21 THE COURT: All right.

22 MR. SCOTT: Your Honor, we are -- Ms. Wilson's
23 working on these rap sheets.

24 Would I be correct if I said we'd have them by
25 the end of the day, Ms. Wilson?

1 MS. WILSON: Yes.

2 MR. SCOTT: We'll have the rap sheets by the
3 end of day, Your Honor, and there have been no deals
4 made with anyone.

5 THE COURT: And what are the three potential
6 witness that was at issue?

7 MR. SCOTT: Jamaree Jeffcoat, Dai'Juan
8 Richardson, and Donnell Benson.

9 THE COURT: And all three of them are being
10 prosecuted in the Fifth Circuit?

11 MR. SCOTT: I need to look at Donnell Benson.

12 Jamaree Jeffcoat, I don't believe we have
13 anything on him. I think he was recently picked up
14 on a misdemeanor charge. Looking in our system now.

15 Dai'Juan Richardson is being prosecuted. I've
16 prosecuted him. I've never spoken one word to him
17 because he's represented.

18 Donell Benson does have one charge pending with
19 our office. Habitual traffic offender charge and a
20 DUI. I'm not prosecuting that and I have no deal
21 with him concerning his charge.

22 It looks like Jamaree Jeffcoat does have a
23 pending charge. It's a drug charge with Solicitor
24 Sampson. I have not spoken with him regarding any
25 deal. Obviously, I wasn't even aware we had a

1 charge on him.

2 THE COURT: All right. We will just reconfirm
3 before they testify with Ms. Zmroczek about any
4 deals whatsoever. The Supreme Court is very clear
5 about that at this point. All right.

6 MS. ZMROCZEK: Next one, Your Honor, I think I
7 had a written motion on that, and that would be
8 regarding 3(e), motion for potential file for the
9 evidence. It sounds like from what Mr. Scott was
10 arguing about Mr. Barnes being with guns and being
11 all over the place with Mr. Stevenson. It certainly
12 sounds like that is the kind of 4(b) evidence that I
13 am seeking to find out what -- what it is that
14 they're trying to get in. This is not my first
15 request. This was filed again in the original
16 discovery request back in 2021, Your Honor, but if
17 they intend to go into any 4 or 4(b) evidence, then
18 we have -- I think that we have to have -- I don't
19 necessarily think we have to have a hearing on it
20 today, but (a) I would like to know what, if any,
21 exploratory evidence they intend to go into. And
22 then before that is presented to the jury, I believe
23 that because I have filed the motion, a hearing is
24 required to determine whether or not that's
25 admissible.

1 THE COURT: All right.

2 MR. SCOTT: Prior bad acts. I'm not -- I'm not
3 going to get into any of that kind of stuff, Your
4 Honor. No evidence regarding anything along those
5 lines, Your Honor.

6 THE COURT: All right. There's -- Ms. Zmroczek
7 is specifically keeping out -- all right. Number
8 one, he was arrested and indicted for the bakery
9 murder. State going to get into that?

10 MR. SCOTT: Absolutely not.

11 THE COURT: Number two, pending marijuana
12 charges.

13 MR. SCOTT: Not relevant. No, Your Honor.
14 We're not going to get into that.

15 THE COURT: Number three, that some sort of
16 marijuana was found somewhere. Talking about
17 marijuana.

18 MR. SCOTT: I don't -- no. I'm not getting
19 into that.

20 THE COURT: Any and all gang related
21 information.

22 MR. SCOTT: I'm not -- I don't intend to elicit
23 anything regarding gang relations.

24 THE COURT: Any and all drug related evidence.

25 MR. SCOTT: No, Your Honor.

1 THE COURT: Any and all disparaging of his
2 character due to having a girlfriend that is not the
3 mother of his child.

4 MR. SCOTT: No.

5 THE COURT: All right. And if any of that
6 changes before you enter it into evidence, make the
7 Court aware, and let any of your potential witnesses
8 who could potentially speak about that made aware
9 that they are not to get into any of that.

10 MR. SCOTT: Yes, Your Honor.

11 THE COURT: All right.

12 MS. ZMROCZEK: Thank you. The -- I think the
13 sequestration of witnesses, Your Honor, under 615,
14 we're certainly requesting that. I understand that
15 they will keep their lead investigator. We have no
16 issue with that. I would ask, in turn, that my lead
17 investigator be able to remain in the courtroom, as
18 well.

19 We understand that there are potential
20 witnesses that are also members of Mr. Jackson's
21 family. We understand that under the constitutional
22 provisions of the Victim's Rights Act that they are
23 certainly allowed to remain.

24 And then the only other request is if --
25 depending on what the Court determines as far as

1 Facebook or cell phone or any of those kinds of
2 records come in. We would ask that my digital
3 forensic expert be allowed to sit in just for that
4 portion of the testimony.

5 THE COURT: You sure you want this motion to
6 sequester?

7 MS. ZMROCZEK: I mean, it's -- what -- what I
8 don't want, Your Honor, is -- actually, you know
9 what? It's too hard to keep track of. I'll
10 withdraw that motion. I'm going to withdraw it. So
11 that way, my client's family can be in here, as
12 well.

13 Your Honor, I think that it's a repetitive
14 argument about pursuing the testimony of Taylor
15 Thomas. I think you understand now what we're
16 asking. It really goes back into the -- the late
17 disclosure or the inability to -- to properly
18 cross-examine her, but that may be something that we
19 predetermine as the trial develops and as you make,
20 I think, determinations on the motions that have
21 already been filed.

22 THE COURT: But my understanding of this Taylor
23 Thomas testimony is that she's some witness out
24 there who is -- who was around in '21, and no one
25 has ever spoken to her. No one knew anything about

1 her. And then when the State went to meet with the
2 witnesses or went out there, she showed up and -- a
3 few months ago and said x, y, and z.

4 MS. ZMROCZEK: A few days ago.

5 THE COURT: I mean, she -- whenever it was.

6 MS. ZMROCZEK: Right. Right.

7 THE COURT: I mean, I'm just trying to make it
8 clear that I'm understanding, unless I'm wrong, that
9 it wasn't someone on behalf of the State knew about
10 this, had this information anytime before.

11 MS. ZMROCZEK: She was at the -- she was
12 actually at the -- what -- what I was told. And now
13 that they've told me that, I've gone back and
14 watched the body cameras. She was at the scene that
15 evening.

16 THE COURT: Is there like a statement that she
17 took and that wasn't turned over to you?

18 MS. ZMROCZEK: I don't -- I don't know.

19 THE COURT: I mean, the only issue with that
20 really, I mean, it's not -- it's just it was turned
21 over late, but not at the fault of the State. It
22 was just -- it's late is the biggest issue.

23 MS. ZMROCZEK: Right. Well, it's late. And
24 because of the lateness, the inability to get her
25 records to be able to properly cross-examine her.

1 THE COURT: Okay.

2 MR. KRUESH: That's -- that's perfectly
3 accurate. I think we first heard her name early
4 March. I found a Facebook that the family had told
5 me was her. I sent a screen shot of that to
6 Investigator Deal. He subpoenaed her, what, two --
7 two weeks ago or last week?

8 INVESTIGATOR DEAL: Last week.

9 MR. KRUESH: Last week. And that's -- as soon
10 as he subpoenaed her, she came to our office last
11 week. It was the first time anybody had spoken to
12 her.

13 THE COURT: All right. We'll renew to hear
14 that motion prior to her testimony.

15 MS. ZMROCZEK: Your Honor, I believe (j) has
16 been addressed.

17 THE COURT: Well, do you need them? Mr. Scott
18 alluded to they would get any witness you need, but
19 is there an issue with -- that you need a witness
20 that you need to -- I mean, obviously, as an officer
21 of the Court, you have the power to subpoena.
22 Obviously, the -- something coming from the State
23 might move things quicker, but is that an issue that
24 needs to be addressed?

25 MS. ZMROCZEK: Your Honor, the only

1 out-of-state witness is Ms. Ricci. And, again, I
2 think depending -- I can't answer that question now
3 because depending on what Ms. Tamira -- Tamira
4 Jackson testifies to. If she testifies to something
5 different than what's in Ms. Ricci's report, then,
6 yes, I would need her -- and -- and it may be
7 something that we could do in a -- so she wouldn't
8 have to travel. We could do it via electronic.

9 THE COURT: Would the State object to any
10 potentially virtual testimony of this out-of-state
11 witness?

12 MR. SCOTT: No, Your Honor.

13 THE COURT: All right. We'll address that.
14 Just bring it to the Court's attention if it comes
15 up.

16 MS. ZMROCZEK: Thank you. Your Honor, there --
17 the last under 3(1) is a motion to introduce
18 third-party guilt. It's really more of putting the
19 Court on notice. One, I know that you sat for a
20 hearing a month ago and then you sat through this
21 hearing -- these hearings today so you are unaware
22 of all of the facts that we know, but I do want to
23 put the Court on notice that we do intend to
24 introduce third-party guilt. And if -- I -- I don't
25 know if the State's going to be objecting to that or

1 if at some point we need to address that. I just
2 wanted to -- to make the Court aware so that we're
3 not here three weeks from today still hammering out
4 these issues.

5 THE COURT: Third-party guilt.

6 MR. SCOTT: I'm sorry, Your Honor?

7 THE COURT: Third-party guilt.

8 MR. SCOTT: I do object to that. I've seen her
9 motion today. I went ahead and drafted a memorandum
10 in support of the State's motion to exclude
11 reference to third-party guilt. I don't think -- I
12 assume they're going to talk about Mr. Stevenson's
13 acquaintance to Jamaree Jeffcoat. I understand,
14 too, what Ms. Zmroczek said, we've been working with
15 this case in our head and facts. Just assuming you
16 know everything we're talking about, but I think
17 that's probably who they're -- they're referencing
18 as far as some kind of third-party guilt. I've
19 drafted a memorandum with some law to support it.
20 And -- and, of course, we're not going to cross that
21 bridge tomorrow or probably the next day, but that
22 may be something that, I mean, any kind of evidence
23 that I would just imagine we would use, would not be
24 inconsistent with Mr. Stevenson's guilt. And we
25 would object to any third-party guilt alleged from

1 the defense.

2 THE COURT: All right. This one you'll have to
3 take this up at the appropriate time.

4 MS. ZMROCZEK: Exactly. And so that -- I just
5 wanted to put the Court on notice again just so that
6 when I do bring it up, it's not like, why didn't we
7 talk about this?

8 THE COURT: Do you plan on bringing it up in
9 your opening statement?

10 MS. ZMROCZEK: Absolutely not, Your Honor.

11 THE COURT: I didn't know if you needed a
12 ruling prior.

13 MS. ZMROCZEK: Right. Right. No.

14 THE COURT: All right. We'll address it at the
15 appropriate time.

16 MS. ZMROCZEK: Okay. I think that that -- I
17 think that that can be accomplished.

18 Going back, Your Honor, to the 3(a) motion to
19 suppress statements and unlawfully seized evidence
20 and involuntary statements due to *Jackson v. Denno*.
21 So were you able to get the copy of the ---

22 THE COURT: The one I received at 6:00 a.m.?

23 MS. ZMROCZEK: Yes.

24 THE COURT: I have not reviewed it.

25 MS. ZMROCZEK: Okay. Well, certainly. And so,

1 Your Honor, here's where we are with regards to --
2 and it may be moot. I'm not sure what statements
3 the State intends to offer for Mr. Stevenson, but I
4 guess that that -- so I'm guessing because I don't
5 know. But we will -- depending on what statements
6 they claim to introduce, we obviously will have to
7 address that.

8 But, Your Honor, one of the other things that
9 we want to -- that I need to address with regard to
10 that motion in particular, and when you watch the
11 video -- and if it shows something different,
12 then -- then I'm incorrect, but what I anticipate it
13 will show you is that Mr. Stevenson was arrested on
14 May 12, 2021, at -- execution for his arrest early
15 hours of the morning between 5:00 and 7:00 a.m.

16 At 7:00 -- some time a little after 7:00 a.m.,
17 Mr. Stevenson is -- and the body worn cameras that I
18 have been provided from that arrest just show him
19 being taken into custody. There's no one reading
20 his Miranda rights. Nobody is telling him what he's
21 being arrested for.

22 At 7:00 -- a little after 7:00 a.m. on
23 May 12th, he is taken to Richland County
24 investigation room, which -- which have the cameras
25 in it. And he is handcuffed to that -- to a table

1 in that room or he's handcuffed in that room. I'm
2 not sure if it's to a table. No. He's handcuffed
3 in that room, Your Honor. And Mr. -- and
4 sergeant -- I think Sergeant Jordan is in the room.
5 And Mr. Stevenson is asking why he's being arrested
6 over and over and over. "Why am I being arrested?
7 Why am I being arrested?"

8 And the response is, "Until you sign this
9 waiver of rights, I can't tell you why you've been
10 arrested," and proceeds to ask Mr. Stevenson for his
11 phone number. Asked for his phone all before
12 Miranda is read. They tell him that they cannot
13 tell him anything about why he's there or they can't
14 talk to him at all until he signs this waiver.

15 Mr. Stevenson repeatedly says, "I want my
16 lawyer. I want to talk to my lawyer." They just
17 disregarded that and tell him, "I can't tell you
18 anything until ---

19 THE COURT: If this is what happened, then the
20 statement's not coming in.

21 MS. ZMROCZEK: Right. My concern is the phone.

22 THE COURT: So let me hear what the other side
23 of this issue is.

24 MS. ZMROCZEK: Certainly.

25 MR. SCOTT: Your Honor, they bring him -- bring

1 him into the interrogation room. And I have notes
2 that about 11 minutes and 40 seconds in, he asserts
3 that he wants an attorney. It seems to be -- at --
4 at that point to me, it seems that he doesn't want
5 to talk without an attorney, but then the
6 conversation reengages thereafter. And it's kind of
7 an ebb and flow.

8 He asserts he wants an attorney, and then I
9 think Ty Jordan is the investigator in the case, "Do
10 you want me to tell you about the case?" And then
11 he'll say, "Yeah, I want you to tell me about it."
12 Ty will tell him kind of like some of the
13 information they have, which will generate a
14 conversation between the two thereafter. So it
15 seems to be that there is some kind of -- but I want
16 to make it easy though. I don't intend to offer
17 anything after that initial request for an attorney.

18 THE COURT: Up to the 11-minute?

19 MR. SCOTT: 11 minute and 40 second. There's
20 some biographical-type information they gather from
21 him. You know, where he lives, date of birth, all
22 of that kind of stuff. He mentions he has an iPhone
23 6. He mentions what the phone number is. He's
24 unsure when he changed to that phone number. And
25 then about 11 minutes and a few seconds in, they

1 read Miranda, and then that's when he mentions,
2 "Well, I don't really want to talk without an
3 attorney."

4 Investigator asked about going over the warrant
5 with Troy without an attorney. And troy says okay.
6 So that kind of reengages the conversation, but I'm
7 going to stay away from that. If you watch that
8 video, 11 minutes and 40 seconds, what our notes
9 show, he first asserts his right to an attorney.

10 THE COURT: When was Miranda read?

11 MS. SCOTT: Right at 11 minutes and 40 seconds.

12 THE COURT: And he was -- and I'm going to
13 watch this, but he's in custody from zero to 11:40?

14 MR. SCOTT: Yeah, he is in custody in the
15 interrogation room. I need to -- I know he's -- the
16 fugitive task force arrested him. Obviously, they
17 handcuffed him. I don't know if he's handcuffed,
18 but he is arrested. If -- whether or not -- do they
19 find him?

20 (Counsel conferring.)

21 MR. SCOTT: Okay. He is in custody, Your
22 Honor. And I would argue that before 11 minutes and
23 40 seconds, it's general just sort of booking kind
24 of information they're asking about. We're going to
25 stay away from any of his statements, anything made

1 after the 11 minutes and 40-second mark.

2 THE COURT: I'm going to review it. And what
3 I'll look for is, you know, you can be in custody
4 and you can be asked questions. And if they're
5 non-Miranda, you know, implied Miranda; however,
6 that's kind of like when you run from the police,
7 they cuff you and they say why were you running?
8 You know, that usually doesn't -- you don't need
9 Miranda for that necessarily or, you know, what's in
10 your backpack? Something like that.

11 It would be different when you're sitting in an
12 interrogation room, you know, you're cuffed. They
13 start asking you questions and these questions are
14 going to be used against him. Clearly, they're
15 evidentiary, so let me review -- is that the video
16 that I have?

17 MS. ZMROCZEK: It is, Your Honor.

18 THE COURT: All right. So I'm going to review
19 it up to 11:40 and I'll have a decision tomorrow.

20 MS. ZMROCZEK: Thank you.

21 THE COURT: All right. Are there any other
22 statements from Mr. Stevenson?

23 MS. ZMROCZEK: So in -- in the reports
24 generated by Sergeant Oxendine and by Investigator
25 Jordan, they talk about statements that

1 Mr. Stevenson makes while they're executing a search
2 warrant at -- at his house, but -- and -- and
3 they -- and they also claim that while they're
4 executing a search warrant at his house on
5 April 16th when he allegedly makes these statements,
6 that they find marijuana in a bag and a gun.

7 Your Honor, so my -- and this is getting into
8 very factually heavy information, but I think it's
9 important for you to -- to have as you go forward.

10 I have a copy of that search warrant return and
11 the two -- there -- there are only bullets and shell
12 casings listed on there. There's no gun. There's
13 no drugs and -- and -- and none of the reports done
14 by the CSI people, do they ever mention that
15 Mr. Stevenson is there. So I -- I don't know what
16 other statements they intend to introduce. I would
17 like to know that before we get started, because I
18 think that that is something that we need to
19 determine.

20 THE COURT: Okay. Any other statements from
21 the defendant that he gave to law enforcement?

22 MR. SCOTT: Okay. So, Judge, probably we
23 should've done this beforehand, but real quick just
24 bullet point the facts of the case. We have two
25 shootings that happened on April 6th. There's a

1 shooting that happens at Lucille Drive, which is his
2 home, his mother's home. He lives there from time
3 to time. It's his mother's home. So on the one
4 case, his mother is the victim of a crime and law
5 enforcement had to investigate.

6 The State's going to allege that as a
7 retaliatory measure, later that night, he goes to
8 Devoe Drive, which is our incident location for our
9 case, and shoots that house up.

10 So April 6th, in the early morning hours when
11 they're investigating, they're still trying to
12 figure out who's who. Who is at Lucille. Who is at
13 Devoe, everything like that.

14 Well, Lucille, his mother doesn't call in the
15 shooting until April 7th, so this happens early
16 morning hours of April 6th. April 7th, the mother
17 calls in the shooting at Lucille. Officers show up
18 there.

19 He is there at the Lucille house as a victim or
20 a witness, however he is determined to be. He gives
21 law enforcement his cell phone number, presumably so
22 they can contact him for further information later.
23 And then it's around this time and thereafter that
24 he's begun to be developed as a suspect. So I'm
25 primarily interested during those times when the

1 initial investigation before he has been identified
2 as a suspect where law enforcement is treating him
3 more of a victim or the family of a victim where
4 he's given some of this information.

5 So that -- that would be something I will get
6 into. He's giving his cell phone number to law
7 enforcement at that time. Of course, that's not
8 subject to any kind of detention at that time.

9 MS. ZMROCZEK: Your Honor, I -- I -- I -- I
10 just have two questions. One, who -- who did
11 he give -- to whom did he give that information and
12 where is the report? That's all. Even -- even if
13 he -- even if it's not custodial, I just -- I just
14 need a copy of the report that says what -- whatever
15 statements that he made that they want to get in and
16 who -- and who was the person that did it? That's
17 all I need to know.

18 MR. SCOTT: Taina Jordan. He gave it to Taina
19 Jordan. It's in Taina Jordan's report.

20 THE COURT: Do we need to do a *Jackson v. Denno*
21 on that? I mean, is it -- or is it clearly that he
22 is being treated as a victim witness and not in
23 custody at all?

24 MS. ZMROCZEK: I think we do, Your Honor,
25 because what -- and if I -- if I misheard, then I --

1 then I need to clear it up. What I heard was when
2 police respond -- when Richland County responded on
3 April 7th, Investigator Jordan was treating
4 Mr. Stevenson either as a witness or a potential
5 victim and -- and that that -- that -- that his
6 report reflects that on April 7th that Mr. Stevenson
7 said that. And if that's what they say, then --
8 then that's what they say, Your Honor, because I
9 don't have that in my report.

10 THE COURT: All right. We'll do a very limited
11 scope. I mean, we'll put Jordan under oath and
12 we'll do a *Jackson v. Denno* on that issue about the
13 voluntariness, was he in custody, or do we even get
14 to that level. We'll do that in a little bit.

15 MS. ZMROCZEK: I'm sorry?

16 THE COURT: Any other statements that
17 Ms. Zmroczek was referencing?

18 MR. SCOTT: No, Your Honor.

19 THE COURT: All right.

20 MS. ZMROCZEK: So I think -- so I think, Your
21 Honor, at this point, I have filed a memo requesting
22 that -- or in support of holding a hearing pursuant
23 to *Franks v. Delaware*. Your Honor, I've outlined,
24 generally, in that motion why I am seeking that.
25 And so what I am looking for, Your Honor, is to

1 suppress the search warrant -- the search warrant
2 filled out by Investigator Oxendine on April 15th of
3 2021 requesting an order from Judge Benjamin for
4 Troy Stevenson's Facebook records.

5 So I would be looking -- and, Your Honor, in
6 that search warrant, again, that was the one dated
7 4/15/21. And in that search warrant -- and, Your
8 Honor, I believe it was number -- do I need to -- I
9 have -- I told the Court because it was so
10 voluminous that I would hand up all of the search
11 warrants. Obviously, we don't have any intent to
12 suppress all of these search warrants.

13 The important -- the importance of the Court
14 having all of them is to understand the totality of
15 the circumstances, because like I said, not only do
16 we assert that false information was presented in
17 that search warrant, but, additionally, that
18 information that was fruited to be untrue or
19 unreliable was provided in -- in those search
20 warrants, as well. And so for the Court to have the
21 full understanding of what investigators did and did
22 not know, that's why I have the -- that's why I sent
23 all of the search warrants.

24 Certainly, we're not looking to suppress all of
25 them. We're looking to suppress the Facebook search

1 warrant for Mr. Stevenson, the T-Mobile records for
2 Mr. Stevenson, and the Verizon.

3 THE COURT: What are the dates on the T-Mobile
4 and the Verizon?

5 MS. ZMROCZEK: The T-Mobile records, Your
6 Honor, were 4 -- were 4/16 of '21, as well as the
7 Verizon. No, excuse me. T-Mobile was 4/15.
8 T-Mobile and Facebook were both 4/15. And on 4/16,
9 were the Verizon records. So those are the three
10 search warrants that we have raised in the *Franks v.*
11 *Delaware*. Would you like ---

12 THE COURT: Do you have an extra?

13 MS. ZMROCZEK: I do, Your Honor. And so they
14 would be tabbed Numbers 11, 12, and 13. And I can
15 make this is a Court's exhibit.

16 THE COURT: Yeah, let's do that.

17 MS. ZMROCZEK: Okay.

18 THE COURT: Did you -- the State, they seen --
19 these are all the search warrants y'all have seen?

20 MR. SCOTT: Since he's got two separate phone
21 numbers that he used, I just want to see which ones
22 she's pulled for us, Your Honor.

23 MS. ZMROCZEK: Again, I had sent all of these
24 to the State, as well, but, certainly, you know, and
25 I got them from the State, but 11, which would be --

1 Facebook; 12, the T-Mobile records April 15th; and
2 13, would've been the Verizon records from
3 April 16th.

4 THE COURT: All right. I'm looking at Court's
5 No. 1, which is about 15 search warrants.

6 MS. ZMROCZEK: I think it's actually 15, but
7 the 3 that we are -- are currently -- are looking to
8 suppress, Your Honor, would be Numbers 11, 12, and
9 13.

10 In an effort to -- to -- in an effort, quite
11 honestly, to -- to make it more clear and easy for
12 everybody, what I did, Your Honor, was I listed the
13 date, the affiant, who -- the person who signed the
14 search warrant, the search subject, and the basis
15 for the request in -- in kind of a table of
16 contents, which I think would assist the Court, as
17 well. I printed one for the State. And if we can
18 make this a Court's exhibit -- or if you just want
19 to add it to Court's Exhibit 1?

20 THE COURT: We'll add it to Court's Exhibit 1.

21 MS. ZMROCZEK: Okay.

22 (Court's Exhibit No. 1 was received in
23 evidence.)

24 THE COURT: Is this your final pretrial motion?

25 MS. ZMROCZEK: It is.

1 THE COURT: All right. That's why -- do you
2 want to give me a little background or do you just
3 want to go straight into what it's about?

4 MS. ZMROCZEK: No. I can give a little
5 background, Your Honor.

6 THE COURT: All right.

7 MS. ZMROCZEK: So the Court's been provided
8 with all of the search warrants that I -- that I was
9 provided in discovery, and then like I said, I kind
10 of did a breakdown of the different search warrants
11 because what we're looking for, Your Honor, is what
12 information are provided these neutral magistrates
13 in order for the State to be able to gather
14 information. And -- and, again, looking at the
15 totality of what they knew.

16 Your Honor, the -- and we understand that the
17 four corners -- that South Carolina is -- is the
18 only state that allows for testimony outside of the
19 four corners, so I don't know at this point what
20 additional information was provided, but what I do
21 know is on page -- on page 7 of the -- of the -- the
22 little cheat sheet that I made.

23 THE COURT: Yep.

24 MS. ZMROCZEK: And these are things that are --
25 these are -- are things that -- that are concerning

1 and that I think that that's -- that I think show
2 that we do need to have this current issue.

3 So on April 15th of 2021, Investigator Oxendine
4 appears before Judge Benjamin. And I understand
5 that -- that those other cases hadn't been decided
6 about whether or not a magistrate could issue a
7 warrant, but we're not raising that issue. I just
8 want to be real clear. That's not the issue that
9 we're raising, but what we are raising, Your Honor,
10 is that the defects and the problems within at least
11 those four corners of that search warrant, beginning
12 with stating that on April 4th, that Investigator
13 Oxendine responded to Devoe. And, Your Honor, this
14 incident happened April 6th. And ---

15 THE COURT: Which search warrant?

16 MS. ZMROCZEK: It is search warrant 11.

17 THE COURT: And where in the affidavit -- is it
18 in the affidavit?

19 MS. ZMROCZEK: There is an affidavit.

20 THE COURT: That's what I'm looking -- that's
21 where you're saying ---

22 MS. ZMROCZEK: Well, yeah, so what I was doing
23 was, I -- I -- I highlighted, but, certainly, just
24 to make sure that I'm not mistaken. The affidavit
25 is in number -- Number 11. It starts off with an

1 order ordering Facebook not to provide. Then
2 there's the search warrant.

3 And then -- yeah, and so -- okay. No. So this
4 one does say April 6th. And then, Your Honor, so
5 it's on page 1, 2, 3 -- or 4, beginning on the
6 affidavit.

7 It says, "On April 6th, Richland County
8 responded to a shooting that took place at 209
9 Devoe. Upon investigating the shooting, it was
10 found that Charlie Jackson was killed during the
11 event -- Richland." And then they provide the
12 Richland County case number. "Investigators later
13 confirmed that the shooting took place as a
14 retaliation for a fight and shooting that happened."

15 So, Your Honor, obviously, one -- one included
16 to the -- in addition to the discovery that we were
17 provided and continue to be provided, we would like
18 to inquire as to who stated that it took place as a
19 retaliation because I can't find any statement of
20 anybody that says that before April 15th.

21 The closest thing I can find is a statement
22 made in May that somebody heard that it was in
23 retaliation, but on the second page of that
24 affidavit for Facebook, Your Honor, the Troy
25 Stevenson who is the account holder for the above

1 listed account, lives at this location with his
2 mother and siblings.

3 Further, based on statements, they believe --
4 it is believed that Troy was present during the --
5 both the fight and the shooting that happened at his
6 home.

7 Your Honor, that -- that -- that is simply not
8 true. He was not there. And, in fact, they spent
9 the last four days giving us information.

10 THE COURT: But for the purposes of this, I
11 mean, obviously, we'll get into it, but based on
12 information, it is believed that whether he could've
13 been in Australia. If they received information on
14 April 15th for probable cause, whether it's true or
15 not, probable cause will get a search warrant. So
16 if 14 people said Troy was there, and it turns out
17 they were all lying after the fact...

18 MS. ZMROCZEK: Right. If one person said it.
19 I would just like to know if one person said that
20 because it's not been provided. We don't know who
21 it was. We don't -- I don't know who said that.

22 THE COURT: Okay.

23 MS. ZMROCZEK: Okay. And so I guess that's
24 part of the issue, but then it says approximately
25 one hour after the shooting, Troy responded to a

1 Facebook post by JR Sunny, profile name, that read,
2 "Karma is a bitch." Troy's response was, "On God."

3 Your Honor, at the time that Investigator
4 Oxendine swore out this warrant, he had already
5 interviewed JR Sunny, which is the profile name
6 that's Mr. Benson. And Mr. Benson said, "That guy
7 had nothing to do with it. That had to do with a
8 girl problem." And so that information was left out
9 of the warrant.

10 And this says it is because of this -- of -- of
11 his response to a Facebook post, combined with his
12 knowledge of incidents at this home, the
13 investigators believed there's information stored
14 in -- in his account. They have not taken the
15 statement, that we've been provided, from
16 Mr. Stevenson about the knowledge. And so, again, I
17 think that these are -- and what they have been
18 provided is from the person who provided that
19 Facebook post that was shared, and it said that --
20 that had nothing to do with this. Had to do with
21 girl problems.

22 And so that is misleading information, and that
23 it doesn't -- it doesn't say anything in particular
24 about the reason this post was made, how it was.
25 It's -- it's -- it's -- on its face, it's lacking

1 the information. And, again, we believe that the
2 information that was provided was untrue.

3 THE COURT: All right. Well, there are two
4 things to look at here. We got the Franks issue,
5 which is, okay, did Oxendine mislead Judge Benjamin,
6 and then we've got to handle that. But then if he
7 didn't, then the question is on its face, is that
8 probable cause? Those are two separate distinct
9 issues ---

10 MS. ZMROCZEK: Right.

11 THE COURT: --- that we need to handle. So, I
12 mean, I -- I mean, we'll just have to -- all right.
13 That -- that's -- that's Number 11.

14 MS. ZMROCZEK: That's Number 11.

15 THE COURT: All right. Let's go onto Number 12
16 before we hear from the State.

17 MS. ZMROCZEK: Certainly. Number 12, Your
18 Honor, deals again, Investigator Oxendine, and he
19 is -- the date is April 15, 2021. And he is
20 requesting a search warrant from a magistrate. I
21 couldn't read his name, but I put the magistrate
22 number down, Your Honor. And provided a description
23 of the property that they are searching.

24 And then on page -- the fourth page begins the
25 affidavit, Your Honor. And the first three pages of

1 this affidavit just provides general information
2 about what he knows. What -- what it is, Your
3 Honor, is it is stock language that's provided to
4 law enforcement about things to put forth in
5 requesting a search warrant, but then on the fourth
6 page ---

7 THE COURT: Well, let me stop you right there.
8 I can tell you whose signature that is. That's my
9 signature.

10 MS. ZMROCZEK: Oh, right.

11 THE COURT: I mean, that's not the first time
12 something like this has happened. This is the
13 Number 12 search warrant?

14 MS. ZMROCZEK: Yes, Your Honor. And that's the
15 search warrant that states on April 4th of 2021, the
16 county responded to 209 Devoe for a shooting. And,
17 again, this is the same day that he had already
18 provided a search warrant to Judge Benjamin, and so
19 it's listing different dates. It's saying that --
20 it -- it -- and it -- and it -- and it provides a
21 whole bunch of information that is different than
22 the information on the -- the search book -- on
23 the -- excuse me -- on the search warrant for the --
24 for the Facebook.

25 And, Your Honor, it says, "Further, Troy

1 Stevenson lives at that location. Steven has --
2 Stevenson has knowledge of the fight and drive-by
3 shooting. A search warrant for evidence of the
4 shooting was conducted and there were several items
5 of contraband found in plain view. Investigators
6 received consent to search the home and found 60
7 grams of GPM." Again, we haven't been provided with
8 that information. And then they took a firearm.

9 And then, Your Honor, here's where it's really
10 concerning. "Due to Stevenson's violent history and
11 direct knowledge of the fight, shooting, and the
12 parties involved, it is believed he may have
13 knowledge of the shooting." Okay. So, first of
14 all, he says, "Due to Mr. Stevenson's violent
15 history." Mr. Stevenson has no adult arrests. He
16 has one juvenile arrest, which is not a violent
17 charge. And he has no violent history.

18 He -- he provides in this affidavit, which is
19 the same day as the affidavit he had Judge Benjamin
20 sign, much more detailed. Additionally, different
21 details. And the affidavit that he -- for the
22 Facebook records, he said that he was there and saw
23 the shooting.

24 In the affidavit for the T-Mobile records, he
25 says -- he listed the location and has knowledge of

1 the fight and drive-by shooting. And then -- and
2 then it goes into these drugs that were supposedly
3 found apparently some time between April 6th and
4 April 16th, which is, again, materially different
5 than what he tells Judge Benjamin. And, instead,
6 that's the reason for providing all these is our
7 concern about the information that was being
8 provided to different magistrates or judges to
9 obtain search warrants.

10 And, again, we have -- I have no consent to
11 search the home. I have no returns with drugs or
12 guns. And this time he says on this search warrant,
13 the same day he says, "Stevenson affirmed a comment
14 on Facebook that was made moments after -- moments
15 after the shooting of his home, 'Karma is a bitch,'
16 to which he responded, "No doubt," which is
17 different than what he said to Judge Benjamin, and
18 he puts it in quotes.

19 THE COURT: What's different between he affirms
20 a comment on Facebook that's stated, "Karma is
21 that," to which he responded, "No doubt"? Isn't
22 that what it says in Number 11?

23 MS. ZMROCZEK: No, no. If you'll -- if you'll
24 search back -- flip back to Number 11. Troy's
25 response was, "On God."

1 THE COURT: Okay.

2 MS. ZMROCZEK: And, again, in -- in Number 11,
3 it says Troy was present during the fight and the
4 shooting at Lucille, and -- and which is different
5 than on the same day where he affirmed or -- or --
6 or swears in his affidavit for the T-Mobile records.
7 And, again, it has the date wrong on that. He says
8 on -- that -- he says that happened on April 4th of
9 2021.

10 THE COURT: And it looks -- and then Number 13.

11 MS. ZMROCZEK: And then 13, Your Honor, is for
12 Verizon records and it looks like, again, it's the
13 very next day, April 16th, in front of, apparently,
14 Your Honor.

15 THE COURT: Yep.

16 MS. ZMROCZEK: And, Your Honor, when you get to
17 the affidavit for this request, it says on
18 April 4th, again, they responded. And it talks
19 about -- oh, so the very next day in front of the
20 same magistrate, further in quotations, "Has
21 knowledge of the fight. Evidence of the shooting."
22 Oh, and then, again, talks about the contraband
23 that, again, we don't have proof of. And then,
24 again, addresses his violent history. And, again,
25 says, "Karma is a bitch." Sorry I keep saying that

1 word. To which he responded, "No doubt."

2 And then, again, "Stevenson listed the above
3 reference number as one that belongs to him."

4 And -- and this is how our motions kind of all come
5 together because this comes back to these are two --
6 T-Mobile has a different phone number than Verizon.
7 And we take issue with how they got -- the number
8 that he gives when he is arrested in May -- well,
9 again, that doesn't matter. We need to know how
10 they got this information about these two different
11 phone numbers, which goes back to they claim that
12 they received some work records from 2020 which had
13 a different phone number with a different carrier
14 which hasn't been provided, and so those are the
15 issues that we raise with -- with those three search
16 warrants.

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

19 MR. SCOTT: Your Honor, if we can proffer some
20 testimony from Investigator Oxendine. That's the
21 best way to handle that.

22 THE COURT: All right. Bring Oxendine up.
23 (Witness approaching.)

24 THE CLERK: Do you swear or affirm the
25 testimony you're about to give in this case will be

1 the truth, the whole truth, and nothing but the
2 truth so help you God?

3 THE WITNESS: I do.

4 THE CLERK: Thank you, sir. Please have a seat
5 in the witness box. State your full name for the
6 record.

7 THE WITNESS: Adam Oxendine, Richland County
8 Sheriff's Department Investigations.

9 INVESTIGATOR OXENDINE,
10 having been produced and first duly sworn as a
11 witness on behalf of the State, testified as
12 follows:

13 PROFFER EXAMINATION

14 BY MR. SCOTT:

15 Q. All right. Investigator Oxendine, you are the
16 affiant on the search warrant for the Facebook
17 records seeking to have information on a Troy
18 T'Major (phonetic)?

19 A. That's correct.

20 Q. And that was a nickname that you had discovered
21 was associated with Troy Stevenson's Facebook
22 account?

23 A. That's correct.

24 Q. And you swore out that -- you swore that search
25 warrant out to Judge Benjamin on April 15, 2021; is

1 that correct?

2 A. That's correct.

3 Q. Okay. And then let me just ask you a few
4 things. At that point, April 15th, had you spoken
5 with a Tyjeria Prophet?

6 A. Prior to April 15th, yes. We had spoken with
7 Ms. Tyjeria Prophet.

8 Q. In fact, you had spoken with her on April 12th
9 of 2021.

10 A. That's correct.

11 Q. And Tyjeria Prophet indicated that she had been
12 at Lucille Drive at the time of a fight that
13 happened that night?

14 A. That's correct.

15 Q. And is it the sheriff department's belief that
16 that fight kind of created a domino effect that lead
17 to a shooting that happened at Lucille Drive; is
18 that correct?

19 A. That's correct.

20 Q. And then that shooting, the sheriff
21 department's theory, ended up causing retaliatory
22 shooting at the Devoe Drive location?

23 A. That's correct.

24 MS. ZMROCZEK: Your Honor, I know that we're
25 just not in front of a jury, but I would ask that

1 Mr. Oxendine be allowed to testify instead of
2 Mr. Scott.

3 THE COURT: Just ask a little bit more open
4 ended.

5 BY MR. SCOTT:

6 Q. Okay. So Tyjeria Prophet indicated she was at
7 Lucille at the time of the fight?

8 MS. ZMROCZEK: Again, Your Honor, this is ---

9 THE COURT: Well, just lay the groundwork for
10 it. And then when he gets to the substance of the
11 issue, you can renew that objection if they still
12 haven't met it.

13 MR. SCOTT: Judge, I would just -- just to move
14 it along. Leading in pretrial would be appropriate
15 in this situation.

16 BY MR. SCOTT:

17 Q. Tyjeria Prophet, according to your witnesses,
18 was there at Lucille?

19 A. That's correct. She was there at Lucille, but
20 she came to the sheriff's department and provided us
21 a statement, just like we would take statements from
22 any other witness that would've been present at --
23 an eyewitness that would've been present at a crime.

24 Q. April 12th, is when you spoke with her?

25 A. That's correct. Yes, sir.

1 Q. Okay. She did indicate she was there?

2 A. That's correct.

3 Q. And did she talk about a Jamaree Jeffcoat being
4 there?

5 A. She spoke of several different individuals
6 being there.

7 Q. Okay.

8 A. That Jamaree's name has come up in this
9 investigation. Yes.

10 Q. Okay. And then she indicated that was Troy's
11 house, did she not?

12 A. Yes, she did.

13 Q. Okay. And she indicated -- and by the way,
14 this interview is on evidence.com, correct?

15 A. That is correct.

16 Q. Okay. So as far as you know, the defense has
17 been given access to Tyjeria Prophet's entire
18 interrogation?

19 A. That's correct.

20 Q. Or rather interview, because she was never a
21 suspect; is that correct?

22 A. That's correct.

23 Q. And so she indicated Lucille was Troy's house,
24 right?

25 A. Yes, sir.

1 Q. And do you remember her saying that Troy pulled
2 up with "Dubb" in a black four-door car?

3 A. That's correct. She did in her statement.

4 Q. And would it surprise you if I said that was at
5 the 11 minute and 20-second mark in the video?

6 A. It would not surprise me at all.

7 Q. Okay. So if the defense was writing it down,
8 11 minutes and 20 seconds in, she says, "Troy pulled
9 up with Dubb in a black four-door car"?

10 A. Yes, sir.

11 Q. And then like I said, at the 11-minute mark,
12 she says that was Troy's house, correct?

13 A. Yes, sir.

14 Q. And then -- let me see what else. She said
15 that Dubb, aka, Jamaree Jeffcoat and Troy hang out
16 together a lot?

17 A. Yes, sir.

18 Q. That would be the 1 hour and 15 minute and
19 35-second mark, just if you are keeping track of
20 everything.

21 Okay. And then she mentioned Troy at other
22 times, and she called him Troy Barnes, but she was
23 talking about Troy when she was saying this. Now,
24 what is -- is his mother Latoya Barnes?

25 A. Yes, sir.

1 Q. Is that her name? And then he's got some
2 brothers. One is Trenton Barnes. And then he's got
3 a cousin we talked about, Antonio Barnes?

4 A. Yes, sir.

5 Q. He goes by Stevenson, but everybody else in his
6 family is a Barnes as far as a lot of these cases go
7 that we see.

8 A. Yes, sir. As far as I know.

9 Q. So did you have any reason to doubt Tyjeria
10 Prophet when she indicated that Troy was there that
11 night?

12 A. No, sir. Not at that point, I did not.

13 Q. Okay. So if you were to put that in your
14 affidavit to Judge Benjamin, you would be -- have
15 relied on Tyjeria Prophet's ---

16 A. That's correct.

17 Q. --- information to you? Okay. And that
18 would've been given three days before. Again, I got
19 that search warrant April 15th, and you said you
20 interviewed Tyjeria Prophet on April 12th?

21 A. Twelfth. Yes, sir.

22 Q. Okay. And then you had a Facebook message that
23 you uncovered, and it talks about somebody, JR Sunny
24 says, "Karma a big bitch." And that was April 6th.
25 Do you remember seeing that?

1 A. Yes, sir, I do.

2 Q. And this was when you were trying to figure out
3 who's responsible for the Devoe Street shooting?

4 A. That's correct.

5 Q. Who would've had some reason to do that right
6 on the heels of this Lucille Drive shooting. And
7 then you would see -- you would've seen, I guess,
8 that Troy T'Major, the person you're trying to get
9 these records for, wrote, "On God." And this is
10 about, give or take, two hours after the shooting on
11 Devoe. That's -- that's what's on Troy Stevenson's
12 mind as least as far as you can tell based on
13 Facebook?

14 A. That's correct. Yes, sir.

15 MR. SCOTT: Judge, would you like to review
16 this? I can make it a Court's exhibit.

17 THE COURT: Make it a Court's exhibit. I
18 believe it would be Number 2. And then if you'll
19 let Ms. Zmroczek, if she hasn't seen it already,
20 after this Court's exhibit.

21 (Court's Exhibit No. 2 was received in
22 evidence.)

23 BY MR. SCOTT:

24 Q. Now, when you're investigating the Devoe Drive
25 location, is it important for you guys to try to see

1 if there's any surveillance footage that might've
2 picked up what happened?

3 A. Yes. That's a practice that we commonly use.

4 Q. Okay. So by the time we're -- we get to the
5 Facebook application search warrant on April 15th,
6 had your office seen some of the videos that you
7 were ultimately able to find that show what was
8 going on at Devoe Drive that night?

9 A. For the -- for the actual drive-by shooting
10 itself, yes, sir, there was cameras across the
11 street from it.

12 Q. Okay. And so at that point, you did find
13 that -- shots fired at about 2:45 a.m. Does that
14 sound right?

15 A. Yes, sir.

16 Q. And then around that time, did you see some
17 activity on Devoe Drive?

18 A. Yes, sir.

19 Q. All right. Tell the judge what you -- you saw
20 and you -- and would've you have told the -- Judge
21 Benjamin what you saw on those videos?

22 A. So on the -- on the videos themselves that we
23 collected from houses directly across the street, as
24 well as the Shealy cam in the neighborhood, there's
25 a dark-in-color vehicle, presumably a Honda Accord.

1 But at this time in our investigation, we had a dark
2 in color vehicle that drives by the front of
3 Devoe -- the house on Devoe, comes to a slow steady
4 roll, and at that point is when the shooting
5 occurred.

6 Q. And so a black four-door sedan would've been a
7 car that would've been of great interest to you all?

8 A. That is correct. Yes, sir.

9 Q. And, of course, like you said, Tyjeria Prophet
10 indicated earlier that Troy Stevenson and Jamaree
11 Jeffcoat had arrived at Lucille in a black four-door
12 car. Did she not?

13 A. She did. Yes, sir.

14 Q. Tyjeria also mentioned that she thought Troy
15 was actually at the Lucille Drive house when it was
16 shot up, didn't she?

17 A. Yes, sir.

18 Q. So if we look at her interview, we could
19 probably, if we wanted to, go 1 hour, 14 minutes,
20 and 5 seconds into it and hear her say that because
21 you were talking with us. So that would've been yet
22 another thing that you would've had when you were
23 applying for this warrant seeking Facebook records
24 for ---

25 A. That's correct.

1 Q. --- Troy T'Major, who was the person who
2 commented, "On God," two hours after the shooting
3 when somebody said, "Karma's a bitch"?

4 A. That's correct. Yes, sir.

5 Q. So you've got a witness who admits to being
6 there during the fight at Lucille, right?

7 A. Yes, sir.

8 Q. That witness at least three times mentions that
9 Troy was there?

10 A. Yes, sir.

11 Q. That witness mentions Troy may have even been
12 there when the shooting happened. He was there
13 during the fighting, but maybe he was even there
14 during the shooting is what she thought?

15 A. Yes, sir.

16 Q. She mentions that Troy and Jamaree Jeffcoat
17 were good friends?

18 A. Yes, sir.

19 Q. She mentioned that Troy and Jamaree had arrived
20 to the house in a black four-door vehicle?

21 A. Together. Yes, sir.

22 Q. And at that same time you're applying for that
23 search warrant for Facebook, you would've seen on
24 video that there was a black four-door car that you
25 believe was involved with the drive-by on Devoe?

1 A. That is correct. Yes, sir.

2 Q. And we've got your affidavit here that -- are
3 you in the practice of providing supplemental oral
4 testimony outside of what you may have written in
5 your affidavit?

6 A. Yes, sir, I am. If there's a question or some
7 kind of clarity that needs to be provided to
8 whatever judge that I'm in front of, I'm more than
9 willing and happy to give further explanation if
10 more clarity is needed.

11 Q. And do you find that magistrates and maybe even
12 more so circuit court judges have some follow-up
13 questions for you ---

14 A. Yes, sir.

15 Q. --- if they find that your affidavit might be
16 skimpy to some degree?

17 A. Yes, sir.

18 Q. And do you usually show up with any kind of
19 files so you can answer questions or else have other
20 officers you can bring in or do you do your best to
21 answer those questions the best you can?

22 A. Yes, sir. I do my best to answer them as best
23 I can.

24 Q. Okay. Do you believe you did that or do you
25 remember doing that in this particular situation?

1 A. I do. Yes, sir.

2 Q. Okay. So do you remember -- were you privy to
3 a search warrant at Lucille Drive on April 16, 2021,
4 about 8:30 in the morning?

5 A. That's the search warrant that was executed on
6 Lucille Drive and for the purpose of collecting
7 forensic and physical evidence from the drive-by
8 shooting that occurred on Lucille the night of April
9 the 6th.

10 Q. So that shooting happened about 2:11 in the
11 morning on April 6th?

12 A. Yes, sir.

13 Q. And then they didn't even call that shooting in
14 until April 7th? Is that how you remember it?

15 A. That's correct. Yes, sir.

16 Q. Okay. Did they explain why they waited to call
17 it in?

18 A. It's my understanding that at the actual time
19 of the shooting, the homeowner, Ms. Barnes, was not
20 there. She was away for the evening as it may be.
21 And then upon her arrival home noticing her house
22 was shot up, she called and had it reported to the
23 city.

24 Q. But nobody else thought to call law enforcement
25 until later?

1 A. That's correct.

2 Q. But you guys show up there April 16th to, I
3 guess, try to get any kind of projectiles that
4 may've still been stuck in the walls of the house?

5 A. That is correct.

6 Q. And consent to search was given?

7 A. So the evidence was -- was executed on -- or
8 the search warrant was executed on the actual
9 physical evidence. There was a time where we did
10 seek a consent to search of the house. I believe it
11 was on April the 16th. And when we were there for
12 that, as well, we spoke with Mr. Stevenson who was
13 at the house at that time.

14 Q. Okay. And he gives you a phone number at that
15 time, doesn't he?

16 A. He does. He gives a phone number to Sergeant
17 Jordan.

18 Q. That's April 16th. He says, "My phone number
19 is 609-7220."

20 A. That's correct.

21 Q. Okay. And did you guys do some -- some
22 research on Troy Stevenson after that?

23 A. We did. We did some research to verify the
24 phone number that he provided to us on that scene
25 the day that we were there.

1 Q. Okay. And did you guys find that there was
2 another phone number he had been using very
3 recently?

4 A. Yes. We did, actually.

5 Q. Okay. And at this point, have y'all spoken
6 with Jalanda Tobias? My notes show April 9th.

7 A. That's correct. Yes. I interviewed and spoke
8 with Ms. Tobias for the better part of an hour and a
9 half, closer to two hours, on the 9th.

10 Q. Okay. And she too said that Troy Stevenson and
11 Jamaree Jeffcoat were friends?

12 A. That's correct. Yes, sir.

13 Q. She was actually dating Jalanda Jeffcoat, was
14 she not?

15 A. Jamaree Jeffcoat. Yes, sir.

16 Q. Oh, I'm sorry. Jamaree Jeffcoat and Jalanda
17 combined. Okay. So now when you go to Judge
18 Benjamin -- I'm sorry -- Judge Coble, that looks
19 like warrant was April 16th at about 4:23 p.m.

20 A. Yes, sir.

21 Q. Okay. So that's later on in the afternoon. In
22 the morning, we're searching Lucille and you said
23 there were some guns and some marijuana found?

24 A. That's correct.

25 Q. And then later that afternoon at 4:23 before

1 Judge Coble, looking for a search warrant on a
2 T-Mobile number 821-8321?

3 A. That's correct.

4 Q. Okay. And that -- that would be the number --
5 not the one he gave y'all when you asked him what
6 his phone number was, but one you had realized or
7 noticed that he was using?

8 A. Right. It was through our research, we found
9 it was another number that was recently associated
10 with Mr. Stevenson.

11 Q. Okay. And so this would've been the numbers
12 you're asking Judge Coble to grant you a search
13 warrant so you can get those records?

14 A. That is correct. Yes, sir.

15 Q. Okay. And, again, search warrant affidavit to
16 Judge Coble and he's got it, but it would be your
17 recollection that you would've provided additional
18 sworn oral testimony to sort of supplement what you
19 have in your affidavit?

20 A. With Judge -- with Judge Coble, I can't say
21 with certainty. I do know that if he -- like I had
22 testified to earlier, had there been questions that
23 needed to be asked, I most certainly would've
24 answered them in a -- in a truthful fashion.

25 Q. Okay. Well, do you think that if you had an

1 indication that that night, the night of the fight
2 at Lucille and the night of the shooting at Lucille,
3 if you had information from a witness that
4 Mr. Stevenson was there, do you think that would
5 have probably been something you would've indicated
6 to Judge Coble?

7 A. Yes, sir.

8 Q. Okay. And if you had the video footage from
9 some of the Ring doorbell cameras and whatnot that
10 show a black sedan on 209 Devoe right at the time of
11 the shooting of Devoe, coupled with the fact that
12 you had a witness saying, hey, Troy Stevenson was
13 driving a black car the night this happened, do you
14 think that would've probably been something you
15 would've indicated to Judge Coble?

16 A. Yes, sir.

17 Q. Okay. Anything else you can recall from asking
18 for either the T-Mobile search warrant or the
19 Facebook search warrant that I forgot to ask you
20 about?

21 A. Not to my direct knowledge at this moment. No,
22 sir.

23 MR. SCOTT: Okay. Thank you, Investigator
24 Oxendine. Answer any questions that defense may
25 have.

CROSS-PROFFER EXAMINATION

BY MS. ZMROCZEK:

Q. Investigator Oxendine, I want to make sure that I understood your testimony correctly. When you searched Lucille Drive on April 16th of 2021, was that done by consent or was it done by a search warrant?

A. So as I sit here and recall, it was actually done by both. Myself and Sergeant Jordan responded to Lucille Drive as a follow-up to the shooting that had occurred there on the 6th. That, again, wasn't reported until the 7th.

While we were there, we did encounter Mr. Stevenson who was outside. He was the sole and only occupant of the home at the time I believe. And so we -- and if I'm also not mistaken, I do believe we spoke with Ms. Barnes on the phone. I believe Sergeant Jordan may have spoken with her on the phone, but we received consent nonetheless of the person who was in control of that home who was listed as a resident of that home. We received consent to search that home to where we had found the items that you had mentioned, the firearm and the marijuana.

When we were inside the home is when we had

1 noticed the damage that had been caused due to the
2 drive-by shooting. It is -- knowing the severity in
3 which the case we were investigating at the time and
4 the connection the two potentially had, it was best
5 thought by us to seek out a search warrant for the
6 evidence -- for the recovery of the evidence for the
7 drive-by shooting if that makes sense.

8 Q. No. It doesn't.

9 A. It does -- it doesn't make sense?

10 Q. Well ---

11 A. So we go there as a follow-up because we know
12 something happened. Mr. Stevenson is there. We had
13 been told that there was a drive-by shooting that
14 was there. It wasn't reported until the after day
15 after. Mr. Stevenson is there. He gives us consent
16 to go in and search the home.

17 Q. Does he sign that consent?

18 A. Yes, ma'am, he does.

19 Q. Where is that signature?

20 A. It is right here (indicating) on a consent to
21 search form dated 4/16/2021, in the presence of
22 myself, Sergeant Jordan, and Captain Godfrey with
23 CSI.

24 Q. Okay. And where is the return for that?

25 A. So when we operate off of consent to search

1 forms, we normally will not fill out a return
2 because there's no judge to return a search warrant
3 to. It's based off of consent.

4 Q. Okay. So where are the pictures of those
5 items?

6 A. The pictures of those items may have been
7 retained with our CSI. Once we had them come in and
8 start to process the scene for the actual shooting
9 itself, they have may -- may have captured those
10 pictures, but I cannot tell you that for certainty.

11 Q. Okay. And so where is -- where is the -- well,
12 I'll get to that later. All right. So let's get
13 back to the reason why you're here. You swore on a
14 search warrant to Judge Benjamin on April 15th,
15 right?

16 A. Correct.

17 Q. And you swore under oath to the information --
18 information that you had, right?

19 A. Yes, ma'am.

20 Q. Okay. And I want to be real clear. So tell me
21 when you went -- and -- and, again, this is for
22 Judge Newman. You said you remember exactly what
23 she asked and exactly what she told you.

24 A. No. That's not correct. I don't remember
25 exactly what she asked me and exactly what I told

1 her.

2 Q. Okay. So tell me how that went. So you go
3 Judge Newman, and tell me how that -- how -- how the
4 whole thing transpires.

5 A. So, normally, at ---

6 Q. No, no, no. Not normally.

7 A. Can I finish?

8 Q. I want you to be specific.

9 A. Can I finish?

10 THE COURT: All right. We're going to ask the
11 question, and then he can answer it. And if there's
12 an objection after that, you can make it.

13 MS. ZMROCZEK: Okay. Go ahead.

14 THE WITNESS: It has been my experience that
15 when I go to visit a judge, whether it be a circuit
16 court judge or a magistrate judge, in regards to
17 seeking a search warrant, I'm sworn in. And
18 depending upon the judge, depends upon if they want
19 to ask me to give them what is in the affidavit in
20 my words or if they want to read the affidavit.

21 You're talking about something that happened
22 three -- three years ago now. Okay. I do not
23 recall whether she asked me to recite my affidavit
24 to her or if she sat in silence and read the
25 affidavit. I do know that I presented the -- the

1 search warrant to her for her signature, absent
2 knowledge of whether I verbally gave it to her or
3 she read the affidavit. I then awaited for any
4 questions that she may've had as it pertained to
5 clarity of the affidavit itself.

6 Q. Okay. And so if I can just make sure I
7 understand that you don't have any specifics of --
8 of if you told her anything outside of that warrant
9 or not?

10 A. If she asked me -- if she asked me a question
11 that I needed to be more specific with, then, yes, I
12 would've provided her with that information. If
13 you're asking me did she ask me a very specific
14 question, I don't recall.

15 Q. Did -- did she ask you a general question?

16 A. I mean, she -- I mean, how general are we
17 talking? I don't ---

18 Q. Did she ask you any questions?

19 A. Did she ask me any questions?

20 Q. Yes.

21 A. Again, if she did ask me any questions, I don't
22 recall specifically what they were.

23 Q. Okay. So then what we're left with is the
24 search warrant that you provided her, we know
25 that -- that she was provided that, correct?

1 A. That is correct.

2 Q. Okay. And so I want to talk about that search
3 warrant.

4 A. Okay.

5 Q. You would agree that the best practice is to
6 put as many facts to establish probable cause,
7 right?

8 A. Yes, ma'am.

9 Q. Okay. The -- I think you already testified you
10 don't have any notes. You didn't keep any notes to
11 refresh your recollection about the search warrant
12 to Judge Benjamin on April 15th, right?

13 A. I don't recall any specific questions. That's
14 correct.

15 Q. Okay. And that April 15th warrant was three
16 days after you had a conversation with Tyjeria
17 Prophet?

18 A. That is correct.

19 Q. Okay. But before that conversation on
20 April 12th, you had had other conversations with
21 people who had been at Lucille Drive that evening,
22 correct?

23 A. Yes, ma'am.

24 Q. And you had conversations with Tamira Jackson?

25 A. Okay.

1 Q. Yes?

2 A. Yes, ma'am.

3 Q. You had a conversation, and that was on 4/6 and
4 4/8. You had -- and so on 4 -- and so Tamira
5 Jackson, you met with her twice?

6 A. Yes, ma'am.

7 Q. And either time -- neither time did she say
8 Troy Stevenson was at that house?

9 A. Are you telling me or asking me?

10 Q. I'm asking you.

11 A. I don't recall her -- her bringing his name up.

12 Q. Okay. And, in fact, what -- what -- you put in
13 your affidavit to Judge Benjamin was that he was
14 present during both the fight and the shooting,
15 right?

16 A. Based on the statement from Ms. Prophet, yes,
17 ma'am.

18 Q. Right. But based on the statements from
19 Ms. Jackson, he was not there?

20 A. Okay.

21 Q. Right?

22 A. Okay. I don't know what to tell you.

23 Q. Okay. So -- so why didn't you tell that to
24 Judge Benjamin?

25 A. Because she didn't ask me.

1 Q. Okay.

2 A. So if I may? Often times, you know, and you
3 try not to get into too many scientific notions if
4 you will, but there are things called visual/audio
5 exclusion. There is, you know, people will omit or
6 forget or not recall information when they're
7 involved in a situation where their adrenaline is
8 pumping. You have to remember, Ms. Tamira Jackson
9 was the nucleus or part of a nucleus of a fight that
10 took place on Lucille. So, I mean, I could say that
11 those were products thereof her adrenalin. She may
12 not have known everybody who was there.

13 Q. Okay. So then when you swore out warrants on
14 4/7 and 4/8, specifically, on 4/8, to -- to
15 Judge Magistrate Edmond, and you put in that warrant
16 who was present at the house at Lucille, who pointed
17 guns, who -- and -- and -- and who was there, right?

18 A. Okay. I mean ---

19 Q. When you say "okay," are you agreeing with me?

20 A. Yes, ma'am.

21 Q. Okay. I'm sorry. So when you did that on the
22 8th, you hadn't talked to Ms. Prophet, right?

23 A. We spoke with Ms. Prophet in person on the
24 12th.

25 Q. Okay. And so on April 14th, when you swore out

1 a warrant in front of Judge Stroman for Mr. Benson's
2 cell phone, so that's after you talked with
3 Ms. Prophet, right?

4 A. Yes, ma'am.

5 Q. Okay. And in that affidavit, you swear out to
6 Judge Stroman about the altercation at Lucille and
7 who was there, and you don't mention anything about
8 Tyjeria Prophet in that affidavit, do you?

9 A. I -- I don't recall. I'm searching for that
10 affidavit now. You said it was on what date?

11 Q. That was April 14th.

12 A. Do you have the copy readily available you can
13 hand me, ma'am, to prevent me from flipping through
14 all of these?

15 MS. ZMROCZEK: Your Honor, it's Tab No. 8.

16 THE WITNESS: Thank you.

17 MS. ZMROCZEK: Certainly.

18 THE WITNESS: Okay.

19 BY MS. ZMROCZEK:

20 Q. Okay. So you -- you looked at that affidavit
21 that you swore to Magistrate Stroman?

22 A. Yes, ma'am.

23 Q. Two days after talking with Tyjeria Prophet?

24 A. Okay.

25 Q. And is there a strategic reason that you didn't

1 think that the magistrate should know what Tyjeria
2 Prophet said?

3 A. No, ma'am. There's not.

4 Q. So you just admitted that -- omitted that fact?

5 A. I wouldn't say that I omitted that fact.

6 Q. Okay.

7 A. Based on her statement, again, going back to
8 the original search warrant which is in question,
9 the Facebook search warrant, based on her
10 understanding of what took place as a witness, not
11 as a party to any kind of fight or anything, but as
12 a witness, she stated that Troy Stevenson was there.

13 Q. Okay.

14 A. So -- and what you're asking here, the line is
15 at home when this occurred, was the homeowner and
16 her son, Troy Stevenson, based off of what we
17 obtained from Ms. Prophet.

18 Q. Right. But why did you omit to ---

19 A. There wasn't a reason why.

20 THE COURT: Let her finish the question.

21 THE WITNESS: I apologize. I'm sorry.

22 BY MS. ZMROCZEK:

23 Q. Why did you omit to Judge Benjamin that the
24 per -- that a person involved in the fight, whether
25 or not she may or may not have been excited, did not

1 list, in fact, never mentioned Troy Stevenson's
2 name? Why did you omit that?

3 A. I didn't omit it.

4 Q. Did you tell it to Judge Benjamin?

5 A. No, ma'am. But it wasn't purposely and it
6 wasn't omitted.

7 Q. Well ---

8 A. So the affidavit -- the affidavit for the
9 search warrant for Facebook, okay, was on the
10 grounds that we had uncovered Mr. Stevenson's
11 Facebook page. We had testimony or we had a witness
12 statement given to us that he was present at the
13 scene.

14 Based on her statement and our research of his
15 public social media account, found this post that he
16 made, thus raising our suspicions of his involvement
17 in the case; therefore, obtaining a search warrant
18 to dig and find if there's any other information
19 within his Facebook that would either implicate or
20 exonerate him of this -- of this case.

21 Q. Right. Is there a reason that you did not tell
22 Judge Benjamin that prior to -- to swearing out that
23 warrant in front of her, that affidavit, that you
24 had spoken to the person that created that Facebook
25 post. And that person, Mr. Benson, told you that

1 didn't have -- it had to do with a girl?

2 A. It did have to do with a girl.

3 Q. Okay.

4 A. Ms. Jackson and Ms. Tobias, they fought.

5 Q. Okay. I just want to be real, real clear.

6 Your testimony is that when Mr. Benson told you that
7 that -- that that Karma is a "b" ---

8 A. Correct.

9 Q. --- had to deal with a girl.

10 A. Correct.

11 Q. It's your testimony that your understanding was
12 that those girls were Tamira and ---

13 A. It's my understanding, of his response, that he
14 is -- was more -- give me just a moment. Let me --
15 I want to make sure I phrase this correctly. I
16 apologize. That he was not being honest with us. I
17 never interviewed Mr. Benson.

18 Q. You didn't interview Mr. Benson?

19 A. I don't believe. I may have been in the room.
20 I don't recall if I was in the room, but I was not
21 the person who actually interviewed and spoke with
22 Mr. Benson. I'd have to -- I mean, again, you're
23 talking three, four years ago. I'd have to go back
24 and refresh my memory with that interview. But if
25 he made the claim -- if he made the claim that it

1 was about a girl, then, I mean, that's his claim
2 it's about a girl.

3 Q. Okay. I'm going to hand you back the affidavit
4 you swore out to Judge Stroman, Number 8.

5 A. Yes, ma'am.

6 Q. Okay. And on 4/14, the day before this, you
7 swore under oath to Judge Stroman that Mr. Benson
8 said his post was over an incident that already
9 occurred; however, the post and response to it from
10 Troy who was at the fight moments after the
11 shooting.

12 A. Where is that at?

13 Q. (Indicating.)

14 A. The post was over an incident that already
15 occurred; however, the post and response to it from
16 Troy Stevenson who was at the fight. Okay.

17 Q. Okay. So is there a reason that you did not
18 tell Judge Benjamin that that post had to do with an
19 incident that had already occurred?

20 A. If she asked me that question, I would've
21 supplemented the answer with what we were
22 investigating and why that particular post was of
23 interest to us. Yes, ma'am.

24 Q. Right. But you don't know if she asked you
25 that question?

1 A. I -- I can't say for certain. No, ma'am.

2 Q. Okay. And then -- and you didn't put that fact
3 in -- in your affidavit, at least, that that post
4 had to do with a different incident?

5 A. So I had -- just so I can understand. You're
6 asking me if I supplemented letting Judge Benjamin
7 know what Mr. Benson told us; is that correct?

8 Q. (A) I'm asking if you supplemented it, which
9 you don't remember.

10 A. I don't recall.

11 Q. And (B) I'm asking why didn't you put it in
12 the ---

13 A. In the actual narrative?

14 Q. --- in the actual narrative when you had put it
15 in the actual narrative the day before in the
16 affidavit to Judge Stroman?

17 A. The only -- the only thing that I can provide
18 to you with that, ma'am, is that there were two
19 search warrants obtaining information from two
20 different sources. And at the time when I was
21 seeking these search warrants to be signed, I had
22 not fully connected the dots just yet.

23 Q. Okay. So when you go to seek search warrants
24 for certain information, you swear out facts so that
25 you can get that information? You don't want to

1 provide the judge all the information you know at
2 that time?

3 A. I mean, I provide as much information that I
4 know at the time there to be.

5 Q. But you didn't because you didn't provide
6 information about Mr. Benson and what he had said
7 about that post, which was the whole basis to get
8 the Facebook search warrant.

9 A. Give me just one moment. I'm looking for --
10 for times. In the search warrant to Judge Stroman,
11 you had a line that was highlighted that said
12 "investigators." We -- when we investigate
13 homicides like this, ma'am, we work as a team. So
14 while I may be the lead investigator, and, yes, I
15 should be in the know of everything, there are other
16 investigators who are working on the case just as
17 hard and just as diligently as I am.

18 Now, I don't -- I don't have in front of me the
19 times exact that these two search warrants were
20 signed. I don't know how far apart they were
21 signed. I don't know how far apart the judge or
22 the -- I -- without having those times, I can't
23 provide you with a clear answer.

24 Q. Okay. But you do know ---

25 A. I do -- but I can tell you that it was not done

1 maliciously, purposely, or with any type of trying
2 to pull an "okie doke" on someone if you will.

3 Q. Okay. But -- but that's not my question. My
4 question is: You were the person who swore under
5 oath to both magistrates ---

6 A. Yes, ma'am.

7 Q. --- to Magistrate Stroman and Judge Benjamin?

8 A. My name's on the warrant. Yes, ma'am.

9 Q. Okay. And you were the one who chose to
10 include bits and pieces of information that -- and
11 you did not provide all of the information saying
12 that there were conflicting stories, correct?

13 A. I included the information in the affidavit as
14 I knew it to be at the time when I took the warrant
15 to have the magistrate or judge to sign it.

16 Q. But if you knew the information on 4/14, how
17 did you not know the information on 4/15?

18 A. Again, they were search warrants seeking
19 different information from two different sources.
20 Best I can offer you, ma'am, is the affidavit -- the
21 affidavit and the search warrant was written to
22 obtain information in question for that search
23 warrant.

24 Q. Okay. Let's go to the search warrant, same
25 day, April 15th ---

1 A. Yes, ma'am.

2 Q. --- same day ---

3 A. Yes, ma'am.

4 Q. --- for T-Mobile records ---

5 A. Yes, ma'am.

6 Q. --- to Magistrate Coble at the time, right?

7 A. Yes, ma'am.

8 Q. Okay. On that -- on that affidavit on the same
9 day, you swore out that this occurred on April 4th,
10 right?

11 A. Yes, ma'am.

12 Q. And that's not true?

13 A. It's a clerical error on my part.

14 MR. SCOTT: I may be wrong, but I've got
15 April 16th as far as the search warrant.

16 THE COURT: All right. Anyway, we're going to
17 take a short recess. Do not discuss your testimony.
18 You can step down and use the restroom. We'll take
19 a ten-minute break.

20 (From 4:36 to 4:47 p.m., recess.)

21 MS. ZMROCZEK: And, Your Honor -- Your Honor,
22 just while we're waiting for the witness to get back
23 on. I just -- I want to make this a Court's exhibit
24 also. This deals with something that was stated by
25 the solicitor earlier where he said there wasn't

1 even a K-9 there. So I pulled the report that says
2 at approximately 4:35 p.m., K-9 Caughman arrived on
3 scene at approximately 4:55 for an article search
4 with negative results. So I just -- I need to make
5 that a Court's exhibit because it was ---

6 THE COURT: Court's Exhibit 3.

7 MS. ZMROCZEK: Thank you.

8 (Court's Exhibit No. 3 was received in
9 evidence.)

10 THE COURT: Did you see that? You got this,
11 Scott?

12 MR. SCOTT: I do. I'm fine, Your Honor. Thank
13 you.

14 THE COURT: All right.

15 BY MS. ZMROCZEK:

16 Q. All right. I kind of want to speed up,
17 Mr. Oxendine. So I want to -- I guess the main
18 question is, when you swear out -- when you swear
19 out warrants, search warrants in particular, you
20 want to make sure that the information you have is
21 as truthful as you understand, right?

22 A. Yes, ma'am.

23 Q. And if there's information that's conflicting
24 with other information you have, you want to make
25 sure that you present -- you present that to the

1 magistrate so that they can determine if -- if
2 there's probable cause based on all of the facts.
3 Would you agree with that?

4 A. Yes, ma'am.

5 Q. Okay. So when you swore out the search warrant
6 for Lucille Drive, right? And I'm not trying to
7 trick you. I'll hand you a copy so you don't have
8 to search through yours. Was that yours? Did you
9 swear that out?

10 A. It appears to be my signature. Yes, ma'am.

11 Q. Okay. And that was for Lucille Drive on
12 April 16th, right?

13 A. Yes.

14 Q. Why did you not tell the magistrate that you
15 had already had consent to search and found a gun
16 and drugs? Why did you leave that out?

17 A. Again, because this particular warrant was for
18 physical evidence, forensic -- forensic evidence.
19 Okay. That was the purpose of this warrant. The
20 other was located based on a consent to search.

21 Q. Okay.

22 A. At the time I did not feel that was -- that the
23 gun that we recovered and the marijuana was
24 pertinent to the collection of the evidence as that
25 search warrant specifically indicates the bullet

1 holes that were in the wall of the home on Lucille.

2 Q. Okay. And so we were -- when we took a break,
3 I was asking about the search warrant that -- for
4 the T-Mobile records. And even though it is signed
5 by the magistrate on the 16th, you typed it out on
6 the 15th, correct?

7 A. Yes, ma'am. The cover page does say the 15th.

8 Q. Okay. And you weren't -- you were in -- you
9 were not in a hurry?

10 A. I -- I -- I don't ---

11 Q. You wanted to make sure that the information
12 you put in was accurate?

13 A. I mean, I -- I wanted to make sure -- yeah,
14 because I wanted to make sure that the information
15 was correct. It was correct and accurate to my best
16 ability now.

17 Q. Okay. And so that was the same day -- so --
18 but in that warrant when you were trying to get
19 T-Mobile records, you talk about -- you -- you swore
20 out that Ms. Jackson provided you a bunch of
21 information, right? To get the T-Mobile records,
22 you put in that affidavit on April 15th, the same
23 day that you typed out the affidavit for Judge
24 Benjamin, you put in different information, right?
25 You didn't put anything in that affidavit about

1 Tyjeria. You only put information about
2 Ms. Jackson?

3 A. I'm reading through. Give me just one moment.
4 I'm not doubting you. I just want to -- okay. I
5 see it. Yes, ma'am.

6 Q. Right?

7 A. Yes, ma'am.

8 Q. And you -- and for the T-Mobile records, you
9 put and swore out that affidavit that Stevenson had
10 a violent history, right?

11 A. "Due to Stevenson's violent history and direct
12 knowledge of the fight and shooting and the parties
13 involved."

14 Q. Okay. Troy had -- what violent history?

15 A. Ma'am, the best I can state to my knowledge
16 based on this is once Mr. Stevenson became a person
17 of interest is when I came to find that he had been
18 involved in other shootings and incidents of the
19 like.

20 Q. When was that?

21 A. It's been years. I don't ---

22 Q. Are you talking about the bakery murder?

23 A. Yes, ma'am.

24 Q. Okay. Where he was acquitted?

25 A. I -- I -- I ---

1 Q. Yes or no?

2 A. Yes, ma'am.

3 Q. Okay. So even though you believed it was a
4 violent history, the jury did not believe that. So
5 that is not a true statement, correct? He had no
6 criminal history as an adult when you typed out that
7 warrant, correct?

8 A. I don't know what his criminal history would've
9 shown at the time I typed that. I mean, I -- we
10 have methods and means to run criminal histories.
11 Yes.

12 Q. Okay. And -- and on the same day that you told
13 Judge Benjamin in your written affidavit that --
14 that Stevenson was present, you typed out a warrant
15 that you swore out the next day -- that you swore to
16 the next day that stated something completely
17 different being that not that he was there, but that
18 he had knowledge or he may have -- not even had
19 knowledge. May have knowledge, right? That's what
20 you said?

21 A. I said Stevenson has knowledge of the fight and
22 the drive-by shooting.

23 Q. Okay. Not that Stevenson was present for the
24 drive-by shooting and the fight. You didn't -- you
25 didn't say that, right?

1 A. Not in the search warrant. No, ma'am.

2 Q. Okay. But you -- but you -- but you typed it
3 out the very same day that you swore that to Judge
4 Benjamin. So you swore to two different judges one
5 day after the next, but you typed the warrants on
6 the same day and you told them two different pieces
7 of information, correct?

8 A. I mean, I think if you're going by the verbiage
9 in the -- in the actual narrative, no, the verbiage
10 does not match the other narrative. Knowledge is
11 present. You can be present and have knowledge.
12 You cannot be present and have knowledge.

13 Q. But that's not what you said.

14 A. We were told -- we were told that he was
15 present and that was one search warrant that ---

16 Q. Then why didn't you tell that to Judge Coble?

17 A. In here, it says that Stevenson has knowledge
18 of the fight and drive-by shooting.

19 Q. Right.

20 A. Knowledge -- okay.

21 Q. Right. But the one to Judge Benjamin says he
22 was present for the fight and the drive-by shooting.
23 You would agree with me that those are two different
24 statements?

25 A. Yes, ma'am.

1 Q. Okay. Thank you. And then lastly, on the
2 search warrant number 13 dated April 16th, also
3 signed April 16th for Verizon records, same thing.
4 Violent history, right, which you don't have any
5 documentation of, except for the acquittal from the
6 bakery, right?

7 A. Yes, ma'am.

8 Q. Okay. And that he -- direct knowledge of the
9 fight, shooting, and parties involved. Not was
10 present for the fight and the drive-by shooting,
11 right?

12 A. (No response.)

13 MS. ZMROCZEK: Your Honor, those are all the
14 questions I have.

15 THE COURT: Okay. Any follow-up?

16 MR. SCOTT: No, Your Honor. Just argument.

17 THE COURT: All right. Thank you, Investigator
18 Oxendine.

19 (Witness excused.)

20 THE COURT: All right. Yes, ma'am.

21 Ms. Zmroczek.

22 MS. ZMROCZEK: Thank you. Your Honor, I'm
23 sorry, but I wrote out my argument during the break.
24 And I won't read it too fast because I know she has
25 to type.

1 But, Your Honor, probable cause to believe
2 supported by evidence that a crime is being or will
3 be committed in a given section. What to tell the
4 magistrate, specifically the facts in this case.
5 The fact as to this person -- how this person became
6 a suspect in this case. He relied on Ms. Jackson
7 and he relied on Ms. Prophet. Both said two
8 different things. And that was not presented to any
9 of the magistrates. It was presented one way to one
10 magis -- to one judge, and a different way to a
11 different magistrate. There's been no testimony
12 that he said he -- if she asked questions, he may
13 have filled in the blanks. He has no independent
14 recollection of answering her questions or questions
15 regarding the T-Mobile and the Verizon.

16 There was -- when asked if there was a
17 strategic reason, he just said, no, he didn't omit
18 the facts, but clearly they were not -- they were
19 not in there. There's no independent source of
20 knowledge that bases his assumption. What he is
21 doing is tailoring information he swears out in
22 front of a judge to get a search warrant, and that's
23 not the purpose.

24 *State v. Baccus*, 625 S.E.2.d 216. Failing to
25 establish probable cause is a reason to suppress the

1 search warrant and the evidence therein. There --
2 if you look at the four corners of these -- all of
3 these affidavits, Your Honor, just at the four
4 corners, what we see is boilerplate language adding
5 facts where they seem to fit what he would like
6 to -- he, the officer, would like to get. It is --
7 the information is not reliable.

8 And -- and even if it wasn't, even if we had to
9 believe one or the other, in order for a magistrate
10 who's neutral and detached or a judge who is both
11 neutral and detached to make that determination, the
12 rules state, provide all the facts and then let them
13 make the determination.

14 The purpose of suppression is deterrence. It
15 deters violating people's rights. Your Honor, we
16 would seek to suppress the Facebook information and
17 the two phone warrants.

18 THE COURT: Thank you.

19 MR. SCOTT: Your Honor, the -- I'll do them one
20 at a time, but the search warrant, the Facebook was
21 April 15, 2021. That was sworn before Judge
22 Benjamin. At that date where we talk about, he
23 would've spoken already with Jalanda Tobias.
24 Jalanda Tobias would've been one of the people
25 engaged in the fight at Lucille Drive.

1 Jalanda Tobias indicated that Jamaree Jeffcoat
2 and Troy Stevenson were good friends. Jamaree
3 Jeffcoat, if you'll remember, is the person who hit
4 another individual in the head with a trim bottle,
5 which kind of gets things -- the ball rolling and
6 somebody who's involved with that fight. Jalanda
7 and Jamaree are involved in the fight. You have
8 Jalanda who is there saying that Troy Stevenson and
9 Jamaree Jeffcoat were good friends.

10 April 12th, three days before he's swearing out
11 this search warrant for the Facebook information, he
12 speaks with Tyjeria Prophet. Tyjeria Prophet, too,
13 indicated she was there when the fight happened at
14 Lucille Drive. She gave information to law
15 enforcement, specifically Adam Oxendine, that
16 Lucille Drive was Troy Stevenson's house, that
17 Lucille Drive was the place where the fight took
18 place that night, that Troy Stevenson was at Lucille
19 Drive when the fight took place, that Troy Stevenson
20 pulled up with Jamaree Jeffcoat in a black four-door
21 car, and that she believed Troy Stevenson was there
22 when the house was actually shot up. So she
23 believed he was there or she saw him there, she
24 testified to -- spoke to in the interrogation, that
25 he was there during the fight. She believed he was

1 there later when the shooting happened at the house.

2 At the time they're swearing out this affidavit
3 to Judge Benjamin, officers would've had video
4 surveillance that had a black four-door car on Devoe
5 Drive at the time the shooting took place at Devoe
6 Drive. They had, of course, Court's Exhibit, I
7 believe it's No. 2, the Facebook posting.

8 So the defense made a lot of hay of, well, you
9 know, the person who posted "Karma's a bitch," it
10 was about a girl. And so, you know, we should just
11 discount it wholly. Well, we don't really -- we're
12 not so concerned of what that post was talking about
13 when he says "Karma's a bitch." We should be
14 concerned when Troy Stevenson, about two hours after
15 the shooting, endorsing that statement.

16 You know, so he -- we don't -- Troy Stevenson
17 doesn't need to know what Donnell Benson meant about
18 Karma's a bitch. You know, it's kind of like if I
19 post -- and I don't have Facebook, but I assume it
20 works like this. If I say, I got my gun and I hope
21 to kill something today. And Troy Stevenson says,
22 yeah, me too. And they come talk to me and I say,
23 man, I was talking about going deer hunting. Well,
24 it's not so much what I meant by my original post.
25 It's that he's out there endorsing it two hours

1 after a house gets shot up. Two hours after his
2 mother's house gets shot up. I'm not so concerned
3 with Donnell Benson saying it was over a female.
4 Law enforcement, as most people would be, are
5 concerned with him endorsing that comment two hours
6 after his mother's house is shot up. A little bit
7 over two hours after -- or Devoe Drive is shot up.

8 So all of this, Judge, is taken into account.
9 That's the Facebook. And really the argument is
10 pretty much the same for the T-Mobile search warrant
11 that Oxendine swore out in front of Your Honor April
12 16th about 4:25 p.m. At that point, he's got the
13 additional information from the search warrant at
14 Lucille, which happened earlier that morning.

15 He now has the additional information that Troy
16 Stevenson is telling officers that his phone number
17 is 609-7220. And they're discovering, well, you
18 know, he's using a different number recently. They
19 find a gun at Lucille Drive. And, of course, this
20 case involves a firearm. They've already got that
21 Facebook post we're talking about. And then, you --
22 you know, he's got the same information he would
23 have for the Facebook search warrant.

24 Judge, I understand he was acquitted, but --
25 but being acquitted by a jury, it -- it doesn't

1 always equal innocence. So that just means a jury
2 was not convinced that the State proved the case
3 beyond a reasonable doubt. So if Oxendine still
4 believes that Troy Stevenson has violent tendencies,
5 of course, a lot of testimony, I wasn't here, but I
6 believe it came out that he was present when a woman
7 was murdered. So that's certainly -- I don't know
8 who would consider that a violent history or some
9 kind of history that touches on violence.

10 There was a case that came out last week, *State*
11 *v. Crumme*y, Judge, and I -- this was a case that
12 sort of tracks what we're here for today, but it's
13 an appellate case. Your Honor, may have the advance
14 sheets from last week, but it's Appellate Case No.
15 2020-000537. I'm even just looking down here on
16 page 22, Your Honor, noted at the bottom, 22. "A
17 warrant is supported by probable cause if given the
18 totality of the circumstances set forth in the
19 affidavit. There is a fair probability that
20 contraband or evidence of a crime will be found in a
21 particular case."

22 They note, "Our task is decided when the
23 magistrate has a substantial basis for concluding
24 probable cause." Of course, in our case it's the
25 circuit court judge had a substantial basis for

1 concluding that probable cause existed. "The State
2 determined probable cause does not import absolute
3 certainty. Rather, in determining whether a search
4 warrant should be issued, magistrates or circuit
5 court judges are concerned with probabilities and
6 not certainties."

7 So is it probable you'll find something of
8 value in T-Mobile records and Facebook records of
9 somebody who -- information you're given is that he
10 was there when his mother's house got shot up.
11 Information is given that he arrived in a black
12 four-door car with somebody who was involved in the
13 fight. You've got information that a black car was
14 involved in the shooting at Devoe. You've got him
15 endorsing Facebook posts talking about "karma's a
16 bitch" about two hours after this killing and
17 coupled with -- with -- whether -- when a jury said
18 here and there what you determined to be a history
19 of violence. And you've got a gun being found at a
20 location that he lives. And then you've got him
21 giving a phone number, but turns out he had a
22 different phone number recently.

23 I should say that there was a high probability
24 that -- that evidence of value would be found in his
25 phone records and in his Facebook post.

1 Specifically, since the Facebook is the medium he
2 uses to endorse in the "karma is a bitch."

3 As to the validity of the search warrant, we
4 have noted magistrates determination of probable
5 cause to search is entitled to substantial
6 difference on the view.

7 We heard from Investigator Oxendine. He is of
8 the practice that he does supplement his affidavit
9 with sworn oral testimony. And he says it's his
10 experience that, you know, a substantial portion of
11 the times he's before a magistrate or a circuit
12 court judge, they have follow-up questions that --
13 that he answers.

14 Now, upon cross-examination, he admitted, I
15 don't remember specifically what was asked. I don't
16 remember specifically what additional oral sworn
17 testimony that the circuit court judge needed before
18 they swore this out, but I was prepared to give it
19 to them had they asked.

20 In this case here, this Crummey, they talk
21 about the detective in this case. And he admitted
22 he did not remember the specific questions Judge
23 Steinburg asked him when he requested the warrants.

24 And so we have a case here that seems to be on
25 point. And just what we have, I think, Judge, what

1 I've -- what I've laid out is his connection to
2 Lucille Drive. Witnesses saying he was there.
3 Witnesses saying he was there with somebody engaged
4 in a fight. Witnesses say that he arrived in a
5 black four-door sedan. Video surveillance that puts
6 a black four-door sedan at the killing, the shooting
7 in question at Devoe.

8 Again, you know, maybe he had some other reason
9 to reply to that Facebook post, but the timing is --
10 is, oh, so relevant and does -- does make it highly
11 compelling. And -- and I -- and I think that with
12 all of that taken into a whole, I believe that
13 probable cause certainly was established with these
14 search warrants.

15 THE COURT: All right.

16 MS. ZMROCZEK: Just very briefly, very briefly,
17 Your Honor, a few things. The -- the -- the violent
18 history. Here's where we are: They were mad that
19 he was acquitted. Okay. That's what it is. And
20 like he -- he -- everybody said, even -- even the
21 Solicitor. Oh, well, maybe the jury got it wrong or
22 they just didn't prove. Your Honor, that is
23 deliberately false. That's -- that's what he was
24 talking about. He talks about looking at the
25 totality of the circumstances. That's why I handed

1 you all the warrants because if you look at the
2 evidence that is provided in each different search
3 warrant sworn by Oxendine, that is, Your Honor, what
4 is the totality of the circumstances, meaning that
5 they are just trying to pick and choose information
6 instead of telling the magistrate or the judge
7 specific facts.

8 There is -- when you swear -- failing to --
9 Your Honor, what they're doing is they are picking
10 and choosing what information without adding facts.
11 The reason that they found Crummey's search warrant
12 to be -- to establish probable cause is because the
13 victim -- one of the victims in that case picked him
14 out of a lineup. Saw him on Facebook. Okay. And
15 there wasn't any other witnesses that said, oh, he
16 wasn't there. Oh, it was somebody else. That's the
17 totality of the circumstances.

18 What we have here, the totality of the
19 circumstances, is that we have different people
20 saying different things, and a magistrate is not
21 supposed to be a rubber stamp. Frankly, been
22 extended to include situations where exculpatory
23 information is excluded from the warrant and that is
24 a reason for suppression.

25 Your Honor, I know that you have a lot to

1 consider in this and so, obviously, you know, we
2 will allow you to do that, but -- but our great
3 concern is that -- is that if you take out the parts
4 of the search warrant that -- that are false that
5 aren't true, does that rise to the level of probable
6 cause? No. What you have is a bunch of conclusory
7 statements that do not provide the magistrate or the
8 judge the proper information in order for her to be
9 able -- him or her to -- to be able to do their job.
10 That's all we have to say.

11 THE COURT: All right. Thank you. And I'm
12 going to take this under advisement, but just to be
13 clear on the record about what I am considering the
14 legal analysis of this since I was the judge on two
15 of these search warrants, that Ms. Zmroczek is
16 through her argument saying written motion has
17 challenged this under a Franks violation. Not
18 necessarily just a probable cause, but under the
19 Franks violation, which requires two prongs. It
20 must be more than the conclusory statements and
21 arguments and not just mere desire to cross-examine.
22 The allegations must be that there was a deliberate
23 falsehood or reckless disregard for the truth --
24 truth and that must be accompanied by proof, which
25 the defense has the burden of the preponderance of

1 the evidence to get to that point. And assuming
2 there is that falsity as Ms. Zmroczek indicated,
3 again, you scratch out whatever is false and
4 misleading and see what's left. We're at the first
5 part of the disregard the truth; the falsities; the
6 intention.

7 And, additionally, South Carolina, it can also
8 just be that facts were omitted with the intent.
9 You know, intent either intentionally did it or with
10 a reckless disregard of omitting those facts. And
11 those facts need to be of some type of exculpatory
12 or significance material when making that analysis.

13 I want to make it clear that the -- whoever the
14 judge is of these search warrants, whether it's
15 Judge Benjamin, myself, Judge Stroman, is completely
16 irrelevant because the issue that -- only time that
17 becomes relevant is if there is oral testimony and
18 that that is being used to supplement the search
19 warrants that are facially insufficient.

20 There's no indication here -- first off,
21 Oxendine testified that he doesn't recall anything
22 about it. And especially with my search warrants,
23 there was no indication, no testimony about what I
24 did or said or didn't do, so it's completely
25 irrelevant about what the judge -- who the judge is,

1 what they thought. Anything is irrelevant. There's
2 been no subpoena from the defense for the judge to
3 testify. Wasn't subpoenaed to be here. There's not
4 an issue about that.

5 And as an example, if Ms. Zmroczek tried to
6 have Judge Benjamin testify, I would've declined
7 because it's completely unnecessary for the purposes
8 of this issue. So the judge is irrelevant. It's
9 the defense needs to prove by a preponderance of the
10 evidence that, as stated earlier, the false
11 statements, the reckless disregard for the omission.
12 And so I'm going to consider everything I've heard
13 today about these, and then I'll make a ruling
14 tomorrow on this one and all the other ones.

15 All right. The last motion, we need
16 Investigator Jordan for that. Put him under oath
17 and ask about the *Jackson v. Denno*. Let's do that
18 quickly. This is in regards to the search warrant
19 where they were saying it was consent, and so let's
20 hear some testimony about that.

21 THE CLERK: Place your left hand on the Bible.

22 THE WITNESS: (Complying.)

23 THE CLERK: Do you swear or affirm that the
24 testimony you're about to give in this case will be
25 the truth, the whole truth, and nothing but the

1 truth so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Thank you. Please have a seat in
4 the witness box and state your full name for the
5 record.

6 THE WITNESS: Taima Jordan.

7 INVESTIGATOR JORDAN,
8 having been produced and first duly sworn as a
9 witness on behalf of the State, testified as
10 follows:

11 PROFFER EXAMINATION

12 BY MR. SCOTT:

13 Q. Investigator Jordan, April 16th of 2021, did
14 you have the occasion to respond to 2849 Lucille
15 Drive?

16 A. Yes, I did.

17 Q. Okay. And what was the purpose of responding
18 to that location?

19 A. Forensic evidence regarding a shooting at the
20 residence.

21 Q. Okay. That had happened April 6th?

22 A. Correct.

23 Q. Okay. Do you remember -- when you arrived, do
24 you remember who was there at the location?

25 A. Mr. Stevenson.

1 Q. Okay. At that point, were you seeking to --
2 let me see. At that point, April 16th, were you
3 still investigating, as well, the shooting that
4 happened at Devoe Drive?

5 A. Yes, we were.

6 Q. Okay. So you had kind of a joint investigation
7 of 2849 Lucille, but also 209 Devoe?

8 A. That's correct.

9 Q. Okay. But your reason for being at 2849
10 Lucille was to search the premises?

11 A. That's correct.

12 Q. Okay. And -- well, what was the thrust of it?
13 Was it to investigate that house being the target of
14 a shooting or -- or whether it might have evidence
15 that would tie somebody there to the shooting at
16 Devoe or can you say?

17 A. Can't say.

18 Q. Okay. Well, did you expect to take pictures
19 and collect evidence regarding that particular
20 residence being shot up?

21 A. Yes.

22 Q. Okay. And did you all, in fact, take pictures
23 on that occasion?

24 A. Yes. CSI did.

25 Q. Okay. And do -- to your knowledge, did they

1 collect projectiles or anything like that?

2 A. I think they did.

3 Q. Okay. So when you arrived, was Troy Stevenson
4 there?

5 A. Yes, he was.

6 Q. Do you recall anyone else being there?

7 A. I do not.

8 Q. Okay. Did you attempt -- did you know he was
9 going to be there when you showed up there?

10 A. No.

11 Q. And did you attempt to question him about 209
12 Devoe or anything like that?

13 A. No.

14 Q. Okay. Did he ask for his attorney to be there
15 whenever you guys were taking pictures and searching
16 Lucille?

17 A. No. I don't think he had a reason to. He
18 wasn't a suspect or in custody or anything of that
19 nature. We had just pulled a forensic to search.

20 Q. And did you -- did he list that as his address,
21 2849 Lucille? Did you have reason to believe that
22 was his home address?

23 A. I would think he told me that, but I can't
24 recall that.

25 Q. He gave consent for you guys to search, didn't

1 he?

2 A. Yes, he did.

3 Q. Okay. So I guess, presumably, y'all would've
4 asked him, like, he would've had some basis for
5 giving y'all consent?

6 A. Correct. Correct.

7 Q. Okay. Well, tell the judge kind of like
8 generally what you and Mr. Stevenson talked about?

9 A. So we were outside talking, leaning up against
10 a car. We was talking about just like different
11 subjects. And I think I asked him if he a job, and
12 he said no. I have a contact with Midlands
13 Fatherhood Coalition who helps people get jobs, so I
14 told him I could get in contact with that particular
15 person, which I did. And I asked for his phone
16 number to give to the person for the Fatherhood
17 Coalition. I gave him that person's phone number
18 and so they can link up and they agreed, I guess,
19 for him to come in, I think, that following week or
20 the following day actually.

21 Q. Okay. So you did -- you, actually, followed-up
22 trying to help him out with a job or do you
23 remember?

24 A. Yes. I made contact with that person. He said
25 that he never called.

1 Q. He never called. But that was -- that was why
2 he gave you his phone number on that occasion?
3 Basically, small talk with you trying to get him a
4 job and ---

5 A. Correct.

6 Q. --- a contact number? Do you remember did he
7 say anything about else about the phone number at
8 that time?

9 A. I do not.

10 Q. And then do you remember later on when you had
11 gathered more evidence that you brought him in on
12 May 12, 2021, for an interview at the sheriff's
13 department?

14 A. Yes.

15 Q. And then how do these questioning sessions
16 normally take place? I mean, when it starts off, do
17 you jump right into questions or do you try to get
18 some background information? How does that work?

19 A. Background information before, so it's not just
20 going straight into what happened.

21 Q. Okay. So, generally, what kind of questions
22 would you ask him when you sit down?

23 A. Where he grew up at. Siblings. What school he
24 attended. Numerous things like ---

25 Q. Education level?

1 A. Education level. Right.

2 Q. Home address?

3 A. Yes.

4 Q. Okay. And you asked him or he tells you he has
5 an iPhone 6-E and he gives you the phone number. He
6 was detained at this point, correct?

7 A. Yes.

8 Q. Okay. And you asked him these questions before
9 you Mirandized him; is that correct?

10 A. That's correct.

11 Q. Were you hoping to gain some kind of
12 information that you could use to prosecute him or
13 link him to a killing, or was this general kind of,
14 what I'm calling, biographical background-type
15 information?

16 A. General information.

17 Q. And this is what you normally do in any
18 interrogation; is that true?

19 A. That's correct.

20 Q. Okay. So he -- he offers that he has an iPhone
21 6-E or some model iPhone, and he offers that his
22 phone number is 609-7220?

23 A. Correct.

24 Q. Is that what you remember?

25 A. Yes.

1 Q. And he said he was unsure when he changed to
2 that number; is that correct?

3 A. Correct.

4 Q. Okay. And that indicates, I guess, that he
5 must've had a phone number prior that one?

6 A. That would be correct.

7 Q. And then about 11 minutes and 40 seconds in,
8 you begin to read him Miranda. And early on he kind
9 of mentions he doesn't want to talk about an
10 attorney. Is that -- is that how you remember it?

11 A. I do.

12 Q. And you ask about going over warrants without
13 an attorney, and he says okay. And then you begin
14 to go over the warrants and then that sort of
15 reignites sort of a conversation between the two of
16 you. Is that how you remember it?

17 A. I do.

18 Q. And that kind of goes with him asking questions
19 and you answering them. And then it kind of shifts
20 back to you asking questions and him answering it.
21 Is that kind of how you remember it?

22 A. I do.

23 Q. Okay. But did you threaten him in any way
24 during this interrogation?

25 A. I did not.

1 Q. Did you make him any promises?

2 A. I did not.

3 Q. And did he appear to understand what you were
4 asking him when you had questions for him?

5 A. He did.

6 Q. That 609-7220 number, is that -- do you recall,
7 is that the same number he had given you during that
8 consent to search at Lucille Drive on April 16th?

9 A. It is.

10 Q. Okay. I think that's all the questions.
11 Eventually, he sort of makes very clear, listen, I
12 don't want to talk anymore. I want a lawyer. At
13 some point, that's when he makes kind of a -- what's
14 the word I'm looking for? Just a very clear,
15 concise indication that he wants a lawyer, and you
16 cease the interview at that point, do you not?

17 A. I do.

18 Q. Okay. But I don't know, some of the other ones
19 when -- when -- when he's -- he's saying he wants a
20 lawyer, but then you two kind of reengage, you know,
21 back and forth. Is that how you recall that
22 interview?

23 A. I do.

24 Q. So he says he wants a lawyer, but then you guys
25 start talking about the warrants and charges, so

1 what was in your mind? Did he unequivocally say he
2 needed a lawyer, or was he kind of like, yeah, I
3 want a lawyer, but then he sort of starts talking
4 again?

5 A. Yeah. He kind of starts talking again, so kind
6 of going back and forth.

7 Q. Okay. And that's how you recall that
8 conversation going?

9 A. Yes, sir.

10 Q. At some point, certainly, did he make a very
11 clear, unequivocal declaration, "I'm done. I want a
12 lawyer now." And then you understood that to be his
13 incantation of wanting a lawyer. You cease
14 questioning at that point?

15 A. That's correct.

16 MR. SCOTT: Thank you. Answer any questions
17 Ms. Zmroczek has for you.

18 CROSS-PROFFER EXAMINATION

19 MS. ZMROCZEK:

20 Q. Investigator Jordan, I want to talk about
21 Lucille Drive, right?

22 A. Yes, ma'am.

23 Q. So you went there without a search warrant, or
24 you went there with a search warrant?

25 A. Search warrant.

1 Q. Okay. So then if you had a search warrant,
2 then why did you have somebody sign a consent form?

3 A. Well, we found stuff that was not listed in the
4 search warrant, so that's why we asked for consent
5 to search.

6 Q. Okay. So the search warrant that was signed on
7 October -- excuse me -- April 14th, two days before
8 you go to Lucille Drive, right?

9 A. I'm going by what you said with the date. Yes.

10 Q. Okay.

11 A. Yes, ma'am.

12 Q. April 14th, two days before?

13 A. Right.

14 Q. And you asked for projectiles?

15 A. Right.

16 Q. Right? So how does a gun you find not fall
17 under the search warrant?

18 A. Looking for projectiles regarding the house
19 being shot up.

20 Q. By a 9-milimeter, right?

21 A. I'm not -- I'll have to look and see. Do you
22 have the missing part to where it's ---

23 Q. It's front and back.

24 A. I'm sorry. Says items sought or evidence for
25 both physical and DNA that's indication of the

1 shooting that took place at that location.

2 Q. So that would mean a gun, right?

3 A. Well, we don't think necessarily that anybody
4 ever shot their own house up.

5 Q. Does the search warrant cover a gun?

6 A. Says projectiles. Nowhere in this ---

7 Q. Read it again. Evidence of a shooting.

8 A. Correct.

9 Q. That would involve a gun?

10 A. Yes, ma'am.

11 Q. Why is the gun not listed on the return?

12 A. Because like we -- like I told you earlier, we
13 got through the search. We found drugs and a gun,
14 so that's why it's not listed on there.

15 Q. Okay. Is a gun evidence of a shooting?

16 A. Yes, ma'am.

17 Q. Okay. So you just didn't put it on there,
18 right?

19 A. Did I fill out the return?

20 Q. I'm sorry?

21 A. Did I fill out the return?

22 THE COURT: Is this getting to the point of the
23 statement?

24 MS. ZMROCZEK: Yes. So when you -- it is, Your
25 Honor.

1 BY MS. ZMROCZEK:

2 Q. When you -- when you get to the point of -- so
3 you asked Troy what his phone number is?

4 A. So the conversation we had was about numerous
5 things, just general small talk. I asked him about
6 him having a job. He said he did not. I told him
7 that I had a connection at the Midlands Fatherhood
8 Coalition that may be able to help him get a job.
9 So by doing so, I asked for his phone number. I
10 then called the person at Midlands Coalition. Then
11 I gave Mr. Stevenson his phone number, so they both
12 had each other's phone number.

13 Q. And who is that?

14 A. Ronald Hinton.

15 Q. Okay. And let me ask you this: Why didn't you
16 put any of that in your report?

17 A. Regards to about getting a job?

18 Q. Yep. You -- this is what your report ---

19 A. I have it right here, but I ---

20 Q. Okay. Your report indicates that you were
21 at -- that you asked for his phone number, and he
22 provided you a number because he was telling you he
23 was at his girlfriend's house when the house was
24 shot up, right?

25 A. That's also correct.

1 Q. Okay. Nowhere in your report does it ever say
2 that he was needing a job.

3 A. But that's what we spoke about.

4 Q. I'm asking you. Where in your report ---

5 A. You didn't say in my report. You just said if
6 I asked him.

7 Q. Okay. And, in fact, the next paragraph says
8 after you got his phone number, then you researched
9 it and you found a different phone number?

10 A. That's after we got back and reconvened and
11 discovered that maybe we need to look at him.

12 Q. Not that you had been provided information from
13 somebody's work records. It says that when he gave
14 you one phone number, you researched to see if there
15 were other phone numbers, right?

16 A. I didn't secure anything, ma'am. My analyst
17 did that.

18 Q. I'm sorry?

19 A. My analyst did that.

20 Q. Your analyst?

21 A. My analyst.

22 Q. I understand. Okay. But your report says that
23 investigators used the number that he gave you to
24 search for new numbers. Look at the second -- at
25 the paragraph right after it talks about the search

1 warrant.

2 A. Yes. I see it. Yes.

3 Q. Would you agree with me?

4 A. Yes, ma'am.

5 Q. Okay. And then when you were interrogating
6 Mr. Stevenson on March 12th, right, he's handcuffed?

7 A. Yes, he is.

8 Q. He's under arrest?

9 A. He is.

10 Q. And you claim that you asked for background
11 information, right?

12 A. That's correct.

13 Q. Okay. But, in fact, what you say is, "What
14 kind of iPhone you got?"

15 A. Okay.

16 Q. Right?

17 A. Yes.

18 Q. Is that background information, "What kind of
19 iPhone you got?"

20 A. Well, we can ask that because we're going to
21 take it and download it, so I need to know what kind
22 of phone it is to put it in evidence.

23 Q. Okay. So the only personal information you got
24 was what kind of iPhone he got and what the phone
25 number was, right?

1 A. My notes are sitting on that chair. If I can
2 get those? Yellow -- yellow piece of paper.

3 Q. (Complying.)

4 A. No. He said he worked -- worked at a place
5 called Shock Road for about two months. Monitors --
6 monitors; walkers. Said he has the 6 phone -- I'm
7 sorry -- the iPhone 6-E. That he is simple mobile
8 maybe. Date of birth, which is 5/10. So there is
9 background information.

10 Q. Thank you. May I see those notes?

11 A. Sure.

12 Q. All your notes, please?

13 A. (Complying.)

14 MS. ZMROCZEK: Thank you. Your Honor, at this
15 time I would ask -- I received one page of notes
16 from Investigator Jordan. I would ask that I be
17 allowed to make a copy of all of these notes because
18 they have not been provided to me.

19 THE COURT: Are they all the notes related to
20 this case or are they something else?

21 THE WITNESS: Yes. I scanned and e-mailed all
22 the notes. Have they went through it or not, I
23 don't know, but I scanned and e-mailed everything.

24 MR. SCOTT: I think -- I think what he has done
25 to prepare for testimony, he's reviewed the

1 interviews. He's done a handwritten note system.
2 Ms. Zmroczek has asked for his notes during the time
3 of the investigation, which we've turned them over.
4 If I'm speaking out of turn, but that's what I think
5 she's got there. I'm not sure.

6 THE COURT: Now, are those notes in preparation
7 for ---

8 THE WITNESS: No. Those notes, if you look at
9 them, those are dated the day that I spoke to
10 Mr. Stevenson.

11 MR. SCOTT: But those have been turned over,
12 correct?

13 THE WITNESS: Yes.

14 MR. SCOTT: Investigator Jordan gave all of his
15 handwritten notes.

16 THE COURT: All right. He'll -- give those
17 back to him. I mean, you -- and then he'll make a
18 copy.

19 MS. ZMROCZEK: Thank you.

20 THE COURT: And we'll confirm that it's all
21 been turned over.

22 MS. ZMROCZEK: Okay.

23 THE COURT: And if not, send it tonight and
24 you'll review it tonight.

25 MS. ZMROCZEK: Thank you.

1 BY MS. ZMROCZEK:

2 Q. You would agree that the -- the interrogation
3 was recorded, right?

4 A. It was.

5 Q. And so that would reflect what was said?

6 A. Yes.

7 Q. And that you were asking questions so that you
8 could get information so that you could further your
9 investigation?

10 A. That is not correct, ma'am.

11 Q. Okay. What were you asking the questions for?

12 A. General information that we normally ask people
13 in regards to the phones and we want to put it in
14 evidence so we can label it correctly.

15 Q. So you can download the information? That's
16 what you said, right?

17 A. Correct. We have the search warrant if need
18 be, and then also date of birth, mom's name. Things
19 of that nature.

20 Q. But the phone, specifically, so that you can
21 download the information. That's why you asked what
22 kind of phone he had, right?

23 A. No, ma'am. I need to put it in evidence still
24 and label it correctly.

25 Q. Okay.

1 A. I have to put the phone in evidence to label it
2 correctly, so I want to make sure I have the right
3 phone down.

4 MS. ZMROCZEK: Okay. Your Honor, I have no
5 further questions at this time.

6 THE COURT: All right. You may step down.

7 (Witness excused.)

8 THE COURT: All right. As to the -- there are
9 two statements that were discussed in that line of
10 testimony that the issue -- what was the -- the
11 first one, the suppression? I mean, the search
12 warrant one. Any arguments? Keeping that out?
13 Bringing that in?

14 MS. ZMROCZEK: Yes. Your Honor, I would argue
15 specifically that there was a search warrant signed
16 in -- signed on April 14, 2021. It was executed on
17 April 16, 2021. They specifically said that they
18 were looking for information related to a shooting.

19 And that when they found what they say is
20 drugs and -- and a gun, even though it was not
21 listed on the search warrant, that they got consent
22 to search. They got consent to search those things;
23 and therefore, they were using that information to
24 further that investigation.

25 Mr. Stevenson, at that point, was providing

1 them information specifically so that they could --
2 while they're there executing a search warrant, so
3 that they could continue to investigate him. Your
4 Honor, for those reasons, we would argue that that
5 consent was not voluntary and that that number
6 should be suppressed.

7 THE COURT: They got the number the first time,
8 and then they confirmed it at a second interview?

9 MS. ZMROCZEK: They got the number the first
10 time. And then they took that number, and according
11 to his notes and to what he testified to, and then
12 somebody researched to see any and all numbers
13 attached to that number.

14 And then -- and then when you -- when they
15 interrogated him the second time -- or excuse me --
16 when they interrogated him on May 12th, and when you
17 watch the video, you'll see that they ask for his
18 phone number and they're like, "No. Don't you have
19 a different phone number?" And I think that will --
20 that will come out when you watch the video.

21 THE COURT: All right.

22 MR. SCOTT: So, Your Honor, the search warrant
23 at Lucille takes place again because there's two
24 joint investigations. There is the investigation of
25 who shot up Lucille, and then there's an

1 investigation as to who shot up Devoe, and then are
2 they connected.

3 So whenever they go to serve the search warrant
4 or do -- perform the search warrant at the Lucille
5 address, they're trying to find projectiles.
6 They're trying to find evidence upon somebody
7 shooting that house up. My understanding is that as
8 they're going through, they're finding marijuana and
9 they're finding guns.

10 So what starts as a search for projectiles and
11 pictures of broken windows and whatnot, leads to now
12 we got a firearm here. You know, I don't think they
13 ever entertained the idea that that gun was used to
14 shoot up Lucille. And I don't think there's any
15 evidence that marijuana had any kind of relevance in
16 this case, but, I mean, they go in there looking for
17 projectiles and find these items.

18 My understanding of the way that the testimony
19 seemed to go is, that's what asked them for consent
20 to go ahead and seize those. And while they're
21 there, again, it sounds like Investigator Jordan and
22 Mr. Stevenson are kind of making small talk about
23 the searches going on. So that leads to him trying
24 to, I guess, link him up with somebody who might
25 have some kind of lead for a job, and that's when he

1 provides the phone number on that particular
2 occasion.

3 Again, they're there really with him as kind of
4 a -- in a victim posture while they're there at
5 Lucille, and they didn't know he was going to be
6 there obviously. He was there when they get there.
7 He is the only one there apparently when they get
8 there. And he is the one that signed this consent
9 to search. So he gets the phone number on that
10 occasion. And then when they bring him in later to
11 the sheriff's department, he reiterates that's his
12 phone number.

13 Really, just, Your Honor, that -- that is --
14 you know, I don't -- they're going to find out.
15 They're going to run his information through their
16 database anyway. They're derelict in their duties
17 if they don't use their resources to try to figure
18 out what else they can find on him. What they have
19 is him giving this phone number twice. Whenever
20 they're going to his house to -- to help him get
21 some of these projectiles and advise him that his
22 wall was out and to see if they can get the evidence
23 that will help lead to the prosecution of who shot
24 his mom's house up, he's there really, like I said,
25 in a victim kind of posture. And so when he gives

1 the phone number there, that's not -- he's not
2 detained clearly, and that's not subject to some
3 kind of interrogation where they're hoping to
4 incriminate him somehow. That's not at all what the
5 testimony here is.

6 And then, of course, whenever they're asking
7 him, like, where do you live in the interrogation,
8 where do you live? When were you born? Can you
9 read and write? He asked him "what kind of phone is
10 this" because they're going to log it in. He asked
11 him -- they seized, I don't know, half a dozen
12 phones maybe -- six, seven, eight phones. So, of
13 course, it's -- they need to log this as an iPhone
14 6-E, white in color, belonging to Troy Stevenson.
15 And it's at that point, he reiterates the phone
16 number he gives them.

17 So, Your Honor, that -- I think that -- in
18 either situation, I think that him providing that
19 information, what kind of phone he claims and what
20 the phone number is, I think that was -- that would
21 be admissible.

22 THE COURT: All right.

23 MS. ZMROCZEK: And, Your Honor, just very
24 briefly. My concern also is that we talked about
25 before court the evidence, guns, and, you know, a

1 gun which he has -- he has no prohibition for owning
2 a gun. And the drugs -- the drugs would be,
3 certainly, for -- for the evidence.

4 THE COURT: The drugs aren't coming in.

5 MS. ZMROCZEK: Right. Right. Right. But my
6 concern is, I was ---

7 MR. SCOTT: My arguments out -- outside the
8 presence of the jury are not the same as I argue in
9 front of the jury. I'm not bringing that up.

10 MS. ZMROCZEK: And that's fine. That's fine,
11 Your Honor. I just -- I think that once you watch
12 the video, you'll -- you'll have a more full
13 understanding of it, so I'll give you my argument
14 then.

15 THE COURT: Okay. I'm taking all of these
16 under advisement. Just for the record, what I have
17 under advisement, first, is a motion to dismiss for
18 discovery violations and due process violations.
19 Second, is a motion to dismiss for speedy trial
20 violations. Giglio has been certified on the
21 record. The second, the other is the issue about
22 the expert. I'm going to kind of lump that in with
23 the discovery issue, but for the record, the CVs
24 have been turned over, but I'll make another ruling
25 about the underlying report being generated. I have

1 the two separate *Jackson v. Denno* consent issues;
2 voluntariness; the one at the house when the search
3 warrant was being executed; and the second one in
4 the interrogation room from zero to 11:40, those two
5 issues. And then the lengthy one is the three
6 separate search warrants. Anything else from the
7 State before we adjourn for the day?

8 MR. SCOTT: No, Your Honor.

9 THE COURT: Anything from the defense?

10 MS. ZMROCZEK: No, Your Honor.

11 THE COURT: All right. So we're going to start
12 back at 9:00 o'clock. I will have the rulings.
13 I'll put it all on the record. Whichever way I
14 rule, both sides can just object. It'll be noted
15 for the record. And then we're going to start
16 opening statements. All right. 9:00 o'clock
17 tomorrow. Thank you.

18 (At 5:42 p.m., proceedings concluded for the
19 day.)

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25

C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned, Lisa Scott, Circuit Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the trial of the captioned cause, relative to appeal in the Criminal Court for Richland County, South Carolina, on the 13th day of May, 2024.

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

December 27, 2024

/s/Lisa Scott

Lisa Scott
Circuit Court Reporter

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
)
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA) NOS. 2022-GS-40-01884;
) 2022-GS-40-01885
VS.)
)
TROY CHRISTOPHER STEVENSON, JR.) TRANSCRIPT OF RECORD
)
) Vol. I of VIII, Pages 1 - 259

B E F O R E:

The Honorable Daniel Coble, Judge; and a jury

DATE: Tuesday, May 14, 2024, 9:11 a.m.
Columbia, South Carolina

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dash -- intentional/purposeful interruption; change in thought

ellipses ... trailing off

[ph] phonetically written

[sic] written as said

[indiscernible] unable to be understood due to low volume or

quality of audio

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

2 (Court called to order, without the jury being present.)

3 MATTER(S) OF LAW

4 THE COURT: Good morning, Mr. Stevenson. We're back on the
5 record for State versus Troy Stevenson. We left off yesterday
6 after doing all of the pretrial motions -- and the jury is
7 present, and they're all accounted for -- so I took them all
8 under advisement, just about. The ones I did not -- the ones I
9 did take under advisement, I'm going to go ahead and give a
10 ruling on all of them.

11 The first motion to dismiss for discovery violations and due
12 process violations, we heard significant testimony from both
13 attorneys about the discovery process throughout this case and
14 the issues that arose between both of them. Ms. Zmroczek
15 requested the case be dismissed for due process violations and
16 based on discovery violations which is not only a drastic remedy,
17 but the most drastic remedy, you can have for a case.

18 What I'm looking for if I'm going to dismiss a case, no
19 matter how serious it is, I'm looking for either intentional acts
20 by the State, some type of willful behavior to hide any type of
21 evidence. Doesn't matter whether the evidence is relevant or
22 not; if there's an intention act on the other end, if there is a
23 reckless disregard, gross negligence by the State in keeping
24 evidence away from the defense, that's what I'm looking for,
25 something drastic of that nature.

1 Based on everything I heard yesterday, I do not believe it
2 rises to that level. There's no evidence I can find so far that
3 there was any intentional hiding of evidence, destruction of
4 evidence, any reckless disregard for the evidence.

5 We have court exhibits which are part of the record from
6 both sides about the discovery process and, frankly, it was
7 mostly, just sounds like, a bad relationship between counsel,
8 which is a different issue. However, it does not rise to the
9 level of a dismissal. So I'm denying that.

10 However, that does not close the door to suppressing any
11 particular evidence that was not turned over on a case-by-case
12 basis, and at the end of the trial does not close the door to a
13 potential spoliation charge to the jury depending on how this
14 trial plays out. So that motion is denied.

15 The motion to dismiss for the speedy trial violation, I'm
16 looking through those four factors as outlined by, I believe
17 it's, the Barker case, the length of the delay, the cause of the
18 delay, the reason for the delay, the defendant's assertion of his
19 right, and any prejudice to the defendant.

20 I think we agree there was a lengthy delay, and I agree that
21 the defendant did assert his right back in 2022, or November of
22 2022, and maybe again in front of myself, but the reason -- but I
23 need to look for the reason for the delay. That's significant to
24 me because I want to look and see what the State did on purpose,
25 or their reckless actions, and there was no evidence about why

1 there was a delay. I'm looking for something that was on the
2 trial docket and, say, got it off the trial docket, the State
3 gave them delayed evidence and delayed the case because of that.
4 I have no reason for the reason of the delay, about why it was
5 delayed, and significantly, too, the prejudice to the defendant
6 was about potential witnesses going away. However, when it came
7 down to it, it seemed to be two witnesses that were specifically
8 talked about. One of them is available and, I believe,
9 testifying; the other, who is out of state, is able to testify
10 virtually by concession of the State, if necessary, and the State
11 is on notice to assist with the defense if they need to call any
12 witnesses if they're able to do it better than the defense is, so
13 I do not believe that a dismissal for a speedy trial violation is
14 appropriate. So I'm denying that motion.

15 The *Giglio* was satisfied, and they have a continuing duty to
16 make sure that -- I'm assuming Ms. Zmroczek got everything, but
17 assuming she didn't they have that ongoing duty to turn it all
18 over.

19 The next one was about the expert which we somewhat handled.
20 The CDs were turned over. The issue about the data being turned
21 over, those were the reports generated in preparation of
22 testimony for the first time, as stated by the solicitor, so
23 that's not a violation of discovery. But, again, if there is an
24 issue before they testify about new evidence or something that
25 they're relying on that was not turned over, that would be

1 something that needs to be addressed specifically on a
2 case-by-case basis.

3 As to the *Miranda*, I tried to watch that video and it was
4 not a video, it was just a screenshot, so I can't make a ruling
5 on that at this point to the second part, so you all are going to
6 have to get that video to me so I can review it, and I'll make a
7 decision on our next break.

8 As to the first part, based on the testimony of Investigator
9 Jordan, for *Miranda* purposes, there was no evidence from his
10 testimony that he was in custody or that there was any type of
11 interrogation for *Miranda* purposes, so I don't believe *Miranda*
12 would apply based on his testimony.

13 And then as to the voluntariness of it, again, based on
14 Investigator Jordan's testimony, it was an encounter treating him
15 as a victim witness, talking about a fatherhood, something, never
16 about the case. There was no testimony about him not being free
17 to leave or anything of that nature, guns drawn, multiple police
18 officers, and all I can go on, from the testimony of Investigator
19 Jordan, was that it was a voluntary statement.

20 I believe that leaves just the search warrant issues. I
21 will repeat everything I said yesterday about the search
22 warrants. As to the *Franks v. Delaware*, just the case law that
23 I'm going off of; I'm relying on *State v. Brown*, 437 SC 550; and
24 the *State v. Crummey*, which is a Court of Appeals case from May
25 of 2024. They state -- quoting from *State v. Brown* just

1 specifically, In our view, the evidence does not establish
2 Detective Goldstein knowingly or intentionally made false
3 statements in the warrant affidavit or made statements in the
4 affidavit with reckless disregard for the truth. Although the
5 witnesses' descriptions do vary in certain respects, all of the
6 witnesses describe the perpetrator -- and it goes on to stay how
7 he was described and how it all fell in line with essentially
8 what the affidavit said.

9 And this same case quotes further down a Fourth Circuit case
10 The mere fact that the affiant does not list every conceivable
11 conclusion does not taint the validity of the affidavit. Quoting
12 from *State v. Brown*, they found the same as in *Crummey*, has
13 failed to demonstrate a *Franks* violation with respect to the
14 omission of the neighbor's description, and it was similar to the
15 previous case, *State v. Brown*. They also quote another Supreme
16 Court case, there will be no *Franks* violation if the affidavit,
17 including the omitted data, still contain sufficient information
18 to establish probable cause.

19 As stated earlier, the *Franks* violation, I'm looking for
20 something more than conclusory statements; I'm looking for
21 allegations of deliberate falsehood, or reckless disregard for
22 the truth, or some type of omitted omission with some type of
23 culpable behavior about why it was omitted. So what I'm looking
24 for was, okay, Investigator Oxendine had a bunch of statements
25 that say the defendant was not there, he was in California, and

1 then the investigator put that aside so he could get to this one
2 end.

3 But based on the -- all I can go off of is the testimony
4 before me, as well as the court exhibits which Ms. Zmroczek
5 explained the connection to, but everything that Investigator
6 Oxendine testified to never -- there's no evidence, or at least
7 there's not a preponderance of the evidence that it was with
8 falsity or reckless disregard for the truth, and then
9 additionally, the omissions that were pointed out as were
10 explained by Investigator Oxendine, he took all of these
11 statements from the witnesses and they all said essentially the
12 same thing one way or the other.

13 For example -- and I'm looking at the search warrants just
14 on their face -- they confirm what Investigator Oxendine
15 testified to yesterday, that there was a shooting that took place
16 as retaliation, which he stated, based on those witnesses;
17 there's witnesses that Mr. Stevenson was present based on the
18 statements that Mr. Oxendine talked about; and then the Facebook
19 which is Court's Exhibit 2, I believe, karma is a -- blank -- and
20 then the defendant's response, on God. And he used that, whether
21 or not the person was talking about it, it was his response that,
22 combining all that together, said he had something to do with
23 this. So I'm looking for falsity, reckless disregard for the
24 truth. I don't see any of that.

25 Same thing as to the other two search warrants. All of the

1 information talked about him having knowledge of the fight or was
2 or was not present at the fight. All of the statements
3 essentially said the same thing and led in the same direction.
4 When it talks about the karma and the thing and he says no doubt
5 in this one, if anything, that seems to be a clerical error or a
6 scrivener's error; doesn't seem to be a reckless disregard for
7 the truth or a lie.

8 If the Facebook statement had said I'm sorry about his
9 passing and he used a different phrase which would significantly
10 change the meaning of it, then that could be a reckless disregard
11 for the truth, but the Facebook post gave the same impression.

12 And when we talked about -- the only thing that Ms. Zmroczek
13 pointed to that would lead to the potentially
14 misleading/falsity/omission was she claimed that they were mad
15 about the bakery murder. However, there was no testimony about
16 law enforcement being upset about whatever happened with that
17 trial.

18 Investigator Oxendine claimed that he had a violent history
19 based on that violent past. And Ms. Zmroczek made a good point
20 that he was acquitted, but when it comes to Oxendine's testimony
21 it wasn't about whether he should or should not have considered
22 that violent past history -- that would be up for debate -- it
23 would be was he doing it purposely misleading.

24 I don't think -- again, the defense carries the burden with
25 a preponderance of the evidence to prove that falsity, reckless

1 disregard. Taking it as a whole, the totality of the
2 circumstances, even assuming those omissions were given, I don't
3 think they were necessary, they just confirmed all of the same
4 story which leads to probable cause. So those motions are
5 denied.

6 And we will make sure those are renewed at this time, and
7 they're renewed prior to any entering into evidence. All right.

8 Anything from the State before we bring the jury out and do
9 opening statements?

10 SOLICITOR FOWLER: Nothing from the State, Your Honor.

11 THE COURT: Anything from the defense?

12 ATTORNEY ZMROCZEK: No, Your Honor. Just note our
13 exceptions.

14 THE COURT: And all of the defenses -- all their objections
15 are renewed to these pretrial motions.

16 Let's bring the jury and swear them in, and then do opening
17 statements.

18 (Jury seated in the courtroom at 9:24 a.m.)

19 THE BAILIFF: The jury's seated, Your Honor.

20 THE COURT: Thank you. Good morning, ladies and gentlemen.
21 Thank you for being here. I know there were some traffic issues,
22 but you still made it on time, so I appreciate your promptness,
23 taking your oath seriously. And I know you've already been put
24 under oath multiple times, but before we get started officially
25 with this trial we have to swear you in one more time.

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

2 CLERK OF COURT: Thank you. Please have a seat.

3 OPENING INSTRUCTIONS OF THE COURT

4 THE COURT: All right. Ladies and gentlemen, I'll just give
5 you a brief overview of how this case works. As you've already
6 been introduced to the parties, you have the State of South
7 Carolina versus Troy Stevenson. I just want to remind you that
8 this case is based on an indictment which was read to you
9 earlier, and you need to distinctly understand that the
10 indictment is simply a charge and that is not, in any sense,
11 evidence of the allegations it contains.

12 The defendant has pleaded not guilty to the indictment. The
13 State, therefore, has the burden of proving each of the essential
14 elements of the indictment beyond a reasonable doubt. The
15 purpose of the trial is to determine whether the State has met
16 this burden.

17 Your purpose as jurors is to find and determine the facts.
18 Under our criminal system you are the sole judge of the facts.
19 If, at any time, I should make any comment regarding the facts
20 you are at liberty to disregard it. It is especially important
21 that you perform your duty of determining the facts diligently
22 and conscientiously.

23 On the other hand and with equal emphasis, I instruct you
24 that the law as given by the Court constitutes the only law for
25 your guidance, and it is your duty to accept and follow it. It

1 is your duty to follow the law as I give it to you even though
2 you may disagree with the law. You are to determine the facts
3 from the testimony you hear and the other evidence introduced in
4 the court, and only in this court. It is up to you to determine
5 the inferences which you feel may properly be drawn from the
6 evidence. You must not consider anything you may have read or
7 heard about the case outside the courtroom, whether before or
8 during the trial.

9 Until this case is submitted to you you must not discuss it
10 with anyone, even with your fellow jurors. After it is submitted
11 to you then you can only discuss it with your fellow jurors, but
12 I will let you know when that is, and it's not now. It is
13 important that you keep an open mind and not decide any issue in
14 the case until the entire case has been submitted to you under
15 the instructions of this Court.

16 At the very end of the trial I will give you detailed
17 instructions on the law and about how that process works. Until
18 then, your job is easy; it's to listen and understand and hear
19 what the evidence is in this courtroom only.

20 When you go back there you cannot deliberate. Sometimes
21 I'll get a jury note about can you maybe make it cooler or hotter
22 in the courtroom. That's fine, but I don't want to get a jury
23 note asking about the evidence because that means you're
24 deliberating before you have all the evidence.

25 So if you would just listen closely, pay attention. Again,

1 we'll take breaks midmorning, midafternoon, lunch break. Any
2 other concerns, you can direct them to the bailiff.

3 I want to thank you again for your service for taking your
4 oath seriously. And with that, we're going to begin opening
5 statements.

6 OPENING STATEMENT ON BEHALF OF THE STATE

7 SOLICITOR FOWLER: Thank you, Your Honor. May it please the
8 Court. This case is about a tragic chain of events that led to
9 the death of an entirely innocent man. This case is about a
10 series of retaliations that led us to this day, that got so out
11 of hand that you sit here. This case is about a complete
12 disregard for human life. Reckless gunplay, indifference to
13 human life, and the death of an innocent man, that's why you're
14 here, ladies and gentlemen.

15 As I just said, this is a case about a chain of events, so
16 I'm going to do my best to explain to you during this opening
17 statement everything that occurred and everyone that is involved
18 that led to Troy Stevenson murdering a completely innocent
19 Charlie Jackson.

20 Now, as I get to talk to you you're going to see that this
21 story builds. Like this trial, the evidence is going to build.
22 And as that evidence builds you're going to see that Troy
23 Stevenson had the motive to do what he did, he had the
24 opportunity to do what he did, and he tried to cover up what he
25 did. Motive, opportunity, and cover-up.

1 We're going to start with the early morning hours of
2 April 6, 2021. This is where we get our motive. 2849 Lucille
3 Drive, that's off Two Notch, in between North Beltline and Two
4 Notch Road, a little neighborhood. That's where Troy Stevenson's
5 mother lives. Troy stays there on occasion as well.

6 In the early morning hours of April 6, 2021, at 2849 Lucille
7 Drive, Troy Stevenson's mother's house, is a lady by the name
8 Jalanda Tobias. Her Facebook handle is Jayy Dior. Keep that in
9 mind. She's romantically involved with an individual by the name
10 of Jamaree Jeffcoat. They're both there. Also at Lucille is
11 Jasmine Martin. She's important because Jasmine Martin's cousin
12 is Tamira Chasicia Jackson.

13 Now, while Jasmine's at Lucille, Chasicia is at 209 Devoe
14 Drive, 209 Devoe Drive, also off Two Notch, up behind the
15 sheriff's' department if you guys are tracking with me. She's
16 with her romantic interest, a man by the name of Dai'Juan
17 Richardson.

18 Jasmine reaches out to her cousin Chasicia, and Dai'Juan,
19 and they formulate a plan that Chasicia and Dai'Juan are going to
20 come pick up Jasmine, they're going to go to another location to
21 drink. So Dai'Juan and Chasicia leave 209 Devoe and they drive
22 to Lucille.

23 When Chasicia and Dai'Juan get to Lucille Chasicia gets into
24 an argument with Jalanda Tobias. Jalanda is currently
25 romantically involved with Jamaree. Chasicia, in the past, was

1 involved with Jamaree. That's what this argument was over, they
2 were both at some point in time involved with Jamaree Jeffcoat.

3 Well, Chasicia and Jalanda are arguing, and Jamaree inserts
4 himself into the fight and he gets up in Chasicia's face. And
5 when he does that, Dai'Juan Richardson gets out of the car and
6 comes over and tells Jamaree to back off. Well, at that point in
7 time Jamaree takes a Patron bottle and smashes it across
8 Dai'Juan's head. A fight ensues between Jamaree Jeffcoat and
9 Dai'Juan Richardson. Jamaree gets the best of Dai'Juan.

10 Dai'Juan and Chasicia leave. They get in their car. They
11 drive to some location off of Two Notch. Dai'Juan Richardson
12 retrieves a firearm. He takes Chasicia back to 209 Devoe Drive
13 where she lives with her father, Charlie Jackson.

14 Dai'Juan leaves 209 Devoe, drives to Troy Stevenson's
15 mother's house, and fires 17 times at Troy Stevenson's mother's
16 house.

17 He returns to 209 Devoe Drive, the incident of our murder,
18 or the incident location of our murder, and he tells Chasicia
19 what he's done. That right there, ladies and gentlemen, is our
20 motive.

21 Now let's talk about Troy's opportunity and what he does
22 after his mother's house is shot up. Troy's spending the night
23 with his girlfriend, a lady by the name of Ashley Carter -- she's
24 sitting over there behind him -- Margate, up North Main, when
25 turns into Monticello, go right across 20 -- if you guys are

1 tracking, the Denny Terrace area of Columbia. Minutes after the
2 shooting Troy's sending, receiving calls, sending, receiving
3 Facebook messages. He loads up into Ashley Carter's black Honda
4 Accord and he drives to Lucille, his mother's home.

5 Then at 2:37 in the morning Troy Stevenson receives two
6 Facebook messages. They're from a lady -- you're going to hear
7 from her -- her name is Johnikqa Tobias. Her Facebook name is
8 D'ior D'ior. And I know that there's a lot of names and there's
9 Facebook names. I'm going to leave this here for you guys as an
10 easy little guide. Johnikqa sends Troy a Facebook message at
11 2:37 a.m. The message reads 209 Devoe Drive. That's that girl
12 Chasicia's house -- Chasicia's address. Sorry.

13 This is Troy's opportunity. Dai'Juan Richardson is with
14 Chasicia at 209 Devoe Drive; he shoots up Troy Stevenson's mom's
15 house; he returns to Devoe Drive. Troy has the motive, and now
16 he's armed with the address. This is his opportunity. Troy has
17 access to his girlfriend, Ashley Carter's, black Honda. He has
18 the address where Chasicia and Dai'Juan are. He got those at
19 2:37 a.m.

20 And at 2:45 a.m. we see a dark-in-color sedan turn onto
21 Devoe Drive, and 14 shots ring out at 2:45 in the morning,
22 minutes after Troy received the Facebook message with the
23 address.

24 An innocent man is struck with one of those 14 rounds.
25 Charlie Jackson, a man that worked his entire life, he's struck

1 in the lower back, and he dies.

2 Troy has the motive to do this, he had the opportunity to do
3 this, and throughout this trial, as I said, the evidence is going
4 to build, and you're going to see more evidence that Troy was the
5 one in that dark-in-color sedan that we see turn onto Devoe Drive
6 and, at 2:45, is the one that fired those 14 rounds into the
7 home. It's all going to be related to these things.

8 And that's the same with the cover-up, ladies and gentlemen.
9 You're going to see what Troy Stevenson did with his cellphone
10 the day after the shooting, hours later, trying to conceal what
11 he had done.

12 Ladies and gentlemen, at the end of this trial Judge Coble
13 here is going to instruct you on what the law is and he's going
14 to tell you something about something called circumstantial
15 evidence. Circumstantial evidence is proof of a chain of facts
16 and circumstances that establish the existence of another fact.

17 The classic example of circumstantial evidence is that when
18 you go to bed at night the ground is perfectly dry. When you
19 wake up in the morning there's branches everywhere, the ground is
20 soaked. We can deduce that it stormed while we slept. Well,
21 Troy Stevenson brought a storm to 209 Devoe Drive and he rained
22 gunfire into that home, killing Charlie Jackson. You're going to
23 see evidence of a chain of events that establish Charlie Jackson
24 is dead and Troy Stevenson is responsible.

25 The Judge is also going to tell you that we have the burden

1 of proving beyond a reasonable doubt that Troy Stevenson killed
2 Charlie Jackson with malice aforethought. What is malice
3 aforethought? It is a complete disregard for human life. Ladies
4 and gentlemen, this is the definition of malice: 2:45 in the
5 morning a man is laying in his bed watching TV, and Troy
6 Stevenson unloads 14 rounds into the front of the house. A
7 complete disregard for human life that led to the death of an
8 innocent man.

9 When you go back in that jury room you're going to have the
10 testimony from that witness stand in your mind, you're going to
11 have the exhibits admitted throughout this trial, and you're
12 going to have your common sense, and when you use that common
13 sense and you apply it to the evidence in this case you're going
14 to see that Troy Stevenson had the motive to shoot that house up,
15 he had the opportunity to shoot that house up, and he tried to
16 cover up that he shot that house, you will be able to find Troy
17 Stevenson guilty of the murder of Charlie Jackson and guilty of
18 using a firearm to do it because, ladies and gentlemen, this is a
19 complete disregard for human life. Thank you.

20 ATTORNEY ZMROCZEK: May it please the Court.

21 THE COURT: Yes, ma'am.

22 OPENING STATEMENT ON BEHALF OF THE DEFENSE

23 ATTORNEY ZMROCZEK: Truth. Lies. Common sense. I'm going
24 to say that to you one more time. Truth, lies, and common sense.
25 Not to rain on the State's parade, the evidence that they're

1 going to pick and choose to show you isn't going to line up with
2 the common sense.

3 You heard my colleague tell you this grand story about
4 circumstantial evidence. Keep that in the back of your mind
5 because Judge Coble is going to tell you about circumstantial
6 evidence and how, when the State relies only on circumstantial
7 evidence, that all circumstances have to point to the truth
8 beyond a reasonable doubt, and you're not going to find that
9 here.

10 Ladies and gentlemen, the truth is Troy Stevenson is
11 innocent. That's the truth. The lies are going to come from
12 this investigative team, from these witnesses; it's going to come
13 from the mouths of the people that had the motive, that had the
14 motive, to shoot somebody.

15 And that's all I'm going to ask for you. We picked each and
16 every one of you yesterday, we sized you up and said are they
17 going to be fair; are they going to listen to the evidence; are
18 they going to ask the question? Because, ladies and gentlemen,
19 that's what we do, we ask the questions so that you can get the
20 evidence.

21 And common sense is going to tell you that the boyfriend of
22 the girl whose house was shot up goes back and shoots at the
23 house where he was hit with a bottle, you know what they don't
24 tell you? Guess who wasn't there at that house? Troy. Not
25 Troy. Mr. Jeffcoat was.

1 Talk about means and motive. Who had the motive to be
2 involved in this case? Who had the motive?

3 What he didn't tell you about was opportunity. And he liked
4 to throw that Facebook message out there, and then when they put
5 their Facebook experts up, or the phone experts, you're going to
6 say, oh, wait, that message was not only unread; it was unsent.
7 They're not ever going to get up here and say, oh, yeah, it was
8 read at so-and-so a time. You have Facebook. You can see when
9 things are read. They're not going to have that, ladies and
10 gentlemen, because they want you to take the actual common sense
11 and throw it out the window.

12 The truth about this case, ladies and gentlemen, the truth,
13 lies in the shadow. It lies in the shadow. It lies in the
14 shadow of Tamira Jackson/Chasicia/Buffy, whichever name she's
15 going to choose to go by when she gets on the stand.

16 I'm interested, too, to see the witnesses that they choose
17 to put up here and the evidence that they choose to put in front
18 of you because the lies that are told by the woman whose behavior
19 and boyfriend and guns and friends and cousins caused the death
20 of her father, but all she's worried about is protecting her
21 cellphone and not telling the truth.

22 Because you're going to see videos. That is the beauty of
23 2024, is that you're going to see videos. 209 Devoe, right here.
24 204 Devoe, right here with a camera that points straight to 209.

25 This old black-in-color Honda, I can't wait, I cannot wait,

1 to hear the automotive expert they put up there to tell you the
2 difference between a black Honda, a black Hyundai, a black Nissan
3 because, ladies and gentlemen, that's the proof that you have to
4 have and when they're asking you to put an innocent man away.

5 So look for those things, look for the actual truth, and use
6 your common sense and see who had motive. But just remember as
7 you're going through this that when we look at the shadows we get
8 to see the truth; when we investigate, when we take that video
9 and we see what goes on across the street from 204 to 209, 204
10 Devoe to 209, and the flash of truth will come out.

11 Ladies and gentlemen, at the end of this case what you're
12 going to see is the tunnel vision that led the police to arrest
13 Troy. Surely they have all this evidence. They want you to
14 believe that Troy, who was at home in bed when his mother's house
15 is shot up by Ms. Jackson's -- now he's her boyfriend. That's
16 not what she told the cops, but you'll hear, you'll hear the
17 story she tells -- they want you to believe that from 2:11 to
18 2:45 Troy takes a call, gets up, finds some automatic weapon that
19 they never recover, drives actually a black Honda, and he --
20 he'll actually tell you he -- goes to his mother's house to make
21 sure his mom and brother and family members are okay, and then he
22 goes back home.

23 Also, they want you to believe that 14 rounds from some sort
24 of semiautomatic or automatic rifle is fired out of a Honda. Not
25 one piece of gunshot residue, not one shell casing, not one piece

1 of evidence that ties that car, as they say, a black Honda.

2 Ladies and gentlemen, as you sit here -- and I don't know
3 how long this will take, but I hope that it takes the time that
4 it deserves to get to the truth, because the truth is Troy
5 Stevenson is innocent -- the lies that are going to come from the
6 State to get their man, and the common sense, and the common
7 sense, about retaliation is going to come out, ladies and
8 gentlemen.

9 And when all this is said and done I'm going to stand back
10 up here and I'm going to ask you to do what the State could not
11 do and refused to do, is search and find the truth and find Troy
12 Stevenson innocent of this crime that took Mr. Jackson's life
13 because of his daughter and her behavior. Thank you.

14 THE COURT: Thank you. All right. The State may call its
15 first witness.

16 SOLICITOR SCOTT: Jasmine Martin.

17 JASMINE MARTIN,

18 having first been duly sworn, is examined and testifies as
19 follows:

20 CLERK OF COURT: Please have a seat in the witness box, and
21 state your full name for the record.

22 THE WITNESS: Jasmine Martin.

23 THE COURT: All right. Ms. Martin, if you'll just make sure
24 to speak up so the court reporter can hear you and all those
25 jurors can hear you as well, okay.

1 THE WITNESS: All right.

2 **DIRECT EXAMINATION**

3 BY SOLICITOR SCOTT:

4 Q Good morning, Jasmine.

5 A Good morning.

6 Q Okay. Now, let me ask you this: How do you know Troy
7 Stevenson?

8 A He's my homeboy. Known him for a while.

9 Q A homeboy?

10 A Yeah.

11 ATTORNEY ZMROCZEK: Your Honor --

12 A You can't hear me? A friend. I know him for a while.

13 Q And who is Jalanda Tobias?

14 A Somebody that I used to be cool with.

15 Q Okay. I don't know if you were in here, but we have this
16 chart up here. A lot of "J"s in this case; Jalanda, Jamaree,
17 Jasmine, Johnikqa. So here's you.

18 A Uh-huh.

19 Q You know Jalanda. Do you know her -- how is she related to
20 to Troy?

21 A They're supposed to be cousins or something like that.

22 Q Okay. You said you used to be cool with Jalanda?

23 A Yeah.

24 Q And Tamira Chasicia Jackson, how do you know her?

25 A That's my cousin.

1 Q Okay, she's your cousin?

2 A Yes.

3 Q And Johnikqa Tobias, how do you know her?

4 A That's Jalanda's sister.

5 THE COURT REPORTER: I'm sorry?

6 THE COURT: Hold on.

7 THE COURT REPORTER: Can you repeat your answer?

8 THE COURT: When you're facing that way it's hard to hear,
9 so when you give your answer if you'll just make sure the court
10 reporter can hear you, too, okay.

11 THE WITNESS: Okay.

12 THE COURT REPORTER: Ms. Tobias, What was your answer? How
13 did you know her?

14 A That's Jalanda's sister.

15 Q Okay. Jalanda Tobias, Johnikqa Tobias are sisters, and they
16 are cousins with Troy Stevenson?

17 A Yeah, as far as I know. I don't know if they're related for
18 real.

19 Q But they hold themselves out to be cousins?

20 A Yes.

21 Q And so that Lucille Drive address, you remember being there
22 the night in question?

23 A Yes.

24 Q Okay. Whose house is that?

25 A Troy's mom.

- 1 Q Did you know Troy to live there, too?
- 2 A No. He could be there sometimes, though.
- 3 Q Sometimes?
- 4 A Uh-huh.
- 5 Q And back in 2021 when this whole thing happens where were
- 6 you living?
- 7 A I was staying with my grandma --
- 8 Q Okay.
- 9 A -- in West Columbia.
- 10 Q Did you ever stay with Jalanda Tobias and Johnikqa Tobias?
- 11 A I did for a while.
- 12 Q So you would stay with them from time to time?
- 13 A Yeah.
- 14 Q Where did they live?
- 15 A On Garner's Ferry.
- 16 Q Did you ever live on Devoe Drive with Tamira Jackson and her
- 17 father, Charlie Jackson?
- 18 A Yes, I have for a little while before.
- 19 Q At this time were you living there?
- 20 A No.
- 21 Q You were living with your grandma, you said?
- 22 A Yes.
- 23 Q Were you driving at the time?
- 24 A No. I don't drive.
- 25 Q You still don't drive?

1 A I still don't.

2 Q So how did you get around back in April of 2021?

3 A I either catch Ubers or I get a ride from my friends.

4 Q Now let me ask you this: We're talking about April 6, 2021.
5 What was going on in your life around that time?

6 A I just lost my brother, my baby brother, around that time.

7 Q This is Caleb?

8 A Caleb Martin.

9 Q Do you remember, how long prior to the incident we're here
10 for did that happen?

11 A I'd say about a couple months, I think.

12 Q And Caleb, did he have a --

13 ATTORNEY ZMROCZEK: Your Honor, I don't understand the
14 relevance of this line of questioning.

15 THE COURT: All right. Approach.

16 (Off-the-record discussion at sidebar.)

17 Q Caleb had passed away recently. Dai'Juan Richardson, I see
18 him listed with Tamira Jackson. Did you know him?

19 A Yeah. That was my brother, like, best friend.

20 Q Caleb and Dai'Juan, they were tight, they were good friends?

21 A Yeah.

22 Q Tamira -- I guess if you and Tamira are cousins, then Caleb
23 and Tamira would have been cousins, as well --

24 A Yes.

25 Q -- so they were close? What about -- I don't see her on

1 there, but Tyjeria Prophet, how do you know her?

2 A That's my best friend.

3 Q She's your best friend?

4 A Yeah.

5 Q Would she have also been friends with Caleb?

6 A Yeah, she knew him.

7 Q So on this night when it starts, April 6, 2021, how did you
8 find yourself over at the Lucille Drive address, Troy's mother's
9 house?

10 A I was -- me and Jalanda, we were already drinking, so we
11 went over there. We was just chilling and drinking.

12 (State's Exhibit 1 is identified.)

13 Q Let me show you State's No. 1. Do you recognize that?

14 A Yeah. That's Troy mama house.

15 Q That would be 2849 Lucille Drive?

16 A Yes.

17 Q And you were over there drinking with Jalanda?

18 A Yes.

19 Q And who else was over there that night that you recall?

20 A It was me, Jalanda, his mom, and I think, like, his
21 brothers.

22 ATTORNEY ZMROCZEK: Your Honor, it has not been moved into
23 evidence but I have no objection, even though it's been published
24 already.

25 THE COURT: State's No. 1 is moved into evidence. Publish

1 them at the appropriate time.

2 (State' Exhibit 1 is admitted into the record.)

3 SOLICITOR SCOTT: Thank you, Your Honor. We're still
4 working with the -- can you wait until I move them in before you
5 put those up there? We're still working with the new technology
6 here.

7 Your Honor, the State does offer State's No. 1 for admission
8 into evidence.

9 THE COURT: So noted.

10 Q We're already getting feedback from the jury. They can't
11 hear you.

12 A Oh, they can't?

13 Q So if you think you're speaking too loud --

14 A In the speaker?

15 Q What now?

16 THE COURT: Just speak as loud as you can in that
17 microphone. You can't speak too loud, okay.

18 THE WITNESS: Okay.

19 Q Now we can put State's 1 back up there. 2849 Lucille is a
20 home you had been to a number of times. In fact, you were there
21 on April 6th. You said you and Jalanda were drinking.

22 A Yes.

23 Q And could you repeat yourself? Who else was there?

24 A Me, Jalanda, his mom, and I think it was, like, his
25 brothers. I don't really know them that good.

1 Q Do you know, is it Tromaine Stevenson? Do you know his
2 brother's name?

3 A No, I don't.

4 Q And do you know his mother's Latoya Barnes?

5 A Yeah. I know his mom.

6 Q And Troy was not there, correct?

7 A No, he wasn't.

8 Q What about a Jamaree Jeffcoat?

9 A I don't know who that is.

10 Q Do you know who he is now?

11 A Who was that?

12 Q Do you know somebody named Dubb?

13 A Yeah.

14 Q Did he show up at some point?

15 A Yeah.

16 Q And so Dubb is a nickname for Jamaree Jeffcoat, --

17 A Yeah.

18 Q -- that's how you knew him? And how was he involved with
19 Jalanda Tobias at the time, do you know?

20 A They was messing around.

21 Q Okay. Did they hold themselves out to be boyfriend and
22 girlfriend or anything like that?

23 A They didn't really put a title on it but I know they were,
24 like, together.

25 Q Did you know of anything about Jamaree Jeffcoat, or Dubb,

1 messaging around with Tamira in the past?

2 A Yes. I knew that.

3 Q At this point in time to your knowledge, did Tamira Chasicia
4 Jackson and Jalanda Tobias, did they get along?

5 A No.

6 Q So tell me -- the jury what was going on. You're hanging
7 out at Lucille. You're drinking with Jalanda. Did you get a
8 phone call? Did somebody want to go visit Caleb's grave?

9 A Yes. 'Juan, Dai'Juan, and my cousin Chasicia, they called
10 me and they said let's go up to my brother's gravesite and turn
11 up some, and I'm like okay.

12 Q Explain to the jury this notion -- because I'm unfamiliar
13 with it -- but is it common for you and maybe some friends, that
14 you all will go to a loved one's grave and have drinks?

15 A Yes.

16 Q That's a common thing here in Columbia?

17 A A common thing, yes.

18 Q Okay. And that was the intention, that Tamira and Dai'Juan
19 were going to come --

20 A Pick me up from Troy's mama house and go up to the
21 gravesite.

22 Q Did you know that Tamira was with Dai'Juan at the time?

23 A No, I did not.

24 Q What would you have done if Dai'Juan had said I've got
25 Tamira with me and I'm coming over there to pick you up?

1 A I would have told him to meet me around the corner because I
2 know her and Jalanda don't like each other.

3 Q And what about Tyjeria Prophet, had you spoken with her that
4 night?

5 A Yeah. It was her girlfriend's birthday and I had plans with
6 them also, so she ended up pulling up to get me at the same time
7 as 'Juan and Tamira.

8 Q So Tamira and Dai'Juan showed up to pick you up at the same
9 time Tyjeria was there to pick you up?

10 A Tyjeria came, yeah. So we was gonna meet and decide what we
11 gonna do; are we gonna go to Tyjeria house and turn it up with my
12 girlfriend first, or go to the gravesite first.

13 Q Okay.

14 A So that's what was going on.

15 Q So tell me what you remember happening when Tamira and
16 Dai'Juan pull up?

17 A I was coming outside to get in the car with them. Then
18 Jalanda followed me outside so she seen Tamira, and they got into
19 it, they was arguing, and they end up fighting.

20 Q So Tamira and Jalanda are fighting now. And I got State's 1
21 up there. Where was this fight taking place in the house -- or,
22 in the yard?

23 A Right here in the road.

24 Q In the road?

25 A Yeah, like, kind of by the mailbox. They were parked down

1 by the mailbox, and I walked out the side door of the building
2 right there --

3 Q Uh-huh.

4 A -- came down, and they fought right there.

5 Q So Jalanda came down. Was she in the house or was she
6 outside?

7 A Yeah, both of us were at first. And then they told me they
8 was outside so I came outside, and she followed me outside, like,
9 just to see where I was going and who I was with.

10 Q Jalanda did?

11 A Yeah.

12 Q And at some point you see they're parked down here by the
13 mailbox and Jalanda realizes that, oh, Tamira's here?

14 A That's Tamira. Yeah.

15 Q And so --

16 A They end up arguing, and then they end up getting in a
17 fight.

18 Q Were they the only ones engaged in the fight, or did some
19 other people get involved?

20 A Yeah, they fought, and then it was over. And then right
21 after that Dubb pulled up and it was still, like, going on, you
22 know, they was still arguing after the fight. He pulled up and
23 ran up on Tamira and was in her face, like pointing in her face,
24 so 'Juan tried to, like, break that up. That's when he grabbed
25 'Juan and cracked him with a bottle.

1 Q All right. Let's unpack that a little bit more.

2 A All right.

3 Q So you say the fight between Jalanda and Tamira --

4 A Had already happened, but it was still like a little

5 commotion.

6 Q Okay. They're still talking back and forth?

7 A Yeah, arguing.

8 Q And you say about this time is when Dubb/Jamaree Jeffcoat

9 decides to get involved in the case?

10 A Yeah.

11 Q And was he making contact with Tamira?

12 A Yeah. He was like mushing her in the face with his finger,

13 like, I don't know. You know.

14 Q Does that mean you're actually pressing on somebody's face?

15 A Yeah, press in their face, like.

16 Q So that's a sign of disrespect, is that what mushing is?

17 A Yes.

18 Q And he's doing that to a female?

19 A Uh-huh.

20 Q And so you said that Dai'Juan Richardson, who had arrived

21 with Tamira, he --

22 A He tried to break it up, like -- like tore it up, chill,

23 like, and leave her alone.

24 Q And then in response to Dai'Juan asking Jamaree "Dubb"

25 Jeffcoat to leave her alone --

1 ATTORNEY ZMROCZEK: Your Honor, I'm going to object to
2 hearsay.

3 SOLICITOR SCOTT: I'm not offering it for the truth of the
4 matter asserted. Said leave her alone.

5 THE COURT: I mean, she just needs -- I mean, that's
6 correct, but we just need more testimony about what's happening.
7 This is about the action/reaction. So it's overruled, but let's
8 just rephrase it.

9 Q So Dai'Juan gets in, and what you observed was he was trying
10 to --

11 A Break up the fight. Well, not the fight, the little
12 argument with Dubb and Tamira when he was in her face.

13 Q And then you said in response to that Jamaree hits him in
14 the head with what?

15 A A Patron bottle.

16 Q Okay. What happens after that?

17 A He beat up 'Juan. I tried to break it up, but he beat 'Juan
18 up, and then right after that 'Juan hops back in the car, and
19 they sped up.

20 Q With who?

21 A Tamira.

22 Q Tamira and he left directly after he got hit in the head?

23 A Yeah.

24 Q So, now would you characterize this as sort of a one-sided
25 fight, or did you see Dai'Juan Richardson get any licks in on

1 Jamaree or anything like that?

2 A No. He got -- he got beat up.

3 Q He got beat up. Okay. So Tamira and Dai'Juan then leave.

4 You don't know where they go, do you?

5 A I don't know where they go. They just sped off.

6 Q And where did you go?

7 A To Tyjeria house in West Columbia. So we just went to the
8 party that we was supposed to go.

9 Q Who was still at the Lucille Drive house when you left?

10 A The same people that were already there, Jalanda and all
11 them.

12 Q And you just said I'm going with Tyjeria?

13 A I said I'm leaving.

14 Q Then at some point that night did you find out about your
15 Uncle Charlie?

16 A Yeah. At first I found out about Troy's mom house.

17 Q How did you find that out?

18 A He called me and he was like What your people got going on?

19 ATTORNEY ZMROCZEK: Objection, your Honor. Again, hearsay.

20 SOLICITOR SCOTT: This is the party-opponent exception which
21 is not hearsay. She's talking about Troy Stevenson and what he
22 said to her.

23 THE COURT: Overruled.

24 Q Would you please repeat what you were trying to say?

25 A He called me while we was at Tyjeria house, and he was

1 like -- can I cuss? -- what the fuck your people got going on?

2 Q When you say "he" who are you talking about?

3 A Troy.

4 Q Troy called you when you were at Tyjeria's?

5 A Yeah. And he was like What the fuck your people got going

6 on? They just shot up my mama house.

7 Q What the fuck do your people got going on?

8 A Yeah.

9 Q Okay. And who are your people?

10 A Tamira and 'Juan.

11 Q You said Tamira's your cousin?

12 A Yes.

13 Q And 'Juan is Caleb's best friend?

14 A Best friend.

15 Q Did you say anything back to him, or?

16 A I don't know. What you talking about?

17 Q Because you --

18 A I left after the fight.

19 Q -- didn't know that Lucille had been shot up?

20 A No, I didn't.

21 Q All right. Well, if I told you that shooting happened about

22 2:11 a.m. when do you think he called you?

23 A I was drinking, so I wasn't really paying attention to the

24 time.

25 Q Okay. Do you remember, did he primarily communicate with

1 you through Facebook messages and send you --

2 A Yeah.

3 Q -- Facebook calls? Do you remember him sending you Facebook
4 messages, too, about 2:19 a.m?

5 A I don't remember no times.

6 Q Do you remember the substance of the message he would have
7 sent you?

8 A He called.

9 Q He called --

10 A Yes.

11 Q -- but do you remember him sending messages as well?

12 A I don't remember that.

13 Q Let me show you this. Do you remember receiving that text
14 message through Facebook Messenger from him?

15 A I mean, you showing me, so now I -- I wouldn't remember that
16 from then, all the time that went.

17 Q Does that refresh your memory, though?

18 A No, because I was drinking.

19 Q What is your Facebook name?

20 A Kymberlee Ann [ph].

21 Q In 2021 what was it?

22 A I think it was Jas So above you.

23 ATTORNEY ZMROCZEK: Your Honor, we have a matter of law.

24 THE COURT: Approach.

25 (Off-the-record discussion at sidebar.)

1 Q Do you recall more than one phone call from Troy that night?

2 A No, I don't.

3 Q But the one that you specifically remember was the --

4 A What y'all people got going on.

5 Q So that's the only one you remember? You don't remember any
6 other phone call --

7 A Uh-uh.

8 Q -- or text message? Okay. But you were -- tell me your
9 Facebook handle again in 2021?

10 A Jas So above you Martin.

11 Q Did you know Ashley Carter at the time?

12 A I mean, I knew of her, but I don't know really know her that
13 good.

14 Q You didn't hang out with her?

15 A No.

16 Q Did you know what her relationship with Troy Stevenson was
17 at the time?

18 A That's his girlfriend.

19 Q His girlfriend, okay. Did you know Troy at the time to
20 drive her car?

21 A No.

22 Q Did you hang out with Troy Stevenson a lot?

23 A Not a lot but sometimes, because I told you that's my
24 homeboy.

25 Q So was it unusual for him to be calling you after 2:00 a.m.

1 on a Tuesday night?

2 A No.

3 Q Do you remember -- did you go to bed that night --

4 A Yes.

5 Q -- and sleep?

6 A Yes.

7 Q Do you remember being up sending messages about 5:15 a.m?

8 A I don't. I was drunk.

9 Q Let me ask you if this would refresh your memory, sending

10 this message?

11 A I don't remember that.

12 Q You don't remember that?

13 A No.

14 Q But you would have been Jas So above you Martin?

15 A Yeah. That's my picture.

16 Q Okay. And did you remember Troy To Major? Do you remember

17 that Facebook handle?

18 A Yeah.

19 Q Who was Troy To Major?

20 A Troy.

21 Q Troy who?

22 A Huh?

23 Q Troy who?

24 A You said who is -- what was your question?

25 Q You said Troy. I'm asking for a last name?

1 A Stevenson.

2 (State's Exhibit 2 is identified.)

3 Q Okay. All right. And just go ahead and see if you
4 recognize State's No. 2?

5 A Yeah. That's Newcastle. That's Tamira's house, 209 Devoe
6 Drive.

7 Q That's 209 Devoe?

8 SOLICITOR SCOTT: Your Honor, the State offers State's No. 2
9 for admission into evidence.

10 ATTORNEY ZMROCZEK: Without objection, Your Honor.

11 THE COURT: All right. So noted.

12 (State's Exhibit 2 is admitted into the record.)

13 Q That's all the questions I have, Ms. Martin. Please answer
14 any questions the defense attorney has for you.

15 ATTORNEY ZMROCZEK: May it please the Court.

16 THE COURT: Yes, ma'am.

17 ATTORNEY ZMROCZEK: Thank you.

18 **CROSS-EXAMINATION**

19 BY ATTORNEY ZMROCZEK:

20 Q Good morning, Ms. Martin.

21 A Good morning.

22 Q How are you?

23 A I'm fine.

24 Q Great. Let's talk about April 6 of 2021, right.

25 A Uh-huh.

1 Q Did you give a statement to the police?

2 A Yes.

3 Q And what date did you give that statement? Do you recall?

4 A I can't say what day.

5 Q All right. So you go over to Latoya. Who's Latoya?

6 A Troy's mom.

7 Q That's Troy's mom, right?

8 A Yeah.

9 Q And so why were you over at her house?

10 A Just to go turn up.

11 Q And it was you and who else?

12 A Jalanda.

13 Q You and Jalanda?

14 A Yes.

15 Q Okay. And who else was there?

16 A His mom and both of his brothers, I guess.

17 Q Okay. Was it -- you don't know the brothers --

18 A I don't know their names.

19 Q Was he little? Big?

20 A Small. There was one small.

21 Q Okay. And then Latoya leaves with Sonya, right?

22 A I don't remember that.

23 Q Okay. What time did you get there that night?

24 A I don't remember what time I got there.

25 Q Okay. How long --

1 A It had to be --

2 Q Go ahead.

3 A -- the evening time, almost getting dark.

4 Q Okay, evening time?

5 A Yes.

6 Q And how long were you there?

7 A I can't tell you that. I was drinking.

8 Q All right. So there --

9 A I was there for a little while.

10 Q So there's just a lot you don't remember?

11 A Times, yeah.

12 Q Right. But you specifically remember Troy not being there,

13 right?

14 A Yes, I do.

15 Q In fact, he didn't spend a lot of time there, as you recall,

16 right?

17 A You say he did what?

18 Q He was in and out?

19 A Yeah. He come sometimes.

20 Q Sometimes, right?

21 A Uh-huh.

22 Q But that was his mama's house?

23 A Yeah.

24 Q And so you get a phone call from who?

25 A 'Juan.

1 Q From 'Juan?

2 A Uh-huh.

3 Q And you say that 'Juan and Tamira show up at Latoya's?

4 A Yes.

5 Q Now, what car were they driving?

6 A Tamira's car.

7 Q Which was what?

8 A A white car. I don't know what kind. It was a white car,

9 though.

10 Q Okay. Do you remember -- you just don't remember what kind?

11 A Yeah, I don't know what.

12 Q Who was driving?

13 A 'Juan.

14 Q 'Juan was driving, okay. And you don't recall what time

15 they got there?

16 A No.

17 Q But this fight that happens between Tamira and Jalanda, that

18 happened outside, right?

19 A Yes.

20 Q Not in the house?

21 A No.

22 Q Do you remember if Latoya was there at that time, or had she

23 left?

24 A She probably left. I wasn't paying no attention.

25 Q She probably left?

1 A Yeah. I don't know.

2 Q And so the fight that goes on between these girls has
3 nothing to do with Latoya or the house or Troy or anything,
4 right?

5 A No.

6 Q And then you said that J'Dubb pulls up?

7 A J'Dubb?

8 Q Or Dubb pulls up?

9 A Yeah.

10 Q Okay. While the fight was going on? Before the fight?
11 After the fight? Do you remember?

12 A After the fight.

13 Q Okay. You say he pulls up. In what vehicle was he in?

14 A I don't know.

15 Q Does he have a car?

16 A I don't know. I don't know if he got a car or not.

17 Q Was he with Troy?

18 A No.

19 Q Definitely remember that?

20 A Yeah.

21 Q Not with Troy. Was he with anybody?

22 A There was a couple more people with him, but I don't know
23 who it was because I was paying attention to whatever was going
24 on.

25 Q All right. And then he gets into this fight because Tamira

1 and Jalanda are fighting because they had both relations with
2 Dubb, right?

3 A Yes. Yeah.

4 Q And is 'Juan Tamira's new boyfriend, or isn't that her
5 boyfriend?

6 A That's not her boyfriend.

7 Q That's not -- I'm sorry?

8 A That's not her boyfriend. They messed around but, no.

9 Q So 'Juan gets out of the car, and he and Dubb -- or, Dubb
10 hits him; is that what happened?

11 A Yeah. 'Juan tried to, like, tell Dubb to chill, like,
12 running up on Tamira, and he hit him with a bottle.

13 Q Okay. And then when happened?

14 A He beat up 'Juan. 'Juan got up after he was, like, after he
15 got beat up, and ran straight to the car and pulled off.

16 Q And where was Tamira?

17 A In the car with 'Juan.

18 Q Do you know a TB, or Antonio Barnes?

19 A I don't.

20 Q Did you see him there?

21 A No.

22 Q Did you see him there pointing a gun at Tamira?

23 A No, I did not.

24 Q So Tamira and 'Juan leave?

25 A Yeah.

1 Q You don't know what time?

2 A Uh-uh.

3 Q Okay. And did you see them again that night?

4 A No.

5 Q What did you do after Tamira and 'Juan left?

6 A I left with my best friend, Tyjeria.

7 Q You left around the same time?

8 A Yeah. A couple minutes after all of that.

9 Q Okay. How did you leave?

10 A With Tyjeria and her girlfriend.

11 Q With Tyjeria?

12 A Yeah.

13 Q And Tyjeria, she arrived -- she wasn't there before Dubb got

14 there, right?

15 A Yeah.

16 Q Oh, now she was?

17 A Yeah, she was there --

18 Q Okay.

19 A -- because we was trying to figure out where we, like,

20 between the gravesite and going to party with Tyjeria, what we

21 were gonna to do, but then that's when all the fights transpired.

22 Q So when did Tyjeria get there?

23 A A couple minutes after 'Juan and them pulled up.

24 Q Okay. And what was she driving?

25 A A black car.

1 Q A what?

2 A A black car.

3 Q A black car?

4 A Yeah.

5 Q Okay. And when did she leave?

6 A We left right after all the fights.

7 Q You drove with her?

8 A Yes.

9 Q You left with her --

10 A Yes.

11 Q -- in the black car?

12 A Yes.

13 Q Where did you all go?

14 A To West Columbia, to her house.

15 Q To where?

16 A West Columbia, to her house.

17 Q Okay. Troy wasn't a part of this?

18 A No.

19 Q You recall talking to him on the phone that one time?

20 A Yes.

21 Q And he said something about his mama's house, your people

22 shot my mama's house up, right?

23 A Yeah, what y'all people got going on?

24 Q Huh?

25 A He was like what do y'all people got going on?

1 Q Never said I'm gonna to get him?

2 A No.

3 Q Never said, I'm gonna find out where they live and beat them
4 up?

5 A No.

6 Q I'm gonna retaliate?

7 A No.

8 Q He never said any of that, did he?

9 THE COURT: You've got to answer yes or no for the record.

10 A Okay. No.

11 Q He was just concerned about his mama's house, right?

12 A Yeah.

13 ATTORNEY ZMROCZEK: Beg the Court's indulgence. No further
14 questions. Thank you, Ms. Martin.

15 THE COURT: Redirect?

16 SOLICITOR SCOTT: Nothing further, Your Honor.

17 THE COURT: All right. Thank you, ma'am. You may step
18 down.

19 SOLICITOR FOWLER: State calls Tyjeria Prophet.

20 TYJERIA PROPHET,

21 having first been duly sworn, is examined and testifies as
22 follows:

23 CLERK OF COURT: Please have a seat in the witness box, and
24 state your full name for the record.

25 THE WITNESS: Tyjeria Prophet.

DIRECT EXAMINATION

BY SOLICITOR FOWLER:

Q Good morning, Tyjeria.

A Good morning.

Q Do you know Jasmine Martin?

A Yes.

Q How do you know her?

A She was my best friend for 10 years.

Q For how long?

A Ten years.

Q Ten years?

A Yes.

Q Okay. Did you guys spend a lot of time together?

A Yes.

Q Does she drive?

A No.

Q Did you have any plans with her on April 5th or 6th?

A Yes. We was supposed to go back to West Columbia at one of the apartments to turn up with my girlfriend.

Q Do you remember that day for any special reason?

A Yeah. We just went there for her birthday.

Q Okay. So were you supposed to pick her up that day?

A Yes.

Q Do you remember where you went?

A I went to Troy house to pick her up.

1 Q I'm showing you State's Exhibit 1. Do you recall that?

2 A Yes.

3 Q Where is that?

4 A It's Troy's mama house.

5 Q Have you been there before?

6 A Yes, when I was younger.

7 Q When you were younger. Troy live there?

8 A I don't know if he stayed there. I know that's his mama's

9 house.

10 Q So what was the plan that day?

11 A We was supposed to go back to West Columbia to turn up with

12 my girlfriend for her birthday.

13 Q When you got to Troy's house did the plans change at all?

14 A I know we was supposed to go to -- back to West Columbia,

15 but when I pulled up there I know plans changed, and I think we

16 was supposed to go to Caleb's gravesite to turn up, so it was

17 kind of ...

18 Q Okay. Who was there when you got there?

19 A Jas, Jalanda, Tamira, Dubb.

20 Q Do you know Dubb by any other name?

21 A No.

22 Q Was anyone with Tamira?

23 A 'Juan.

24 Q I'm sorry?

25 A 'Juan.

1 Q 'Juan?

2 A 'Juan.

3 Q 'Juan, okay. What happened when you got there?

4 A Some commotion started. A fight broke out with Tamira and

5 Jalanda.

6 Q Was this just like an argument, or what happened?

7 A It was an argument that led to a fight.

8 Q So Jalanda and Tamira were fighting?

9 A Yes.

10 Q How did that fight end?

11 A How did it end?

12 Q Yes. Did they just walk away, did they shake hands, or what

13 happened?

14 A When they fought 'Juan -- 'Juan and Dubb end up fighting

15 afterwards, I guess.

16 Q Okay. So Tamira and Jasmine are fighting. And what's the

17 next chain of events --

18 A Tamira and Jalanda.

19 Q Sorry, Tamira and Jalanda are fighting.

20 A Uh-huh.

21 Q The next chain of event, you said 'Juan got involved. How

22 did that happen?

23 A Uhm, I guess Dubb end up being disrespectful to Tamira, so

24 he kind of stepped in.

25 Q Okay. How did he step in?

1 A He stepped in by protecting her, like, you know, it's a
2 female. Chill.

3 Q Was he just talking?

4 A Yes. Well, I guess, yes. It was heated, so.

5 Q Okay. What happened after that?

6 A Uhm, Dubb and 'Juan started to fight, and Dubb hit 'Juan
7 with a bottle.

8 Q Okay. Hit him hard?

9 A Yeah.

10 Q Okay. So he hit him just once with a bottle?

11 A Yes.

12 Q What happened to the bottle?

13 A It cracked.

14 Q It cracked?

15 A Yes.

16 Q Okay.

17 A Got hit in the head, and the bottle cracked.

18 Q Was 'Juan fighting him back at this point?

19 A 'Juan got beat up.

20 Q 'Juan got beat up?

21 A Yes.

22 Q Where's Jasmine during all this?

23 A Jas was fusing the situations, actually, with both.

24 Q Okay. Did you arrive before Tamira or was she there when
25 you got there?

1 A I think we all pulled up at the same time. Like Jas was
2 saying, she was pretty drunk so she wasn't driving around at the
3 time so I guess she was calling whoever to come pick her up
4 first. Maybe I -- I thought maybe I was taking too long so, you
5 know, she probably got another arrangement with the car
6 situation, trying to get somebody to pick her up.

7 Q So just going over everyone who was there that day, we have
8 Jalanda and Dubb?

9 A Uh-huh.

10 Q Were you familiar with them before?

11 A No. I don't really know Dubb. I know Jalanda through Jas.

12 Q Okay. It's been testified that they were involved together
13 romantically. Do you know anything about that?

14 A I don't know. I don't know Dubb that well.

15 Q Did you ever, through your dealings with Troy, know Dubb
16 before?

17 A No.

18 Q No. Never knew them to spend time together or anything like
19 that?

20 A Uh-uh.

21 Q So what happened after this fight between Dubb and 'Juan?

22 A Everybody left.

23 Q Nothing caused you to leave, nothing like that?

24 A I'm sorry?

25 Q Did you guys talk it out? Did something happen, something

1 --

2 A No. Everybody left after the fights.

3 Q Okay. So once 'Juan got beat up he got up and left. What

4 did Dubb do?

5 A I'm not sure. I don't know. I don't know. I left.

6 Q Okay. Who left with you?

7 A Jasmine.

8 Q Jasmine. Where did you guys go then?

9 A We went to Averill's [ph] apartment that's in West Columbia.

10 Q Did you guys stay there?

11 A I stayed there at the time.

12 Q Did you do anything else that night?

13 A No. We just turned up, and that was about it.

14 Q When did you find out about Charlie Jackson's death?

15 A I found out about ... I'm sorry. Say that question one

16 more.

17 Q When did you find out about Charlie Jackson's death?

18 A Uhm, that morning.

19 Q That morning?

20 A Yeah, when I woke up that morning.

21 Q How did you find out?

22 A Uhm, Jas was, like --

23 ATTORNEY ZMROCZEK: Objection, Your Honor. Hearsay.

24 THE COURT: Overruled.

25 A Jas was, uhm, -- she stayed the night. And so in the

1 morning I kind of heard her screaming, you know, so I went to go
2 check in on her and she said he --

3 Q You were informed then that he died?

4 A Uh-huh.

5 SOLICITOR FOWLER: Your Honor, may I approach?

6 THE COURT: You may.

7 Q I'm going to show you this and see if you --

8 ATTORNEY ZMROCZEK: Your Honor, before he does that, may we
9 approach?

10 THE COURT: Yes.

11 (Off-the-record discussion at sidebar.)

12 THE COURT: The objection as to the writing used to refresh
13 memory is overruled. It's from an interview. The solicitor may
14 approach the witness and allow her to refresh her memory if it
15 does. Explain to her where that interview comes from.

16 Q This is from your interview with law enforcement, and these
17 are notes taken from then. Do you recall? Does that refresh
18 your memory?

19 A Uhm ...

20 Q This right one here is at 1 hour and 15 minutes.

21 A I guess.

22 Q It does refresh?

23 A I don't know --

24 THE COURT: All right.

25 ATTORNEY ZMROCZEK: Your Honor, I think it's --

1 THE COURT: Just hold on. She's had a chance. You reviewed
2 what he showed you; is that correct, Ms. Prophet?

3 THE WITNESS: Yes.

4 THE COURT: Now ask her the question again in light of that
5 if it refreshed her memory.

6 Q Do you recall Troy Stevenson having any relationship with
7 Jamaree Jeffcoat, who is known as Dubb?

8 A I don't know their relationship. I don't know who Dubb is.

9 SOLICITOR FOWLER: No further questions.

10 THE COURT: All right. Thank you.

11 **CROSS-EXAMINATION**

12 BY ATTORNEY ZMROCZEK:

13 Q Good morning.

14 A Good morning.

15 Q Tyjeria, you were at Latoya's house that night?

16 A Yes, ma'am.

17 Q Didn't see Troy there?

18 A No, ma'am.

19 Q Troy wasn't involved with anything that went on there?

20 A No, ma'am.

21 Q Dubb was, right?

22 A That is correct.

23 Q And 'Juan, right?

24 A Yes, ma'am.

25 Q Did you see what kind of car 'Juan and Tamira were in?

1 Because you said y'all kind of pulled up at the same time. Do
2 you remember?

3 A I don't remember what car they was driving.

4 Q Do you remember the color?

5 A I think -- I don't -- maybe it was white.

6 Q A white car?

7 A Uh-huh.

8 Q And then do you remember when Dubb got there?

9 A I'm sorry?

10 Q I'm sorry. I'm not talking at you; I'm walking all the way
11 over here. Do you remember when Dubb got to Lucille Drive that
12 night?

13 A I remember seeing him after the fight with Jalanda and
14 Tamira. That's when I seen him.

15 Q That's when you seen him?

16 A Yes, ma'am.

17 Q Do you recall how he got there?

18 A No, ma'am.

19 Q No, you don't recall?

20 A Uh-uh.

21 Q And definitely didn't see Troy that night?

22 A No, I did not see Troy.

23 ATTORNEY ZMROCZEK: Beg the Court's indulgence.

24 Q I do. Do you know TB, or Antonio Brown?

25 A No.

1 Q You don't know him either?

2 A No, ma'am.

3 Q Let me ask you this: When you were -- after that fight
4 happened did you ever see anybody take a gun and put it up to
5 Tamira's face?

6 A No.

7 Q Thank you.

8 ATTORNEY ZMROCZEK: No further questions.

9 A Yes, ma'am.

10 SOLICITOR FOWLER: No redirect, Your Honor.

11 THE COURT: All right. You may step down.

12 ATTORNEY ZMROCZEK: Judge, there's just a really
13 high-pitched noise.

14 THE COURT: Yeah. It's some feedback from a microphone.
15 We'll look into it. All right. The State may call its next
16 witness.

17 SOLICITOR SCOTT: State calls Jalanda Tobias.

18 JALANDA TOBIAS,

19 having first been duly sworn, is examined and testifies as
20 follows:

21 CLERK OF COURT: Please have a seat in the witness box, and
22 state your full name for the record.

23 THE WITNESS: Jalanda Tobias. Sorry. I lost my voice last
24 night.

25

DIRECT EXAMINATION

BY SOLICITOR SCOTT:

Q What did you do last night?

A Uhm, that's worse [ph].

Q Okay. Did you turn up?

A No. I gotta help somebody's stomach turn down.

Q Oh, okay.

A Uh-huh.

Q Involved some yelling or something or raising the voice?

A Yeah, I screamed cardio [ph].

Q Where are you working now?

A TownePlace, West Columbia.

Q What's it called?

A The head housekeeper at TownePlace in West Columbia.

Q Thank you for being here today.

A Uh-huh.

Q We were going over -- I think you may have been in the courtroom when we were trying to explain everybody.

A Uh-huh.

Q You know all these people on the board, right?

A I do.

Q We're trying to help everybody kind of understand the connections, but what was testified to earlier, and correct me if I'm wrong, Johnikqa Tobias is your sister?

A Yes.

1 Q Jasmine Martin, at the time, was a friend. Maybe you two
2 have fallen out since then; is that correct?

3 A We just don't speak.

4 Q Okay, but no falling out? You all just don't have the
5 relationship you would have had back in 2021; is that fair?

6 A Right.

7 Q Tamira Jackson was somebody you do not care for?

8 A Never.

9 Q And you knew Tamira as?

10 A Nothing.

11 Q What did you call her?

12 A I can't say it in court -- or can I cuss?

13 Q Well, maybe not --

14 A It was a nasty, vicious name.

15 Q -- your preferred word. What name did you know her by?

16 A Chasicia. Buffy.

17 Q But did you find out her first name was Tamira even though
18 you called her Chasicia?

19 A I found out from y'all.

20 Q So you just knew her as Chasicia?

21 A Right.

22 Q Were the two of you ever on good terms?

23 A Never.

24 Q So was Jasmine Martin kind of the only reason you two would
25 have had a reason to be around each other?

1 A Right.

2 Q Because I think you had been to the 209 Devoe Street house?

3 A Right.

4 Q But the only reason would have been to pick Jas --

5 A To pick up Jas.

6 Q Okay. You wouldn't have gone over there to hang out with

7 Chasicia?

8 A Why?

9 Q Well, that's what I'm asking you. You wouldn't have?

10 A No.

11 Q So during this time of April of 2021 were you living with

12 Johnikqa?

13 A We're always together. Right.

14 Q Say it again?

15 A Yes, we stay together. Right.

16 Q Y'all still live together?

17 A Always.

18 Q Always?

19 A Uh-huh.

20 Q And y'all are really close with one another?

21 A Very much so.

22 Q Is it true that y'all lived off Garner's Ferry at the time?

23 A Yes.

24 Q Okay. So it was you, Johnikqa -- did your mom live with you

25 then?

1 A Uh-huh.

2 Q Does she still live with you?

3 A Always.

4 Q And who were you seeing at the time?

5 A Jamaree.

6 Q Jamaree. And did he live with you guys, too?

7 A Yes.

8 Q Now, what does he go by?

9 A Dubb.

10 Q Dubb. And is it spelled with two Bs? Or, how do you spell

11 it?

12 A I don't know. I don't know have to spell it. I call him

13 Jamaree.

14 Q But a lot of people call him Dubb; is that right?

15 A Uh-huh.

16 Q I'm going to write this here. Okay. And I don't know, do

17 you still communicate a lot through Facebook today?

18 A Yeah.

19 Q And back in 2021 that's how you would communicate with

20 people?

21 A Uh-huh.

22 THE COURT: You've got to say yes or no, Ms. Tobias, okay?

23 THE WITNESS: Oh.

24 A Yes.

25 THE COURT: Thank you.

1 Q Now -- I'm just learning this, but you can make phone calls
2 through Facebook; is that right?

3 A Yes.

4 Q And then you can also send messages, typed-out messages,
5 too?

6 A Yes.

7 Q And your name that you would use in 2021 on Facebook was?

8 A Jayy Dior.

9 Q And what was the -- Johnikqa used what?

10 A D'ior D'ior or Ji [ph] D'ior, or something like that.

11 Q D'ior D'ior was one of them?

12 A Uh-huh.

13 Q And when you would communicate if you weren't with your
14 sister -- I know you guys were tight, but if y'all weren't
15 together you would sometimes call her through Facebook; is that
16 right?

17 A Right.

18 Q And then would you also message her through Facebook?

19 A Right.

20 Q And how are you related to Troy Stevenson?

21 A He's my cousin.

22 Q And is that kind of how you would communicate with him,
23 through Facebook?

24 A Yeah. I mean, we don't communicate often, but yeah.

25 Q And do you remember him being a Troy To Major, that being

1 his name?

2 A Yes.

3 Q And his mother, what's her name?

4 A Latoya Barnes.

5 Q Latoya Barnes. Okay. All right. And that brings us to
6 April 6. Were you at Latoya Barnes' house?

7 A Yes.

8 Q And what was the reason for you being there?

9 A It's a laundromat, a local laundromat down the street, and I
10 would sit there and chill as I washed clothes, so.

11 Q And maybe having some drinks? Were you having drinks that
12 day?

13 A Most definitely.

14 Q What was the occasion? It was a Tuesday, I think.

15 A It was something Jas and me would do. If we felt like
16 getting drunk, we was gonna be drunk.

17 Q Okay. Just wash clothes and get drunk?

18 A Get drunk.

19 Q All right. And so how did Jasmine get over to Lucille? Do
20 you remember?

21 A We went together but I can't remember if we got a Uber or
22 who took us.

23 Q Were you driving at the time?

24 A No.

25 Q And she wasn't; is that right?

1 A No.

2 Q So, but you can't remember how y'all both got there? It
3 could have been an Uber?

4 A Could have been Uber. Could have been anyone.

5 Q Who else do you remember being there while you're washing
6 clothes?

7 A Me and my Aunt Meka, my Aunt Sonya, my cousin Antonio
8 Barnes -- TB, excuse me -- my cousin Tromaine, me, and Jas. Oh,
9 and Dubb prior to him and Antonio leaving.

10 Q So your cousin Antonio Barnes was there?

11 A Uh-huh.

12 Q And Dubb was there?

13 A Uh-huh.

14 Q And did they leave at some point?

15 A Yes.

16 Q Did they later come back?

17 A Uh-huh.

18 Q We'll get to that in a minute. Let's explain, like, how the
19 night kind of unfolded. You're washing clothes and you and
20 Jasmine are just hanging out?

21 A Uh-huh.

22 Q Tell me how the other people start kind of arriving to
23 Lucille Drive?

24 A Okay. Jas had told me that she was gonna be going to visit
25 her brother's gravesite, and I already heard that -- well, of

1 course I consoled her and told her I understand, you know, cause
2 she was taking it hard, and I let her know I didn't care how she
3 got there as long as Chasicia didn't pull up in front of my
4 people's house.

5 Q Right.

6 A And she awared [sic] me that Chasicia wouldn't be the one
7 that was picking her up. She told me that Tyjeria was picking
8 her up.

9 Q And do you remember Tyjeria arriving to Lucille Drive?

10 A I do.

11 Q Do you remember when Dai'Juan and Tamira arrived?

12 A They arrived first.

13 Q Okay. So Tamira and Dai'Juan -- I'm trying to group these
14 people all together in different -- so you knew Tamira to live at
15 Devoe Drive?

16 A Yes.

17 Q Did you ever know Dai'Juan Richardson before that night?

18 A Never.

19 Q But you knew Caleb Martin, Jasmine's brother?

20 A I didn't know him; I just knew Jas. I know of her sisters
21 but not her brothers.

22 Q Okay. But you knew that he had passed away recently?

23 A Uh-huh.

24 Q And so Jasmine, who's there at Lucille with you, tells you
25 I'm going to go to Caleb's grave, but she doesn't tell you that

1 Tamira's coming to get her?

2 A Right.

3 Q And so when Tamira Chasicia Jackson got there do you
4 remember what she was driving?

5 A A white car. I can't remember the make and model.

6 Q Okay. And do you remember when you first noticed Dai'Juan
7 Richardson was with her?

8 A I noticed after C.J. had said hey to me. That's why I even
9 stopped at the car.

10 Q Well, explain how it goes from you and Jasmine hanging out,
11 doing laundry, and then all of a sudden Tamira and Dai'Juan show
12 up, and how you became aware of it? Explain that to the jury.

13 A Uh, me and Jasmine were drunk, playing in the house and that
14 like we usually do. Her phone rings. I guess that was whoever
15 telling her they was outside. Jas had the bottle in her hand, so
16 when she went outside a few minutes later I came outside behind
17 her to, you know, get a shot, tell them hi, whatever.

18 When I get downstairs I was walking past which would be
19 Tamira's car, and as I was walking past C.J. said Hey, Jalanda.
20 And I turned around and of course I can't see that well so I
21 looked and said Who is it? And he said it's C.J. And I said Oh,
22 what's up, C.J? And then I turned and then I turned and realized
23 that Chasicia was sitting on the passenger's side, and I guess
24 Dai'Juan was driving.

25 Q And tell me what you feel when you see Tamira at your

1 people's house?

2 A Uhm, I'm mad because I stated specifically not to have her
3 nowhere around my people's house.

4 SOLICITOR SCOTT: Let's put State's 1 up.

5 Q It's going to pop up on your screen, but I want you to show
6 kind of like where all this happened?

7 A Right here in front of the mailbox.

8 Q Okay. So their car -- or when I say their car, Tamira
9 Chasicia Jackson, Dai'Juan Richardson, that's the car you're
10 talking about?

11 A Uh-huh.

12 Q And they pull up where?

13 A They pull up right here in front of there.

14 Q You're pointing to the area between the mailbox and the left
15 edge of the picture?

16 A Right.

17 Q So they pull up there, and you come down from inside the
18 house?

19 A Right.

20 Q And tell me why you went outside again? Just to see who was
21 picking Jasmine up, or what?

22 A The liquor.

23 Q Okay. So she left with the liquor outside?

24 A Uh-huh.

25 Q What kind of liquor was it?

1 A Patron.

2 Q And when she's walking out you didn't say Jas, uh-uh, that

3 stays here?

4 A Uh, no.

5 Q You just let her walk out with it?

6 A Right, cause, I mean ...

7 Q And then -- I guess what you're saying is before she was

8 going to leave you were going to make sure the Patron stayed

9 there?

10 A No. We was gonna drink. I mean, yeah, we was gonna get a

11 -- we got a bottle together so it wasn't like Oh, this is mine,

12 this is mine. We didn't, like, but --

13 Q I'm just trying to figure it out. So Jasmine leaves from

14 inside the house and she's going to get in the car, and you know

15 she's going to leave and go to Caleb's grave, right?

16 A Right.

17 Q So you knew she was about to leave Lucille Drive?

18 A Uh-huh.

19 Q And so you're saying she walks out with a bottle of liquor.

20 Was she trying to sneak it away or something, or?

21 A No. We drank together. Like she was walking out and not

22 paying attention, I'm somewhere drunk doing what I'm doing, and

23 she's going to greet whoever called.

24 Q Okay. And I guess you were going to just try to get --

25 A As I realized she was gone and I looked, the bottle wasn't

1 there, I then proceeded to go.

2 Q Okay. I'm with you now. And so you say I've got to get
3 that bottle before she takes off, and so that's when you walked
4 down to the road where she --

5 A Right. Walked.

6 Q And tell us about somebody you recognize in the car? C.J.,
7 is that what you said?

8 A C.J. recognized me.

9 Q Okay. And that's what caught your attention, you say?

10 A He yelled out and said Hey, Jalanda.

11 Q And then when you looked into the car, that's when you said
12 that Tamira Chasicia Jackson was in the car?

13 A Uh-huh.

14 Q Did that immediately lead to an argument, or how did that
15 unfold?

16 A Because me and Chasicia, we never liked each other, so we
17 had had previous arguments so I told her the next time, you know,
18 it was up. And I realized it was her. She still had her window
19 rolled up, so when C.J. realized, when she looked back over I
20 realized it was her, and that's when I began to be mean and say
21 What's up, blah blah blah to her.

22 She looked back and said -- that's when she -- no, she
23 actually didn't hear me so I started knocking on the window, and
24 that's when she was like Stop knocking on my window. So that's
25 when I began to kick the car door and say Hop on out, hoe. And,

1 yeah. So she got out or whatever. No, she didn't get out. She
2 stayed in.

3 And then eventually I realized she didn't want to fight so I
4 began to walk back upstairs. Once I was walking back upstairs
5 that's when she yelled out Oh, wait -- something in the nature of
6 fucking my man. But at the time, yes, me and Jamaree were very
7 close and intimate but I didn't put no title on it; I was doing
8 what I wanted to do.

9 Q Okay.

10 A So then I turned around, proceeded back down the driveway to
11 slap her. Then when we began to fight.

12 That's when Antonio's car came pulling around the driveway,
13 and that's when him and Jamaree jumped out. Antonio stood there,
14 and Jamaree snatched me from the fight and took me inside the
15 house. When he took me inside the house he began to yell and say
16 You out here drunk fighting your cousin, because at the time my
17 cousin had the same name of Tamira, and I said That's not my
18 cousin. And that's when he began to say Well, who the hell is
19 it? And that's when I was like Look, you fuck- -- you know, the
20 girl that you're intimate with.

21 Q Okay.

22 A And that's when he immediately turned around and walked
23 outside. When he walked outside, I walked outside with him.
24 When he walked outside that's when he began to, you know, yell at
25 Tamira, point in her face.

1 At the time, whoever, Dai'Juan, got out of the car, and
2 that's when he began to speak, but as he was speaking he was
3 grabbing where his gun was. When Jamaree seen that he was
4 grabbing where his gun was, that's when Jamaree said I will cut
5 you, and that's when Jamaree took the bottle and smacked him in
6 the head. When he smacked him on the head the bottle easily
7 cracked. There was not much of a struggle; he just happened to
8 beat up, like I said.

9 And then at this time Tamira and -- when they started
10 fighting Tamira immediately ran and got in the car and locked the
11 doors. When he got up he ran to the car door, he was knocking on
12 the window, she unlocked it, he got in and pulled it out, I
13 guess. And that's when, you know, I guess whatever they was
14 going -- you know, Tyjeria, it was no problem with Tyjeria and
15 Jas. She was just a bystander or whatever. Jas and her were
16 lived together. And they pulled out shortly after.

17 Q Okay. So that escalated quickly --

18 A Very.

19 Q -- didn't it? And so Jamaree Jeffcoat hit him, Dai'Juan
20 Richardson, in the head with a Patron bottle?

21 A Yes.

22 Q And that sort of ended whatever fight was going on between
23 them is what you're saying? Because it sounded like you said
24 Dai'Juan kind of scrambled back to the car after he got knocked
25 in the head.

1 A No. He tried. I mean, what man wouldn't.

2 Q After getting hit in the head with a Patron bottle?

3 A That's why, after getting hit on the head, he was

4 struggling.

5 Q But then he left directly after that?

6 A Yeah.

7 Q Okay. So Jamaree just got involved in this particular fight

8 that was between you and Tamira --

9 A Uh-huh.

10 Q -- and he involved himself in it --

11 A Right.

12 Q -- and that kind of ramped things up --

13 A Right.

14 Q -- leading him to hit somebody in the head with a bottle?

15 A Right.

16 Q And then when you spoke to law enforcement you didn't -- do

17 you remember you were hesitant to tell them that you knew Dubb?

18 Do you remember that?

19 A I do.

20 Q Why was that?

21 A Force of habit.

22 Q Say it again?

23 A Force of habit.

24 Q What kind of force of habit? What kind of habit do you

25 have? Is it maybe -- what habit is that you're talking about?

1 A I mean, you don't just go around saying Oh, yeah, I know
2 such-and-such. When y'all pulled me in here y'all talking about
3 a fight that ensued. He had nothing to do with the fight so why
4 would it matter? And if you did have a photo to show me that
5 mean you knew exactly who he was --

6 Q Oh.

7 A -- so I didn't feel the need to help y'all do y'all job.

8 Q All right. So that's your habit. If somebody's trying to
9 ask what happened yours is I'm not going to get involved. Is
10 that what you're saying?

11 A Yeah. I don't get involved in stuff that don't have
12 nothing -- I don't place things that don't have anything to do
13 with certain things.

14 Q So if I ask you some questions about that night are you
15 going to be forthcoming or are you going to try to make me work
16 hard to get the answers from you?

17 A No. I'll tell the truth.

18 Q Okay. But it's your habit not to tell the truth, is what
19 you're saying?

20 A No, that's not what I said.

21 Q Okay. It's your habit not to cooperate with law
22 enforcement?

23 A That's not what I said. Am I --

24 Q Explain it one more time.

25 A Am I not cooperating now by being here?

1 Q You just brought something up. I just want to make sure,
2 because we're under oath.

3 A You just brought something up. I answered you.

4 Q Okay. Explain it again what is the habit you're -- I asked
5 you why you didn't disclose about Jamaree being there. He's the
6 one who was involved in the fight.

7 A Because it didn't matter to me. That's why.

8 Q You don't think it matters that he hit somebody in the head
9 with a Patron bottle?

10 A Y'all asked how the fight went. I told you exactly how the
11 fight went. You asked me why I didn't tell you that he was there
12 or why I didn't tell you that I knew him.

13 Q Well, why didn't you? Do you remember you said you didn't
14 recognize him when they showed you a picture of him?

15 A I, uh -- yeah.

16 Q Okay. Huh, force of habit.

17 A Huh.

18 Q Is there anything you can think of today that maybe your
19 habit has prevented you from telling us about what happened that
20 night?

21 A No, cause it was a fight. We do that a lot -- I mean,
22 that's something that happens. Not like you go to the club and
23 get in a fight that don't mean you gonna wake up and kill
24 somebody.

25 Q All right. So at what point did you realize that -- well,

1 let me back up. So they left together in the car, Dai'Juan and
2 Tamira?
3 A Yes.
4 Q Jasmine left with Tyjeria?
5 A Yes.
6 Q And then that means you're there with Dubb?
7 A Uh-huh.
8 Q Who else was still there?
9 A Antonio, Tromaine, and my cousin's baby mama.
10 Q Your cousin being Troy Stevenson?
11 A Yes.
12 Q And his baby mama being Rhondette Pointer?
13 A Exactly.
14 Q And you don't drive, you said. You said Jamaree doesn't
15 drive.
16 A Uh-huh.
17 Q You weren't there during the shooting?
18 A No.
19 Q So how did you leave Lucille Drive?
20 A Like Jas said, I was, we were, very intoxicated so I can't
21 remember whether it was my Aunt Sonya who took us home or Troy's
22 baby mama, but it had to have been those two because they were
23 the only ones there left that I would have asked.
24 Q Okay. And you would have gone back to your home at Garner's
25 Ferry?

1 A Exactly.

2 Q Johnikqa was not there that night?

3 A No, she wasn't at the altercation.

4 Q Do you remember when you got back to your home in Garner's
5 Ferry talking to her?

6 A Yeah.

7 Q Did you tell her what happened with the fight?

8 A Uh-huh.

9 Q At what point did you realize that 2849 Lucille Drive had
10 been shot?

11 A Uh, it wasn't long after I had got home.

12 Q Okay.

13 A But I can't remember times. I was intoxicated.

14 Q Did you leave directly after the fight between Dubb and
15 Dai'Juan Richardson?

16 A No. I stayed for about 20 to 30 minutes after that.

17 Q And so you would -- I'm sorry. And you answered this, I
18 just can't remember what you said. You can't remember, or do you
19 remember speaking with Johnikqa when you got home?

20 A I do remember speaking with her.

21 Q You do?

22 A I do.

23 Q Okay. And so do you remember the two of you talking about
24 Tamira Jackson and Dai'Juan Richardson fighting?

25 A Yeah, but she -- it wasn't as much as a reaction as she

1 would normally give because she was on an antidepressant. So it
2 was like, she was like Oh, wow, y'all fought. How did I miss it.
3 And then we separated.

4 Q So do you remember that night, were you with Johnikqa when
5 she was sending any kind of messages to Troy?

6 A No, I was not.

7 Q She didn't tell you about sending messages to Troy or
8 anything like that?

9 A No, she did not.

10 Q Didn't show you any kind of message or anything?

11 A No.

12 Q Do you remember the next day in a group video Facebook chat
13 with Troy and Antonio Barnes?

14 A No, because it's no secret that Troy and I, we don't really
15 never see eye to eye, and Antonio is that same type of person.
16 We don't ever reach out.

17 Q You don't remember that?

18 A No.

19 Q Do you remember having a phone call through Facebook
20 Messenger with Troy the next day?

21 A No, but sometimes -- I mean, like I said, we family.
22 Sometimes he would call for random things.

23 Q So you don't remember speaking with him at least three
24 different times the next day? I mean, that wouldn't surprise
25 you, though, would it?

1 A To speak to Troy three times? No, depending on what he
2 called me for. Like, I don't know, but ...

3 Q Do you remember what he was calling for?

4 A No. Like I said, I don't remember him ever calling.

5 Q And why is that? Is it because you were so drunk, or do you
6 remember?

7 A After drinking like that, very-much hung over. Not feeling
8 too hot the next day.

9 Q Okay. I think I'm -- just let me check and see if I have
10 anything else. Do you remember Troy [sic] Barnes' Facebook page
11 name?

12 A As you said, Troy To Major at the time, right?

13 Q I'm sorry. Antonio Barnes is what I meant. Do you remember
14 his? Do you remember his? IamHoodlyfe, does that ring a bell?

15 A No.

16 Q You don't? Okay.

17 A No, I don't.

18 Q And Jasmine, did she stay with and you Johnikqa over at
19 Garner's Ferry during this time?

20 A Uh-huh.

21 Q You said she was -- did she kind of bounce around or did she
22 stay with you full time?

23 A She was going through a little situation so she was between
24 me and Tamira's house.

25 Q You thought she stayed at Tamira's house?

1 A Not that I'm aware, what was going on. Her son was at
2 grandma's house, but she was between me and her house.

3 Q All right. Answer any questions the other attorney has.
4 Thank you.

5 **CROSS-EXAMINATION**

6 BY ATTORNEY ZMROCZEK:

7 Q Good morning.

8 A Hi.

9 Q Do you remember the police talking to you back in May of
10 2021?

11 A I do remember kind of.

12 Q You were at work, and then they tracked you to work --
13 Right.

14 Q -- and they wanted to talk to you, right?

15 A Yeah. Right.

16 Q And do you remember what you told them about Johnikqa's
17 Facebook Messenger and her Facebook name? What did you tell them
18 about that?

19 A Johnikqa had trouble getting her passwords and so sometimes
20 she is able to get into her things and sometimes she isn't, so
21 she would often have multiple Facebooks.

22 Q You said that she also got locked out and, in fact, you even
23 told them that other people would use her names because she would
24 get hacked, didn't you?

25 A Right.

1 Q And you told them that, didn't you?

2 A She would always get hacked and people would post, like,
3 pictures, and then she'd say laugh and say that's not me, and go
4 and make another Facebook all over again.

5 Q Right. So people would get into her Facebook and put stuff
6 and --

7 A Someone just recently hacked into mine, which is why my name
8 is no longer Jayy Dior on Facebook; it's D'ior Martin.

9 Q And what did you say about Tamira?

10 A I said mine's just recently got hacked recently, so that's
11 why my name is no longer Jayy Dior on Facebook; it's D'ior
12 Martin.

13 Q Oh. Yeah. Yeah. And so the way it gets hacked is, so if
14 you don't have a phone that's working --

15 A Right.

16 Q -- right, and then you say Hey, let me hold your phone --

17 A Right.

18 Q -- meaning my phone --

19 A Yes.

20 Q -- what are you going to do?

21 A I mean ...

22 Q You're going to log into your Facebook, right?

23 A Right. Right. Right.

24 Q And so that's what y'all did amongst your friends and
25 family, right?

1 A Right. Yeah. At the time I actually didn't have a phone,
2 so I was using Jas phone at the time.

3 Q You were using Jas phone, right, Jas Martin?

4 A Uh-huh.

5 Q And she stayed at Tamira's house sometimes, right?

6 A Uh-huh.

7 Q And so she had access to -- it's not sinister --

8 A Right. Right.

9 Q -- but when she was -- when she was letting you -- or, when
10 she was letting you use her phone --

11 A Uh-huh.

12 Q -- you would log into Facebook, right?

13 A Right.

14 Q Johnikqa, same thing?

15 A I mean, if it called for it, maybe.

16 Q Right, if she needed to log in and --

17 A She would let her. Yeah.

18 Q And Jas Martin lived with you, right?

19 A Yep.

20 Q And I know you said she was bouncing back and forth, right?

21 A Uh-huh.

22 Q And Troy wasn't there that night?

23 A No.

24 Q He wasn't involved in this at all, was he?

25 A No.

1 Q And you said that Dubb was there, and whatever y'all's
2 relationship was, not getting into that --

3 A Right.

4 Q -- but Dubb was there?

5 A Right.

6 Q And you said he got -- how did he get there, with Antonio?

7 A Yeah.

8 Q What kind of car were they in; do you remember?

9 A I don't remember what kind of car.

10 Q And you said that maybe -- so after all these fights -- oh,
11 wait, I do want to talk about the fight, though. You said that
12 when 'Juan got out of the car he started reaching for his gun --

13 A Uh-huh.

14 Q -- right? So the only person that had a gun in this whole
15 situation that you recall was this guy 'Juan, right?

16 A Right.

17 Q And he was mad, right?

18 A I would assume so. A little bit disoriented.

19 Q Right. And how was Tamira, was she happy or was she mad?

20 A You couldn't tell. She was hiding in the car.

21 Q Okay. She was hiding in the car, right?

22 A Uh-huh.

23 Q But when y'all were interacting at Latoya's at Lucille she
24 was mad, right?

25 A Yeah. I mean, I guess. Or depending on how I felt --

1 Q Y'all just don't have a good relationship?

2 A -- but, a sight to see.

3 Q And Jas was kind of just caught in the middle because she's
4 friends with everybody, right?

5 A I don't know.

6 Q She's friends with Tamira and she's friends with --

7 A I wouldn't say a friend of everybody's.

8 Q Right. Right. Right. Right. And so you say Antonio and
9 Dubb left?

10 A Uh-huh.

11 Q And I'm sorry. You have to say yes or no.

12 A Yes.

13 Q And that was after all that other -- after Dubb and 'Juan
14 got into it, right?

15 A No. They left before Chasicia and Tyjeria even pulled up.

16 Q Okay. And so they left and then they came back together?

17 A Once they arrived back --

18 Q Uh-huh.

19 A -- me and Chasicia were still fighting.

20 Q Okay. Okay. And then did they leave after that, or do you
21 know?

22 A No. Me and Antonio and Tromaine and Troy's baby mama all
23 went in the house. We sat, we conversated [sic], laughed a
24 little bit. Troy walked in, asked what happened or whatever. As
25 always, he's chewing on something. He gave a little cat yell

1 after he found out what happened, and then he proceeded to leave.

2 Q He left, right?

3 A Uh-huh.

4 Q You say Troy's baby mama, but do you know her name?

5 A Rhondette.

6 Q Did you all call her Keet [ph]?

7 A Keet.

8 Q Okay, Keet. And you said you got home that night, you
9 think, either Sonya or Keet, right?

10 A Uh-huh.

11 Q And Keet has a dark green car?

12 A Uh-huh.

13 Q What kind of car does Sonya have?

14 A At that time it was like a white Malibu.

15 Q Okay. So we've got a white Malibu or Keet's car, which was
16 a green Hyundai or Sonata, or something like that, right?

17 A Uh-huh.

18 Q It's a little sedan, right?

19 A Right.

20 Q But you don't remember how you got home?

21 A No.

22 Q Okay.

23 ATTORNEY ZMROCZEK: Beg the Court's indulgence.

24 Q And just to be clear, when all this was going on Troy wasn't
25 involved at all, right?

1 A No.

2 ATTORNEY ZMROCZEK: Thank you. No further questions.

3 **REDIRECT EXAMINATION**

4 BY SOLICITOR SCOTT:

5 Q So did you ever see a gun?

6 A Yes.

7 Q Do you remember speaking with law enforcement twice?

8 A I do remember speaking with y'all about a week or two ago,
9 and I remember us having the same argument, and you asked me --

10 Q Okay --

11 A -- and you said, Are you sure you saw a gun --

12 Q Well, that's not my question.

13 A -- basically trying to coerce me into telling you that I
14 didn't see a gun, but I did.

15 Q All right. I know you're wanting to say that, okay. How
16 many times have you talked with the lawyer over here?

17 A Never.

18 Q You never talked to her?

19 A No.

20 Q Okay. So tell me how it is that you met with law
21 enforcement twice right after this happened, right?

22 A Okay.

23 Q I'm asking you. Am I upsetting you?

24 A No. I just don't like your demeanor, and I haven't liked
25 this, as I mentioned.

1 THE COURT: All right. He's going to ask questions, you're
2 going to answer them truthfully, and we're going to keep moving
3 on.

4 A I have been truthful.

5 Q Okay. Let me try to improve my demeanor, but I just want --

6 A Okay.

7 Q You already told me you don't like to answer the questions
8 and it's force of habit --

9 A I didn't tell you I didn't like you asking questions.

10 Q Okay. Troy Stevenson is your cousin?

11 A Okay.

12 Q Right?

13 A Yes.

14 Q Okay. Law enforcement comes to you directly after this
15 shooting and they ask you questions, they meet with you for over
16 an hour.

17 A Okay.

18 Q Okay?

19 A Yes.

20 Q And they're asking you, you know, Tell us what happened,
21 every detail possible?

22 A Uh-huh.

23 Q And we already talked about how you wouldn't admit that you
24 knew who Dubb was, and -- am I upsetting you again?

25 A No.

1 Q Well, what's with that? What's with the head roll?

2 A Because why we keep going over it?

3 Q We've got to. We've got to get to the truth. That's what
4 the attorney said. And I'm going to do it.

5 A Well, then let's do it.

6 Q All right. You spoke with them. Let me get it right
7 exactly when you spoke with them, and if there's anything that
8 you don't remember I can play the video for you.

9 A That's fine.

10 Q April 9th do you remember speaking with law enforcement?

11 A I don't remember dates. It was long ago.

12 Q Would it surprise you if I told you it was April 9th, three
13 days after the shooting?

14 A No, it wouldn't, because I remember the detective asking me
15 when did I find out that Tamira's father had been killed, and I
16 said I didn't know nobody got killed until y'all pulled in.

17 Q April 9th you spoke with them?

18 A Uh-huh.

19 Q And would it surprise you that it went on for about an hour
20 and 30 minutes?

21 A No.

22 Q Would it surprise you that not once did you ever mention
23 seeing a gun during this fight?

24 A It wouldn't because, like I said, I was intoxicated and ...

25 Q Well, how do you suddenly remember today that there was a

1 gun and you're sure of it?

2 A Because now is the time to be sure so you have to try and go
3 back over everything, but the only thing that you can't recall,
4 makes and models of cars, times, dates, when and where everybody
5 was during an event, you know, all you can remember is who wasn't
6 there. You can remember who was there but you can't place
7 everybody on where everybody was.

8 Q So I want to just be clear. Now you say you saw the gun.
9 Because earlier you said he was clutching a gun or something?

10 A Yeah, in his shirt. And I don't know whether he had on
11 sweatpants or, like, long shorts, but it wasn't jeans.

12 Q But now as we sit here today, May 14th, you are sure that
13 you saw a gun?

14 A Yeah.

15 Q And why didn't you say it in the hour and 30 minutes on
16 April 9th when law enforcement was asking for all the
17 information?

18 A I don't know. Can't tell you.

19 Q Okay. Do you remember telling them that if you knew who did
20 the shooting you probably wouldn't tell them?

21 A Right.

22 Q Okay. Is that kind of that force-of-habit thing is you're
23 talking about?

24 A I mind my business.

25 THE COURT REPORTER: Repeat that, please.

1 THE WITNESS: I mind my business.

2 Q So that's when law enforcement's asking these questions, you
3 openly admit I'm not going to cooperate?

4 A I didn't say I wasn't going to cooperate. Things that
5 didn't matter, I wasn't going to discuss.

6 Q Remember them asking you if you knew who did it would you
7 tell us, and you said probably not?

8 A Yes. I just said yes.

9 Q And they bring you back in May 12th, and you didn't mention
10 the gun there either?

11 A Okay.

12 Q Do you agree?

13 A I just said yes. I don't know why.

14 Q You suddenly remember now because it's time for it to
15 matter, is what you said?

16 A Yeah. Now it matters because somebody died.

17 Q Yeah. All right. Listen, I'm about to sit down but, you
18 know, you say I've gotta do my job to get the questions and
19 answers out of you. Can you think of anything else that, you
20 know, I can ask you to help get to the bottom and get the truth
21 out? I mean, is there anything else you've been withholding all
22 this time that you feel the need to tell us today?

23 A No. Like I told you when you spoke with me, you're the one
24 who told me that whoever this Dai'Juan dude is is the one who
25 shot my house up. I wasn't even sure of that.

1 Q But doesn't it make sense? He got hit in the head with a
2 bottle. Did he say -- did he say anything that he was going to
3 come back and shoot it up?

4 A If he did, we were drunk, I can't recall.

5 Q Did you call the police that night about all this that
6 happened at Lucille?

7 A No.

8 Q Didn't feel a need to do that?

9 A Why? It was just a fight.

10 Q Okay. Did you ever draw a connection between somebody
11 getting assaulted with a Patron bottle and then that house gets
12 shot up, or were you too drunk?

13 A I don't know. I was intoxicated. So after my mom checked
14 on my auntie after she called and told her the house got shot up,
15 we checked on them to make sure everybody was okay, and sent to
16 sleep.

17 Q Are you close to the Aunt Latoya Barnes?

18 A Yes.

19 Q And Troy is her son?

20 A Uh-huh. Yes.

21 Q I guess you're all a pretty tight family?

22 A Most of us. Some of us don't agree with each other.

23 Q Tell me a little bit more about, how did this work with
24 hacking into Facebook accounts?

25 A Okay. A lot of times a hacker that have already hacked into

1 other Facebook accounts, they approach you as a friend that you
2 already had on Facebook, so when they approach you they inbox you
3 something like Hey, girl, I got locked out from my Facebook page,
4 what's your number, blah blah blah, so they can send a code and
5 you send it back to me and I can get in or whatever.

6 And you thinking like, this is my normal Facebook friend who
7 I am interacting with on Facebook, they not knowing that they've
8 already been hacked, you give it to them, like you give them your
9 phone number, and somehow throughout that means the code comes,
10 you send the code, and by the time you go to get back in your
11 Facebook, you can't get in, like you can't use the password,
12 nothing.

13 Q So you've fallen prey to this before?

14 A Yes.

15 Q A number of times?

16 A No. Me, just once. It only takes me one time.

17 Q And now you're saying that perhaps your sister has fallen
18 prey to this scam as well?

19 A I mean, she has multiple times, which is why she's got
20 multiple users.

21 Q Y'all just keep giving your passwords out to people? Is
22 that how that works?

23 A I didn't keep doing anything.

24 Q That's what you're saying that your sister has done, she
25 keeps giving her passwords out --

1 A No, it's not a password. They ask you for your phone
2 number.

3 Q Well, how do you log into a Facebook account, though? Do
4 you need a password?

5 A I mean, if you lose the phone number, they can access your
6 account by the phone number that's associated with your account.

7 Q You don't need a password?

8 A No.

9 Q So --

10 A They can go in using that and change your password.

11 Q So if I have your phone number, you're telling the jury that
12 I can hack into your Facebook and pose as Jalanda Tobias if I
13 wanted to?

14 A If you was a hacker, yes, you could.

15 Q Well, I got your phone number. So you're saying that's all
16 I need to do that?

17 A That's all you need.

18 Q Just your phone number?

19 A Uh-huh.

20 Q Have you ever identified some of these people who hacked
21 into your Facebook account?

22 A There is no way. Once my Facebook, Jayy Dior, was hacked
23 they changed it to Erik Buewer [ph], and then all my pictures
24 were deleted and then some picture of some Caucasian family was
25 placed up on there.

1 Q So, all right. So you did have a phone during this event?

2 A No. Once I had got home my sister had let me know during
3 that conversation when I told you she say Oh, y'all fought, I
4 missed that, she had another phone. It had just arrived.

5 Q In the middle of the night?

6 A No, like that day. Because I wasn't home that day, so she
7 let me know while I was out my phone got delivered.

8 Q You just got a new phone?

9 A Yeah.

10 Q It just so happened that night you just received a new phone
11 in the mail?

12 A Yes, because before that, a weekend or two before that, me
13 and John and Jas was out, and I broke my phone.

14 Q So if there was to be phone calls from your Facebook
15 account --

16 A Uh-huh.

17 Q -- perhaps you were using somebody else's phone to send
18 those?

19 A I mean, I don't -- I don't know. I logged in on multiple
20 people's phones during the time that I didn't have my phone.

21 Q Okay. So you didn't have your phone. You would log in as
22 Jayy Dior from somebody else's phone and send messages and make
23 phone calls?

24 A I did. Yeah.

25 Q Okay. Thank you.

RECROSS-EXAMINATION

BY ATTORNEY ZMROCZEK:

Q Ms. Tobias, you and I have never met before, have we?

A Oh, no. Never.

Q Never spoken?

A No, never.

Q I just wanted to make sure about that because I have not told you what to say or what not to say.

A Uh-uh.

Q Right? In fact, May 2nd, just a few weeks ago, you met with the solicitor's office, right?

A Uh-huh.

Q And you said that's when you all had the same fight about the gun, that you told him, Mr. Scott, about that gun on May 2nd?

A Uh-huh. Right.

ATTORNEY ZMROCZEK: That's all the questions I have. Thank you, ma'am.

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

THE WITNESS: All right.

ATTORNEY ZMROCZEK: Your Honor, we have a matter to take up.

THE COURT: All right. Ladies and gentlemen, we're going to take a short break. Use the restroom. Stretch your legs. Do not discuss the case at all. Do not deliberate. Just take a short break. We'll have you back out here very shortly. Thank you.

1 THE BAILIFF: Keep your seats. Keep your seats.

2 THE COURT: Remain seated.

3 (Jury escorted out of the courtroom at 11:17 a.m.)

4 MATTER(S) OF LAW

5 THE COURT: What's the issue?

6 ATTORNEY ZMROCZEK: Thank you, Your Honor. Again, with
7 discovery. Some on May 2nd -- or, excuse me. On May 10th, so
8 last Friday, I received an email from Mr. Scott. On May 2nd
9 Jalanda and Johnikqa Tobias were asked to come to the solicitor's
10 office to speak with us. Jalanda indicated that Dubb Martin
11 lived with her at the time, the address -- and gave the address,
12 and then Johnikqa indicated blah, blah, blah.

13 Your Honor, what I've learned -- I mean, I was just as
14 surprised as anyone to learn that there was a gun introduced by
15 'Juan at Lucille Drive, which is why I questioned her about it.

16 But, Your Honor, when Mr. Scott got up to redirect she said
17 this is the same conversation we were fighting about. Your
18 Honor, there was never any mention of any gun.

19 And again, I mean, obviously it come out today but, you
20 know, saying that you complied under *Riddle*, but you leave an
21 important fact out about the gun is, again, concerning, and we
22 renew our motion to dismiss for the discovery violation.

23 THE COURT: All right.

24 SOLICITOR SCOTT: Judge, I've done my dead-level best to go
25 above and beyond, I think, of what's required. And I don't have

1 to give her a synopsis of every conversation I have in
2 preparation of trial. I do, under *Riddle*, have to disclose
3 things that could possibly exculpate or inculpate her client,
4 which this does not do either.

5 My recollection -- you heard the testimony -- you heard that
6 she clearly does not want to cooperate. She does not like my
7 demeanor, whatever that means. She has been less than
8 forthcoming. I believe she has withheld things because her
9 cousin's being tried. She never mentioned seeing a gun during my
10 interview with her; she mentioned she assumed he was going to
11 reach for a gun.

12 And if I left that out, I apologize, but I don't see any
13 requirement, whether it be *Riddle* or any other precedent out
14 there, that I have to disclose every single thing I learn about
15 in my preparation for trial. That particular piece of
16 information does nothing to exonerate or to incriminate her
17 client.

18 It is rather undisputed that Mr. Dai'Juan Jackson [sic] came
19 back later and he is the one that fired upon Lucille so we know
20 he armed himself at some point with a gun.

21 Him having a gun during this Patron bottle fight is
22 completely senseless. If, in his mind, he was going to shoot up
23 Lucille and shoot up people that were involved in assaulting him
24 with a Patron bottle, had he had a gun at that point wouldn't
25 that have been the opportune time to do it. So --

1 THE COURT: All right. I'm going to take it under
2 advisement, and I'm going to take a 15-minute break.

3 (Court recessed at 11:20 a.m. and reconvened at 11:37 a.m.,
4 without the jury present.)

5 THE COURT: Ms. Zmroczek, does he need to use the restroom,
6 Mr. Stevenson?

7 ATTORNEY ZMROCZEK: He did. Thank you, Your Honor.

8 THE COURT: And you'll let us know if you need a break?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Anything else? Did you want to elaborate?

11 ATTORNEY ZMROCZEK: Your Honor, I noted that -- I just
12 noted, which makes sense -- they still have his one arm cuffed.

13 THE COURT: It's policy. But ensure that he keeps his hand
14 down so the jury can't see it.

15 ATTORNEY ZMROCZEK: Yeah. Oh. There's only one other
16 thing, Judge. I appreciate the problems with technology. It
17 happens often, okay. I know that this is a new system. My
18 concern is that when I looked up I caught a glimpse of just the
19 autopsy drawing which was -- I mean, it's going to come in. It's
20 not, you know, it's not problematic. What is problematic is if
21 it continues to happen and something gets flashed up there.

22 So I appreciate that it's new technology and they're still
23 learning how to use it. If it's not known how to be used I
24 just -- maybe we can go to something else because I don't want
25 the jury to get a flash of something that taints this trial.

1 THE COURT: Who's in charge of that?

2 CLERK OF COURT: That was my fault.

3 SOLICITOR FOWLER: Your Honor? Jounus, turn it on real
4 quick. Because this is what I'm looking at, Judge, and I don't
5 see any previewed images.

6 THE COURT: In any event, the State, whoever is controlling
7 it on either side, make sure that nothing pops up because that's
8 grounds for a mistrial.

9 SOLICITOR FOWLER: Well, yeah. I have -- they're just
10 icons; there's no previewed images.

11 THE COURT: Just make sure that that doesn't happen for any
12 of them. All right.

13 As to the motion to dismiss, again as reiterated, as stated
14 earlier, that's a drastic remedy. The testimony from Ms. Tobias,
15 as we could see, was combative. Whether it's credible or not,
16 Mr. Scott, I don't find it credible, Ms. Tobias, so I don't think
17 it rises to a level of dismissal.

18 So that motion is denied and noted for the record.

19 ATTORNEY ZMROCZEK: Thank you.

20 SOLICITOR SCOTT: Your Honor, it just occurred to me while
21 we were -- as we got rolling today, and I neglected to mention
22 it -- and maybe you're still mulling it over -- but the question
23 of third-party guilt. In the closing, or the opening of the
24 defense that was insinuated multiple times despite the fact that
25 indicated it would not be in their opening, and I realized at

1 that point we had not had a ruling on that. Is that something
2 you're still deciding on?

3 THE COURT: Well, I mean, the only decision will be is if
4 Ms. Zmroczek says here's the evidence I have and then I look at
5 that evidence and see if it complies with case law, if it does or
6 does not. But I didn't notice, is there insinuation?

7 ATTORNEY ZMROCZEK: Your Honor, what we say isn't evidence.
8 What I said is what they'll see is who was involved, who wasn't
9 where the shadows are, and using their common sense.

10 THE COURT: I think at this point she'll be held
11 accountable. I mean, in your closing you can say she said this
12 in opening but you know, this ... And if she didn't prove it,
13 and if I let in third-party evidence, third-party guilt, that's
14 for the jury to be aware of, that she didn't deliver on that
15 without shifting the burden.

16 But if you've got third-party guilt you're going to try to
17 get in it needs to be shown to us beforehand so I can make a
18 ruling on it.

19 ATTORNEY ZMROCZEK: I will, Your Honor, when the physical --
20 when the evidence comes in that relates to it. But actually
21 while we're on that topic, Your Honor, so we had testimony from
22 Tyjeria Prophet today, okay. Never mentioned a car. In fact,
23 said no car; said Troy wasn't there; didn't come up with Dubb in
24 a black car.

25 Your Honor, they did not cross-examine her on that, Didn't

1 you tell Investigator Oxendine so-and-so that Troy and J'Dubb
2 pulled up in a black car?

3 So, Your Honor, going forward, if they present testimony
4 that Troy pulled up to that house with J'Dubb in a black car, I
5 will object, and at that point it's going to be hard to unring
6 the bell.

7 But they did not cross-examine the one witness that they
8 said that Troy pulled up in a black car. So if that testimony
9 comes out through the investigators, Your Honor, prior to us, you
10 know, having a debate on that because they did not properly
11 impeach her with that evidence, I will take issue with that.

12 Again, I'm trying to -- I don't want to do this multiple
13 times, so.

14 SOLICITOR SCOTT: Well, first of all, I don't cross-examine
15 my own witness. Second of all, if there's any cross-examination
16 based on any inconsistency that would be the job of the defense.
17 That was only relevant to our search-warrant issue.

18 And of course she didn't even remember saying to the law
19 enforcement that Troy and Dubb were friends despite us trying to
20 refresh her memory, so we don't intend to bring that up. That
21 was only relevant based on what law enforcement was hearing from
22 her at the time. Of course we know that was a misidentification
23 on her part. We believe she was talking about Antonio Barnes,
24 but that's not coming up during our case, Judge.

25 ATTORNEY ZMROCZEK: But my concern is --

1 THE COURT: We'll cross that bridge when it gets there.
2 They try to put in evidence that's not evidence, just like if
3 anybody does that, it's an issue.

4 ATTORNEY ZMROCZEK: Thank you.

5 THE COURT: Anything else from the State before we bring the
6 jury out?

7 SOLICITOR SCOTT: No, Your Honor.

8 THE COURT: Anything from the defense?

9 ATTORNEY ZMROCZEK: Nothing further. Thank you.

10 THE COURT: Let's bring the jury.

11 (Jury seated in the courtroom at 11:45 a.m.)

12 THE BAILIFF: Jury's seated, Your Honor.

13 THE COURT: Thank you. Thank you, ladies and gentlemen.
14 We're going to continue with the case. State may call its next
15 witness.

16 SOLICITOR SCOTT: Thank you, Your Honor. The State calls
17 Tamira Jackson.

18 TAMIRA CHASICIA JACKSON,
19 having first been duly sworn, is examined and testifies as
20 follows:

21 CLERK OF COURT: Thank you, ma'am. Please have a seat in
22 the witness box, and state your full name for the record.

23 THE COURT: If you'll state your name for the record.

24 THE WITNESS: Tamira Jackson.

25 THE COURT: And if you'll just make sure to speak up loudly

1 so everyone can hear you, okay.

2 THE WITNESS: Yes, sir. Can you hear me?

3 THE COURT: Yes, but speak as loud as you can.

4 THE WITNESS: Okay.

5 **DIRECT EXAMINATION**

6 BY SOLICITOR SCOTT:

7 Q All right. Tamira, looking at State's No. 2 up on the
8 screen --

9 A Yes.

10 Q -- what is that?

11 A That's my dad's house.

12 Q And your dad was who?

13 A Charlie Jackson.

14 Q How did people know him?

15 A They knew him as Sonny.

16 Q Sonny?

17 A Uh-huh.

18 Q And who else lived here at this house with you and Sonny?

19 A Me, and my sisters, Jalisa and Makayla are my sisters; my
20 daughter, Dsani, she was living there with us at the time, as
21 well; and my mom was there.

22 Q Is your mom Ivy?

23 A Yes. She lived there.

24 Q April 6th of 2021, you were living there at that time?

25 A Yes.

1 Q Do you remember who all was there that particular day?

2 A Me. Well, my dad were there by hisself. I had just came
3 there because I was gone for a couple days. I had just lost
4 another family member before, so I was at that family house. So
5 I had came back on April 6.

6 Q All right. And your dad was not working at the time; is
7 that right?

8 A No. I think he was retired at the time because he had got
9 injured, so -- and he was old. My dad was like 62 at the time.

10 Q Okay. But when he worked he was installing like --

11 A He worked at Overhead Doors Construction so he installed
12 doors for, like, Walmart, Dollar General, and, like, big
13 businesses like that.

14 Q And retired from that company?

15 A Yes, sir.

16 Q And he was injured on the job at some point?

17 A Yes. He was injured twice on the job.

18 Q But in 2021 he was retired?

19 A Yes. He was home.

20 Q At some point on that particular day you got together with
21 Dai'Juan Richardson?

22 A Yes.

23 Q Who is Dai'Juan Richardson?

24 A Dai'Juan Richardson is -- the family member that passed
25 away, his name was Caleb, he was my cousin, that was his best

1 friend.

2 Q Okay, that's the connection. And Jasmine is related how?

3 A Jasmine is Caleb's br- -- sister. I'm sorry.

4 Q Okay. So do you remember about how long before this that

5 Caleb passed away?

6 A Uhm, two weeks before my dad, I think.

7 Q Okay. And so you said you were out of town?

8 A No. I was at their house. They lived in Elgin at the time

9 so I was, like, 20 minutes away from my dad's house.

10 Q Who lived in Elgin?

11 A Caleb.

12 Q Okay. Did he live there with his mother?

13 A His sisters.

14 Q His sisters, okay. But where did Jasmine live?

15 A She was -- sometimes she was at my house. Sometimes she was

16 there, and sometimes she was on Garner's Ferry at Jalanda's

17 house.

18 Q So do you know what her primary address would have been, or?

19 A No, not really. If it was, it was with her sisters.

20 Q Okay, in Elgin?

21 A Yes.

22 Q So you met Dai'Juan through Caleb?

23 A Yes.

24 Q And how did it come to be on April 6th that you were hanging

25 out with Dai'Juan Richardson?

1 A Me and Dai'Juan was intimate at the time. It was just a
2 little fling. We were never, like, in a full-blown relationship
3 or anything like that. So we were intimate. We were having sex
4 with each other from time to time.

5 Q Okay.

6 A So he was just with me basically.

7 Q But did he come to the 209 Devoe house?

8 A Yes. Yes. He drove his own car.

9 Q To hang out with you?

10 A Yes.

11 Q And was your father there at the time?

12 A Yes, sir, he was.

13 Q Tell me, what time are we talking about when this went on?

14 A Uhm, it was still daytime so, uhm, I would say afternoon.
15 2:00 to 3:00, I would say.

16 Q And did you all stay at 209 Devoe into the nighttime?

17 A Yeah, we did. And then me and my father had gotten into a
18 little disagreement about laundry, you know, father-daughter
19 argument, and he said he wanted nobody in the house, boys
20 particularly. So he was like Y'all go somewhere and go do
21 something. So I decided, like, let's go see Caleb at his
22 gravesite because that was his best friend.

23 Q And that was something that he was interested in doing,
24 Dai'Juan?

25 A Yes.

1 Q So did the two of you just leave 209 Devoe and go straight
2 to Caleb's grave, or did y'all --

3 A No --

4 Q What did y'all do?

5 A No, sir. Uhm, Dai'Juan called Jasmine and asked her did she
6 want to go, as well, but he told me that she'd need a ride.

7 ATTORNEY ZMROCZEK: Your Honor, I'm going to object again to
8 the hearsay.

9 SOLICITOR SCOTT: So I'm not offering it for the truth of
10 the matter asserted. I'm trying to lay out how we get from Devoe
11 to Lucille and why we get there and what our plans are for the
12 night. So it's not a statement being offered for any truth of
13 the matter asserted.

14 THE COURT: Overruled.

15 Q Okay. So instead of you and Dai'Juan leaving Devoe and
16 going to Caleb's grave --

17 A Yes, sir.

18 Q -- he says Well, I'll see if Caleb's sister wants to go,
19 too.

20 A Yes, sir.

21 Q And so you said that he called her?

22 A Yes, he did. He was driving at the time. I was in the
23 passenger's seat. He said Jas wants us to come pick her up
24 because she wants to go, too, as well, and she got a bottle. I
25 don't drink, so that's what -- they drink, which is fine with me,

1 I don't have a problem. So he never told me where we were going,
2 but when we got to where we were going I told him I didn't want
3 to be there and I wanted to leave. And that's when --

4 Q Let me -- let's back up a little bit.

5 A Okay.

6 Q You all went to -- where did he go that you felt --

7 A We went to what was Troy's mom's house.

8 SOLICITOR SCOTT: Can we see State's No. 2. Or, 1. All
9 right.

10 Q Do you recognize that, State's No. 1?

11 A Yes, sir.

12 Q And so you're saying once you got there -- Dai'Juan never
13 told you We're going to Troy Stevenson's mother's house?

14 A I don't honestly think he knew that's whose house it was; he
15 just knew that's where Jas was so that's where we were going.

16 Q Okay. When you got there you suddenly realized -- you
17 recognized that house?

18 A Yes, sir.

19 Q Had you been there before?

20 A I have. One time I've been there before.

21 Q Why had you been there?

22 A Because Jas, I was hanging out with Jas at the time, and we
23 went there to go chill and hang out, but I had gotten into an
24 altercation with Jalanda so I never went back there.

25 Q You and Jalanda, in 2021, were not getting along?

1 A No, never.

2 Q Had you all ever gotten along?

3 A No. The very first time we met it was just, hey, and then

4 it was never again. We never got along.

5 Q Went downhill after that?

6 A Yes.

7 Q Okay. But you had been to 2849 Lucille Drive before?

8 A Yes.

9 Q And had Jalanda ever been to 209 Devoe?

10 A Yes.

11 Q Would it have been the same reason she would have been at

12 Devoe was pretty much the reason you had been to Lucille, and

13 that's to pick Jasmine up?

14 A Yes, sir.

15 Q Because Jasmine did not drive?

16 A No. She didn't drive.

17 Q All right. So when he pulls up there is that the point you

18 realize this is Troy's mom's house?

19 A Yes. And I proceeded to say I didn't want to be here; let's

20 go. But Jas just walks out, and Jalanda walks out behind her.

21 So that's when I rolled my window up, because I didn't want any

22 altercations or anything, and after that we got into a fight.

23 Q Go step by step. How's that happen?

24 A Okay. When she comes, Jas comes, out she speaks to me and

25 she says Hey. And then I noticed Tyjeria's car was also behind

1 me, so we kind of pulled up together at the same time. So she
2 goes and walks off and talks to her best friend, Tyjeria.

3 And Jalanda proceeds to bang on my window, and we were
4 talking trash to each other, and then she starts kicking my car,
5 so then I proceed to get got out and we got into a fight.

6 Q So it began as, like, kind of a verbal argument between you
7 two?

8 A Yes, sir.

9 Q Let me ask you this, if this is true or not true: Is the
10 source of y'all's animosity with one another Jamaree Jeffcoat?

11 A No.

12 Q It's not?

13 A No.

14 Q It goes beyond that?

15 A Yeah. We just never got along. We never saw eye to eye.
16 Every time we seen each other we always would bump heads, so Jas
17 was trying to keep us apart as much as possible.

18 Q But what starts as kind of a verbal argument between you and
19 Jalanda, you say you get out of the car, and then at that point
20 it becomes physical, or?

21 A Yes, once I got out of the car, because I didn't want to get
22 out of the car. I was trying to avoid any confrontation
23 whatsoever, so.

24 Q You said she was kicking your car?

25 A Yeah. She started beating on my car, so that's when I got

1 out because I wasn't scared or anything like that. So I was just
2 like Okay, if you want to fight, let's just fight.

3 Q Okay. So at that point it's just two females fighting with
4 one another?

5 A Yes, sir.

6 Q And were you aware that there was some males in the yard,
7 too?

8 A No. I didn't see anyone until after the fight --

9 Q Okay.

10 A -- by any males. 'Juan was still with me. He was in the
11 car. He never got out until Dubb starts coming at me like he's
12 gonna hit me. So ...

13 Q So Dai'Juan was driving the car?

14 A Yes. At the time, yes.

15 Q You get out. You and Jalanda are fighting one another. And
16 had you all ended the fight or was it ongoing when Dubb gets
17 involved?

18 A Some people broke it up. I don't know who was breaking it
19 up. At the time I had braids like these so my head was down and
20 my hair was getting tugged on, so I didn't see who broke it up.
21 But when it finally got broken up we were, like, separated, and
22 then that's when Dubb proceeds to come at me and basically try
23 to -- pointing in my face and everything.

24 And Dai'Juan, he tries to stop him and said Hey, that's a
25 girl fight, let them have it. And he wasn't going for it.

1 Honestly, everyone was drunk out there. I wasn't drunk because I
2 don't drink. So everyone was drunk. So the comotion's going on
3 and all of that. He was coming at 'Juan, so when 'Juan proceeds
4 to walk away he gets hit with a bottle --

5 Q Okay.

6 A -- and he gets beat up.

7 Q All right. Okay. So your fight with Jalanda was pretty
8 much over and done with, and then Dubb ramps it back up by coming
9 at you with his finger in your face and everything?

10 A Yes.

11 Q Did you see Dai'Juan pull out a gun right then and there?

12 A No.

13 Q Did you know if he had a gun right there?

14 A He didn't have a gun.

15 Q But what you described is he gets out after Dubb, Jamara
16 Jeffcoat, is mushing your face or whatever it's called --

17 A Yes, sir.

18 Q -- and that's when Dai'Juan gets out of the car. And you
19 said he was trying to break up between you and Dubb?

20 A Yeah. He was basically trying to come to my defense because
21 he was a dude. Like he was coming at me, and I'm a female. So
22 he was saying like Let them girls have it; that's girl stuff; and
23 he was like, I don't want no trouble or anything. And then
24 that's when Dubb hits him with a bottle.

25 Q Did you see the bottle prior to that?

1 A Yes.

2 Q What was he doing -- just holding it down by his side?

3 A Yeah. He was just holding it.

4 Q So was Jalanda drunk?

5 A Yeah. They were all drunk. Everybody was drunk.

6 Q Jasmine was drunk?

7 A Yes.

8 Q Jamaree seem drunk?

9 A Yes. Yes.

10 Q Do you know how long they had been over there drinking

11 before you got there?

12 A No, sir, because I was home. I didn't know. I didn't even

13 know Jas was there until 'Juan called me and was like -- 'Juan

14 had called her, sorry -- and was saying, We've got to go get her.

15 She got a bottle.

16 Q What does Dai 'Juan Richardson do after he gets hit in the

17 head with a Patron bottle?

18 A He gets beat up, honestly. And Jas is trying to, like,

19 break it up, but he definitely, he was getting beat up. And he

20 had a hoodie on so like his hoodie was over his head, so he

21 couldn't see anything to even try to defend himself. And he had

22 on either basketball shorts or sweatpants. He didn't have on

23 jeans.

24 Q Did he go to the ground after he got hit in the head?

25 A Yes.

1 Q And was anybody beating on him when he was on the ground?

2 A Dubb.

3 Q At some point does Dai'Juan -- I mean, how does that
4 particular fight end?

5 A It ends by me screaming at him, to let go, like, Come on,
6 let's go. I honestly tried to get out to help him, but then when
7 I tried to get out Antonio Barnes, he was there -- I think he was
8 there with Dubb. I didn't see him until after the fight. Either
9 one of them, I didn't see either one of them until after the
10 fight.

11 And when I tried to get out to help that's when the gun was
12 pointed at me and was telling me Don't get out of the car.

13 Q Who did that?

14 A Antonio Barnes.

15 Q Antonio Barnes, how is he related to Troy Stevenson?

16 A I don't know.

17 Q Now, how did he present the gun?

18 A He just had it on me like he -- I was about to get out of
19 the car, and the car door's open, and I got one leg out about to
20 get out to help and he walks up with a gun and, like, Don't get
21 out or I'm going to shoot you.

22 Q Okay. So you stayed in the car at that point?

23 A Yes.

24 Q How does Dai'Juan finally -- how does it end where he can
25 get back in the car?

1 A I honestly don't know, but I do know I was screaming at him
2 for him to get up, like, Come on, let's go, like, try to get up.
3 And Jasmine was over there trying to break it up. Jalanda was
4 also over there. I don't know if she was trying to help or if
5 she was trying to break it up, but they both were over there.

6 Q Jasmine and Jalanda?

7 A Yes.

8 Q So you don't know how he was able to get up, but at some
9 point Dai'Juan Richardson gets in the car?

10 A Yes, sir. And at this point I'm in the driver's seat now
11 and he's in the passenger's seat, and we leave right after that.

12 Q And where do you all go?

13 A We went to up Two Notch to one of my cousin's house so I can
14 talk to her and, like, explain to her what happened, because --
15 simple girl talk, basically, because I didn't want to go back
16 home to my dad's house to bring all that chaos back there,
17 honestly.

18 Q Let me back up a minute.

19 A Okay.

20 Q Who is C.J.?

21 A C.J. was actually with us. Yes.

22 Q When did he get together with you guys?

23 A He was with us when we left from my cousin house in Elgin.
24 He was with Juan in his car.

25 Q Okay.

1 A And we all pulled up to my house. And that's when --

2 Q So C.J., he goes from Devoe to Lucille with you and Juan?

3 A Yes. And he's in the back seat.

4 Q Okay. And does he get out during this whole fight at

5 Lucille?

6 A No. Never.

7 Q Do you remember him rolling down the window and hollering at

8 Jalanda?

9 A If he did I wasn't even paying attention.

10 Q So he was not involved in the fight?

11 A He never got out. Even when I asked him to go help 'Juan he

12 still never got out.

13 Q So after you leave Lucille, after the fight --

14 A Yes, sir.

15 Q -- you said you went where?

16 A I went to my cousin house --

17 Q Where's that?

18 A -- which is another one of Jas's sisters. She has two

19 sisters. We went there, and I went inside. 'Juan and C.J.

20 stayed outside. I didn't know what they were doing, but I went

21 inside to talk to my cousin just to tell her what was happening,

22 what was going on and everything. And I left from there -- we

23 all left from there together, and we went back to my dad's house.

24 Q Had you ever seen a gun --

25 A No.

1 Q -- up to this point?

2 A No, sir.

3 Q What did C.J. and 'Juan do when you were in Jasmine's
4 sister's house?

5 A I don't know. They never came in. If they did, I didn't
6 hear them because I was upstairs.

7 Q Okay. And then you all left there. And then did all three
8 of you all go back to 209 Devoe?

9 A Yes, sir. But I made them stay in the front room because my
10 dad didn't want anyone there. So I kind of like snuck them in
11 just so they could sit in the front while I went to my room in
12 the back.

13 Q Okay. So do you know about what time it is at this point?

14 A It's late.

15 Q What would your dad have done if you had boys in the house?

16 A He would have fussed at me.

17 Q So you were trying to keep them quiet?

18 A Yeah.

19 SOLICITOR SCOTT: Let me have State's No. 2 back up.

20 Q Do you remember -- and y'all were getting in whose car that
21 night when y'all were driving from Devoe to Lucille and back?

22 A My car. I had a white Ford Fiesta.

23 Q Fiesta. Okay.

24 A It's a 2017.

25 Q And how did 'Juan get to Devoe earlier in the day?

1 A From my cousin's house. He drove his own car. It as a
2 white car, and it was old.

3 Q So he had his own car but when you all left to go to Caleb's
4 grave --

5 A Yes.

6 Q -- for you-all's plans, you took your car?

7 A Yes, sir.

8 Q And you all left Dai'Juan's car in 209 Devoe's driveway?

9 A Yeah. It was right in front of the white BMW. That car is
10 still there today.

11 Q His car was parked in front of this BMW?

12 A Yes.

13 Q And when you got back home that night where was your car
14 parked?

15 A In this little ditch area that's, like, in front of the
16 door.

17 Q You're pointing to this dirt patch right here in the center
18 of the screen?

19 A Yes. My car was right there. Yes, sir.

20 Q And tell me, when you go inside, was your dad -- where was
21 he?

22 A He was in this room where you see the air conditioner.

23 Q Is that his bedroom?

24 A Yes.

25 Q What was he doing; do you remember?

1 A Watching TV.

2 Q And was that customary for him to be doing that late at
3 night?

4 A Yes. He was always watching TV. He was a late-night
5 person.

6 Q So whenever you all got back, the fight's already happened;
7 you go to Jas's sister's house and tell her about the fight; and
8 then you all come back here you said it's late at night?

9 A Yes, sir.

10 Q Are emotions still pretty high?

11 A Yes, because I'm in the room where you see the big trees
12 covering the window. That was my room at the time.

13 Q We're going to let the jury know because they hadn't been
14 out here.

15 A Okay.

16 Q We're talking to the far left --

17 A Yes.

18 Q -- of State's No. 2, your bedroom's over there?

19 A Yes.

20 Q And C.J. and Dai'Juan --

21 A 'Juan is in this front room where you see the three open
22 windows here.

23 Q What is that, just like a living room?

24 A Yeah. As soon as you walk in the door it's just a living
25 room. There's a couch there. Used to be a couch there and a

1 table.

2 Q And so why were you in your room and they were in the --

3 A Because I didn't want my dad to know they were there, and
4 when went in my room to call my friends to just tell them Hey,
5 y'all, I just got into a fight -- you know, girl talk, basically.

6 Q You tell them to wait up there?

7 A Yes.

8 Q At then at some point did you go from your room back to
9 where they were?

10 A I did. 'Juan had sent me a text message and stated he
11 needed a charger. I had a iPhone at the time and he had an
12 Android, but I had a spare charger so I let him use that.

13 Q Then what happens?

14 A Well, he asked for the charger, and he used it for a couple
15 minutes and I was like, y'all okay? Are y'all good? He was like
16 Yeah, we're about to go. I asked him where they were going. He
17 wouldn't tell me anything, he didn't say anything. And I was
18 basically just like okay, Well, come back, because I kind of
19 wanted to have sex. So I told him to come back.

20 Q And how was he acting?

21 A He was acting cool, honestly. When we left Lucille he was
22 hype and he was just like, I'm so mad, like, I want to do
23 something. And I just was like --

24 Q That's not -- I mean, that doesn't -- that's cool to you? I
25 mean, was he --

1 A No. Before, he seemed upset before, but by the time we got
2 back home he was calm and he didn't seem like he was gonna to do
3 anything, so I didn't -- the thought never crossed my mind that
4 he was gonna go shoot up anybody's house or anything like that.

5 Q You don't remember him acting -- I don't know -- heated up
6 or anything to the extent that you would tell him don't do
7 anything? --

8 A When it happened, yes. And I was like don't do anything
9 stupid. When all the situation happened, we were all hyped.

10 Q You're talking about directly after the fight?

11 A Yes. When I got to my cousin's house I was still hyped.

12 Q What about right before he left? Was he still hyped?

13 A No.

14 Q You thought he had cooled down enough?

15 A I honestly did. I thought he cooled down because he wasn't
16 expressing any anger or anything when we got -- when we were at
17 my dad's house.

18 Q So he left Devoe Drive at that point?

19 A Yes, with C.J., and they rode in his car.

20 Q Whose car?

21 A 'Juan's car.

22 Q Okay. Do you know how long they were gone?

23 A No, not really. If I put the time on it I would say like 30
24 minutes --

25 Q Okay.

1 A -- at the most.

2 Q And did you call or text him at any point after that?

3 A I text him and told him to come back and I sent, like, the
4 eggplant emojis indicating that I wanted to have sexual
5 relations.

6 Q All right. And did he come back?

7 A Yes.

8 Q What did he have to say when he got back there?

9 A When he came back that's when I asked him what did he go do,
10 and he basically made the gun motion like this, saying that he
11 basically went and shot up Troy's mother's house.

12 Q Did he say that, or -- did he say he went to Troy's mom's
13 house?

14 A He just said I went back and I shot it up.

15 Q He told you that?

16 A Yes.

17 Q All right. And what goes on after this?

18 A After that --

19 Q Let me ask you, did you see a gun? Did he show you what he
20 used?

21 A Never. If I would have seen a gun I would have told him not
22 to even engage in it or not to go back. Not to do anything,
23 honestly.

24 Q And where did he park his car?

25 A Same spot.

1 Q Same spot in front of that white car that we see?

2 A Yes, sir.

3 Q So after, you know, he's talking about what he had just done
4 what's going on now?

5 A He said something about gun residue, and I told him I don't
6 know what to tell him because I've never been through that. And
7 I also asked him why did he come back here to my dad's house.
8 And as soon as I asked that I heard gunshots being shot at the
9 house.

10 Q And where were you when the gunshots --

11 A In this room that's right behind this BMW. It's a room
12 right there.

13 Q Okay. Looking at the far right of the house?

14 A Yes, where it's white.

15 Q Okay. Was Dai'Juan in there with you?

16 A Yes. It was me, him, and C.J.

17 Q And what did you do, just get down to the ground, or?

18 A I did. And then I heard my dad screaming for me so I tried
19 to -- the stairs that connects this part to the house, it's like
20 two little steps, so I walked to those steps and I opened the
21 door and I seen, like -- I can hear the gunshots but I also see,
22 like, white -- if that makes sense -- from the gunshots, like I
23 see them coming across my way, pathway, so I just stayed right
24 there and stopped. I just bent down until the gunshots stopped.

25 Q Are you describing when that gun's going through the

1 sheetrock?

2 A Yes.

3 Q Okay. At what point did you realize your dad had been shot?

4 A When he calls me. He keeps calling my name through all
5 this, so it's like I can't respond to him. I don't know what to
6 do. I'm kind of, like, frozen. I've never been in a situation
7 like that before. Sorry.

8 Q What are C.J. and Dai'Juan doing?

9 A I didn't see them anymore.

10 Q You left them in that room on the right side of the house?

11 A Yes, sir.

12 Q And then did you eventually -- did the gun -- the gunshots
13 eventually --

14 ATTORNEY ZMROCZEK: Your Honor, I'm going to object to
15 leading.

16 THE COURT: All right. Rephrase.

17 Q Do you remember when the gunshots stopped?

18 A Yes. After they stopped I ran to my dad and noticed that he
19 was shot. That's when I tried to cover up his wound, put
20 pressure on it, and that's when I called 9-1-1.

21 Q All right. And were you there when law enforcement arrived?

22 A Yes.

23 Q You were there when the ambulance got there at that point?

24 A Yes. They made me leave the house, and they were inside
25 with him. They told me I couldn't come back inside or anything,

1 so I was just waiting outside.

2 Q At some point while you were out in the yard did other
3 people from the neighborhood start walking up to ...

4 A Yeah. My dad -- everyone knows everybody so when they hear
5 something, see, everybody comes outside, so I had a few of my
6 neighbors come from down the street to make sure I was okay.

7 Q Tell me, when was the last place you saw Dai'Juan Richardson
8 and C.J? What is CJ's real name?

9 A I don't know his real name. I only met him and known him
10 only him as C.J.

11 Q Where were they when you last saw them?

12 A In the room when the gunshots took off. After that I
13 stopped paying any attention to them and I was focused on my dad.

14 Q Okay. Well, they weren't there when the police got there,
15 were they?

16 A No, not that I know of.

17 Q But Dai'Juan's car was still there?

18 A Yes.

19 Q So you don't know how they left the scene?

20 A I don't.

21 Q And you called 9-1-1, or who called?

22 A Yeah. I did.

23 Q Where was your mother?

24 A She wasn't there.

25 Q She was, like, out of town somewhere?

1 A Yes, sir. She was in North Carolina.

2 Q Now, you went in and spoke with law enforcement about that
3 day after you left the scene. Do you remember that?

4 A Yeah. I remember speaking to law enforcement two days in a
5 row.

6 Q When did you find out your dad had passed away?

7 A When I went to the hospital that night. I honestly had a
8 feeling that he was already passed away when they brought him out
9 of the house because they wouldn't let me see him or they
10 wouldn't let me ride in the ambulance with him, so I figured he
11 was already gone.

12 Q But then you went in from the hospital -- did you go to the
13 hospital?

14 A Yes.

15 Q Did you leave there and go and speak with law enforcement?

16 A Yes. Well, by the time I left the hospital it was, it was,
17 still late, like 4:00 in the morning, because it was still dark
18 outside, and a couple hours after that I talked to law
19 enforcement.

20 Q Now, is it true -- one thing they were trying to do was
21 figure out the Oldsmobile Aurora --

22 A Yes.

23 Q -- that was parked in your driveway. And that car belonged
24 to who?

25 A It belonged to 'Juan.

1 Q And that was something law enforcement was interested in
2 figuring out who that belonged to?

3 A Yes, sir.

4 Q And you did not -- you withheld the identity of who that
5 belonged to; did you not?

6 A I did.

7 Q And you did not mention to law enforcement about the fight
8 at Lucille?

9 A I didn't.

10 Q Now explain to the jury, explain to the Judge, why you felt
11 that that was not information law enforcement needed?

12 A At the time I was -- honestly, I was in shock and I just --
13 it was just a lot going on, so I just, I didn't -- I really don't
14 have a reason. I wasn't trying to save anyone or cover up or
15 anything. I just didn't.

16 Q You weren't trying to cover for -- I mean, you knew
17 Dai'Juan. Sounds like you knew that he had just shot up Lucille;
18 is that --

19 A Yeah. When he came back I knew so it was basically like ...

20 Q I mean, you were covering for him, right? I mean, if you're
21 not -- if you knew that he went and shot a house up -- at what
22 point did you realize, though, that house had been shot up?

23 A When he came back.

24 Q I know, but did you find out through other confirmation?

25 Did you see it on the news, or did other people call you and tell

1 you about it or --

2 A No. I didn't talk to anyone. After my dad, after this
3 situation happened I haven't talked to anyone.

4 Q But did you have reason to believe him when he said he had
5 shot the house up?

6 A I did.

7 Q And so you didn't tell law enforcement about that, I guess,
8 because you were trying to cover for him, right?

9 A I mean, I guess. I didn't want him to get in any trouble.

10 Q All right. And you didn't talk about the fight at Lucille,
11 why, because you realized those two were connected, the
12 shooting --

13 A I did. And I also didn't want to be in trouble or be,
14 like -- I didn't want to get in trouble for my dad being killed,
15 honestly, and I feel like the fight is what started the whole
16 situation so I didn't want to, want it to be me, my fault.

17 Q Do you still think it's your fault?

18 A Sometimes.

19 Q And because of you and Jalanda fighting one another that's
20 what set off that kind of chain of events, is what you're saying?

21 A I do. I feel like that's what started it.

22 Q Now, that was April 6. I have about, my notes say,
23 5:00 a.m. That might be 5:00 p.m. because April 6 is the first
24 time you talked with law enforcement. Must have been 5:00 a.m.
25 Then you talked to them again --

1 A I think it was 5:00 a.m. because my dad -- when the shooting
2 and everything happened it was like 2:30, 3:00 in the morning,
3 and when I went to the hospital they confirmed that he was dead
4 quick, honestly.

5 Q If I told you it was 2:45 a.m., does that sound right to you
6 that the shooting happened at Devoe?

7 A Yes. That does sound right, because it was really late.

8 Q So 2 hours and 15 minutes later you're speaking with law
9 enforcement after your dad was shot?

10 A Yes.

11 Q So ...

12 A Someone came to the hospital and talked to me and they told
13 me to come to the police station, and so I did.

14 Q All right. And eventually law enforcement, I think, through
15 your mother, learned that -- did you tell your mom about the
16 fight?

17 A I did. And she's the -- she relied [sic] it to the police
18 -- or relayed it to the police.

19 Q And then they called you back in?

20 A The next day or later, later on that day.

21 Q I've got 2:51 a.m. on April 6, so does that sound right?

22 A Yes, sir. I know I talked to the police more than one time.

23 Q And that's when you start disclosing about the fight?

24 A Yes.

25 Q And at that point did you name Jalanda as somebody you were

1 fighting with?

2 A I did.

3 Q I think you still aren't telling them about whose car that
4 was?

5 A No, sir.

6 Q But law enforcement keeps digging. Looks like they bring
7 you back on April 8th, so two days later they bring you back in?

8 A Yes.

9 Q And at that point you disclose what happened that night?

10 A Yes, sir. I told everything.

11 Q Okay. And you knew that Lucille house -- how did you -- who
12 did you know to live in that house, or who was it connected to?

13 A I knew that was Troy's mom house because I was there before,
14 way before, on an occasion where we were just listening to music
15 and, like, turning up, drinking, with -- I went with Jas.

16 Q I thought you said you didn't drink?

17 A No. They were drinking; I didn't drink.

18 Q Okay. I think that's about everything. Had you ever talked
19 with Troy or Jalanda or Johniqua on Facebook? Did you have any
20 reason to?

21 A Me and either Jalanda or her sister, we have exchanged words
22 on Facebook, like argument going back and forth, but that's about
23 it.

24 Q You and Johnikqa?

25 A I think so.

1 Q Were you here when Jalanda testified?

2 A Yes.

3 Q Are you talking about her or are you talking about her

4 sister?

5 A Whichever one. I don't know.

6 Q Who's D'ior D'ior?

7 A I think that's Jalanda.

8 Q Who's Jayy Dior?

9 A Honestly, I don't know.

10 Q But you're clear you fought with Jalanda that night?

11 A I fought with Jalanda. The one who was testifying, I fought

12 her. Her sister wasn't there.

13 Q And you know her sister, too?

14 A Yes. There's always together. I met them together.

15 Q What was your relationship with her sister?

16 A We didn't have one, really.

17 Q That's not who you would squabble with on Facebook, or?

18 A If I did -- honestly, if I got into it with one, I got into

19 it with both.

20 Q Gotcha.

21 A They both would tag-team, basically.

22 Q I'm with you. All right. I heard somebody earlier say

23 force of habit was that they don't cooperate when questions are

24 asked. Do you do that? I mean, you weren't cooperating with law

25 enforcement here.

1 A Yeah. I know, but force of habit is not the reason.

2 Q Well, do you have anything else that, you know --

3 A No.

4 Q -- that you would think I'd need to know but I'm just not

5 asking the right question --

6 A No.

7 Q -- about what happened that night? I mean, Troy Stevenson,

8 he was not at Lucille, right?

9 A No. He wasn't there at all.

10 Q But you mentioned you saw Dubb, Jamaree Jeffcoat?

11 A Yes.

12 Q I think you said you saw -- I know you saw Jalanda Tobias,

13 right?

14 A Yes.

15 Q Jasmine was there?

16 A Yes.

17 Q And you said you think Antonio Barnes and Jamaree Jeffcoat

18 arrived together?

19 A I don't know if they did or not but I know they both were

20 there.

21 Q So besides those four people do you remember who else was

22 there?

23 A C.J. was there in the back of my car, and Tyjeria was there

24 in her car. I didn't see -- I didn't know anyone else that was

25 there but there were people there. I didn't know anyone else.

1 Q I think that's all I have. Let me just make sure I didn't
2 miss anything.

3 ATTORNEY ZMROCZEK: May it please the Court.

4 SOLICITOR SCOTT: Hold on. I've got to make sure I didn't
5 have anything else to ask.

6 Q You said you lived at 209 Devoe. What do you go by?

7 A I go by Buffy, Chasicia, Tamira.

8 Q Okay.

9 A I go by all three.

10 Q Now, here's how we wrote it on here. Is that how you spell
11 your middle name?

12 A Yes. That's my Facebook name also.

13 Q I've been saying -- that's your Facebook, okay.

14 A Yeah.

15 Q I've been calling it Chasicia, but how do you pronounce
16 that?

17 A The "c" on the end before the i-a is silent, so it's
18 Chasicia.

19 Q Okay. So that's how a lot of people would have known you?

20 A Yeah, through Facebook.

21 Q And your address here was what?

22 A It's 209 Devoe.

23 Q Okay. Thank you. That's all I have.

24 A Yes, sir.

25 Q Thank you.

CROSS-EXAMINATION

BY ATTORNEY ZMROCZEK:

Q Ms. Jackson --

A Yes, ma'am.

Q -- so your father is shot at your house?

A Yes, ma'am.

Q And the police are asking whose car is this in the driveway?

A Yes, ma'am.

Q And you told them it's some old friend and it's been there since 1:00, right?

A Yes, ma'am.

Q You meant 1:00 the day before, didn't you?

A Yes, ma'am.

Q Okay. So you lied to the police about 'Juan's car?

A Yes, ma'am.

Q So then you eventually go back and you tell them a new story, right?

A Yes, ma'am.

Q Okay. So when did you tell them that you drove 'Juan to McDonald's to get a gun?

A I never drove 'Juan to McDonald's to get a gun.

Q Right. So why would you tell that to Officer Oxendine?

A I don't remember telling him that.

Q Okay. You don't remember on August 8th of 2001, when he asked you exactly what you did that day, you don't remember

1 saying that?

2 A I don't.

3 Q Okay.

4 A I never saw a gun.

5 Q What's that?

6 A I never saw a gun.

7 Q Okay. And so do you remember telling Officer Oxendine that

8 when you got back to Devoe from Two Notch that 'Juan was pacing

9 back and forth saying On my mom, they gonna pay?

10 A I don't remember.

11 Q You don't remember telling officer Oxendine that on

12 April 8th --

13 A No, ma'am.

14 Q -- of 2021?

15 A No, ma'am. Like I said before, I was in shock. My father

16 had just been killed. So it was a lot going on.

17 Q Okay. Do you deny saying that?

18 A I don't deny or --

19 Q Or you were just shocked?

20 A I was in shock, honestly, and I really don't remember.

21 Q Okay. And so you don't -- so when you, on August 8th of

22 2021, were meeting with Officer Oxendine and you told him that

23 'Juan left the location and that's when you saw he had the gun,

24 you're saying now you don't remember saying that?

25 A I didn't remember saying that at all.

1 Q Okay. Would it refresh your recollection to watch it on
2 video? You know that video was recorded, right?

3 A Yes.

4 Q Okay.

5 A Yes.

6 Q We'll come back to that. And you remember telling Officer
7 Oxendine that 'Juan said that he just shot -- and your words --
8 or his words -- just shot that shit up, right?

9 A Yes.

10 Q You do remember telling him that?

11 A I remember that. Yes, ma'am, I do.

12 Q Remember that part. Okay. You remember in that
13 conversation with Investigator Oxendine talking about that you
14 were the one that told him that you and Dubb used to date and
15 then you found out he was talking to Jalanda, so you stopped?

16 A No. I said me and him had sexual relations one time, and
17 when I dropped him off I realized I dropped him off at Jalanda's
18 house. That's when I noticed that they were together as well.

19 Q And you remember telling Officer Oxendine that there were
20 only two people, two people that knew your address. One was
21 Jalanda, right?

22 A Yes.

23 Q Tell the jury who the other one was?

24 A Dubb knew my address because he brought me flowers on
25 Valentine's Day.

1 Q Okay. Nobody else knew your address because you didn't put
2 your business out there, right?

3 A No, ma'am.

4 Q So Dubb knew your address and Jalanda knew your address?

5 A Yes.

6 Q And Troy didn't know your address, did he?

7 A No, ma'am. He's never been to my house.

8 Q He's never been to your house?

9 A No, ma'am.

10 Q Wasn't there that night when all this other stuff was going
11 on?

12 A No, ma'am.

13 Q Not a part of it?

14 A No, ma'am.

15 Q I want to talk a little bit about State's, I think this is
16 State's, 2. It's got -- that's a picture of your house, right?

17 A Yes, ma'am.

18 Q And when did you first tell police that C.J. was at your
19 house?

20 A I don't remember telling them that day.

21 Q You don't remember telling them?

22 A No.

23 Q Okay.

24 A But I did tell them.

25 Q When did you tell them?

1 A I told them -- I honestly just remembered a couple weeks
2 ago.

3 Q Okay.

4 A Cause he never engaged in anything, so I didn't remember him
5 being there.

6 Q Okay.

7 A He never spoke, he never said anything, or anything like
8 that so I honestly forgot he was there. It was almost four years
9 ago. When my dad died I tried to put it in the back of my mind.

10 Q Or three years ago, right?

11 A Three.

12 Q I --

13 A Yes, ma'am.

14 Q Okay. I just want to make sure we're talking about the same
15 incident, right?

16 A Yes.

17 Q So who lives across the street from you at 204?

18 A I have neighbors.

19 Q Yes.

20 A I never knew their name but they've been there all my life.

21 Q They've been there all your life, right?

22 A Yes, ma'am. I lived at 209 all my life.

23 Q And so this, we're looking at State's 2 -- and I don't have
24 my pointer. I'll grab it. But - the window with the
25 air-conditioning unit, you see that?

1 A Yes, ma'am.

2 Q Whose room is that?

3 A That's my father's room.

4 Q And the window right next to it, also his room? It's a

5 double window, right?

6 A A double window, with the air conditioner in his room. Yes,

7 ma'am.

8 Q And so when you got home that night -- or, that morning.

9 Excuse me. When I say night it's just because it's dark outside,

10 but we're talking April 6th, right?

11 A Yes, ma'am.

12 Q You got home from Two Notch, and it was you and C.J. and

13 'Juan, right?

14 A Yes, ma'am.

15 Q And you were in your car?

16 A Yes.

17 Q And you parked kind of in the, not where that white BMW is,

18 you parked kind of --

19 A I parked next to the tree.

20 Q Next to the tree?

21 A Like, kind of in front of the door but it was like diagonal.

22 Q Okay. Okay. And 'Juan's car was parked --

23 A In front of the BMW.

24 Q -- in front of the BMW --

25 A Yes, ma'am.

1 Q -- right? And what was your dad doing when you got home?

2 A Watching TV.

3 Q He was watching TV?

4 A Yes. He lays with his back facing the window, so he was

5 always facing the TV.

6 Q He lays on his back?

7 A No. He lays on his side --

8 Q On his side?

9 A -- with his back facing the window.

10 Q With his back facing the window, watching TV?

11 A Yes.

12 Q Light was on or light was off?

13 A His TV was the only light that was on.

14 Q Why would he turn his bedroom light on at anytime?

15 A He didn't.

16 Q Didn't do it?

17 A No.

18 Q Okay. So y'all all were located, when I say y'all, I'm

19 talking about you and 'Juan and C.J., are in the front room, or

20 just 'Juan and C.J. were in the front room?

21 A Let me look.

22 Q And when I say front room I'm talking, that's the big

23 window, right? I'm not trying to put words in your mouth. So

24 where were they in there?

25 A At which point in time? Because we --

1 Q When you first got there?

2 A When we first got there after I left Two Notch?

3 Q Yes.

4 A We were in this bottom room right here.

5 Q Show me here.

6 A We were right here.

7 Q Okay. So right where the big window is?

8 A Yes, ma'am.

9 Q And when you say bottom I guess I'm confused --

10 A I'm sorry.

11 Q -- about why you're calling it bottom. Is it a one-story or

12 two-story, or?

13 A It's not a two-story. The white part, where you see behind

14 the BMW, it used to be a carport. My dad built it and closed it

15 in. So it's like two little stairs, and it's a room.

16 Q Okay. So --

17 A So that's where we were after 'Juan came back -- 'Juan and

18 C.J. came back from the shooting.

19 Q Okay. Okay. So y'all were in that front room with the

20 window?

21 A Yes.

22 Q And it had the light, and you shut it off?

23 A Once we came back from Two Notch, we were in that front room

24 right there, and I went in my room to talk to my friends while

25 they were sitting in there because I didn't want my dad to know

1 that they were there.

2 Q So you left them sitting in the front room?

3 A Yes.

4 Q Okay. But if he would have come out of his bedroom and

5 looked to the right --

6 A He would have saw them if he would have came out.

7 Q -- he would have seen them, right?

8 A Yes, ma'am.

9 Q And he would have been mad, right?

10 A Yes, ma'am.

11 Q Because he didn't like the activity that was going on at his

12 house?

13 A There was no activity, really. He just didn't ... He had

14 daughters. He didn't want boys around his daughters.

15 Q And you had a daughter at that time, too, right?

16 A Yes, ma'am.

17 Q She wasn't there?

18 A No, ma'am.

19 Q And so where were you when 'Juan -- did 'Juan and C.J. come

20 back from shooting up the house or just 'Juan?

21 A 'Juan and C.J. came back.

22 Q 'Juan and C.J. came back from shooting up the house, and

23 they pull into the driveway, right?

24 A Yes, ma'am. And they walk around the back.

25 Q They walk around the back?

1 A They walk around the back, and I let them in --

2 Q What were they doing in the back?

3 A I let them in through the back door to that room so my dad

4 wouldn't hear them come through the front door.

5 Q Okay. So if we're looking at the BMW --

6 A Yes.

7 Q -- you go right around there --

8 A Uh-huh. It's the back door --

9 Q And then there's a door?

10 A -- a door on the back of the house --

11 Q Okay.

12 A -- that leads into that room right there.

13 Q Okay. And how long were they there?

14 A We were there for, like, all of 10 minutes before the

15 shooting starts happening at my house.

16 Q When did you tell the police that C.J. was there when the

17 shooting happened?

18 A Say that again.

19 Q When did you tell the police that C.J. was there when the

20 shooting happened?

21 A I don't remember.

22 Q And you didn't tell them that 'Juan was there when the

23 shooting happened?

24 A I don't remember either.

25 Q You don't remember telling them that?

1 A No, I don't.

2 Q And so the police get there pretty quickly?

3 A Yeah. The police station is right outside my -- the

4 neighborhood.

5 Q Right. Right there, right?

6 A Yes, ma'am.

7 Q And so they're there pretty quickly. When they got there do

8 you remember they had body cameras on? Some of them did, right?

9 A Yeah. I wasn't paying attention to that, honestly.

10 Q Right. Right. Right. I mean, you weren't paying attention

11 but they're asking you what happened, right, and you tell them I

12 was asleep in my room, right?

13 A No.

14 Q You didn't tell them that?

15 A I don't remember telling them that.

16 Q Okay. What do you remember telling them?

17 A I just remember being hysterical, saying my father was shot.

18 Q Okay. Where did 'Juan go when the police got there?

19 Because he wasn't there, was he?

20 A I don't know.

21 Q Was he there?

22 A He was there when the shooting happened, but I don't --

23 Q Was he there when the police got there?

24 A I don't know.

25 Q You don't know?

1 A I don't, because once the shooting happened I was with my
2 father, so I don't know where he was or where he went.

3 Q Okay. Do you recall telling Investigator Ricci that it was
4 just you and your dad in the house?

5 A At the time it was. When the police arrived it was just me
6 and my father in his room. I never left the room, never went to
7 go see if anyone was still there or anything like that so for all
8 I know they could have been still been in the house or they could
9 have left. I don't know.

10 Q Okay. But when the police asked you what happened you said
11 I don't know, it's just me and my dad in the house. That's what
12 you told them?

13 A Well, he asked me. At the time he said Who's here now? I
14 said Me and my father.

15 Q Oh, he said Who's here now?

16 A Yes. He never asked me who was here when the shooting
17 happened or --

18 Q Well, then how do you know that 'Juan wasn't there?

19 A Because no one else came out of the house.

20 Q Well, where did he go?

21 A I don't know.

22 Q Have you talked to him?

23 A No. I haven't talked to him since.

24 Q Since that day you've never talked to him?

25 A No, ma'am. I haven't talked to anyone.

1 Q Okay. So why were shadowy figures on a video going back and
2 forth to that car multiple times? Do you know?

3 A No.

4 Q No clue?

5 A You don't see me on there, so I don't know. I never left
6 the house.

7 Q Let me ask you this: Do you have any electrical problems at
8 your house?

9 A No, not that I know of.

10 Q No? Okay.

11 A No.

12 Q You turn the lights on, they come on; you turn the lights
13 off, they go off, right?

14 A Like anyone else's house, yes, ma'am.

15 Q Ma'am?

16 A Like anyone else's house.

17 Q Just like anyone else's house?

18 A Yes, ma'am.

19 Q Okay. Who shot inside your house?

20 A I don't know.

21 Q Okay. When did your dad get his gun and return fire?

22 A My father was a hunter so he always had guns, and he was
23 always home by himself sometimes so he always had a gun right
24 beside his bed for protection.

25 Q So he had it right beside the bed, right?

1 A Yes, ma'am.

2 Q That .44 with a scope?

3 A Yes, ma'am.

4 Q Okay. But there were a lot of guns in your house, too,

5 right? He was a hunter, I think you said.

6 A Yes, ma'am. He had a shotgun and rifles, but he always kept

7 them in a case with a key.

8 Q And you are familiar with guns, right?

9 A Yes. My dad taught me.

10 Q Right. And you know kind of what guns sounds like?

11 A Yes.

12 Q Because you remember telling the police when they arrived

13 that it wasn't no 9?

14 A I know it wasn't a 9 because it was multiple shots at one

15 time.

16 Q Okay. And then you said that they were loud, right?

17 A They were very loud.

18 Q Okay. And so who owns a white Nissan that you know?

19 Anybody own a white Nissan that you know?

20 A That I know now, or?

21 Q Back then?

22 A Can you repeat the question.

23 Q That evening, on April 6th, did you know anybody that owned

24 a white Nissan?

25 A No, ma'am.

1 Q Okay. And so let's go back to Lucille. TB, Antonio,
2 pointed a gun and threatened to shoot you?

3 A Yes, ma'am.

4 Q And who all saw that?

5 A I don't think no one saw it. If anyone saw it it would be
6 C.J. because he was in the car also with me. But I know Jas
7 didn't see it and I know Jalanda didn't see it, because they were
8 breaking up the fight between 'Juan and Dubb.

9 Q And what's C.J.'s government name?

10 A I don't know.

11 Q You don't know?

12 A No, ma'am.

13 Q And was he there -- when they came back and you and 'Juan --
14 and I'm sorry, sometimes it's hard to hear with all the
15 electronic noise so I'm not trying to trick you, but I just could
16 not -- I just want to make sure I heard it correctly. So when
17 they came back y'all were there for about 10 minutes?

18 A Yes, ma'am.

19 Q And so what were y'all doing for that 10 minutes?

20 A Nothing. I asked them what did they go do, and he said, he
21 basically said, he shot the house up, and he was doing the gun
22 sign. And then he asked me how you get rid of gun residue, and I
23 told him I didn't know what to do. And I asked him why did he
24 come back here, and then the shots went off.

25 Q And what was C.J. doing?

1 A He was just sitting there.

2 Q And then the shoots went off?

3 A Yes, ma'am.

4 Q And then you don't know where they went?

5 A No, because I was trying to get to my dad.

6 ATTORNEY ZMROCZEK: Beg the Court's indulgence.

7 Q So when they got back, C.J. and Dubb, from shooting

8 up Lucille Drive --

9 A C.J. and 'Juan.

10 Q Sorry. C.J. and 'Juan.

11 A Yes, ma'am.

12 Q Thank you. Names get confusing here. Did your dad wake up?

13 A No. I think he was -- like, honestly, I don't know if he

14 was sleeping a lot; I just know that he was in there watching TV.

15 Q And did you go down the hallway and flip his light on or

16 anything?

17 A No. I never turned the light on for anything. If there was

18 a light being turned on it was in this room where we were before

19 the shots went off.

20 Q Okay. So you all were in the front room when the shots went

21 off, or were you in your bedroom?

22 A We were in the back room where the BMW is.

23 Q Okay.

24 A But the shots never went to that room.

25 Q Okay. What kind of gun did 'Juan use?

1 A I don't know.

2 ATTORNEY ZMROCZEK: Nothing further.

3 **REDIRECT EXAMINATION**

4 BY SOLICITOR SCOTT:

5 Q Do you think you would have turned a light on when you went
6 to check on your dad to see what was going on with him after he
7 was yelling for you?

8 A Yeah.

9 Q You would have turned the light on then?

10 A After the shots, yes, I would have turned the light on by
11 then.

12 Q And do you remember when the first law enforcement officer
13 arrived?

14 A I don't remember, but I do remember it was law enforcement,
15 firemen, the fire truck, and the ambulance, they have all
16 arrived, like, at the same time.

17 Q Would you have directed the law enforcement officer back to
18 where your dad was to treat him?

19 A Yes, sir. And then they told me to leave. Once I showed
20 them where he was at they told me to leave the house.

21 Q Did you know about this motion/sensing lights in your
22 neighbors' yard? You knew about those?

23 A The neighbors across the street or next door?

24 Q Both of them.

25 A I know that a lot of houses out there have those because I

1 had one in the back yard of my dad's house. So, like, when 'Juan
2 and C.J. came to the house and I let them in the back door that
3 motion light would have came on.

4 Q But your testimony was that you, C.J., and Dai'Juan were all
5 in that room to the far right in State's No. 2 when the shooting
6 happened?

7 A Yes. Yes, sir.

8 Q And then after the shooting is when you ran to check on your
9 father?

10 A Yes. When I heard the last gunshots, which I'm assuming
11 were my dad's to let off defensive shots, I ran to him.

12 Q You don't know where they ran to?

13 A No.

14 Q You understand they didn't take Dai'Juan's car if law
15 enforcement found it there?

16 A They didn't. So more than likely they were probably on
17 foot.

18 Q And you haven't talked to Dai'Juan since this?

19 A No.

20 Q Do you understand that he was arrested for his shooting up
21 Lucille Drive?

22 A I never got any information on him or anything after this,
23 so you telling me this now is my first time hearing this.

24 Q You didn't realize he got arrested for shooting Lucille up?

25 A I never talked to anyone.

Q Okay. And do you know that law enforcement searched his car that was left in your driveway?

A I do. And that's when I was told that the gun that he used was in that car.

Q Okay. They found it in the car he left at your house?

A Yes.

Q All right. Thank you. Nothing further.

ATTORNEY ZMROCZEK: May we approach with briefly?

(Off-the-record discussion at sidebar.)

THE COURT: All right. Thank you. You may step down. All right, ladies and gentlemen. We're going to break for lunch until 2:00. Be back at 2:00. While you are at lunch do not discuss the case, do not deliberate, do not do any independent research. Just have a relaxing lunch and do nothing but eat and drink - not alcoholic beverages. Thank you all. We'll see you at 2:00.

(Jury escorted out of the courtroom at 12:42 p.m.)

THE COURT: All right. 2:00.

(Court recessed at 12:41 p.m. and reconvened at 2:02 p.m., without the jury present.)

THE COURT: Anything from the State before we bring the jury out?

MATTER(S) OF LAW

SOLICITOR SCOTT: Judge, just, our next witness we intend to call is a first responder. He's got a bodycam clip, I think it's

1 something like, 45 minutes long. We have reduced it to, give or
2 take, one or two seconds, about a minute, and we're introducing
3 it. There's no audio. There shouldn't be any hearsay issue. We
4 are introducing it to show the room as it was when law
5 enforcement got there and Mr. Jackson was still in the room.
6 There is nothing gory or grotesque or anything that can be seen.

7 It also establishes a timeline when law enforcement first
8 gets there that should coincide with some video footage we'll
9 introduce later.

10 So Ms. Zmroczek informs the State she wants the whole thing
11 in, 45 minutes, and it's chocked full of hearsay, it's chocked
12 full of efforts to revive Mr. Jackson, perform CPR on him. A
13 rather large man. A lot of it involves them trying to negotiate
14 getting him out of the house and into the ambulance.

15 To the extent she wants to use it for Tamira Jackson's
16 statement she's already gotten that out through
17 cross-examination, so I don't know that extrinsic evidence, at
18 this point if that's the reason for it, would be appropriate, and
19 I just wanted to have a ruling on that before we subject them to
20 45 minutes of bodycam.

21 THE COURT: The part you want to put in is a minute, 45?

22 SOLICITOR SCOTT: A minute and one or two seconds.

23 THE COURT: A minute. And it's statement, or is it all --
24 no audio?

25 SOLICITOR SCOTT: No audio.

1 THE COURT: Yes, ma'am?

2 ATTORNEY ZMROCZEK: Thank you, Your Honor. Under the rule
3 of completeness, if they put in a portion of the video I am
4 entitled to put the entire CD in.

5 THE COURT: No. If it is a writing or recorded statement
6 and, out of fairness, then you are potentially entitled. But
7 from what I've heard this is a video, from what I've heard, with
8 no audio. And it's not a statement.

9 ATTORNEY ZMROCZEK: I would take the audio out if that's the
10 issue, Your Honor, but what it shows is this deputy, or this
11 first-responding deputy, walking the perimeter. It goes to -- it
12 goes to that there were no shell casings there. It shows where
13 the cars were located. Your Honor, it is relevant evidence.

14 THE COURT: That's perfectly fine. You can put that
15 evidence in. From what I'm gathering, if there's a video of the
16 room and somehow that is misconstruing what was actually
17 happening. But other than that what you're saying, is, though,
18 there's more evidence which you would like, which is fine. No
19 one's stopping from you putting that in.

20 ATTORNEY ZMROCZEK: Well, it sounds like that's what's
21 trying to happen.

22 THE COURT: You can put that evidence in.

23 ATTORNEY ZMROCZEK: Okay, of his bodycam?

24 THE COURT: I mean, if you want to enter it in --

25 ATTORNEY ZMROCZEK: Yes.

1 THE COURT: -- and put in a case --

2 ATTORNEY ZMROCZEK: Yes.

3 THE COURT: -- I mean, that's up to you.

4 ATTORNEY ZMROCZEK: Right.

5 THE COURT: But if you're trying to make them put it in --

6 ATTORNEY ZMROCZEK: No, not at all. I mean, that's how I
7 have it marked, but if they want me to take the audio out, even
8 though I think everything in there is covered under present-sense
9 impression hearsay exception -- but if they want me to take the
10 audio out, then that's fine. But I think if they're putting a
11 portion of the camera in, then I am entitled, through my case, to
12 put the whole thing in. That's how I read the rule.

13 THE COURT: I think that's just you can put in evidence --

14 ATTORNEY ZMROCZEK: Uh-huh.

15 THE COURT: -- in your case in chief.

16 ATTORNEY ZMROCZEK: I have to wait till my case --

17 THE COURT: Do you want to put evidence in?

18 ATTORNEY ZMROCZEK: Let me be real clear. I'm putting in
19 evidence in this case. And I understand about losing my -- yes.
20 Yes, I am going to be putting evidence in at some point in time.
21 But the way I hear the State is that I can't put it in until I
22 recall him.

23 THE COURT: No. No. I was making sure that you weren't
24 trying to get that put in as State's Exhibit No. 3 or 5.

25 ATTORNEY ZMROCZEK: No. No. This is mine, Defense 1.

1 THE COURT: If there's an issue -- I mean, if you're putting
2 in evidence and there's hearsay objection to that that needs to
3 be addressed.

4 ATTORNEY ZMROCZEK: Okay.

5 SOLICITOR SCOTT: That would be my objection.

6 THE COURT: Do you have an edited version?

7 ATTORNEY ZMROCZEK: I can take the audio out.

8 THE COURT: All right. Are there any objections to the
9 other evidence?

10 SOLICITOR SCOTT: I don't have any objection to it. It's
11 going to -- she wants to do it -- I mean, this is the relevancy
12 factor. But, again, we're here for trial. If she wants to put
13 the jury through 45 minutes of --

14 ATTORNEY ZMROCZEK: Your Honor, I'm not going to --

15 THE COURT: Hold on. Let him finish.

16 SOLICITOR SCOTT: I don't have any objection on hearsay,
17 Your Honor. I don't have an objection. It just seems like
18 there's a lot of extraneous stuff. Like I said, they're reviving
19 the man; they're trying to figure out how to get him through the
20 hallway. I don't understand how that furthers her case in any
21 way, and it's inconveniencing the jury with no benefit to her
22 client. I don't see how that benefits Mr. Stevenson in any way.

23 THE COURT: If she wants --

24 SOLICITOR SCOTT: I don't have any particular objection.

25 THE COURT: That's trial strategy. But as to the audio, are

1 you going to take it out --

2 ATTORNEY ZMROCZEK: I will.

3 THE COURT: -- or play it on mute?

4 ATTORNEY ZMROCZEK: I'll play it on mute, Your Honor. And
5 then if -- just so we're not in a time -- I will play it on mute.
6 And again, I'm not going to publish the whole thing. If they
7 want to, they can. There's portions that I would like to publish
8 that are relevant to our case.

9 And I will play it on mute, and then I will have my office
10 provide a muted copy. And then I'll make sure that the State
11 sees it, and then when they approve of that we can switch them
12 out.

13 THE COURT: Do you have it ready to go?

14 ATTORNEY ZMROCZEK: I do.

15 THE COURT: All right. Anything else from the State before
16 we bring the jury?

17 SOLICITOR SCOTT: No, Your Honor. And that's how we're
18 going to do it, too. We're going to play it with the volume all
19 the way down. I actually have one with the audio already
20 redacted.

21 THE COURT: Let's make sure that both are entered. Anything
22 else from defense before we bring out the jury?

23 ATTORNEY ZMROCZEK: No.

24 THE COURT: All right. Bring the jury.

25 (Jury seated in the courtroom at 2:10 p.m.)

1 THE BAILIFF: All jurors are seated, Your Honor.

2 THE COURT: Thank you, ma'am. All right. Ladies and
3 gentlemen. I hope you had a great lunch. We're going to
4 continue with this trial.

5 The State may call their next witness.

6 SOLICITOR FOWLER: State calls Deon Hardy.

7 DEON HARDY,
8 having first been duly sworn, is examined and testifies as
9 follows:

10 CLERK OF COURT: Please have a seat in the witness box, and
11 state your full name for the record.

12 THE WITNESS: Good afternoon. My full name is Deon Hardy.

13 **DIRECT EXAMINATION**

14 BY SOLICITOR FOWLER:

15 Q Good afternoon, Trooper Hardy. Where are you employed?

16 A I am currently employed with South Carolina Highway Patrol,
17 but not to confuse anybody so -- they won't insult my
18 intelligence -- but for this event I was working with Rich
19 Township Fire Department as supervisor.

20 THE COURT: Trooper Hardy, you speak very quickly so if you
21 could just, for our court reporter, just speak very slowly. Just
22 very slowly. Thank you.

23 THE WITNESS: Yes, sir. Do I need to repeat that, Your
24 Honor, or?

25 THE COURT: No, you don't.

1 Q How long have you been in law enforcement?

2 A This is going into my 8th to my 9th year, sir.

3 Q And how long of that were you in Richland County Sheriff's
4 Department?

5 A About eight years altogether.

6 Q Eight years, okay. And you were there at the time of
7 April 6, 2021?

8 A Yes, sir, I was.

9 Q Okay. What did your job entail there?

10 A So basically at that time, basically I was supervisor, so
11 for this particular area, the Two Notch area, I supervised
12 patrol.

13 Q Do you remember getting a call that day --

14 A Yes, sir, I did.

15 Q -- or early morning?

16 A Yes, sir.

17 Q What were you dispatched for?

18 A Dispatched to -- involved somebody got struck by gunfire.

19 Q Do you remember where that was?

20 A It was 209 Devoe Drive.

21 Q In Richland County?

22 A Yes, sir.

23 Q Were you the first to arrive on scene?

24 A Yes, sir, I was.

25 Q Do you recall what time that was?

1 A We got the call around 02:48. I got on scene about 02:52 in
2 the morning.

3 Q When you got there, when you arrived, did you notice anyone
4 on the scene?

5 A A woman answered the door. Past that, I just talked the
6 victim. No, sir.

7 Q So a woman answered the door. What happened after that?

8 A From there we just started rendering first aid to a guy with
9 the gunshot.

10 Q So did you go into the house?

11 A Yes, sir.

12 Q Okay. And you showed up to the scene. What did you see
13 there?

14 A From there, the victim was laying on the side of the bed. I
15 spoke to him, asked him where his shot was, and he said he was
16 shot in the lower back. And from there he went out for a couple
17 seconds prior to our CPR; then he came back; and from there Fire
18 and EMS then took over a few minutes after that.

19 Q You said he was lying on his side. Where was he oriented,
20 towards the house, or what?

21 A So he was lying on the bed, on his side. So basically you
22 saw it from the video, the air conditioning. So basically he was
23 facing away from the air conditioning and to the right of that
24 was his TV, so he was facing, looking towards his TV.

25 Q You said air conditioning?

1 A Yes, sir.

2 Q Is this like a window unit or what?

3 A A window unit.

4 Q So his back was facing towards the outside of the house?

5 A Yes, sir.

6 Q Were you wearing bodycam that day?

7 A Yes, sir, I was.

8 Q Was it turned on?

9 A Yes, sir, it was.

10 (State's Exhibit 42 is identified.)

11 SOLICITOR FOWLER: Permission to approach, Your Honor?

12 A Showing you what's marked as State's Exhibit 42. Do you
13 recognize that?

14 A Yes, sir.

15 Q How do you recognize it?

16 A Basically it is a disk of my bodycam footage for a couple
17 seconds -- or, a minute.

18 Q Okay. How do you know that that's that?

19 A I initialed it, sir.

20 SOLICITOR FOWLER: Your Honor, at this time we'd like to
21 move State's Exhibit 42 into evidence.

22 ATTORNEY ZMROCZEK: Without objection, Your Honor.

23 THE COURT: So moved.

24 ATTORNEY ZMROCZEK: 42?

25 SOLICITOR FOWLER: Yes.

1 (State's Exhibit 42 is admitted into the record.)
2 SOLICITOR FOWLER: Permission to publish, Your Honor?
3 THE COURT: Granted.
4 (Video published.)

5 Q Can you see that video?

6 A Yes, sir, I do.

7 Q Is this your bodycam?

8 A Yes, sir, it is.

9 Q Mr. Hardy, does that accurately portray your bodycam from
10 that night?

11 A Yes, sir, it does.

12 Q Please answer any questions that the defense might have.

13 A Yes, sir.

14 **CROSS-EXAMINATION**

15 BY ATTORNEY ZMROCZEK:

16 Q Good afternoon.

17 A Good afternoon, ma'am.

18 Q How are you doing?

19 A I'm doing -- I'm doing good. A little nervous but I'm doing
20 good.

21 Q Okay. No need to be nervous. I won't beat you up. So you
22 were first responder that evening. The first -- when I say first
23 responder, you were the first person to respond?

24 A Yes, ma'am.

25 Q Versus a first responder being, like -- you weren't fire or

1 EMS; you went there as a deputy; is that correct?

2 A That's correct.

3 Q And so I understand you're with the highway patrol now?

4 A Yes, ma'am.

5 Q But when you worked as a deputy at Richland what kind of --
6 were you a patrol deputy?

7 A Yes, ma'am.

8 Q So tell the jury a little bit about what that is?

9 A So a patrol deputy, basically anytime somebody calls 9-1-1
10 for a small reason or a large reason, so for shootings, to
11 robberies, to somebody having an argument, it could be anything,
12 and somebody calls 9-1-1, a deputy will respond out from patrol.

13 Q And do you sit around and wait for a call, or are you
14 patrolling? What are you --

15 A Well, for me, I try to be proactive, so I do try to patrol
16 and be seen.

17 Q Okay. And so this evening -- or, I keep saying evening.
18 Dark, evening. In the early morning hours of April 6th you were
19 on shift, right?

20 A Yes, ma'am.

21 Q And you get, what you said you responded to, a CAD or a?

22 A A call.

23 Q A call. And how do you get that call?

24 A So basically it comes through our computer to our
25 dispatcher. And they say it on the radio. Sometimes they'll

1 start putting it in on the CAD to look for it so we can see it,
2 and then either they'll say [indiscernible] --

3 Q You're talking really quickly.

4 A Sorry. So it comes through --

5 Q Don't be nervous.

6 A I actually talk fast, so I'm sorry. So it basically it
7 comes through our CAD system, so either a dispatcher will,
8 dispatch it out, or sometimes they'll start, when they're getting
9 the call, if it's a priority call, they'll start putting it in
10 before it even gets dispatched out.

11 Q Okay.

12 A So it's either I see it on the system first, or our
13 dispatcher will call and say Hey, be en route to this call; this
14 is what's going on.

15 Q And then you let them know that you're headed that way, and
16 they put all that in the system, right?

17 A Yes, ma'am.

18 Q And I think we saw in State's 42, we saw the computer screen
19 that you have, like, right there in your car, right?

20 A Yes, ma'am.

21 Q And so is that how you receive that information?

22 A Yes, ma'am.

23 Q Okay. And so you arrived at the scene. What information
24 are you told as -- let me rephrase that. Do you know what kind
25 of scene you're going to?

1 A I knew based upon my records that somebody got shot.

2 Q Okay.

3 A Past that I can't remember exactly what the details are on
4 that now.

5 Q And that's pretty much what you do. So when you get there
6 you're going to check on the person?

7 A Render first aid, secure the scene. Yes, ma'am.

8 Q And secure the scene, right. Why is that important, to
9 secure the scene?

10 A To basically get to this point of court, so we don't want
11 any type of contamination or anything like that. Secure the
12 scene for evidence purposes, basically.

13 Q All right. To make sure that the evidence -- any potential
14 evidence isn't disturbed, or as much as it can be, right?

15 A That's correct, ma'am.

16 Q And understanding that when you have someone that requires
17 medical assistance naturally a scene is going to have to be
18 disturbed so that he or she can come in, get moved in or out, and
19 maybe taken to a hospital or wherever they need, right?

20 A That's correct, ma'am.

21 Q But other than that you try to minimize?

22 A Yes, ma'am.

23 Q And so, in fact, you heard the shots while you were on
24 patrol, didn't you?

25 A Yes, ma'am, I heard them. Yes, ma'am.

1 Q Okay. Tell the jury a little bit about that?

2 A I was at the -- I can't remember now -- I was at Magnuson
3 Motel that's off of Decker -- excuse me, that's Parklane Road.
4 So I heard a gunshot. I didn't think it was -- it was probably
5 about a mile or two from where I was so I didn't think it was
6 going to be that loud. I could hear how loud it was, but I did
7 hear a gunshot, and of course the call came out after that.

8 Q And so you actually heard it before you even got the call --

9 A Yes, ma'am.

10 Q -- right? And so when you get there we saw you knocked on
11 the door and then went in to assess the scene, right?

12 A Yes, ma'am.

13 Q You had your bodycam on for the entire period, right?

14 A Yes, ma'am. For dealing with the victim, yes, ma'am.

15 Q And even after?

16 A Yes, ma'am.

17 Q And your bodycam has audio. We didn't play the audio, but
18 it does have audio, too, right?

19 A That's correct, ma'am.

20 Q But still, once you get there and Mr. Jackson is transported
21 out of the house, your job is not done at that point, is it?

22 A That's correct.

23 Q So what you do then is you try to speak to witnesses or
24 anybody that's available?

25 A If we're able to, yes, ma'am. That's correct.

1 Q And you didn't have any information that there were four
2 people in that house right before you got there, did you?

3 A No, not that I remember. No, ma'am.

4 Q And then you walked the whole area, right?

5 A Yes, ma'am. I did walk the area as well.

6 Q And what were you doing that for?

7 A So I'm looking for shell casings, ma'am.

8 Q Because that's what comes out of a gun after it's -- or,
9 that's what's ejected after the projectile is let out of the gun,
10 right?

11 A Yes, ma'am.

12 Q Or shell casings?

13 A Yes, ma'am.

14 (Defendant's Exhibit 1 is identified.)

15 Q And like I said, you have your whole bodycam. I'm going to
16 show you Defense 1. Do you recognize --

17 A Yes, ma'am.

18 Q -- a CD? And it says BWC, right?

19 A Yes, and my initials.

20 Q And then you have your initials that you reviewed it,
21 correct?

22 A Yes, ma'am.

23 ATTORNEY ZMROCZEK: Your Honor, at this time, pursuant to
24 the limitations, we would move Defendant's 1 into evidence.

25 SOLICITOR SCOTT: No objection.

1 THE COURT: All right. As was subject to the previous
2 objection, --

3 ATTORNEY ZMROCZEK: Certainly.

4 THE COURT: -- it's entered in.

5 (Defendant's Exhibit 1 is admitted into the record.)

6 ATTORNEY ZMROCZEK: And, Your Honor, if we may publish a
7 portion of it?

8 THE COURT: Yes, you may.

9 Q So we see here on this screen -- obviously, the time bar is
10 moved to the middle of it -- you were there for quite some period
11 of time. I think the total amount of time is about 38:40 that
12 you had this body camera on, right?

13 A That's correct, ma'am.

14 Q And it identifies the date and the time up in the corner; is
15 that correct?

16 A That's correct, ma'am.

17 Q And then it has a little "x". Is that your identifying
18 number?

19 A No. I think that is something the bodycam does theirselves,
20 not to my knowledge.

21 Q So at the end of the day when you get home from a shift or
22 back to the office, do you unload your -- you put your bodycam in
23 and it uploads to your system?

24 A That's correct, ma'am.

25 Q Okay. And so --

1 SOLICITOR FOWLER: Objection. Objection.

2 THE COURT: All right. Are you going to pause it for one
3 second?

4 ATTORNEY ZMROCZEK: Yes.

5 THE COURT: Is the objection as to the sound?

6 SOLICITOR FOWLER: It is. It was agreed upon that that
7 would be muted.

8 THE COURT: Let's get that rectified.

9 ATTORNEY ZMROCZEK: Thank you, Your Honor.

10 Q And so when you pulled up, you saw vehicles in the area?

11 A Yes, ma'am. And that's the yard that you're referring to,
12 ma'am.

13 Q And then there were -- and then we see crime-scene tape up.
14 Who put that crime-scene tape up?

15 A That, I do not remember now.

16 Q Why do you all put crime-scene tape up?

17 A To basically try to keep everybody out and secure the scene.

18 Q Okay, so you want to secure the scene. And so you're armed
19 with a flashlight, notepad, anything that you need to take notes
20 or to make note of anything, right?

21 A Usually I am. I don't know if I was at this point, but
22 usually I am.

23 Q And you interact with the other deputies that are there so
24 you all can formulate a plan on what to do?

25 A Oh, yes, ma'am, or directing what I need to direct them to

1 do, or help out in the situation. Yes, ma'am.

2 Q Okay. And so that's you with the flashlight?

3 A It is, ma'am.

4 Q And you were looking for any sort of evidence of shell
5 casings?

6 A That's correct, ma'am.

7 Q And did you go around the house? Down the street? You
8 looked everywhere?

9 A I looked for -- from what I remember, I looked down the
10 street.

11 Q Okay. During that entire time did you find any evidence of
12 shell casings?

13 A I didn't find any shell casings while I was at the crime
14 scene. The rest of the responders, I'm not sure if they saw
15 anything but for me, personally, I did not find anything. No,
16 ma'am.

17 Q And you were the first one there?

18 A I was. Yes, ma'am.

19 Q And then as you -- when you first got there, you recall --
20 you recall going to the front door, right?

21 A Yes, ma'am.

22 Q And then you walked through a little, kind of a little, room
23 area, a common area?

24 A Yes, ma'am.

25 Q And then you turned to the left?

1 A Yes, ma'am.

2 Q And Mr. Jackson was on the bed?

3 A That's correct, ma'am.

4 Q And what else did you notice was on the bed?

5 A Other than him, I don't remember anything past him being on
6 the bed or --

7 Q But you move -- was there a gun on the bed?

8 A That's correct as well.

9 Q Sorry.

10 A That's all right. That's correct, ma'am.

11 Q And it was a long time ago. And it was right there. Did
12 you pick it up and and move it just so that you could --

13 A Yes, ma'am, I did.

14 Q -- be safe? Okay. But when you got there it was right
15 there?

16 A It was near. I don't know exactly, but it was near him on
17 the bed. Yes, ma'am.

18 Q Okay. And then when you were released you just went back to
19 work and you had no other involvement in this case?

20 A For that time -- well, yes. After I was released, yeah, no
21 more involvement with this case, and that was the end of my shift
22 at this time.

23 ATTORNEY ZMROCZEK: Thank you. I have no further questions.

24 SOLICITOR FOWLER: I'll be brief, Your Honor.

25

REDIRECT EXAMINATION

BY SOLICITOR FOWLER:

Q Trooper Hardy, do you have firearms training?

A Yes, sir, we do.

Q So you use a gun somewhat regularly?

A Yes, sir.

Q In your personal experience, what direction does a semiautomatic pistol eject the casings?

A Basically it will drop out where it's at, or so basically sometimes even in a car, so, you know, based on -- I walked the scene, but sometimes even that shell casing could have popped out inside that car.

Q But if I'm firing right know --

A Yes, sir.

Q -- holding right here, which --

A It's going basically wherever the ejection force is, so to the right.

Q To the right?

A Yes, sir.

Q Okay. Does it go forward? Does it go backwards? Straight?

A For that, I'm not sure about that question. I'm not sure for that part.

SOLICITOR FOWLER: No further questions, Your Honor.

ATTORNEY ZMROCZEK: I have nothing.

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

1 THE WITNESS: Thank you, Your Honor.

2 SOLICITOR SCOTT: State calls Jessica Nowlin.

3 JESSICA NOWLIN,

4 having first been duly sworn, is examined and testifies as
5 follows:

6 CLERK OF COURT: Please have a seat in the witness box, and
7 state your full name for the record.

8 THE WITNESS: My full name is Jessica Nowlin.

9 THE COURT: If you can just make sure to speak up so
10 everyone can hear you.

11 THE WITNESS: Okay. Jessica Nowlin, N-o-w-l-i-n.

12 **DIRECT EXAMINATION**

13 BY SOLICITOR SCOTT:

14 Q And it's Officer Nowlin?

15 A I'm an investigator with Columbia Police Department.

16 Q Investigator Nowlin. Did I say that right, Nowlin?

17 A Nowlin.

18 Q Nowlin. With the Columbia Police Department?

19 A Yes.

20 Q We've been talking a lot about different locations. We've
21 got 209 Devoe, 2849 Lucille Drive. Am I correct that 2849
22 Lucille Drive is a Columbia Police Department jurisdiction
23 address?

24 A Yes. Yes. That's in the city limits.

25 Q Okay. So the Columbia Police Department would respond to

1 calls at the Lucille Drive address; the sheriff's department
2 would respond to calls at 209 Devoe?

3 A Correct.

4 Q Okay. Well, first of all, tell us what ShotSpotter is?
5 What is that technology?

6 A So in layman's terms ShotSpotter is acoustic
7 gunshot-detection software. We have sensors put up all around
8 the coverage areas, and when it detects the gunfire it will
9 filter it automatically because it only detects the impulse wave,
10 sound wave.

11 So if it's an abrupt impulse, it's a specific sound -- and
12 I'm not a scientist so I don't know exactly how to explain it,
13 but it's just an abrupt impulse sound -- that will automatically
14 send that to the filter. And once it goes there, it's kind of
15 trained to sort out whether or not it's gunfire.

16 And if it deems that it is gunfire, then that is sent to
17 their incident review center, and within a minute of detecting
18 the gunfire they can tell us exactly where the gunshots were,
19 what time, it can even tell us if there's multiple shooters, if
20 it's fully automatic gunfire, if it's moving at a certain speed.
21 So a drive-by shooting, it can tell us all of that.

22 Q And are you given alerts whenever the microphones, whatever
23 part of the city they're in --

24 A Yes.

25 Q -- detect gunfire?

1 A So within a minute of detecting the gunfire, if it's deemed
2 gunfire it will dispatch an alert to our city cellphone, and it
3 also sends an alert to dispatch so that if an officer's not
4 paying attention to their phone or whatever it is dispatched out
5 on the radio for everybody else to hear.

6 Q Okay. And then officers can respond to that --

7 A Respond to the scene.

8 Q -- if they get the proper notification? Essentially it's
9 just microphones on different telephone poles around Columbia?

10 A Essentially. Well, it's acoustic sensors, and once it
11 detects the gunfire then it records just for that brief period of
12 time, so it's not like always listening or anything.

13 Q Were you able to go back and review a ShotSpotter hit at
14 2849 Lucille Drive?

15 A Yes. That's part of my job. I'm on the Gun Crime
16 Intelligence Unit, so anytime a gun is involved in either a
17 shooting or a pointing and presenting, anytime there's a crime
18 committed with a gun involved, my unit looks at the ShotSpotter
19 alerts or incident reports, and we gather intelligence from it.

20 Q Okay. And so you reviewed whatever the acoustic sensors
21 picked up as far as 2849 Lucille Drive?

22 A Yes.

23 Q What time did you detect gunshots being fired on the house
24 at 2849 Lucille Drive?

25 A So there was 16 rounds fired at 2:11:36 a.m., and then --

1 Q 2:11:36?

2 A 2:11:36. Then five seconds later there was an additional
3 one round of gunfire.

4 Q All right. So at 2:11:36 there's 16 rounds, and then what
5 was the pause?

6 A 2:11:41, so it's 5/10ths -- I'm not good at math. 2:11:41.

7 Q I think what I hear you saying is there was a 16-round
8 burst --

9 A Yes.

10 Q -- followed by a short pause, and then one additional
11 gunshot?

12 A Yes.

13 Q All right. Did you receive an alert for a ShotSpotter hit
14 at 209 Devoe Drive?

15 A We didn't receive the ShotSpotter hit because it was going
16 back to review it, but there was a ShotSpotter alert, two alerts,
17 at 2:45.

18 Q So that was in the county, the 209 Devoe, but your acoustic
19 sensors did pick up gunfire from that location?

20 A Yeah. So both locations are outside the coverage area, but
21 under the right conditions it can detect the gunfire within two
22 miles from the sensors. And both of those locations are barely
23 over a mile at the most, so it detected both of them.

24 Q Did you review what it detected at 209 Devoe?

25 A Yes.

1 Q Go ahead. What did you find?

2 A There was 14 rounds of gunfire, followed by an additional 3
3 rounds at 2:45 a.m.

4 Q So tell me what the exact time of the first 14-round burst
5 was?

6 A 02:45:38.

7 Q And then there was an additional three, you said?

8 A Yes.

9 Q When were those?

10 A 2:45:45.

11 Q And you mentioned that it's able to somehow produce some
12 kind of -- what were you describing, where it sort of illustrates
13 the shooting as it happened and the location that it's putting
14 the shots at?

15 A Yes. It will give us the location. If there's multiple
16 shooters it will show us the order that the rounds were fired in
17 and provides all that information.

18 Q Okay. And did you generate one of these what you're
19 describing --

20 A Yes.

21 Q -- as far as a visual? And I guess it's got audio, too,
22 that sort of depicts the gunfire?

23 A Yes.

24 Q And did you create one for 209 Devoe?

25 A I did.

1 (State's Exhibit 4 is identified.)

2 Q Do you recognize this, State's No. 4?

3 A Yes. That's my initials on there.

4 Q Okay. Is this true and accurate as far as what you can find
5 in your research of ShotSpotter --

6 A Yes.

7 Q -- on that particular ... And was the company -- I've got
8 it SoundThinking. Did they verify the authenticity of these
9 results?

10 A Yes, they authenticated it. SoundThinking is the larger
11 parent company, but ShotSpotter's the specific product.

12 Q Okay.

13 SOLICITOR SCOTT: Your Honor, the State offers State's No. 4
14 for admission into evidence.

15 ATTORNEY ZMROCZEK: Without objection.

16 THE COURT: All right. So moved.

17 (State's Exhibit 4 is admitted into the record.)

18 SOLICITOR SCOTT: And permission to publish.

19 THE COURT: Go ahead.

20 (Audio published.)

21 Q Do you know where 209 Devoe is, Officer Nowlin? If you
22 don't know -- I don't know if you've been out there in that area.

23 A No. I'm not familiar with that area, actually.

24 Q Okay. It's in the county and you work in the city, you
25 said. But 14 rounds April 6, 2:00 a.m. -- 2:45:38 is what you

1 testified to your findings were?

2 A Yes.

3 Q And that's on the top right corner on this exhibit. And so
4 this is the acoustic sensor's attempt to place exactly where
5 gunfire was detected?

6 A Yes. It's not just one sensor, it's three, so it kind of
7 triangulates it, and there's a triple-check of the location.

8 Q Okay.

9 SOLICITOR SCOTT: Can you play it one more time.

10 (Audio published.)

11 Thank you.

12 Q And that is in Richland County?

13 A Yes.

14 Q Thank you. Answer any questions Ms. Zmroczek has.

15 **CROSS-EXAMINATION**

16 BY ATTORNEY ZMROCZEK:

17 Q Good afternoon.

18 A Good afternoon.

19 Q If that goes on to play we hear three more shots, right?

20 A Yes, ma'am.

21 Q And they were a few seconds after -- actually, it was seven
22 seconds after the first shots; right?

23 A It was, I think, 7/100ths of a second.

24 Q 7.3, sure. Close enough. It was around --

25 A I'm not good at math but, yeah, it was in the same second.

1 Q And now, the purpose of ShotSpotter is so that when the
2 alerts come out, or when the acoustics hear gunshots, it goes to
3 an intelligence person where somebody, an actual human, verifies
4 whether or not those are gunshots or not, right?

5 A Yes.

6 Q And then after that then -- and that happens within less
7 than a minute of receiving the alerts, correct? It's automatic?

8 A Yes, ma'am.

9 Q And then they review it automatically, right?

10 A Yes.

11 Q And then if they determine that it's gunshots, they send --
12 everybody who's working for CPD has the capability to get the
13 ShotSpotter alert, right?

14 A When it's inside the coverage area --

15 Q Uh-huh.

16 A -- and detected as gunfire and published, yes.

17 Q Okay. And you keep saying detected as gunfire, and so I
18 want to talk about that because you -- the little system that
19 we're looking at here, that is different than the reports that
20 SoundThinking does for the ShotSpotter alert, right?

21 A Yes.

22 Q This is actually something that -- this is something that
23 you actually ... This is actually something that you go back in
24 as an investigator, right, and then can look at, right?

25 A Yes. That's how we can see the published dismissed or

1 suppressed that you see on the screen.

2 Q Okay. And so even -- and I get it, it's outside the
3 coverage area because 209 Devoe is in Richland County, right?

4 A Well, so this is actually -- 209 Devoe is in Richland
5 County, but it was close to our north region sensors.

6 Q Right. Right. Right.

7 A So that's why it picked it up.

8 Q But when they picked it up they didn't classify it as
9 gunfire, did they?

10 A I believe it was multiple gunshots. It was just suppressed
11 or dismissed because it was outside of the coverage area.

12 Q Okay. Did you actually speak to Mr. Belli about why it
13 didn't register as gunshots, or do you know?

14 A I don't know because that was not part of my case.

15 Q Right. So let's talk about that. That was not part of your
16 case, right? You were part of the Lucille Drive case, right?

17 A Yes, ma'am.

18 Q Did you do a little audio for that as well?

19 A It was attached to the PDF. I don't know if we actually
20 recorded that one.

21 Q Okay.

22 A But it's in the PDF that SoundThinking sends out.

23 Q So you heard the audio at Lucille,
24 pow-pow-pow-pow-pow-pow-pow-pow-pow, 16 times, right, and
25 then there's, a few seconds later, another one, right?

1 A Right. Yes, ma'am.

2 Q So we have the same sort of technology for what happened at
3 Lucille Drive, right?

4 A Yes, ma'am.

5 Q Okay. And in addition to just not hearing the audio, the
6 fancy little system shows the numbers, right, of the latitude and
7 longitude? Every time a shot is heard it is registered as a
8 little number on the screen, correct? We're talking about right
9 there.

10 A So, yeah. It will drop a pin with the number of gunshots
11 it's detecting.

12 ATTORNEY ZMROCZEK: And can we replay that?

13 (Audio published.)

14 Q All right. And now, so it basically follows the trail of
15 the gunshots, right?

16 A Yes.

17 Q And can you show us -- 209 Devoe, which house is that? Do
18 you know?

19 A I'm not sure which house it was.

20 Q Okay. So, but what we do see is the direction. From this
21 guy to the street it goes 1, 2, 3, 4, all the way to 14, right,
22 and it's traveling down the road, right? We can play it again.

23 A It depends on what your definition of up and down is.

24 Q Okay. I'll be more clear. Let's play it again, and I'll
25 show you.

1 (Audio published.)

2 Q So it starts towards where that little green 3 is. You see
3 that on that screen?

4 Q Yes, ma'am.

5 Q And when I say down the road, it goes away from that 3,
6 right?

7 A Correct.

8 Q And that 3 actually indicates three shots that, for whatever
9 reason, didn't get put in this audio, right?

10 A So it was proximal, so it was after this burst of gunfire
11 was detected. So it will detect if there's a shootout or
12 anything, or a mag change, anything like that.

13 Q And so that's what we see up there in the corner, that
14 little green bar and the 3, right?

15 A Yes, ma'am.

16 Q That's where those three shots were detected?

17 A Yes, ma'am.

18 Q And were you asked to present any shots for Lucille, or to
19 present an investigative report for that?

20 A The records got certified through SoundThinking, but I
21 didn't record it.

22 Q Okay. That's fine. And that was at 2:11 a.m., right, give
23 or take a few hundredths of a second?

24 A Yes, ma'am. It was at 2:11 a.m.

25 Q 2:11. Thank you.

1 ATTORNEY ZMROCZEK: Nothing further.

2 SOLICITOR SCOTT: Nothing from the State, Your Honor.

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

4 THE WITNESS: Thank you.

5 SOLICITOR SCOTT: Your Honor, the State calls Ashley Carter.

6 ATTORNEY ZMROCZEK: Your Honor, we have a matter of law to
7 discuss before that.

8 THE COURT: Approach.

9 (Off-the-record discussion at sidebar.)

10 THE COURT: We're going to take a short break. Remember,
11 while you're out do not discuss the case. We'll have you back
12 out here shortly.

13 (Jury escorted out of the courtroom at 2:48 p.m.)

14 MATTER(S) OF LAW

15 THE COURT: All right. The issue we have is about a
16 taillight?

17 ATTORNEY ZMROCZEK: So, Your Honor, apparently at lunch I
18 received an email from Solicitor Scott saying that the taillight
19 was out on Ms. Carter's vehicle. It said, Ashley Carter's black
20 -- and this is May 14th, Tuesday, at 1:17 p.m. Ashley Carter's
21 black Honda that was impounded has a defective taillight. And,
22 Your Honor, so I said Why am I just learning about this, and then
23 I was asked why I didn't go out there to view the car.

24 And I will refer the Court back to Exhibit H, Your Honor.
25 This is the email. The first email I received about the car was

1 Tuesday, April 2nd, 2024, from Dale Scott to me. We went to the
2 impound lot today to look at Ashley Carter's black Honda Accord
3 last week. Let me know if you need us for you to arrange to do
4 the same. Answer: Yes. Response: You're going to have to give
5 me a more responsive reply than that. Answer: Yes. I would
6 have liked to look at the evidence when you did since I have
7 previously asked to see all the evidence. Please set up a
8 viewing for me and my staff this week or provide me the number of
9 the person I need to call to set up viewing the evidence -- all
10 the evidence that I previously requested to see. I have
11 available time Thursday and Friday. Thank you.

12 There was no response and no follow-up. And, Your Honor,
13 and now I'm being told that it has a defective taillight. That
14 information wasn't even provided to me when they went to go see
15 it back in April. And now they're --

16 THE COURT: Let me ask you this factually about this case:
17 The video shows a car pull up with a taillight that's broken?
18 I'm just saying, I mean, what does it show?

19 ATTORNEY ZMROCZEK: I mean, I think that's exactly what
20 they're going to assert. Yes. There are multiple Ring camera
21 home videos that show different vehicles, and so I guess that
22 what they're going to say, or they're going to try to say, is
23 that that was Ashley Carter's Honda and that it had a defective
24 taillight, and they're going to show a defective taillight.

25 Your Honor --

1 THE COURT: Is Ashley Carter going to get up here and
2 testify that that's her vehicle?

3 ATTORNEY ZMROCZEK: Oh, yes.

4 THE COURT: And so then the significance --

5 ATTORNEY ZMROCZEK: Oh, wait. She's going to get up there
6 and testify that her vehicle was impounded at the lot, not that
7 that vehicle was on the video.

8 Nobody's going to be able to testify what vehicle that is.
9 There's no license tag number, no license tag reader. But as you
10 heard in opening statement and throughout this case, because you
11 heard the search warrant arguments yesterday, that a black Honda
12 Accord drove by, slowed down, and fired guns. That's their case.

13 And so she's not going to testify that that Honda is
14 whatever Honda they want to show on the video.

15 THE COURT: Is she going to testify that her Honda has a
16 defective taillight?

17 ATTORNEY ZMROCZEK: I don't think so. I don't know. I
18 haven't -- I haven't had an opportunity -- I got that at 1:17
19 today.

20 THE COURT: Well, that evidence is different than what she
21 testified to, though. The car being impounded is one issue that
22 you have. Her, as a witness, is -- and that's not -- there's not
23 a discovery issue with her?

24 ATTORNEY ZMROCZEK: Right. Right. Right. No, but the
25 discovery issue becomes: On direct: Ms. Carter, were you aware

1 that your car had a defective taillight? No.

2 That evidence is then is out there, and I can't -- I
3 can't -- I have no way to know whether or not that taillight's
4 defective until I go and look and see is the taillight defective.
5 But if they put that question out there I can't -- we can't --
6 unring the bell later on when they want to put other evidence up
7 about a car with a defective taillight.

8 THE COURT: Okay.

9 SOLICITOR SCOTT: I'm not planning on -- Your Honor, I
10 intend to ask her if it was, in fact, out; if she knows whether
11 or not it was out.

12 THE COURT: You're going to ask her, just in her
13 personalized -- Is your taillight out in your vehicle, or was it?

14 SOLICITOR SCOTT: Correct.

15 THE COURT: And whatever answer she gives you, you're stuck
16 with?

17 SOLICITOR SCOTT: Stuck with it.

18 ATTORNEY ZMROCZEK: But my question is are they going to
19 later, are they going to have somebody else come and testify that
20 it was defective, and who's it going to be.

21 THE COURT: That's where your issue comes up?

22 ATTORNEY ZMROCZEK: Correct.

23 THE COURT: And what's the State's answer to that?

24 SOLICITOR SCOTT: Yes. In watching the video, it appears to
25 me the brake light is out.

1 THE COURT: Who? What witness? I mean, that will be a
2 separate witness.

3 SOLICITOR SCOTT: It will be Adam Oxendine.

4 THE COURT: All right. Well, then today's Tuesday. Before
5 that evidence comes out you all need to make an arrangement to go
6 look at that car at lunchtime or after 5:00.

7 ATTORNEY ZMROCZEK: I'm available whenever.

8 THE COURT: And if you all can't schedule, let me know and
9 I'll schedule it. That can be done today, anytime today, after
10 5:00. Let's talk with -- I think Oxendine's going to get it
11 scheduled. And the solicitors can go there, too. You obviously
12 can take your investigator. You'll be there. That will give you
13 a chance to review it, and that should put that matter to bed.

14 ATTORNEY ZMROCZEK: Thank you, Your Honor.

15 THE COURT: As to this witness, though --

16 ATTORNEY ZMROCZEK: As to this witness.

17 THE COURT: -- the State -- I mean, there's no evidence she
18 doesn't know?

19 SOLICITOR SCOTT: There's no reason to show her any video.

20 THE COURT: Anything else before I bring the jury back out
21 from the State? You have the witness ready?

22 SOLICITOR SCOTT: I do.

23 ATTORNEY ZMROCZEK: Nothing further.

24 SOLICITOR SCOTT: While we're on break can I just run a
25 quick comfort break?

1 THE COURT: We'll take a 10-minute break.

2 (Court recessed at 2:54 p.m. and reconvened at 3:11 p.m.,
3 without the jury present.)

4 SOLICITOR FOWLER: Your Honor, I just wanted to say myself
5 and Ms. Zmroczek is scheduled to go view the black Honda tonight
6 as soon as we're done here.

7 THE COURT: Great. If there's an issue while you're out
8 there I'll have my cellphone, and I'll handle it via that way,
9 too.

10 SOLICITOR FOWLER: Yes, sir. Thank you, Your Honor.

11 THE COURT: Anything from the State before we bring out the
12 jury?

13 SOLICITOR SCOTT: Nothing from the State, Your Honor.

14 THE COURT: Anything from the defense?

15 ATTORNEY ZMROCZEK: Nothing.

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

17 (Jury seated in the courtroom at 3:14 p.m.)

18 THE BAILIFF: Jury is seated, Your Honor.

19 THE COURT: Thank you, ma'am. Thank you, ladies and
20 gentlemen. The State may call its next witness.

21 SOLICITOR SCOTT: Thank you, Your Honor. The State calls
22 Ashley Carter.

1 ASHLEY CARTER,
2 having first been duly sworn, is examined and testifies as
3 follows:

4 CLERK OF COURT: Please have a seat in the witness box, and
5 state your full name for the record.

6 THE WITNESS: Ashley Carter.

7 **DIRECT EXAMINATION**

8 BY SOLICITOR SCOTT:

9 Q Thank you, Ms. Carter. Who is this right here sitting in
10 the middle of the table?

11 A Troy Stevenson.

12 Q Okay. And who is he to you?

13 A My boyfriend.

14 Q How long has he been your boyfriend?

15 A For a long time.

16 Q Okay. April 6 of 2021 he was your boyfriend?

17 A Yes.

18 Q Okay. Did y'all have children together?

19 A We did.

20 Q You had children -- who is your -- do you have a daughter or
21 a son?

22 A I have a son.

23 Q And who's his father?

24 A Housane Ryan [ph].

25 Q I'm sorry?

1 THE COURT REPORTER: I'm sorry?

2 A Housane Ryan.

3 Q Ryan?

4 A Ryan.

5 Q Tank?

6 A Ryan.

7 Q Does he go by Tank?

8 A No, he don't.

9 Q What does he go by?

10 A Black.

11 Q Black?

12 A Uh-huh.

13 Q Okay. And does Troy have children with somebody else?

14 A He does.

15 Q And is that Rhondette Pointer?

16 A Correct.

17 Q And so in 2021, April of 2021, he was seeing you and

18 Rhondette Pointer at that time?

19 A No, he was not.

20 Q Okay. Well, he would stay with you at Margate; is that

21 true?

22 A Somewhat.

23 Q What does somewhat mean?

24 A That means he would be there; he would be home. Either/or.

25 Q I'm sorry?

1 A That wasn't his home, it was my home, but he was there.

2 Q Okay. What was his home?

3 A 2849 Lucille Drive.

4 Q Okay. Lucille was his home?

5 A Correct.

6 Q And did he also stay with Rhondette Pointer, too?

7 A I don't know.

8 Q You don't know?

9 A No.

10 Q Okay. He didn't tell you that he was staying there?

11 A No.

12 Q And you didn't ask or anything where --

13 ATTORNEY ZMROCZEK: Your Honor, may we approach?

14 THE COURT: Yes.

15 (Off-the-record discussion at sidebar.)

16 Q So 2849 Lucille is his home?

17 A Correct.

18 Q But he would also stay with you at Margate?

19 A Correct.

20 Q Is that 5663 Margate?

21 A 6556.

22 Q 6556 Margate. But then it's true that he would also stay
23 with Rhondette Pointer at Alcott?

24 A No. That's not correct.

25 Q You don't know that to be true?

1 A He stayed with his mother. That's where he stayed.

2 Q Okay. Did you talk with him the day he got arrested?

3 A No, I didn't.

4 Q Okay. So you don't know where he was found?

5 A I do.

6 Q Where was that?

7 A That was at Alcott.

8 Q Okay.

9 A We're talking about 2021, right?

10 Q Yeah.

11 A Okay then. If we're talking about 2021, that was his

12 address, his mother's house.

13 Q Okay. But he would stay in other locations, though, from

14 time to time?

15 A No. If we talking about 2021, 2021 he stayed at his

16 mother's house and I stayed at my house.

17 Q Okay. Why would he have been found in Alcott then --

18 ATTORNEY ZMROCZEK: Your Honor, --

19 THE COURT: All right. Approach.

20 (Off-the-record discussion at sidebar.)

21 Q All right. So tell me, Margate's address, again, is what?

22 A 6556.

23 Q 6556 Margate. That's 209 Devoe. Lucille -- is it 2849

24 Lucille?

25 A That's correct.

1 THE COURT: If you could speak up, Ms. Carter.

2 THE WITNESS: Correct.

3 THE COURT: Thank you.

4 Q And so would you say a lot of the times he stayed here with
5 you at Margate?

6 A Correct.

7 Q Okay. But his home is Lucille?

8 A Correct.

9 Q And to your knowledge -- you might not have any knowledge of
10 it, but did he stay in an apartment in Alcott from time to time?

11 A After his mother moved out, correct.

12 Q And who lived in Alcott?

13 A Rhondette Pointer.

14 Q But his primary address, so we're clear, is at 2849 Lucille?

15 A Correct.

16 Q Okay. Thank you, Ms. Carter. Did you -- I don't know if
17 you still do or not, but in 2021 -- and you can assume when I'm
18 asking you that we are talking about 2021. You've asked me that
19 a couple times. You can always assume that's what I'm asking.
20 In 2021 were you using Facebook?

21 A Uhm, yeah.

22 Q Yes?

23 A Yes.

24 Q Okay. And your Facebook name was what?

25 A I'm not sure.

1 Q Was it Ashley Carter?

2 A That's what it is now, but it probably wasn't then. I
3 changed it.

4 Q I'm going to show you something to see if I can refresh your
5 memory. Do you recognize that to be your Facebook name at the
6 time?

7 A I'm not sure.

8 Q I'm sorry?

9 A I'm not sure.

10 Q You're not sure if it was Ashley Carter?

11 A Correct.

12 Q Do you see these records I'm showing you?

13 A I do.

14 Q Do you dispute these records?

15 A Correct.

16 Q You do dispute them?

17 A Correct.

18 Q So if Facebook said these are authentic records you dispute
19 what Facebook says?

20 A I mean, I'm not sure that was my name back then, so I don't
21 know.

22 Q Is there a reason you can't remember what your name was in
23 2021?

24 A I mean, that's 2021. It's 2024 now.

25 Q Okay. Do you remember having a conversation about this

1 thread with law enforcement?

2 A I'm not sure.

3 Q Do you remember?

4 A I'm not sure.

5 Q Do you need to hear your interview again? Would that help?

6 A If you want to.

7 Q No, I'm asking you.

8 A That's fine.

9 Q It's not what I want; it's what Ashley Carter needs to
10 testify.

11 A I don't need it.

12 Q You don't need it?

13 A No.

14 Q Okay. So would you be surprised that you told law
15 enforcement these messages were between you and Troy on the night
16 of April 6, 2021?

17 A I'm not sure. Could be.

18 Q Ms. Carter, we've got to be clear. We cannot leave any
19 questions unanswered here for this jury. Do you need to hear
20 your interview --

21 A No, I don't.

22 Q -- so you can be clear?

23 A I don't.

24 Q So your answer is yes, this is your Facebook?

25 A No. I'm not sure.

1 SOLICITOR SCOTT: Judge, we have probably an issue to take
2 up outside the presence of the jury.

3 THE COURT: All right. Ladies and gentlemen, if you will
4 step back out to your deliberation room. Do not discuss the
5 case. We'll have you back out here shortly.

6 (Jury escorted out of the courtroom at 3:22 p.m.)

7 MATTER(S) OF LAW

8 THE COURT: All right. Ms. Carter, I want to remind you
9 that you're under oath; that you are here to testify; that we are
10 delaying this case right now because of an issue, okay.

11 Every witness who comes up here must testify to the truth to
12 what they know or don't know. If you don't know something that's
13 perfectly fine, but if you do and you're refusing to answer then
14 we're going to have you go to Alvin S. Glenn, wait there till
15 tomorrow, and confirm that you do not want to comply because
16 we'll have contempt hearings.

17 We are wasting the jury's time right now. If you don't know
18 an answer that's perfectly fine, but you are under oath and
19 you're going to comply and answer the questions of either
20 attorney for whatever it may be. If you don't know the answer,
21 you don't know the answer, but we're not going to play these
22 games because the jury is currently not sitting in here right
23 now, and that's costing taxpayer money, and we're not going to do
24 this all day.

25 If we have to do it next week, we will, but you're not going

1 to go out that door if this is what's going on happen. Okay?

2 THE WITNESS: Yes, sir.

3 THE COURT: Do we need to -- let's proffer these questions
4 again. If you don't know it, he'll refresh your memory. But if
5 you do know it, you are under oath.

6 THE WITNESS: Okay.

7 **DIRECT EXAMINATION**

8 **(conducted outside of the presence of the jury)**

9 BY SOLICITOR SCOTT:

10 Q Okay. Do you remember Troy Stevenson using the handle Troy
11 To Major?

12 A Correct.

13 Q Okay. Your name is?

14 A Ashley Carter.

15 Q Do you recall having a Facebook name in 2021 Ashley Carter?

16 A But I had two Facebooks. That's what I'm saying. So I
17 don't know --

18 Q And what were they?

19 A Ashley Carter and Piggy Di'Donn [ph].

20 Q Okay. So you did have one that was Ashley Carter in 2021?

21 A Correct.

22 Q Okay. Thank you. Do you recall being asked about some
23 messages you received and sent to Troy To Major, a/k/a Troy
24 Stevenson, on April 6, 2021?

25 A I remember them asking me that. Correct.

1 Q And do you remember having a conversation with law
2 enforcement about his actions on the night of April 6, 2021?

3 A Right.

4 Q Do you remember them asking you about him returning the car
5 and you indicating that it smelled bad?

6 A Correct.

7 Q Do you remember them asking you about him texting you
8 through Facebook on the way back?

9 A They said the message but they didn't say where it come
10 from. Correct.

11 Q And then do you remember that you responded No you ain't?

12 A Probably so. Yeah.

13 Q And I can show it to you if it will help refresh your
14 memory. Okay. And then he responds back to you, and you had a
15 series of phone calls. Do you remember telling law enforcement
16 that he stayed with you at Margate that night?

17 A Correct.

18 Q And do you remember saying that he left after receiving a
19 phone call?

20 A Correct.

21 Q And then he returned back some time later?

22 A Correct.

23 Q And then you noticed that your car smelled stank?

24 A Yeah. I said before but okay, yes.

25 Q Well, I might ask you the question twice in a different way,

1 so -- I just want to be clear.

2 A Uh-huh.

3 Q So is that what your testimony is?

4 A Correct.

5 SOLICITOR SCOTT: Thank you, Your Honor.

6 THE COURT: All right. We're going to bring the jury back
7 out. You're going to hear that same line of question. Again,
8 you are to tell the truth. I saw at one point you might have
9 wanted to explain something. You're free to explain, but you
10 have to answer the questions truthfully as you just did.

11 THE WITNESS: Correct. Okay.

12 THE COURT: Thank you, Ms. Carter. All right. Anything
13 from the State? Are you ready?

14 SOLICITOR SCOTT: I'm ready, Your Honor.

15 ATTORNEY ZMROCZEK: Nothing.

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

17 (Jury seated in the courtroom at 3:27 p.m.)

18 THE BAILIFF: Jurors are seated.

19 THE COURT: Thank you, ma'am. All right. The State may
20 continue.

21 SOLICITOR SCOTT: Thank you, Your Honor.

22 **DIRECT EXAMINATION** (cont.)

23 BY SOLICITOR SCOTT:

24 Q Okay. So you kind of remember using Facebook in 2021?

25 A Yes.

- 1 Q Okay. And how many usernames did you go by?
- 2 A I had two different ones.
- 3 Q Two?
- 4 A Uh-huh.
- 5 Q And what was the first one?
- 6 A Ashley Carter.
- 7 Q Okay. And what was the other one?
- 8 A Piggy Di'Donn.
- 9 Q Piggy Di'Donn?
- 10 A Uh-huh.
- 11 Q And your nickname is Piggy?
- 12 A Pigg [ph].
- 13 Q Pigg?
- 14 A Uh-huh.
- 15 Q Okay. But Piggy Di'Donn is your other Facebook?
- 16 A Uh-huh. Correct.
- 17 Q And would you and Troy primarily communicate through Ashley
- 18 Carter or Piggy Di'Donn, or was it just back and forth between
- 19 both of them?
- 20 A Probably back and forth between both.
- 21 Q Now, on April 6th we established you were living at 6556
- 22 Margate?
- 23 A Correct.
- 24 Q With your son?
- 25 A My mother and my son. Yes.

1 Q All three of you?

2 A Uh-huh.

3 Q And you said Troy would stay there often or not often?

4 A Often.

5 Q Okay. And on April 6th of 2021 was he staying with you that

6 night?

7 A No, he wasn't.

8 Q He wasn't?

9 A No.

10 Q Okay.

11 A Oh. Hold on. Say that question one more time.

12 Q If I ask something you don't understand, ask me to repeat

13 it. I want to be clear. April 6, 2021 --

14 A Uh-huh.

15 Q -- just while we're here today, that day --

16 A Okay. Okay.

17 Q -- was Troy staying with you at 6556 Margate?

18 A Correct. Yes.

19 Q Okay. And do you remember if your mother was there that

20 night?

21 A She wasn't.

22 Q She was not. So it would have been just you, Troy, and?

23 A No. It was just me and Troy. Nobody else was there.

24 Q Okay. The child wasn't there?

25 A No, my son wasn't.

1 Q Were you all up late that night, do you remember?

2 A Uhm, late, yeah.

3 Q You were?

4 A Uh-huh.

5 Q Okay. At some point -- did Troy have a car?

6 A He did.

7 Q What did he have?

8 A A black Hyundai.

9 Q He had what?

10 A A black Hyundai.

11 Q Hyundai?

12 A Uh-huh.

13 Q Okay. And you had a black Honda?

14 A Correct.

15 Q Honda Accord?

16 A Correct.

17 Q A 2017, is that what it was?

18 A Probably so. Yeah.

19 (State's Exhibits 18, 19, 20, 21, and 22 are identified.)

20 Q Let me show you State's 18, 19, 20, 21, and 22. And your

21 car, your black Honda, was that a car that Troy would drive from

22 time to time?

23 A Correct.

24 Q Why would he drive your Honda if he had a Hyundai?

25 ATTORNEY ZMROCZEK: No objection, Your Honor.

1 A Because I would get him to do certain things like oil
2 changes, wash my car, cleaning it out, whatever it was I needed
3 him to do.

4 Q Do you remember whether or not, April 6th of 2021, if his
5 Hyundai was functioning, was it working?

6 A It was.

7 Q Let me show you State's 18, 19, 20, 21, and 22, and see if
8 you recognize that?

9 A I recognize 21. 22, I don't know what these is.

10 Q I'm sorry?

11 A I don't know what that is, but I know these two. I don't
12 know what that is.

13 Q You don't recognize that to be your car?

14 A No.

15 Q But you recognize these to be your car?

16 A Uh-huh.

17 Q Okay.

18 SOLICITOR SCOTT: State offers State's 21 and 22 for
19 admission into evidence at this time, Your Honor.

20 THE COURT: All right. So moved.

21 (State's Exhibits 21 and 22 are admitted into the record.)

22 Q How long had you had this car in State's 21 and 22 at the
23 time?

24 A I had just got it.

25 Q Just got it?

1 A Uh-huh.

2 Q So you and Troy are at the Margate house. That black

3 Honda's there --

4 A Correct.

5 Q -- and his black Hyundai's there?

6 A Correct.

7 Q Do you remember at some point him getting a phone call?

8 A Correct.

9 Q Yes?

10 A Yes.

11 Q And what did Troy say after he got the phone call?

12 A Troy got a phone call first, and then I, a couple seconds

13 later, I had got the same phone call. They were both saying that

14 his mama's house got shot up that night.

15 Q Who called you?

16 A Asia called me.

17 Q Asia? Who's that?

18 A Troy's cousin, Asia. My friend.

19 Q And after you guys got the phone call did you leave the

20 house?

21 A No, I didn't.

22 Q Did Troy?

23 A He did.

24 Q What did he leave in?

25 A I'm not sure.

1 Q Okay.

2 A It would have had to be his car because his car was in the
3 back.

4 Q Do you remember telling law enforcement he took your car?

5 A I never said that.

6 Q Do you remember telling law enforcement he drives your car
7 and drives it often?

8 A I did.

9 Q Did your car have a faulty brake light, to your knowledge?

10 A It didn't.

11 Q Okay. Where did he say he was going?

12 A Go check on his mother.

13 Q About what time did he leave?

14 A I don't know. I wasn't looking at the time.

15 Q Do you know how long he was gone?

16 A No. It wasn't long. Maybe 15 to 20 minutes, to me.

17 Q So do you think he left right after getting the phone call
18 from Asia?

19 A No, not -- he didn't leave right away. No. We was talking.
20 He didn't immediately leave.

21 Q Okay. How long do you think he was gone?

22 A Maybe 15 to 20 minutes.

23 Q And he had a phone?

24 A Correct.

25 Q What kind of phone do you remember him having?

1 A I don't remember very well.

2 Q I'm sorry?

3 A He had a phone, but what it was I don't remember.

4 Q Okay. Do you remember receiving a text from him that he was

5 on his way back?

6 A Uh-huh.

7 Q Okay. Do you agree that it would have been at 2:48 in the

8 morning? Does that sound right?

9 A I don't know. I never looked at the time.

10 Q Do you remember responding No you ain't?

11 A I do.

12 Q Why did you say that?

13 A I mean, that's something I will always say if I feel like he

14 was about to come, like he's about to pull up outside or

15 something.

16 Q Why?

17 A Why what?

18 Q Why do you say that?

19 A I mean, because it wouldn't be when he told me. Then it

20 would be minutes later or an hour later, or something. So that's

21 why I say No you're not.

22 Q Because he didn't come back right away, did he?

23 A It felt like it to me that he walked out the door and was

24 right back in the blink of an eye.

25 Q He responds bloody after you said No you ain't. What does

1 that mean?

2 ATTORNEY ZMROCZEK: Your Honor, can we approach?

3 (Off-the-record discussion at sidebar.)

4 THE COURT: All right. We're going to send you out for just
5 a few minutes. If you will stretch your legs. Do not discuss
6 the case. We'll have you right back out here shortly.

7 (Jury escorted out of the courtroom at 3:36 p.m.)

8 MATTER(S) OF LAW

9 ATTORNEY ZMROCZEK: So, Your Honor, he asked her why did he
10 respond bloody, okay. And that's -- and that's slang talk, okay.

11 THE COURT: Slang for what?

12 ATTORNEY ZMROCZEK: It's slang for like, Bible, on God, or
13 whatever. But the point is is that he didn't ask her these
14 questions when he met with her that week, right. She came to
15 meet with him. He just sends her out and says You can go, I'm
16 not talking to you. But now he's trying to, you know, ask
17 questions that he doesn't know the answer to.

18 And bloody is referring -- I mean what they're trying to
19 give the impression is is that somebody's covered in blood, when
20 it's really just the way that he speaks.

21 And now, you know, we've gotten this out there and it's --
22 and I'll just be honest. It's gang talk, okay. That's what it
23 is, which is why I filed that 404(b) motion to not discuss it.

24 THE COURT: And when we discussed the 404(b) earlier
25 yesterday, there will be no gang relation, and so when I hear

1 that -- I mean, we've all been in plenty of trials where there is
2 He is a member of this, and that's why they shot at Carter's
3 house, or they shot at his house. That's what I was on the
4 lookout for.

5 ATTORNEY ZMROCZEK: Right.

6 THE COURT: So at this point I've heard bloody. Even I
7 didn't pick up on the gang activity. And I understand now that
8 you're drawing the conclusion that, okay, now I can maybe see
9 that, but even I did not draw that conclusion.

10 Now, if he starts saying what is bloody -- now maybe she
11 needs to explain it because if -- and I'm going to let him speak,
12 but if bloody means I did X, Y, and Z, based on their
13 relationship, that's why maybe we can proffer it.

14 ATTORNEY ZMROCZEK: Right.

15 THE COURT: But just the word bloody alone -- I mean,
16 there's an innuendo. I understand there's issues between defense
17 counsel and State, all right. I'm not privy to that. The issue
18 about, he sent her out, didn't send her out, he set this up, you
19 all are going to need some more evidence or we're going to have
20 to go ODC, something differently. But as to the gang activity,
21 when he says bloody, what is that? What was the question that he
22 responded bloody to?

23 SOLICITOR SCOTT: At 6:48 -- or at 2:48 in the morning -- so
24 this is three minutes after the shooting at Devoe -- he says On
25 the way back. And she responds about a minute later No you

1 ain't. He responds to that 10 minutes later, Bloody, which does
2 that mean, yes, I am, or, you're right. The point is --

3 THE COURT: Offer that question to Ms. Carter. What did it
4 mean to her then?

5 SOLICITOR SCOTT: What does bloody mean in response to, no
6 you ain't coming home?

7 THE WITNESS: To me it's like believe me. I'm coming.
8 Believe what I'm saying.

9 SOLICITOR SCOTT: Believe what I'm saying?

10 THE WITNESS: That's what I got -- that's what I get from
11 it.

12 THE COURT: All right. So if you want to get that statement
13 in then you can ask her, How did you respond, and she needs to
14 answer he basically said yes, I am. And don't use the word
15 bloody. If that's the answer, is that basically responded and
16 said yes, I am -- is that correct?

17 THE WITNESS: Uh-huh.

18 THE COURT: Then when you ask that question, because there's
19 no point where bloody is being used there that could potentially
20 connote gang-related activity.

21 Is there anything else in that dialogue that is going to be
22 an issue while we're here?

23 ATTORNEY ZMROCZEK: I don't know --

24 SOLICITOR SCOTT: I don't know that -- this, to me, is this
25 is his words. She doesn't take it as bloody, or gang talk, or

1 whatever; this is Ms. Zmroczek's interpretation. I don't see
2 anything else. These are what Troy Stevenson -- his words that
3 night.

4 THE COURT: And while we're here, Ms. Carter, if there's any
5 question where you are inclined at any point to talk about any
6 gang activity, do not.

7 THE WITNESS: Uh-huh.

8 THE COURT: Okay?

9 THE WITNESS: Correct.

10 THE COURT: Not that you would be, but if you think you're
11 going to answer and it says something with gang-related activity,
12 do not.

13 THE WITNESS: Okay.

14 THE COURT: And while we're on the record, Ms. Zmroczek, you
15 can renew -- because we had several bench conferences where we
16 talked about 404 issues, and Mr. Scott moved on with the case.
17 Your objections are renewed. The 404 is related to the baby, the
18 child's mother, and the previous 404 which I sustained, which
19 we're not getting into. But 404 motion, written motion, was that
20 it was an implication that it would be disparaging to have the
21 child's mother not be out of wedlock, or something of that
22 nature. None of that came out.

23 The purpose of the question was trying to figure out which
24 residences he was at. Ms. Carter at first was being obstinate
25 and not answering, so Mr. Scott had to press to get that answer

1 out, and that's when the objection came forth. So your
2 objection's noted for the record, and overruled.

3 ATTORNEY ZMROCZEK: Thank you. And, Your Honor, if I
4 recall, the objection was, well why would he be there at that
5 address. And that's when I made the objection. All the other
6 stuff, I --

7 THE COURT: Noted for the record.

8 ATTORNEY ZMROCZEK: Thank you.

9 THE COURT: And overruled but noted. Let's bring the jury
10 out.

11 (Jury seated in the courtroom at 3:43 p.m.)

12 THE BAILIFF: Jurors are seated.

13 THE COURT: All right. Thank you, ma'am. All right. The
14 State may resume.

15 SOLICITOR SCOTT: Thank you, Your Honor.

16 Q All right. So you said you remember at about 2:48 a.m. him
17 saying he was on the way back?

18 A Correct.

19 Q And you responded, No you ain't?

20 A Correct.

21 Q And you said that's just kind of what you say to him joking?

22 A Uh-huh.

23 Q And then he responded, Yeah, I am, I promise you I'm coming
24 home; is that right?

25 A Correct. Uh-huh.

1 Q And that was at 3:01 a.m. Can you help me explain why at
2 3:12 you have a missed call from him? That must mean he's not
3 back at Margate if he's calling you, right?

4 A I don't know. I guess not.

5 Q Okay. And then it looks like he's texting you. Does that
6 mean anything to you? You don't have to read it out loud.

7 A That don't have [indiscernible].

8 THE COURT REPORTER: Ma'am --

9 THE COURT: If you can speak into that microphone,
10 Ms. Carter.

11 A Sorry. That don't have nothing to do with none of that.
12 That's a whole different entirely dates with somebody else.

13 Q Do you remember saying that he took your black Honda or his
14 black Hyundai that night?

15 A I never said what car he took because I never knew what car
16 he took.

17 Q He didn't tell you?

18 A He didn't have a reason to.

19 Q But you say he drives your car, and he drives it often?

20 A Correct.

21 Q Why would he drive your car? I think I may have asked this,
22 but why does he drive your car all the time if he's got his own
23 car?

24 A Because I would get him to do my oil changes, or wash my
25 car, or whatever handyman thing that I needed to done.

1 Q Okay. But that would be the only time he would need to
2 drive your car, if he needed to --

3 A Correct, cause he had his own car.

4 Q So he wouldn't be needing to drive it this night at 2:45 in
5 the morning, right?

6 A Correct.

7 Q Do you remember the early morning hours -- I know law
8 enforcement asked you about this -- you're asking Why did you
9 leave my car smelling bad?

10 A That's not what I said, like, to them.

11 Q Okay. I don't like the smell of my car. It stank.

12 A Correct.

13 Q So that would have been 5:16 a.m. on April 6th. So what did
14 he do that night in your car to make it stink?

15 A My car was in -- me and him had that conversation previously
16 before that time from the night we went to the club. My car
17 already had a smell that I kept talking about.

18 Q But do you disagree with me that April 6th at, that would
19 be, 4:28 in the morning -- or, no, I'm sorry, that's something
20 else -- 5:16 a.m. on April 6, 2021, I don't like the smell of my
21 car. It stank?

22 A But where you reading [Indiscernible.]

23 THE COURT REPORTER: Ma'am --

24 THE COURT: Ms. Carter.

25 THE COURT REPORTER: -- repeat that, please.

1 THE COURT: Hold on.

2 ATTORNEY ZMROCEK: Your Honor, I need to see exactly what
3 messages he's referring to, because these are in UTC and so I
4 need to make sure that he's putting the right time on them.

5 THE COURT: Approach.

6 (Off-the-record discussion at sidebar.)

7 Q Do you remember saying your car smelled bad the next day?

8 A Yeah.

9 Q You do?

10 A Uh-huh.

11 Q And then you remember him saying he was going to clean it?

12 A Yes.

13 Q What did he do to make it stink, do you know?

14 A We had a conversation previously about my car because one
15 night we went out to the club and somebody had puked all over the
16 ground, and he stepped in it. So my car already had an odor that
17 me and him talk about, and that day I'm like Can you take my car
18 to get cleaned? I don't like the smell of it. That's all.

19 Q And so he went and had the car cleaned?

20 A He didn't get the car cleaned.

21 Q He didn't?

22 A He never took the car to get cleaned.

23 Q But even though he said he was going to?

24 A Correct.

25 Q And how do you remember that he didn't clean it?

1 A Because I had somebody clean it.

2 Q When did they clean it?

3 A I can't remember.

4 Q Do you remember when law enforcement asked you about that
5 message you said it smelled like -- you didn't say throw-up; you
6 said it smelled like ... Remember this right here?

7 A I mean, I said it was stank; I didn't say what it smelled
8 like. I remember telling him that it was stank, but I never -- I
9 don't remember saying that exact words.

10 Q But you're talking about it the next day after -- after all
11 this stuff goes on the night, early morning hours, of April 6th.
12 You're talking about the car smelling bad, right?

13 A It's not not normal for me to have a conversation with him
14 about that type of stuff.

15 Q Do you remember, to the best of your knowledge, what time he
16 did come back?

17 A I don't.

18 Q Do you know Tamira Jackson?

19 A I don't.

20 Q What's the difference between knowing somebody and knowing
21 of them?

22 A Me and her, we never really even had a conversation. I knew
23 of her, like, just word of mouth, like, I heard something about
24 her, but I don't know her personally. No.

25 Q Okay. So you know of her?

1 A Uh-huh, correct.

2 Q Okay. And so what you remember, were you awake when that

3 phone call came in about his mom's house getting shot up?

4 A Uh-huh.

5 Q I'm sorry?

6 A I was.

7 Q Okay. And you just remember him leaving. You don't know

8 what car he was in?

9 A No.

10 Q He was gone, you don't know, how long, or?

11 A Felt like 15, 20 minutes to me.

12 Q It could have been more?

13 A I'm not sure. Like I said, he was there -- he was there, he

14 left, and then he was right back.

15 Q And then when he got back did you guys go to sleep?

16 A I was already asleep.

17 Q You were asleep when he --

18 A After he left I fell asleep.

19 Q Well, it's kind of hard to tell how long he's gone if you're

20 sleeping.

21 A I mean, it was already late when the call came in anyway.

22 Q So he left, you fell asleep, and at some point he comes

23 back?

24 A Yeah. I dozed off. Yeah.

25 Q Did he go back to sleep with you?

1 A He did.

2 Q Do you remember what you guys did the next morning?

3 A No, I don't.

4 Q Do you remember telling law enforcement when they
5 interviewed you on May 12th, at first you tell them your phone's
6 broken, remember that, and they were trying to get their hands on
7 your phone?

8 A I don't remember telling them that.

9 Q Do you remember eventually saying it was broken, and you
10 said Okay, I lied about it. And then they said, Well, why? And
11 you said Well, I didn't want y'all to get phone.

12 ATTORNEY ZMROCZEK: Your Honor, I'm sorry. I can't hear.

13 THE COURT: A little louder.

14 Q Do you remember that?

15 A Say it again.

16 Q Do you remember talking to law enforcement and them asking
17 you where your phone was and you said it was broken?

18 A But I remember them looking for the phone, but I thought
19 they had it. But obviously they didn't.

20 Q Do you remember telling them it was broken?

21 A I don't.

22 Q Do you disagree with me if I told you that? Because we can
23 play it and listen to it if you need to. But do you disagree if
24 that's what I'm telling you you told them?

25 A If you say that's what it is, then that's what it is.

1 Q I mean, do you agree with me?

2 A Yeah. Uh-huh.

3 Q Okay. And then later you say, I lied about that; I just

4 didn't want y'all to get my phone?

5 A Yeah.

6 Q Do you remember -- who was Taylor Thomas? Do you know her?

7 A Uh-huh. We used to be friends.

8 Q And in April of 2021 were you friends, or?

9 A I don't know. I think it was rocky but, I don't now, there

10 wasn't no beef or nothing.

11 Q Y'all just didn't hang out as much?

12 A No.

13 Q Do you remember sending her a text the night that this all

14 happened?

15 A No. I wouldn't have had a reason to.

16 Q You wouldn't?

17 A (Nods head.)

18 Q Would you dispute that if somebody said you sent them a

19 text? You're saying No, I didn't?

20 A I did not.

21 Q Do you know where Taylor Thomas lives?

22 A No. I never been to her home.

23 Q You've never been to her home?

24 A Uh-uh.

25 Q What would y'all do together when you hung out?

1 A I mean, she was mostly at West Columbia where I was, coming
2 to my house. I never really know where she was staying.

3 Q Let me just ask you again. So you recognize 20 and 22 to be
4 your car but not 18, 19, and 20?

5 A Uh-uh.

6 Q What is it about these that you -- what is it about these
7 that you recognize that don't recognize here?

8 A Because I know what my car look like.

9 Q Is your testimony under oath that that's not your car?

10 A That's not my car.

11 Q But this is?

12 A Yes.

13 Q Would it surprise you if an officer says it's the same car,
14 just taken different --

15 A No, it is not. They're two different years.

16 Q That's what your testimony is?

17 A Correct.

18 Q Okay. And so did you know that car really well?

19 A I did.

20 Q And your testimony is the brake light was working as far as
21 you know?

22 A Everything was working on my car.

23 Q And Troy drove it all the time?

24 A No. He would drive it from time to time but not all the
25 time. How am I going to get around if he drive my car?

1 Q Okay. Would it surprise you to know you told law
2 enforcement he drives it all the time?

3 A He drives it sometimes.

4 Q Would it surprise you to know you told law enforcement he
5 drives it all the time?

6 A It wouldn't.

7 Q It would not surprise you?

8 A It would not, I don't believe -- I don't remember saying
9 that. I remember -- I remember saying that he drives it
10 sometimes.

11 Q We've got to be crystal clear here. Ms. Carter, would you
12 listen to this and tell me if it refreshes your memory as to what
13 you told law enforcement.

14 ATTORNEY ZMROCZEK: Your Honor, may we approach briefly?

15 THE COURT: Don't play it yet.

16 SOLICITOR FOWLER: Yes, sir.

17 (Off-the-record discussion at sidebar.)

18 (Audio is played for the witness only and not published to
19 the jury.)

20 Q So on May 12th what did you tell law enforcement about him
21 and your car?

22 A From what's on the video, that is what I said.

23 Q And what did you say?

24 A That he has it all the time.

25 Q Now tell me, why did he have it all the time if you're now

1 telling us he had a car of his own?

2 A At that time that's what came out of my mouth, but that's
3 not what it was. He'd drive my car sometimes --

4 Q Okay.

5 A He did not all the time.

6 Q Okay. So we shouldn't believe what you told law enforcement
7 May 12th of 2021?

8 A No. I mean maybe he said -- the way he said it, and my
9 response was too fast, but, no, he don't have my car all the
10 time. He don't have a reason when he has his own car.

11 Q Let's play it -- can we hook it up? Let me play it just to
12 make sure we all kind of understand how he asked it and whether
13 or not he was confusing. Would that help?

14 A If you want to.

15 Q Now, I want to be clear here, so I'm going to publish this
16 part, what I'm asking her about.

17 THE COURT: Play just the portion of that -- that portion.

18 SOLICITOR FOWLER: That she listened to, Your Honor?

19 THE COURT: That she listened to. It's coming in under Rule
20 613.

21 SOLICITOR FOWLER: Okay, Your Honor. I played her from
22 20:30 to 20:40.

23 (Video published.)

24 Q So at that time you were saying that he took your car. You
25 didn't say anything about a black Hyundai.

1 A Nobody had asked me nothing about it.

2 Q You're talking about him taking your car that night in your
3 interview.

4 A No. I'm just answering what he's asking me at that time.
5 That's what I was doing.

6 Q Okay. But you're telling him he took the black Honda.

7 A I did not tell him that he took anything.

8 SOLICITOR SCOTT: Rewind it back a little bit further,
9 please.

10 (Video published.)

11 Q They're asking you why didn't you have any questions for him
12 when he takes your car and leaves? Your response is He always
13 takes my car. You didn't say He didn't take my car; he took his
14 black Hyundai.

15 A At that time I wasn't -- I'm just answering on what he's
16 saying right there then. Maybe I was answering too fast and
17 wasn't thinking but no, that's not what it was.

18 Q Would it surprise you that not once in this interview do you
19 ever mention a black Hyundai?

20 A Why did I? I'm just answering on what he asked me, why he
21 took my car when he had a car. That wasn't no question I was
22 asked.

23 Q At this point did you know that there was somebody who was
24 shot and killed?

25 A I did not.

1 Q You didn't?

2 A What, at this interview time?

3 Q Yes.

4 A Yeah. But at the time, no. But at this interview time, I
5 did know.

6 Q Okay. So you don't think it's important to tell law
7 enforcement everything about Troy Stevenson that night, including
8 what he was driving and the fact that he even owned a black
9 Hyundai?

10 A I really don't get involved in stuff, so no.

11 Q Okay. Go to -- do you remember, again, reiterating to law
12 enforcement, He drives my car and drives it often?

13 SOLICITOR SCOTT: At 27:25.

14 A You don't gotta play that. I know that.

15 Q Are you sure?

16 A Correct.

17 Q So you don't dispute now that during this interview your
18 conversation with Adam Oxendine was that he took your black Honda
19 because he takes it all the time?

20 A Well, I didn't know that that's what he was trying to say to
21 me. I felt like he was asking me a question and I was just
22 answering him that it is not not normal for him to drive my car.

23 Q You're saying it's not normal for him?

24 A It's not not normal for him to drive my car.

25 Q It's not not normal?

1 A Yeah.

2 Q That means --

3 A So if he want to drive my car he can drive my car. It's not
4 a problem.

5 Q Okay.

6 A I don't have to question him about what he doing, where he
7 going, and what he doing.

8 Q Okay. Thank you for clearing that. Today I don't want
9 to -- if I'm asking you a question that's tricky, let me know.

10 I'm asking you is it normal, in fact, is it very common, in
11 fact, all the time does Troy Stevenson drive your black Honda?

12 ATTORNEY ZMROCZEK: Your Honor, I would object to the
13 compound question. He first asked is it normal. It's the same
14 question he asked -- I'm sorry -- make it no-speaking objections.
15 I would ask that -- it's a compound question.

16 THE COURT: Break it up.

17 Q Is it normal for Troy Stevenson to drive your black Honda?

18 A Correct.

19 Q Is it common for Troy Stevenson to drive your black Honda?

20 A Correct.

21 Q Does he drive your black Honda all the time?

22 A No.

23 SOLICITOR SCOTT: Go to 27:25 into it. Play that portion,
24 with Your Honor's permission. Your Honor, this is just
25 another --

1 THE COURT: Granted.

2 SOLICITOR SCOTT: -- portion.

3 (Video published.)

4 SOLICITOR SCOTT: I'm just getting a cue from one of the
5 jurors that the volume is not quite loud enough. This might be
6 as loud as this particular --

7 THE COURT: Jounus, can we make it louder?

8 CLERK OF COURT: I don't know. I can give it a try.

9 (Video published.)

10 Q Okay. So he drives it often?

11 ATTORNEY ZMROCZEK: Your Honor --

12 A Yes.

13 ATTORNEY ZMROCZEK: -- the question has been asked and
14 answered.

15 THE COURT: Either rephrase or move on.

16 Q And do you agree that that's what you were talking to law
17 enforcement --

18 A Correct.

19 Q All right. Let me make sure I didn't leave anything out.
20 Answer any questions Ms. Zmroczek has for you.

21 ATTORNEY ZMROCZEK: Thank you, Your Honor. May it please
22 the Court.

23 THE COURT: Yes, ma'am.

24

25

CROSS-EXAMINATION

BY ATTORNEY ZMROCZEK:

Q Ms. Carter, I want to pick off where he left off. They asked you numerous, numerous, numerous times if he drove your car every day, and you said not every day --

A Correct.

Q -- right?

A Uh-huh.

Q Okay. When you were in that interview or interrogation room speaking with Investigator Oxendine and Investigator Jordan, they asked you for your phone number, right?

A Correct.

Q And you didn't give them your phone, but they asked you for your phone number, correct?

A Correct.

Q And you gave them your phone number on May 12th of 2021?

A Correct.

Q Correct?

A Uh-huh.

Q Okay. You had just purchased that car?

A Yes.

Q When?

A Uhm, probably two or three months before this.

Q If the title reflects March, would that be, like --

A Yes.

1 Q Okay. And they asked you -- Investigator Oxendine asked you
2 about -- you said that your car smelled. And that question that
3 you were asked, if it was 5:00 a.m., actually that conversation
4 occurred at 5:00 p.m., correct?

5 A Yes.

6 Q Okay. And at that time you told Investigator Oxendine it
7 smelled like doo-doo, right?

8 A Probably said that. Yes.

9 Q That's what you told him. And he said Are you sure it
10 didn't smell like gunpowder? And you said No, it smelled like
11 doo-doo, right?

12 A Yes.

13 Q Investigator Oxendine was the one who said Are you sure it
14 doesn't smell like gunpowder, right?

15 A Right.

16 Q Now, when you had your car -- and you got into it the day of
17 April 6th later on in the day?

18 A Yes.

19 Q How many burn marks did you see in your car?

20 A I don't remember.

21 Q None, right?

22 A No.

23 Q Did you find any shell casings in your car?

24 A No.

25 Q Did you see any gunpowder in your car?

1 A No. I don't know what it would look like.

2 Q Okay. You were asked about times. And even though Troy was
3 allowed to drive your car -- I think we've established that,
4 right?

5 A Yes.

6 Q And it wouldn't be unusual for him to do that?

7 A No.

8 Q Okay. But he didn't have a key to your house, did he?

9 A No, he didn't.

10 Q Okay. So whenever he had to come in -- or, whenever he had
11 to come inside what did he have to do?

12 A Knock.

13 Q Knock or if it were in the middle of the night would he call
14 or would he text?

15 A He would call or knock on the door.

16 Q He would do any of the above?

17 A Uh-huh.

18 Q Is that a yes?

19 A Yes.

20 Q Okay. And so he is at your house and gets a phone call,
21 right?

22 A Yes.

23 Q And then does he spring up into action? What were you
24 y'all doing? And I hate to ask this. Were y'all --
25 what position -- what were y'all doing?

1 A That we were --

2 Q Were you being intimate?

3 A Yes.

4 Q Okay. And so you -- does he get a phone call and jump right

5 up and run out of the house?

6 A No.

7 Q No?

8 A No.

9 Q And May 12th you told Investigator Oxendine he was gone 15

10 to 20 minutes?

11 A Correct. Yes.

12 Q That has never changed?

13 A No.

14 Q We talked about Black, right?

15 A Uh-huh.

16 Q And that's the father of your child?

17 A Correct.

18 Q And what's your child's name?

19 A Zavion [ph].

20 Q Zavion?

21 A Uh-huh.

22 Q So where was Zavion the early morning hours of April 6th?

23 A With his dad.

24 Q With his dad?

25 A Uh-huh.

- 1 Q You were on the phone with him on and off?
- 2 A Correct.
- 3 Q And was that Zavion's phone?
- 4 A Yes.
- 5 Q Was it your phone that you let him have so you could talk to
- 6 him when he's at his father's?
- 7 A Yes, ma'am.
- 8 Q Where did Black live around 202- -- not around, in April of
- 9 2021? Did he live in the area, in the neighborhood of where
- 10 Devoe Street is?
- 11 A Yes, in his dad's house.
- 12 Q You used to have a white Nissan?
- 13 A Yes, I did.
- 14 Q Okay. What did you do with that?
- 15 A I sold it to my friend -- or was my friend.
- 16 Q Okay. And that was to Taylor?
- 17 A Correct.
- 18 Q And where did she live?
- 19 A I don't know where she stayed.
- 20 Q This entire interview that we listened to portions of it,
- 21 the entire interview with Investigator Oxendine and Investigator
- 22 Jordan, how many times did they ask you what car Troy owned?
- 23 A They never asked me that.
- 24 Q Did they ever ask you what kind of car he had?
- 25 A No.

1 Q So he left to go check on -- so he left to go check on his
2 mama?

3 A Yes.

4 Q Fifteen to 20 minutes he comes back?

5 A Yes.

6 Q And did y'all talk about anything after that?

7 A No.

8 Q And that number, 803-404-6018, that's the number you gave
9 Investigator Oxendine on May 12th?

10 A That probably was my number at that time, so probably so.

11 Q And you said that your phone was broken. Did y'all -- did
12 you go through phones often?

13 A Yes.

14 Q Was your then two-year-old allowed to play on phones?

15 A Yes.

16 Q Okay. And he had a phone with him so that you could
17 communicate with him when he was at his father's?

18 A Correct.

19 ATTORNEY ZMROCZEK: Beg the Court's indulgence. Nothing
20 further, Your Honor.

21 THE COURT: Any redirect?

22 SOLICITOR SCOTT: No, Your Honor.

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

24 SOLICITOR FOWLER: State calls Sara Holt, Your Honor.
25

1 SARA HOLT,
2 having first been duly sworn, is examined and testifies as
3 follows:

4 CLERK OF COURT: Please have a seat in the witness box, and
5 state your full name for the record.

6 THE WITNESS: It's Sara Holt.

7 **DIRECT EXAMINATION**

8 BY SOLICITOR FOWLER:

9 Q Investigator Holt, where do you work?

10 A I work at the Richland County Sheriff's Department in the
11 Crime-Scene Unit.

12 Q And what are your duties in the crime-scene unit?

13 A I'm sergeant over the crime-scene unit, so I conduct all the
14 training, write protocol, policies. I also respond out to
15 scenes, autopsies, and assist with the scenes and processing.

16 Q April 6th, 2021, were you also in the crime-scene unit?

17 A I was.

18 Q Did you have occasion to respond to a 209 Devoe Drive?

19 A I did.

20 Q What did you do out at that scene?

21 A So I initially responded out there to assist the
22 investigator that was out there working nightshift. She left,
23 and then I took over the scene. And so what we did out there was
24 I did photographs, collected evidence, did trajectory to follow
25 bullet holes and put them together so I could line up the

1 projectile path, and I also processed a vehicle.

2 Q You said you took photographs?

3 A I did.

4 (State's Exhibits 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
5 and 17 are identified.)

6 Q I'm going to show you what's been marked as State's 3 and 6
7 through 17. Would you look at these and tell me if you recognize
8 these?

9 A I do.

10 Q And what's depicted in those photographs?

11 A So these are overall photographs. Some of them are
12 closer-range photographs of impact points and defects to the
13 house.

14 Q The house located at 209 Devoe Drive?

15 A Correct.

16 Q And you took these the following morning? Well, I guess
17 early morning hours of April 6th it's dark, right?

18 A Correct. So I took that when it's daylight.

19 Q You can see a little better in the daylight?

20 A Correct.

21 Q Do you mind if we go through -- oh, I'm sorry. Are these a
22 fair and accurate representation?

23 A Yes, they are.

24 SOLICITOR SCOTT: Your Honor, at this time I'd move to admit
25 State's 3 and 6 through 17 into evidence.

1 ATTORNEY ZMROCZEK: Without objection, Your Honor.

2 THE COURT: So moved.

3 (State's Exhibits 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
4 and 17 are admitted into the record.)

5 Q Investigator Holt, can you just kind of generally go through
6 these pictures and just kind of generally describe what they're
7 depicting?

8 A Okay. So this is an overall view of the front of the house.

9 Q 209 Devoe Drive?

10 A Correct.

11 Q I'm going to show you -- that was State's No. 3. What is
12 State's No. 6 depicting?

13 A So this is kind of an overall view of the windows to one of
14 the bedrooms of the house, and then the front door.

15 Q So what are we looking at right there with those little
16 white dots on that shattered window?

17 A So what we're looking at there are going to be defects and
18 impact points to the window and front of the house.

19 Q And those defects and impact points presumably could have
20 come from projectiles from a firearm?

21 A Correct.

22 Q And is that what we also see over there in that white window
23 unit?

24 A Yes.

25 Q State's 7, same deal here?

1 A Yes.

2 Q State's 8? And do you see any of those white markers by the
3 front door?

4 A I do.

5 Q State's 9, same marker?

6 A That is.

7 Q These are the markers that we saw in the last photo?

8 A They are.

9 Q And so where are we now oriented at 209 Devoe Drive?

10 A This is inside that bedroom. The earlier photo that I
11 showed you, or that you saw, where there was a window and I said
12 it was one of the bedrooms in the house, this is inside that
13 bedroom at the AC unit.

14 Q And you said earlier that you did trajectory rods?

15 A Correct.

16 Q Is that what we're looking at right there?

17 A It is.

18 Q And could you explain to the jury what you mean by that?

19 A So when we go out to scenes, if there are multiple impact
20 points our job is to try to line up that projectile path. So a
21 bullet normally will travel straight unless obviously something
22 deflects it and it will alter the path of it.

23 So what we try to do is line up that path with trajectory
24 rods and strings to kind of show the path that that bullet took.

25 Q State's 12, where are we?

1 A So this is right outside that bedroom door looking into the
2 bedroom.

3 Q And we're back outside here?

4 A Correct. That's the outside of the window to that bedroom.

5 Q State's 14, what do we see there?

6 A So there you are looking at marker E which has a trajectory
7 rod in it showing that the possible bullet went through that way,
8 and showing the direction of it.

9 Q State's 15, same trajectory rod?

10 A Correct. Just another angle.

11 Q Sixteen. And this would be where?

12 A That would be the inside of the window. So what you saw on
13 the previous picture is the outside. This is now on the inside
14 of the window, and it's that trajectory rod showing you it going
15 the direction it was going into the house.

16 Q And State's 17? And in regards to that trajectory rod is it
17 sort of in the general direction of that bed right there?

18 A It is.

19 Q And I believe you said part of your duties is to collect
20 shell casings if you find any?

21 A It is.

22 Q Did you collect any shell casings at the scene?

23 A I did. Yes.

24 Q You did?

25 A Yes.

1 Q From where?

2 A They were in a revolver that were in that bedroom -- that
3 was in that bedroom.

4 Q The revolver that was in the bedroom?

5 A The revolver was in the bedroom. Yes.

6 Q But nothing in the road?

7 A I did not collect anything from the road. No.

8 Q Nothing further. Please answer any questions from
9 Ms. Zmroczek.

10 **CROSS-EXAMINATION**

11 Q Investigator Holt, good afternoon.

12 A Good afternoon.

13 Q You traveled to 209 Devoe --

14 A Yes.

15 Q -- in the early morning hours of April 6th, right?

16 A I did.

17 Q And you generated a report, actually multiple reports,
18 right?

19 A I did.

20 Q Because you investigated, or processed, as it were, you
21 processed several different scenes in this case, correct?

22 A I processed the one scene, and then one vehicle, and then
23 additional evidence back at the lab.

24 Q Okay. And I want to talk about all of that. All right. So
25 let's talk about these trajectory rods. You said you use them to

1 see the pathway that a bullet travels, correct?

2 A Correct.

3 Q Because typically in your training and you've learned that
4 bullets travel straight --

5 A Correct.

6 Q -- until or unless -- until they either die or hit something
7 that changes their trajectory, right?

8 A Correct.

9 Q And so in this case we see the rods and the strings inside
10 the house. Were you ever asked to see from outside how that
11 shooting had occurred? Right?

12 A Can you rephrase that.

13 Q Sure. Poorly asked question. We have the trajectory from
14 the entry point of the window, right?

15 A Yes.

16 Q And then you have the rod that goes through the window,
17 right? Then you have the string that you followed the path to
18 where you found the projectile?

19 A Correct.

20 Q Okay. And so did you ever go outside to see where that
21 shooting came from? You see what I'm saying?

22 A I can give you a general area of where we believe the
23 shooter was at.

24 Q Okay, but have you -- did you do that in this?

25 A Do you mind if I look at my photos real quick?

1 Q Oh, absolutely. No, I don't mind, is what I meant to say.

2 A No, I do not see any photos taken from the window pointed
3 back in the general area.

4 Q Okay. And the projectiles that you found, do you know what
5 caliber they were?

6 A I do not.

7 Q Okay. And so I want to show you -- and that's because what
8 your job -- sorry -- is to just collect, and then you pass that
9 along to a different forensic unit within Richland County, right?

10 A I do.

11 Q Okay. So your job is just to collect, preserve, and
12 photograph the evidence, and then other people can do further
13 examinations; for example, with ballistics, right?

14 A Correct.

15 Q Okay. I want to show you State's Exhibit 6. State's
16 Exhibit 6, you took this photograph?

17 A I did.

18 Q There are just a few photographs that we put in, but you
19 took over 200 photographs; is that correct?

20 A That is correct.

21 Q I think your supplemental first report, supplemental report
22 no. 1, said 205?

23 A Yes.

24 Q And you just do that because you don't know what you're
25 looking for or documenting so you try to document everything,

1 right?

2 A Correct.

3 Q And so I see where this says zoom, so I'm going to attempt
4 to do this, because this is the window we're talking about here
5 that we saw on the inside of the bed, et cetera, right?

6 A Correct.

7 Q Now, can you see -- can you see -- marker C?

8 A I can. Yes.

9 Q And that's right above the window frame of the window with
10 the air-conditioning unit, right? And I can zoom out again.

11 A It is.

12 Q And so when you -- did you stick a rod through that one?

13 A I did.

14 Q And that rod went straight, right?

15 A It appears it went at a slight downward angle.

16 Q Slight downward angle, okay. And that's located at the very
17 top of the -- above the window frame?

18 A Yes.

19 Q Okay. I'm looking up here. D, what was the angle of that
20 trajectory?

21 A It had a slight downward angle as well.

22 Q Okay. And using that information, you could then go outside
23 to see or to try to scientifically figure from where that weapon
24 was being fired, correct?

25 A With those two it's possible, but it's on a case-by-case

1 basis, so it really depends on the impact point and how the rod
2 fits in as far as if we can do the measurements to do that.

3 Q Okay. So this picture identifies other impact points of the
4 bedroom window, correct?

5 A Impact points and defects, correct.

6 Q Impact points and defects, and defects -- what's the
7 difference?

8 A So an impact point would be something I can say for sure
9 that a bullet made. A defect would be it's probably going to be
10 a bullet hole but I don't have enough to say for sure, such as I
11 don't have a projectile or certain variables and residue that a
12 bullet could leave on, like, a wall per say, so if I can't tell
13 100 percent, I call it a defect.

14 Q Okay. All right. And so you even noted in your report what
15 were ingoing -- or incoming, going into the house, impact points,
16 and then you noted that two appeared to be coming out. Is that
17 correct?

18 A Correct.

19 Q And what two were those?

20 A Those would be marker G and marker H.

21 Q Marker G and marker H. All right. So we can see them on
22 there. So H and G, those were actually from inside the house
23 directing towards outside, correct?

24 A Correct.

25 Q And you talked about how you collected and processed the

1 .44 Magnum?

2 A I did.

3 Q And that's a revolver, right?

4 A It is.

5 Q What's the different -- or, what's -- I know the answer so
6 I'll just ask it this way. Sorry. A revolver doesn't eject
7 shell casings, right?

8 A No.

9 Q They actually stay inside the, inside the, the gun itself?

10 A This revolver, yes.

11 Q This revolver, right. And you even noted how many fired
12 cartridge casings were in that revolver?

13 A I did.

14 Q And how many fired cartridge casings were inside that
15 revolver?

16 A There were four.

17 Q There were four. You collected a bunch of weapons, right,
18 --

19 A I did.

20 Q -- from inside the 209 Devoe?

21 A I did.

22 Q You noted that two of those were registered as stolen,
23 correct? Here. Sorry.

24 A I would have to look further because sometimes guns will
25 come back as stolen and it's not the same gun; it's like the same

1 caliber, same type, but it's different -- there's a difference in
2 there, and this may be what happened here. I would have to look
3 further, though.

4 Q Okay. That's fine.

5 A So I wouldn't be able to tell you for sure that those are
6 the actual guns that I collected.

7 Q But this is all the information that you provided, right?

8 A Correct.

9 Q Okay. And you noted that that Magnum also had a scope on
10 it, too, correct?

11 A I believe so. Yes. It did.

12 Q I'm sorry. I promise you I'm not trying to ask, because I
13 know you've got a lot of papers -- or not trick you. You talked
14 about that you inventoried a vehicle.

15 A Yes.

16 Q What vehicle was that?

17 A It was a 2002 Oldsmobile -- I might say this wrong --
18 Aurora.

19 Q Okay. And what color was it?

20 A It was white.

21 Q What did you find inside on the passenger's seat of
22 that 2000-- or, of that Aurora?

23 A On the rear passenger's seat?

24 Q No. No. On the front passenger's seat.

25 A On the front passenger's seat. I see it. It was a

1 Masterpiece Arms 9mm handgun.

2 Q With an extended magazine?

3 A With an extended magazine.

4 Q Okay. So a 9mm Masters Arms [sic] handgun with an extended
5 magazine?

6 A Correct.

7 Q And how many shell casings did you find in there?

8 A I did not find any shell casings.

9 Q Sorry. How many -- it was such a terrible question. How
10 many bullets did you find with the Masters Arm?

11 A Inside the extended magazine there were four unfired
12 cartridges.

13 Q And that is not a revolver, so if any magazines were fired
14 they would have been he ejected at some point, right?

15 A Potentially, yes.

16 Q Okay. As opposed to a revolver that they stay with the gun?

17 A Correct.

18 Q And now, are you sure that you just processed one car? And
19 I'm going to refer -- and again, I know that this is a lot of
20 paperwork and it was a long time ago, but I'm going to refer --
21 to supplement no. 5.

22 A You are correct. I did process another vehicle.

23 Q Okay. So let's talk about that vehicle. What vehicle did
24 you process?

25 A This was a 2015 Honda Accord, black in color.

1 Q 2015 Honda Accord, black in color. Where did you process
2 that?

3 A I processed it at 4215 Bethel Church Road.

4 Q And the tag number that you associated with that vehicle?

5 A It was MUF257.

6 Q You took 30 pictures?

7 A I did.

8 Q Photographed. And then GSR is noted on your report. What's
9 that?

10 A So we have kits. GSR is gunshot-residue collection, or --
11 I'm sorry. Yeah, GSR is gunshot-residue kit, so it's a GSR kit
12 is what we are talking about. And what it is is there's little
13 tabs in it, and so if there's an area that a gun was possibly
14 shot we will take those little tabs and kind of, like, dab that
15 area, reseal it, put it back in the envelope, and then those are
16 sent off for analysis.

17 Q And so you did that in this 2015 black Honda Accord, you
18 collected gunshot-residue kits?

19 A I did.

20 Q And were those sent off?

21 A I do not know.

22 Q When you collect evidence do you, as the crime-scene
23 investigator, determine what's accepted, what gets sent, all that
24 stuff?

25 A It's a case-by-case basis. Sometimes the investigator's

1 involved as far as what they want sent off, and then sometimes we
2 do it.

3 Q But in this case did you do it or were you asked to do it?
4 Were you asked to send it off anywhere?

5 A Let me double-check my report real quick.

6 Q Sure.

7 A I do not have paperwork showing that I did a form for that.

8 Q Okay. And then so you photograph, GSR, and then BP/swabs.
9 What is that?

10 A So BP is black powder, it's just the abbreviation for that.
11 And what we use black powder for is processing for fingerprints,
12 to try to develop fingerprints. So we will process for
13 fingerprints first with black powder; and then after we are done
14 processing for prints, we will swab that area for DNA.

15 Q And you did that in this case on that vehicle?

16 A Yes.

17 Q And what date was that that you processed this vehicle?
18 Sorry. That was, again, a terrible question.

19 A This was April 9th, 2021.

20 Q And some of the areas that you collected swabs were the
21 driver's door interior?

22 A Yes.

23 Q Rear-view mirror?

24 A Yes.

25 Q Steering wheel?

1 A Yes.

2 Q Gearshift?

3 A Yes.

4 Q And parking brake?

5 A Yes.

6 Q And then you did two -- actually, you did two

7 gunshot-residue kits, right?

8 A I did.

9 Q You did one for the front passenger's side headliner?

10 A Yes.

11 Q And one for the rear passenger's side headliner?

12 A Yes.

13 Q Driver's headliner?

14 A Yes.

15 Q And front passenger door interior?

16 A Yes.

17 Q When you got to the scene that evening/early morning hours

18 and you -- were all the vehicles still there? And I'm going

19 back. Obviously we're not talking about the black Honda at this

20 point; I was talking about the Aurora vehicle that was still

21 located there.

22 A Yes.

23 Q And you took photographs that evening just of the outside of

24 the vehicle; is that correct?

25 A That morning when I initially got there I did not take any

1 photographs.

2 Q Okay. You didn't take any photograph of the vehicle. All
3 the photographs that you took were after it was -- it was towed,
4 and then you processed it at y'all's lab, is that what it's
5 called, or garage?

6 A Correct. I believe it had been towed by the time I started
7 taking photographs.

8 Q Okay.

9 ATTORNEY ZMROCZEK: Beg the Court's indulgence.

10 Q And again, that 9mm in the Aurora with the -- it was an
11 extended magazine, and that was located on the front passenger's
12 seat?

13 A Correct.

14 Q And that vehicle, do you know to whom that vehicle belonged?

15 A I do not.

16 Q Did you collect ID as well?

17 A I did not collect an ID.

18 Q Okay.

19 A I photographed an ID.

20 Q You photographed?

21 A I did not collect it, though.

22 Q Oh, sorry. You photographed it, though, and documented it?

23 A (Nods head.)

24 Q Thank you.

25 ATTORNEY ZMROCZEK: I have no further questions.

1 THE COURT: Any redirect?

2 SOLICITOR FOWLER: Yes, Your Honor.

3 **REDIRECT EXAMINATION**

4 BY SOLICITOR FOWLER:

5 Q You said you processed a black Honda. What was the date on
6 that?

7 A The date was April 9th, 2021.

8 Q And what was the address where you processed that?

9 A 421 Bethel Church Road.

10 Q What is 421 Bethel Church Road?

11 A I believe it was an apartment complex.

12 Q It's an apartment complex? Did you ever process a different
13 black Honda on Margate Street? Did you ever process a different
14 black Honda?

15 A I do not -- I do not -- I don't think so, no. I do not have
16 a report for that.

17 Q Any indication of who the owner of the black Honda you did
18 process, who owned the car you did process --

19 A I do not know.

20 Q -- do you have any documentation of that? I think
21 Ms. Zmroczek asked you a couple questions about this picture.
22 You said markers G and H, it appeared to you as though they came
23 from the inside?

24 A Correct.

25 Q And markers C and D, you said they had a slightly downward

1 trajectory --

2 A Correct.

3 Q -- is that right? Is it possible that C and D could have
4 come from the inside, as well? So if you would have been looking
5 at it from the inside of the house they would have had a slightly
6 upward trajectory?

7 A They could not have.

8 Q They could not have come from inside of the house?

9 A They could not. No.

10 SOLICITOR FOWLER: Nothing else, Your Honor.

11 ATTORNEY ZMROCZEK: Just very briefly.

12 **RECROSS-EXAMINATION**

13 BY ATTORNEY ZMROCZEK:

14 Q And the reason that you know that C and D could not come
15 from the inside is because, in addition to the rods through the
16 windows, you even went further and followed the pathway through
17 the house so you know when you eventually found what we call the
18 projectile, the core of the bullet, you were able to follow that
19 path from your training and experience, right?

20 A Correct. We were able to follow the trajectory rods to
21 where the projectiles were at.

22 ATTORNEY ZMROCZEK: Thank you. I have no further questions.

23 THE COURT: All right. Thank you. You may step down. If
24 the attorneys will approach.

25 (Off-the-record discussion at sidebar.)

1 THE COURT: All right. Thank you, ladies and gentlemen.
2 We're going to break for the day. We're going to start back
3 tomorrow again at 9:00. If you'll be back in the deliberation
4 room by then.

5 I'm going to tell you again as I said earlier, do not
6 discuss the case. You are under oath not to discuss it, not to
7 deliberate, and not to do any independent research. You are to
8 do nothing with this case. That all happens within this
9 courtroom. Again, do not discuss the case. And we will see you
10 back here at 9:00.

11 (Jury escorted out of the courtroom and excused for the day
12 at 4:43 p.m.)

13 THE COURT: All right. Anything from the State before we
14 adjourn for the day?

15 SOLICITOR SCOTT: No, Your Honor.

16 THE COURT: Anything from the defense?

17 SOLICITOR SCOTT: I'm sorry. We do have -- this is from
18 earlier. We have the recorded interview of Troy Barnes [sic] for
19 Your Honor.

20 ATTORNEY ZMROCZEK: Oh, yes. So, Your Honor, I tried to
21 send the link with the interview but it was way too long.

22 THE COURT: For Stevenson?

23 ATTORNEY ZMROCZEK: Right. Right. Right.

24 SOLICITOR SCOTT: For Stevenson, yes.

25 THE COURT: I'll review the first, up to 11:40, to make my

1 ruling on that, right?

2 ATTORNEY ZMROCZEK: I think so.

3 THE COURT: They want to get in 0 to 11:40?

4 SOLICITOR FOWLER: That's correct. That would be the length
5 of time in issue. I don't think we tried to put in anything
6 after that.

7 THE COURT: I'm going to review it and make a decision on
8 that. Anything else from the defense before we adjourn?

9 ATTORNEY ZMROCZEK: Your Honor, only, I would -- if they
10 know, I would just ask who they're calling tomorrow just so that
11 I can be prepared so I'm not shuffling papers, because it's
12 distracting to me; I know it's distracting to everybody. I'm not
13 trying to be distracting, so I just would like to know. They
14 don't have to tell me what order, but who they intend to call
15 tomorrow.

16 THE COURT: I'll let you all discuss that amongst
17 yourselves. All right, 9:00.

18 (Adjourned for the day.)
19
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21
22
23
24
25

1 (Indexes contained in Volume I of VIII dated May 14, 2024.)

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

3 (Court called to order, without the jury being present.)

4 MATTER(S) OF LAW

5 THE COURT: We're still waiting on one juror, but just as a
6 first pretrial issue, the interview, I watched that, and I'm not
7 going to allow that in. Up till about seven minutes there's no
8 communication, but when there is Investigator Jordan starts
9 asking him the basic stuff, you know, you want a Gatorade or
10 something, which is fine. But once you ask what type of phone;
11 what's your phone number; how long you had that phone number,
12 those are -- if I was his attorney I would have objected to those
13 questions and said don't answer that which kind of means they're
14 after *Miranda*. So I'm going to exclude anything after around the
15 eight-minute mark. And I don't think anything's relevant to the
16 other parts, he's just sitting there.

17 And I'm going to make this is a court's exhibit, just for
18 the record. It is the interview of Mr. Stevenson.

19 (Court's Exhibit 7 is marked for identification.)

20 SOLICITOR SCOTT: Your Honor.

21 THE COURT: Yes, sir.

22 SOLICITOR SCOTT: So an issue came up, I believe it was, in
23 direct examination of Ashley Carter yesterday. And again,
24 earlier, pretrial, the State has indicated we're not getting into
25 any gang activity, and we haven't.

1 That agreement has somehow been stretched a little bit
2 regarding some Facebook messages. And it was on the fly, the
3 objection was on the fly, yesterday and perhaps I didn't object
4 vehemently enough, but what the testimony is and what the records
5 showed is that our shooting happens at 2:45 a.m. You've heard
6 that a number of times, and the ShotSpotter indicates that.
7 Three minutes after the shooting the defendant sends a text
8 message to his girlfriend On the way back. She responds No you
9 ain't. So at 3:01, so 16 minutes after the shooting, he writes
10 back, Bloody; I'm coming back bloody.

11 So the only evidence that this is a gang-type term came from
12 defense counsel. When we asked Ashley Carter, she said that to
13 her she took it as, yeah, that's true, I'm coming back, or
14 something in that regard.

15 Now, I have an alternate idea of what that means. If you
16 just shoot a man and you tell her you're on the way home and
17 you're bloody, he did just spill blood. And I think it is
18 misleading to the jury if we are to change what the actual
19 records show.

20 And I intend, in no way, to link that up to any gang
21 activity. I'm really unaware of how affiliated he is. But we
22 did a records search in all his Facebook conversations,
23 communications, a key search for the word bloody, and in 2,900
24 pages he only used it three times.

25 So we would argue, and we have a number of exhibits we've

1 already pre-done with the text messages in there, that bloody,
2 his response, should be admitted as it is. I intend to make no
3 linkage between that term and him being a blood, if that's what
4 the assertion is. I don't know, I'm unaware of his gang
5 affiliation. But the only evidence, or only assertion that
6 that is a gang term, it just came from Ms. Zmroczek, and that's
7 certainly what came from the stand and what's in the evidence.

8 So it would be misleading to the jury to tell them he said
9 something else. And, again, we did agree early on that we were
10 not going to link him to any kind of gang activity. I don't
11 believe any of this has anything to do with a gang, the first
12 fight at Lucille, and then the subsequent shooting, or the
13 shooting at Devoe.

14 THE COURT: You want that exhibit -- you want -- what do you
15 want in the --

16 SOLICITOR SCOTT: I want what he said to be testified to,
17 his responds to I'm coming home bloody.

18 THE COURT: And how do you want to get that into evidence?

19 SOLICITOR SCOTT: Through the phone records, through his
20 Facebook messages that we can have someone --

21 THE COURT: Besides that term, are those coming in through
22 some other witness --

23 SOLICITOR SCOTT: They are.

24 THE COURT: -- participating?

25 And then you would have objected and had it redacted? Yes,

1 ma'am, Ms. Zmroczek.

2 ATTORNEY ZMROCZEK: Thank you, Your Honor. I would object
3 based on the arguments that I made yesterday.

4 THE COURT: When is that planning on being introduced, or
5 just in general when is that planning on being introduced whether
6 it's redacted or not redacted?

7 SOLICITOR SCOTT: Our seventh witness today.

8 THE COURT: All right. Let me take that under advisement
9 and make a decision before we -- before we make a ruling.

10 SOLICITOR SCOTT: Thank you, Your Honor.

11 ATTORNEY ZMROCZEK: Your Honor, I have a few issues.

12 THE COURT: With this or something different?

13 ATTORNEY ZMROCZEK: With a lot of other stuff.

14 THE COURT: All right. Go right ahead.

15 (Court's Exhibit 4 is marked for identification.)

16 ATTORNEY ZMROCZEK: Thank you. So the first issue -- I've
17 marked as Court Exhibit 4 -- Your Honor, this is the email that I
18 received yesterday during trial at 1:17 p.m. from Mr. Scott after
19 he had certified to the Court that he had complied with *Riddle*
20 and everything, saying that Oh, by the way, Ashley's brake light
21 was out. In the second day of trial is when I get that
22 information.

23 So, Your Honor, we would, A, again reaffirm dismissal based
24 on *Brady* violation. Two, and under *Riddle* it falls under the
25 exculpatory -- or, inculpatory. We did go out there yesterday.

1 Your Honor, that car has been there for three years. I asked for
2 the towing policy. They sent it to me at 8:40 this morning while
3 I was sitting out waiting for the courtroom to be opened -- or
4 8:30, and then they also sent me a copy of the inventory of the
5 vehicle which was not included in the original discovery.

6 I would move to have any reference to that -- well, first of
7 all, I would renew my motion to dismiss, and would move to have
8 any testimony about any brake lights being out excluded. That
9 car's been sitting there for three years in the custody and
10 control of Richland County, and yesterday was the first time I
11 learned about that.

12 THE COURT: When was that, that email exchange, Exhibit H,
13 when did that exchange happen?

14 ATTORNEY ZMROCZEK: April 2- -- I don't have it --

15 THE COURT: In this year?

16 ATTORNEY ZMROCZEK: Yes.

17 THE COURT: That car's been sitting there since '21?

18 ATTORNEY ZMROCZEK: Yes.

19 THE COURT: Okay. All right. Anything from the State? And
20 this would be Court's Exhibit No. 4.

21 SOLICITOR SCOTT: Your Honor, I never saw this as any kind
22 of a *Riddle* issue. This was something that, out of due diligence
23 after watching hours of video, we caught, Looks like that brake
24 light's out; let's go look at the evidence; let's make
25 arrangements to look at the evidence. And we did. We confirmed

1 that.

2 Upon retrospection yesterday I decided maybe it's more of a
3 Rule 5 issue, not a *Riddle* issue, and so having pondered that out
4 of an abundance of caution I sent defense that information that
5 we had gone out there -- not law enforcement but the solicitor's
6 office had gone out there -- and made the determination that that
7 brake light was out.

8 THE COURT: This is the issue -- we addressed this
9 yesterday, right?

10 SOLICITOR SCOTT: We did.

11 THE COURT: So the question -- hold on. We addressed this
12 yesterday. The email, I have that. I believe that's a court's
13 exhibit about it's within your other discovery motions, Exhibit
14 H.

15 For this to be a dismissal, the extreme remedy, I described
16 earlier what my standard is and what I believe the Supreme Court
17 has made clear, it has to be something intentional, something
18 completely reckless, something that would violate prosecutorial
19 misconduct. That's what I'm looking for.

20 This car had been sitting in the impound for three years.
21 It was attempted to be seen by the defense in April, which is
22 fine. From the email exchange I have, from the evidence I have,
23 okay -- I don't know what's been going on since '21, I haven't
24 been around that long, all right -- the exchange happened. And
25 Mr. Scott should have -- you are right, you tried to get it set

1 up. And so to remedy that, I made a requirement that you all go
2 see the car last night. I believe that is sufficient for this
3 type of issue.

4 I'm still open to the other issue, which is a
5 suppression/spoliation charge. The dismissal, my ruling still
6 applies. There was no high level of intent or reckless
7 disregard, prosecutorial misconduct as to your motion to
8 suppress, and I'm denying that based on the curative issue of
9 going to the impound last night.

10 I'm still open -- haven't made a decision yet about a
11 spoliation charge to the jury.

12 (Court's Exhibit 5 is marked for identification.)

13 ATTORNEY ZMROCZEK: Your Honor, the next motion, or the next
14 issue, is I'm handing up what's been marked as Court's Exhibit 5.
15 It's an email chain from April 24th where -- so, Your Honor, they
16 claim that they just learned in April that the video that you
17 watched last night existed.

18 THE COURT: Wait. I've only watched what video?

19 ATTORNEY ZMROCZEK: The interrogation of Investigator --

20 THE COURT: Oh, with Investigator Jordan?

21 ATTORNEY ZMROCZEK: Correct.

22 THE COURT: All right.

23 ATTORNEY ZMROCZEK: Okay. They claimed that they had just
24 realized that in April, and so I watched it as soon as I got it
25 and I said please provide me Investigator Jordan's notes, because

1 I saw him writing in the interview. So Court's Exhibit 5, Your
2 Honor, is my request. And here are Jordan's handwritten notes,
3 the response, and the attachment, which was one page. Okay.

4 (Court's Exhibit 6 is marked for identification.)

5 ATTORNEY ZMROCZEK: That becomes important, Your Honor,
6 because I'm now handing you Court's 6 which, if you recall, when
7 we did pretrial Investigator Jordan pulled out a wad of notes,
8 okay. He -- I said Can I see those notes? I told the Court I
9 didn't have a copy. The Court ordered that they be turned over
10 to me and, Your Honor, they were turned over Monday afternoon.

11 And in preparing for witnesses today it was 10 pages of
12 notes, not just that one, and that's only one of 10 ten pages --
13 the other ones weren't relevant to this but I didn't want to junk
14 up the file -- but, Your Honor -- and, in fact, when Investigator
15 Jordan testified Mr. Scott made the argument that those were new
16 notes based on work product, and Investigator Jordan corrected
17 him and said no, no, these are old notes.

18 And so that here's my issue. I think you can see at the
19 bottom of that page it says 18:50 -- I don't know what date but
20 it says -- and again, I don't have it in front of me, but I
21 believe it says 18:50 -- CI provides X, Y, and Z information. So
22 at this point, Your Honor, I need to know who the CI is. I need
23 to have a hearing about that.

24 I understand the Court's ruling on dismissal, although I do
25 believe this was intentional. At this point I have to ask for a

1 mistrial based on all of these issues. We still need to get to
2 the bottom of who this CI is, but at this point, Your Honor, this
3 young man is on trial for his life and they are throwing evidence
4 at me left and right. There's one attorney, three State's
5 attorneys. I can't do it all, and this is going to come back on
6 a PCR if this mistrial isn't granted.

7 But also, I would like to get to the bottom of who was the
8 CI, what date did they receive that information. I think I'm
9 entitled to inquire as to all of that.

10 THE COURT: All right.

11 SOLICITOR SCOTT: Your Honor, Investigator Jordan's here to
12 explain, but I think you might know that I was just as surprised
13 as Ms. Zmroczek was whenever he had the stack of notes because I
14 asked for all of his handwritten notes and he explained to me
15 yesterday -- he sent one. I think -- Jordan!

16 INVESTIGATOR JORDAN: Yes.

17 SOLICITOR SCOTT: He's got the email here. He attempted to
18 scan in all of them. We got one. And that's what I turned over.
19 That's what I assumed he had. They've been turned over now.
20 That's how that happened. I was just as surprised as she was.
21 And I assume that those were just notes he had taken in reviewing
22 his interviews. We asked for those records, those handwritten
23 notes, and what I received is what I turned over. And he tells
24 me he tried to scan in all of them. I don't know what the
25 disconnect was between him sending them and me receiving them,

1 but we can look at my emails. I've got one page of handwritten
2 notes. And they come from a video-recorded interview, so he's
3 taking notes, and you can watch what he's --

4 THE COURT: So this, where it says 18:30, I think,
5 Ms. Zmroczek meant, 18:30 -- I just want to make sure I'm looking
6 at the right thing.

7 SOLICITOR SCOTT: I think that's all I have. I have one
8 page.

9 ATTORNEY ZMROCZEK: No. No. This is one page of the new
10 notes.

11 THE COURT: Is this -- the guy called from the CI, talked
12 about the shooting and said -- I can't read that -- Johnikqa.

13 ATTORNEY ZMROCZEK: It said Talked about a shooting and said
14 Johnikqa gave Troy the address. Hit at on Jasmine and other
15 girls. Troy picked up from using screens. Troy told J'Dubb We
16 got to handle this. Bullet almost hit Meka. Troy came to
17 house -- something -- on Musben Spring and picked up J'Dubb and
18 told him My mama about got it, and left together. Everyone was
19 there?

20 THE COURT: Are these notes from the interview? Is that
21 what -- you're saying from the interview that was on the video?

22 ATTORNEY ZMROCZEK: That's what Mr. Scott said, Your Honor,
23 but not only is it not on any interview, it's also not in any
24 reports that I received.

25 SOLICITOR SCOTT: I've got Investigator Jordan.

1 THE COURT: All right. Investigator Jordan, if you'll come
2 to the stand.

3 TAIMA JORDAN, SWORN IN

4 THE COURT: You're still under oath. Do you have a copy of
5 your notes, at least? Here, let's get you a copy so you know
6 what we're talking about. Does someone have a copy of the notes
7 so --

8 SOLICITOR FOWLER: We're getting them, Your Honor.

9 ATTORNEY ZMROCZEK: Your Honor, since I'm going to refer to
10 it, too, I also am marking as Court's, Exhibit B [sic], 11-page
11 report that was sent to me earlier, at the end of last year, just
12 so you can see that there's no mention of any CI stuff. I
13 highlighted it just for me to prepare, Your Honor.

14 (Court's Exhibit 8 is marked for identification.)

15 THE COURT: Investigator Jordan, if you can turn to -- at
16 the top of the page I think it's at 13:25 Calling Monica Walker.

17 INVESTIGATOR JORDAN: Yes. I see it. Yes.

18 THE COURT: And the issue, this is 18:30 -- these are your
19 notes, right?

20 INVESTIGATOR JORDAN: Yes, they are. Yes, they are.

21 THE COURT: And I don't want to -- at this point there's
22 case law about how to handle a confidential informant, if it even
23 comes out, so that's something we need to address. I don't want
24 to get into who that is or anything of that nature at this point.

25 INVESTIGATOR JORDAN: Right.

1 THE COURT: Do you know the date when these notes were
2 taken?

3 INVESTIGATOR JORDAN: So the date we interviewed Ms. Jalanda
4 the second time, it was on that date, because we interviewed her
5 after we got that information in regards to that.

6 THE COURT: And when it says, it says Got a call from CI, is
7 everything underneath that where it says Talks about shooting,
8 all the way down to, Everyone was there?, is that the information
9 from the CI or is it Got a call from the CI just a one-point
10 effect?

11 INVESTIGATOR JORDAN: That is from the CI.

12 THE COURT: All that information?

13 INVESTIGATOR JORDAN: Yes.

14 THE COURT: All right. Thank you. You can step back down.
15 Well, while you're there, do you recall -- and this is more for
16 the solicitor's office -- any other information being turned over
17 about the CI in your file? And I have a report here saying
18 Ms. Zmroczek said that nothing else has been turned over.

19 INVESTIGATOR JORDAN: No. I didn't notice anything about
20 it. It was in my notes. I just didn't, for whatever reason, put
21 it in my follow-up, but it's in my handwritten notes.

22 THE COURT: All right. Thank you. That's all for right
23 now. Yes.

24 ATTORNEY ZMROCZEK: Your Honor, under *Kyle v. Riddley*, at
25 the price that the solicitor's office may need to learn these

1 things, the United States Supreme Court has repeatedly said over
2 and over law enforcement is an extension of the prosecutor's
3 office and --

4 THE COURT: I agree 100 percent, these had to be turned
5 over. The issue is what is the remedy. It's either, it could be
6 a dismissal of the case, I've already explained what my standard
7 is for that. It could be a mistrial under manifest necessity, I
8 believe it is. It could be a one-day delay. It could be where
9 we figure out the confidential informant -- I need to look at
10 that case law about whether it's necessary and how much it is,
11 and we have a hearing and see if it comes out or not and I say,
12 you know, it is what it is. So I need to consider that.

13 Is there anything else relevant to these notes besides that
14 point?

15 ATTORNEY ZMROCZEK: Not that I know of at this point, Your
16 Honor.

17 THE COURT: All right.

18 SOLICITOR SCOTT: This is the first time we're hearing about
19 the CI, but what I did note -- I haven't read the notes, but what
20 I heard the recitation of the notes to be, all of that
21 information was testified to by people who we've heard in court
22 today. It did say Johnikqa was the person who sent him the
23 address. That's been testified to. She's D'ior D'ior. In fact,
24 she's on our witness list. We intend to call her about sending
25 that message to him.

1 THE COURT: All right. Let's -- first line: Talked about
2 shooting and said -- is that the name -- Johnikqua?

3 SOLICITOR SCOTT: Johnikqua is D'ior D'ior.

4 THE COURT: The what?

5 SOLICITOR SCOTT: D'ior D'ior is her Facebook name.

6 THE COURT: Oh, okay. And said Johnikqa gave Troy, the
7 defendant, the address. I'm assuming that's talking about the
8 victim's address?

9 SOLICITOR SCOTT: Correct.

10 THE COURT: Do you have independent evidence of that?

11 SOLICITOR SCOTT: Yes.

12 THE COURT: You're trying to build a record of whether --

13 SOLICITOR SCOTT: We have Johnikqa, who has admitted to
14 sending that to him, and she's on our witnesses list. We intend
15 to call her. Furthermore, we have those Facebook messages where
16 she does, in fact, send him the address just prior to the
17 shooting.

18 THE COURT: The next thing says Hit at on -- and
19 Investigator Jordan, if we can read it -- Hit at on Jasmine and
20 other girls. Is that what that says?

21 INVESTIGATOR JORDAN: Right. It's just, I guess, a
22 retaliation to, I guess, their involvement in the case.

23 THE COURT: All right.

24 INVESTIGATOR JORDAN: That was what I was given.

25 THE COURT: And then Troy picked up from Musben Springs.

1 INVESTIGATOR JORDAN: Yes.

2 THE COURT: What is that?

3 SOLICITOR SCOTT: That would be Jalanda and Johnikqa's
4 address out on Garner's Ferry. We don't have any evidence that
5 he was picked up from there. That is contrary to what the
6 cellphone records show.

7 THE COURT: Troy told J'Dubb we've got to handle this.

8 SOLICITOR SCOTT: J'Dubb is Jamaree Jeffcoat. We've got no
9 testimony regarding that.

10 THE COURT: The bullet almost hit Meka.

11 SOLICITOR SCOTT: Meka, I believe, is Troy's aunt.

12 ATTORNEY ZMROCZEK: No, Your Honor. That's the nickname for
13 his mother.

14 SOLICITOR SCOTT: His mother.

15 THE COURT: Oh, a bullet at her address at Lucille.

16 SOLICITOR SCOTT: We found that not to be true because
17 there's no evidence she was in the house during the shooting. In
18 fact, I think there's testimony that she was not home.

19 THE COURT: Troy came to house on Musben Springs and picked
20 up J'Dubb and told him My mama almost got hit, and left together.
21 So that's a little bit different than Troy picked up. It says
22 Troy did the picking up of J'Dubb and told him about his mama
23 almost got hit.

24 SOLICITOR SCOTT: There's no evidence of that.

25 THE COURT: All right. Let's take a short break. Let me

1 review this.

2 SOLICITOR SCOTT: Your Honor, I would just note our final
3 argument. I don't find that to be material to the level that
4 would require any kind of mistrial. The law is the mere
5 possibility that an item of undisclosed information might have
6 aided the defense, or might affect the outcome of the trial, and
7 not establish materiality.

8 We've got the people who were there, who have given
9 statements, and who will testify. This is a CI we've never heard
10 of, never spoken with, and I don't know that we'll ever find the
11 identity of the CI.

12 THE COURT: Is it possible to -- I mean, before, again, we
13 give out the CI's name -- I mean, that can be required -- before
14 we do that is this like an anonymous phone call they got, or is
15 it --

16 THE WITNESS: Yes, sir. Yes, sir.

17 THE COURT: Let's get back up on there one more time before
18 I take a break.

19 (Investigator Jordan re-takes the witness stand.)

20 THE COURT: Still under oath.

21 INVESTIGATOR JORDAN: Yes, sir.

22 THE COURT: And before I begin, if we need to get to a
23 hearing where I say tell me who it was, we'll get there, but
24 before we get there, do you know -- how did you get this
25 information?

1 INVESTIGATOR JORDAN: Someone called me.

2 THE COURT: Do you know who that person is or was?

3 INVESTIGATOR JORDAN: No. It was a one-time call. Never
4 seen the person, so I referred to him as a CI, but nobody I use
5 on a constant basis.

6 THE COURT: Do you know today who that person is?

7 INVESTIGATOR JORDAN: I do not.

8 THE COURT: Do you have that phone number from that person?

9 INVESTIGATOR JORDAN: I do not.

10 THE COURT: And this was back three years ago?

11 INVESTIGATOR JORDAN: Correct.

12 THE COURT: Would you be able to find that person?

13 INVESTIGATOR JORDAN: I would not.

14 THE COURT: You never used this person at all?

15 INVESTIGATOR JORDAN: I have never used that person. No.

16 THE COURT: And you didn't know who this person was?

17 INVESTIGATOR JORDAN: No.

18 THE COURT: You just got a phone call on the date that you
19 alluded to and took down this information?

20 INVESTIGATOR JORDAN: Correct.

21 THE COURT: All right. Thank you. All right. Short break.
22 Anything else? I got the -- I made a decision on everything
23 else. I'll need to think about this.

24 ATTORNEY ZMROCZEK: Your Honor, I would just -- you know,
25 all phone calls are recorded that come into the Richland County

1 Sheriff's Department. I know this because I've been dealing with
2 these issues for years. Had we been provided this timely, even
3 now, I would still like the opportunity to be able to investigate
4 this.

5 As well as the car thing. Just doing it at 6:30 in the
6 middle of trial, Your Honor, it's just -- at this point we feel
7 like it's --

8 THE COURT: The car issue, I ruled on.

9 ATTORNEY ZMROCZEK: Right.

10 THE COURT: This one, the State doesn't say what's material
11 and what's not material, and what's relevant and what's not; that
12 is up to the Court, okay, and this is material, without beyond
13 the shadow of a doubt.

14 The issue of a mistrial is a high bar, and so the points I'm
15 about to make aren't that this is no big deal, but for the
16 purposes of mistrial I need to be put it in perspective.

17 The information -- what I'm looking for with the CI is, the
18 reason you want to know who it is, is someone -- and I don't know
19 of any gang activity. You've alluded to gang activity. If it's
20 a rival gang that called and tried to set them up, okay, it
21 doesn't appear to be anything of that nature.

22 Does become material for you to want to know who this is,
23 so -- and this seems to happen quite often here in Richland
24 County where whenever someone's on the stand there are some notes
25 that aren't turned over, and this is becoming a problem.

1 But what I'm looking for is new information where they need
2 to find out -- go find out more information, and they need to go
3 look into it. I don't see anything necessarily that, from here
4 that was new information or something that the State is somehow
5 utilizing this information against the defendant, which would be
6 a high bar -- I mean, which would be a big deal.

7 ATTORNEY ZMROCZEK: Well, and, Your Honor --

8 THE COURT: Yes.

9 ATTORNEY ZMROCZEK: -- just because I have all the
10 discovery --

11 THE COURT: Of course.

12 ATTORNEY ZMROCZEK: -- and I know that you're just
13 piecemealing it, so I just want to make sure that we have a clear
14 record of it for PCR purposes at this point, but after -- so
15 talked about the shooting; said Johnikga sent the address; and
16 gave Troy the address. Okay. That is information that I had.
17 Everything below that line is information that I did not have and
18 did not learn until I got this piece of paper.

19 THE COURT: And repeat again what you just said?

20 ATTORNEY ZMROCZEK: Sure. Where it says Gave Troy the
21 address, if you draw a line under that --

22 THE COURT: Yeah.

23 ATTORNEY ZMROCZEK: -- I don't have any of that. I never
24 heard of any of that information --

25 THE COURT: All right.

1 ATTORNEY ZMROCZEK: -- below.

2 SOLICITOR SCOTT: And, Judge, I would say we're not going to
3 use any of that because it seems contrary to the evidence we
4 have. It seems completely false to what the evidence actually
5 shows.

6 THE COURT: Okay. Let me take a short break. If you will,
7 for jury charges, go ahead and send me at some point a spoliation
8 charge so I can review that. I mean, there are different ones
9 but some might be more hard-hitting than the others, so let's
10 think about a spoliation charge at this point. All right. Let
11 me take a short break.

12 (Court recessed at 9:39 a.m. and reconvened at 10:04 a.m.,
13 without the jury present.)

14 THE COURT: We're waiting on one juror. We can't contact,
15 we tried calling him, so we're going to send a deputy out there
16 to make sure he's okay. Unless he shows up in the next five
17 minutes we're going to bring up an alternate in his place. I
18 don't want to wait any longer.

19 So that brings me to my next point. Is there something you
20 wanted to add before that?

21 ATTORNEY ZMROCZEK: I did, Your Honor.

22 THE COURT: Yes, ma'am.

23 ATTORNEY ZMROCZEK: I'm sorry. I just needed to add this
24 just so I make sure it's on record.

25 THE COURT: Of course.

1 ATTORNEY ZMROCZEK: And that is this: So when I handed you
2 all of those -- and I'm going back to the pretrial motions with
3 the search warrant.

4 THE COURT: Yes.

5 ATTORNEY ZMROCZEK: And I handed -- the statements in those
6 search warrants include language We learned this was retaliatory.
7 Your Honor, I could never figure out where that came from because
8 it wasn't in anybody's interviews or anything until I read that,
9 then I realized. And so I feel like that opens up the whole, you
10 know, search-warrant argument again which is, again, why we would
11 be requesting the mistrial.

12 THE COURT: And I'll let you add that argument again. I'll
13 supplement it to get in that line of questioning.

14 But for the record, I'm denying the request for a mistrial.
15 I do not believe it rises to that level. I've reviewed the
16 exhibit. And again, this is -- even though I'm saying it's not
17 that important, it extremely is, but to the level of this ruling
18 there doesn't appear to be -- what I'm looking for is new
19 information; new names, new information, new leads, something
20 that you need to go out and investigate immediately to figure out
21 something.

22 When I read this Talked about the shooting, and that
23 Johnikga gave Troy the address which allegedly is out there, all
24 the other information -- some of it's new, but it all seems very
25 inculpatory between your client and J'Dubb, who we know who that

1 is, that they did this. The information that the bullet almost
2 hit Meka, which was the defendant's mother, in my view, would be
3 inculpatory. It would go to motive, if anything.

4 It doesn't excuse not turning this over by any means, but I
5 don't believe it rises to level of manifesting necessity to
6 declare a mistrial.

7 I will allow for a jury charge of spoliation of evidence.
8 And then we'll just figure out how you want to get this in, or
9 figure that charge out later what you want to argue, but I'm open
10 to that. All right.

11 And these will be Court's Exhibits, I have, 5, 6, and 8.
12 And anything else from the State before we bring out the jury?

13 SOLICITOR SCOTT: Briefly, Your Honor. Just as to the
14 search-warrant issue, these apparently were taken at the time
15 Mr. Stevenson was arrested and interviewed. This would have
16 been, I believe, May 12th, so those search warrants had already
17 been drafted well before then. So none of this was relied on for
18 the search warrants.

19 And just to really reiterate, that was the same thing.
20 Everything I can tell here would be inculpatory, we intend to
21 use. I see express and implied malice in a lot of these
22 statements, and also find them to be unconfirmed, so we don't
23 intend to use those.

24 Additionally, I've reviewed the emails with Taima Jordan.
25 Somehow it just happened where I guess he's not accustomed to

1 scanning handwritten notes in. We certainly attempted to get all
2 of his handwritten notes. That was just inadvertent.

3 THE COURT: Well, there will probably be a conversation
4 later, too, about this process and procedure about it. I mean,
5 this has taken up an hour of the Court's time and, again, this
6 has happened multiple times. And as I told Ms. Walker yesterday,
7 when the jury's not in here it's costing taxpayers money and this
8 is an issue that I'm not going to put up with.

9 SOLICITOR SCOTT: Which juror is not here, Judge, if we have
10 that number? I'm just curious.

11 THE COURT: Do you have the number?

12 CLERK OF COURT: Juror 238.

13 THE COURT: Well, we at least want to check on him. What
14 did you say it was, Jounus?

15 CLERK OF COURT: Juror 238.

16 THE COURT: 238 is a no-show. So we're going to keep moving
17 on. We've got three alternates. And we're going to call up the
18 first one called.

19 Yes, ma'am?

20 ATTORNEY ZMROCZEK: And just lastly, Your Honor, yesterday I
21 had asked, and I asked again at 6:30 when we were out at the
22 impound lot, an idea of who they were calling so that I could be
23 prepared and not pulling out every notebook I have. Nobody told
24 me who they were calling, Your Honor.

25 So I apologize, but I will be having to go through my box of

1 stuff to figure out who I need to get prepared to cross-examine.

2 THE COURT: As long as it's not that pencil sharpener,
3 that's not a problem. All right. Anything else for the State
4 before we bring out the jury?

5 SOLICITOR SCOTT: No, Your Honor.

6 THE COURT: Since we're down over an hour we've got to move
7 this thing along. Anything from the defense?

8 ATTORNEY ZMROCZEK: No, Your Honor.

9 THE COURT: All right. Let's bring the jury. Alternate
10 no. 1 is juror 46.

11 ATTORNEY ZMROCZEK: Forty-six?

12 THE COURT: Forty-six. And we'll keep you posted when we
13 hear about the other juror.

14 (Jury is seated in the courtroom at 10:10 a.m.)

15 THE BAILIFF: Jury's seated, Your Honor.

16 THE COURT: Thank you, sir. Thank you, ladies and
17 gentlemen, for your patience this morning. We had some legal
18 issues to go over, as well as we were waiting on one of your
19 fellow jurors who we are trying to contact. We're sending a
20 deputy out to their house at this point now.

21 But in the meantime, where is juror 46? All right. Yes,
22 ma'am. If you will move up into that empty seat. You've gone
23 from an alternate to a juror. Alternate jurors are just as
24 important. We're going to keep you back there now until and if
25 we need you. Thank you begin for your patience. We're going to

1 continue with this case.

2 The State may call their next witness.

3 SOLICITOR SCOTT: The State calls Taylor Thomas.

4 THE BAILIFF: The juror is three minutes away.

5 THE COURT: If you all could approach.

6 (Off-the-record discussion at sidebar.)

7 THE COURT: Ms. Thomas, if you'll go wait back in the
8 gallery. Juror 46, you can go right back up there.

9 (Juror 238 is seated in the courtroom.)

10 All right. Are you good?

11 THE JUROR: Yes, sir.

12 THE COURT: Okay. Thank you for being here. Thank you all
13 for your patience. We continue the case.

14 The State may call their next witness.

15 SOLICITOR SCOTT: State calls Taylor Thomas.

16 TAYLOR THOMAS,

17 having first been duly sworn, is examined and testifies as
18 follows:

19 CLERK OF COURT: Please have a seat in the witness box, and
20 state your full name for the record.

21 THE WITNESS: Taylor Thomas.

22 THE COURT: Ms. Thomas, if you can make sure to speak loud
23 enough so all the jurors can hear you, and the court reporter.

24 THE WITNESS: Taylor Thomas.

DIRECT EXAMINATION

BY SOLICITOR SCOTT:

Q And, Ms. Thomas, do you know Ashley Carter?

A I do.

Q How do you know her?

A We used to be friends.

Q And did you hang out with her from time to time?

A Yes.

Q And socially did you go to her house?

A Yes.

Q And did she ever visit you?

A No.

Q Where was she living when you would visit her?

A Her mom's house. And she was staying with her sisters.

Q Did you ever go to her house at 6556 Margate, the Denny Terrace area?

A Yes.

Q You did, okay. Did you know Troy Stevenson?

A I don't know him personally. I know of him.

Q Okay. April 6 of 2021, do you remember that day?

A Yes.

Q Did you know Charlie Jackson?

A Yes.

Q Did you know Tamira Jackson?

A Yes.

1 Q Did you know her as Chasicia or Tamira or Buffy, or how did
2 you know her?

3 A All. all names.

4 Q All of them?

5 A Uh-uh.

6 Q What about Tamira's sister, Makayla, did you know her?

7 A Yes. Yes.

8 Q Were you close with the Jackson girls -- or, were you
9 friends with Tamira?

10 A Yes. My cousin is her child's father.

11 Q Were you friends with Maykala?

12 A Yes.

13 Q And you knew Mr. Jackson, Charlie Jackson?

14 A Yes.

15 Q What did you know him as?

16 A Mr. Sonny.

17 Q Okay.

18 THE COURT REPORTER: Mr?

19 THE WITNESS: Sonny.

20 Q Sonny. What is that subdivision that they lived in, the
21 Jacksons?

22 A Newcastle.

23 Q Is it just called Newcastle, that neighborhood?

24 A Yes.

25 Q Back in April of 2021 did you have a connection with the

1 Newcastle subdivision?

2 A Yes.

3 Q What was your connection?

4 A My boyfriend lived out there.

5 Q Would you stay with your boyfriend in Newcastle from time to
6 time?

7 A Yes.

8 Q Do you remember what street your boyfriend lived on?

9 A Nevamar.

10 (State's Exhibit 43 is identified.)

11 Q Okay. I want to show you State's No. 43, an aerial map, and
12 see if you can recognize it. Tell me if you recognize that to be
13 the Newcastle subdivision?

14 A Yes.

15 Q And do you see Devoe Drive on that map?

16 A Yes.

17 Q And do you see Nevamar?

18 A Yes.

19 SOLICITOR SCOTT: Your Honor, the State offers State's 43
20 for admission into evidence.

21 ATTORNEY ZMROCZEK: Without objection, Your Honor.

22 THE COURT: So admitted.

23 (State's Exhibit 43 is admitted into the record.)

24 SOLICITOR SCOTT: Ask for permission to publish.

25 THE COURT: Granted.

1 Q The pinpoint right there, Ms. Thomas, do you recognize that
2 to be Mr. Sonny's house at 209 Devoe?

3 ATTORNEY ZMROCZEK: Your Honor, I would object to leading.

4 THE COURT: Rephrase.

5 Q Do you see that red pin mark that I have on State's No. 43?

6 A Yes.

7 Q Do you recognize that location?

8 A Yes.

9 Q How do you recognize that?

10 A I've been over there before.

11 Q Who lived there?

12 A The Jacksons.

13 Q And this street right here, what is this street called?

14 A Nevamar Drive.

15 Q And that was the street you referenced earlier, that the guy
16 you were dating at the time lived on that street?

17 A Yes.

18 Q April 6th, 2021, were you staying at his house on Nevamar?

19 A No. I wasn't staying there. I was there, but I wasn't
20 staying there.

21 Q Can you distinguish between staying there and being there?
22 What does that mean?

23 A I was living with my mother, but I would spend the night
24 there from time to time.

25 Q Okay. Not permanently staying there, but you were staying

1 the night there?

2 A Correct.

3 Q And tell us what you remember about that particular night?

4 A I got off work, went to my mother's house and got a couple
5 things, and went to Newcastle at 8:00. And once I ate, I heard
6 gunshots.

7 Q What did you do after you heard the gunshots?

8 A We received a phone call --

9 Q Okay.

10 A -- and went down to the Jacksons to check on them.

11 Q At this time were you and Ashley still friendly with one
12 another, or had y'all kind of parted ways?

13 A Kind of parted ways.

14 Q So you two weren't contacting one another like you once did?

15 A No, sir.

16 Q When you went down there to 209 Devoe to check on everyone
17 who did you see?

18 A I saw Tamira Jackson.

19 Q Did you see Makayla that night?

20 A Not at that moment.

21 Q Were you there before or after the police arrived?

22 A I was there at the same time police arrived.

23 Q And so do you recall whether or not ever you heard from
24 Ashley Carter that night?

25 A I did.

- 1 Q At what point?
- 2 A After I left the Jacksons' house.
- 3 Q How long were you at the Jacksons'?
- 4 A Around 15 minutes.
- 5 Q And did you walk there from the Nevamar Drive address?
- 6 A I did.
- 7 Q How long did it take to you walk from the house on Nevamar
- 8 to 209 Devoe?
- 9 A Three minutes.
- 10 Q Three minutes?
- 11 A Yes.
- 12 Q When you returned home tell us what it was that you
- 13 observed?
- 14 A I received a text message from Ashley Carter.
- 15 Q Okay. And were you surprised to hear from Ashley Carter at
- 16 that time of night?
- 17 A Yes.
- 18 Q Had you heard from her in some time?
- 19 A No.
- 20 Q Without saying exactly what was said, what did it have to do
- 21 with?
- 22 A Pertaining to the Jacksons.
- 23 Q And this was surprising to you?
- 24 A Yes.
- 25 Q You did not disclose this to law enforcement; is that

1 correct?

2 A Disclose what?

3 Q What we're talking about today.

4 A No.

5 Q Who did you tell about -- who did you tell, the text-message
6 thing you're telling us to today, who did you tell that to?

7 A I didn't tell nobody until I got subpoenaed to court and
8 talked with you guys.

9 Q Well, did you tell one of the Jackson sisters that you
10 received that text?

11 A Oh, yes. Yes.

12 Q Which one?

13 A I believe it was Tamira and Makayla.

14 Q So how long after this event did you tell them you had
15 received a message from Ashley Carter that night?

16 A That same night.

17 Q Do you have that phone that you had anymore?

18 A No, sir.

19 Q That's your testimony under oath, that you did receive that
20 text from Ashley Carter that night?

21 A Yes, sir.

22 Q Answer any questions -- well, hold on a second.

23 ATTORNEY ZMROCZEK: May it please the Court.

24 THE COURT: Hold on.

25 Q Do you know -- at the time -- you said you knew of Troy

1 Stevenson. Did you know of any connection between Ashley Carter
2 and Troy Stevenson?

3 A I just knew they was on-again, off-again relationship.

4 Q Okay. Thank you.

5 SOLICITOR SCOTT: Nothing furthers.

6 THE COURT: Yes, ma'am.

7 **CROSS-EXAMINATION**

8 BY ATTORNEY ZMROCZEK:

9 Q Ms. Thomas, you said you told Tamira Jackson this?

10 A Yes, ma'am --

11 Q When?

12 A -- and her sister.

13 Q When?

14 A The same night that it happened. A couple hours after.

15 Q A couple hours. On April 6th you talked to Tamira and
16 Makayla and you told them both that you received some text
17 message from Ashley Carter?

18 A Yes, ma'am.

19 Q And that was 1,123 days ago, right, April 6, 2021?

20 A Yes, ma'am.

21 Q What was your phone number back then?

22 A I can't remember.

23 Q Where's your phone?

24 A Over there. I don't have the same number. I switched
25 numbers three times.

1 Q Okay. Switched numbers three times. Where's the phone?

2 A I got rid of it. I got a new phone tying it to Verizon.

3 Q You got rid of it so there's no way anybody can verify what

4 you're saying, right?

5 A No, ma'am.

6 Q You know Ashley Carter because you bought a white Nissan

7 from her, didn't you?

8 A I did.

9 Q When did you buy that?

10 A I bought it February of 2021.

11 Q Right. Right before this happened, right?

12 A Yes, ma'am.

13 Q And then y'all had a falling out?

14 A Yes, ma'am.

15 Q And you never went back down -- what time did you get back

16 to your house -- or, your boyfriend's house?

17 A Around 3:00.

18 Q 3:00?

19 A A.M.

20 Q What were you wearing that night?

21 A My work clothes.

22 Q Can you describe them?

23 A Scrubs.

24 Q Scrubs. What color?

25 A Navy blue.

1 Q Navy blue?

2 A Yes, ma'am.

3 Q Name of your boyfriend?

4 A Desmond.

5 Q Last name?

6 A Darley.

7 Q And so you walk down there in your scrubs, you see all these

8 police, you go and you get this text message that we have no

9 evidence of, and then you don't run back to the police and say

10 Oh, hey, I got some information you need to know? Didn't do

11 that, did you?

12 A No, because my phone was not with me at the moment.

13 Q Because what?

14 A My phone wasn't with me at the moment.

15 Q It wasn't with you at the moment that you were down there

16 but then you walked back to your boyfriend's, right?

17 A Correct.

18 Q And you get this text message, right?

19 A Uh-huh.

20 Q And then you feel like it's important enough over a thousand

21 days later to come and testify about it, but you don't walk three

22 minutes back down the street to tell the police?

23 A No, ma'am. I was subpoenaed to court because of the text

24 message.

25 Q Right. You were subpoenaed to court 3 years and 27 days

1 later about a text message?

2 A Yes, ma'am.

3 Q But you never told anybody about it except for Tamira and
4 Makayla you told that night?

5 A Yes, ma'am.

6 Q What time did you tell them that night -- or morning?

7 A It was in the afternoon. I can't recall the time.

8 Q You're still friends with the Jacksons now, right?

9 A Yes, ma'am.

10 Q Sitting up there?

11 A Yes, ma'am.

12 Q In fact, your Nissan was parked in front of their house just
13 two days ago, right?

14 A No, ma'am. I don't have a Nissan.

15 Q You don't have a white Nissan anymore?

16 A No, ma'am.

17 Q Did you sell that?

18 A Yes, ma'am.

19 ATTORNEY ZMROCZEK: Beg the Court's indulgence. No further
20 questions, Your Honor.

21 THE COURT: Redirect?

22 SOLICITOR SCOTT: Nothing further.

23 THE COURT: All right. Thank you, ma'am. You may step
24 down.

25 SOLICITOR SCOTT: State calls Brandon Rast.