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**Dec 17 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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

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State of South Carolina ..... Respondent,

vs

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

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RECORD ON APPEAL  
VOLUME III

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1 All it does, a suppressor is meant to just lower the sound of  
2 what it would normally be.

3 Q But that is actually a flash suppressor, right?

4 A A flash hider.

5 Q A flash hider.

6 A Yes.

7 Q So what is that -- you said it minimizes the -- what does  
8 that do? What's the purpose of it?

9 A What it is, a barrel this short, if you would shoot this,  
10 number one, it's going to be extremely loud. Even with that, it  
11 will be loud. But there will be a bright, almost like a,  
12 fireball coming out the end. And that's all the extra powder  
13 burning behind it and all the other propellant following it. So  
14 what this will do, it pushes that propellant, it lets that  
15 propellant and other partially burned and burned gunpowder, it  
16 makes the fireball farther away so it won't be as close to you  
17 and could possibly harm your -- you know, be a bright flash in  
18 your eye.

19 Q And so when we say flash, is that what's typically referred  
20 to as a muzzle flash when a gun is shot?

21 A Yes, ma'am.

22 Q Okay. And thank you. I'm going to put this one back over  
23 here. And so this is item 29. Well, actually let's stay on this  
24 for a moment. So you received this item to analyze, correct?

25 A Yes, ma'am.

1 Q And were you given any -- were you given any -- what's the  
2 word I'm looking for -- cartridge casings against which to  
3 testify?

4 A Yes, ma'am. I had cartridge cases and bullet and bullet  
5 jacket, I believe, to compare.

6 (Defendant's Exhibit 88 is identified.)

7 Q All right. And so I'm going to hand you what's been marked  
8 as Defendant's 88. I'm going to hand you what's been marked as  
9 Defendant's 88 and see if you recognize those items?

10 A I do recognize defense items 88. They are items 65 through  
11 90 on my report.

12 Q Sixty-five through 90, or 70?

13 A Excuse me. I apologize. It is 65 through 99 -- oh, my  
14 goodness. 65 through 70, seven-zero. Excuse me.

15 Q Not being able to read numbers is catching today so I  
16 apologize for that. And those were cartridge casings that you  
17 analyzed in relation to this case?

18 A Yes, ma'am.

19 ATTORNEY ZMROCZEK: Your Honor, at this time we would move  
20 Defendant's 88 in.

21 SOLICITOR SCOTT: Without objection.

22 THE COURT: So moved.

23 (Defendant's Exhibit 88 is admitted into the record.)

24 Q And so, again, what is a cartridge casing?

25 A Oh. A cartridge case is one of those components I explained

1 that's from a cartridge. So the cartridge case is what holds the  
2 propellant with the bullet at the top of what we call the mouth,  
3 and on the back of what we call the headstamp, which indicates  
4 the manufacturer and the caliber. It also has the primer which  
5 is what initiates the firing process once it is struck to ignite,  
6 burn -- ignite the propellant to push the bullet in and out of  
7 the barrel.

8 Q And so were you asked to compare those, those being  
9 Defendant's 88, to see if they had been fired from  
10 Defendant's 86?

11 A Yes, ma'am.

12 Q And what was your conclusion?

13 A My conclusion was Defendant's 86, the firearm, fired items,  
14 my items 65 through 70, which is Defense's 88.

15 Q Okay. And so we know that those shell casings were fired  
16 from that gun?

17 A Correct. Yes, ma'am.

18 Q Now I want to move on to what I thought I was asking you  
19 about earlier, and that is Defendant's 84. Again, also already  
20 been admitted and rendered safe, and I believe -- well, I'll just  
21 ask if you recognize that one?

22 A Yeah. I remember the box.

23 Q Okay.

24 A I recognize Defense's 84, again, by Richland County  
25 Sheriff's Department's case number, both the item numbers. My

1 initials were here with the date when it was sealed and it left  
2 my custody which, like defense says, has been made safe for court  
3 purposes.

4 This particular firearm is a revolver, Ruger Super Redhawk  
5 .44 Magnum revolver, with a hunting telescopic scope on top.

6 Q Okay. And now, again I know it's been rendered safe, so I'm  
7 not worried. So a revolver is a little different because of why?

8 A Well, if I may.

9 Q Please.

10 A I'll take that off and show you. It can't be fired. This  
11 thing is --

12 ATTORNEY ZMROCZEK: And, you Your Honor, I'll make sure.

13 A This thing's a -- I'll make sure it's rendered safe, Your  
14 Honor. It's a \$1,100 baseball bat right now. So this particular  
15 firearm, in a semiautomatic pistol like what a lot of people may  
16 have seen, it has an actuating slide that moves back and forth  
17 and it has a magazine which goes into the grip, so when that  
18 slide actuates to the back, it loads a fresh cartridge. When it  
19 slides forward, it loads it, it fires. Once it's fired and comes  
20 to a safe pressure, that cartridge case slams back and slides  
21 back again; it ejects that one; and then a new one if there's one  
22 there will be reloaded, and start the process again.

23 A revolver has a set of chambers that evolves around a  
24 central axis. This particular firearm has six chambers, so it  
25 can hold six cartridges. Now, as the firearm is either cocked

1 manually, it will then rotate one way for one cartridge, and then  
2 pull the trigger, and it fires if that is a single action.

3 If it is a double action -- so a single action would be I  
4 pulled it, I'm firing it, holding it, it's not going to fire as  
5 I'm showing.

6 The double action would be I pull the trigger by itself; it  
7 would rotate the cylinder to where there's a new cartridge in  
8 front of the barrel; and then it would release the hammer let it  
9 fire.

10 And this particular firearm only holds six, so it can only  
11 hold six before it needs reloading. And to reload it, it doesn't  
12 automatically eject like a pistol; you would have to throw open  
13 the cylinder, hit the ejection rod, knock out all of your used  
14 cartridge cases, and reload them by hand or with a speed loader,  
15 and then start the process over again.

16 (Defendant's Exhibit 89 is identified.)

17 Q And now I'm going to hand you what's been marked as  
18 Defendant's 89 and ask if you recognize those?

19 A Yes, ma'am. 89, Defense 89, is my items from same as  
20 before, Richland County's unique case number, along with my  
21 initials along the seal, and date. It is items no. 14  
22 through 17.

23 ATTORNEY ZMROCZEK: And, Your Honor, at this time we would  
24 move Defendant's 89 into evidence.

25 SOLICITOR SCOTT: Without objection.

1 THE COURT: So moved.

2 (Defendant's Exhibit 89 is admitted into the record.)

3 Q And so Defendant's 89, is that what would be fired by  
4 Defendant's -- I forgot the number -- 84?

5 A 84, yes, ma'am. And these cartridges -- well, they were  
6 cartridges. These are actually cartridge cases. They've been  
7 fired. These are the same type of ammunition that would be  
8 loaded and could be fired out of Defense's 84.

9 Q And now let me ask you about -- we talked about the flash  
10 and the things that occur with the gun that has a magazine. Tell  
11 me about the flash or things that occur when you fire, when you  
12 would fire, that weapon right there?

13 A This weapon?

14 Q That would be Defendant's 84.

15 A Defendant's 84, at one time the .44 Magnum was the most  
16 powerful handgun in the world at one point. This is a very  
17 high-pressure, heavy-duty cartridge. Can be used for hunting.  
18 Very powerful.

19 When this is fired, it makes a very loud noise. There would  
20 be a large muzzle flash here, as well as there would be some  
21 flash here between, it's called, in-cylinder gap, between the  
22 cylinder and where the forcing cone stops, this tiny little space  
23 where the bullet travels before it goes down the barrel. So  
24 there would be a flash there as well.

25 Q So that's something that you would see when that would be

1 fired, right?

2 A If you had a clear view, yes, ma'am.

3 Q If you had a clear view, certainly. Let me take those down  
4 from you, and then we'll move on.

5 A Let me render this safe again, and I'll put it back in the  
6 box.

7 Q Oh. I'm sorry. In addition to 89, part of 84, there were  
8 these?

9 A Yes, ma'am.

10 Q Okay. After you render that safe, if you can say what those  
11 are?

12 A Yes, ma'am. This was a USC, what our terminology uses in  
13 CSI for unfired. It's just a cartridge that has not been fired  
14 yet. And it was removed from this firearm at the scene.

15 Q Now, lastly you were asked to examine and make some  
16 conclusions on some metal fragments; is that correct?

17 A Yes, ma'am. There's multiple types of metal fragments.  
18 Yes, ma'am.

19 Q And what were you able to learn about the metal fragments  
20 that you were -- well, actually let's start with, you were  
21 provided an actual bullet that was received from autopsy; is that  
22 correct?

23 A Yes, ma'am. That would be my item 1.

24 Q That was item 1. And did you do any examination on item 1?

25 A Yes, ma'am. So I took item 1 and compared it to any other

1 bullet evidence that we had, or projectile evidence that was of a  
2 similar caliber, make, and type, and then I compared them all  
3 together to see if they had been fired from the same firearm.

4 And that then I did determine that my item 1, my item 18  
5 through 22, 58 and 61, steel bullets and bullet jackets, all were  
6 fired by the same type of firearm. However, I did not have a  
7 firearm to compare those two.

8 What I did do, as I explained earlier, when I do a  
9 measurement in my measurement software I measure the number of  
10 the lands and the grooves there, and then I put that measurement  
11 inside the General Rifling Characteristic Database, and it gave  
12 me a possible list of firearms that could have fired them. And  
13 as I said before, it's an investigative lead; it's not an  
14 all-inclusive list.

15 Q Let's just start with -- so when we talk about caliber, are  
16 we talking, in reference to bullets like 9mm, .38, are those  
17 calibers?

18 A Yes. And they can be considered -- they're part of the same  
19 caliber family. Yes, ma'am.

20 Q Okay. And so what caliber did you learn that 1, and then  
21 some of the other fragments that you were able to compare with 1  
22 and relate to 1, what caliber were those projectile bullets?  
23 What's the correct word?

24 A Projectiles or bullets. Either one.

25 Q Okay. So what calibers were those?

1 A So during the investigation, with me measuring the width of  
2 the base and the weight measurements, we were able to determine  
3 that it was consistent with a .30 caliber, also known as a 7.62  
4 caliber bullet. And from further investigation, it was  
5 consistent with a 7.62x39mm bullet.

6 Q So in relation to, for example, the unfired cartridge  
7 casings from 86 -- and I'm just going to take it out -- so is it  
8 bigger or smaller than this?

9 A That's a 9mm --

10 Q Right.

11 A -- so it's actually -- this is a pistol, and a 7.62x39mm is  
12 actually a rifle cartridge.

13 Q Okay.

14 A So if you were able to see how small this bullet is, 9mm is  
15 wide at the base. The .30 caliber is 7.62mm at the base, but  
16 it's slightly longer because it's a rifle bullet.

17 Q So what are other differences between rifle cartridges or  
18 rifle bullets than, say, 9mms?

19 A Well, compared to 9mms, one's meant to be fired out of a  
20 rifle, which is it is a larger, longer cartridge case with more  
21 powder, and the bullet travels at a faster, higher rate of speed  
22 compared to a 9mm, which is more of a pistol cartridge like what  
23 most law enforcement or sports shooters like to shoot at the  
24 range, so it is not as powerful and it's not as fast.

25 Q If I just called them 7.62s, would that be -- that would be

1 what we're talking about would be fired from that rifle?

2 A 7.62x39 --

3 Q X39.

4 A -- because there are other rifles that do use a .30 caliber

5 bullet of that size.

6 Q Oh, so I can say .30 caliber; that's --

7 A You can say .30 caliber bullet. Uh-huh.

8 Q Okay. Sorry. I'm just trying not to confuse myself and the

9 jury. So the .30 calibers, I understand you did not have a gun

10 against in which to compare them, right?

11 A Correct. I did not have a firearm to compare them to.

12 Q Let me ask you this: So it's a rifle of some sort, right?

13 A Yes, ma'am.

14 Q When that rifle fires, 1, 2, 3, 14 of these 30 calibers,

15 what would we see from that discharge? Muzzle flash, is it the

16 same kind of things that we would see like you talked about with

17 the .40 [sic] and the 9?

18 A Oh, the .44 Magnum --

19 Q Right.

20 A -- and the 9mm?

21 Q Yes.

22 A It's usually larger and louder.

23 Q Okay. So we would expect to see more lights, more flashes?

24 A It would be, yes. It would appear larger to someone seeing

25 a 7.62x39 fired near twilight or dark compared to a 9mm.

1 Q Okay. So we talked about earlier you ran -- because you did  
2 not have a firearm against which to compare these .30 calibers --  
3 which is easier for me to say -- what research did you do to find  
4 out what firearm could possibly fire those caliber bullets that  
5 you had?

6 A So we have access to a database called a General Rifling  
7 Characteristic Database, which is held together or formed by the  
8 FBI, and they keep that up to date. And at that time it has the  
9 measurements of those land and grooves widths which I use in my  
10 measurement software to take underneath my microscope how wide  
11 each of them are. I will put that in there in the range section,  
12 and it will give me possible firearms that are only in that  
13 database.

14 Like we say at the end of our report, it's not an  
15 all-inclusive list because we don't have something that has  
16 firearms made since firearms were around since 1400s till now.

17 Q And so were you able to, like you said, not do a  
18 full-inclusive list but were you able to come up with two  
19 potential firearms that could have fired those bullets?

20 A Yes. The list only came back with two possibles, just two  
21 possibles in their database.

22 Q Okay. And can you tell the jury what those are?

23 A One was an Olympic Arms, and one was a Ruger. The Olympic  
24 Arms is called a PCR-6, it's a rifle, as well as the Ruger, it's  
25 a Mini 30, which is also a rifle, and they are both chambered for

1 the .30 caliber 7.62x39 cartridge.

2 Q Were you able to find any visual representations of those?

3 A Yes. When you called me earlier to find a couple pictures,  
4 yes, I did.

5 Q Do you have those with you?

6 A I do. Yes, ma'am.

7 Q May I see them, please?

8 A Yes, ma'am. I'm just going to hand them to you facedown.

9 And I might add that the Olympics Arms went defunct, out of  
10 business, during the pandemic in 2020 so they're not active any  
11 more in manufacturing. So what I printed out from Ruger was  
12 their spec/specification sheet. It gives you more information.  
13 That's not available anymore from the Olympic Arms, so it's  
14 mainly just a picture from their website that was archived.

15 Q Okay. Thank you.

16 ATTORNEY ZMROCZEK: Beg the Court's indulgence. I'm going  
17 to show this to the solicitor.

18 SOLICITOR SCOTT: Subject to just a minor --

19 ATTORNEY ZMROCZEK: May we approach just briefly, Your  
20 Honor?

21 (Off-the-record discussion at sidebar)

22 THE COURT: All right. We'll take a short midafternoon  
23 break. Do not discuss the case. Do not deliberate. We'll have  
24 you back out here in about 15 minutes.

25 (Jury escorted out of the courtroom at 3:31 p.m.)

1 THE COURT: All right. Just fix that picture. We'll take a  
2 15-minute break. Deputy Roach, you can step down, but do not  
3 discuss your testimony with anyone.

4 THE WITNESS: Yes, sir.

5 THE COURT: All right. Fifteen minutes.

6 (Court recessed at 3:32 p.m. and reconvened at 3:50 p.m.,  
7 without the jury present.)

8 MATTER(S) OF LAW

9 THE COURT: All right. Let's put Roach back on the stand.

10 ATTORNEY ZMROCZEK: And I did show these to Mr. Scott.

11 THE COURT: What numbers are those?

12 (Defendant's Exhibits 90 and 91 are identified.)

13 ATTORNEY ZMROCZEK: Defendant's 90 and 91.

14 THE COURT: Any objection to those photos?

15 SOLICITOR SCOTT: No, Your Honor.

16 THE COURT: All right. Those are moved --

17 ATTORNEY ZMROCZEK: Can I show the witness, Your Honor, so  
18 he can see the changes that we made?

19 THE COURT: Yes. Those are going to be moved in as 90  
20 and 91.

21 (Defendant's Exhibits 90 and 91 are admitted into the  
22 record.)

23 THE COURT: Anything from the State before we bring the  
24 jury?

25 SOLICITOR SCOTT: No, Your Honor.

1 THE COURT: Anything from the defense?

2 ATTORNEY ZMROCZEK: Nothing.

3 THE COURT: Okay. Bring the jury.

4 (Jury seated in the courtroom at 3:51 p.m.)

5 THE BAILIFF: Jurors are present, Your Honor.

6 THE COURT: Thank you, ma'am. All right. Defense may  
7 continue.

8 ATTORNEY ZMROCZEK: Thank you, Your Honor.

9 BY ATTORNEY ZMROCZEK:

10 Q Right before the break, Deputy Roach, we talked about how  
11 you ran the, all of the, measurements, logistics, things like  
12 that through your fancy computer to find out two possible weapons  
13 that would have fired those .30 caliber bullets, correct?

14 A Yes, ma'am. We put it in the GRC file.

15 Q And then I'm showing you Defendant's 90 and 91. What are  
16 those?

17 A Defense's 90 and 91 are two pictures of -- one is an Olympic  
18 Arms that is similar to what was on one of my lists, the not  
19 all-inclusive list, as well as a Ruger Mini 30, which is also  
20 another carbine, or rifle, that was on the list as well.

21 ATTORNEY ZMROCZEK: Your Honor, at this time I would move  
22 Defense 90 and 91 into evidence.

23 THE COURT: So moved.

24 Q And you said obviously it's not an all-inclusive list,  
25 right?

1 A Yes, ma'am.

2 Q But these were the two -- these were the two that came up  
3 through your report that could fire those?

4 A Correct. Yes, ma'am.

5 Q And again, the Olympic Arms is no longer in -- and that's  
6 Defendant's 90 -- is no longer in -- or they're not making them  
7 anymore?

8 A They're not making them. They're still on the market but  
9 they're not making them anymore since 2020.

10 Q And then the Mini 30 is?

11 A It's still in production from Ruger Manufacturing. Or,  
12 Sturm, Ruger Manufacturing. Excuse me.

13 Q Are these light guns or heavy guns? Do you know how much  
14 these guns would weigh?

15 A I'd have to look at the specifications again. Not offhand.

16 Q All right. And so going back to your report, you were able  
17 to match your item no. 1 with -- and that was the -- did you  
18 receive any other ... When it comes out of the jacket what's it  
19 called? Is that the actual bullet?

20 A Now, there's a jacketed bullet, if that's what you mean.  
21 There's a lead core with a metal jacket on the outside of it.  
22 Yes, ma'am.

23 Q And so item no. 1, in what condition was that when you  
24 received it?

25 A Item 1 was in mostly whole with some damage to nodes.

1 Q But mostly whole?

2 A Yes, ma'am.

3 Q And then you received other items that were in the same sort  
4 of condition?

5 A I received other items but, again, they were more damaged.  
6 There were some similar in more damage, and some that were  
7 pieces, or fragments, of that type of, that type of bullet.

8 Q But you were able, based on, based on, characteristics, et  
9 cetera, you were able to to match even some of the fragments to  
10 that same kind of projectile?

11 A Yes, the same to item 1. Yes, ma'am.

12 Q Okay. And were there some that you were not able to  
13 identify at all?

14 A Well, there were a lot of other fragments. Some were lead  
15 fragments, some were not consistent with ammunition components,  
16 and some were damaged to where there was no way to compare them  
17 because they were damaged so severely. They were unsuitable, is  
18 what we would call them.

19 Q So you were not able to make any determinations on those  
20 pieces?

21 A Correct, except for what they were. If they were a lead  
22 fragment or a lead core, the core is part of the bullet where the  
23 jacket has come away due to damage with impact to a hard surface  
24 and the lead core is all that's left. That lead core does not  
25 have any contact with the barrel itself so there's nothing for me

1 to measure or go further in examination.

2 Q All right. And then I want to go, again, back to your  
3 report, and specifically now I want to focus on, beginning at,  
4 items 77 and 78.

5 A Yes, ma'am.

6 Q Oh, here we go. What were those items that you received?

7 A Items 77 and 78 were both two fired metal jacketed bullets.

8 Q And from what firearm were you able to determine they were  
9 fired? From what type of gun were you able to determine that  
10 they were fired?

11 A Those were most consistent with a .40 caliber/10mm type of  
12 firearm. And when I took those measurements and put them in the  
13 GRC file, i came back with most consistent with Smith & Wesson  
14 style. Smith & Wesson design firearms of those calibers.

15 Q And then 83, what were you able to determine with item 83?

16 A Based on the shape and design and measurement and  
17 characteristics, it's considered consistent with a .380, which is  
18 a smaller bullet and a smaller caliber, less than a 9mm. Short  
19 of that. Excuse me.

20 Q Deputy Roach, thank you for your time. Please answer any  
21 questions the State may have.

22 A Yes, ma'am.

23 **CROSS-EXAMINATION**

24 BY SOLICITOR SCOTT:

25 Q Deputy Roach, do you know -- I believe it was Defense 88.

1 Do you know where those casings were recovered?

2 A 88, the .44 Magnum, sir?

3 Q The 9mm.

4 A The 9mm. Oh, you're talking about --

5 Q 65?

6 A -- 65 through 70? I'll have to look in my notes just to  
7 refresh. I do not have anything written on them at the moment,  
8 any comments of where they were taken, so I'm not sure where they  
9 come from. I'm not privy to the crime-scene information the  
10 State -- or, to stay unbiased, I don't know full information of  
11 where they came from except to examine them.

12 Q Let me get you up to speed. We're dealing with a homicide  
13 that occurs at 209 Devoe.

14 A Yes, sir.

15 Q Earlier that night there had been a shooting, the testimony  
16 has revealed, at 2849 Lucille.

17 A Yes, sir.

18 Q These are only connected, really, the people involved, but  
19 they're two separate incident locations.

20 A Yes, sir.

21 Q 2849 Lucille resulted in a house being shot up but nobody  
22 hurt. 209 Devoe was retaliation, the State alleges, retaliation  
23 shooting where somebody was killed.

24 A Yes, sir.

25 Q So the casings 65 through 70 were recovered at 2849 Lucille.

1 A Yes, sir.

2 Q Okay?

3 A Yes, sir.

4 Q Your testimony is that those match Defense 86?

5 A Correct, if that is the Masterpiece Arms 9mm. Yes, sir.

6 Yes. Correct.

7 Q So we can say your testimony is this weapon -- would this

8 expel casings?

9 A Yes. It's a semiautomatic firearm, what we call an

10 autoloader. It has to -- the bolt has to come back, eject the

11 spent cartridge case, or fired cartridge case, and then load a

12 new one if there's one available in the magazine.

13 Q So this is a gun belonging to a Dai'Juan Richardson who

14 shoot up this house, and he expelled at least five casings when

15 he shot that house up.

16 A The firearm did?

17 Q The firearm did.

18 A Okay.

19 Q And you tested 65 through 70, and those came back to this

20 gun?

21 A Yes, sir. Those were fired out of that firearm.

22 Q Now, 30 minutes after that shooting at Lucille the testimony

23 has been there was a retaliatory shooting at Devoe.

24 A Okay.

25 Q The State alleges the shooting occurred from a car passing

1 by, a drive-by shooting. No casings were found.

2 A Understood. Yes, sir.

3 Q So what are our options? Either a revolver. That's  
4 probably unlikely because there was 14 shots. Do you know of a  
5 revolver that can hold 14 shots? Is that common?

6 A That is very uncommon.

7 Q Another option would be either a casing catcher of some  
8 sort, or the gun was fired out of the -- from the driver's seat  
9 and through the passenger window, and the casings were expelled  
10 into the back seat of the car. When the car left, so did the  
11 casings. Is that a possibility?

12 A That could be a possibility. Yes, sir.

13 Q And that gun was never recovered because that person in the  
14 car fled the scene, okay.

15 A The one alleged to shoot the 7.62x39s?

16 Q Right.

17 A Understood.

18 Q And we think that that person who was doing the drive-by was  
19 shooting a 7.69.38mm?

20 A 7.62x39.

21 Q 39mm?

22 A Yes, sir.

23 Q We believe they were shooting that caliber because you said  
24 you tested the projectile that they got out of the victim, and  
25 it's consistent with that Olympic Arms PCR-6?

1 A Yeah. From that noninclusive list, those are the two  
2 results that came up. It doesn't mean it's the only two results  
3 that could be it, but that's the only that are in that database  
4 at the time.

5 Q But also this Ruger Mini?

6 A 30.

7 Q Ruger Mini 30 could also have fired that?

8 A From according to the database, yes, it's a possibility.  
9 Yes, sir.

10 Q And then there's, like, AK-47s. Could that fire a --

11 A An AK-47 -- a standard AK-47 doesn't have the same number of  
12 lands and grooves as that one.

13 Q Okay.

14 A Let me just make sure I am not --

15 THE WITNESS: Your Honor, may I look again in my notes just  
16 to refresh just to make sure I'm using complete and accurate  
17 information?

18 A This particular 7.62x39 has six lands and grooves that slant  
19 to the right, which means it has a right-hand rotation as it  
20 comes out the barrel. Most AK-47s are four right ph].

21 Q Okay. I'm with you. So the AK can shoot that caliber, but  
22 the lands and grooves --

23 A Would be different on the bullet.

24 Q -- eliminate the AK?

25 A Yes.

1 Q I'm with you. But these two particular guns would be  
2 consistent, both with that ammunition and with the lands and  
3 grooves that you observed on the projectile that was pulled out  
4 of the body of Charlie Jackson?

5 A Correct. It could be. Like I said, we don't know. We  
6 don't have an all-inclusive list, but what we do have those are  
7 the two likely ones that come up out of that database.

8 Q Are you able to identify muzzle flashes? Does that touch on  
9 your expertise?

10 A You mean identify, like, what caliber, what kind of gun it  
11 came from, or if it is a muzzle flash?

12 Q Yeah. If I saw a flash like in a video, could you say  
13 that's a muzzle flash or that's a lamp flickering on or off, or?

14 A I'd have to have more information than just a flash. Like,  
15 I'd have to see the entire scene if it was possible. It also  
16 depends on the quality of the video, quality of the picture.  
17 There's a lot of other variable.

18 I would have to -- most of the time I've ever done it in  
19 court it was near twilight, and you saw -- you could see a person  
20 moving their hand in a position and then you saw a flash near  
21 their hand, but that's rare that you catch that on a video or a  
22 picture. So I really don't -- unless I have more substantive  
23 information to make that opinion, I don't do it.

24 Q And then you said sometimes you can see them if you have a  
25 clear view. What if the gun, as I said, was fired from a car

1 with tinted windows, and you're observing the car from behind  
2 where a headrest and whatnot could possibly, I guess, block your  
3 view, does that make it more difficult?

4 A I couldn't really attest to that so I really couldn't give  
5 you an accurate answer to that, sir.

6 Q And then are you saying that some of these, in the guns you  
7 test, the flash suppressor or --

8 A Flash hider. Yes, sir.

9 Q I thought you said a flash suppressor. Is it a flash hider?

10 A Flash hider. Yes, sir. I think Ms. Zmroczek was talking  
11 about a silencer, but I said no, it's normally called a  
12 suppressor.

13 Q This isn't made to silence the gun so --

14 A No. It's just meant to make the flash a little bit farther  
15 away from you so you won't have to hurt your eyes as much.

16 Q Okay. I'm with you. Then what is this, State's No. 84?  
17 It's a .44 caliber?

18 A Yes, sir, it is. It's a Ruger Super Redhawk .44 Magnum  
19 revolver with a hunting scope on top.

20 Q And what sorts of things could obscure your view of the  
21 muzzle flash of that? If it had been fired from inside of a  
22 house and you were outside and the only windows had blinds and  
23 curtains drawn, would that affect ...

24 A I mean, you couldn't -- that would be like anything. You  
25 wouldn't know if it was a light coming on, or unless you had an

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1 accompanying sound or you could actually directly see it, you  
2 wouldn't be able to see it if it was blocked by physical barriers  
3 or anything like that. Usually.

4 Q And have you seen these weapons before, these Olympics Arms  
5 PCR-6s?

6 A I've seen similar ones. I haven't had my hand on a PCR-6.  
7 I've had my hand on other of their AR-15 platform style firearms,  
8 yes, sir.

9 Q And that's just kind of a rapid fire semiautomatic?

10 A They would call it a modern sporting rifle. Yes, sir. So  
11 it's a semiautomatic. Depending on how much you had in your  
12 magazine, as quickly as you can pull the trigger is as quickly as  
13 you can fire.

14 Q Thank you, Investigator Roach.

15 Q Yes.

16 ATTORNEY ZMROCZEK: Very briefly.

17 **REDIRECT EXAMINATION**

18 BY ATTORNEY ZMROCZEK:

19 Q He asked but items 65 through 70 that you tested and matched  
20 with the Masters Arms.

21 A The Masterpiece Arms. Yes, ma'am.

22 Q Right, Defense 86. And you testified that Defense 88 is  
23 what you tested against that gun to find the match, right?

24 A Yes. They're identified as being fired from that firearm.  
25 Yes, ma'am.

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1 Q And what are you holding in Defense 88? What is that? Is  
2 that an evidence --

3 A It's a Richland County Sheriff's Department evidence bag.

4 Q Okay. And are you accustomed with receiving Richland County  
5 Sheriff's Department evidence bags when you receive evidence?

6 A Yes, ma'am. I mean, we go downstairs to our evidence  
7 custodians and get -- we put in a request to get the evidence of  
8 the case number once it's been assigned to us. And I go down  
9 there, they retrieve it for me.

10 And then our ACISS program, which is our evidence inventory  
11 program, it is then transferred electronically through me along  
12 with a password and an electronic signature so the chain of  
13 custody can show that it went from me in evidence -- from  
14 evidence to me, and in my custody. And then when I'm finished  
15 with it, I would then transfer it back to the evidence to  
16 continue that chain of custody.

17 Q So when you talk about chain -- I want to ask you a question  
18 about that. So when you talk about chain of custody, ideally  
19 people collect the evidence in the evidence bag, right?

20 A Uh-huh.

21 Q Is that right?

22 A Yes. They'll collect it in different items, and then when  
23 they get ready to submit it they will put it in whatever  
24 appropriate container they deem fit to submit it to evidence.

25 Q Now, when they submit it, those are the labels that we see

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1 on the back of it, those aren't on the bag when it's submitted  
2 into evidence, is it?

3 A No, ma'am.

4 Q Okay.

5 A So it is submitted with -- whatever information's up here,  
6 has to have the case number, it has to have where -- when the  
7 incident, where it was located, any possible known subject  
8 victim, a definition of what is actually in there, and then  
9 signed by the deputy, whoever collected it and submitted it.

10 And either they submit it, hand it straight to the deputy --  
11 or, excuse me, straight to the evidence custodian, or they return  
12 it, they put it in a locker which is one-way locker that we close  
13 and lock, and only the evidence custodians have the key.

14 Q So once that item is put in either to the hands of the  
15 evidence custodian or in that one-way locker, nobody can change  
16 it, scribble, change any of the information on it, right?

17 A Not to my knowledge, no, ma'am, unless it's -- unless it's  
18 been authorized. If there was a correction needed. Let's say  
19 that they accidentally transposed the number and it's the wrong  
20 case number or something like that, or admin correction, then  
21 yes, but it's documented in the chain of custody in our ACISS  
22 system.

23 Now, as you mentioned before, after it's submitted to the  
24 evidence custodians, they log it into our ACISS system, and then  
25 depending on what is here on the description is depending on how

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1 many labels they create, and then they affix these labels for the  
2 inventory and chain of custody transfer processes in our lab.

3 Q Okay. And will you tell the jury Defense 88 to -- I keep  
4 forgetting. I'm sorry.

5 A Yes, ma'am. It's 88.

6 Q Thank you. Will you tell the jury the information that is  
7 written on the front of that evidence bag?

8 A In particular what are you looking for, ma'am?

9 Q Just who collected it, what it was, when, and where?

10 A It has our case number which is 21-04-00-3706. It says,  
11 Homicide. Agency's ours, RCSD. The date of incident, 4/6/21.  
12 The case agent who's in charge is Sergeant Oxendine, has his  
13 badge number, the region. It has the incident location, which  
14 says 209 Devoe Drive. Then it has a subject's name which is,  
15 looks like, Dai'Juan Richardson, with a birthdate, race. Then it  
16 has items contained, 1 - six shell casings collected from  
17 roadway. Then it has who it was collected by and who submitted  
18 to the locker, so it was put inside a one-way locker. And those  
19 are both by the same as the case agent.

20 Q That would be Sergeant Oxendine?

21 A Correct. Yes, ma'am.

22 Q Thank you. And then lastly, you were asked about what you  
23 would expect to see, or what you could or couldn't see, as far as  
24 muzzle flashes and things like that, right?

25 A Yes, ma'am.

1 Q And again, certainly you're not comfortable testifying or  
2 being shown something and then identifying it as a muzzle flash,  
3 are you?

4 A I would not. I would have to preview the video and see if  
5 there's other variables, other evidence from just a flash,  
6 because there has to be a lot more accumulating before I would  
7 even attempt to even look at or analyze that.

8 Q Right. But at least, in your expert testimony, I understand  
9 that if someone's shooting from inside a house with walls, may or  
10 may -- you don't expect to see a flash through a wall, would you?

11 A You normally -- I mean, physical barriers can block a flash  
12 like anything with vision. A door can. I mean, if there is  
13 blinds or something, depending if they're open or closed, if  
14 they're open you might see a flash, but you cannot be totally  
15 sure without other evidence.

16 Q Right. Or if somebody from inside the house is telling you,  
17 right?

18 A Correct. Yes, ma'am, if they saw it.

19 Q And so but if you have a window and you see something, that  
20 doesn't necessarily block the view? It still doesn't say what it  
21 is but it still doesn't block the view if it's a large window,  
22 right?

23 A If it's a large window and you see an instantaneous flash,  
24 it's not constant like a light or a flashlight that gives you a  
25 nice circular thing, you can consider it flash, and it could be

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1 considered a muzzle flash.

2 Q It's a reasonable possibility?

3 A Correct.

4 Q With Defendant's 90 and 91, if either one of these two guns  
5 were being fired out of an open window in a car -- and you said  
6 that these would have even brighter flashes and louder flashes  
7 than one of these other small guns that we've looked at, right?

8 A Now, they would have -- a noise and a flash are two  
9 different things. Those would definitely be loud. But also,  
10 that .44 Magnum is, like I said, used to be the most powerful  
11 handgun there was, so it would be almost equally as loud.

12 So the muzzle flash would also, from that .44 and those  
13 other two, they, depending on the devices that are on the end,  
14 flash hidere or other equipment, they could be -- they would be a  
15 bright flash, so.

16 Q Thank you. Those are all the questions I have.

17 SOLICITOR SCOTT: Your Honor, just beg the Court's  
18 indulgence for a second. Nothing further, Your Honor.

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

20 THE WITNESS: Your Honor, may I be released from my  
21 subpoena?

22 THE COURT: You are.

23 THE WITNESS: Thank you, sir.

24 ATTORNEY ZMROCZEK: Your Honor, we'd call Jennifer Setree.  
25

1 JENNIFER SETREE,  
2 having first been duly sworn, is examined and testifies as  
3 follows:

4 CLERK OF COURT: Please have a seat on the witness stand,  
5 and state your full name for the record, and spell your last  
6 name.

7 THE WITNESS: Jennifer Setree. That's S-e-t-r-e-e.

8 **DIRECT EXAMINATION**

9 BY ATTORNEY ZMROCZEK:

10 Q Ms. Setree, will you tell the jury where you're employed?

11 A I have a digital forensics company called Data Driven  
12 Investigation.

13 Q What is digital forensics?

14 A That is the study, or the forensic process, of data in a  
15 forensically sound manner, in analysis and examination.

16 Q So when we talk about digital evidence, what is digital  
17 evidence?

18 A That could be video. That could be any information that is  
19 produced from, like, a digital format.

20 Q Could it be cellphone records?

21 A Cellphones, videos. Yes. Yes, ma'am.

22 Q Okay. Have you received training or taken any classes on  
23 video evidence?

24 A Yes, ma'am.

25 Q Tell the jury about that.

1 A I've actually taken some classes and some webinars, and also  
2 attended some, what we call, virtual, virtual classes that are  
3 relating to the process and your validation of such, like, video,  
4 something that can be retrieved from cellphones, or video  
5 equipment, or cameras, or things of that nature.

6 Q And so when we're talking about -- and I understand that you  
7 have a wide variety of certificates, but I want to focus  
8 specifically on video training, okay.

9 A I've had Magnet AXIOM. That's one of the virtual summits,  
10 is what we call it, it's a whole, it's a week of training that  
11 you, that you're able to, you know, participate in. And that  
12 deals with how to retrieve -- when you retrieve data and you  
13 retrieve video evidence, or anything of that nature, the proper  
14 steps, proper procedures, making sure that the integrity and  
15 everything is maintained in a forensically sound manner.

16 Q So you learned how to not only retrieve, but do you also --  
17 do you have any experience in learning how to analyze or review  
18 digital evidence?

19 A Yes, ma'am.

20 Q Okay. And tell the jury a little bit about that?

21 A So kind of like the cellphones, as well, when you receive  
22 the information, or receive the data, the video, normally it will  
23 either be in, you know, a format that, depending on where that  
24 video information was received -- if it's a JPEG, that's a  
25 picture; if it's a video file, it can have, you know, different

1 formats -- and you're kind of making sure that you have the full,  
2 the full data to validate the, I could call it #ND [ph] drive, or  
3 SHA-256#, and that's just to make sure that the information is,  
4 whenever you receive it and you video it, you analyze it, and you  
5 record all your steps, making sure that everything is maintained.

6 Q Now I want to focus on this case in particular. Did you  
7 receive a portion of the evidence, or discovery, that was turned  
8 over by the State in this case to analyze?

9 A I did. Yes, ma'am.

10 Q Okay. And so how many videos in total did you receive?

11 A In total ... I have to think of the addresses.

12 Q Okay. We'll do it this way so it's not a trick question.

13 A Sorry.

14 Q That's fine. How many videos -- how many home-security  
15 videos on Devoe Drive did you receive?

16 A Two.

17 Q Okay. So you received two videos. One was from what  
18 location?

19 A 200 Devoe.

20 Q 200 Devoe. And where was the other one?

21 A 204 Devoe.

22 Q 204. So you received home-surveillance video from --

23 ATTORNEY ZMROCZEK: And I'm going to put up Defendant's 3,  
24 Your Honor, if I may publish it. It's already in evidence.

25 (Video published.)

1 Q Okay. So this is Defendant's 3, okay, already been admitted  
2 into evidence. So this red dot indicates 209. So you said you  
3 received video evidence from 200. Would that be right here at  
4 this house?

5 A Correct. Yes, ma'am.

6 Q And then 204, would that be right next door?

7 A Correct. Yes, ma'am.

8 Q While we have this map up here, did you receive  
9 home-security video from any other homes?

10 A No homes. No, ma'am.

11 Q Was there any video from 412?

12 A Oh, I'm sorry. I thought you were relating to Devoe. Yes,  
13 ma'am.

14 Q Oh. I'm sorry. Yeah. Any on different streets, is what I  
15 meant.

16 A Yes, ma'am. Sorry.

17 Q And so that video was from where?

18 A 412 Redwood Court.

19 Q 412 Redwood Court, which is not on this map, but is it  
20 further -- but it is -- does it run perpendicular to Devoe?

21 A Yes, ma'am.

22 Q Okay. And then additionally you received what we've been  
23 referring to as Shealy cameras?

24 A Yes, ma'am.

25 Q How many Shealy cameras did you receive?

1 A I received two Shealy cameras.

2 Q Okay. And where were they?

3 A One was at the intersection of Newcastle and Redwood  
4 Court --

5 Q Okay.

6 A -- and the other was from an intersection in Columbia.

7 Q Okay. And so you received another camera but wasn't told  
8 where that camera was from?

9 A Correct.

10 Q Okay. And then did you receive any other videos?

11 A I received another surveillance video from a business that  
12 was located on Warner Drive. And I believe the business was EST.

13 Q And did you speak with the employers at Warner, at the  
14 business located at 127 Warner Drive?

15 A Yes, ma'am.

16 Q Okay. Did you receive an affidavit from them certifying  
17 that they had turned over that information?

18 A Yes, ma'am.

19 Q Okay. And how did you receive that video?

20 A That video was -- it was a via email.

21 THE COURT REPORTER: I'm sorry?

22 THE COURT: Could you speak up a little bit.

23 THE WITNESS: Oh, I'm sorry. Email.

24 Q Yeah. Sometimes it's really loud and hard to hear in here.

25 The cameras -- the video that you received from 200 Devoe, did it

1 come with any identifying information about as far as the  
2 timestamps on those?

3 A Yes, ma'am.

4 Q And what information did that include?

5 A It informed -- well, the information said that the camera  
6 timing was -- it was off by an hour and 35 minutes, I believe.

7 Q Okay. And did it say -- well, I'm not trying to quiz you.  
8 When you say an hour and 35 minutes off, would that be an hour  
9 and 35 minutes ahead or an hour and 35 minutes slow?

10 A Slower.

11 Q So that means if it were 1:00 on the 200 Devoe Drive video  
12 it would actually be 2:35?

13 A Correct.

14 Q Am I saying that correctly?

15 A Yes, ma'am.

16 Q Did you receive any information on the 204 Devoe Drive  
17 videos?

18 A That one was -- so it was 20 minutes slower.

19 Q Twenty minutes slower?

20 A Correct.

21 Q Meaning if it says 2:25 on the 204 Devoe camera then it  
22 would actually be 2:45?

23 A Yes, ma'am.

24 Q Am I saying that correctly?

25 A Yes, ma'am.

1 Q On the Shealy cameras, did you receive any sort of  
2 documentation about the time being off?

3 A No, ma'am.

4 Q On the Warner Drive videos did you ever receive any  
5 information about those times being off?

6 A No, ma'am.

7 Q Okay. In preparation for this case what did you do with the  
8 videos that are --

9 ATTORNEY ZMROCZEK: I believe, Your Honor, are already in  
10 evidence with State's 48 except for the Warner Drive video.

11 Q Did you have a chance to review those?

12 A Yes, I did.

13 Q And did you use any sort of program to help you navigate  
14 those videos?

15 A Yes, ma'am.

16 Q Okay. Tell the jury a little bit about that program?

17 A That program is called Amped FIVE software, and that is  
18 actually a software that is a forensically sound software, so  
19 therefore you can put in the videos and if they're not, say,  
20 transcoded properly in a proper format, then I'll be able to put  
21 that into that software and be able to have that information, or  
22 have that video actually into a readable format.

23 That software's actually often utilized by quite a bit of  
24 law enforcement and non-law enforcement agencies throughout the  
25 United States, and in England and other areas.

1 Q What's the name of that program?

2 A Amped. Amped FIVE is the version that I use.

3 Q Okay. And that is a forensically sound program to use to  
4 analyze video evidence that you receive?

5 A Correct. Yes, ma'am.

6 Q And now, is that something that you just downloaded off the  
7 internet?

8 A No, ma'am. I actually have what we call, it's a, license.  
9 It's per seat, per person, per computer, and that is a fairly  
10 expensive license.

11 Q Meaning I can't just bebop into your laboratory and start  
12 putting in videos?

13 A No, ma'am.

14 Q If I did -- what would happen if I did start to try to  
15 change or alter any of the evidence?

16 A First you have to have my password to be able to do that.  
17 And then, second, be able to navigate and be able to upload,  
18 and so it's not like being able to just go and open up a program  
19 or go to your computer and you say, hey, I'm putting in a CD and  
20 you open up that program, and there you go.

21 So how that works, whenever you upload that information into  
22 the software, then you're given different options on how  
23 to transcode, or upload, information. Do you want to put it into  
24 an MP4 player format so that it's able to be read by a CD,  
25 another computer program, just all formatting. And that's to

1 maintain the integrity of that data.

2 Q And so anytime you do anything to a video when you are in  
3 that program what does that program do?

4 A It logs every step that you take.

5 Q It logs every step that you take?

6 A Yes, ma'am.

7 Q And so did you utilize this program in analyzing and  
8 reviewing these videos?

9 A Yes, ma'am.

10 Q Okay. And did the program record every keystroke, every  
11 single thing that you did to generate these evidence videos that  
12 we want to show in court today?

13 A Yes, ma'am, it does, and it did.

14 (Defendant's Exhibits 92 through 106 are identified.)

15 Q I want to show you what's been marked Defense 92 through  
16 106, and ask if you recognize these videos?

17 A Yes, ma'am. Yes, ma'am, I do.

18 Q And do those fairly and accurately represent the videos that  
19 you created and provided to assist your testimony in this case?

20 A Yes, ma'am.

21 ATTORNEY ZMROCZEK: Your Honor, at this time we would move  
22 Defendant's 92 to 106 into evidence.

23 SOLICITOR SCOTT: Your Honor, we might need to have further  
24 testimony what's on them and what she's done to them.

25 THE COURT: Further foundation.

1 ATTORNEY ZMROCZEK: Thank you.

2 Q So let's start with Defendant's 92 if you can tell, if you  
3 can tell me what is on that video?

4 A Uhm, that would be the vehicle turning onto Devoe Drive.

5 Q Okay. So what camera did you use in Defense 92?

6 A That would be the 204, 204 Devoe.

7 Q Okay.

8 A That would be --

9 Q And you can refer to your report, too.

10 A Okay. So with the video that I received, there were  
11 different camera channels that were associated with this address,  
12 so there was channel 5 and channel 3. So channel 5, I believe,  
13 is the ... The car turning onto Devoe, that would actually be the  
14 Shealy camera. I'm sorry.

15 Q Okay. That's fine. So 92 would be footage from the Shealy  
16 cam which was located where?

17 A That was at the intersection of Newcastle and Redwood.

18 Q Okay. And so 92, Defense 92, did you alter, in any way,  
19 that video, or is it the complete video, or is it a specific  
20 amount of time?

21 A That would be the complete video.

22 Q That would be the complete video provided in discovery?

23 A Correct. Yes, ma'am.

24 ATTORNEY ZMROCZEK: Your Honor, at this time we would move  
25 specifically Defense 92 into evidence.

1 SOLICITOR SCOTT: I'm sorry. I didn't hear the answer to  
2 the question what did you do to the video.

3 THE COURT: Let's ask that question again.

4 ATTORNEY ZMROCZEK: Okay.

5 Q On Defense 92, did you do anything to that video, or is that  
6 the video that you originally received in evidence?

7 A That one, it says it's slowed so, therefore, slowed down the  
8 speed of the actual video.

9 Q Okay. So on Defense 92 -- all right. So, sorry. Yeah. So  
10 Defense 92, you slowed down the speed on the Shealy cam video,  
11 showing that car turning; is that correct?

12 A Correct.

13 Q And did you alter, in any other way, that video?

14 A No, ma'am.

15 ATTORNEY ZMROCZEK: Your Honor, at this time we would move  
16 Defense 92.

17 SOLICITOR SCOTT: No objection.

18 THE COURT: So moved.

19 (Defendant's Exhibit 92 is admitted into the record.)

20 ATTORNEY ZMROCZEK: Your Honor, I would move to publish 92.

21 THE COURT: Granted.

22 (Video published.)

23 Q And so the camera is pointing, is it, at very top of the  
24 screen? Is that where you're saying that that depicts the car  
25 coming down to Devoe?

1 A Yes, ma'am.

2 Q Okay. And that -- the only thing you did was you slowed  
3 that down; is that correct?

4 A Correct. Yes, ma'am.

5 Q So Defense -- and I did this backwards, I see now. So  
6 Defense 93, then what is that video?

7 A That would be the car turning onto Devoe.

8 Q Okay. And is that slowed, or is that the same?

9 A That would be in just the original format.

10 Q Okay. That's the original format of the video that we just  
11 saw not slowed down?

12 A Not slowed down. Correct.

13 ATTORNEY ZMROCZEK: Your Honor, at this time we would move  
14 Defendant's 93 into evidence.

15 SOLICITOR SCOTT: I'm sorry. What address was that video  
16 pertaining to?

17 ATTORNEY ZMROCZEK: It's the Shealy cam videos that just we  
18 saw.

19 SOLICITOR SCOTT: Without objection.

20 THE COURT: So moved.

21 (Defendant's Exhibit 93 is identified.)

22 Q So this is Defense 93 in regular speed; is that correct?

23 A Correct.

24 Q So again, at the very top where we see those headlights?

25 A Yes, ma'am.

1 Q And that was from the Shealy cam?

2 A Correct. Yes, ma'am.

3 Q Okay. Going back to the Shealy cam -- and I'll try to do  
4 them in order this time so it's less confusing -- Defendant's  
5 93 -- excuse me. Defendant's 95, what is Defendant's 95? First  
6 of all, what camera is it?

7 A That would be the Shealy camera at Redwood and Newcastle as  
8 well.

9 Q Redwood and Newcastle?

10 A Uh-huh.

11 Q And have you done anything to that camera?

12 A No, ma'am. That would be the --

13 ATTORNEY ZMROCZEK: Your Honor, at this time we would move  
14 Defendant's 95 into evidence.

15 SOLICITOR SCOTT: This is exactly the exhibit that was  
16 introduced by the State.

17 ATTORNEY ZMROCZEK: Okay. Then we don't need to publish it,  
18 but if there's an --

19 SOLICITOR SCOTT: I just worry that there's going to be  
20 duplicates of a lot of stuff of what we just introduced. I don't  
21 think we had that one but we certainly already published this  
22 one.

23 I don't have any objection because I've already introduced  
24 it, but the problem gets to be there's going to be doubles of a  
25 lot of pieces of evidence at some point.

1 THE COURT: We'll handle that. No objection. So moved.

2 (Defendant's Exhibit 95 is admitted into the record.)

3 ATTORNEY ZMROCZEK: Thank you.

4 Q So Defendant's 94, what is -- is that the same camera? Is  
5 that the same camera that we just talked about in 95?

6 A No, ma'am. This would be actually a different angle.

7 Q Okay. And what did you do to that video?

8 A So that's how I got it slow, but it's actually referred to  
9 as the frame rate, so being able to extend the frame, slowing it  
10 down, and then actually highlighting a certain area of that  
11 photo -- video. Sorry.

12 Q And so 94 is a Shealy camera that you highlighted the car  
13 turning; is that correct?

14 A Correct.

15 Q And you slowed the video, extended the frame. And why would  
16 you do that?

17 A That would be to just focus on a certain area of the video  
18 instead of the full-length, hour-long video. That would just be  
19 to narrow it down, the window, or the timeframe, of that.

20 ATTORNEY ZMROCZEK: Your Honor, at this time we would move  
21 Defendant's 94 into evidence.

22 SOLICITOR SCOTT: And I do object to that one because there  
23 has been some kind of modification of the video. As opposed to  
24 slowing it down or speeding it up, I'm hearing she's doing  
25 something to the lighting or something. And that's when I get

1 uneasy, It's modification of evidence.

2 THE COURT: All right. What we're going to do, ladies and  
3 gentlemen, we're going to break for the day. We're going to  
4 start back at 9:00 tomorrow. Over the break do not discuss the  
5 case, do not deliberate, do not do any independent research.  
6 Thank you for your patience and your service.

7 We'll start back at 9:00 tomorrow. Thank you very much.

8 (Jury is excused for the day at 4:41 p.m.)

9 MATTER(S) OF LAW

10 THE COURT: All right. As to the video, 94, how is it  
11 altered?

12 ATTORNEY ZMROCZEK: So, Your Honor, what she testified to is  
13 that she slowed it down and put a highlight so we could see what  
14 she's looking at. All of these videos have been turned over, but  
15 we can certainly play it for the Court if the Court would like to  
16 view it.

17 THE COURT: Play the highlight.

18 (Video published.)

19 And let me ask you this, though. When you say highlight,  
20 does that mean you zoom the picture, or when you say highlight as  
21 in change the color, highlight as in pulled that thing out to  
22 show --

23 ATTORNEY ZMROCZEK: Your Honor, it's my understanding that  
24 it's just pulled out, but you can certainly -- I can question the  
25 witness.

1 THE COURT: Well, just -- is that what this is?

2 THE WITNESS: All that does is just highlights just a  
3 specific area of interest. Uhm, it's actually called an  
4 annotation --

5 THE COURT: So highlight is synonymous with zoom?

6 THE WITNESS: Uhm, correct.

7 THE COURT: You zoomed into that picture and then you made  
8 that picture bigger?

9 THE WITNESS: Yes. On that particular area of interest,  
10 yes, sir.

11 THE COURT: Okay.

12 SOLICITOR SCOTT: Judge, this is -- I've got PowerPoints I  
13 use in closing where I do things like calling out different  
14 things for the jury, but I don't create a piece of evidence with  
15 my PowerPoint clips that I introduce. That video's been  
16 introduced.

17 She can certainly show that to them in her closing argument,  
18 but I don't think that demonstrative piece of evidence should be  
19 admitted into the evidence that the jury can take back with them.

20 THE COURT: What I'm looking at is this is demonstrative  
21 evidence, because it's taking a piece of substantive evidence  
22 that's already in the record and it is demonstrating what they're  
23 trying to pull out of it.

24 My concern is is it authentic based on what it is, is it a  
25 fair and accurate depiction of that evidence, is it relevant, and

1 the probative and prejudicial value of it. That's what I'm  
2 concerned with, is that it actually -- I don't want this to  
3 violate the best evidence rule where we just rely on that sole  
4 video. So that's what my concern is.

5 If the manipulation is zooming in, that's one thing.

6 SOLICITOR SCOTT: This traditionally would be something that  
7 she would be able to demonstrate to them, of course  
8 demonstratively in closing, but that would not be entered into  
9 evidence, what they've done as far as call-outs and whatnot.

10 ATTORNEY ZMROCZEK: And, Your Honor, just in response, it's  
11 much like the evidence that they entered in with the -- with the  
12 cellphone towers and us going here, going there, going here,  
13 going there. It's evidence that was based on evidence that's  
14 already been admitted, and it's what they would like to highlight  
15 and focus on.

16 So our argument is is that is the same type of demonstrative  
17 evidence. It doesn't change it in any way.

18 THE COURT: That's my only concern. As long as it's a fair  
19 and accurate depiction, demonstrative evidence can go back with  
20 them. And when I viewed it it appeared to be fair, I mean, it  
21 zoomed in, it didn't really change -- I mean, it just showed  
22 someone driving, maybe. Let's play it one more time. And why  
23 don't you go ahead and fast-forward a little, if you can.

24 (Video published.)

25 THE COURT: And see if you can pause it on that enhanced

1 part.

2 ATTORNEY ZMROCZEK: I'm sorry? Pause it when?

3 THE COURT: When it enhances. There.

4 ATTORNEY ZMROCZEK: Right there?

5 THE COURT: What other videos do you have that are going to  
6 be like this?

7 ATTORNEY ZMROCZEK: This is the only one like this, Your  
8 Honor. I do have other videos that are slowed down. I would  
9 like to be able to show them. Since we're here without the jury,  
10 I would like to be able to show the Court all of the videos so  
11 we're not doing this --

12 THE COURT: Well, I think if it's slowed down, I don't think  
13 that's much of a big deal for this purpose. Is that correct on  
14 the State's part?

15 SOLICITOR SCOTT: That's correct.

16 THE COURT: This is the issue. All right. Let me think  
17 about that. Any other arguments from the State on -- I mean,  
18 this is the issue right here, this picture I'm looking at. All  
19 right. I'll think about that.

20 ATTORNEY ZMROCZEK: Okay.

21 THE COURT: Is that all you're getting in through this  
22 witness, I mean, that's what we have, the videos?

23 ATTORNEY ZMROCZEK: I'm sorry. I didn't hear you.

24 THE COURT: You're getting the videos in through this  
25 witness?

1           ATTORNEY ZMROCZEK: Right. Right. Right. Yes. And so  
2 since the jury's not here, if I can just so show you all of them,  
3 and they can lay the objection, and then we can -- because that  
4 may make it more expedient, Your Honor.

5           THE COURT: Yes. How many videos are there?

6           ATTORNEY ZMROCZEK: It's a bunch. So what I've tried to do,  
7 Your Honor, is anytime one was slowed or zoomed in I would put  
8 the original in just so that there wasn't any question about the  
9 originality or the authenticity of the video, okay.

10           I understand that they are all in evidence except for this  
11 one I'm about to play, but just to make it so that if there's any  
12 accusation that this was changed or created, that we have the  
13 original piece that was not zoomed, not highlighted, not edited,  
14 and then the original, and then any enhancements would then go  
15 following that.

16           THE COURT: Before you do that, can you take a screenshot of  
17 that? Do you know how to do that?

18           ATTORNEY ZMROCZEK: I have a screenshot of this, I think.

19           THE COURT: I'll bring it home and look at this tonight.

20           ATTORNEY ZMROCZEK: May I continue while you're --

21           THE COURT: Yes.

22           ATTORNEY ZMROCZEK: This one, Your Honor, is Defense 96, and  
23 this is the Warner Drive video.

24           (Video published.)

25           ATTORNEY ZMROCZEK: That would be Defense 96. That was

1 provided to us in evidence. And there's been no changes,  
2 additions, alterations.

3 SOLICITOR SCOTT: The only objection to that would be I  
4 would ask for the time, unless they can show evidence of time  
5 discrepancy. In all of our videos we had people testify to  
6 either to when they pulled it and looked at their phone and  
7 looked at the time on there to figure out the discrepancy, or  
8 else we had Justin Martin testify at length about how he was able  
9 to reconcile the shooting times because those were off.

10 But those do not reconcile the time. If they can show  
11 reconciliation of that time, even using other factors like, for  
12 instance, we had the ShotSpotter, we had our first responder, and  
13 those were our baselines where we could tell different things  
14 that we could reconcile them with against, as Officer Rast who  
15 took them, and notified discrepancy of the time.

16 If they're able to do that, I have no problem with the  
17 video. Unless there's some testimony assuring times on there to  
18 be accurate, I would just ask for the time to be not included in  
19 the exhibit.

20 THE COURT: These are the exact videos that are in evidence?

21 ATTORNEY ZMROCZEK: This video, Your Honor --

22 SOLICITOR SCOTT: This video is not.

23 ATTORNEY ZMROCZEK: Even though the State says that they put  
24 all the videos in, they did not put this video in.

25 THE COURT: Well, that's a separate argument for the jury.

1 ATTORNEY ZMROCZEK: No. No. Right. What I'm saying --

2 THE COURT: Any objection about that he just made, if that  
3 exact video is in evidence, that we can make it clear to the jury  
4 that -- I mean, we'll have the stipulation. We already know what  
5 the time frame is.

6 ATTORNEY ZMROCZEK: Well, Your Honor, so every time that the  
7 State -- and I'm just handing this up to you so you can see what  
8 I'm talking about -- every time that the State provided us videos  
9 in evidence, we were provided that information, okay.

10 We weren't provided that information for the Shealy cameras,  
11 that they were off in time. But, Your Honor, I did speak with  
12 Carey Shealy last night and he said that, you know, nobody ever  
13 contacted him about the time being off but it could be off a  
14 minute or two. It's not worth fighting over, okay.

15 But, Your Honor, this video that they provided to us did not  
16 come with any sort of there's-a-time problem at all. And, in  
17 fact, Investigator Godfrey, who is up in -- he's administering a  
18 polygraph today -- but he's the one who got all these videos and  
19 then wrote a report about the direction, and that they traveled,  
20 and he relied on the Warner video as well. Not one mention that  
21 there was any time discrepancies or any time problems so, Your  
22 Honor, we're not asserting that there is a time problem.

23 THE COURT: No matter what you're putting into evidence, you  
24 have to authenticate it.

25 ATTORNEY ZMROCZEK: Right.

1 THE COURT: And so that can technically be hearsay. I mean,  
2 it's your burden at this point.

3 ATTORNEY ZMROCZEK: Right, which is why we have the person  
4 who provided that video.

5 (Video published.)

6 THE COURT: This is the 127 Warner?

7 ATTORNEY ZMROCZEK: That's correct, Your Honor.

8 THE COURT: All right. So you're saying that that -- what  
9 did that time say?

10 SOLICITOR FOWLER: 2:35, Your Honor.

11 ATTORNEY ZMROCZEK: 2:35:54, and then it rolls over to 2:36.

12 THE COURT: So are we saying that that's not the accurate  
13 time?

14 SOLICITOR SCOTT: No, it's not, Your Honor.

15 ATTORNEY ZMROCZEK: But what information do we have that  
16 that's not the accurate time, Your Honor? This is the first time  
17 that they said. Why would they provide us a video with an  
18 inaccurate time but not tell us about it until we try to  
19 introduce it in court, is my concern.

20 SOLICITOR SCOTT: Which is the reason I did not introduce  
21 it, because I was unable to reconcile the time. However, with  
22 the other ones, there were visual includes clues and stuff, and  
23 that's why we had extensive testimony regarding it.

24 THE COURT: What kind of camera is that?

25 ATTORNEY ZMROCZEK: It's a camera off of a business that

1 they collected.

2 THE COURT: And so who is EST Companies, this --

3 ATTORNEY ZMROCZEK: The person that owns the company.

4 THE COURT: Does he own the camera?

5 ATTORNEY ZMROCZEK: Yeah. It came from him.

6 THE COURT: But it's not the camera brand. Like it's a  
7 random camera?

8 ATTORNEY ZMROCZEK: Right. And, Your Honor, in furtherance  
9 of this argument, Investigator Godfrey, when they provided  
10 discovery to us back in 2021 it says, We met and discussed the  
11 current status of the case. I agreed to review the video and  
12 cellphone download. I downloaded and reviewed the videos from  
13 200 Devoe Drive, 204 Devoe Drive, 412 Redwood Court.

14 A dark-in-color car is observed turning off of Newcastle  
15 Drive from the direction of Sunnydale Drive onto Devoe, slowing  
16 in front of the victim's residence, then speeding off towards and  
17 onto Redwood Drive, then back to Newcastle Drive where it turns  
18 right on Warner. Note that each of the videos has time  
19 discrepancies which are annotated by the tech that obtained the  
20 videos.

21 And so like I showed you, the annotations of the two type of  
22 discrepancies that we received -- we did not receive any  
23 information that this was a time discrepancy, et cetera.

24 THE COURT: So the issue, though -- We're blending issues  
25 here. There might be a discovery issue which can be addressed,

1 but for the purpose of you introducing that evidence through your  
2 witness, the issue with any of these surveillance videos,  
3 whenever there's a time mark, some people say it's hearsay; some  
4 people say it's not hearsay. Putting aside whether it's hearsay  
5 or not hearsay, it has to be authenticated. There has to be  
6 somebody that can say that time is what it is.

7 So for this one -- now, I have this affidavit but this  
8 affiant merely states that it was maintained in the regular  
9 course of business. So there's no doubt that that's his camera.  
10 If they're saying that's not the camera in question, that's not  
11 the street, they would be wrong. And he said such records fairly  
12 and accurately depict the original record from the date and time  
13 in question. That doesn't satisfy the low bar of 901 where how  
14 does he know that --

15 ATTORNEY ZMROCZEK: Okay.

16 THE COURT: -- in a sense of, I have a system that is  
17 connected to WiFi, connected by Verizon, or something like that.

18 ATTORNEY ZMROCZEK: Okay. I think if the Court -- since we  
19 have time this evening, if I may do that, and then we'll revisit  
20 introducing the video.

21 THE COURT: Yes. You need some witness that can somehow  
22 confirm --

23 ATTORNEY ZMROCZEK: Sure.

24 THE COURT: All right.

25 ATTORNEY ZMROCZEK: Absolutely.

1 THE COURT: Is that the only video with the time issue?

2 SOLICITOR SCOTT: As far as I know, yes, sir.

3 ATTORNEY ZMROCZEK: Yes.

4 SOLICITOR SCOTT: The other, 200, has been reconciled; 204  
5 has been reconciled; the Shealy, which you keep hearing about the  
6 Shealy camera, that was testified to, reconciled. So that would  
7 be the only one that we don't have any testimony regarding the  
8 offset.

9 THE COURT: All right. We got 96. That one --

10 ATTORNEY ZMROCZEK: We'll revisit.

11 THE COURT: So far, the video is fine. So if you aren't  
12 able to make it -- if you want that video to come in, there's no  
13 objection to the video, but you would have to edit out that  
14 clock.

15 ATTORNEY ZMROCZEK: Okay. Unless -- unless he --

16 THE COURT: If he's able to somehow figure out how that's  
17 the exact time and meet that bar. But if you can't you might  
18 want to have that video ready to go if you still want it to come  
19 in.

20 ATTORNEY ZMROCZEK: Okay. The next video, Your Honor, is  
21 97. And these are all in the Devoe Drive, from the Devoe Drive  
22 cameras, your Honor. So 97, it's labeled Oldsmobile at Devoe,  
23 okay. There has been no alteration, no anything, with the  
24 understanding that at 1:57 -- obviously it's 20 minutes slow,  
25 that's already been testified to, so that would make it 2:17.

1 (Video published.)

2 ATTORNEY ZMROCZEK: But it's my understanding, Your Honor,  
3 this one's already in evidence.

4 SOLICITOR SCOTT: That's my understanding.

5 THE COURT: So no issue with 97?

6 SOLICITOR SCOTT: No, Your Honor.

7 THE COURT: All right. No issue.

8 ATTORNEY ZMROCZEK: Thank you. 98, Your Honor, is the exact  
9 same video which is zoomed in and slowed, same time, same  
10 everything. And this is 98. That's 98, Your Honor.

11 (Video published.)

12 THE COURT: Any objection to that?

13 SOLICITOR SCOTT: No, Your Honor.

14 ATTORNEY ZMROCZEK: 99, Your Honor, is again 204 Devoe,  
15 camera 3. I believe that this is already in evidence and regular  
16 speed. Obviously there's a time discrepancy, be the same, but  
17 again that's already in evidence. And that's 99.

18 (Video published.)

19 THE COURT: That's the exact one that's already in evidence?

20 ATTORNEY ZMROCZEK: It's a portion of the exact one that's  
21 already in evidence.

22 SOLICITOR SCOTT: And the file name needs to be --

23 THE COURT: Yeah. The file name file, we're going to have  
24 to change.

25 ATTORNEY ZMROCZEK: Okay.

1 THE COURT: And also on that name, I see when y'all put it  
2 up on your computer -- I don't want to see any of your  
3 background, any of your file folders, any of your file names  
4 unless it's directly related to this case, and they can be  
5 construed some way. So before you hook up your computer make  
6 sure the video is pulled up or something. I don't want to see  
7 anything else but this case. And, frankly, I don't want to see  
8 anything on this case but a piece of evidence.

9 ATTORNEY ZMROCZEK: Certainly.

10 THE COURT: So no issue with 99 except you've got to change  
11 all these names.

12 ATTORNEY ZMROCZEK: I will do that, Your Honor. And these  
13 are done for me, but I will change the names so that -- I'll just  
14 put the exhibit number. Will that be acceptable?

15 THE COURT: Yes.

16 ATTORNEY ZMROCZEK: Okay. And I'll do that this evening.  
17 And so this is the exact same thing, again zoomed in and slowed.

18 (Video published.)

19 THE COURT: That's No. 100?

20 ATTORNEY ZMROCZEK: That is 100.

21 THE COURT: Any objection to that?

22 SOLICITOR SCOTT: No, Your Honor.

23 THE COURT: All right.

24 ATTORNEY ZMROCZEK: Other than the name which I will make  
25 sure I change. 101, Your Honor, is back to camera 5. Again, I

1 will change the names. These are just simply for me. And this  
2 one is already in evidence, regular speed, regular everything.  
3 So that would be 101.

4 (Video published.)

5 ATTORNEY ZMROCZEK: The importance of it is one 102, which I  
6 don't think the State has any objection to 101, being it's  
7 already in evidence.

8 SOLICITOR SCOTT: Yeah. I guess that's something I'm  
9 asking. What is the purpose of submitting the same thing twice?

10 ATTORNEY ZMROCZEK: Because, Your Honor, there's some of  
11 insinuation that when videos are slowed down, when the IT person  
12 testified yesterday that when the videos are slowed down, that it  
13 somehow changes it.

14 So in order to -- in order to remedy that argument, we  
15 wanted to put both of them in to show that the only changes are  
16 the zoom and the clip, you know, the zoom and the clip. So  
17 that's why that was done. But I believe but other than that,  
18 that was -- this is a regular one. That was 101.

19 And then 102 is just the same thing except for zoomed and  
20 slowed. So you see why I did that? Because I anticipate, just  
21 based on the evidence that was put in with, I think his name was,  
22 Mr. Martin yesterday just that if you zoom or you slow, it  
23 somehow changes or creates new evidence. And so for that very  
24 particular reason, I did regular, and then slowed and zoomed.

25 (Video published.)

1 THE COURT: All right. This is 102?

2 ATTORNEY ZMROCZEK: This is 102.

3 THE COURT: And this is slowed and zoomed?

4 ATTORNEY ZMROCZEK: Slowed and zoomed. And just while  
5 everybody is watching that -- I mean, this has been provided to  
6 them. But, Your Honor, so -- and the reason, again, I think you  
7 understand why it's done that way, but just because the record is  
8 clear, because on State's 48, which just a jump drive -- I don't  
9 know where it is. Let me look. Oh, here. Your Honor, this is  
10 just a jump drive, and it just has all of the cameras on there.

11 And what we've done is we chose to highlight specific  
12 points, so to be able to go back and find it on here and then  
13 compare it is why we did it that way.

14 THE COURT: All right. This is the whole thing, right?

15 ATTORNEY ZMROCZEK: Yes.

16 THE COURT: Is there any -- besides the other objections?

17 SOLICITOR SCOTT: No, Your Honor.

18 THE COURT: All right. Let's go to the next one.

19 ATTORNEY ZMROCZEK: The next one -- so 103 would be the  
20 normal speed. And this is very quick, Your Honor, so I'll just  
21 play it. It's literally 20 seconds. This is the normal speed,  
22 not zoomed and slowed, of 103, 204 Devoe.

23 (Video published.)

24 ATTORNEY ZMROCZEK: And then 104 would be the same video we  
25 just saw, not even zoomed, just slowed.

1 THE COURT: All right. Same --

2 ATTORNEY ZMROCZEK: Same one, 20 seconds. We just have it  
3 slower.

4 (Video published.)

5 THE COURT: Same objection as before?

6 SOLICITOR SCOTT: No, Your Honor.

7 ATTORNEY ZMROCZEK: So that was 103 and 104.

8 105, Your Honor, is -- it's just, again, this is the normal  
9 speed. I'm not going to play the whole thing, but it's just --  
10 and again, I'll change the names -- it is ... No, wait. Oh,  
11 here it is.

12 (Video published.)

13 ATTORNEY ZMROCZEK: So the regular video is this -- so 105  
14 is just this from one particular point to when law enforcement  
15 arrives, regular speed, regular everything.

16 And then 106 would be that same video, zoomed and slowed.

17 SOLICITOR SCOTT: Hold on one second. 105, how is that  
18 different than 103? Same timestamp.

19 ATTORNEY ZMROCZEK: So 105, it starts at the same timestamp  
20 but it goes all the way through to -- it includes the little  
21 portion that they've already put in of the car driving by.  
22 Excuse me. Let me go back right ... It just includes the car  
23 driving by, and all the way until law enforcement arrives. So  
24 regular speed, regular time, regular everything. It's just,  
25 again, a portion of the video.

1 SOLICITOR SCOTT: This is 105? This is 105?

2 ATTORNEY ZMROCZEK: This is 105, right.

3 (Video published.)

4 ATTORNEY ZMROCZEK: And then 106 would be the exact same  
5 thing, going all the way to when law enforcement arrives,  
6 including the car driving by.

7 SOLICITOR SCOTT: It starts at 2:22?

8 ATTORNEY ZMROCZEK: It stops at --

9 SOLICITOR SCOTT: Or starts at?

10 ATTORNEY ZMROCZEK: Again, when law enforcement arrived.

11 SOLICITOR SCOTT: But it starts at 2:22?

12 ATTORNEY ZMROCZEK: It does.

13 SOLICITOR SCOTT: I don't have any objection.

14 THE COURT: All right.

15 ATTORNEY ZMROCZEK: All right. And those are the videos.

16 THE COURT: What was 107?

17 ATTORNEY ZMROCZEK: Sir?

18 THE COURT: Was there a 107, or is that it? We have up to  
19 106 so far?

20 ATTORNEY ZMROCZEK: Yep. Those are it.

21 THE COURT: All right. So the State's objection is to the  
22 amount of videos being put in. But as to the actual videos being  
23 changed, the slowed and zoomed, is there any objection to that?

24 SOLICITOR SCOTT: No, Your Honor.

25 THE COURT: All right. The issue -- I mean, I'm inclined to

1 let it in simply because, I mean, the jury, they're going to do  
2 what they want to do with it.

3 And closing argument is ripe for those type of arguments and  
4 for the potential of do a table of, these are the videos, I mean,  
5 some type of something to show to make it clear about what they  
6 want to see. That way if they come back and say we want to see a  
7 video of X ...

8 My only concern -- I mean, I know what you're doing,  
9 Ms. Zmroczek. My only concern is that, for your purpose, when  
10 they see the slow one, I mean, it's almost easier just -- the  
11 timeframe of some of those are really the exact same, so they can  
12 go by timeframe. How many video cameras are there besides the  
13 Warner one, or that one?

14 ATTORNEY ZMROCZEK: I mean, there's 200 and 204, and then  
15 the Shealy camera, and then the Warner one.

16 THE COURT: So you put in your videos, which are 92 through  
17 106 are your only videos?

18 ATTORNEY ZMROCZEK: Right.

19 THE COURT: And the State has videos --

20 ATTORNEY ZMROCZEK: And I can put in for the Court -- so  
21 they put in 48, right, that's just that one jump drive.

22 THE COURT: Have they put in any other videos?

23 ATTORNEY ZMROCZEK: So they did put in a video of the car  
24 driving, just the car driving by. Oh, wait. Here. Here.

25 THE COURT: Well, I'll tell you what. I've got faith in

1 both counsel that you all can clear this up in closing arguments,  
2 give the jury what they want, and explain it to them so that if  
3 they've got questions about a video you will all have it easily  
4 answerable for them when they come back here and say they want to  
5 see a video. I've got faith, all right. So I'm going to let in  
6 those videos, and I think the jury can clear it up themselves.

7 I'm still going to take this under advisement. Any other  
8 issues?

9 ATTORNEY ZMROCZEK: Just so, for the court reporter and for  
10 the clerk, because I do need -- even though they're going to be  
11 admitted, since I do need to correct the names just so that they  
12 are not anyhow any indication of what they should be looking for,  
13 et cetera, may I take these with me tonight so that I can correct  
14 them, and then I'll make sure that everybody gets to see them  
15 tomorrow morning before we come in.

16 THE COURT: Yes. I don't think they've been entered. Well,  
17 only one was entered in evidence.

18 ATTORNEY ZMROCZEK: I think a couple were, but --

19 THE COURT: Any objection to that from the State?

20 SOLICITOR SCOTT: No, Your Honor.

21 THE COURT: And if they aren't what they said they are --  
22 and over the break I see you've got the solicitor's office. You  
23 all need to review the videos. Confirm anything you have  
24 overnight to confirm. All right.

25 And, yeah, you can have your guy here at 9:00? I mean,

1 before you try to get in that video someone will need to --

2 ATTORNEY ZMROCZEK: Right. Yes. And I will -- we'll get on  
3 the phone this evening, Your Honor. We obviously have been in  
4 contact with him since we got the ...

5 THE COURT: You can have these, those things.

6 ATTORNEY ZMROCZEK: Okay. Thank you, Your Honor.

7 THE COURT: And I'm going to start working on the jury  
8 charge. Is there any objection to transferred intent at this  
9 point?

10 ATTORNEY ZMROCZEK: No. No, Your Honor.

11 THE COURT: All right. I'll send you what I have.

12 ATTORNEY ZMROCZEK: Okay. And I'll send you the spoliation.  
13 I'm going to do that as soon as I get back to the office in 10  
14 minutes.

15 THE COURT: And to be clear, at this point the spoliation  
16 will be argued as to the investigative notes. That's what I've  
17 ruled so far as to why I granted that charge.

18 ATTORNEY ZMROCZEK: As to the investigative notes --

19 THE COURT: Not being turned over.

20 ATTORNEY ZMROCZEK: And -- yes. Yes.

21 THE COURT: Any other jury charges that are coming up that  
22 we can think of? I'm going to send you what I have so you all  
23 can be prepared for it.

24 ATTORNEY ZMROCZEK: I don't think it's going to be anything  
25 spectacular. And I do -- I think that the issue that I brought

1 up about that case in January, I think that did deal with a  
2 self-defense case so I don't think it affects us at all.

3 THE COURT: I sent you my murder, malice charge, and intent,  
4 so you all look at that and see if there's any issues.

5 Anything else from the State before we adjourn for the day?

6 SOLICITOR SCOTT: No, Your Honor.

7 THE COURT: Anything from the defense?

8 ATTORNEY ZMROCZEK: No.

9 SOLICITOR SCOTT: Do you think we -- I don't know. Should I  
10 have a closing prepared for tomorrow?

11 THE COURT: My plan is if, assuming Ms. Zmroczek finished at  
12 noon, we would break -- and the State did not call any rebuttal  
13 witnesses -- we would come back likely at 2:00, do closing  
14 arguments, jury charges, and likely break for the day, and come  
15 back Wednesday morning. I don't anticipate giving it to them  
16 after 3:00, so I would be prepared for closing.

17 All right. 9:00.

18 (Adjourned for the day.)  
19  
20  
21  
22  
23  
24  
25

STATE OF SOUTH CAROLINA ) COURT OF GENERAL SESSIONS  
)  
COUNTY OF RICHLAND ) FIFTH JUDICIAL CIRCUIT  
  
THE STATE OF SOUTH CAROLINA ) NOS. 2022-GS-40-01884 and  
) 2022-GS-40-01885  
VS. )  
) TRANSCRIPT OF RECORD  
TROY CHRISTOPHER STEVENSON, JR. )  
)  
) Volume VI of VIII,  
) Pages 809 - 952

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B E F O R E:

The Honorable Daniel Coble, Judge; and a jury

DATE: Tuesday, May 21, 2024, 9:07 a.m.  
Columbia, South Carolina

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

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: One of the last things we left off on yesterday  
6 was one of the videos, the timing issue. Are we ready to go  
7 forward with a witness?

8 ATTORNEY ZMROCZEK: Your Honor, I spoke with the witness.  
9 He confirms that it was -- it was -- the camera was timed  
10 correctly because it was done via WiFi. We had sent him -- I had  
11 sent him another affidavit and, Your Honor, I need to check and  
12 see if he returned it. But that's where we are on that camera,  
13 so I just need to check my email real quick.

14 Your Honor, he has not returned that yet, so unless we hear  
15 from him in the next five minutes I will simply withdraw that  
16 exhibit.

17 THE COURT: All right. And for procedural purposes with the  
18 witness back on there, did you plan on playing the -- you have  
19 the two videos which you're explaining why you're putting them  
20 in, the original and the slowed-down. Do you plan on playing the  
21 original to the jury and saying this is the --

22 ATTORNEY ZMROCZEK: Correct.

23 THE COURT: How much? Like, do you plan on playing all of  
24 it?

25 ATTORNEY ZMROCZEK: I mean, they're mostly like 20 seconds,

1 so when it's slowed it's like 35 seconds.

2 THE COURT: Okay. So each video is only about a minute?

3 ATTORNEY ZMROCZEK: Correct. The last video is the longest,  
4 and that is from -- and that is -- that is 105 and 106. And,  
5 Your Honor, so 105 is -- and actually, I'll just play the zoomed  
6 version of that instead because that is the longest. It goes, on  
7 the camera time, 2:22 which is really 2:42, to 2:51 -- or 2:31,  
8 excuse me, when Deputy Hardy can be seen pulling up into the  
9 scene. So I won't play both of those.

10 THE COURT: So it's a nine-minute video?

11 ATTORNEY ZMROCZEK: Right.

12 THE COURT: And the slowed-down one is a 30-minute video?

13 ATTORNEY ZMROCZEK: No. It's definitely not 30 minutes.

14 THE COURT: If it's slowed down it's going to be double the  
15 speed, double the?

16 ATTORNEY ZMROCZEK: I've got it right here, so I can tell  
17 you exactly. It's 11 minutes and 38 seconds.

18 THE COURT: And you have all the names changed and  
19 everything, ready to go?

20 ATTORNEY ZMROCZEK: I have changed all the names. And I'll  
21 just show you -- they're confirming the disks but I'll show the  
22 Court just because I downloaded the disks to my computer because  
23 I think it goes faster, but that's how I labeled them.

24 THE COURT: All right.

25 SOLICITOR FOWLER: And I confirmed that, Your Honor.

1 They're good. And I confirmed Deputy Hardy's BWC has the audio  
2 removed from that.

3 THE COURT: All right. And I've ruled I will let this in.  
4 And this, by the way, is -- explain what that is for the record,  
5 the zoomed-in of the Shealy camera?

6 ATTORNEY ZMROCZEK: Right, the zoomed-in of the Shealy  
7 camera.

8 THE COURT: The objection on the State is noted for the  
9 record. It's a fair depiction of evidence that's already in.  
10 And the State can obviously explain it on cross-examination.

11 All the objections to the videos from the State are noted  
12 for the record, previously made. They're overruled as to the  
13 ones that I've ruled.

14 Are there any new objections since last night as to these  
15 videos coming in?

16 SOLICITOR FOWLER: No, Your Honor.

17 ATTORNEY ZMROCZEK: And, Your Honor, just as they did with  
18 their silenced little portion of Deputy Hardy's video, they have  
19 now watched it, confirmed it. It has no audio. If I just may  
20 replace this disk with the disk that has audio.

21 THE COURT: Yes, you may.

22 ATTORNEY ZMROCZEK: And that's Defendant's 1.

23 THE COURT: All right. With this witness, this witness,  
24 you're just -- Ms. Setree, you're just playing the videos pretty  
25 much, right?

1           ATTORNEY ZMROCZEK: Correct. What I intend to do is move  
2 all the videos in and then, yeah -- and then just play them, --

3           THE COURT: Okay.

4           ATTORNEY ZMROCZEK: Or publish them --

5           THE COURT: Yes.

6                           FIFTH AMENDMENT RIGHTS COLLOQUY

7           ATTORNEY ZMROCZEK: And then my other -- I have -- my other  
8 witnesses are here. Oh. Your Honor, I've spoken with  
9 Mr. Stevenson. We've had enough time. If you want to, just  
10 while we have a break right before the jury comes in, to confirm  
11 whether or not he wishes to exercise his right to remain silent.

12           I think you received my proposed jury charges, so obviously  
13 you anticipate since I put election of the defendant not to  
14 testify on the jury charge, that that will be his position. But  
15 that's his right. I can't say that.

16           THE COURT: All right. Will you stand, Mr. Stevenson. Can  
17 you hear me okay?

18           THE DEFENDANT: Yes, sir.

19           THE COURT: All right. You remember last week when I went  
20 over your Fifth Amendment right to either remain silent or to  
21 waive that right and to testify, do you remember that?

22           THE DEFENDANT: Yes, sir.

23           THE COURT: Did you understand everything I told you then?

24           THE DEFENDANT: Yes, Your Honor.

25           THE COURT: Did you have a chance to speak with your

1 attorney or whoever else you wanted to about that decision?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You need to speak up a little bit.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you plan on testifying on your own behalf in  
6 this case?

7 THE DEFENDANT: No, sir.

8 THE COURT: Okay. Thank you. Anything from the State  
9 before we bring the jury out?

10 SOLICITOR SCOTT: No, Your Honor.

11 THE COURT: Anything from the defense?

12 ATTORNEY ZMROCZEK: No, Your Honor. And what I've done -- I  
13 understand the Court's concern. Obviously my concern, too, since  
14 this has been happening on both of our computers, but what I've  
15 done, Your Honor, is I have all of the disks uploaded to a jump  
16 drive, so that way it will speed up the process.

17 THE COURT: Is that what you just showed me?

18 ATTORNEY ZMROCZEK: That's what I just showed you. And I  
19 have it also moved over so you can't see any of the other  
20 folders. What I showed the Court is what would be displayed.

21 THE COURT: Why don't you go ahead and pull it up so your  
22 computer will be ready to go.

23 ATTORNEY ZMROCZEK: We've already played State's 92 and 93,  
24 so 94 and 95 will be played on this, and those are just under the  
25 folder Shealy camera. And then, Your Honor, I'm going to remove

1 Warner Drive from this, and then minimize everything else -- or,  
2 actually "x" out of it, not even minimize.

3 THE COURT: That's fine. Just have it ready to go so we  
4 can -- all right. Are you ready for the jury?

5 ATTORNEY ZMROCZEK: Yes, Your Honor.

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

7 SOLICITOR SCOTT: She has a witness still on the stand,  
8 doesn't she?

9 JENNIFER SETREE,

10 having previously been duly sworn, retakes the witness  
11 stand, is examined, and testifies as follows:

12 THE COURT: Ms. Setree, you're still under oath.

13 (Jury seated in the courtroom at 9:16 a.m.)

14 THE BAILIFF: Jury's seated, Your Honor.

15 THE COURT: I swear you were wearing a Dallas Cowboy shirt  
16 earlier this week.

17 All right. Good morning, ladies and gentlemen. Thank you  
18 again very much for your patience, for your service. It was  
19 brought to my attention there's an issue with paycheck. You  
20 don't get paid enough, so we'll make sure that that is taken care  
21 of. Do not worry about that. We're going to go ahead and  
22 continue with this trial. Thank you again for your patience, for  
23 being here promptly and on time.

24 With that, the defense may continue with their direct  
25 examination.

1 ATTORNEY ZMROCZEK: Thank you. Your Honor, at this time we  
2 would move in Defendant's 92, 93, 94, and 95. And those would  
3 all be the Shealy cameras.

4 THE COURT: All right. Those are moved in subject to  
5 previous objections.

6 (Defendant's Exhibit 94 is admitted into the record.)

7 ATTORNEY ZMROCZEK: And then 97, 98, 99, 100, 101, 102, 103,  
8 104, 105, and 106. And those, Your Honor, are 204 Devoe, cameras  
9 3 and cameras 5.

10 THE COURT: Those are all moved in subject to previous  
11 objections.

12 (Defendant's Exhibits 97 through 106 are admitted into the  
13 record.)

14 **DIRECT EXAMINATION** (cont.)

15 BY ATTORNEY ZMROCZEK:

16 Q Ms. Setree, yesterday we talked about that you compiled all  
17 of these CDs that we have just moved into evidence; is that  
18 correct?

19 A Yes, ma'am.

20 Q And what was your process in producing those?

21 A My process, I start with a working copy of the data in order  
22 to maintain an original. Therefore, whenever I'm producing  
23 another format, or another CD, another USB drive, whatever the  
24 format may be, I at least have the original to refer back to in  
25 case of, you know, I need to make any other adjustments or

1 changes as I go forward.

2 Q And as we see, the exhibits are labeled, and some of them  
3 are duplicative; is that correct?

4 A Correct.

5 Q And when I say duplicative, it's, for example, 92 describes  
6 it and says slowed, and 93 just describes it. Why did you do one  
7 disk of just -- that doesn't say slowed and one that says slowed  
8 or zoomed?

9 A So therefore it's because the videos are so long, some of  
10 them are, let's say an hour so, therefore, we just slowed down,  
11 trimmed it, and focused on within a certain area so therefore it  
12 would make it easier for, you know, pictures, and to be able to  
13 view those videos as well.

14 Q Yesterday we viewed 92 and 93 so I'm not going to replay  
15 those. I want to start with Exhibit 95. And that's the one,  
16 even though it's labeled after 94, it's the one before 94. And  
17 so which camera was this?

18 A Give me one moment, please.

19 Q Would it help to pull it up?

20 A Yes, ma'am.

21 (Video published.)

22 Q So we'll start with 95. Okay. Which camera is this?

23 A That would be the intersection of Newcastle and Redwood.

24 Q And that's what we call one of the Shealy cameras?

25 A The Shealy cameras. Yes, ma'am.

1 Q And you weren't in here for the testimony regarding the time  
2 change but would you agree that after speaking with Mr. Shealy  
3 himself that there could be up to a two- to three-minute time  
4 discrepancy as the State described?

5 A That is correct.

6 Q And that would be exiting the neighborhood; is that correct?

7 A Correct.

8 (Video published.)

9 Q 94, what is camera 94 and what did you do specifically to  
10 this view?

11 A If I may. 94 -- referring to 94, 94 is the -- a portion of  
12 the video is actually zoomed in and highlighted, and it's  
13 focusing on a certain portion of the vehicle.

14 Q And what were you trying to see what you could see in that  
15 video?

16 A Any characteristics, any features, anything that might  
17 be identifiable.

18 Q Inside the vehicle?

19 A Correct. Yes, ma'am.

20 Q So this is the same video that we saw, but this would have  
21 the highlight and the zoom, correct?

22 A Correct.

23 Q I'm going to back it up to right -- and pause it. You said  
24 that you were looking to see if you can identify any features or  
25 anything within the vehicle?

1 A Correct. Yes, ma'am.

2 Q What were you able to identify?

3 A It appears as though there is possibly a passenger, or  
4 someone in the vehicle with a blue-in-color shirt or jacket, and  
5 it seems though the driver is wearing a white, a white shirt.

6 Q So the driver's seat would be the seat closest where the  
7 white area is?

8 A The window, yes.

9 Q And that is window rolled down or is it up?

10 A No, ma'am. So that is the -- as the vehicle is turning you  
11 can actually still see the window, because the windows are tinted  
12 so, therefore, as the vehicle turns you can still see that the  
13 windows are still up.

14 It's the way the light hits the inside of the car as the car  
15 is turning that you're able to kind of get a glimpse of what the  
16 inside of -- the inside of the vehicle.

17 Q I want to now move to Exhibit 97. This is camera -- what  
18 camera number is this and where is it located?

19 (Video published.)

20 A This is camera 5, and that would belong to the 204  
21 residence, their surveillance system.

22 Q So the place that we see the taillights just turn on, were  
23 you able to determine where that vehicle was pulling into?

24 A That would be the 209 Devoe Drive residence.

25 Q And would that be the driveway of 209 Devoe?

1 A Correct.

2 Q Okay. And so this says 1:50. Well, it started at 1:57. So  
3 if the camera runs 20 minutes slow what time would that make it  
4 in real time?

5 A That would be 2:18 a.m.

6 Q So then moving on to Exhibit 98, is that the same camera  
7 view?

8 (Video published.)

9 A That is the same camera and the same angle.

10 Q Same time?

11 A The same time.

12 Q And what is different?

13 A This one is, of course, like I said earlier, zoomed in to be  
14 able to bring more of, more of the, scene into focus.

15 Q And so that would be the vehicle pulling into the driveway  
16 at 209? 209 Devoe Drive. Sorry. Not at 2:09 a.m. but at 209  
17 Devoe Drive, correct?

18 A Correct.

19 Q In addition to being zoomed, is the speed different as well?

20 A Yes, ma'am. That one is slowed down. And the reason why we  
21 slow them down and zoom them in whenever I'm doing the analysis  
22 phase of the video is to kind of see any identifiable features,  
23 characteristics, or anything that could be seen but, you know,  
24 outside of the normal, normal eye.

25 Q Is that movement you see within the vehicle that pulled into

1 209?

2 A Yes, ma'am, I believe what appears to be some type of a  
3 flashlight or some type of light or something inside the vehicle  
4 as well.

5 Q Were you able to discern from the movement what that  
6 movement appeared to be?

7 A It looks as though as someone's, of course, getting out of  
8 the vehicle.

9 Q Would that be a person?

10 A Two individuals.

11 Q Two individuals?

12 A There's a driver and a passenger. Uhm, what we're seeing  
13 right now is a passenger inside the vehicle either looking for  
14 something or -- that would be the flashlight that you're seeing  
15 inside the vehicle at that time.

16 Q The light that's on, on the house, were you able to  
17 determine what room that light was coming from?

18 A That, from looking at the pictures and the layout of the  
19 house, would be a hallway or a foyer.

20 Q Would that light be the bedroom?

21 A That light would be the bedroom.

22 SOLICITOR SCOTT: Your Honor, so we ask to refrain from  
23 leading.

24 THE COURT: Rephrase.

25 ATTORNEY ZMROCZEK: Thank you.

1 Q After looking at all of the videos and looking at the  
2 pictures and the videos that are coming on later on were you able  
3 to determine the difference between a living room light versus a  
4 bedroom light?

5 A Yes, ma'am, I was.

6 Q Okay. I'm going to stay with all of the 205 videos, so I'm  
7 going to jump a number. This would be camera -- or, this would  
8 be Exhibit 101. And sorry, let me do the zoomed version. 101 is  
9 the zoomed.

10 (Video published.)

11 ATTORNEY ZMROCZEK: And the time again is 2:00 a.m.; is that  
12 correct? What time is that?

13 A Since it's 20 minutes slower it would actually be 2:20, but  
14 yes.

15 Q Okay. And again, would this be the area that is 209 Devoe?

16 A Yes. Correct.

17 Q So this immediately follows the cameras that we just saw  
18 because that stopped at two minutes; is that accurate?

19 A Correct. It's just a continuation.

20 Q Or not two minutes, sorry, 2:00 a.m. We just saw a light  
21 come on from 204 Devoe. After examining these cameras are you  
22 familiar with why that light would have come on at 204 Devoe?

23 A That would be a motion sensor. That actually can be seen in  
24 another angle of the camera -- of the camera system as well. You  
25 can see when there's motion within a certain distance that light

1 will flash on.

2 Q We can see a light -- or, tell me what you see?

3 A Uhm, so this is how I was able to identify the different  
4 portions of the house, because that would appear to be the living  
5 room. Then the little -- the other little light that's kind of a  
6 half circle, that would be, like, above the door. And then the  
7 other light at the other side of the house would be the bedroom.

8 Q So I'm showing you State's 2. And I'll just do it this way  
9 so we don't have to unplug everything.

10 (Video published.)

11 Q So when you say the light that we saw, that you saw, just  
12 came on, you're indicating comes from this window?

13 A Yes. Yes, ma'am.

14 Q And you said that you were able to determine that because  
15 what was over the door?

16 A Like a half moon or half circle area where you can see the  
17 light coming through.

18 THE COURT REPORTER: Ma'am? Ma'am, keep your voice up.

19 Q And then further down would be the light that you referred  
20 to, the bedroom?

21 A Correct. Yes, ma'am.

22 Q And as we're watching at the beginning of 2:02, is that the  
23 main light that you saw? What did you see go off at that point?

24 A Would you replay that? I'm sorry.

25 ATTORNEY ZMROCZEK: It's fine. I'll withdraw the question,

1 Your Honor.

2 THE COURT: Withdrawn.

3 Q Okay. And this is at 2:05. I'll pause it right there. At  
4 2:05, which would be around 2:25, is that correct?

5 A Correct.

6 Q Okay. The light that was on at the farthest end of the  
7 house, what did you notice about that?

8 A The light shut off.

9 Q As this video continues, are you still looking in this  
10 general area of the house for any movement?

11 A Yes, ma'am. And that's where you actually see --

12 Q I'm going to back that up for a moment. And draw your  
13 attention to here. What is it that you see?

14 A Two individuals.

15 Q And that just continues on until 2:08, which would be what  
16 time?

17 A 2:28.

18 (Video published.)

19 Q Exhibit 103 is normal speed, normal time?

20 A Correct.

21 Q And what time does it say at the top?

22 A 2:22.

23 Q Which would be real time?

24 A 2:42.

25 Q Okay. And again, I'll play it here. That was 103.

1 (Video published.)

2 Q This would be Exhibit 104 which would be the same area  
3 zoomed and slowed?

4 A Correct.

5 Q Correct?

6 A Correct.

7 Q Making this the house?

8 A The living room.

9 Q So at 2:22, right at 39:40, what is it that you see inside  
10 the house?

11 A It appeared as a flash of some, of some, type occurred  
12 inside the house.

13 Q 105 and 106 are the same. Because it is a long video I'm  
14 just going to play 105 which would be the -- actually, yeah, I'll  
15 just play 105 which is the normal speed.

16 (Video published.)

17 Q Again, this starts back at 2:22, is that correct --

18 A Correct.

19 Q -- and to 2:42?

20 A Correct.

21 Q Again focusing on that same area, this portion of the video,  
22 I think, that's already been entered, is that a vehicle?

23 A That is.

24 Q At normal? And this is at normal speed?

25 A Correct.

1 Q Right at 2:29 what did you see?

2 A An individual coming from the back of the house and going to  
3 the car that had parked.

4 Q And prior to that individual coming what did you notice  
5 about any lights?

6 A A light in the living room flipped on and off.

7 Q And is that the individual that we see?

8 A Correct, running from the vehicle. And then returned to the  
9 vehicle.

10 Q Whose vehicle would this be?

11 A That would be Richland County.

12 Q Okay. And so 106, again, is the slowed version. I'm not  
13 going to play the whole thing, but it is zoomed in so I'm just  
14 going to play parts of it zoomed in and slowed. Is that correct?

15 A Correct.

16 Q The real time, that flash and then the light coming on, is  
17 that -- what time?

18 A 2:42.

19 Q And then the light goes off again at 2:42. Do you see any  
20 movement or anything for the next minute and a half?

21 A No. No, ma'am.

22 Q I'm going to speed it up to the next minute and a half. So  
23 real time, then this would be?

24 A 2:44.

25 Q Okay. So after that flash in the house and then the light

1 going off, turning off and going on, you see no movement until --  
2 when's the next time that you see movement? Well, we'll watch  
3 it. So that would be -- and you slowed down the vehicle, that  
4 would be --

5 A Yes. Correct.

6 Q -- what's identified?

7 A Yes. Correct.

8 Q And then do you see any movement for the next three minutes?

9 A No, ma'am.

10 Q So I'm going speed it up to 2:28 which would be real time?

11 A That would be 2:48.

12 Q Okay. So that would be 2:49?

13 A Correct.

14 Q I'm drawing your attention to -- after that light turns on  
15 and off, what do you see?

16 A An individual, shadow -- an individual coming from the back  
17 of the house to the car.

18 Q And that car would be the Aurora?

19 A I believe it was identified as the Oldsmobile.

20 Q This were the brake lights for which vehicle?

21 A The Oldsmobile.

22 Q Oldsmobile Aurora?

23 A Correct.

24 Q What did you see after that?

25 A The individual --

1 Q Sorry. Let me back up. What do you see in this area? And  
2 so this is the Aurora.

3 A The individual, you can see him exiting and walking around  
4 to the side of the house.

5 Q Okay.

6 A And then the individual returns back.

7 Q Returning?

8 A Returning back to the car.

9 Q This vehicle again?

10 A The Oldsmobile Aurora.

11 Q Okay. So real time, what time is it now?

12 A 2:50.

13 Q So after the brake lights come on again?

14 A You see the individual exit the vehicle and then run around  
15 the house again.

16 Q Okay. And that's at real time, what time?

17 A 2:51.

18 Q And then --

19 A And then you see law enforcement arrive.

20 Q Whose vehicle is this?

21 A The Richland Township's car.

22 Q The officer?

23 A The officer, correct.

24 Q And that was Defendant's 106. And then Devoe also had an  
25 additional camera; is that correct?

1 A There was an additional security system, and this particular  
2 security system had different camera angles, camera 3, camera 5.  
3 This would be camera 3.

4 Q This would be camera 3. And this is the real time?

5 A That would be 2:43.

6 Q Okay. And this is Defendant's 100, that same area that's  
7 zoomed and slowed?

8 (Video published.)

9 A Correct.

10 Q And what was of interest to you in this video?

11 A There was, appeared to be, some kind of a flash that came  
12 from the back of the house or came from a back yard, back area,  
13 and that was at the very top of the screen.

14 Q Thank you. Ms. Setree, please answer any questions that the  
15 State may have.

16 THE COURT: Cross-examination.

17 SOLICITOR SCOTT: Thank you, Your Honor. Beg the Court's  
18 indulgence.

19 **CROSS-EXAMINATION**

20 BY SOLICITOR SCOTT:

21 Q Okay. Ms. Setree, you indicated that you noticed some  
22 different flashes through the windows.

23 A Correct.

24 Q You can't say what caused those flashes, can you?

25 A Correct.

1 Q You don't know if it was a cellphone, or a flickering lamp,  
2 or?

3 A It's -- I'm unsure what the flash may be.

4 Q And you've been here. You read this whole case file; have  
5 you not?

6 A Correct.

7 Q Are you work with or for Ms. Zmroczek?

8 A I have my own company for DDI, Data Driven Investigations.  
9 I'm an investigator.

10 Q But and you your husband do work for Ms. Zmroczek --

11 A Yes.

12 Q -- regularly, and so you reviewed this whole file?

13 A Yes.

14 Q And you know a lot of the background. You understand that  
15 Oldsmobile that you pointed to belonging to Dai'Juan Richardson,  
16 correct?

17 A Correct.

18 Q And you heard Troy's cousin, Jalanda, and others say that  
19 that night Dai'Juan was with a guy named C.J., correct?

20 A Correct.

21 THE COURT: You need to speak up a little more, Ms. Setree,  
22 so the court reporter can hear you.

23 THE WITNESS: Oh. I'm sorry.

24 SOLICITOR SCOTT: Thank you.

25 Q That's a yes?

1 A Yes.

2 Q And then we know 209 Devoe is the home Tamira Chasicia  
3 Jackson lives in, correct?

4 A Correct.

5 Q And we know that to be the home of our victim, Charlie  
6 "Sonny" Jackson, correct?

7 A Correct.

8 Q You heard the allegations about the fight at 2849 Lucille,  
9 correct?

10 A Correct.

11 Q And then, of course, you've heard about Dai'Juan Richardson  
12 being assaulted with a Patron bottle to the head, correct?

13 A Correct.

14 Q And then him returning, according to witnesses, and firing  
15 upon 2849 Lucille, correct?

16 A Okay. Correct.

17 Q Right?

18 A Correct.

19 Q And then after he did that cowardly act he goes back to 209  
20 Devoe, correct?

21 A Correct.

22 Q That was the testimony, right?

23 A That's what the cameras show.

24 Q Okay. Well, that's what I was getting at. So when he  
25 returns, did it appear to you that Oldsmobile returned at

1 approximately 2:17, 2:18 a.m.?

2 A Correct. From -- yes, correct.

3 Q You can review your notes if you need to. I was writing  
4 down whatever you were testifying. That's what I wrote down.

5 A Okay.

6 Q When that Oldsmobile returns, 2:17, 2:18?

7 A Right, because there's a 20-minute difference.

8 Q Right.

9 A Correct.

10 Q So if we know the shooting happened at Lucille at 2:11 a.m.  
11 that would be consistent with him returning from shooting up  
12 Lucille, correct?

13 A Correct.

14 Q And we've heard evidence that he used Defense No. 86 to  
15 shoot up Lucille, correct?

16 A Correct. That was from the photos that I saw in the case  
17 file.

18 Q And you reviewed the whole case file?

19 ATTORNEY ZMROCZEK: Your Honor, I'm sorry to interrupt. I  
20 believe that Ms. Setree has not been in the courtroom for all of  
21 the testimony, so I think that he needs to ask her if she heard  
22 it first, as what she read in discovery.

23 THE COURT: Lay the proper foundation.

24 Q If you have knowledge, okay. Have you seen this weapon  
25 before?

1 A It was in the photos. Yes.

2 Q Were you here when Ms. Zmroczek introduced it?

3 A No, I was not.

4 Q You weren't in here. Have you ever seen this, ma'am?

5 A It was in the photos in the discovery.

6 Q Okay. And where did you see the photos?

7 A That was inside the Oldsmobile.

8 Q Okay. Right. And the Oldsmobile that belonged to Dai'Juan

9 Richardson, associated with Dai'Juan Richardson --

10 A Correct.

11 Q -- that he and C.J. were in. So they arrived back at

12 2:17 a.m. after shooting up Lucille, and then they go inside the

13 house, right, the two figures go inside the house?

14 A Correct.

15 Q And then we see some lights go on and off. Is that

16 uncommon?

17 A No, sir.

18 Q Let me ask you this: I don't know. Did you ever sneak

19 people in your house when you were a teenager and your parents

20 didn't know? Did that ever happen?

21 A No, sir.

22 Q No, okay. Well, would that be Tamira had these boys in her

23 house and her dad didn't want them there, might that be one way

24 of not letting him know that they were in the living room,

25 leaving the lights out?

- 1 A Well, the bedroom light was on.
- 2 Q His bedroom light was on, right?
- 3 A Correct.
- 4 Q But the testimony was she had the two boys up in that front  
5 room, that living room, where that bay window is, correct?
- 6 A I'm not quite sure if they were inside the house or outside  
7 the house. You just see them running around the side of the  
8 house.
- 9 Q Well, did you hear testimony that they were inside the house  
10 when the shooting happened?
- 11 A I've not heard any testimony of -- I wasn't --
- 12 Q You haven't been sitting in here this whole week?
- 13 A I have not. No, sir.
- 14 Q Where have you been?
- 15 A At my office.
- 16 Q Okay. Maybe it was somebody that looked like you I seen  
17 sitting there the whole time. So you see lights flicker on and  
18 off in there, right?
- 19 A Correct.
- 20 Q And what time was that?
- 21 A That was ...
- 22 Q 2:26 a.m.?
- 23 A 2:26.
- 24 Q And then we know -- were you here when ShotSpotter was  
25 testified to?

1 A I was not here.

2 Q You reviewed the file, right?

3 A Yes.

4 Q Well, that witness took the stand twice. So you weren't  
5 here when she testified either time?

6 A No, sir. I was only here for the cellphone testimony --

7 THE COURT REPORTER: Ma'am.

8 A -- for the tower.

9 THE COURT: Speak up a little bit in that microphone.

10 A I was here -- I was present for the cell tower testimony.  
11 That's what I was present for.

12 Q Well, you have reviewed these videos. What time does that  
13 dark-colored car ride by 209 Devoe?

14 A 2:44. 2:45.

15 Q 2:44, okay. And have you ever seen information that  
16 ShotSpotter picked up shots at 2:45 a m? Are you familiar with  
17 that?

18 A Yes.

19 Q So you don't dispute at the moment, according to those  
20 cameras and according to everything you've seen, that  
21 dark-colored sedan rides by 209 at the same time the ShotSpotter  
22 detected 14 shots, followed by three additional shots?

23 A According to the ShotSpotter, yes.

24 Q Have you been able to review the ShotSpotter records at all?  
25 Have you seen them? Have you helped create slides or anything

1 regarding the ShotSpotter?

2 A Nothing. No, sir, not slides or anything.

3 Q So have you found any evidence that ShotSpotter picked up  
4 any other gunshots at 2:26 or any of those other times you see  
5 flashes?

6 A No.

7 Q So maybe they're just a light cutting on and off? Maybe?

8 A Could you [inaudible]. Sorry.

9 THE COURT: You need to speak up a little bit.

10 A Could you rephrase that? I'm sorry.

11 Q Could it be a light flickering on or off in the house?

12 A At 2:26?

13 Q Yes.

14 A Could be.

15 Q Did you notice any flash when the dark-colored sedan rolls  
16 by?

17 A Uhm -- I'm sorry.

18 Q Did you notice any at that exact time when that dark-colored  
19 car's passing by the same time ShotSpotter says 14 shots were  
20 fired, did you notice any flashes then?

21 A I did not see any.

22 Q Which one of your exhibits has the car?

23 SOLICITOR SCOTT: Could you go to 106? Can you play  
24 Defendant's 106?

25 ATTORNEY ZMROCZEK: Sure.

1 THE COURT: 106.

2 (Video published.)

3 Q This looks like -- this would be 2:42, right?

4 A Uh-huh.

5 Q So we're looking for 2:45.

6 SOLICITOR SCOTT: So, Ms. Zmroczek, if you would, please,  
7 just go just before the car goes by.

8 ATTORNEY ZMROCZEK: Freeze just before the car goes by?

9 SOLICITOR SCOTT: Yes. Just go up to --

10 Q And look right here, Ms. Setree. You see that? That would  
11 be the Trailblazer.

12 A Right. Uh-huh.

13 Q I want you to focus on that, I mean, just because we're  
14 looking for flashes. That would be the Trailblazer. And if you  
15 see anything, let me know. But if not, that is what it is.

16 SOLICITOR SCOTT: But can you just keep going?

17 ATTORNEY ZMROCZEK: Play it again?

18 SOLICITOR SCOTT: Yes, please.

19 ATTORNEY ZMROCZEK: Okay. Sorry.

20 Q While we're waiting can I ask you, have you been out to 209  
21 Devoe?

22 A No, sir.

23 Q You have not?

24 A No, sir.

25 Q Would that have been helpful in trying to determine where

1 these different windows and lights were?

2 A I referred to the photos that I was given.

3 Q Right here. Watch, Ms. Setree. I want you to focus on that  
4 Trailblazer. Did you detect a flash there?

5 A That would be from the camera. That was would be the motion  
6 light.

7 Q Okay. Let's try this one more time. I don't want you to  
8 look at that motion light. I'm going to ask you one more time,  
9 look at the Trailblazer. Don't be distracted. It's important  
10 not to be distracted, correct? Look at the Trailblazer; don't  
11 look at the motion light. Did you see that?

12 A The reflection?

13 Q Is there -- did you see anything reflected off the  
14 Trailblazer?

15 A The flash.

16 Q Okay. That's all I was asking. Was that flash noteworthy  
17 to you coupled with the time and then the timing of the  
18 ShotSpotter?

19 A The flash -- when I looked at time and I looked at the  
20 different camera angles, and also looked at the motion lights in  
21 reference to the car, the black car riding by the Trailblazer,  
22 the time that the flash, uh, that you see on the Trailblazer and  
23 the time that the light, the motion light, comes on, it matches  
24 it. It does match up.

25 Q Was that flash on the Trailblazer relevant to you? Was it

1 noteworthy to you?

2 A Yes.

3 Q Okay. Thank you. Now, the other one that you have from the  
4 car part [sic] -- carport, rather, at 204 Devoe, I think that's  
5 going to be -- carport is 99.

6 ATTORNEY ZMROCZEK: 99?

7 SOLICITOR SCOTT: Yes.

8 Q All right. If we're looking --

9 SOLICITOR SCOTT: You can't tell as much, but if you could  
10 just pause it, Aimee. I don't need the video per say. Okay.  
11 Thank you.

12 Q All right. What is this up here in the top right corner on  
13 the monitor?

14 ATTORNEY ZMROCZEK: I'm trying to pause it.

15 A Can you -- can you --

16 Q Right there. Right there. This is the video. I'm just  
17 showing you a still shot.

18 A Okay.

19 Q What is that?

20 A A car.

21 Q Do you know where that car is?

22 A That would be the neighbor's car.

23 Q Right. So that would be the neighbor's carport that we're  
24 looking at; is that correct?

25 A Correct.

1 Q And then there was -- there's a flash on here that's  
2 noteworthy to you?

3 A Correct.

4 Q And where is it?

5 A From the back.

6 Q I'm sorry?

7 A From the -- behind. Behind the houses. Behind the car.

8 Q And when we see that car -- I don't know if the jury can see  
9 it, doesn't look like the screen is clear here but -- it's at the  
10 top right, just on the right of the counter, just under the end  
11 of a.m., right, Ms. Setree?

12 SOLICITOR SCOTT: Can you pause it, Aimee.

13 Q That white area there just under the counter --

14 A Uh-huh.

15 Q -- that's the car?

16 A Correct.

17 Q And that's where you see that flash?

18 A Correct.

19 Q Okay. And it's to the right of that car?

20 A Correct.

21 Q Okay. So why are you testifying that it's coming from the  
22 back yard of 209 Devoe?

23 A That would be the back, back yard, the back area of those  
24 two houses.

25 Q I don't understand. That's inside of a carport that that

1 car's in, right? That car's in a carport?

2 A Correct, but you can still see outside of the area of the  
3 carport. It's not in a garage.

4 Q I'm going to show you something. What does that look like  
5 to you? Does that look like that camera angle?

6 A Yes.

7 Q Looks like the carport?

8 ATTORNEY ZMROCZEK: Your Honor, I would inquire as to what  
9 he's showing.

10 THE COURT: Show Ms. Zmroczek.

11 SOLICITOR SCOTT: I'm just asking if she recognizes what I'm  
12 showing her.

13 ATTORNEY ZMROCZEK: Thank you.

14 Q And I promise you I'm not trying to trick you. When we look  
15 from that angle right across that white car is in a carport  
16 directly across the street in a home that's different from 209  
17 Devoe, correct?

18 A Correct.

19 Q And then when we see the flash it comes from the right of  
20 the car, correct?

21 A Correct.

22 Q Okay.

23 ATTORNEY ZMROCZEK: Without objection, Your Honor.

24 (State's Exhibit 56 is identified.)

25 (Video published.)

1 Q This is State's 56.

2 A Okay.

3 Q And the thing that's noteworthy to you -- this would be the  
4 same carport looking towards that white car. It appears to be in  
5 a carport of the neighbor's house. 209, our incident location,  
6 is to the left, right?

7 A Okay.

8 Q We're looking at a carport at the neighbor's house, correct?

9 A Correct.

10 Q And there's a white car. Go to the part where the flash is.  
11 It's to the right of the car from what I think I saw. You know,  
12 the right of the car, what I'm talking about.

13 A Right.

14 Q Why are you saying that's coming from the back yard of 209  
15 if it's nowhere near that?

16 A That was in the back area of -- as you can see, there is  
17 the --

18 Q Okay. Let's go back to that and --

19 A -- the area between the two houses. I'm sorry.

20 Q Let me put up 56 now.

21 SOLICITOR SCOTT: Your Honor, the State offers 56 for  
22 admission into evidence.

23 ATTORNEY ZMROCZEK: Without objection.

24 THE COURT: All right. So moved.

25 (State's Exhibit 56 is admitted into the record.)

1 (Video published.)

2 Q Can you see State's 56, Ms. Setree?

3 A Yes.

4 Q And that depicts the angle that we're looking at in Defense  
5 No. 99 and 100, right?

6 A Correct.

7 Q Right?

8 A Correct.

9 Q And what we appear to be looking at is this carport right  
10 here.

11 A Okay.

12 Q And in the video there's a white car parked in this carport,  
13 right?

14 A Correct.

15 Q And the flash you see happened somewhere to the right of the  
16 car in this corner, correct?

17 A Correct.

18 Q So why was your testimony that that light appeared to be  
19 coming from the back yard of 209?

20 A I believe I was saying it was in the -- in the back area of  
21 the -- of that area.

22 Q But it's not. We can watch it with own eyes, can't we, and  
23 it appears to be right here to the right of the car, correct?

24 Correct?

25 A Yes.

1 Q Well, why is your testimony that a light right here is  
2 coming from the back yard of an address over here?

3 A I was just making it, it was noticeable. A light and  
4 another flash of light during that timeframe, it was noteworthy.

5 Q I'm sorry?

6 A It was noteworthy to note that there was other -- another  
7 flash in the area of Devoe.

8 Q Okay, but that's not the back yard of 209, is it? The  
9 carport of the neighbor's house is not in the back yard of 209,  
10 correct?

11 A Correct.

12 Q Notice a lot of bugs, a lot of moths, and a lot of other --  
13 how many cats did you see in these videos? I must have seen two  
14 dozen cats.

15 A Probably there were two or three.

16 Q A lot of bugs and whatnot flying around some of these  
17 lights?

18 A Correct.

19 Q Might that have been what you see, that flash in the  
20 carport, is bugs?

21 A Could be.

22 Q And if you don't know this you don't know it, but have you  
23 heard the testimony that C.J. and Dai'Juan had fled the scene  
24 before law enforcement got there?

25 A I have not heard the testimony. That was in the reports, I

1 believe, where it said that they had, or an individual had, fled.

2 Q Well, you hadn't been to the back yard of 209 Devoe, have  
3 you?

4 A No, sir.

5 Q When you've seen the pictures, though, there are ways to get  
6 in and out of the house from the back, correct? Have you seen  
7 that, Ms. Setree?

8 A I'm sorry. Can you repeat?

9 Q Have you seen the doors in the back of 209 Devoe that you  
10 can get in and out of?

11 A Yes. Yes, sir.

12 Q Can you tell whether those two figures are men or women?

13 A No, sir.

14 Q But you've seen Hardy, Deon Hardy's, body camera. And how  
15 many people did you see in the house whenever he arrives?

16 A I believe there was one individual.

17 Q Well, Tamira Jackson was there, right?

18 A Correct.

19 Q And then our victim? Don't forget him.

20 A Correct.

21 Q Two people, father and daughter. Dai'Juan Richardson and  
22 C.J. were not on the scene?

23 A Correct.

24 Q Might those have been the two people you see rummaging  
25 around the Aurora and then fleeing the scene just before

1 Mr. Hardy gets there, the first responder?

2 A Correct.

3 Q And you have been unable to find any of the ShotSpotter  
4 evidence that coincide with flashes or any other time before  
5 2:45?

6 A Not that I perceived. Correct.

7 Q Let me show you State's 26, Ms. Setree. I think it's the  
8 same video but it's just what I call the Shealy camera looking  
9 down Redwood Court where the car's approaching.

10 ATTORNEY ZMROCZEK: Are you talking -- which one? I'm  
11 sorry.

12 SOLICITOR SCOTT: State's 26.

13 (Video published.)

14 Q There is a street light at this intersection, or -- there's  
15 an intersection, right?

16 A Correct.

17 Q And there is a street light there?

18 A Correct.

19 Q And did you find that -- how many times did you watch this  
20 video?

21 A Quite a few.

22 Q Have you seen some of the play of the light bouncing off  
23 this shiny black car and kind of casting different reflections?

24 A Yes.

25 Q You said that in your opinion -- I don't know. Are you

1 qualified to give an opinion on identifying people in cars? Have  
2 you ever testified to that before as an expert? You did it  
3 earlier. You testified, in your opinion, there was two people in  
4 the car.

5 A It appears --

6 Q Okay.

7 A -- that there was two people in the car --

8 Q Okay.

9 A -- from looking at the video.

10 Q You were able to blow it up, and you said that it appeared  
11 that the passenger might have been wearing blue?

12 A Correct.

13 Q And you talked about some of the weird things this light  
14 does bouncing around. I wanted to show you, frame by frame,  
15 this. Are you seeing the blue that is cast all over the car from  
16 the light as we go from frame to frame?

17 A Are you talking about that --

18 Q Right there. Right there. That looks like pretty much your  
19 same slide. Is that not a light reflecting off the side of the  
20 car just as it passes that exact spot?

21 A If you were to rewind that back another frame.

22 SOLICITOR SCOTT: Rewind it.

23 Q Right there. Everything lights up at once, not just that  
24 driver's' post. You see that whole car lit up at once? Might  
25 that just be the reflection of the streetlamp that you're saying

1 is a person?

2 A No, sir.

3 Q And how are you so sure? Is it just a coincidence that the  
4 whole car lights up at that exact same moment?

5 A The only thing that lights up at that moment is the --

6 Q All right.

7 SOLICITOR SCOTT: Back it up, Nick.

8 Q Car looks all black right there, doesn't it?

9 A Correct.

10 Q All right. See some reflection, and then right when it  
11 passes here --

12 A Then you see the blue --

13 Q -- then the whole thing lights up there.

14 A But you see it blue the frame before.

15 Q You do, okay. Okay. You don't see that floodlight up there  
16 that has a blue tint to it, as well, over that house? You don't  
17 see the headlights that have a bluish tint to them?

18 A Yes.

19 Q But I'm pointing to this frame. Do you not find that  
20 interesting that the whole car lights up as it passes under that  
21 street light? That little cutout you did where you said that's a  
22 person in a white shirt --

23 A Uh-huh.

24 Q -- might that also be a reflection from the street light?

25 A No, sir, because --

1 Q Is it just a coincidence then that the car, the siding,  
2 lights up at the exact same moment?

3 A No, sir.

4 SOLICITOR SCOTT: Back it up, Nick.

5 Q All right. Explain to me why the whole car lights up right  
6 when it passes under the street light? It's all black right  
7 there, right? Except you see the --

8 A So now you see the blue, you start to see.

9 Q Okay. Look right there. Do you see how the street light is  
10 illuminating the black siding? Right?

11 A At the -- at the -- at the mirror, yes.

12 Q But that's the same time that you see that reflection that  
13 you're calling a person, though. Might that just be the same  
14 reflection you're seeing on the side of the car?

15 A No, sir.

16 Q How are you so sure?

17 A There's a dog in the car.

18 Q You see a dog in the car?

19 A Yes.

20 Q Where's the dog?

21 A On the zoomed photo.

22 Q Did you testify to -- is the dog driving the car?

23 A It's in the passenger's seat.

24 Q There's a dog in the passenger's seat wearing a blue-colored  
25 shirt?

1 A No.

2 Q What was the blue that the dog was wearing then?

3 A The dog wasn't wearing blue.

4 Q Okay. This case has taken a serious turn for the bizarre at  
5 this point.

6 ATTORNEY ZMROCZEK: Your Honor, I would --

7 THE COURT: Sustained.

8 ATTORNEY ZMROCZEK: -- object.

9 Q What does the dog have to do with the shooting?

10 A Nothing.

11 Q Okay. Show us the dog in your -- where's the dog? You  
12 didn't testify to that earlier. I thought you said there was a  
13 person.

14 A There's another individual -- or, there's an individual in  
15 the passenger's seat.

16 Q And a dog?

17 A You can see the dog in the zoomed photo.

18 SOLICITOR SCOTT: Can we go to the zoomed photo now.

19 Q Show me the dog.

20 A The dog is right there.

21 Q Ms. Setree, let me ask you something. What expertise do you  
22 have in determining dogs in lights that are bouncing off cars?

23 A When you zoom in on the, on the camera -- on the car, that's  
24 the reason why -- frame by frame -- and you zoom, it's so you can  
25 get a clearer picture. So when you zoom in, I was able to see

1 what was going on to see if they were any identifying  
2 characteristics of any individuals in the car, and that was when  
3 it was notable that there was something that came from inside the  
4 car and then upon further review of that photo, that was when a  
5 dog was spotted as well.

6 Q You believe you see a dog in that picture?

7 A I do.

8 Q Okay. And do you see the blue tint in the headlights in  
9 this picture? Do you see the blue tint in the floodlight of the  
10 house?

11 A In the -- the flood? I'm not quite sure.

12 Q You see this house right here with the floodlight directly  
13 over it?

14 A Yes.

15 Q Do you see the bluish tint?

16 A Yes.

17 Q Okay. Might that be -- the video we're watching, might that  
18 be the light that's playing off the reflections, or is that a  
19 blue light?

20 A The angle on -- the blue comes from inside the car.

21 Q How are you able to tell that? I don't -- explain it. What  
22 training have you gone through to determine these types of  
23 things?

24 A So whenever I do the video and enhancements, zooms, there is  
25 training, such as I go through learning how to detect images and

1 how to, from CTT -- CTTV camera footages, bodycams, and things of  
2 that nature -- and that was through -- actually Magnet AXIOM  
3 teaches some classes, and also this software company Amped shows,  
4 you know -- and through tutorials, as well on how to operate the  
5 software and be able to pull out identifying characteristics of  
6 the photos in videos.

7 Q And when did you take this? This year, 2024?

8 A This year and last year, 2023 and 2024.

9 Q And it's got a tutorial in determining where the origin of  
10 light is, when lights come from inside of a car vers. outside of  
11 a car?

12 A It teaches you on how to identify different characteristics.

13 Q And it is your testimony that that is a person we're seeing  
14 right there, that white flash that's illuminating at the same  
15 moment the siding is illuminating just as it goes under the  
16 street light, and your testimony is that is not a reflection of  
17 light off the car?

18 A The ...

19 Q This right here. In this image right here. Because you  
20 determined that's a person wearing white, correct?

21 A Correct.

22 Q And have you determined, too, that it's just a coincidence  
23 that the rest of the car lights up at the same second that lights  
24 up? It's just a coincidence, correct?

25 A No. It's as the car's turning.

1 Q Okay. The whole car lights up as it gets under that  
2 floodlight, right?

3 A Correct.

4 Q Okay. And you are 100 percent sure that's not the light  
5 bouncing off that window?

6 A Correct.

7 Q 100 percent?

8 A Yes. Correct.

9 Q Okay. And you testified that those were tinted windows and  
10 some of the issues with the light bouncing off of it, remember  
11 earlier?

12 A Uh-huh.

13 Q I don't understand then. If the windows are tinted and you  
14 had issues with light bouncing off of it, how are you so sure  
15 that's not light bouncing off of the tinted window?

16 A Because you can see the individual as the car passes.

17 Q Is that a woman or a man driving?

18 A It's a big individual.

19 Q Woman or a man?

20 A Not sure.

21 Q Black or white?

22 A Appears to have a mask on.

23 Q A mask on. And how are you able to tell that?

24 A If you look closely at the zoomed-in photo you can see the  
25 identifying characteristics of the individual, of the person.

1 Q So you can't tell his race, but it's big?

2 A Correct.

3 Q Woman or man?

4 A It's a big individual with a mask.

5 Q Is the masked man who's driving the car, is he holding the  
6 dog or is this unknown passenger?

7 A It's the -- the dog is in the car with another individual.

8 Q And you would agree that that would be the same car that  
9 rode right by 209 right at 2:45 based on your timing and based on  
10 your knowledge of that area?

11 A Correct.

12 Q And you're telling the jury right now you are 100 percent  
13 sure that white, fuzzy figure is a person?

14 A Is a person.

15 Q Okay.

16 SOLICITOR SCOTT: Nothing further. Thank you.

17 **REDIRECT EXAMINATION**

18 BY ATTORNEY ZMROCZEK:

19 Q Ms. Setree, you were asked about --

20 ATTORNEY ZMROCZEK: Actually, if you'll leave State's 56 up  
21 for me, please.

22 Q But you were asked about the angle and the direction of the  
23 cameras and what those views could catch; is that correct?

24 A Correct.

25 Q I'm going to show you Defendant's 96 and ask if you

1 recognize that photo?

2 A Yes. Correct.

3 Q And how do you recognize that photo? What is that photo?

4 A This is the street of Devoe. This is Devoe and the house  
5 that is, uh, directly across the street. Well --

6 Q So were you able to look where the cameras are on 204 Devoe  
7 and review what you were seeing and then be able to see which  
8 angles we're looking --

9 A Yes.

10 Q Which cameras we're looking at which angles?

11 A Yes.

12 ATTORNEY ZMROCZEK: Your Honor, at this time we would move  
13 Defense 96 into evidence.

14 THE COURT: Any objection?

15 SOLICITOR SCOTT: No objection.

16 THE COURT: This is a photo?

17 ATTORNEY ZMROCZEK: It is a photo, Your Honor.

18 THE COURT: All right. 96.

19 (Defendant's Exhibit 96 is admitted into the record.)

20 ATTORNEY ZMROCZEK: And may I publish?

21 THE COURT: You may.

22 (Video published.)

23 Q So Defense 96, for orientation, this road is what road?

24 A Devoe.

25 Q And which house is this number?

1 A That would be, uh -- at 209.

2 Q 204?

3 A 204.

4 Q I'm asking. Is that -- sorry.

5 A Okay. 204.

6 Q Okay. Sorry, I had it backwards. And this house would be  
7 what number?

8 A 209.

9 Q And so camera 3 is the one that shows lights going on and  
10 off, persons leaving and coming back.

11 And let me ask you this before I get to that next question.  
12 You were asked on cross if you saw -- how many people did you see  
13 leave or appear after the, after the, car drives by at 2:45ish,  
14 2:25 on the camera, how many figures did you see after that?

15 A I saw one.

16 Q One?

17 A Yes.

18 Q And I think we watched over and over in slow motion that one  
19 going from the back to the front and then -- or, back to the car,  
20 and then after the light was switched on and off, and then going  
21 back to the car again, and then running away? That was one  
22 figure?

23 A One figure.

24 Q Okay. And so if this is the camera angle for camera 5, this  
25 would be the garage that you were shown, State's -- I don't know

1 where it went, but the picture of the garage that they were --  
2 that they printed and showed you?

3 A Correct.

4 Q So the garage camera is located where?

5 A Inside their -- in 204.

6 Q Under the carport?

7 A Under the carport.

8 Q Okay. And that would be this carport right here?

9 A Correct.

10 Q And which direction did that face?

11 A That faces the 209 direction.

12 Q This way?

13 A Correct.

14 Q Okay, which is why we can't see the Oldsmobile in that  
15 picture; is that correct?

16 A Correct.

17 Q Okay. And so that camera goes this way?

18 A Correct.

19 Q And what is this right here?

20 A That is the side yard leading towards the back.

21 Q Of 20-?

22 A Of the two residences, 209 and 207.

23 Q Okay. Between these two residences?

24 A Correct.

25 Q And you're familiar, after viewing the photos of the house,

1 that there was a front door and a back door; is that correct?

2 A Correct.

3 Q Okay. You were asked about in reference to 107.

4 ATTORNEY ZMROCZEK: Your Honor, at this time we would put  
5 the screenshot, Defendant's 107, into evidence that was  
6 referenced on cross.

7 SOLICITOR SCOTT: The video's in.

8 THE COURT: Let me see it. Is this what I reviewed earlier?

9 ATTORNEY ZMROCZEK: Right. And that's what was being  
10 questioned on cross.

11 THE COURT: So moved, over any objections.

12 (Defendant's Exhibit 107 is identified.)

13 ATTORNEY ZMROCZEK: Thank you. And I'm going to move to  
14 publish this as well.

15 THE COURT: Granted.

16 Q You were asked about the enhancement and, again trying to  
17 see who or what was inside that vehicle; is that correct?

18 A Correct.

19 Q Is this case about a dog?

20 A No.

21 Q Okay. What was important about the dog that you saw in the  
22 vehicle?

23 A Uhm, so in reviewing the file and reviewing the video -- and  
24 it was notable to know if shots were coming from the car, what  
25 other identifying features inside the car could we tell to help,

1 you know, determine if, uh, if shots were coming from the car.

2 Q And I'm pointing my pencil eraser. Is that where you see  
3 what you claim to be an animal?

4 A Yes.

5 Q Okay. So that's 107. And that that would be in the insert  
6 of the vehicle, correct?

7 A Correct.

8 Q But more notably, you said you saw two people; is that  
9 correct?

10 A Correct.

11 ATTORNEY ZMROCZEK: Please pull up State's 56 and play it  
12 one more time, please. I'm sorry. State's 26.

13 THE COURT: Before you play that, we're going take a short  
14 break. Do not discuss the case. Do not deliberate. Have you  
15 back out here in about 15 minutes or so.

16 (Jury escorted out of the courtroom at 10:40 a.m.)

17 THE COURT: Ms. Setree, you're free to step down and use the  
18 restroom. And you're free to drink as much water while there on  
19 the stand as you need to, that's not a problem, but do not  
20 discuss your testimony with anybody. All right. Short break.

21 (Court recessed at 10:40 a.m. and reconvened at 10:59 a.m.,  
22 without the jury present.)

23 THE COURT: I appreciate you all working together to play  
24 those videos. All right. Ms. Setree's back in, and she's good.

25 Anything from the State before I bring the jury out?

1 SOLICITOR SCOTT: No, Your Honor.

2 THE COURT: Anything from the defense?

3 ATTORNEY ZMROCZEK: No, Your Honor.

4 THE COURT: All right. Bring the jury.

5 (Jury seated in the courtroom at 11:01 a.m.)

6 THE BAILIFF: Jury is seated, Your Honor.

7 THE COURT: Thank you so much. The defense may continue.

8 ATTORNEY ZMROCZEK: Thank you, Your Honor.

9 Q Ms. Setree, I'm going to play State's 26 as stated earlier  
10 when you were asked repeatedly about the lights flashing.

11 (Video published.)

12 Q I paused it at this area. Are there lights all over the  
13 car?

14 A No, ma'am.

15 Q Okay. And what do you see in the driver's side window?

16 A White. A white reflection.

17 Q All right. And that's prior to the light?

18 A That's prior to the light.

19 Q You were asked about lights coming from the back yard so I  
20 want to play Defense 106, just a very small portion of it. Okay.  
21 And that is -- what time does it say? What time?

22 A 2:24.

23 Q 2:24, which in real time is?

24 A 2:44.

25 Q Okay. And this is right before the vehicle comes down the

1 road. Okay. I just want to you watch a small portion so I can  
2 ask you a question about it. I need to go back a little bit  
3 further. So let's go to -- I'm looking in this general area.  
4 What do you see before that car even enters the screen?

5 A The reflection of headlights.

6 Q The headlights, right?

7 A Correct.

8 Q And with all the videos that you received and any of the  
9 pictures in evidence that you've reviewed have you seen any  
10 attempt by the State to determine how many people were in that  
11 vehicle?

12 A No, ma'am.

13 Q Thank you. Those are all the questions I have.

14 THE COURT: Recross?

15 **RECROSS-EXAMINATION**

16 BY SOLICITOR SCOTT:

17 Q All right. Describe one more time what you've done to  
18 enhance that picture, what you've done to manipulate that  
19 picture?

20 A There's no manipulation.

21 Q I'm talking about 107.

22 ATTORNEY ZMROCZEK: Your Honor, I'd ask that she be allowed  
23 to answer.

24 THE COURT: All right. That wasn't a question, so ask  
25 questions.

1 Q What have you done to manipulate Defense 107?

2 A It wasn't manipulated.

3 Q Are you -- go ahead. Are you testifying that you didn't

4 change the lighting of this?

5 A No.

6 (Video published.)

7 Q I want to ask you again, look at it, look at 107. You did

8 not change the lighting of this?

9 A Are you talking about the highlighted area?

10 Q That's what I'm talking about. So you did change the

11 lighting of it?

12 A There's the highlights.

13 Q Okay, despite --

14 A There's no changing, there's no adding, or subtracting.

15 Q You changed the lighting; did you not?

16 A I added a highlight.

17 Q Okay. Why did you do that? Why did you manipulate

18 evidence?

19 A There's no manipulating.

20 Q Was that -- don't look at her; look at me.

21 THE COURT: Approach.

22 (Off-the-record discussion at sidebar)

23 (Video published.)

24 Q I'm going to show you Defense 107. All right. This

25 circle right here --

1 A Uh-huh.

2 Q -- you have manipulated the light on this exhibit; have you  
3 not?

4 A It's called adding a highlight.

5 Q You have manipulated the video that we see here by adding  
6 light that did not exist before, correct?

7 A It's not manipulation; it's enhancement.

8 Q Did that light exist before you took your tool and lit it  
9 up?

10 A No.

11 Q Okay. So you changed -- you have changed the exhibit, have  
12 you not? That light did not exist before you applied it with  
13 whatever tools that you use, correct?

14 A Correct.

15 Q All right. And you indicated earlier that you had done  
16 nothing except for zooming in on it. That's what you had  
17 indicated earlier, correct?

18 A Correct.

19 Q But that's not true. You actually added a light that didn't  
20 exist prior, correct?

21 A I -- correct.

22 Q All right. Thank you.

23 THE COURT: Anything further from the State?

24 SOLICITOR SCOTT: No, Your Honor.

25 THE COURT: Ladies and gentlemen, I'll let you all step back

1 in the deliberation room for a few minutes. Do not discuss the  
2 case. Do not deliberate. I'll have you back out here in a few  
3 minutes.

4 (Jury escorted out of the courtroom at 11:08 a.m.)

5 MATTER(S) OF LAW

6 THE COURT: Let me see that photo. That photo right there.  
7 Y'all can stay there. I just want to see it.

8 All right. The previous objection which we went through on  
9 pretrial either yesterday or today about -- yesterday about this  
10 I asked if it was zoomed in or highlighted which is synonymous  
11 with zoom, which the witness said yes. However, this, from the  
12 testimony it appears that light was added.

13 ATTORNEY ZMROCZEK: Your Honor, I think that the way that  
14 the question was continuously being asked -- I think there's --  
15 and I think the Court can inquire, okay, because the reason, the  
16 way that he kept asking highlighted, highlighted, highlighted,  
17 and her testimony -- and she has her report, Your Honor, and they  
18 have a copy of the report which would show if light was added or  
19 not added.

20 And, Your Honor, the report, which we can move into  
21 evidence, does not show that it was -- there was light added.  
22 When it says highlighted, I think that's where -- I think that's  
23 where there's a disconnect.

24 THE COURT: All right. Let me ask --

25 ATTORNEY ZMROCZEK: I think you can ask the witness. I'm

1 not going to lead her.

2 THE COURT: Ms. Setree --

3 THE WITNESS: Uh-huh.

4 THE COURT: -- as to this photo, you can see it to here,  
5 what I'm referring to? You see that red square on the original  
6 picture?

7 THE WITNESS: Uh-huh.

8 THE COURT: And you see a rounded -- is it an oval?

9 THE WITNESS: Correct.

10 THE COURT: That oval is different colored inside of it than  
11 outside of it; is that correct?

12 THE WITNESS: Correct.

13 THE COURT: And so that is, as on cross-examination, that's  
14 where light has been added?

15 THE WITNESS: It's actually not -- it's not a light that's  
16 been added. What the software does, it's called -- it's kind of  
17 like a spotlight, or it just highlights that area, uh, of the  
18 interest whenever you zoom -- basically, like you see the square,  
19 so it's called an annotation in the software, and when you  
20 annotate that, that portion, you can put that spotlight, but  
21 you're not adding or taking away light or anything. That is just  
22 the annotation from the software.

23 THE COURT: Is this, the video which we showed that has the  
24 same thing, is it this exact same oval with light, or is this,  
25 the screenshot, different than that video? Did that make sense?

1 What's the video --

2 THE WITNESS: I had actually provided a video with the light  
3 and without a light to show that you could still see the car and  
4 you can still see the identifying characteristics.

5 THE COURT: What's the other -- we have Defendant's 107.  
6 What's Defendant's --

7 ATTORNEY ZMROCZEK: Exhibit 94, Your Honor.

8 THE COURT: All right. Play 94.

9 ATTORNEY ZMROCZEK: I'm pulling it up.

10 THE COURT: Pause it right there. All right. So is it on  
11 your screen?

12 THE WITNESS: Uh-huh.

13 THE COURT: Does the one on your screen have the oval around  
14 it or not?

15 THE WITNESS: No. No, sir.

16 THE COURT: All right. Keep playing it. Or that's the end  
17 of it? Is this the one I had yesterday I was looking at or is  
18 there a different one?

19 ATTORNEY ZMROCZEK: I believe it's the same one, Your Honor.  
20 Let me make sure that I handed you the right one. Same one, Your  
21 Honor.

22 THE COURT: All right. This, based on the testimony today,  
23 does not fairly and accurately depict that video that I just  
24 watched when it zooms in and highlights it, whatever it needs.  
25 That changes it. 107 is going to be stricken from evidence based

1 on that testimony. That video is -- has that video been put into  
2 evidence?

3 SOLICITOR SCOTT: The video has, Your Honor.

4 THE COURT: The video is still in evidence, No. 94.

5 ATTORNEY ZMROCZEK: Yeah. I checked all --

6 THE COURT: 107 will be stricken from evidence.

7 ATTORNEY ZMROCZEK: Thank you, Your Honor.

8 THE COURT: Anything else? This witness is done, correct?  
9 We had re-cross?

10 SOLICITOR SCOTT: Correct.

11 THE COURT: All right. You're free to step down. Thank  
12 you. 107 is still right here. You all do something with it.  
13 Defense ready with their next witness?

14 ATTORNEY ZMROCZEK: We are, Your Honor.

15 THE COURT: Anything from the State before we bring the jury  
16 out?

17 SOLICITOR SCOTT: No, Your Honor.

18 THE COURT: Anything from the defense?

19 ATTORNEY ZMROCZEK: Nothing, Your Honor.

20 THE COURT: All right. The note says can we please have  
21 some Chick-fil-A sandwiches with fries, and salad, and fruit.  
22 All right. I'm just going to bring them in here and tell them  
23 that we don't have business with those, that restaurant and that  
24 we will order them lunch whenever they begin deliberation, which  
25 could be later this evening or it could be tomorrow.

1 This will be a court's exhibit. Let's bring the jury.

2 (Court's Exhibit 11 is marked for identification.)

3 ATTORNEY ZMROCZEK: And, Your Honor, just -- before we bring  
4 the jury in -- sorry. I just -- as far as court exhibit numbers,  
5 just because, for appellate processes, you know, I have to -- and  
6 we have to talk about jury charges but I have to make sure that  
7 any requests that I make are part of the record, so I asked the  
8 court reporter to mark my jury charges as a court exhibit.

9 So I just -- so I know you keep track of the exhibits, as  
10 well, so if it's -- even though we haven't talked about it yet I  
11 think she may have marked my --

12 THE COURT: Oh, that's fine. Yeah. That's fine. Mine is  
13 very informal, very informal. That's just to make sure  
14 everyone's on the same page. By we'll discuss that.

15 ATTORNEY ZMROCZEK: Thank you, Your Honor.

16 THE COURT: And I did review all your jury charges, so we'll  
17 go over that. All right. Let's bring the jury.

18 (Jury seated in courtroom at 11:20 a.m.)

19 THE BAILIFF: Jury's seated, Your Honor.

20 THE COURT: Thank you, sir. Ladies and gentlemen, I  
21 received the jury note. As much as I wish we did business with  
22 Chick-fil-A, there are certain restaurants that the clerk's  
23 office does when providing lunch. Maybe I'll try to get  
24 Chick-fil-A added to that list. That's not a bad idea. But at  
25 this point there's certain restaurants through the county they

1 work with, and food is provided during the deliberation point.  
2 So I'll discuss with you, once we break for lunch, when that  
3 deliberation process will begin. It could be later this evening,  
4 closer to tonight, or it could be tomorrow morning, but we'll  
5 give you more information on that. But I will advise the clerk  
6 that maybe they should consider Chick-fil-A. All right. So  
7 thank you for your note. Thank you for your patience.

8 Defense may call their next witness.

9 ATTORNEY ZMROCZEK: Thank you, Your Honor. We'd call Ujima  
10 Jackson.

11 UJIMA JACKSON,

12 having first been duly sworn, is examined and testifies as  
13 follows.

14 CLERK OF COURT: Please have a seat in the witness box, and  
15 state your full name for the record.

16 THE WITNESS: My name is Ujima Jackson.

17 **DIRECT EXAMINATION**

18 BY ATTORNEY ZMROCZEK:

19 Q Good morning, Mr. Jackson.

20 A Good morning.

21 Q Thank you for being here, and sorry for your loss. Will you  
22 tell the jury how you were related to Mr. Jackson?

23 A That was my uncle.

24 Q Your uncle?

25 A Yeah. My mother's brother.

1 Q Your mother's brother?

2 A Yeah.

3 Q And are you familiar with 209 Devoe? I'm showing you  
4 State's Exhibit 2. Are you familiar with that house?

5 A Yeah.

6 Q Tell the jury how you're familiar with this house?

7 A I grew up in that house. Been there for 18 years.

8 Q For 18 years?

9 A Eighteen years.

10 Q And what changes did this house go through, if any, while  
11 you were living there?

12 A No changes while I was living there, but when we moved out  
13 my uncle moved in and he added to the side of the house.

14 Q He added a room?

15 A The room, yeah, the downstairs area.

16 Q And so you call it the downstairs. So walk the jury through  
17 the house. You've been there since your uncle made those  
18 changes, correct?

19 A Yeah.

20 Q So will you walk the jury kind of just so they can get a  
21 visual of the description? So if you're standing outside on  
22 Devoe Street --

23 A Uh-huh.

24 Q -- and you walk in the door, kind of explain the different  
25 rooms located in the house, if you don't mind?

1 A Well, when you walk in you have the, I guess, the living  
2 room. You go down a little bit, then you have a hallway, you  
3 have a bedroom, a bedroom, and then you have another bedroom on  
4 the right side, if I can recall.

5 Q So when you walk in the front door -- I believe you weren't  
6 here yesterday, but as you walk in the front door there's what's  
7 called a living room, right?

8 A Right. Correct.

9 Q And then you continue to walk through there, and does it  
10 open into like another living --

11 A Yeah, open into, like, a den area.

12 Q A den area?

13 A Yeah. And the kitchen is to the right.

14 Q The kitchen is to the right. And in that den area -- so in  
15 kind of that second den area to the left is the hallway?

16 A To the hallway. Yeah.

17 Q And that's where bedrooms that you described are on the  
18 hallway facing the street?

19 A Correct.

20 Q And how many bedrooms are facing the street when you turn  
21 left down that hallway?

22 A Two.

23 Q Two?

24 A Yeah.

25 Q And I know you've seen some of the pictures. So the room

1 with the air-conditioning unit, that would be your uncle's room?

2 A Yeah.

3 Q And that would be the first room -- so you go through kind  
4 of the living room, and then kind of into the den area, the  
5 hallway's here, and that would be the first room there?

6 A The first room.

7 Q And so the kitchen is in the back?

8 A Well, yeah, to the right. Yeah.

9 Q To the right?

10 A Yeah, of the bedroom.

11 Q And so as you walk in and you go through the main room and  
12 then kind of that living area, the kitchen is off to the right.

13 And how many doors does it have to get in and out?

14 A Two.

15 Q Two?

16 A Two.

17 Q So one in the front --

18 A One in the front.

19 Q -- that we walk in?

20 A And one was on the side of the kitchen area that you get  
21 out.

22 Q Okay. And since you have moved out have you noticed any  
23 other changes to the house?

24 A No.

25 Q Okay.

1 A No, ma'am.

2 Q When did you learn of your uncle's passing?

3 A The morning. The morning of.

4 Q That morning?

5 A That morning, yeah.

6 Q That morning?

7 A Yeah.

8 Q It happened early, early in the morning, but --

9 A And we heard that same morning. I heard around, about 9:00,

10 I believe it was.

11 Q And I know these microphones are -- it's getting a little

12 hard to hear. We just need to make sure everybody can hear you.

13 A Okay. All right.

14 Q Thank you. And did you meet with anyone to discuss your

15 concerns about any events that may have taken place?

16 A Well, when I got there I met with my cousin, I think,

17 Crystal Omer [ph]. She was the first one -- because she's the

18 one that called me, so I met with her first.

19 Q Okay. And then did you ever go in and meet with law

20 enforcement?

21 A Yes. She asked me to meet her down at the sheriff

22 department off Two Notch Road.

23 Q Off of Two Notch Road?

24 A Yes.

25 Q And do you remember speaking with this investigator here,

1 Investigator Oxendine?

2 A I can't quite remember, but we spoke with an officer.

3 Q You spoke with an investigator?

4 A Yeah.

5 Q And what did you tell them about your concerns regarding  
6 your niece and her friends?

7 A Just thought they had something to do with it. You know.

8 Q You thought they had something to do with it?

9 A Yeah. That was the first initial -- yeah, but that's the  
10 hearsay, she said that we heard.

11 Q And your uncle, you knew to have -- and this has already  
12 been entered into evidence, but Defense 84, did you know your  
13 uncle to own this gun?

14 A Yes.

15 Q And tell the jury where he kept it and --

16 A I have no idea where he kept it at.

17 Q You don't know exactly where he kept it?

18 A Yeah. I don't know where.

19 Q Do you know why he had it?

20 A He always -- he was a hunter.

21 Q Okay.

22 A Yeah. He always - he owned several guns. Yeah.

23 Q I want to show you -- I just want to ask you a couple of  
24 questions about identifying lights in rooms. I believe you've  
25 seen this video already but I want to make sure that we're giving

1 the jury kind of a -- not kind of -- we want to make sure that  
2 we're giving the jury a clear description of lights on in the  
3 house.

4 ATTORNEY ZMROCZEK: Your Honor, I'm going to pull up  
5 Defendant's 101.

6 (Video published.)

7 Q Can you see that from where you're sitting, Mr. Jackson?

8 A Yeah, I can see it.

9 Q Do you recognize this location?

10 A Yeah. That's the first bedroom to the left. Correct.

11 Q And this light would be -- where would that light be on?

12 A That's the light in the last bedroom.

13 Q Okay. So that would be the bedroom down the hall to the  
14 left?

15 A Yeah.

16 Q Okay. And then so which light would this room be  
17 illuminating?

18 A Like, the first bedroom, or his bedroom.

19 Q So that's his bedroom. And then this big light there with  
20 the half circle over the --

21 A The light in the front room.

22 Q That would be the front room?

23 A When you first walk in. Yeah.

24 Q Okay. And that would be the den, or living --

25 A The den. Yeah.

1 Q Okay. After, by this clock at, 2:05:23, do you see any  
2 lights on in the house after that?

3 A No.

4 Q Okay. Thank you for being here, Mr. Jackson.

5 A You're welcome.

6 Q Please answer any questions the State may have for you.

7 A Okay.

8 **CROSS-EXAMINATION**

9 BY SOLICITOR SCOTT:

10 Q So what did Charlie do for a living?

11 A What he did for a living?

12 Q Yes.

13 A Well, when he was well he worked at Overhead Door, and in  
14 his spare-time hobby he was a hunter.

15 Q But he worked for Overhead Door for years, didn't he?

16 A For years. Yeah.

17 Q And he retired from there?

18 A He did.

19 Q He was injured on the job; was he not?

20 A He was.

21 Q But just always a hard-working guy, wasn't he?

22 A He was.

23 Q Friendly guy?

24 A Yep.

25 Q Did you know him to enjoy just kind of laying in bed

1 watching TV at night?

2 A Yeah. Yeah. Yeah, that's right.

3 Q You called him Sonny, or did you know him to be called  
4 Sonny?

5 A We called him Ott [ph], but everybody called him Sonny that  
6 knew him.

7 Q Everybody in that neighborhood kind of knew him?

8 A Yeah.

9 Q And he was well-liked; was he not?

10 A He was.

11 Q But just a hard-working guy, and then he got disabled --

12 A Yes.

13 Q -- so that kind of slowed him down, I guess, some, didn't  
14 it?

15 A Yeah. Yeah.

16 Q But you just always knew him to be a good guy?

17 A Yeah. Yeah.

18 Q Thank you.

19 A All right.

20

**REDIRECT EXAMINATION**

21 BY ATTORNEY ZMROCZEK:

22 Q One brief follow-up. He asked you about how well you knew  
23 him, right?

24 A Uh-huh.

25 Q And did you have personal knowledge about how he felt about

1 the --

2 SOLICITOR SCOTT: Objection to any kind of speculation.

3 Objection to hearsay.

4 THE COURT: Approach.

5 (Off-the-record discussion at sidebar)

6 ATTORNEY ZMROCZEK: I'll withdraw the question, Your Honor.

7 I have no further questions.

8 THE COURT: All right. Any recross?

9 SOLICITOR SCOTT: No, Your Honor.

10 THE COURT: All right. Thank you. You may step down. And  
11 you're free to leave.

12 Yes, ma'am.

13 ATTORNEY ZMROCZEK: We would call Latoya Barnes.

14 LATOYA BARNES,

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

17 CLERK OF COURT: Please have a seat on the witness stand,  
18 and state your full name for the record and spell your first  
19 name.

20 THE WITNESS: Latoya, L-a-t-o-y-a.

21 **DIRECT EXAMINATION**

22 BY ATTORNEY ZMROCZEK:

23 Q Ms. Barnes, how are you related to Troy Stevenson?

24 A I'm Troy mama.

25 Q Where did you live on April 6 of 2021?

- 1 A 2849 Lucille Drive.
- 2 Q And I'm showing you State's 1. I'm just going to hand it to  
3 you, or just show it to you there.
- 4 A Yeah.
- 5 Q Do you recognize that?
- 6 A Yes, ma'am.
- 7 Q And what is that?
- 8 A That my home.
- 9 Q Your home?
- 10 A Lucille Drive, 2849 Lucille Drive.
- 11 Q 2849 Lucille Drive?
- 12 A Yes, ma'am.
- 13 Q I want to draw your attention to April 5th of 2021.
- 14 A Okay. Okay.
- 15 Q Do you recall what you were doing in the evening hours of  
16 April 5th, 2021?
- 17 A At my house waiting for my sister to come take me to the  
18 grocery store.
- 19 Q So you were waiting for your sister to take you to the  
20 grocery store?
- 21 A Yes, ma'am.
- 22 Q And who's your sister?
- 23 A Sonya Barnes.
- 24 Q Sonya Barnes?
- 25 A Yes, ma'am.

1 Q And who were Sonya's children?

2 A A.J. and Josh. A.J. Stevenson and Joshua Gray [ph].

3 Q And in addition to Troy -- let me ask you this: Was Troy

4 living with you at 2849 Lucille in April?

5 A Yes. Yes, ma'am.

6 Q Was he staying there every night?

7 A No, ma'am. Off and on with his girlfriend.

8 Q Off and on he would go with his girlfriend?

9 A Yes, ma'am.

10 Q And who's that?

11 A Ashley Carter.

12 Q Okay, Ashley Carter. So let's good back to the evening of

13 April 5th of 2021. You said you were waiting for your sister to

14 take you to the grocery store?

15 A Yes, ma'am. Kroger, right off of Beltline and Forest Drive.

16 I think it's Forest Drive.

17 Q And what store is that?

18 A Kroger's.

19 Q Kroger.

20 A Yes, ma'am.

21 Q And, in fact, did you actually safe your receipt from there?

22 A Yes, ma'am.

23 (Defendant's Exhibit 108 is identified.)

24 Q I'm going to show you Defense 108 and ask if you recognize

25 this picture?

1 A Yes, ma'am.

2 Q And what is that a picture of?

3 A A receipt of the date and time when I'm at Kroger's, me and  
4 my sister.

5 Q On April 5th of 2021?

6 A Yes, ma'am.

7 ATTORNEY ZMROCZEK: Your Honor, at this time we would move  
8 Defendant's 108 into evidence.

9 SOLICITOR SCOTT: No objection.

10 THE COURT: So moved.

11 (Defendant's Exhibit 108 is admitted into the record.)

12 Q And so I'm going to hand it back to you. And is this the  
13 receipt that you received when you checked out from Kroger's?

14 A Yes, ma'am.

15 Q And so what time does that receipt date and time show that  
16 you checked out of Kroger's?

17 A 11:11, and the date is April the 5th, 2021.

18 Q And at what time?

19 A 11:11.

20 Q Okay. And so that's still in the evening hours, right?

21 A Yes, ma'am.

22 Q So who was at the grocery store with you?

23 A Me and Sonya.

24 Q You and Sonya, who's your sister?

25 A Yeah. Correct.

- 1 Q And when you left your house -- while you were waiting for  
2 Sonya to come pick you up, who was at your house that evening?
- 3 A My son, Tromaine Stevenson.
- 4 Q Tromaine?
- 5 A Tromaine Stevenson, Khadijah Gaddis which is Troy child  
6 mother, and Jalanda Tobias.
- 7 Q And how do you know Jalanda Tobias?
- 8 A And Jasmine Martin. She's my niece, my great niece.
- 9 Q She's your grand niece?
- 10 A Yes.
- 11 Q And then who was the fourth one? I'm sorry.
- 12 A Jasmine Martin.
- 13 Q Jasmine Martin. And how do you know Jasmine Martin?
- 14 A Through Jalanda Tobias.
- 15 Q Okay. And so those were the four people that were at your  
16 house when you left for Kroger?
- 17 A Yes, ma'am.
- 18 Q When you checked out of Kroger -- you said it's around the  
19 corner from your house?
- 20 A Yes, ma'am.
- 21 Q And so what did you do next after you left Kroger?
- 22 A I went home, directly home.
- 23 Q To 2849 --
- 24 A 2849 Lucille Drive. From Kroger's to Lucille Drive.
- 25 Q And who drove you?

1 A Who drove? Sonya.

2 Q What happened when you got back to the house? Did Sonya  
3 come in, or what happened?

4 A I think she was helping me with my bags.

5 Q So you unloaded your groceries?

6 A Yes, ma'am.

7 Q And without saying what anyone said did you learn of  
8 anything that happened while you were at Kroger?

9 A Yes, ma'am.

10 Q Okay. And just in general, what had you learned?

11 A That Jalanda got in a fight.

12 Q Okay. And did you know the person with whom she got into a  
13 fight?

14 A Did not.

15 Q Are you familiar with, do you know, Tamira Jackson?

16 A No, ma'am.

17 Q Is that someone who's frequented your house before?

18 A No. She's been there before but I don't know her. I  
19 wouldn't even know her in a grocery store. I don't know her.

20 Q And when you learned that there had been an altercation  
21 between Jasmine Martin, right, it was Jasmine -- no, Jalanda --

22 A Jalanda.

23 Q -- Jalanda Tobias and Tamira Jackson, what was your reaction  
24 to that?

25 A Upset, like, you don't live here.

1 Q Why?

2 A Neither one of y'all live here. You know. Like ...

3 Q And so did you -- by the time that you returned from Kroger  
4 did you see or witness any of the altercation?

5 A No, ma'am.

6 Q And did you learn that there was a further altercation  
7 involving other parties after the two girls' altercation?

8 A Yeah, after.

9 Q And did you witness any of that?

10 A No, ma'am.

11 Q And so then by the time you get home from Kroger and you put  
12 your groceries away what, if anything, happened? What did you do  
13 next?

14 A After?

15 Q After you put your groceries way.

16 A Just actually made some chip and dip. Everybody, we had  
17 some food at my house, which was my son Tromaine Stevenson, my  
18 nephew Antonio Barnes was there, Khadijah. Everybody had  
19 something to eat, and they went to sleep, and I was still awake.

20 Q So when you got back to your house -- I guess that's a  
21 better question to ask. When you got back to your house -- so  
22 when you left there were just Tromaine, Khadijah, Jalanda, and  
23 Jasmine; right?

24 A No. Jalanda wasn't there when I cooked. This was after,  
25 after the altercation.

1 Q No, no, no. I'm sorry. I'm not trying to confuse you.  
2 Before you left for Kroger those were the four people at your  
3 house?  
4 A Right.  
5 Q Okay. But now when you got back who was at your house?  
6 A Jalanda, Tromaine, and Khadijah.  
7 Q Jalanda, Tromaine, and Khadijah?  
8 A Yes.  
9 Q And did anybody come to your house after you had returned?  
10 I think you said Antonio Barnes.  
11 A Right.  
12 Q I'm trying to figure out --  
13 A Antonio Barnes and Jamaree Jeffcoat.  
14 Q Jamaree Jeffcoat?  
15 A Correct.  
16 Q Okay. Now, were they there when you got home or did they  
17 come after you had already gotten back from Kroger?  
18 A When I came back from Kroger's they were there.  
19 Q So they were there when you got back from Kroger?  
20 A Yes. Yes.  
21 Q And so you make them chips and dip, I believe, you said?  
22 A Yes.  
23 Q And then what happened next?  
24 A Jalanda took her clothes to the car, because actually she  
25 was at the wash -- the laundromat, and my sister brought her to

1 my house to wait for her ride, so that's why she was at my house,  
2 which is my niece Jalanda.

3 Q Okay.

4 A So we help her take her clothes for her to go home. She  
5 already stated that she was fighting. I got on her about that.  
6 And before she was leaving she was saying, Oh, Aunt Tameka, she  
7 said she gonna come back. And I'm like, well, why would she do  
8 that?

9 Q When you say she, who was coming back?

10 A She just say she was coming back, so I'm assuming the young  
11 lady who she was fighting. And I said, well, why would she, you  
12 don't live here. She knows where you stay. Y'all deal with each  
13 other. You know, no.

14 Q And so after you finish eating and everybody's there what do  
15 you do next? Are you still awake, or do you --

16 A Like I stated, they were -- they were asleep, they went to  
17 sleep. So I was the only one awoke, looking at TV.

18 Q Okay.

19 A And it was like maybe around, maybe 2:00ish, and something  
20 just made me go to the restroom. It was the grace of God. I  
21 went to the restroom, and I went to sit on the toilet - fire,  
22 gunshot. I had to jump in my tub.

23 Q Okay. How did you feel when you heard these gunshots?

24 A Scared. I was scared.

25 Q So you were the only one awake in your house when that

1 happened?

2 A Yes.

3 Q And you said you were scared?

4 A Yes. Yes, ma'am.

5 Q What did you do next?

6 A Once the shooting calmed down -- I'm laying in the tub. I  
7 got up to make sure everybody -- you know. The only person that  
8 kind of startled me was my nephew because it took me a bit to  
9 wake him up. But other than that, everybody got up, you know,  
10 just like, what, you know, just confused like, why, you know.

11 Q So you said you checked after the gunshots. Just  
12 coincidentally, thankfully you were in the restroom --

13 A Yes.

14 Q -- when those happened, and then you, after they stopped,  
15 you said, you said you jumped in your tub?

16 A Yes.

17 Q Then after they stopped, you said that you went to check on  
18 the people in your house?

19 A Yes, ma'am.

20 Q So who were people in your house?

21 A Antonio Barnes, Tromaine Stevenson, Khadijah Gaddis.

22 Q Okay. And you said you had a little trouble waking up  
23 Antonio Barnes?

24 A Yes, ma'am.

25 Q And he's your nephew?

- 1 A Nephew. My daughter's son.
- 2 Q And so that made you concerned?
- 3 A Yes.
- 4 Q But you were able to wake him up?
- 5 A Yes. Yes, ma'am.
- 6 Q Did anybody suffer any injuries?
- 7 A No, ma'am.
- 8 Q What was your state of mind at that point?
- 9 A Shocked, terrified, and scared, just Get out of here. I  
10 mean ...
- 11 Q You wanted to get out of there?
- 12 A Yes.
- 13 Q Why do you want to get out there?
- 14 A I mean, the way my, the house is made, my room is over here  
15 by the bathroom, so my bed was shot up. I'm still in shock.
- 16 Q Did you call 9-1-1?
- 17 A No, ma'am.
- 18 Q Why not?
- 19 A Because I was just getting stuff together, just ready to go.
- 20 Q You were just trying to get out of there?
- 21 A Get out of there. And then she already stated that she was  
22 gonna come back. She mentioned that to my niece, so I don't  
23 know. You know.
- 24 Q So you were afraid that she was gonna come back?
- 25 A Right.

1 Q Did you know of -- so you were going to leave the house?

2 A Yes, me and son Tromaine Stevenson.

3 Q Okay. And so how did your son Troy get -- if you know. Did  
4 you notify him about what happened?

5 A No. No, I didn't.

6 Q But did you learn that he had been notified of what  
7 happened?

8 A Yes. He came to check up on us, which would be his baby  
9 daughter's mother, and my son Tromaine Stevenson.

10 Q So he came to the house to check on you?

11 A Yes, ma'am.

12 Q Okay. At that point you said that he -- that you left the  
13 house?

14 A Yes, ma'am.

15 Q Okay. So where were you going?

16 A To my sister house.

17 Q To your sister's house?

18 A Yes.

19 Q And what's that address?

20 A It's 3630 Ranch Road.

21 Q And is it in an complex area?

22 A Apartment complex. Wellesley Place, right beside Spinx on  
23 Decker.

24 Q So Wellesley Place. So it's right beside Spinx on Decker?

25 A Yes, ma'am.

1 Q So if you know, how long after the shooting and you checking  
2 on everyone did -- do you know what time or how -- or, I know you  
3 weren't looking at a watch but, I guess, do you have any idea of  
4 how much time passed from the shooting and you checking on  
5 everyone to Troy coming to the house to check on --

6 A No. I wasn't timing anything. I didn't even time when that  
7 happened.

8 Q But you know that he was there to check on you?

9 A Right. Right. He came.

10 Q And so you said you went to your sister's house on 3630  
11 Ranch Road?

12 A Yes, ma'am.

13 Q And how did you get there?

14 A Sonya.

15 Q Who drove you there?

16 A Troy drove me there.

17 Q Okay. I'm sorry. And so Sonya lived there?

18 A Sonya lived there. Sonya and Joshua lived there at 3630  
19 Ranch Road.

20 Q So that's whose house you were going to?

21 A Going to. Troy -- Troy dropped me and Tomaine off there.

22 Q He dropped you and Tomaine off there?

23 A Yes, ma'am.

24 (Defendant's Exhibit 109 is identified.)

25 Q And I'm going to show you Defendant's 109 and ask if you

1 recognize this exhibit?

2 A Yes, ma'am.

3 Q Okay.

4 A I do.

5 Q And what is that?

6 A A map from Two Notch Road -- from Two Notch Road, going  
7 straight up until you turn left down Decker.

8 Q Is that the route that Troy drove you and Tromaine to your  
9 sister's house?

10 A Yes, ma'am.

11 ATTORNEY ZMROCZEK: Your Honor, at this time I would move  
12 Defense 109 into evidence.

13 SOLICITOR SCOTT: Objection. I think she can testify to the  
14 route they took, and she's already testified to the address. It  
15 looks like they're entering a MapQuest type route.

16 THE COURT: Let me see it. I'll allow in the map portion  
17 only. That's what she has testified to. But as to all that,  
18 that needs to be --

19 ATTORNEY ZMROCZEK: Redacted.

20 THE COURT: -- redacted. Thank you. Don't show that.

21 (Defendant's Exhibit 109 is admitted into the record.)

22 ATTORNEY ZMROCZEK: Your Honor, if I just -- at the next  
23 break I may redact it. So I'm just going to leave it for now.

24 Q But without looking at the words, this is the route that  
25 you -- that Troy drove you and Tromaine?

1 A Yes, ma'am.

2 Q Okay. To your knowledge, did anyone call 9-1-1 at 2:00 in  
3 the morning, around 2:00 in the morning as you testified to, when  
4 this occurred?

5 A No, ma'am.

6 Q Okay. And then so when did you -- when did you call the  
7 police?

8 A The 7th. I think it was the 7th.

9 Q The next day?

10 A The next day.

11 Q Okay. And so I want to go back real quick to State's 1  
12 which would be your house at 2849 Lucille.

13 A Yes, ma'am.

14 Q And are there other houses on that street?

15 A Yes, ma'am.

16 Q Okay. Did any of those houses have cameras?

17 A Yes, ma'am.

18 Q Okay. To your knowledge, were any of those cameras  
19 collected?

20 A No. No, ma'am.

21 Q Did you ever ask your neighbors if they had any footage?

22 A Yes, I did ask.

23 Q And you can't say what their response was.

24 A Right. Right.

25 Q So the next day, April 7th, you call 9-1-1?

1 A Yes, ma'am.

2 Q Who, if anyone, came out to your house on April 7th?

3 A Who? One of the officers. Was an older guy.

4 Q Was it Richland County or was it Columbia police?

5 A Richland County.

6 Q Or was it Columbia police? Do you recall?

7 A I don't.

8 Q Okay. Did somebody come out to your house --

9 A Yes, ma'am.

10 Q -- on April 7th?

11 A Yes, ma'am.

12 Q Okay. All right. Did they ask you any questions? Did they

13 talk to you about what happened?

14 A Briefly. Pretty much briefly, just, you know. And I told

15 them that my niece, you know, got in an altercation and later on

16 that night my house got shot up.

17 Q So that was April 7th?

18 A Yes, ma'am.

19 Q When is the next time anyone reached out to talk to you

20 about what happened?

21 A The 16th.

22 Q Of April?

23 A Yes.

24 Q Okay, so April 16th?

25 A Yes, ma'am.

- 1 Q And where did that interaction occur?
- 2 A At my house, 2849 Lucille Drive. At my house.
- 3 Q Now, were you at 2849 Lucille Drive when the police got to  
4 your house?
- 5 A No, ma'am.
- 6 Q Okay. Who was at your house?
- 7 A My son Troy Stevenson.
- 8 Q Let me ask you this: After the shooting on the early  
9 morning hours of April 6th did you ever spend any significant  
10 amount of time back in that 2849 house?
- 11 A No, ma'am.
- 12 Q And have you since moved?
- 13 A No. I haven't been able to.
- 14 Q Okay. And so on April 16th Troy Stevenson was at your  
15 house --
- 16 A Yes, ma'am.
- 17 Q -- when the police arrived?
- 18 A Yes, ma'am.
- 19 Q And did you eventually arrive?
- 20 A Actually he called me.
- 21 Q He? Troy?
- 22 A My son. My son Troy called me, gave me a call.
- 23 Q And so did you eventually arrive --
- 24 A Yes, ma'am.
- 25 Q -- at 2849 Lucille Drive?

- 1 A Yes, ma'am.
- 2 Q And when you arrived where was Troy?
- 3 A Sitting in his car.
- 4 Q Sitting in his car?
- 5 A Yes, ma'am.
- 6 Q And what kind of vehicle was that?
- 7 A A 2006 or -7 Honda Sonata.
- 8 Q Okay. What color?
- 9 A Black.
- 10 Q And he was inside the vehicle?
- 11 A Yes, ma'am.
- 12 Q Did you recognize anyone else at or inside the vehicle?
- 13 A No, not inside. Outside.
- 14 Q Not inside?
- 15 A Yes. Yes, ma'am.
- 16 Q Where were they?
- 17 A He were -- actually, Troy was sitting in the car, and he was  
18 standing there talking to Troy.
- 19 Q And he was standing talking to Troy. And he who?
- 20 A I guess the investigator with the yellow tie on.
- 21 Q With the yellow tie. Would that be this investigator right  
22 here, Investigator Jordan?
- 23 A Yes, ma'am.
- 24 Q Okay. So he was at Troy's car while Troy was in his car --
- 25 A Yes, ma'am.

1 Q -- the black Honda --

2 A Honda Sonata.

3 Q -- Sonata, and he was talking to Troy?

4 A Yes, ma'am.

5 Q Okay. And what was happening at your house?

6 A No one couldn't go in. They were --

7 Q Was it being processed?

8 A Yes, ma'am.

9 Q Were there people taking pictures?

10 A Yes, ma'am.

11 Q You didn't go inside?

12 A No.

13 Q Okay. And so at that time did Investigator Jordan have any

14 conversation -- again, you can't say what he said, but did he

15 have any conversation about what happened?

16 A Not really. As far as with me?

17 Q Correct, with you?

18 A No. No. I made a statement, you know, about my niece, you

19 know, she don't live there. Just briefly talking but not

20 actually writing down, actually, like an investigator would. You

21 know.

22 Q So had anyone ever asked you to sit down and write a

23 statement about the events of April, the late evening hours of

24 April 5th, 2021, to the evening morning hours of April 6th, 2021?

25 A No, ma'am.

1 Q Were you informed if an arrest had ever been made about the  
2 shooting into your house?

3 A Was I -- could you repeat that, ma'am.

4 Q Yes. Were you ever told that someone was arrested for  
5 shooting into your house?

6 A Yes, ma'am.

7 Q Okay. And have you ever sat down with anyone in the  
8 solicitor's office to -- have they ever asked you about the  
9 events, about what happened?

10 A No, ma'am.

11 Q Do you recall -- and if you don't that's fine but I'm just  
12 asking if you recall -- how long Troy was at your house the early  
13 morning hours of April 6th before he drove you and Tromaine to  
14 your sister's house?

15 A How long he was at my house? I actually don't remember the  
16 time.

17 Q That's fine. That's fine. Please -- those are all the  
18 questions I have for you.

19 A Okay.

20 Q Please answer any questions the State may have.

21 A Sure.

22 **CROSS-EXAMINATION**

23 BY SOLICITOR SCOTT:

24 Q Describe again why you didn't call 9-1-1 that night?

25 A Because I was terrified, upset, shock. I still don't

1 understand a why.

2 Q I'm sorry?

3 A I still don't understand a why would they fight and why  
4 would they come back when they know where each other live. I'm  
5 still a little bit thrown about that.

6 Q You had a cellphone?

7 A Did I have a cellphone? Yes. I don't remember the number  
8 back then.

9 Q I guess the first thing you wanted to do was get out of the  
10 house --

11 A Yes.

12 Q -- that just got shot up. But Sonya had already left?

13 A Sonya already left where?

14 Q Lucille. Because she dropped you off there after Kroger,  
15 right?

16 A After Kroger's, yes.

17 Q And then she was --

18 A Well, she didn't leave at exactly right after.

19 Q No, but I guess my point, like, when the shooting happened  
20 she was not there?

21 A No, no. That's right. She wasn't.

22 Q Okay. And then Troy shows up?

23 A Okay.

24 Q Right?

25 A I'm going from the grocery store. I guess you're just --

- 1 Q I'm sorry. After the shooting Troy shows up --
- 2 A Right. Right.
- 3 Q -- at the house? And do you remember what his phone number
- 4 was at that time?
- 5 A No, sir.
- 6 Q The next day you called police. Okay. Well let's see.
- 7 This happens at 2:11 in the earlier morning hours of April 6,
- 8 right?
- 9 A Uhm, yes. Morning. It was -- yeah, 6th.
- 10 Q So 2:00 in the morning on April 6th?
- 11 A Correct.
- 12 Q Then April 6th daytime comes, right?
- 13 A Uh-huh.
- 14 Q And we finish that day. Then April 6th nighttime comes?
- 15 A Uh-huh.
- 16 Q And then the morning of April 7th happens?
- 17 A Right.
- 18 Q And then we wait until 8:00 that night before we call
- 19 police?
- 20 A Because the owner of the house was -- she had a cell problem
- 21 so I said, well, let me go ahead and just call so she can have a
- 22 report about the damage of her home. And, actually, I wanted to
- 23 find out who did it so she could know who did this to her
- 24 property.
- 25 Q If you've answered maybe I missed it, but why not call, you

1 know --

2 A I just -- like I said, I was scared.

3 Q But I'm talking about April 6. You wake up that next  
4 morning, go through the whole day. And I understand being scared  
5 from that early morning hours, through the day and night, but  
6 then we go to sleep on April 6, then we wake up on April 7, and  
7 then we wait until the night of April 7th --

8 A I wasn't sleeping there. I didn't sleep. But, what I'm  
9 saying is I was so terrified I didn't even go back there.

10 Q It doesn't matter where you were. You could have called.

11 A I'm just saying, I was so terrified I just didn't call. I  
12 didn't call. I just didn't call at that moment.

13 Q Okay. The police did show up?

14 A Yes, sir.

15 Q And it doesn't look like -- you didn't tell them about Troy  
16 coming to pick you up to take you to Ranch Road, did you?

17 A Actually, I wasn't questioned.

18 Q It looks like you did you speak with law enforcement. You  
19 don't remember speaking to law enforcement?

20 A Who all did I spoke to?

21 Q I've got Officer Andy Lynch.

22 A I don't even know no Andy Lynch. There was the one officer,  
23 the only guy was an older guy. He came talking to me, but it  
24 wasn't he's, like, you know, our house got shot up. And he said  
25 After your house got shot up another house got shot up. And I

1 said, well, I don't know anything about that. I'm concerned  
2 about what happened to my house.

3 Q Okay. But you --

4 A I never -- actually, you know, like investigate, you know,  
5 as far as him actually talking to me or for me to remember him,  
6 for him to give him a card or anything.

7 Q Well, I've got a report here, so you talked to the guy and  
8 you gave him some information, correct?

9 A No, sir.

10 Q Okay. Just take a look at this. Don't read it out loud.

11 ATTORNEY ZMROCZEK: Your Honor, I believe unless that's a  
12 handwritten statement from her he needs to call the person --

13 THE COURT: He's not. He's just refreshing her memory to  
14 see if it refreshes it.

15 Q Just take a look at that. Don't read it out loud but just  
16 see if that kind of ...

17 A I see it on here, but I don't remember speaking with anyone.

18 THE COURT: You need to speak up and into that microphone,  
19 ma'am.

20 THE WITNESS: Oh. I'm sorry.

21 A I said I don't recall of any of this.

22 Q You don't remember?

23 A No, sir.

24 Q Okay. But you do remember them coming and, I guess, they  
25 got some information that they put in this report?

1 A Whatever, however they were doing their job. But I never  
2 talked directly to someone as far as asking me questions, asking  
3 me, you know, everything. And I don't even know where that even  
4 come from.

5 Q All right. But do you agree that the information --

6 A I spoke to Mr. Jordan, could have mentioned to him, you  
7 know.

8 Q He's with the sheriff's department.

9 A Well, I don't know.

10 Q So let me get it straight. You remember the police coming  
11 there but you don't remember them speaking with you?

12 A Speaking over the phone, no.

13 Q In person, you don't remember them --

14 A In person, no, sir.

15 Q Okay.

16 A No, sir. If I did, I would tell you. I do not remember.

17 Q Did you read the report? Do you agree with the information  
18 they have in here?

19 A No. What I'm saying is I don't recall any of it.

20 Q Okay, you don't remember?

21 A Talking to someone on the phone, it was just 9-1-1 that day  
22 on the 7th, and that was it.

23 Q So you don't recall this?

24 A No, I don't.

25 Q I guess the main point is you don't disagree that law

1 enforcement came on the 7th after you called 9-1-1?

2 A You say do I disagree?

3 Q You don't disagree with that, do you?

4 A No, I don't disagree that they came on the 7th when I  
5 called. I don't disagree.

6 Q And you didn't tell them about Troy picking you up and  
7 taking you somewhere that night, did you?

8 A I can't even remember. I testified I know that my son  
9 picked me up, but I don't remember telling them that. You know,  
10 you have that paper or whatever. No.

11 Q Okay. And then Taimi Jordan, do you remember him coming out  
12 some time later? He's with the sheriff's department.

13 A Okay.

14 Q And Lucille, do you know, is that the city limits of  
15 Columbia?

16 A I don't know.

17 Q Do you remember him coming out there later --

18 A Yes.

19 Q -- and talking about that? And do you remember them  
20 collecting those casings from the road out front from when when  
21 the guy shot up Lucille?

22 A They was just collecting things everywhere.

23 Q You don't remember them seeing them do that?

24 A They were everywhere; street, all around the house, in the  
25 house, in the ceiling. They were everywhere, so.

1 Q All right. You're talking about the projectiles?

2 A The police and, you now, just pretty much getting --

3 Q Collecting evidence?

4 A Right. Yes, sir.

5 Q But you weren't there -- you testified you were not there

6 during that fight at Lucille?

7 A Oh, no. No, sir.

8 Q And it was you, Antonio Barnes, and Tromaine?

9 A Tromaine Stevenson.

10 Q Tromaine?

11 A It's Tromaine Stevenson.

12 Q Just you three when the shooting happened?

13 A And Khadijah Gaddis?

14 Q And who's Khadijah Gaddis?

15 A That's Troy child's mother.

16 Q Is that the same as -- who's Rhondette Pointer?

17 A That's -- I guess that's her Facebook name.

18 Q Who?

19 A I guess that's her Facebook name.

20 Q Oh, that's not a real name?

21 A No.

22 Q Okay. Khadijah Gaddis is Rhondette Pointer?

23 A Correct.

24 Q Okay. Hold on one second, Ms. Barnes. All right. What do

25 you remember about speaking with Investigator Jordan?

1 A What I remember about speaking with him? I don't remember  
2 anything. I remember him briefly. You know, basically he was  
3 just asking questions.

4 Q Okay.

5 A You know, not really actually drilling me asking questions;  
6 just like talking.

7 Q You told him you left your house about 11:00 p.m., correct?

8 A Grocery store. Yes.

9 Q With Sonya?

10 A Yes.

11 Q And then you all went to Kroger's on Forest Drive?

12 A Yes.

13 Q And when you left your house Jalanda Tobias and Jasmine  
14 Walker [sic] were at your house and no one else, correct?

15 A No. No. Why would I say -- why would I leave Jalanda and  
16 --

17 Q No. No. When you left your house your son --

18 A Tromaine Stevenson.

19 Q -- Tromaine, Jalanda Tobias, and Jasmine Walker were there?

20 A Correct.

21 Q And while at the store you learned of the fight between  
22 Jalanda and another female?

23 A Right.

24 Q Once you returned home Jasmine was not there but Jalanda and  
25 Tromaine were there, correct?

- 1 A Yeah.
- 2 Q Jalanda left the house, and your house was shot up later  
3 that night, correct?
- 4 A Yes, sir.
- 5 Q And then you're asked about a Monica Walker. Who's that?
- 6 A Jalanda mother.
- 7 Q And you never -- you seem to have left out that Troy came  
8 and got you with him, too. You didn't say anything about it.
- 9 A He came and got me and what now?
- 10 Q You didn't tell Investigator Jordan about Troy coming --
- 11 A I mentioned that to him.
- 12 Q Show me where?
- 13 A I mean, I guess he just didn't put it in. I mentioned it to  
14 him. There was a lot mentioned to him and he just wouldn't put  
15 in. It's not on there.
- 16 Q But you say you did tell him that?
- 17 A Yes.
- 18 Q So if Troy had gone to that Ranch Road address we'll be able  
19 to find that out through evidence, correct?
- 20 A I don't know. I don't know how y'all do y'all job, how  
21 y'all do find out things you find out.
- 22 Q If he had been there we would be able to tell through  
23 evidence, maybe cellphones and stuff?
- 24 A Oh, okay. Okay.
- 25 Q Correct?

1 A Yeah, correct.

2 Q If that's what he did?

3 A Yes. Yes, sir.

4 Q Answer any questions your lawyer has. I have nothing  
5 further.

6 A Okay.

7 ATTORNEY ZMROCZEK: Nothing further, Your Honor.

8 THE COURT: All right. Thank you, ma'am. You may step  
9 down.

10 THE WITNESS: Okay. Thank you.

11 THE COURT: Approach.

12 (Off-the-record discussion at sidebar.)

13 THE COURT: All right, ladies and gentlemen. We're going to  
14 break for lunch. If you will be back at 1:45. Do not discuss  
15 the case. Do not deliberate. 1:45. Thank you.

16 (Jury escorted out of the courtroom at 12:10 p.m.)

17 THE COURT: Anything from the State before we recess?

18 SOLICITOR SCOTT: No, Your Honor.

19 THE COURT: Anything from defense?

20 ATTORNEY ZMROCZEK: No, Your Honor, except for I have  
21 redacted this. I'm going to put it on an 8.5x11 piece of paper,  
22 and I'll make sure that it's approved by everyone first.

23 THE COURT: All right. And before we leave make sure -- I  
24 put 107 over there. Make sure it's taken out. But it needs to  
25 be made a court's exhibit. And then make sure the bullets,

1 unfired bullets, are taken out of the thing and leave them with  
2 the sheriffs, the investigators, at this point. I don't want  
3 them back there.

4 (Court's Exhibit 12 is marked for identification.)

5 ATTORNEY ZMROCZEK: To give the?

6 THE COURT: The bullets that are in those little  
7 envelopes --

8 ATTORNEY ZMROCZEK: Right, that are with the guns.

9 THE COURT: -- with the two guns.

10 ATTORNEY ZMROCZEK: Give those back to the investigator?

11 THE COURT: Yes.

12 ATTORNEY ZMROCZEK: Okay.

13 THE COURT: I want him to hold those bullets at this point.

14 ATTORNEY ZMROCZEK: Certainly.

15 THE COURT: All right. 1:45.

16 (Court recessed at 12:11 p.m. and reconvened at 1:54 p.m.,  
17 without the jury present.)

18 MATTER(S) OF LAW

19 THE COURT: Yes?

20 ATTORNEY ZMROCZEK: Two things. Your Honor, Defense 109 --

21 THE COURT: Yeah.

22 ATTORNEY ZMROCZEK: -- I believe, has been --

23 THE COURT: Thanks.

24 ATTORNEY ZMROCZEK: I just want to make sure that it's been  
25 fixed.

1 THE COURT: And I -- Dale, you've seen this?

2 SOLICITOR SCOTT: Yeah. That's fine.

3 THE COURT: Okay. This will be 109.

4 ATTORNEY ZMROCZEK: Thank you. And then, Your Honor, as it  
5 turns out, remember when you -- so in the heat of all of this  
6 cross-examination, and he asked for a screenshot, and then this  
7 morning you had given me the screenshot back --

8 THE COURT: Yes.

9 ATTORNEY ZMROCZEK: -- that you had looked at, and then you  
10 said was that the one that you looked at, and I said yes because  
11 I had a bunch of papers on my desk. So, Your Honor, when I was  
12 cleaning up my area at lunch I found her report with the photo  
13 that you had examined, okay.

14 (Defendant's Exhibit 110 is identified.)

15 ATTORNEY ZMROCZEK: And so that testimony -- that one was  
16 the wrong exhibit, and that is my fault. And so I have marked  
17 this as 110. At this point, Your Honor, I would like to be able  
18 to recall --

19 THE COURT: Let me see it.

20 ATTORNEY ZMROCZEK: Because this is the one you handed me  
21 back, and I just put it in the wrong papers. It's on me. And  
22 here's the other one.

23 THE COURT: Are you understanding the issue, Mr. Scott?

24 SOLICITOR SCOTT: I think. I had a problem with that from  
25 the beginning --

1 THE COURT: Yes.

2 SOLICITOR SCOTT: -- but the disappointing thing, the reason  
3 -- and I apologize to Your Honor, but that felt very, uhm, --  
4 I'll just say I'm disappointed because I had been given  
5 assurances that the exhibit not be put in that altered the light,  
6 and it's clear as day to me but I couldn't get the witness to  
7 acknowledge it. So I apologize to the Court, but you see my  
8 frustration, because that was spoken to at length and I had an  
9 issue with that particular exhibit. Your Honor did indicate that  
10 he would let it in with the understanding that light, any  
11 manipulation of light, would be excluded and we would simply be  
12 zooming in and calling out.

13 So again, I don't think that should be an exhibit in and of  
14 itself. But I understand what the issue is, and it's probably  
15 moot at this point, but I still -- my prior objection would be  
16 that seems like a great closing-argument exhibit, but the video  
17 itself has been entered without any kind of modifications, I  
18 think that would be a proper exhibit. And I understand what the  
19 explanation is, if that's what your question is.

20 ATTORNEY ZMROCZEK: And, Your Honor, again, it's on me  
21 because when he was cross-examining her he asked for that  
22 exhibit.

23 THE COURT: I believe -- I mean, we're dealing with hundreds  
24 of paper and videos. It happens. But it still happened, and so  
25 I'm not going to let this one into evidence because it's, at this

1 point, too confusing. And you can use this in closing if you  
2 would like, but as an exhibit to go back, I believe at this point  
3 it has become too confusing, and with what the jury -- they saw  
4 this, and if they have this, I mean, they might think it was  
5 this, or -- so I'm going to keep both of them out because at this  
6 point, even though I made a prior ruling that it fairly and  
7 accurately depicted it which 110 does, 107 does not. And these  
8 are nearly identical. It's too confusing for the jury because  
9 one of them does not fairly and accurately depict the evidence.

10 ATTORNEY ZMROCZEK: And, Your Honor, respectfully I agree  
11 that that is absolutely the proper thing to do. A, I wanted to  
12 just mark 110 as a court's exhibit to explain the confusion.  
13 However, Your Honor, I do believe at this point, though, I need  
14 to be able to tell the jury that I screwed up because right now  
15 they think that this witness created evidence again --

16 THE COURT: All right. What do you want to do?

17 ATTORNEY ZMROCZEK: -- because of his cross-examination.  
18 Well, Your Honor, I guess that's why I'm asking the Court for  
19 guidance, obviously because the jury needs to know that that  
20 exhibit is no longer in evidence but I think that the jury needs  
21 to be told why. I mean, and I'll take the hit. I don't -- I  
22 mean, it's on me, because the video is still in evidence, but  
23 there was so much cross-examination about that one piece of  
24 evidence and then it's not going back that I think there's some  
25 clarification that needs to be provided to the jury.

1 THE COURT: Okay. Do you want me -- and this is for  
2 Mr. Scott, too, do you want me to tell the jury that -- and I'll  
3 show them from here -- 107 which was discussed at length between  
4 the two parties with Ms. Setree is not going back into evidence  
5 because I have ruled that it does not fairly and accurately  
6 depict the video which is going back into evidence?

7 ATTORNEY ZMROCZEK: Yes.

8 SOLICITOR SCOTT: If we're going -- I would recommend we  
9 move on. But if we do need some kind of curative instruction, it  
10 just be limited to what Your Honor just said.

11 THE COURT: I'll do that. And I'm going to make 110 a court  
12 exhibit as well.

13 (Court's Exhibit 13 is marked for identification.)

14 ATTORNEY ZMROCZEK: And then, Your Honor, just so I'm clear  
15 so we don't, when it comes time for closing that I don't screw  
16 up, can I address that issue with the jury?

17 THE COURT: Yeah. I don't think -- that's not an issue. I  
18 mean --

19 ATTORNEY ZMROCZEK: Okay.

20 THE COURT: Yeah. I've still got a feeling that it all is  
21 going to be discussed in closing.

22 ATTORNEY ZMROCZEK: Absolutely.

23 THE COURT: I mean, standard rules for closing argument  
24 apply, but if there's something specific that you're worried  
25 about --

1           ATTORNEY ZMROCZEK: No, sir. I'm just -- I'm just.

2           THE COURT: Let me make my instruction to the jury, and then  
3 we'll figure out. You can tailor it to that.

4           ATTORNEY ZMROCZEK: Okay. Thank you. And then, Your Honor,  
5 over lunch I had some time to obviously clear up my desk and look  
6 at my notes. And, Your Honor, we will not be -- at this point  
7 everything that I needed to cover was covered, especially if the  
8 Court's going to instruct the jury about that one exhibit, so we  
9 do not have any more witnesses.

10          THE COURT: All right. What's the State's rebuttal?

11          SOLICITOR SCOTT: I just need to clear up that -- so the  
12 foundation was not actually laid before Roach testified to the  
13 findings of the casing matching the gun, and there was confusion  
14 because we never had testimony of who actually collected it.

15          Unless there would be some stipulation that those casings  
16 were located at Lucille -- we're dealing with two incident  
17 locations -- and on the packet it says Devoe because that  
18 shooting's linked to Devoe. Unless there be some stipulation --  
19 and that's what the report showed.

20          THE COURT: This is the one you were asking Oxendine about  
21 where --

22          SOLICITOR SCOTT: Well, Roach was the guy's name.

23          THE COURT: But I remember you took it back over --

24          SOLICITOR SCOTT: Right.

25          THE COURT: Because once you said incident location, because

1 that's associated with -- imagine, it could be anywhere,  
2 Alaska -- it's where the case number is the incident location?

3 SOLICITOR SCOTT: Correct. So there was some confusion,  
4 perhaps during cross-examination, where it was read that 209  
5 Devoe is related to those casings. And it is because these two  
6 shootings are connected; however, those casings were collected at  
7 2849 Lucille.

8 ATTORNEY ZMROCZEK: Your Honor, so the evidence is what the  
9 evidence is. I -- you know, if they need to put Investigator  
10 Oxendine, or whoever they want to put up to clear that up maybe  
11 he -- even though it says -- it says what it says, right. So  
12 either he was not thorough in his labeling of the evidence, or if  
13 that's what they need to clear up but, I mean, the foundation was  
14 laid through Investigator Roach that he received those in  
15 evidence, he tested those against that gun, and, you know, so  
16 that's where we are.

17 SOLICITOR SCOTT: The foundation wasn't laid because nobody  
18 testified as to who collected them, so chain of custody wasn't --

19 THE COURT: All right. The issue is she doesn't stipulate  
20 to it. So which witness would you put up?

21 SOLICITOR SCOTT: Oxendine.

22 THE COURT: And if he testifies to that one thing, how much  
23 are we getting into on cross? I mean, that opens up the entire  
24 ... I mean, do we need to get Roach back here? If you put  
25 Oxendine up you're going to ask him one question and she's going

1 to ask him 30 questions.

2 SOLICITOR SCOTT: And I can't help it. I mean, it's  
3 misleading to the jury, and she's going to argue that those were  
4 found at --

5 THE COURT: I'm just saying what's going to happen.

6 SOLICITOR SCOTT: I'm asking him that one question. If she  
7 wants to rehash everything she asked Taimi Jordan, then we'll be  
8 here another day --

9 THE COURT: Yeah.

10 SOLICITOR SCOTT: -- but I can't limit her.

11 ATTORNEY ZMROCZEK: I don't think we'll be here another day,  
12 but I will -- I will ask about the information that he received  
13 from the witnesses that have testified to impeach those  
14 witnesses, and I think that that's appropriate. I mean, I'm not  
15 going to rehash the entire case. I think, you know -- but  
16 certainly Ms. Jackson testified that she never -- and I, you  
17 know, asked her specifically, on this date at this time when you  
18 spoke to Investigator Oxendine you told Investigator Oxendine  
19 that you went to McDonald's and to go get a gun. That is not  
20 what she's saying. She said, no I did not say that. And so that  
21 foundation was laid. I think I can ask Investigator Oxendine --

22 SOLICITOR SCOTT: She had all the interviews. She could  
23 have impeached the testifying witness at the time. But we'll see  
24 how that plays out. But that Tamira testified. That would have  
25 been the appropriate time to impeach her with a prior statement.

1 Now we're dealing with hearsay issues. So we'll see how she  
2 handles it, but I'm just looking at ...

3 THE COURT: I can just tell you I know the Court of Appeals  
4 and the Supreme Court made it clear you can impeach either way at  
5 any point. There's not a timeframe, I mean, based on the  
6 precedent. It doesn't have to be right then; it can be at any  
7 point during the trial.

8 SOLICITOR SCOTT: I would just argue hearsay.

9 THE COURT: It's going to be impeachment so it's not for the  
10 truth. I mean, we're just going to keep going. The jury's heard  
11 enough, but that's on you all.

12 All right. I'm going to give you back this No. 88. I will  
13 let the jury know that No. 107 which they saw earlier is not  
14 going to be in evidence because the Court ruled that it does not  
15 comply with the rules of evidence; however, the video that it  
16 referred to will be in evidence.

17 ATTORNEY ZMROCZEK: And, Your Honor, just since -- as far as  
18 housekeeping since we plan on resting when the jury returns, and  
19 then it seems an ineffective use of their time to then send them  
20 back out so that I can re-argue my motion. So with that being  
21 said, knowing that the defense intends to rest, can we go on  
22 ahead and renew my motions at this time?

23 THE COURT: Yes, please.

24 ATTORNEY ZMROCZEK: All right. Thank you. So, Your Honor,  
25 at this time we would renew our motions; A, based on the

1 discovery violations, et cetera, we would make sure that those  
2 are renewed and preserved; and then we would, Your Honor, move at  
3 this point, with the presentation of the evidence, for a directed  
4 verdict because the evidence does not comply with Rule 19 and  
5 rises to the level of substantial circumstantial evidence in this  
6 case.

7 THE COURT: All right. Based on the -- as my previous  
8 rulings, I don't think anything has changed. I think the  
9 evidence that still exists in the light most favorable to the  
10 nonmoving party, the State, not the weight of it but there is  
11 evidence, as stated earlier, for all the charges to go to the  
12 jury. So those motions are denied but noted for the record.

13 I guess we bring the jury out; defense rests; and then you  
14 say the defense renews all motions. Will that cover it for you?

15 ATTORNEY ZMROCZEK: Okay. Yes.

16 THE COURT: And then the State's ready with your -- since  
17 there's a little bit -- do you need a little bit of time?

18 SOLICITOR SCOTT: I'm just going to ask him about one issue,  
19 so I don't really need more time.

20 THE COURT: Okay. Anything from the State before we bring  
21 the jury out?

22 SOLICITOR SCOTT: No. I just need -- I've sent a couple  
23 charges, the jury --

24 THE COURT: Yes.

25 ATTORNEY ZMROCZEK: Okay.

1 THE COURT: I saw the hand of one, hand of all. Was there  
2 more?

3 SOLICITOR SCOTT: Transferred intent. I have included just  
4 a slightly different -- really, it deals with implied malice,  
5 Your Honor. It tracks along with murder for the most part, but  
6 that is the typical murder charge I see you use.

7 THE COURT: All right. I will look at that. And you'll  
8 look at the murder.

9 ATTORNEY ZMROCZEK: Yes. Obviously we're going to have an  
10 issue with hand of one, hand of all when it's been one person the  
11 whole time.

12 THE COURT: Well, I don't know. Things have changed at this  
13 point.

14 ATTORNEY ZMROCZEK: Well, Your Honor --

15 THE COURT: I mean, obviously we're going to have thorough  
16 argument. But we'll consider that. All right. So you've got  
17 transferred intent.

18 ATTORNEY ZMROCZEK: Transferred intent, I don't take any  
19 issue with.

20 THE COURT: We've got the murder which we've got to look  
21 over; and compare and contrast; and the hand of one, hand of all.  
22 And then you've looked at Aimee's charges to see what she has for  
23 those? They're already incorporated in my standard, so we're  
24 going to make a record, you can object to everything, but to the  
25 ones I've already incorporated, the ones that are implicitly

1 incorporated, I'll let you know and explain why I'm not going to  
2 include those, but some of them, if I'm going to include them or  
3 not, and let the State argue against them.

4 ATTORNEY ZMROCZEK: Yeah. I tried to, like the prior  
5 inconsistent statements, et cetera, I tried to see if they were  
6 in there, but --

7 THE COURT: That one I'm not planning on not letting it in  
8 because I think it implicitly covered under credibility of  
9 witnesses. I mean, if someone gives a prior inconsistent  
10 statement they can, based on what I say, judge them by the  
11 credibility. And you've all done a good job with impeaching him  
12 it. But we'll make the thorough arguments on this. But the  
13 State will be prepared to explain which ones they object to.  
14 We'll do that after the State rests.

15 ATTORNEY ZMROCZEK: All right. Thank you.

16 THE COURT: Anything from the defense before I bring the  
17 jury out?

18 ATTORNEY ZMROCZEK: No.

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

20 (Court's Exhibit 14 is marked for identification.)

21 (Jury is seated in the courtroom at 2:09 p.m.)

22 THE BAILIFF: Jury is seated, Your Honor.

23 THE COURT: All right. Thank you, sir. Thank you, ladies  
24 and gentlemen. Before we go further, just as a point of  
25 clarification, Defendant's 107 which you saw earlier, this will

1 not be entered into evidence. I made a prior ruling that it does  
2 not comply with the rules of evidence, so you will not have this.  
3 You will have the video associated with this in evidence. I just  
4 wanted to clarify that for you all. All right.

5 Defense.

6 ATTORNEY ZMROCZEK: Thank you, Your Honor. The defense  
7 rests.

8 THE COURT: All right. And renew all your motions?

9 ATTORNEY ZMROCZEK: I renew all my motions.

10 THE COURT: All right. All that is noted for the record.

11 All right. Ladies and gentlemen, at this point the defense  
12 rests. The State may put on a rebuttal case.

13 SOLICITOR SCOTT: Thank you, Your Honor. I have one  
14 witness, Adam Oxendine.

15 ADAM OXENDINE,

16 having first been duly sworn, is examined and testifies as  
17 follows:

18 CLERK OF COURT: Please have a seat on the witness stand,  
19 and state your full name for the record.

20 THE WITNESS: Adam Oxendine.

21 **DIRECT EXAMINATION**

22 **REBUTTAL**

23 BY SOLICITOR SCOTT:

24 Q Investigator Oxendine, I just have one issue I want to clear  
25 up with you. Do you recall going to 2849 Lucille Drive

1 April 16th of 2021?

2 A Yes, sir, I do.

3 Q You do recall that?

4 A Yes, sir.

5 Q Okay. And who did you go with?

6 A Myself and then-Sergeant Jordan went down to that location.

7 Q And is that the incident Investigator Jordan spoke with Troy  
8 Stevenson?

9 A Yes, it is.

10 Q He was home at that time?

11 A Yes, he was.

12 Q Was anyone else home, to your recollection?

13 A Not that I recall. I do remember seeing Mr. Stevenson  
14 outside when we arrived.

15 Q And while Investigator Jordan was speaking with  
16 Mr. Stevenson what were you doing?

17 A I was observing the house as it sat, trying to find any of  
18 those defects that you heard our CSI people talk about. At this  
19 point in the investigation we had learned of the fight and the  
20 potential drive-by shooting that had happened at that home, so I  
21 was down near the roadway, walking the roadway, in an effort to  
22 locate any shell casings that may have fallen into the roadway  
23 during that incident.

24 Q Okay. And this is State's 88 -- or, Defense 88. Do you  
25 recognize that?

1 A I do.

2 Q And did you talk about that evidence in your supplemental  
3 report?

4 A I did.

5 Q Okay.

6 A Yes, sir.

7 Q And how are those relevant?

8 A So these are the six shell casings that were located in the  
9 roadway on Lucille Drive on the 16th when we responded out there  
10 to follow up in our homicide investigation.

11 Q Okay. You, yourself, collected those?

12 A I did. Yes, sir.

13 Q All right. We had a firearm's analyst yesterday named  
14 Roach, Investigator Roach, who testified that he took those  
15 casings and tested them against this gun.

16 A Yes, sir.

17 Q Do you remember that?

18 A Yes, sir, I do.

19 Q And were you aware of his findings?

20 A Yes, sir, I was.

21 Q And his findings were what, that those casings --

22 A That these shell casings here that were collected on Lucille  
23 by myself matched the firearm there that you're holding which was  
24 located in a car on Devoe Drive.

25 Q And that's documented in your supplemental?

1 A Yes, sir, it is.

2 Q Can I hold the defense exhibit? All right. It says  
3 collected by A. Oxendine. And that's you?

4 A Yes, sir.

5 Q What is S1331?

6 A So in our department we're all given badge numbers,  
7 essentially. And so that's my badge number.

8 Q Case number you give is 2104003706?

9 A Yes, sir.

10 Q Okay. What case number does that correlate to?

11 A That correlates to the homicide that occurred at 209 Devoe  
12 Drive.

13 Q Now, the incident location you write on here is 209 Devoe  
14 Drive. Why would you put that on here if these were collected at  
15 2849 Lucille?

16 A Because the case that we were investigating was the homicide  
17 that occurred at 209 Devoe Drive. So on the bag itself it says  
18 incident location, not collection location, so the incident  
19 location that we were -- the incident location that's listed is  
20 209 Devoe because it is associated with the homicide with the  
21 case number listed on there.

22 Q Okay. And, in fact, Mr. Dai'Juan Richardson who -- that gun  
23 was found in his car; is that true?

24 A Yes, sir.

25 Q He was arrested for the shooting at 2849 Lucille, correct?

1 A Yes, he was.

2 Q And it would be the sheriff's department's, I guess, reason  
3 for making that charge is he's got a gun that matches casings  
4 that were found in the road at Lucille Drive?

5 ATTORNEY ZMROCZEK: Objection, Your Honor. It's leading.

6 THE COURT: Rephrase.

7 Q Why did you arrest Dai'Juan Richardson?

8 A Because the casings that we located in the road matched  
9 those of the test fire of the gun that was recovered from his car  
10 from Devoe Drive.

11 SOLICITOR SCOTT: That's all. Thank you, Investigator  
12 Oxendine.

13 THE COURT: Yes, ma'am.

14 ATTORNEY ZMROCZEK: May it please the Court.

15 **CROSS-EXAMINATION**

16 BY ATTORNEY ZMROCZEK:

17 Q Investigator Oxendine, you were the lead investigator on  
18 this case?

19 A As titled, yes, ma'am.

20 Q What do you mean as titled? I'm sorry?

21 A So I was considered the primary investigator on this case.  
22 As you heard, we have a team that actually attacks cases like  
23 this. My job as the primary investigator is to take into  
24 consideration any information that's provided to me from the team  
25 to more or less coordinate, or drive, the investigation as it

1 were, and to make consulted decisions about the case, however it  
2 may, you know, with the information that we're provided at the  
3 time.

4 Q You would agree that a case like this is very serious?

5 A Yes, ma'am. Absolutely.

6 Q You would agree that -- how long have you been with the  
7 sheriff's department?

8 A I've worked for the sheriff's department for 20 years.

9 Q And how long have you been in investigations?

10 A I've been an investigator for five and a half.

11 Q For five-and-a-half years. And these cases require  
12 attention to detail, right?

13 A Yes, ma'am.

14 Q So was it simply an oversight that you didn't clarify where  
15 these shell casings were collected?

16 A So clarification did come. It was documented in the report  
17 as attached to a supplemental report. The supplemental report  
18 basically says that myself and Sergeant Jordan went to the  
19 address on Lucille Drive to follow up in reference to the  
20 homicide, and while we were there, you know, we did X, Y, and Z,  
21 and those shell casings were located there and submitted to  
22 evidence.

23 Q And is there a reason that you didn't look for or collect  
24 any cameras?

25 A Based on the information that we had at the time, my thought

1 process as far as the cameras were concerned was the time lapse.  
2 We're talking about an incident that took place on the 6th of  
3 April, and we had responded there on the 16th of April, so you're  
4 looking at 10 days.

5 At the time of this case I was working in major crimes  
6 dealing with assaults and shootings and things of that nature,  
7 and it had been, at least for me, understood that your average  
8 storage time for video is approximately seven days. So I didn't  
9 necessarily look for video in the area because I didn't think  
10 there would probably be any based on the time.

11 Q You would agree that you learned about the shooting at 2849  
12 Lucille Drive on April 7th of 2021?

13 A Thereabouts. Yes, ma'am.

14 Q What do you mean thereabouts?

15 A Well, we learned about the fight and everything that took  
16 place at Lucille, specifically the fight that took place at  
17 Lucille, through our interviews and statements that we collected  
18 from the victim and witness -- or, the witness at Devoe.

19 Q Okay. And so then what day specifically did you learn about  
20 the connection between --

21 A A specific date, ma'am?

22 Q Yes.

23 A I don't recall a specific date.

24 Q Do you have your report with you? And I'm referring  
25 specifically to the bottom of page 1 of 6 and beginning on page 2

1 of 6.

2 A So on April the 6th there is a mention of a physical  
3 altercation at another location where she went to pick her up.  
4 And I'm reading from my notes here. And I believe at this time  
5 we were talking to Miss Ivy, and that is when she called for her  
6 daughter, Tamira, to come back in to provide us information on  
7 the fight. And that was on the 6th.

8 Q Okay. So April 6th?

9 A Yes, ma'am.

10 Q And so you waited 10 days to go to Lucille to follow up on  
11 that information?

12 A To follow up on the fight or the shooting? We had spoken  
13 with Ms. Jackson about the fight on the 6th.

14 Q Not just Ms. Ivy Jackson; you actually spoke to Tamira  
15 Jackson --

16 A Yes, ma'am. I apologize.

17 Q -- Makayla Jackson, right?

18 A We spoke with -- I spoke with Ms. Ivy Jackson and with  
19 Tamira.

20 Q And so they gave you the address of 2849 Lucille Drive, so  
21 you had that address on -- or at least you had the incident  
22 location on April 6th, and then on April 7th you had the exact  
23 location of Lucille Drive?

24 A I'm not sure if we're looking at the same notes or not, but  
25 according to my notes I didn't have the actual address until the

1 8th of April.

2 Q Okay. Until the 8th?

3 A The 8th of April. I have it notated that I was advised that  
4 there was a report from Columbia Police Department filed on a  
5 shooting that took place at 2849 Lucille, and based on that  
6 information that the warrants would be pending for  
7 Mr. Richardson.

8 Q So April 8th. So I guess my correct question would be then  
9 you waited eight days to go to Lucille?

10 A That's how the flow of the investigation went, ma'am, so.

11 Q So yes?

12 A Yes, ma'am.

13 Q So you obtained a copy of CPD's report?

14 A A copy. Yes, ma'am.

15 Q And no body-worn cameras were provided or any handwritten  
16 statements from any witnesses about what CPD Columbia Police  
17 Department asked Ms. Barnes or anybody regarding the Lucille  
18 Avenue shooting, correct?

19 A Not to us. No, ma'am.

20 Q Okay.

21 A Just a copy of the report.

22 Q Right. And so no handwritten statement was ever taken from  
23 Ms. Barnes?

24 A No, ma'am.

25 Q No recorded statement was ever taken from Ms. Barnes?

1 A No, ma'am.

2 Q Okay. And you're certainly familiar with Richland County's  
3 policies about recording witness statements in major cases,  
4 correct?

5 A Yes, ma'am.

6 Q You interviewed Tamira Jackson and she told you that she,  
7 Tamira, left the location, being Lucille Drive -- and again, I'm  
8 on the top of page 3 of 8 -- she left the location, meaning  
9 Lucille Drive, and went somewhere in the neighborhood off of Two  
10 Notch at the request of Dai'Juan. That's what she told you on  
11 April 6th, correct?

12 A That's what I have notated. Yes, ma'am.

13 Q She told you that when they returned home -- excuse me.  
14 When they returned to her home that Richardson was pacing,  
15 saying, Oh, my God, they gonna pay, on April 6th?

16 A That's what I noted. Yes, ma'am.

17 Q She told that you when 'Juan, Dai'Juan, left the location,  
18 being her house, it was at this point she saw a gun, right?

19 A Yes, ma'am.

20 Q And that was on April 6th. Who was in charge of making the  
21 decisions on whether or not to send evidence for processing?

22 A Can you be a little more specific with that question?

23 Q Certainly. On April 6th Investigator Seay with the Columbia  
24 Police Department collected a gunshot-residue kit at y'all's  
25 request from Tamira Jackson? Defendant's 83.

1 A Yes, ma'am.

2 Q Who made the decision whether or not to have this sent for  
3 testing?

4 A I can't answer that, ma'am. I don't know who did or didn't.

5 Q I'm sorry?

6 A I can't answer that. I don't know who did or didn't make  
7 that decision whether to send it or not. I don't know if it was  
8 sent off or not.

9 Q Okay. As the primary investigator, is there a reason that  
10 you didn't test that evidence?

11 A Not that I can explain offhand. No, ma'am.

12 Q A car was processed, a black Honda was processed, by  
13 Investigator Holt, Sara Holt, on April 8th or 9th, a black Honda  
14 at Raven Wood Hills Apartments or something?

15 A Yes, ma'am.

16 Q And that was done at your request?

17 A I believe so.

18 Q And you had her specifically collect gunshot residue from  
19 that vehicle?

20 A I asked for her -- we asked for her to do the  
21 gunshot-residue kit in the vehicle. Yes.

22 Q And you never sent that to SLED for testing?

23 A I'm not sure if we did or didn't.

24 Q I'm sorry?

25 A Are you asking me?

1 Q Yes, I'm asking you.

2 A I'm not sure if it was or wasn't sent.

3 Q Okay. If it was sent for testing you would have gotten the  
4 results back, right?

5 A It's my understanding with gunshot residue, coming from  
6 SLED, because of how it's tested, that there is a considerable  
7 backlog, if you will, so it's not going to come back overnight,  
8 it could take six months or longer to return.

9 Q Okay. You heard Investigator Nate's testimony yesterday  
10 that she did test evidence of gunshot residue from the Honda  
11 belonging to Ashley Carter, right?

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

13 Q And you would agree with me that this case is over three  
14 years old, right?

15 A Yes, ma'am.

16 Q So is it your testimony that you didn't send evidence that  
17 you collected because it would take too long?

18 A No, ma'am.

19 Q Then why didn't you send evidence that was collected to be  
20 tested?

21 A Again, ma'am, I don't have a direct answer for you as to why  
22 or why not. They were -- those items were collected by our CSI  
23 and placed into evidence, and I believe they also -- I believe  
24 Sergeant Holt may have testified that they have -- and, I'm  
25 sorry, Investigator Seay testified to the fact that they have

1 forms from iLab that they have to fill out in order to get those  
2 items to SLED.

3 So if those forms weren't completed I can't tell you who  
4 that would fall on but, as the lead investigator, yes, I should  
5 have followed up on that.

6 Q The entire time that you have investigated and prosecuted  
7 this case it has been your -- and by your, I mean the State's --  
8 theory that Troy Stevenson and Troy Stevenson alone drove that  
9 black Honda while, in the driver's side, armed with one of these  
10 two weapons -- and by one of these two I'm referring to 90 and  
11 91 -- shot up 209 Devoe by himself in that vehicle? That has  
12 always been the State's theory; is that correct?

13 A Yes, ma'am.

14 ATTORNEY ZMROCZEK: No further questions, Your Honor.

15 THE COURT: Redirect?

16 SOLICITOR SCOTT: Nothing further from the State, Your  
17 Honor.

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

19 All right, ladies and gentlemen. That concludes this  
20 portion of the case. We're going to break for today. We have  
21 legal issues that we have to take up amongst the parties, but I  
22 assure you tomorrow will be the end of this case. We will come  
23 back tomorrow to do closing arguments, and I will instruct you on  
24 the law, and then you will begin your deliberations.

25 But again, until tomorrow when you return, and I instruct

1 you, over the break do not discuss the case, do not deliberate,  
2 do not do any independent research, do not do anything but have a  
3 restful night knowing that you have served your county so far  
4 that we're very appreciative of. And we'll see you back here at  
5 9:00 tomorrow.

6 (Jury excused for the day at 4:23 p.m.)

7 MATTER(S) OF LAW

8 THE COURT: All right. Anything else for the State as to  
9 the case? Not the charges.

10 SOLICITOR SCOTT: No, Your Honor.

11 THE COURT: Anything from the defense?

12 ATTORNEY ZMROCZEK: Your Honor, just as a matter of  
13 procedure, I believe I have to, at this point, again renew all of  
14 my previously made motions. Very specifically, I have outlined  
15 them in ad nauseam in detail, but with the way that lack of  
16 preservation has been argued in appellate cases, Your Honor, I  
17 just want to make sure that all of the issues that we have  
18 raised, we would be renewing those motions once again.

19 We certainly understand the Court's ruling, and I know that  
20 you have to make that ruling again, but simply we would  
21 procedurally like to do that.

22 THE COURT: All of your motions are renewed and denied as  
23 the reasons as stated before, but they're all noted for the  
24 record. The State has renewed any motions that they may have  
25 had, and those are denied as before, as stated.

1 All right. Tomorrow we have closing arguments. As to jury  
2 charges. All right, let's start with Ms. Zmroczek's. Did you  
3 make this a court's exhibit?

4 ATTORNEY ZMROCZEK: I did, Your Honor, just, again, for the  
5 preservation issues. I asked the court reporter to mark it as a  
6 court exhibit.

7 (Court's Exhibit 10 is marked for identification.)

8 THE COURT: And, Mr. Scott, you got a copy of this?

9 SOLICITOR SCOTT: Yeah.

10 ATTORNEY ZMROCZEK: I provided them -- I emailed them and  
11 also --

12 SOLICITOR SCOTT: I just want to make sure I've got it in  
13 front of me, though. Okay. I've got it right here, Judge.

14 THE COURT: All right. Starting with -- and I'll mark  
15 these. I believe there are eight charges you are requesting.  
16 Starting with no. 1, the charge arrest indictment is not  
17 evidence, et cetera. I'm not -- this is already somewhat  
18 included throughout my charges, and I included it in the opening  
19 statement, so I will not include this specific one because it's  
20 already incorporated. Anything from the -- and feel free to  
21 object to make the record clear. Ms. Zmroczek?

22 ATTORNEY ZMROCZEK: Your Honor, I'm pulling your charges now  
23 just so ... I know that -- Your Honor, I would just object. I  
24 know that they were included in your primary charges to the jury.  
25 We would just object and ask that that objection be preserved

1 just because specifically, as we're charging the law, I  
2 understand that they were listening -- certainly that this jury  
3 has been very attentive.

4 THE COURT: In my jury instructions I say at one point I  
5 remind you the fact the defendant was arrested, charged, and  
6 indicted in this case is not evidence, cannot be considered by  
7 you as evidence or guilt in this case, nor does it create a  
8 presumption or inference of guilt. The indictment is simply the  
9 formal written instrument which contains the charge. So it is  
10 essentially included.

11 ATTORNEY ZMROCZEK: Okay. Then I would withdraw the  
12 objection, Your Honor. I see that.

13 THE COURT: No. 2, the defendant not testifying. I have  
14 included that. I don't know if it's your language or mine, but  
15 it is included since he did not testify.

16 No. 3 is the charge about prior inconsistent statements. I  
17 include the credibility of witnesses. I don't see any reason to  
18 have to point this out to the jury as a charge. I think they can  
19 ascertain it from my credibility instructions.

20 ATTORNEY ZMROCZEK: And, Your Honor, we certainly respect  
21 your ruling, but just preserve that issue we would object to  
22 that.

23 THE COURT: All right. Noted for the record. I am  
24 including no. 4, spoliation of evidence. It may be argued to the  
25 jury specifically about the nine pages or whatever it was that

1 was not turned over, so you can argue that as you see fit, and  
2 outside of any objection, will be sustained.

3 SOLICITOR SCOTT: What was your ruling on spoliation, Judge?

4 THE COURT: I'm including the spoliation charge, and then in  
5 the closing arguments Ms. Zmroczek can make the point about the  
6 spoliation in regards specifically only to the --

7 ATTORNEY ZMROCZEK: The 10 pages, Your Honor.

8 THE COURT: -- the 10 pages that were not turned over.

9 SOLICITOR SCOTT: Judge, this talks about destruction of  
10 evidence. There's been no evidence of that. There was an  
11 anonymous caller who offered a tip, that no matter when this  
12 would have been given, the testimony was absolutely nothing could  
13 have been done to follow up on. He wasn't given a name, he  
14 wasn't given a phone number. There's been no evidence of him  
15 destroying anything.

16 He indicated he attempted to send it to me but it was  
17 somehow when scanned only came one document when there happened  
18 to be 10 pages. The only thing I was told that was missing that  
19 would have been some help to the defense was the CI gave some  
20 information that was incriminating towards Mr. Stevenson. But  
21 otherwise Investigator Jordan said under oath there was nothing  
22 he could have done to identify this anonymous caller, could not  
23 find a phone number, had no name, and I don't understand what we  
24 could have done had we had that.

25 THE COURT: They could have turned over that evidence

1    beforehand. All right. Now, I understand your issue. That's a  
2    great closing argument. You have a different spoliation charge.  
3    The problem is that there's issues with discovery which we  
4    addressed, and then halfway through the trial 10 pages were not  
5    turned over, and one of the -- 10 pages weren't turned over, or  
6    whatever it was. One of those was significant. So we aren't  
7    talking about the other ones which we just said weren't  
8    significant. One talked about CI and other information.

9           Now, she was asking for a -- she was asking for the case be  
10   dismissed or, in the alternative, a mistrial. I didn't give her  
11   that. I gave her something which I think is appropriate as some  
12   type of mitigation, some type of remedy, for that not being  
13   turned over.

14           I understand -- if you have a different spoliation -- or you  
15   can make that argument as clear as day.

16           SOLICITOR SCOTT: Destruction should be removed. That seems  
17   misleading. That seems to indicate bad faith. There's been no  
18   allegation of bad faith on the part of law enforcement. Of  
19   course, we -- candidly, we didn't send it over. We had an  
20   explanation. We had emails that indicate that, but there was  
21   no -- what's the word -- maleficent intent on the part of law  
22   enforcement to destroy evidence. That seems rather harsh  
23   language. That seems to indicate that there was something that  
24   Jordan found where he, you know --

25           THE COURT: All right.

1 SOLICITOR SCOTT: -- did something highly unethical.

2 (Court's Exhibit 15 is marked for identification.)

3 THE COURT: I have your charge you want. Take the words  
4 that you have in there. In this case there are allegations of  
5 evidence not being turned over. Send a proposed jury charge that  
6 tracks along with this one but that you think is appropriate in  
7 this case for my review. Just email it to all parties, and I'll  
8 review it, and I'll pick one. And then I will -- whoever I  
9 pick -- I mean, if I don't pick yours you can renew that  
10 objection as well.

11 It's noted for the record you want this one.

12 ATTORNEY ZMROCZEK: That's correct, Your Honor. And I  
13 understand that it goes in the case specifically to the notes  
14 but, as Your Honor remembers last Monday, I turned over in our  
15 memo a multitude of items that were not provided.

16 THE COURT: And that is not the argument --

17 ATTORNEY ZMROCZEK: And I'm not going to argue that to the  
18 jury, I understand. So I understand the Court's ruling as to  
19 what it is limited to, and that's what I intend to argue only.

20 THE COURT: Speculation and suspicion, as well as resolution  
21 of doubt in favor of the defendant. I'm reading this, and I  
22 don't know -- I'm giving a reasonable doubt charge, I am giving a  
23 presumption of innocent charge. So I don't believe that -- and  
24 some of those might be included in one of those, but I don't feel  
25 it necessary to add any more.

1 I mean, for example -- I believe I have all of this in there  
2 anyway. So, for example, resolution in doubt -- resolution of  
3 doubt in fair [ph] to the defendant. And the last sentence, if  
4 you have a reasonable doubt as to whether he's guilty, then you  
5 must resolve that in favor of him not being guilty. I believe  
6 that's included in mine.

7 ATTORNEY ZMROCZEK: So, Your Honor, I certainly understand  
8 and just renew my objection to speculation as suspicion, but the  
9 reasonable doubt, Your Honor, so my concern is -- I certainly did  
10 read the reasonable doubt charge that you provided. And so what  
11 my concern is is that if, based on your consideration of the  
12 evidence you are firmly convinced that the defendant is guilty  
13 with the crime charged, you must find the defendant guilty. And  
14 if, on the other hand, you think there's a real possibility that  
15 the defendant is not guilty, you must give the defendant every  
16 benefit of the doubt.

17 And so I guess my concern, Your Honor, is -- or, the  
18 additional language that I would request then is just the  
19 defendant is entitled to any reasonable doubt arising in the  
20 whole case or arising in defenses that may have been presented by  
21 the defendant.

22 It's just when you say you must find him guilty and then if  
23 you believe he's not guilty as opposed to -- to -- if you have a  
24 reason to doubt that they have proven guilt. And so that's just  
25 why I asked for that specific language. I certainly understand

1 the Court's ruling. I just wanted to put my position on the  
2 record.

3 THE COURT: All right. Noted for the record. All right.  
4 That's 5 and 6. I'll skip just to no. 8. I have that. And then  
5 unanimous verdict.

6 ATTORNEY ZMROCZEK: I just didn't see it. I'm sorry.

7 THE COURT: Let me double-check. We definitely want to let  
8 them know because I don't want to get -- your verdict must be  
9 unanimous. Unanimous. Yes, so we've got unanimous verdict.

10 No. 7, credibility of the investigation.

11 ATTORNEY ZMROCZEK: So, Your Honor, I included that.  
12 Originally I included that because of the testimony -- well,  
13 because starting/beginning with the testimony of Investigator  
14 Jordan, he said, well, that's not my job; it's the lead  
15 investigator's job, Investigator Oxendine. And then I think it  
16 further supports that charge given the testimony that we had  
17 today, because the witnesses that I put up, which were mostly CSI  
18 witnesses, today Investigator Oxendine testified that they should  
19 have submitted that to iLab. And they testified that they just  
20 submit it and then unless they're asked they don't submit it to  
21 iLab and that that would be something the investigator does.

22 Certainly we are attacking the credibility of this  
23 investigation. I think that's been clearly denoted in all the  
24 arguments that we made. That's why we would ask for that.

25 THE COURT: And my concern is that -- I mean, you are

1 absolutely doing that, which you have a right, but then all of a  
2 sudden I'm moving on to this side, and I start saying that  
3 because everything you talked about goes to reasonable doubt, it  
4 goes to credibility of the witnesses, including Oxendine, Jordan,  
5 anyone. If they're not credible, the case isn't credible. We  
6 talk about circumstantial evidence. So I don't like that charge,  
7 because -- and it's noted for the record. I think it takes me  
8 from being neutral to speaking on behalf of the evidence. So I'm  
9 not going to charge that.

10 ATTORNEY ZMROCZEK: Thank you, Your Honor.

11 THE COURT: And I believe that --

12 ATTORNEY ZMROCZEK: And we just certainly note, respectfully  
13 note, our objection.

14 THE COURT: Noted for the record. Of course. As to the  
15 State request, the transferred intent, I will send you, if I  
16 haven't already, what I found which I believe is from a standard,  
17 one of the standard books. I'll send it to you for review.

18 If you have one differently with spoliation, if there's one  
19 you specifically want and you don't like mine, just send it to  
20 me. I'll pick. And that way you can make a record and object  
21 for the record.

22 Transferred intent. Hand of one hand of -- what was the  
23 other one besides the hand of one? The murder charge.

24 SOLICITOR SCOTT: Yes.

25 ATTORNEY ZMROCZEK: And, Your Honor, on the transferred

1 intent, because I made a lot of case law with attempted murders  
2 in transferred intent, I do -- although I said I don't object, as  
3 I'm sitting here thinking about now specifically jury charges, I  
4 do need to go back and read the Court's opinion in *State v.*  
5 *Michael Juan Smith* because obviously that transferred intent was  
6 a -- and obviously it dealt with attempted murder, but I need to  
7 just make sure that that would not try to create new case law,  
8 and so I'll be specifically looking at that this week. Obviously  
9 we have time today. It won't be at 3:00 in the morning; it will  
10 be before 5:00.

11 With regards to the murder, Your Honor, the charge that you  
12 provided, I believe, is appropriate. I know that -- and I know  
13 that you're aware of this -- the inferred malice issue has, at  
14 this point, I think, been removed from murder charges, especially  
15 with the arguments that have been heard and decided by the United  
16 States Supreme -- or, sorry, the South Carolina State Supreme  
17 Court on inferences with weapons, inferences, et cetera, and we  
18 don't take any issue with the Court's murder charge and the  
19 specific malice. That was addressed. I think that's  
20 appropriate. I think that the Court is certainly moving away  
21 from the inferences, especially when it comes to the murder  
22 charge. I think the express malice -- and I think the malice --  
23 you have an additional malice charge that you provided in your  
24 charges that I think were appropriate. I don't think that the  
25 one submitted by the State is needed, as the one that the Court

1 provided is appropriate.

2 THE COURT: All right.

3 SOLICITOR SCOTT: It's just based on -- I think I cut and  
4 copied that from Clif Newman on a trial I did last year with him,  
5 and then Judge Hood has used that recently. It touches on  
6 implied malice and that being a reckless disregard for human  
7 life.

8 Inferred malice, you know, I believe she's quoting *Belcher*  
9 which is a self-defense case, use of a deadly weapon being  
10 inferred malice. You don't use that in self-defense. But now  
11 that we're talking about it I think maybe we should have  
12 something like that in this case because there's no evidence or  
13 testimony of any kind of self-defense.

14 Mine simply involve malice may be implied by the reckless  
15 disregard for human life. I don't think there was anything  
16 initially in the draft that we got from Your Honor.

17 ATTORNEY ZMROCZEK: And, Your Honor, there was an additional  
18 case after *Belcher* that took that -- that said it's not just in  
19 self-defense cases we are removing that malice can be inferred by  
20 the use of a gun from all language, not just self-defense. And  
21 I'm looking up the case right now. *Burdette. Burdette.* Sorry.  
22 *State v. Burdette.*

23 And while we're on that topic, Your Honor, my concern is  
24 that they are going to argue inferred malice by the use of a  
25 semiautomatic rifle, weapon in this case. So -- and it's not my

1 joy to object during closing.

2 THE COURT: I thought the State was clear in *Belcher* that  
3 you all can argue inferences with all that; I just can't  
4 instruct, correct?

5 ATTORNEY ZMROCZEK: But there's an additional case after  
6 *Belcher*. It's *Burdette*. I will send it to you. I will send it  
7 to the Court. I'll sit here and find it because I know I have  
8 it.

9 SOLICITOR SCOTT: It deals with charges, Your Honor, not in  
10 our argument.

11 THE COURT: All right. I'll review that murder charge. If  
12 you'll just send me any cases on that. All right. The State  
13 wants one hand of one, one hand of all?

14 SOLICITOR SCOTT: Your Honor, based on Ms. Setree's  
15 testimony I feel compelled to ask for it because now there's  
16 been -- she was not qualified as an expert but she testified to  
17 her opinion throughout, and her opinion was that there was a  
18 passenger in the car. That's where we are now, that there was a  
19 dog and a passenger. So we are compelled to ask for that at this  
20 point.

21 ATTORNEY ZMROCZEK: Your Honor, in response to that, she was  
22 not qualified as an expert. The State was the one asking for her  
23 opinion, and now to try to parlay that to use as a charge,  
24 especially in light of the testimony, the last bit of testimony  
25 that just came from Investigator Oxendine, the entirety of this

1 case has been -- and, in fact, even Mr. Scott demonstrated with  
2 one, or with several witnesses, sitting in a car by himself, and  
3 their arguments have been this entire time that there's no shell  
4 casings because it was fired from the driver's side while the  
5 person was driving, and there was even a demonstration, Your  
6 Honor, to now try to slide that charge in when that has never  
7 been the State's theory.

8 THE COURT: Well, that's true until we heard about the  
9 person in blue. And there was even evidence in the State's case  
10 in chief before there was an objection to third-party guilt about  
11 someone else's cellphone being in the vicinity, which the jury --  
12 I mean, you asked either Jordan or someone clarifying that his  
13 cellphone was, in fact, in the vicinity.

14 ATTORNEY ZMROCZEK: Well, after -- well, if Your Honor -- I  
15 believe that that -- I was not even allowed to explore that  
16 testimony because it was going to open the door, which I did not  
17 do. There's never -- I mean, the State has argued against  
18 third-party guilt, and the State, their theory, has been all  
19 along that this was done by one person. And now because of one  
20 witness, they --

21 THE COURT: Well, that witness -- and that's going to be  
22 shown, too. The issue is that the jury, if they look at that and  
23 they say, well, whether there's a dog there or not there's  
24 definitely a person in blue and it could have been the person in  
25 blue who did it, and that it could have been your client who was

1 driving, so the person in blue is the shooter, and they need to  
2 know that for the law, the hand of one, the hand of all, which  
3 the driver would still be responsible. I mean, there's  
4 evidence -- even though the State's theory, also, in the trial,  
5 it's now there's two people in that car.

6 ATTORNEY ZMROCZEK: And so if Your Honor does include it, I  
7 certainly -- I just -- I'm not trying to make an objectionable  
8 closing, but I think that I can argue that that's against the  
9 State's theory.

10 THE COURT: I don't see any reason you -- you can get up  
11 there and say, all of a sudden, this -- I mean, I would assume  
12 there wouldn't be an issue with that. They can then get up and  
13 say you put it in with your own expert.

14 ATTORNEY ZMROCZEK: Well, to be clear --

15 THE COURT: I mean, not your own expert. Whether it's an  
16 expert or not, but if there's not an objection and someone says I  
17 see a person, you don't need an expert to say that. Anybody can  
18 say I saw two people in the car. It can be a lay witness. And  
19 whether she's an expert or not, her opinion got in, and so it's  
20 in. The only question is does it rise to that level. So I'll  
21 consider that, whether I'm going to include hand of one, hand of  
22 all.

23 SOLICITOR SCOTT: And I think, again, that was asked on  
24 direct so that was a question she asked her expert who said I see  
25 a person in blue and I see a dog.

1 THE COURT: The dog came out on cross.

2 SOLICITOR SCOTT: Dog did come out on cross. It was  
3 nonresponsive to a question I asked.

4 THE COURT: The blue came out on direct.

5 SOLICITOR SCOTT: Correct. And I need to explain the law  
6 now that they added this in. Based on a photo that they enhanced  
7 and done different things to now they see a person, I should be  
8 able to say that's their theory, that's fine, but that still does  
9 not exonerate anybody else. Of course, that is not the State's  
10 theory but I have to be able to counter this argument that have  
11 raised now.

12 THE COURT: I mean, if the State were to get up and say John  
13 Smith was the driver or something that's not in evidence -- I  
14 mean, the only thing you can argue that's in evidence is from  
15 that one person in blue.

16 All right. Yes, ma'am?

17 ATTORNEY ZMROCZEK: And again, Your Honor, I know that -- so  
18 the record's clear.

19 THE COURT: Well, this can be an issue, so make the record  
20 clear.

21 ATTORNEY ZMROCZEK: It is. And he keeps saying expert,  
22 expert, expert, and she was not qualified as an expert. I  
23 understand what the testimony was -- I'm sorry. Your Honor, one  
24 of the reasons that he said that he needed this charge is because  
25 of that picture, that enhanced picture, which has been stricken

1 from the evidence. It is not to be considered as you withdrew it  
2 and told the jury about it. So --

3 THE COURT: That's not the issue. Frankly, the picture,  
4 they have the video. But you look at the picture, and they might  
5 not be able to see it but they're going to say she testified to  
6 it over and over again; I see two people. And my only concern is  
7 that the jury's going to send a note saying if there are two  
8 people, someone and someone, what does that mean?

9 SOLICITOR SCOTT: I submit to you that question was crafted  
10 to get that response. I mean, that's why we have that blow-up  
11 that I objected to in the video, and that's why that question was  
12 asked. Whether it's an expert or not, it's a question or  
13 opinion. The question was what do you observe in this picture?  
14 I see a man, or I see white. And what else do you see? There's  
15 a passenger wearing blue. That question was crafted for that  
16 specific response. I need to be able to explain accomplice  
17 liability.

18 THE COURT: In any event, I believe I have a hand of one,  
19 the hand -- in any event, if there's one -- I'm going to send you  
20 what I have, and then so that way you can still say I'd rather  
21 have this hand of one, hand of all, or this one's wrong if I  
22 include it. It doesn't mean you don't object still, but it will  
23 be clear that even though you objected, you've still got to  
24 mitigate that.

25 SOLICITOR SCOTT: I think I sent one. I think I sent it.

1 THE COURT: Okay. I will send you what I have, and we'll  
2 look at them. What other jury charges from the State? Is that  
3 it?

4 SOLICITOR SCOTT: That's all from the State.

5 THE COURT: What else from the defense?

6 ATTORNEY ZMROCZEK: That's all from the defense.

7 THE COURT: Are there any objections to the ones -- I'm  
8 going to send you all this again so you can review it, so first  
9 thing in the morning you look at it and you read through mine,  
10 and you find something you want to object to, you can object. If  
11 there's something that's glaring, that's an issue, let me know.  
12 What other issues we got?

13 ATTORNEY ZMROCZEK: As I reviewed the ones that you sent me,  
14 we did not have any objections to the ones that you sent.

15 THE COURT: All right. As for the evidence, since we're  
16 leaving earlier, since that takes forever and I don't want any  
17 evidence going back that didn't get in, you all, after we adjourn  
18 for today, you all go through and make sure all the evidence is  
19 right there ready to go. And then after -- and then we can  
20 double-check what goes back, but do it now since there's been  
21 evidence that's been kind of turned in and not turned in.

22 As to playing videos, we --

23 ATTORNEY ZMROCZEK: I think the State has a clean --

24 THE COURT: Do we just send it back there with them?

25 ATTORNEY ZMROCZEK: -- a clean computer.

1 SOLICITOR SCOTT: That's what we've been doing, just sending  
2 a blank laptop back there.

3 THE COURT: And you review the laptop and make sure it's  
4 clean.

5 ATTORNEY ZMROCZEK: I will, Your Honor.

6 THE COURT: And I'll instruct them that if they are having  
7 any technical difficulties, to let us know.

8 And make sure the bullets stay with the sheriff's  
9 department.

10 ATTORNEY ZMROCZEK: They have been removed from those boxes.  
11 And, Your Honor, talking about the evidence that was -- and I  
12 think it was referring to both of our bodycams and then the 9-1-1  
13 call, and certainly I believe that all of those now support --  
14 Mr. Fowler and I both checked that. And I'll make sure, actually  
15 since we have time today before we leave, I'll make sure again  
16 that it's ...

17 THE COURT: Doublecheck that.

18 ATTORNEY ZMROCZEK: Yes.

19 THE COURT: And I'm going to tell the jury, with the -- how  
20 many guns are there, three guns?

21 ATTORNEY ZMROCZEK: No. They were only two. One was ID'd.

22 THE COURT: One was, okay. Which is the ID one, the long  
23 one?

24 ATTORNEY ZMROCZEK: The long one. Yes.

25 THE COURT: Make sure that that -- because I'm going to tell

1 the jury that all the evidence is sent back to them except for  
2 the two guns. If they want to see those, they can come back and  
3 view it here.

4 Make sure the long gun is not sitting out so they don't say,  
5 well, what about that one? So just take that one away at some  
6 point, whoever takes them.

7 SOLICITOR SCOTT: What do you think about giving them the  
8 option -- because again, I don't know how many videos are in at  
9 this point and how many duplicates there are for them to  
10 navigate -- it's going to be onerous for them -- but to give them  
11 the option, should they be able to direct us through a note, to  
12 one particular video that we could play it for them out here, or  
13 something like that.

14 ATTORNEY ZMROCZEK: Your Honor, I have concerns about that.  
15 I think that at this day and age jurors, at least one of those  
16 jurors, knows how to hit play. I mean, there's no special coding  
17 or anything.

18 THE COURT: This is what's going to happen. We're going to  
19 send all the videos back, and they're going to have 4,000 videos,  
20 and they're going to start playing them, and they'll play through  
21 all of them, and if they've got a question and they can't figure  
22 it out, they're going to send a note saying we want to see the  
23 video of X, Y, and Z, I'll talk with y'all and say which video is  
24 that, and we'll agree, and we'll say Exhibit 97.

25 ATTORNEY ZMROCZEK: I think that that's appropriate.

1 THE COURT: Or if they say we want to see the video from the  
2 camera, from the security footage, and I'll say all right, give  
3 us more specificity, we'll just have to deal with that.

4 But again, that's why I say in closing arguments you all can  
5 it an exhibit to show these are the videos. They won't go back  
6 with them, but I think they'll figure it out.

7 ATTORNEY ZMROCZEK: And I think certainly we can extend it  
8 another day, but I think that just given the amount of evidence  
9 that is in there, that we can kind of clarify, like you said,  
10 what we would like to highlight, and the numbers, and then  
11 hopefully they'll remember that as well.

12 THE COURT: All right. So what you all are going do is  
13 you're all going to send me the spoliation evidence you all want,  
14 with your objection still noted for the record; send me the case  
15 law regarding the murder charge, the inference and implied malice  
16 so I can make a decision on that; I'll make a decision on the  
17 hand of one hand, hand of all, so if you have a preferred one  
18 send it to me before I make my decision.

19 ATTORNEY ZMROCZEK: And, Your Honor, I just found *Burdette*  
20 so I'll go ahead and email it to the Court and to the solicitor  
21 as well.

22 THE COURT: Anything from the State before we adjourn for  
23 the evening?

24 SOLICITOR SCOTT: No, sir.

25 THE COURT: Anything from the defense?

1 ATTORNEY ZMROCZEK: No.

2 THE COURT: All right. Thank you. We'll be back here at  
3 9:00 tomorrow.

4 (Adjourned for the day.)

5  
6 CERTIFICATE OF REPORTER

7 I, Cathy J. Provost, Official Court Reporter for the  
8 Fourteenth Judicial Circuit of the State of South Carolina, do  
9 hereby certify that the foregoing is a true, accurate and  
10 complete Transcript of Record of the proceedings had and evidence  
11 introduced in the trial/proceedings of the captioned case in the  
12 Court of General Sessions for Richland County, South Carolina, on  
13 the 21st day of May, 2024.

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

16  
17 Date: October 7, 2024

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

STATE OF SOUTH CAROLINA ) COURT OF GENERAL SESSIONS  
 )  
COUNTY OF RICHLAND ) FIFTH JUDICIAL CIRCUIT  
  
THE STATE OF SOUTH CAROLINA ) NOS. 2022-GS-40-01884 and  
 ) 2022-GS-40-01885  
VS. )  
TROY CHRISTOPHER STEVENSON, JR. ) TRANSCRIPT OF RECORD  
 )  
 ) Volume VII of VIII,  
 ) Pages 953 - 1061

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B E F O R E:

The Honorable Daniel Coble, Judge; and a jury

DATE: Wednesday, May 22, 2024, 9:14 a.m.  
Columbia, South Carolina

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

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: As to the jury charges, let me go through what I  
6 am going to read. I'll just go over the headline for each one.  
7 The introduction; duties of judge and jury; evidence, what is not  
8 evidence; direct and circumstantial evidence; credibility of  
9 witnesses; expert witnesses; presumption of innocence; reasonable  
10 doubt; multiple charges; intent; transferred intent; hand of one,  
11 hand of all; malice; murder; possession of a weapon during the  
12 commission of a violent crime; spoliation of evidence; decision  
13 of defendant not to testify; sympathy; duty to deliberate; and  
14 verdict.

15 As to the hand of one, hand of all, the charge I'm using  
16 includes language about prior knowledge, without more, is not  
17 sufficient, and mere presence is not sufficient, but it is a  
18 lengthy hand of one, hand of all.

19 As to the murder charge, I used one from a previous circuit  
20 court judge which used parts of what the solicitor sent.  
21 Specifically, malice aforethought may be express or inferred.  
22 These terms, express and inferred, do not mean different kind of  
23 malice but merely the manner in which malice may be shown to  
24 exist, that is, either by direct evidence or from inference from  
25 the facts and circumstances which are proved.

1 Express malice is shown when a person speaks words which  
2 express hatred or ill will toward another and when the person  
3 prepared beforehand to do the act which was later accomplished.  
4 Malice may be inferred from conduct showing a total disregard for  
5 human life.

6 Your objection is noted for the record as to that charge,  
7 Ms. Zmroczek.

8 ATTORNEY ZMROCZEK: Yes.

9 THE COURT: The spoliation of evidence, I am using the one  
10 from the defense; however, I'm taking out that first sentence  
11 about their allegations. I believe that would be commenting on  
12 the facts. So I will start with: The State not only has the  
13 burden of proof of guilt, but also dat-dat-dat.

14 Your objection is noted for the record from the State.

15 I believe those were -- and then Ms. Zmroczek sent an  
16 implicit bias. Put on the record why you want that.

17 ATTORNEY ZMROCZEK: Because, Your Honor, that is just a  
18 charge that I know -- I haven't tried a case in front of Judge  
19 Hood for a while but the last few I did try in front of him he  
20 did give that charge. I felt like that, especially with the  
21 nature of the circumstances surrounding this case, that it was an  
22 appropriate charge which is why we submitted it. And I  
23 apologize, I don't know what my email said but hopefully it just  
24 attached the information.

25 THE COURT: No, it was fine. Note for the record I'm not

1 including that. I'm looking for any evidence. So part 1, I  
2 don't see any evidence of some type of implicit bias and,  
3 secondly, even if it doesn't fall under that part, if it's more  
4 of a legal issue, I believe it -- secondly, it's covered under  
5 credibility of witnesses, anything of that nature; it's covered  
6 under reasonable doubt; and the State has the burden; and I  
7 believe it could look as if I am commenting on the credibility of  
8 witnesses by saying that people have this implicit bias.

9 True or not, I think it is, it shifts that, but it's noted  
10 for the record.

11 ATTORNEY ZMROCZEK: Thank you.

12 THE COURT: And you want third-party guilt. You can put  
13 that on the record.

14 ATTORNEY ZMROCZEK: Yes, Your Honor. Just especially -- and  
15 that was just -- I know we had talked about it before but then  
16 when they said in light of the evidence presented that they  
17 wanted the hand of one, hand of all, that's why I then included  
18 the third-party guilt charge. I certainly understand the Court's  
19 ruling, but I'm just making sure that it is just preserved for  
20 the record.

21 THE COURT: And if you could at some point, too, maybe if  
22 you want to a make a court exhibit, include those implicit  
23 bias -- the ones that weren't included, I think it's implicit  
24 bias and third-party guilt. I'm not going to include third-party  
25 guilt from my prior ruling, and that was not included. I don't

1 think the door has been opened based on the hand of one, hand of  
2 all because the facts would just show they did it together, not  
3 that he wasn't there.

4 So, for the record -- so it's noted for the record. If you  
5 want to include that somehow.

6 ATTORNEY ZMROCZEK: I will. I'll get this printed, perhaps,  
7 at lunch.

8 THE COURT: And just show that to the State, and then we'll  
9 make that a court's exhibit.

10 ATTORNEY ZMROCZEK: And I'll just print the email.

11 THE COURT: Anything's fine.

12 ATTORNEY ZMROCZEK: And then, Your Honor, just because I  
13 know we talked about it yesterday, and obviously this is  
14 anticipatory, but I don't know if Mr. Scott is going to argue --  
15 I know that you're not charging it, but if Mr. Scott's going to  
16 argue inference from a gun then, Your Honor, I just -- because I  
17 don't want to interrupt, but I do want to note my objection to  
18 that because it's not something that you charge so, in my mind,  
19 it's a very slippery slope. That would be like, you know, I get  
20 up and say reasonable doubt is just, you know -- you know, I  
21 describe the burden differently than what the Court instructions  
22 are.

23 I would argue that if the State argues that they can infer  
24 malice from a gun and that's not charged but then the charge does  
25 include the words inferred malice, that I just, I think that

1 that's the next line of the cases that are going to be coming, so  
2 I need to make sure that I preserve that argument.

3 THE COURT: All right.

4 SOLICITOR SCOTT: And you're the ultimate judge of the law,  
5 and they will be reminded about that. So that is still a point  
6 that we can argue. Of course it's not something the judge will  
7 charge, but I think I'm free to argue that in closing.

8 THE COURT: And your objection's clearly noted for the  
9 record. I don't think you need to stand up and object during.  
10 So it's noted here, and then you will renew it if he makes that,  
11 and you'll specify what we're referring to and the reason you  
12 didn't make it at the exact moment because I've already made a  
13 ruling. I believe the law is clear.

14 ATTORNEY ZMROCZEK: And I don't want to interrupt his --

15 THE COURT: Correct. But I think it will be clearly  
16 preserved for the record.

17 ATTORNEY ZMROCZEK: Thank you, Your Honor.

18 THE COURT: That's noted. Any other issues that might come  
19 up in closing?

20 ATTORNEY ZMROCZEK: Nothing.

21 THE COURT: Anything from the State before we bring the jury  
22 out and begin closing arguments?

23 SOLICITOR SCOTT: No, Your Honor.

24 THE COURT: Anything from the defense?

25 ATTORNEY ZMROCZEK: No. I think that the law is also very

1 clear they have to open in full, and then if I put on a case they  
2 can rebut anything new that I discussed? My concern is, Your  
3 Honor, the last time I tried a case in this courtroom with  
4 Mr. Scott with rebuttal, attacks counsel, personally, and  
5 counsel's arguments, and so if that does happen I will have to  
6 note an objection.

7 THE COURT: Two things there. You, personally, and then the  
8 arguments that have been made. They can rebut the arguments.

9 ATTORNEY ZMROCZEK: Right. Right. Right. They have to  
10 open in full. They can't argue new things on rebuttal unless --  
11 except for what I talk about.

12 THE COURT: Yes.

13 ATTORNEY ZMROCZEK: Okay. Thank you.

14 THE COURT: I mean, we'll address that if it does happen.

15 ATTORNEY ZMROCZEK: Thank you.

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

17 (Jury seated in the courtroom at 9:24 a.m.)

18 THE BAILIFF: Jury's seated, Judge.

19 THE COURT: All right. Thank you, ma'am. All right. Good  
20 morning, ladies and gentlemen. Thank you for being here, thank  
21 you for your patience, thank you for your service. We're now  
22 about to begin closing arguments from both sides, and then I will  
23 instruct you on the law, and then and only then can you begin  
24 your deliberation.

25 Before that I'm going to select a jury foreperson. And,

1 ma'am, right here in the front. Yes, ma'am, what's your jury  
2 number, do you know?

3 JUROR: Ninety-six.

4 THE COURT: Ninety-six. You are the jury foreperson. Gives  
5 you no special powers, or authority, anything like that. Every  
6 vote counts the exact same. You are simply the jury's  
7 spokesperson. So if a note needs to be sent at some point you'll  
8 write it down and they'll hand it to me, or if I have to tell the  
9 jury something I'll address it to you maybe individually. No  
10 special powers. We just have to have one person, one foreperson.  
11 So juror 96 is the jury foreperson.

12 With that being said, the State may begin their closing  
13 arguments.

14 SOLICITOR SCOTT: Thank you, Your Honor. May it please the  
15 Court.

16 THE COURT: Yes, sir.

17 CLOSING ARGUMENT ON BEHALF OF THE STATE

18 SOLICITOR SCOTT: Ladies and gentlemen, this case is an  
19 illustration of the most egregious, recklessness imaginable, it  
20 is a glaring example of what happen when people have no regard,  
21 no value for human life. It's about Troy Stevenson and his  
22 choices, his actions that lead to the expected outcome -- I say  
23 the expected outcome -- of people dying, and not just anybody,  
24 not just any person but a completely innocent citizen of Richland  
25 County.

1           No one is really surprised when somebody is killed in a  
2 drive-by. That's why I mean by expected. I mean, what is the  
3 intended result when you fire 14 shots of a high-powered,  
4 semiautomatic weapon into an occupied home? You don't do that  
5 and then say you're surprised if somebody's hit or somebody's  
6 killed. That is expected. It's a natural outcome.

7           The thing is, you may have a specific target in mind; you  
8 may be thinking you're going to hit Tamira Chasicia Jackson or  
9 Dai'Juan Richardson, but when you start shooting through walls  
10 and windows all bets are off. Right. That's how children, the  
11 elderly, retired men watching TV in their bed at night are  
12 killed, people who have no value for human life like Troy  
13 Stevenson shooting through walls. People that have absolutely  
14 nothing to do with Troy Stevenson's hate and malice are killed.

15           The fear of being killed in our beds at night should not be  
16 something that we have to worry about, shouldn't be something we  
17 consider even a possibility, but as long as people think that  
18 blasting away at homes in the middle of the night is a solution I  
19 guess it is something we need to consider and we need to think  
20 about and, I hate to say it, maybe we need to fear it, and  
21 there's nothing at all fair about that.

22           A good man, Charlie Jackson, a man who's worked his whole  
23 life, who tried to be a productive member of the community, a  
24 disabled man who was lying in bed watching TV shot in the back.  
25 And what the hell did he do to deserve that?

1           It's a wicked chain of events that was set in motion on the  
2 night of April 5th and the early morning hours of April 6th. We  
3 heard about it, and A lot of time was spent trying to familiarize  
4 the Court with these locations and the different people involved,  
5 and how they related to each location, and had how they all are  
6 tied together.

7           Nick, can you put that slide up.

8           We heard that 2849 Lucille, the home where Troy Stevenson  
9 lived; his mother, Latoya Barnes, lived there as well; I believe  
10 his other brother, Tromaine Stevenson, lived there. But on  
11 April 6, or late night hours of April 5th, early morning hours of  
12 April 6th there was a gathering there. You heard a lot of  
13 drinking. Jalanda Tobias, Troy's cousin, talked about how drunk  
14 she was washing clothes. You heard Jasmine Martin, she, too, had  
15 been drinking an awful lot.

16           We heard about Jasmine Martin, not a linchpin per say but  
17 something of an intermediary between the folks who started the  
18 night off at 209 Devoe, Tamira Jackson, Dai'Juan Richardson, she  
19 was friends with these people but also friends with Jalanda  
20 Tobias, Jamaree Jeffcoat, Tyjeria Prophet, some other people that  
21 were at Lucille.

22           We also heard, though, that Jalanda Tobias, Jayy Dior, and  
23 Tamira Chasicia Jackson did not get along, and we heard it was a  
24 lot to do with Jamaree Jeffcoat. Both of them had been involved  
25 with him at some point in the past. We heard that Jasmine's

1 brother, Caleb Martin, had recently passed away, either the week  
2 before or a couple weeks before this he had died. We heard how  
3 Dai'Juan Richardson and Caleb Martin were tight friends, best  
4 friends I think it was testified to.

5 April 6th Dai'Juan Richardson called Jasmine Martin and said  
6 why don't we go to Caleb's grave tonight? Why don't we celebrate  
7 Caleb, we'll have a drink, and honor his memory. Jasmine, her  
8 testimony was said she was down with that, that sounded like a  
9 good idea. She was also pretty drunk and perhaps she had  
10 forgotten that she had also told Tyjeria Prophet that she would  
11 with her back to her apartment and drink and turn up, is what she  
12 said.

13 What we understand is Dai'Juan Richardson did not tell  
14 Jasmine Martin that he had Tamira with him. Jasmine said that if  
15 she had known that she would have said let's meet up the street,  
16 let's don't meet at Lucille because Jalanda and she had problems  
17 and that wouldn't be a good idea. But he didn't tell her that.  
18 I don't know if he knew that that would be an issue or he  
19 purposely not disclosed that. We don't really know. This is a  
20 chain of events that was set in motion perhaps innocently, but it  
21 leads to where we are.

22 We hear Dai'Juan Richardson, C.J., and Tamira arrive  
23 thinking they were going to pick Jasmine up to go to Caleb's  
24 grave. Jalanda had been there at her aunt's house, Latoya  
25 Barnes, I think she said, washing clothes, drinking Patron.

1 We heard that whenever Tamira, Dai'Juan, and C.J. pulled up  
2 they pulled up somewhere around this mailbox here, and Jasmine  
3 became aware they were there so she walked outside. Jalanda,  
4 curious or nosy who was picking her up, followed her out there.  
5 She said that C.J. -- Jalanda said C.J. was somebody who was  
6 really close with the father of her child. She said that he  
7 rolled down the window, called out her name which made her go to  
8 the car. It's at that point that she realizes Tamira -- they  
9 call her Chasicia, that's her middle name -- Jackson, was in the  
10 passenger's seat of the car.

11 And according to her own testimony, and others, this just  
12 threw her into such a rage, just the sight of Ms. Jackson being  
13 there, she began beating and kicking the car, demanding that  
14 Tamira get out. Jalanda, herself, said that, and then other  
15 witnesses confirmed that as well. Beating and kicking the car  
16 and demanding Tamira get out. And Tamira did. And then this  
17 chain of events.

18 You're looking at it in 2024 thinking to yourself I wish it  
19 would just stop right there, I wish he didn't kick the car, I  
20 wish Tamira didn't get out. But this is how it happened that  
21 night, and sadly we know how it ends.

22 And Tamira gets out of the vehicle. A verbal argument  
23 quickly game a physical one. Jasmine attempted to break it up,  
24 and eventually the fight ended, or seemed to. This could have  
25 been the end of it. Two women fighting, a couple scrapes, a

1 scratch or two, but otherwise no big deal.

2 But it's at this point that Jamaree "Dubb" Jeffcoat, Troy's  
3 best friend, decides to inject himself into what had been a fight  
4 between two females that by all accounts seemed to be on.

5 And we heard about him mushing Tamira's face, pressing his  
6 pointer finger into her cheeks and her forehead aggressively  
7 enough that Dai'Juan Richardson now feels the need to get out of  
8 the car and stand up for Tamira Jackson. That was the testimony  
9 you heard from Jasmine, you heard from Tyjeria, you heard from  
10 Tamira. He was trying to break up this male being aggressive  
11 with a female. And what did he get for that? He got a Petron  
12 bottle to the back of his head. This is Troy Stevenson's good  
13 friend, Jamaree Jeffcoat, hitting somebody in the head with a  
14 bottle of Petron.

15 Dai'Juan Richardson falls to the ground after trying to  
16 deescalate things, and then he is beaten by Mr. Jeffcoat. That's  
17 what Tyjeria called it. She said it was rather one-sided, It was  
18 Dai'Juan Richardson getting his butt kicked after being assaulted  
19 with a liquor bottle. Dai'Juan was able to eventually get back  
20 to the car with Tamira and C.J. and leave the scene. This could  
21 have been the end of it. Again, it's this chain of events,  
22 people making bad decisions, recklessness, reckless disregard for  
23 the value of human life. This could have been the end of it.

24 Dai'Juan Richardson could have sought medical treatment,  
25 notified the police, but he didn't. And doesn't that seem to be

1 the theme in this case, people who decide they're going to take  
2 law into their own hands, people who decide they think they're  
3 going to determine who's responsible for some misdeed, and then  
4 they're going to decide what the penalty's going to be.

5 The problem is they seem to always decide it's the death  
6 penalty each time they make this decision. That's the problem  
7 when people take the law into their own hands. We know that  
8 Dai'Juan Richardson did not notify authorities. Could have been  
9 the end of it. Could have been the end of it.

10 He left 2849 Lucille and got a gun, specifically this gun,  
11 goes back to 209 Devoe; leaves Lucille after being assaulted,  
12 gets a gun, goes to Devoe, and then stewes over it, or he's pacing  
13 back and forth. Could have been the end of it. He's amping  
14 himself up, he's pacing about. Announced he was leaving, and he  
15 and C.J. did just that, and we know what they do. If only cooler  
16 heads had prevailed.

17 Using that gun, Dai'Juan Richardson fired 17 times into  
18 Lucille Drive. People taking the law into their own hands. And  
19 here's the problem with taking the law into your own hands. His  
20 beef, his intended target, Jamaree "Dubb" Jeffcoat -- this is who  
21 hit him in the head with a bottle -- the problem is Jeffcoat  
22 didn't even live at that house; he wasn't even there during the  
23 shooting. So Richardson fired into that house with a  
24 semiautomatic weapon, a 9mm.

25 And miraculously no one was hurt, because what is the

1 expected outcome when you fire into a house? Somebody's going to  
2 get hurt or killed. It's more miraculous when nobody is hit or  
3 killed. He leaves the scene after that. Shoots that house up 17  
4 times and the intended target's not even in there. He could have  
5 hit Latoya Barnes, could have hit Antonio Barnes, could have hit  
6 Tromaine Stevenson. Thankfully he didn't.

7 Shoots up Lucille. Gets back to Devoe Drive about 2:17 in  
8 the a.m. We know Lucille drive was shot 2:11:38 a.m. so six,  
9 seven minutes later he's back at Devoe, puts the gun in the  
10 Oldsmobile, probably covering up evidence. Maybe he's picking up  
11 some of the shell casings that landed in his car because that's  
12 what you typically do after you something horrendous, is you try  
13 to cover your tracks. Probably what he and C.J. are doing.  
14 Probably that's why you see them outside of the car right after  
15 they return home, or return to 209 Devoe. 2:11 in the morning  
16 after that house is shot up could have been the end of it.

17 We're quarterbacking here in 2024, and the game happened in  
18 2021, and we wish we could have grabbed people by the shoulders  
19 back then and said stop, stop, enough violence for the night.  
20 The house is shot up and nobody's hurt. Let's call law  
21 enforcement. Ms. Barnes, Latoya Barnes, let's call law  
22 enforcement. People who witnessed that fight, let's get with law  
23 enforcement because probably have a pretty good idea who did  
24 this, right. Latoya Barnes or Antonio Barnes could have called  
25 law enforcement to report this. Troy Stevenson, when he learns

1 about it, call law enforcement. We don't need to take law into  
2 our own hands. That's what happened here after this guy was  
3 assaulted. We don't need to continue the violence. Please.

4 There's that theme in this case, people wanting to take the  
5 law into their own hands. Had they called law enforcement,  
6 right, they could have explained the fight that happened earlier;  
7 they could have talked about how somebody left after being  
8 severely assaulted and told law enforcement we've got a pretty  
9 dang good idea who did it. Could have been the end of it. We  
10 could have stopped the violence right there, the needless  
11 shooting, the recklessness could have ended right there. But it  
12 didn't.

13 After that house was shot up Charlie Jackson's fate was  
14 sealed. He only had about 34 minutes left before he'd be shot in  
15 the back. Not a clue in the world, and not a thing to do with  
16 anything that had transpired to this point. A good man, a  
17 productive man, who everyone liked, would be killed because Troy  
18 Stevenson decided he was the judge, and the jury, and the  
19 executioner.

20 Again, this is the problem with taking law into your own  
21 hands, in deciding the penalty is always the death penalty, but  
22 innocent people, people who have done you no wrong, people just  
23 trying to live their life, these are the people who end up  
24 paying, these are the people who end up dying.

25 That shooting at 2849, again, happened at 2:11. We know

1 this because ShotSpotter picked up those gunshots, they  
2 registered, and recorded them.

3 We learned a lot about what Troy Stevenson did thereafter,  
4 after his mother's house was shot up. His girlfriend, Ashley  
5 Carter, told us that he got a phone call; said he was leaving.  
6 Did he tell her where he was going and what he was going to do?  
7 Stands to reason that he did - and I'll explain that later. He  
8 arms himself and left in Ashley Carter's black Honda Accord, the  
9 one with the defective passenger brake light, the one he drives  
10 all the time.

11 Now, Scott McDonald was the expert, talked a lot about  
12 cellphone locations -- well, voluntary and involuntary actions  
13 the phone takes when you place a call, when you receive a call,  
14 and you place a text message or Facebook Messenger, receive them,  
15 those would be voluntary actions involving your cellphone.

16 But he also said that all the time you're not doing a thing  
17 with it, it's in your pocket or sitting in your car, that phone  
18 is sending out signals sporadically looking for the closest, or  
19 the strongest, tower, and it would send out a signal to the --  
20 or, rather, the tower would send out a signal to the phone,  
21 bounce back the tower, and you would be able to tell pretty much  
22 precisely how far a way that phone is from the tower because it's  
23 hitting, bouncing a signal off of it.

24 It's kind of like sonar. Some of you fishermen, you know,  
25 like a fishfinder that sends a signal down to the bottom and it

1 bounces back up, you can see how deep the water is, and it will  
2 pick up logs in the water, and fish. Sounds kind of the same  
3 way. You're bouncing a signal off an object and it bounces back,  
4 and you can determine how far that phone is from the tower.

5 And he talked about timing advance technology. He talked  
6 about this technology being used to find missing people, people  
7 that they had no clue where these folks were, using their phone  
8 signals and this advance timing technology they were able to  
9 locate them in the middle of woods without any other lead. He  
10 talked about the FBI using this technology, about Homeland  
11 Security using this technology, and he talked about his own  
12 experiences using it as well.

13 And he explained some things. And this slide is just an  
14 illustration of one of the screenshots. This particular one,  
15 what do we see in this? We see two towers, and we see the  
16 address at Margate, and we see a pin that is the exact address  
17 where Troy Stevenson and Ashley Carter were that night. And you  
18 see these bands, okay. These cell towers have determined that's  
19 where Troy Stevenson's phone was at these particular times, 2:19,  
20 down to 2:24. And we'll watch the animation earlier. It starts  
21 earlier, but this is just an illustration. You see this  
22 particular band, how it's darker. That would indicate multiple  
23 times that it's sending out signals and using the phone at the  
24 exact spot. All of these pass right over that Margate address  
25 which is consistent with Ashley Carter's testimony that he was

1 there during that time of night.

2 Again, when you look at these -- and you're going to have  
3 this, all this that was testified to, the timelines -- you can  
4 kind of see what was going on with his phone during these times  
5 in question. But right here, 2:24 he's still at home. Wish he  
6 would have stayed there. Wish he would have stayed there, but he  
7 didn't.

8 This is another slide. You see how, when you're watching  
9 this back in the jury room, you saw when Scott McDonald played  
10 it, it kind of filters through rather quickly and these times  
11 kind of, they filter through quickly, as well, so you kind of  
12 have to watch as the bands pop up and what times they are.  
13 2:24 a.m. he's still here. Now we have intersecting bands, and  
14 they intersect directly over the address. Wish he had stayed  
15 there. 2:24 it's decision time for Troy Stevenson. 2:11, the  
16 house is shot up. It's about 13, 14 minutes later. He makes the  
17 decision that he's leaving.

18 We can tell here at this band that he has left. You see how  
19 the band does not cross over the address anymore? That is  
20 indicative now that he has moved away from the address at Margate  
21 and proceeded to the right. See how these two bands intersect?  
22 Stands to reason he is right at that spot right there. He has  
23 left the address. He is now tracking to Lucille. The wheels are  
24 in motion.

25 2:25, Charlie Jackson has 20 minutes left before he would be

1 shot in the back while watching TV for something he had nothing  
2 to do with. Here's how we read this. You see the times on the  
3 left and you see these bands, and they pop up, you see these  
4 times. He is at Lucille Drive, his mother's house, the house  
5 that's shot up. 2:36:31, 2:36:45, on and on to 2:39:26. Now we  
6 see he's starting to move up Two Notch towards Devoe, 2:39:54.

7 Again, now the next slide he has moved up further, and a  
8 little bit less than one minute passed. This is just to  
9 demonstrate how to read these bands. Of course you've got the  
10 video, too, that plays it out in real time.

11 2:44:14, Mr. Jackson has a little bit over a minute left  
12 before he's going to be shot in the back while watching TV in his  
13 bedroom, where most people think is the safest place on earth, in  
14 your own bed at night, minding your own business. He's got a  
15 little bit over a minute left before he's shot in the back by  
16 Troy Stevenson.

17 Troy Stevenson and his phone had entered the sector that  
18 services 209 Devoe. 2:45:43 -- ShotSpotter's at 2:45:38. Look  
19 where he is. And that is indicative of him just having left the  
20 front of 209 Devoe, proceeding down the street to complete the  
21 horseshoe, and then fleeing into the night like a coward because  
22 that's what a drive-by is, the most cowardly, despicable kind of  
23 act it is, shooting somebody and then fleeing into the night,  
24 equivalent of a suckerpunch, using a gun.

25 2:46:49 he has now left the sector that services 209 Devoe

1 and moved into the other sector, which is indicative of his path  
2 and the path that you see of that Honda you see in the video.

3 Watch this. We just went over kind of how to read it, but  
4 this is what Scott McDonald mapped out. And there's the tale of  
5 Troy Stevenson's decision that night. And it's even more  
6 compelling when you link it up to what he's thinking and who he's  
7 calling and what messages he's receiving and what messages he's  
8 sending, and what messages he's receiving as well.

9 Again, Lucille, 2849 Lucille, shot. We know this from  
10 ShotSpotter. 2:11:36 in the morning Troy Stevenson is at home --  
11 well, his girlfriend's home -- at the Margate Street address.  
12 He's still at home. He is calling Jamaree Jeffcoat at 2:14 a.m.,  
13 three minutes after the shooting, Jamaree Jeffcoat, his good  
14 buddy, Jamaree Jeffcoat that hit Dai'Juan Richardson in the head  
15 with a bottle, Stevenson is making a phone call to him.

16 And you heard his mom say, and you heard Ashley say somebody  
17 called him to tell him about the shooting. So now he's calling  
18 out to people, getting information. Jamaree Jeffcoat calls Troy  
19 Stevenson at 2:18. He's still home, Troy Stevenson is. Wouldn't  
20 that have been a great time to call law enforcement? 2:19 Troy  
21 Stevenson's calling Jamaree Jeffcoat, Jamaree "Dubb" Jeffcoat,  
22 again.

23 Now he's making Facebook calls to D'ior D'ior at 2:20 while  
24 he's still home. D'ior D'ior, again, you remember her, you  
25 remember her testifying the other day? She's the one that likes

1 to take Xanax and drink. She and Troy aren't that close so they  
2 don't have any reason to talk with one another. Remember that,  
3 his cousin? Troy's trying to gather information right now. We  
4 know D'ior D'ior Tobias ultimately provides him the information  
5 he's looking for.

6 Still at home. It's 2:19. Now he's texting, through  
7 Facebook Messenger, Jasmine Martin, again, somebody that he would  
8 have known was at that location when the fight occurred. On my  
9 life you better pick up. Now he's calling Jamaree Jeffcoat again  
10 at 2:26. Now he's on the move. It's 2:29. He's proceeding  
11 towards Lucille. While he's on the way he is calling Johnikqa  
12 Tobias again, D'ior D'ior. See how he's still tracking on our  
13 screen from left to right, all the time while moving towards  
14 Lucille Drive, finally making it there at 2:36. While he's  
15 there, calls Jasmine Martin at 2:35:52. And then he gets the  
16 information he was seeking from D'ior D'ior, his cousin, Johnikqa  
17 Tobias. 209 Devoe, that's that gal Chasicia address. Tamira  
18 Chasicia Jackson.

19 Now watch what he does after receiving this information. He  
20 begins proceeding up Two Notch towards 209 Devoe. 2:44 a.m. he's  
21 hitting a sector just below 209 Devoe. 2:44:25 he has crossed  
22 into the sector that services 209 Devoe. Here we are at 2:45:07.  
23 And here's 2:45:38 when the house is shot up.

24 So essentially this is -- this is the route he would have  
25 taken. Newcastle here. He comes up Newcastle, takes a right on

1 Devoe. What he does is a horseshoe around the neighborhood.  
2 Does a drive-by and then flees into the night. Here's our house  
3 in Devoe. And you see that horseshoe we saw, kind of the route  
4 he took to do the drive-by, and then to do the escape.

5 These white pins indicate videos you all will have, videos  
6 we've seen that depicts him during the shooting, that depicts him  
7 fleeing in the black Honda.

8 First two at the top left just across the street from 209  
9 Devoe, that would be 200 Devoe, 204 Devoe. Down at the bottom,  
10 that is 412 Redwood Court, and really, that would show him  
11 fleeing after. And then at the top right, that's going to be --  
12 I guess we can call them Shealy cameras. They are cameras that  
13 are trailing down, looking straight down Redwood Court, just  
14 again showing him fleeing the scene, approaching the camera, and  
15 then taking a right onto Newcastle. So this is the approximate  
16 angle that we see from 200 Devoe. You're going to see him come  
17 off Newcastle Drive and then taking a right on to Devoe Drive.

18 So, you guys, you're going to have a version of this back  
19 there. When you look at 200 Devoe, and you heard the testimony  
20 1:10, in reality is 2:45 because that camera was one hour and 35  
21 minutes slow. Here's what it captured. It says 1:10:03. Again,  
22 it's 2:45:30.

23 Next is 204 Devoe. This house is, as you can imagine, right  
24 next door to 200 Devoe. It's got that same general angle we just  
25 saw from 200 but then that house has multiple cameras, so it's

1 got this angle and then another one that shows 209 Devoe. Let me  
2 show you the first angle. Again, this one, you all, when you  
3 need to, you look at your cheat sheet here, 204 Devoe, it says  
4 2:24 up there. See the counter? And then we heard the camera  
5 testimony that that camera is 20:30 less so, again, 2:45. And  
6 you'll see something that looks very similar to what we saw in  
7 200 Devoe. This stuff at the top of the screen there is  
8 Newcastle as it turns into Devoe, so you'll see that car coming  
9 around the corner there.

10 This is going to be the other angle at 204 Devoe. We  
11 watched a lot of video regarding this angle. That Trailblazer is  
12 something to sort of look at. You can see that's in the yard at  
13 209 Devoe. You see Dai'Juan Richardson's white Aurora on the  
14 corner? I think you all see where I'm pointing at there. That  
15 would be at 209 Devoe. This would be an angle that shows that.

16 That's what it would have been, what neighbors and people in  
17 the area heard, Troy Stevenson's canon he's firing into the home  
18 of 209 Devoe, sealing Charlie Jackson's fate; fleeing like a  
19 coward into the night; leaving that poor man to die, a good man,  
20 hard-working man, productive man being killed over something he  
21 had nothing to do with.

22 You remember those phone bands that coincide, dove-tail,  
23 perfectly with ShotSpotter, perfectly with these videos, putting  
24 Troy Stevenson and his phone right there at that fatal moment?  
25 That moment that didn't have to happen. Senseless, recklessness,

1 no value for human life. He didn't even graze the people he was  
2 hoping to shoot. I presume his intended targets were Dai'Juan  
3 Richardson, maybe Tamira Jackson.

4 That's the problem. That's the problem when deciding you're  
5 judge, jury, and executioner. And that's the irony. Everybody  
6 should have their day in court where it can play out in front of  
7 a jury like you all, where you can have a judge who can  
8 determine, you know, how the trial will be conducted and where  
9 the appropriate penalty can be determined. To him, everything is  
10 the death penalty. But the problem is he killed the wrong  
11 person. Here he is, fleeing like a coward into the night, not  
12 even standing there proclaiming what he had done, not giving  
13 anybody a fair chance.

14 There's 412 Redwood Court. You're going to see him going  
15 from your left to right, which is indicative after shooting  
16 Mr. Jackson and fleeing down Devoe, taking a left onto Redwood  
17 and rounding the horseshoe. 2:45:59 and 2:46. There he goes.

18 Finally we have -- and we've seen this a good bit. Again,  
19 we call it the Shealy camera -- I don't know how it's labeled on  
20 your exhibit -- it's a statewide camera. As you can see, he is  
21 at the corner of Newcastle Drive and Redwood Court, looking  
22 straight down. We heard testimony that this particular camera,  
23 four minutes -- yeah, four minutes fast. It says 2:50, but it's  
24 4 minutes fast, so 2:46. Here's the coward getting out of dodge.  
25 There he is in the Honda Accord that he drives all the time that

1 belongs to Ashley Carter. Look at the bands. Look at his route  
2 that he traveled.

3 209 Devoe. We heard the testimony kind of placing him where  
4 everything is. Clearly the front door. This is Charlie  
5 Jackson's bedroom. This is where he thought he was the safest in  
6 the world, presumably where he watched TV. His bed was right up  
7 against the window. This is sort of a living room. You'll see  
8 the bodycam, the whole bodycam, in there that lays out the whole  
9 house. This is really what you need to be concerned with. This  
10 is room. This is the window that was shot out by that garage  
11 that's modified. And there's -- there's sort of what we see, the  
12 aftermath of that drive-by.

13 This is a clip of Deon Hardy's bodycam that shows what he  
14 would have seen when he arrived. Mr. Jackson had minutes to live  
15 after that. Here he is as he laid when Deon Hardy came into the  
16 bedroom. You'll see the interior of this window here, and you'll  
17 see the window unit that you can see from outside that was shot.

18 I want you to -- I think we got the diagram, the autopsy  
19 diagram. He's shot like right here, okay, right in the back.  
20 You see how he lays to watch TV? Remember Eve [ph], and remember  
21 the trajectory rod, and remember the testimony? That shot came  
22 from the outside in. That particular shot would be approximately  
23 right here. Stands to reason that's the one that got  
24 Mr. Jackson. Fired from the outside into the home.

25 Now let's see what Troy's doing after he leaves Mr. Jackson

1 to die, that hard-working man, disabled after working his whole  
2 life. Ashley Carter, 2:48, on the way back. I want you to see  
3 how she responds to this, okay. As he's leaving, moving from  
4 Devoe now, tracking to the left and then down to Lucille Drive at  
5 2:50, she responds, no you ain't.

6 Wonder why she said that? Wonder what she knew he was  
7 leaving to do when he departed so abruptly earlier in the night.  
8 I wonder what he told her before he left? Isn't that  
9 interesting. I'm on my way home. No you ain't. I know what you  
10 did. Don't bring that back here. So he tracks back down to  
11 Lucille. He responds to Ashley, bloody. Then he's calling her.  
12 I wonder what he's calling her about. Hey, I got rid of all the  
13 evidence. I'll clean the car. I'm coming back. I need to come  
14 back to the house. Then he begins tracking from Lucille. Here's  
15 3:16 a.m. Calling Jasmine Carter 3:14. Still tracking to  
16 Margate. Here's 3:22. Almost home. And there he is, back home  
17 3:27 a.m. The deed has been done.

18 Now it's time to spray the car and clean it just like he  
19 told Ashley Carter he was going to do. I'm going to spray the  
20 car and clean it the next day.

21 This is a murder case, ladies and gentlemen, as you are well  
22 aware. The State, in a murder case, must prove beyond a  
23 reasonable doubt the defendant, Troy Stevenson, killed another,  
24 Charlie Jackson, with malice aforethought.

25 So what is malice aforethought? Malice. The Judge is going

1 to have what malice is in your jury instructions, but I submit to  
2 you it would be something like this. It's not verbatim. It will  
3 be something very similar. Malice is hatred, ill will, or  
4 hostility towards another person. It is the intentional doing of  
5 a wrongful act without just cause, or excuse, with an intent to  
6 inflict an injury, or under circumstances that the law will infer  
7 an evil intent.

8 What is malice aforethought? What is needed to form it in  
9 the mind of a killer? Malice aforethought does not require that  
10 malice exist for any particular time before the act is committed  
11 but malice must exist in the mind of the defendant just before  
12 and at the time the act is committed; therefore, there must be a  
13 combination of the previous evil intent -- leaving abruptly in  
14 the middle of the night -- and the act.

15 How can malice be shown? It may be express or inferred.  
16 These terms, express and inferred, do not mean different kinds of  
17 malice but merely the manner in which malice may be shown to  
18 exist; that is, either by direct evidence or by inference from  
19 the facts and circumstances which are proved.

20 All right. Express malice. That's showing when a person  
21 speaks words which express hatred or ill will for another, and  
22 when the person prepared beforehand to do the act which was later  
23 accomplished. How about arming yourself when you're home at  
24 Margate with a weapon? How about getting in a car and going  
25 across town with that weapon? How about calling people seeking

1 the address that you think somebody might be? Preparing  
2 beforehand. Lying in wait, for example, is an example of malice.  
3 Preparation going to show that the deed was within the  
4 defendant's mind would be express malice. What was in Troy  
5 Stevenson's mind earlier that night when he was arming himself  
6 before he left?

7 It may be -- and I want you all to -- this is -- malice may  
8 be inferred from conduct showing a total disregard for human  
9 life. Malice is shooting into a house blindly, shooting into a  
10 window and seeing the light of a TV, and you don't know that  
11 there's not an infant laying on that bed, you don't know that  
12 there's not a disabled man laying in that bed watching TV; you're  
13 just blindly shooting into the house hoping to hit something.  
14 That is the epitome of reckless disregard for human life.

15 Transferred intent. So now you all are saying, well, did he  
16 intend to kill Charlie Jackson? That's not the point. And  
17 that's why the Judge is going to instruct you on transferred  
18 intent, because this is a natural outcome, shooting into the  
19 house. Maybe you hit your target, but maybe don't you, maybe you  
20 hit somebody else. Look at this legal concept. It makes a lot  
21 of sense, and there's a reason why we have this legal concept.

22 If the defendant, if Troy Stevenson, with malice  
23 aforethought attempts to kill another person but by mistake kills  
24 a different person, the defendant still had the intent to kill.  
25 The intent to kill is merely transferred from the original

1 person, i.e., Tamira Jackson, i.e., Dai'Juan Richardson, and is  
2 transferred to the actual person killed, Charlie Jackson. So he  
3 may have intended to hit one of these two, but he didn't; he hit  
4 Charlie Jackson. So that intent, that criminal intent is  
5 transferred to him. The Judge is going instruct you on that.

6 So the defendant would be guilty of murder just as if the  
7 attempt had resulted in the death of the person the defendant  
8 attempted to kill; we're just going to transfer that  
9 recklessness, that complete disregard for human life, from  
10 Dai'Juan Richardson and Tamira Jackson, to an innocent man,  
11 Charlie Jackson.

12 This is another charge. He's got two indicted charges, the  
13 murder and the possession of a weapon during a violent crime.  
14 You don't even need to consider those until you get passed  
15 murder. If you say, Nah, I don't think, I don't think he  
16 meant -- there's some explanations that I don't feel comfortable  
17 that he committed the murder -- you don't even need to go to  
18 this. This is just something that applies only if you find guilt  
19 for murder, which I submit to you all the evidence shows. That  
20 after you consider murder, if you find guilt, if you find beyond  
21 a reasonable doubt he did it, you move down to this, this just  
22 means, did he have a weapon to accomplish the murder.

23 Clearly, a shooting. Clearly we have a firearm used to  
24 accomplish the shooting that leads to the death. And then you  
25 consider this. It's possession of a weapon during the commission

1 of a violent crime. Murder, as you would imagine, is defined as  
2 a violent crime in South Carolina.

3 Okay. Ladies and gentlemen, we have some familiarity with  
4 what direct evidence and circumstantial evidence is, but legally  
5 speaking, this is -- and I don't know if this is verbatim. The  
6 Judge is going to instruct you something to this effect:

7 Evidence may be direct or circumstantial. Direct evidence is  
8 testimony by a witness about what the witness personally saw,  
9 heard, or did, smelled, felt. That would be direct evidence.

10 Circumstantial evidence is indirect evidence. Let me tell  
11 you what the Judge is going to explain to you. It is proof of  
12 one or more facts from which one can find another fact. You may  
13 consider both direct and circumstantial evidence equally.

14 Circumstantial evidence was discussed a little bit in  
15 opening. That was the example of, you know, you go outside in  
16 the morning after a good night's sleep, you walk out, and your  
17 grass is wet, there's pools of water and puddles, there's  
18 branches on the ground, and the sidewalks and the streets are  
19 wet. You can use God-given commonsense to determine that  
20 circumstantial evidence leads to the fact that it rained last  
21 night, right? That is all circumstantial evidence is. You  
22 weren't there because you were asleep, and you didn't actually  
23 witness the branches fall, you didn't witness the downpour but  
24 you were able to deduce that and base it as facts. That's  
25 circumstantial evidence.

1           Now here's the other thing the Judge is going to tell you:  
2 You may consider both direct and circumstantial evidence as  
3 equal, because they are equal, they're the same weight. They're  
4 just different ways to come to a conclusion. The law makes no  
5 distinction between the weight, or value, to be given to either  
6 direct or circumstantial evidence.

7           All the evidence in this case -- let's say we only had,  
8 there was a black Honda, and it had a broken taillight. Ashley  
9 Carter has a black Honda with a broken taillight. If that's all  
10 we had that evidence would break under the least amount of  
11 pressure. (illustrates) That would be very weak; wouldn't you  
12 agree? Nobody tries a murder case on something that flimsy.

13           But when you take, there's a black Honda in the video; Troy  
14 drives a black Honda all the time; there's a black Honda in the  
15 video with a broken passenger brake light; he received the  
16 address of 209 Devoe just before he traveled up there, just  
17 before Charlie Jackson died; he left home abruptly after speaking  
18 with Jamaree Jeffcoat and others who saw the fight; he received a  
19 text with the address of the incident location minutes before the  
20 shooting at Devoe; he texted that he was headed home minutes  
21 after the shooting; his girlfriend says no you ain't; cleaned the  
22 car down very thoroughly the next day; gave law enforcement a  
23 different phone number than the one he was using on the night of  
24 this incident; had his cousin unsend that Facebook message the  
25 day after the shooting; cellphone data puts him conclusively at

1 the scene of the crime, when his car's seen in the videos, when  
2 the shooting happens. Now you've got unbreakable evidence, now  
3 you've got evidence that you can be sure of, evidence that you  
4 can be firmly convinced of, evidence that will not break. That  
5 is what circumstantial evidence is.

6 We've got both in this case. We've got direct evidence,  
7 we've got circumstantial evidence, that all forms evidence that  
8 is unbreakable, evidence that leaves you firmly convinced.

9 I talked about firmly convinced, and I talked about beyond a  
10 reasonable doubt. Every case that's tried in this courtroom,  
11 every criminal case, every criminal case that's tried from here  
12 all the way out to Portland, Oregon, the standard the prosecution  
13 has to bear is the standard of beyond a reasonable doubt. It's  
14 the highest standard we have in the law. There's civil cases  
15 where if you're a little bit more surer than not sure, then you  
16 should find in favor of that party you're a little bit more sure.  
17 It's stronger in criminal cases, and rightfully so.

18 But what does it mean? What is beyond a reasonable doubt?  
19 Does it mean beyond all doubt? No. It means that if you have a  
20 doubt that is reasonable, based on logic, you should find the  
21 defendant not guilty. If you have a doubt that is reasonable,  
22 okay.

23 So what about the case -- let's take our example of -- it  
24 was used to illustrate circumstantial evidence, but let's say you  
25 wake up after sleeping through the night, and there's those

1 branches all over the ground. They're in your yard, they're in  
2 the neighbor's yard, they're in the other neighbor's yard, all  
3 the lawns are wet, there's puddles of water, your car's got water  
4 all over it. Would it be reasonable to assume that somebody, in  
5 the middle of the night, went by spraying everybody's yard with a  
6 garden hose, breaking branches and throwing them in their yards,  
7 and then running off? Is that reasonable? No. I mean, could it  
8 happen in some, you know, other dimension? Maybe. It's not  
9 reasonable, is my point. And that's what reasonable doubt is.  
10 Are you firmly convinced that somebody went and threw a bunch of  
11 branches and used a water hose to spray your car, your neighbor's  
12 car, and your yard, the ground, and form all those puddles while  
13 you sleep? It's not reasonable.

14 So if your doubt is not reasonable, when your doubt is not  
15 really logical, you should find the defendant guilty. That's all  
16 the law is. That's what reasonable doubt is. And then the Judge  
17 is going to inform you of this: Does it mean you have to be  
18 100 percent certain? This is what the Judge is going to tell  
19 you. No. There are few things in the world we know with  
20 absolute certainty. In criminal cases the law does not require  
21 proof that overcomes every possible doubt. Based on your  
22 consideration of the evidence, if you are firmly convinced the  
23 defendant is guilty of a crime you must find him guilty. **Firmly.**  
24 I put that in bold lettering because the Judge is going to use  
25 that term twice when he gives you reasonable doubt, and that's

1 the best way, when you go to deliberate, to think about it. Hey,  
2 guys, are we firmly convinced he did this? Are we firmly  
3 convinced Troy Stevenson's responsible for the death of Charlie  
4 Jackson? And if you say yeah, then you must find him guilty.  
5 Firmly convinced. So that's all you need to do.

6 You guys have a whole life of experience, a whole life of  
7 using reason and commonsense. Anytime you all are deliberating I  
8 want you all to ask yourselves, Hey, wait a minute; let's back  
9 up; are we using commonsense here; are we being reasonable; are  
10 we using logic? And if you are, I promise you that's all you  
11 need to figure out what the truth is in this case. Are we using  
12 logic?

13 That's all I can ask for when I pick a jury. I have limited  
14 information of you guys, but all I can hope for when you're  
15 seated is I hope this jury has commonsense. That is all you  
16 need. You don't need, to be a juror, a Ph.d, you don't need to  
17 be a teacher, you don't need to be a mechanic, you don't need to  
18 be a hair dresser. You can be anything. You can be a rocket  
19 scientist. You can be anything. But what you really need is  
20 just commonsense.

21 What does your commonsense tell you about this case? A  
22 drive-by shooting. It's one of the most cowardly acts you can  
23 imagine. It is the equivalent of a suckerpunch, but with a gun.  
24 The stakes are higher. People die when you do a drive-by,  
25 fleeing into the night, shooting into a house. You don't even

1 know the layout of the house, you don't know who's in the house.  
2 That's how children die. That's how Charlie Jackson died.  
3 Fleeing into the night. Have your cousin unsend the message the  
4 very next day. It's just cowardly.

5 But he's not on trial for being cowardly; he's on trial for  
6 being a murderer. He's on trial, and this case is about his  
7 reckless disregard for human life and his actions. And when all  
8 the evidence points to one conclusion, that's what a verdict is,  
9 the truth. Speak the truth. When you deliberate there is only  
10 one truth here as far as the verdict's concerned. That's a  
11 verdict of guilty for the crime of murder, the murder of Charlie  
12 Jackson, and then the accompanying weapon charge.

13 That's all I ask of you, is you use commonsense, deliberate,  
14 respect one another in deliberations, but ultimately that's what  
15 I'm going to ask you to do, is return a verdict of guilty for the  
16 murder of Charlie Jackson. Thank you.

17 THE COURT: All right. Before defense gives closing  
18 argument we're going to take a restroom break. Do not discuss  
19 the case at all. Do not deliberate at all. We'll have you come  
20 back shortly. And, madam foreperson, if you will just sit in  
21 that front seat where you're sitting, and alternates still sit in  
22 the back. And we'll take a short break. All right. Thank you.

23 (Jury escorted out of the courtroom at 10:31 a.m.)

24 THE COURT: We'll take a short break. Ms. Zmroczek, you can  
25 get situated. Is 15 minutes enough time for you?

1 ATTORNEY ZMROCZEK: I think so, Your Honor.

2 THE COURT: All right. Fifteen minutes.

3 (Court recessed at 10:30 a.m. and reconvened at 10:47 a.m.,  
4 without the jury present.)

5 THE COURT: Anything from the State before we bring the jury  
6 out?

7 SOLICITOR SCOTT: No, Your Honor.

8 THE COURT: Anything from the defense?

9 MATTER(S) OF LAW

10 ATTORNEY ZMROCZEK: Just one thing, Your Honor. When you  
11 sent us your proposed charges at the very beginning before we  
12 ever got into the debate about the other charges, your  
13 circumstantial evidence was the Logan circumstantial evidence --

14 THE COURT: Right.

15 ATTORNEY ZMROCZEK: I mean, that's not what was displayed.

16 THE COURT: Correct.

17 ATTORNEY ZMROCZEK: And I want to make sure --

18 THE COURT: I have the Logan charge.

19 ATTORNEY ZMROCZEK: Okay. Thanks.

20 THE COURT: Well, let me just read it to make sure.

21 ATTORNEY ZMROCZEK: Okay, please, because I --

22 THE COURT: And this is you officially asking for a Logan  
23 charge, correct?

24 ATTORNEY ZMROCZEK: Yes, I'm officially asking. But I  
25 didn't officially ask because it was already in, but now I'm

1 officially asking.

2 THE COURT: I charge among other things, you may consider  
3 both direct and circumstantial evidence equally. Crimes may be  
4 proven by circumstantial evidence. The law makes no distinction  
5 between either of those.

6 However, to the extent the State relies on circumstantial  
7 evidence, all of the circumstances must be consistent with each  
8 other and, when taken together, point conclusively to the guilt  
9 of the accused beyond a reasonable doubt. If these circumstance  
10 merely portray the defendant's behavior as suspicious, the proof  
11 has failed -- and a little more.

12 ATTORNEY ZMROCZEK: Okay.

13 THE COURT: Is that what you want?

14 ATTORNEY ZMROCZEK: Yes. And I have that in my PowerPoint  
15 because I took it from that. So I wanted to make sure.

16 THE COURT: All right. Anything else before we bring out  
17 the jury from the defense?

18 ATTORNEY ZMROCZEK: Nothing further, Your Honor.

19 THE COURT: Are you ready?

20 ATTORNEY ZMROCZEK: If we can go ahead and bring up my  
21 PowerPoint. Okay. Thank you.

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

23 (Jury seated in the courtroom at 10:50 a.m.)

24 THE BAILIFF: Jurors are seated, Your Honor.

25 THE COURT: All right. Thank you, ma'am. All right. Thank

1 you, ladies and gentlemen. Defense may give their closing  
2 argument.

3 ATTORNEY ZMROCZEK: Thank you, Your Honor. May it please  
4 the Court.

5 THE COURT: Yes, ma'am.

6 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

7 ATTORNEY ZMROCZEK: Good morning. Ten days later and we are  
8 finally at the point where you guys get to do your work. And,  
9 quite honestly, I take some of the blame for that, and so I hope  
10 that you all won't hold that against me.

11 We picked you all 10 days ago because we knew that each and  
12 every one of you would pay very close attention to this case and  
13 to these facts, as you have. So along with the Judge, I, too, on  
14 behalf of Troy Stevenson, would like to thank you for the  
15 important attention to detail that you've paid.

16 Hopefully I won't be up here too, too long because I know  
17 that you all have heard the facts over and over, but this is my  
18 one opportunity, my one chance, to tell you what I think the  
19 evidence showed, and to ask you at the end of the case to find  
20 him not guilty.

21 Now, when I'm done Mr. Scott, or someone from the  
22 solicitor's office, gets to come back up and they get to rebut,  
23 they get to argue, again after what I say, and then I don't get a  
24 chance to come up and talk to you again. And I'll tell you that  
25 that time is the hardest part for any defense attorney because I

1 don't get to come up here and say, but, wait; but remember this?  
2 So that's what I'll be doing here now.

3 And the reason the State gets to do that, as Mr. Scott  
4 explained and as Judge Coble will explain to you, it's because  
5 they have the burden. That never changes. Even though I put in  
6 over 100 pieces of evidence and I put up witnesses, that burden  
7 never shifts to the defense. That burden is always on the State  
8 to find Troy guilty beyond a reasonable doubt. Mr. Scott said  
9 that's the highest level of jurisprudence. And it's done that  
10 way for a reason.

11 You all have been sitting here and have been away from your  
12 homes and your jobs because you have been asked to come and  
13 answer a very important question of fact. Judge Coble is going  
14 to tell you the law, and he's going to tell you that if you can't  
15 determine those facts from the evidence that's been presented  
16 from this witness stand, from these CDs, and from all of these  
17 documents and items that you'll get to take back and look at,  
18 then the law will be your guide because the law says that they  
19 have to prove this crime beyond a reasonable doubt.

20 Ladies and gentlemen, at the beginning of this case when I  
21 stood up in front of you all and talked to you about truth and  
22 lies and justice I imagined this case and how I think that the  
23 evidence has shown is that this has been a case of a tunnel  
24 vision; this has been a case of finding Troy Stevenson guilty and  
25 not of finding the true facts on how that happened.

1           So we look at this tunnel vision. And I asked a lot of  
2 questions. It's so hard when you're jurors because I'm sure you  
3 all are so much smarter than we are when it comes to facts.  
4 We've been in this case over three years. I know every little  
5 detail. You all don't get to see every little detail because  
6 some of them aren't important. But a lot of them are, and so how  
7 we get those details to you is by asking you questions. You all  
8 don't get to ask questions.

9           And one of the questions that I asked over and over and over  
10 is the evidence that they relied upon, the spot shotter [sic] --  
11 spot shotter, I always say that wrong -- ShotSpotter, these phone  
12 records -- and I'll talk way more in detail about these phone  
13 records in a little bit, but these phone records -- and all of  
14 these reports, and these timelines, and I said to each and every  
15 witness, now, when did you put those together? April and May of  
16 2024. Because, ladies and gentlemen, what they've done is they  
17 figured out who they wanted to convict, and then they make the  
18 evidence match that. So some of these tunnel visions,  
19 confirmation bias, all things that I'll talk about, they all say  
20 it all started at Troy's house.

21           And I'm going to try to not repeat myself to you guys, but I  
22 also wrote down a few things that I want to directly respond to  
23 from the State's opening, and that is how did it start? They all  
24 say it started at Troy's mama's house. You heard me ask every  
25 since single witness.

1 I think we can all agree at this point that Troy wasn't  
2 there and that he only shows up to make sure his mama, his  
3 brother, cousin, and the mother of his child are okay.  
4 Commonsense. If you hear that your house has been shot up  
5 wouldn't it be commonsense to go and check on the people that you  
6 love to make sure they're okay?

7 There was some talk about transferred intent and how Troy  
8 got the message -- and I'll talk more about that in a little bit  
9 to you -- that he gets this message and it says that Chasicia's  
10 house. Okay. Dai'Juan Richardson, if Dai'Juan Richardson shot  
11 up his house -- and even Chasicia said that they weren't  
12 dating -- so why, why would he go to Chasicia's house?

13 Commonsense. If he's looking for the person who shot up his  
14 house, Dai'Juan, and C.J. -- and I'll tell you one of the things  
15 that was heavy on my heart. Is to this day, a thousand days plus  
16 later, we don't know who C.J. is. Maybe that's not important.  
17 You've been asked to determine a very important serious question  
18 of fact, and we don't even know who all the people are. So I  
19 submit that is important.

20 Again, it's 209 text over and over. First of all, it was a  
21 Facebook message, and anybody who has Facebook knows that when  
22 you read a message it says read. Not one person -- Seargeant --  
23 or, Ricky Johnson, very knowledgeable about Facebook, told you  
24 all about those things. And you know what he didn't say? We  
25 have definitive proof that that message was read. Because,

1 ladies and gentlemen, that would be the only board that we have  
2 up here, 209, that checks the address read. And we don't have  
3 that.

4 SOLICITOR SCOTT: Your Honor, may we have a ...

5 THE COURT: Approach.

6 (Off-the-record discussion at sidebar.)

7 THE COURT: We will sustain the objection and strike the  
8 last few sentences from the defense attorney about being read.

9 ATTORNEY ZMROCZEK: I'll move on. You talked -- you heard  
10 about, at great lengths in Mr. Fowler's opening statement, that  
11 said you're going to see the great lengths that they went  
12 through, that they -- not they, that Troy went through to cover  
13 up his involvement.

14 Ladies and gentlemen, you heard Johnikqa say that she unsent  
15 that message because, after a night and continued day of drinking  
16 and using mind-altering substances, that she unsent that message.  
17 And remember I asked Investigator Johnson was that deleted off of  
18 Troy's phone? No. Physical evidence.

19 So there was a reason -- and it's daunting to put pictures  
20 in, and there were way more pictures as you heard from the CSI  
21 investigators, over hundreds and hundreds of them, and they -- we  
22 didn't put all of them in, but I did put them in because -- I did  
23 put some of them in so that we could actually see the scene and  
24 see what we're looking at, because we're going to talk about, you  
25 know, we keep hearing about these 14 shots over, and over, and

1 over, and then you recall the testimony of CSI agents talking  
2 about the number of impacts, the number of entry. We had seven  
3 in the car but one was -- one was a continuation of one so six in  
4 the car -- and then we have the ones in the house. All of these  
5 are physical evidence, things that we're looking for.

6 For the first time, on Tuesday of last week, for the first  
7 time we learned that C.J. and Dai'Juan were both at the house.  
8 Again, we don't know who C.J. is. We heard, oh, they must have  
9 left. That's why -- that's why those videos, the zooming in on  
10 all those videos is so important, because there's a whole bunch  
11 of information, ladies and gentlemen, that we don't have, that we  
12 don't have from the person that was inside that house that could  
13 tell us. No corroboration.

14 Mr. Scott said at least twice in his closing argument that  
15 the very next day that Ashley Carter's car was wiped, sprayed and  
16 wiped down twice, Mr. Scott said, the Judge is going to tell you  
17 what's evidence and what's not evidence, and what we say is not  
18 evidence, and he's going to tell you that the only evidence you  
19 can rely upon comes from this witness stand.

20 So, ladies and gentlemen, ask yourself what witness stood  
21 under oath -- or sat under oath, raised their hand, and said the  
22 next day, or any day, that Troy sprayed and cleaned out my car?  
23 I submit, ladies and gentlemen, that not one, not one, person  
24 testified to that under oath.

25 So confirmation bias. And I know you all can read so, you

1 know, I'm not going read to you, but what the State has done with  
2 the evidence that they presented was cherry-pick what they could  
3 present to you to get you to focus on Troy and to get to you  
4 convict him.

5 But, ladies and gentlemen, that is not what our justice  
6 system is about. Our justice system is, here, in essence, solve  
7 this murder for us. Here's the evidence that we have. Here's  
8 the relevant evidence that we have. When looking at all of that  
9 are you convinced beyond a reasonable doubt?

10 And I'm going to talk to you about things that we think the  
11 evidence shows that give you reasons to doubt. The Judge is  
12 going to read you the law. This is a circumstantial evidence  
13 case. This is a circumstantial evidence case. And  
14 circumstantial evidence and direct evidence may both be relied  
15 upon. You can rely completely on circumstantial evidence,  
16 absolutely. That is the law.

17 The Judge is also go going to instruct you, however,  
18 however, to the extent the State relies on circumstantial  
19 evidence, all of the circumstances must be consistent with each  
20 other and, when taken together, point conclusively to the guilt.  
21 If they just portray behavior as suspicious, that proof has  
22 failed. And in this case, ladies and gentlemen, that proof has  
23 failed.

24 When you're watching the video of the phone and the little  
25 PowerPoint, you know, following where these arcs go, the very

1 last witness that I put up, the victim of the 2849 Lucille Drive  
2 shooting, the renter of that house, Latoya Barnes, who apparently  
3 should have called 9-1-1 instead of being afraid -- and she does,  
4 she called 9-1-1 the next day, she told you why she was afraid,  
5 because she was told that they were coming back -- so she gets  
6 out of there, she gets her son, and she gets out of there.

7 And the reason that becomes important, ladies and gentlemen,  
8 is because the red dot is where Lucille is; the end is where her  
9 sister, Sonya Barnes, lives; and when you're watching this pie  
10 chart of where Troy's phone was and you see that it passes along  
11 that very same route, that's reason to doubt.

12 I made an issue about the phone records that they used, and  
13 that's why I put, that's why I put, the instruction in for you  
14 all to read, because as you read all of these instructions about  
15 how to use CDR, call data records, and how to use data records,  
16 and then how to use timing advance records, because the timing  
17 advanced records are what they relied upon to make that finding.

18 Those timing advance records -- you'll have the instructions  
19 in here. Those timing advanced records say use with caution  
20 because they're gathering information for marketing purposes;  
21 they're just pulling information.

22 When you approach this case as you begin deliberations and  
23 throughout the deliberations -- and the Judge is going to talk to  
24 you about presumption of innocence -- presumption of innocence is  
25 the exact opposite of confirmation bias. Okay. It's not hey,

1 what evidence can we only look at to say he's guilty? The  
2 presumption of innocence is hey, what evidence is there that  
3 shows that there are many reasons to doubt?

4 Like I said, confirmation bias. We talked about all the  
5 thing that we relied upon in this case -- and not all of them.  
6 Obviously there were pictures and things taken back in 2021 when  
7 this happened -- but these phone maps and these phone records,  
8 you heard me ask Sergeant McDonald, when did you first do this  
9 report, when did you first do it? He said perhaps at the end of  
10 April. And then there was a May 3rd report, and then there's a  
11 May 9th, a May 9th report, 2024. Confirmation bias. You heard  
12 that they collected tons of phones, tons of Facebook evidence,  
13 tons of phone records -- excuse me -- tons of phone records. But  
14 what they presented to you was Troy.

15 And when you have questions about what don't we know and  
16 what is still out there, when you have questions like we saw  
17 the -- poor Mr. Jackson -- and -- and -- and I even asked his  
18 nephew, Ujima. He was an innocent victim, absolutely. And the  
19 Judge is going to instruct you, again, that you can't weigh on  
20 sympathy, and we know you won't. You all have paid very close  
21 attention.

22 But what you can do is ask questions. Because when you saw  
23 Mr. Jackson on that bodycam video and you ask yourself was he in  
24 any condition to get up and shoot a gun back out? Because we  
25 know that there were gunshots back out. We know that from the

1 CSI investigators. We know that from the spot shotter that they  
2 so heavily relied upon.

3 And you collect gunshot residue from, well, what they  
4 thought at the time was the one person in that house -- now we  
5 know there were several, but at the time we knew about one -- and  
6 they collected it. So why not test it? The entire state of  
7 South Carolina owes that to Mr. Jackson, to test all of the  
8 evidence.

9 The car. Black Honda, black Honda, black Honda. If it was  
10 a black Honda, then on April 8th or 9th when Sergeant Holt  
11 testified that she was sent to an apartment complex to test a  
12 black Honda, not months later, not -- these are days later --  
13 then why not rule out that black Honda? To whom did that black  
14 Honda -- to whom did that black Honda belong? Why was that  
15 important in this case and why was that information presented to  
16 you?

17 We talked further about -- I know I've talked a lot about  
18 some evidence that wasn't presented. And we're going to talk  
19 about the videos because, remember, when the State put in just a  
20 little video first of the car driving by, and then eventually  
21 they put in all the videos, and we put them in, as well -- and I  
22 want to tell you why we did that, because I don't want there to  
23 be confusion when you have this, when you have State's 48 that  
24 you'll get to take back with you and it just has all the cameras  
25 on there, but I do want you to put that jump drive in to show you

1 that they're the same videos that we put in.

2 SOLICITOR SCOTT: Your Honor, I have an objection.

3 THE COURT: All right. Approach.

4 (Off-the-record discussion at sidebar.)

5 THE COURT: Overruled. We'll put it on the record  
6 afterwards. Overruled.

7 ATTORNEY ZMROCZEK: We talked about the evidence that they  
8 didn't collect. There was not one witness who sat on that stand,  
9 there's not one witness in all of those text messages or Facebook  
10 messages that said Troy said he was going to do that.

11 They talked about express malice. Express malice. I'm  
12 going to kill you, I'm going to get you. Oh, an example of  
13 express malice, Dai'Juan pacing back and forth saying I'm going  
14 to get him. That is express malice. There was testimony to  
15 that. Jasmine, Jalanda, all these people who testified did not  
16 testify that they heard Troy say that. Okay. And again, I  
17 talked about the testimony that Ashley's Honda was never sprayed  
18 down and cleaned.

19 We talk a lot about duties and responsibilities. And this  
20 case becomes yours very soon. All of us talking heads up here,  
21 we don't get to argue or talk and you don't have to listen to us  
22 anymore, but the Judge is going to continue to remind you that it  
23 can't just be what we think, it has to be more powerful than  
24 that.

25 All right. The cameras. So -- and I won't play these side

1 by side, but you all will have them back there. I am going to  
2 play one. But I wanted you all to see that the zoomed-in  
3 version, of course, is just the same as what we were looking at.

4 Now, 107, you all heard, was withdrawn from evidence. That  
5 was my mistake. I put in a piece of evidence that had been  
6 highlighted. But the video that's on here with that same piece  
7 of evidence, that's the correct evidence.

8 So we have Dai'Juan and, again, C.J. pulling into 209 Devoe  
9 at 1:53, or whatever, which we know is 20 minutes off, okay, or  
10 2:17, okay, pulling right in. When we're looking for evidence to  
11 corroborate or to confirm other evidence, so when Ms. Jackson  
12 says that she was home all night, that she didn't know who that  
13 car belonged to, that she came back, and when they confront her  
14 about learning that she was at Lucille Drive and then she says I  
15 never left the house -- but that's why we zoomed in, ladies and  
16 gentlemen, because you can see people in that Oldsmobile, at  
17 least two. And now we learned who C.J. is -- I mean, it was C.J.  
18 even though we don't know C.J.

19 But the Oldsmobile becomes important, too, because -- and  
20 that's why I put pictures of it, because -- of the tinted  
21 windows, also dark, tinted windows. And there's been some  
22 testimony that you wouldn't be able to see one of these two  
23 high-powered rifles -- and again, this is not exhaustive -- I  
24 keep saying it's not exhaustive -- but these are the two that  
25 they narrowed it down, that one of these two weapons fired those

1 .30 caliber ammunition.

2 And so there's been some inference that because the windows  
3 were tinted you wouldn't see it, which is why I zoomed in and had  
4 you be able to see inside of that vehicle, because they were  
5 using phones, or flashlights, whoever they were, to do whatever  
6 they were doing in the vehicle, and we can see that light.

7 And you remember the witness that I put up, Deputy Roach,  
8 who talked about the lights that we see from the flashes, from  
9 the gunpowder, and what we call muzzle flashes, and how, sure  
10 that .44 Magnum that was the end-all and be-all at one time, has  
11 a bright, bright light, but these, not only would they be louder,  
12 have an incredible bright light. It doesn't make sense to me  
13 that we don't see from the car that bright, bright light.

14 And I pulled up this because ... she said she's sergeant --  
15 but Sergeant McClary, who testified that she now trains people,  
16 and she was asked specifically about the directionality and the  
17 trajectory of the bullets and things like that, and so that means  
18 that, and under the State's theory, that was one of these rifles,  
19 under the State's theory, Mr. Stevenson is driving --  
20 Mr. Stevenson is driving, the vehicle, right -- and you all can  
21 go back watch it in regular speed as well -- and that that, while  
22 driving, holds this gun out of the car and is able to shoot 14  
23 rounds without swerving, without having any flashes, and that he  
24 was able to hit tops of houses, under the -- under the  
25 air-conditioning unit, obviously all through the Trailblazer, one

1 person, and that none of those shell casings from this, from  
2 these .30 calibers, were found at the scene. Not one.

3 So the theory is they're in the car which is, again, why I  
4 put Deputy Roach up there to ask him about shell casings and how  
5 hot they were because the other, Investigator Holt who was ill  
6 but Investigator Bouknight testified for him, that he took  
7 detailed pictures of the car. And they're all in here.

8 But I put this one in because it's the inside of the car,  
9 right. Here's the steering wheel, and the driver's side, okay,  
10 and a leather or pleather, you know, and then there's, you know,  
11 the ceiling where it's got the fabric. And that's why I put in  
12 the pictures of the Trailblazer, because you can see what bullet  
13 and shell casings do to vehicles. And there's not one single  
14 piece of evidence that indicate that 14 rounds from a  
15 high-powered .30 caliber rifle that was apparently all contained  
16 within the vehicle has no gunshot. Oh, but it was sprayed down.  
17 Again, no testimony to that.

18 But also, you can't see it, and you're filling up a car with  
19 all this gunshot residue, yet someone who's not smart enough to  
20 delete an address from their Facebook message is smart enough to  
21 be able to get each and every part of that muzzle flash?

22 Remember I asked Mr. Jackson to be able to help us  
23 understand what rooms and what lights were on? And let's set up  
24 the next one. So I put in the zoomed-in version from 2:22 which,  
25 again, it's 2:42, okay, so 2:22 which is 2:42, okay, because

1 that's kind of what we have to work with and where I want you all  
2 to really look at the questions that we have. Okay.

3 And so we have the Oldsmobile's already pulled in, right.  
4 All of the lights are off at this house. We don't even see any  
5 television light. All the lights are off. And, that, ladies and  
6 gentlemen, is a muzzle flash, I submit, is a muzzle flash. And  
7 then the front room light goes, and then goes off.

8 And I suspect that the State, when they rebut, will come and  
9 up say, well, ShotSpotter didn't catch that. And ShotSpotter,  
10 ladies and gentlemen -- that's why I put the other report in --  
11 catches shots from 200 Devoe. The point of ShotSpotter is to  
12 allow officers to respond immediately when there are shots. We  
13 talked about how it could have ended. It could have ended if  
14 anybody would have called 9-1-1 at Lucille Drive. It could have  
15 ended if ShotSpotter would have picked up their shot and alerted  
16 the police. But it didn't, because it was outside the coverage  
17 area. They didn't rely on that but now they want you to  
18 completely rely on that.

19 So that muzzle flash and that light go on inside the house a  
20 minute and a half before -- and again, this is zoomed in and  
21 slowed down, even, okay, this is slowed down, even. And again,  
22 something's happened in that house. The one person that could  
23 tell us has not told us.

24 And you heard Investigator Kovalchek talk about the state of  
25 mind at the hospital once Ms. Jackson learned about her father's

1 passing, but also why I put the body-worn camera in and the 9-1-1  
2 call, because you could hear, at that point, state of mind. And  
3 while we're waiting for this car to come by, because we still  
4 have a little bit of time because the car still hasn't come by,  
5 but when you listen to those 9-1-1 calls, ladies and gentlemen,  
6 go to about a minute and 36 in because for some reason Ms.  
7 Jackson makes two 9-1-1 calls off of two different phones, plus  
8 is on the phone call with a third person, and when you listen to  
9 those conversations you're going to hear her talk about Dai'Juan  
10 and guns.

11 All right. So here we have, getting up to about a minute  
12 and a half after we see the inside shots, and then we see this,  
13 again, dark-in-color car. Remember I asked Investigator Jordan,  
14 well, how did you know that was a 2012 black Honda? Well,  
15 because he used to own a Honda. Ladies and gentlemen, when we  
16 present evidence to the jury to make their decision we want to  
17 make sure that y'all are getting the best evidence, which is why  
18 I pulled -- which is why I pulled that picture up. It's not the  
19 best expert. We didn't have any car experts saying yes, we have  
20 this; we have this comparison; we have a broken taillight. Not  
21 one picture, not one video, of a broken taillight after that car  
22 was collected. Okay.

23 That is slowed down, ladies and gentlemen, slowed down.  
24 Fourteen rounds of a .30 caliber is supposed to come out there,  
25 and we don't see it. Okay. But now what's important is that, is

1 that, as we heard, 20 minutes slow, so 2:45. 2:45.

2 The two phone calls that are made from inside that house are  
3 at 2:49. Four minutes, four minutes goes by inside that house.  
4 Now you'll hear on the 9-1-1 call, I was asleep. Well, we know  
5 that's not true, okay. But what we see is no activity. And if  
6 you can speed it up to about 2:28, okay. But you can watch this.  
7 This is why you get to take these back there. But we don't see  
8 any persons coming in or out of that house. We don't hear any  
9 9-1-1 calls for over four minutes from inside that house. Okay.

10 Now, 2:28 the car has been gone three minutes at this point.  
11 And this is why we zoomed in. But again, you can see it on the  
12 unzoomed-in version, too. It's just easier to see the figures.  
13 These cameras, the security cameras that they use, are getting  
14 better and better every day, but this is what we had from 2021.  
15 But that's why I zoomed in, because you still get to see. Okay.  
16 Here we are. 2:29's coming up.

17 2:29, remember that? 2:29, which is really 2:49, which is  
18 right when Ms. Jackson makes the first of two 9-1-1 calls from  
19 one of the two phones. But before she does that or as she's  
20 doing that she turns the light on and she turns the light off,  
21 she, or C.J., or Dai'Juan, one of the three. We don't know.

22 But right after she does that we see one, one person, coming  
23 back to the car, back to the Oldsmobile with that extended  
24 magazine and flash suppressor. Wrong term. Kovalchek called it  
25 a silencer. I learn something new every time I do a trial.

1 Flash suppressor, okay. And we see that shadowy figure. Is it  
2 Dai'Juan? Is it C.J? We don't know. Is it -- we don't know who  
3 it is, but we do see them get in that right after that light  
4 comes on and say hey, call 9-1-1.

5 I submit, ladies and gentlemen, this behavior was done to  
6 cover up what really happened. You see him go back, him or her,  
7 go back around the house, which is why we put these pictures in  
8 so you all can see the doors, what house they go into. But yet  
9 here he comes again, or she, back into the vehicle.

10 I think about Deputy Hardy as we're going to see him come up  
11 here shortly. But again, a person gets back into this vehicle,  
12 pumps the brakes. Maybe the car's not working. I don't know why  
13 that car didn't take off, there was no testimony to that, and  
14 certainly we can't speculate.

15 But what we do know is that Sergeant McClary photographed at  
16 least one gunshot into the back of that vehicle. And so I  
17 believe it was asked on cross, well, we don't know when these  
18 gunshots got inside these vehicles or these homes. And that is  
19 correct, we don't know, but what we've been is that there were 14  
20 shots and at this point we have more than 14 shots. So they're  
21 still inside this -- oh. You want to talk about running and  
22 fleeing, I submit that is the definition of running and fleeing.  
23 And Deputy Hardy coming down the street, coming down the street.  
24 And he does exactly as he is trained to do, which is put on his  
25 lights and start looking for suspects.

1           And remember, ladies and gentlemen, when you're evaluating  
2 the credibility of the witnesses and the credibility of the  
3 evidence, we first learned about all of this on Tuesday because  
4 Investigator Oxendine testified that he was told the day after  
5 this happened that Ms. Jackson drove to McDonald's, drove to get  
6 a gun, but she testified on the stand she didn't know anything  
7 about a gun.

8           Talked about -- this is why I put all of the impact points  
9 in there, about the different types of ammunition, the different  
10 damage to the house. These are things that are important to  
11 consider. Okay. Next.

12           And, yes, I know that it's easy to say, uh, you can just  
13 blame the police or blame the witnesses, that's what everybody  
14 does. But, ladies and gentlemen, the State of South Carolina has  
15 a duty to protect every, every citizen, not just the ones they  
16 don't like, but every citizen. You respond to the scene; you get  
17 your task; you gather evidence, physical evidence, witness  
18 statements; you see what makes sense; and you see what adds to  
19 you corroborate.

20           But, ladies and gentlemen, I suspect that the State's going  
21 to come up here and say that's exactly what we did. But that's  
22 exactly what you did with just one person. That's not a full  
23 presentation of the evidence.

24           What would you expect to see? What would you expect to see  
25 in a murder case? Well, certainly I talked about it. You'd

1 expect to see the evidence seized by the police; you would expect  
2 to see guns, bullets. And now -- and now I suspect what the  
3 State will say, is, well, no, when you commit this crime you get  
4 rid of all of that evidence; you get rid of everything.

5 But you heard when there was this intense cross-examination  
6 of Ashley Carter that -- so we know that they searched 2819 [sic]  
7 Lucille. Nothing consistent with these two guns. Nothing. No  
8 ammunition consistent with these two guns.

9 We heard that Troy Stevenson was arrested at the mother of  
10 his child's house, but we didn't hear guns or ammunition  
11 collected there. Ashley testified that when they came to her  
12 house, no guns, no ammunition.

13 Again, these are things that I want you to focus on when  
14 you're evaluating the credibility of the evidence and the  
15 testimony. And I know you will. You all will probably find some  
16 more things that I didn't even think about. But Taylor Thomas,  
17 Taylor Thomas, for the first time in over three years, gets on  
18 the stand and says, oh, I got a text message from Ashley Carter.  
19 Wouldn't we corroborate that if that was true? Here's a gun, say  
20 here it is. But we weren't provided that.

21 Ashley Carter was hounded over, and over, and over about the  
22 two different vehicles. This vehicle, which we know is at the  
23 impound lot, again, that we don't have a picture of showing the  
24 broken taillight. They want to say, well, it was broken. But  
25 Investigator Holt's report, who examined that car the day they

1 got it in May of 2021, doesn't mention that in here. We don't  
2 have any pictures of that so we just have to take Investigator  
3 Jordan's word on it.

4 But remember, she was asked, Just admit. Oh, so you're  
5 saying that this is your car but this one isn't, that this isn't  
6 your car? And she kept saying no, it's not my car. And guess  
7 what, ladies and gentlemen? She was telling the truth. That  
8 wasn't her car. That was the car that they went and took gunshot  
9 residue and searched two days, less than two days, after this  
10 happened.

11 You heard from Jalanda and Johnikqa Tobias and from  
12 Ms. Prophet, and heard how these Facebook messages -- and even  
13 Investigator Johnson testified these Facebook messages, or your  
14 Facebook, can be used by whomever if they have access to your  
15 phone. And Johnikqa Tobias, she can't recall because she was so  
16 drunk and so high.

17 But these are the credibility -- these are the credibility  
18 determinations that you have to make.

19 Defense witnesses. Again, just because we put up witnesses  
20 and we put up evidence, that never shifts the burden, okay. We  
21 showed the videos, okay.

22 Latoya Barnes was questioned about, well, why didn't you  
23 ever you tell anybody that Troy drove you to your sister's house,  
24 and Tromaine to your sister's house, that evening, which would,  
25 remember, put her, put that phone right in that same area? And

1 she said, well, I wasn't asked initially, and then I did tell  
2 Jordan. And then they show her Jordan's report and, well, it's  
3 not in there, is it? Well, she didn't write that report. I  
4 submit it's not in there because that would help explain why his  
5 phone would ping three years later in those records.

6 And so where's that recording of her statement that we can  
7 take that recording and say, but you didn't say it? Here's the  
8 whole recording. Let's listen to it. Or, here's your written  
9 statement. But it wasn't important enough to ask her about it.  
10 Because recordings don't lie; they don't forget.

11 Remember I kept talking about the close in proximity, the  
12 close in proximity that these two -- that these two -- sorry --  
13 that these two areas are. And he testified that there were two  
14 towers and that the phones bounce off not the closest tower but  
15 the strongest tower, and I said, well, Sergeant McDonald or  
16 Captain McDonald, wouldn't, wouldn't it be probative information  
17 to know that on April 5th -- and you all will have all of those  
18 phone records back there and so certainly if you all doubt that  
19 we say you can look at the evidence. If I say something wrong  
20 you don't listen to me; you listen to the evidence.

21 But the probative value of that, of those phone records, on  
22 April 5th putting him at those same towers, putting his phone at  
23 the same tower, wouldn't it be reasonable? Wouldn't it be  
24 reasonable to say of course he's bouncing off of those towers  
25 because he lives in and around that area? Isn't that reasonable?

1 That's not cosmic, crazy idea that we talk about.

2 The Judge is going to talk to you about reasonable doubt.  
3 And, yes, there's just no, like, 51 percent, zero percent. It's  
4 just not that easy. It's something individual to each and every  
5 one of you, that they do have to be reasonable, and reasons to  
6 doubt. And so I've made just a little bit of a list of some of  
7 the reasons that I've come up with. And I hope, as the Judge  
8 instructs you as your duty to do, is to protect the integrity of  
9 our system and to come up with more.

10 But some of the reasons, again, the truth of the witnesses;  
11 the possibility, the possibilities of where those shots would  
12 have come from. The possibilities. I said several times in  
13 opening, is it possible, it's possible. There are a lot of  
14 things that are possible, and reasonably possible.

15 And, remember, I didn't ask the question of Sergeant  
16 McClary, or Kerri McClary, but is it possible that those shots  
17 came from a moving vehicle? Absolutely it's possible. She said,  
18 sure it's possible. And the State said, well, what are some  
19 other possibilities? Well, she said standing in the road,  
20 somebody standing across the street. How many guns were used? I  
21 don't know but we've got bullets that go up here, and we have  
22 ones that go down here, all while that car is driving by and not  
23 swerving, and leaving no physical evidence in there.

24 The things that happened at the house, the shots, the  
25 flashes, you know, ShotSpotter that they talked about, the route,

1 the route that Troy drove his mother and brother to his aunt's  
2 house. We have search of Lucille, the search of all these  
3 houses. I talked about that. Again, the guns, 90 and 91, things  
4 that they just simply didn't follow up on, didn't test, didn't  
5 want to see, hey, let's just, you know what? We know that that  
6 crazy defense attorney is going to get up there and she's going  
7 to start poking holes in the investigation because that's what  
8 they all do, and it's so easy.

9 THE COURT: All right. Approach. And go back to the  
10 previous slide.

11 (Off-the-record discussion at sidebar.)

12 THE COURT: Go back one more.

13 ATTORNEY ZMROCZEK: So, again, ladies and gentlemen, you get  
14 to rely on evidence that you heard and that you saw, okay.

15 And some other questions, again, to ask is, you know -- and  
16 it -- to call, you know, the investigation sloppy or lazy, that's  
17 not a reflection on any individual, but what it is is a  
18 reflection on what the State of South Carolina owes the jurors,  
19 the people, the children, the elderly that we heard about, and  
20 that they owe Mr. Jackson is that they do a good, thorough job.  
21 Okay. Okay. Keep going. All right.

22 So the point of my standing up here and pointing these  
23 things out to you, and the point of me asking all of these  
24 questions of all of these witnesses, is so that we can get to the  
25 full truth of the matter so the jury's verdict cannot be left to

1 speculation, or conjecture, or guessing.

2 And I know you won't have this demonstrative back there with  
3 you, but you'll have several other maps. And again, relying so  
4 heavily on those pings, on those phone pings, on those timing  
5 advance records when these locations are so close, and that the  
6 route that Troy takes his mother and his brother to his aunt's is  
7 right along this pathway, there's a reason to question that  
8 evidence.

9 Mr. Scott talked about the circumstantial evidence and the  
10 rain. And so let's say you do wake up in the morning and you go  
11 outside, and the ground is wet, and the street's wet, and the  
12 whole yard is wet. That's circumstantial evidence that it  
13 rained.

14 But is that the only circumstance as to what that could have  
15 happened? What if the city, or the county, orders that you water  
16 all your yards in the evening because it costs less, because it  
17 will retain in the ground more? And what if that sprinkler  
18 system waters the grass, and the sidewalks, and the yard? Is  
19 that another reasonable explanation? I submit that it is. And  
20 that's the kind of circumstantial evidence that they're relying  
21 on in this case.

22 I just want to make sure that I hit all my points, ladies  
23 and gentlemen because, again, I don't get to come back up and  
24 argue. And I can say that for whatever evidence that I put in  
25 about the car and the highlighted picture, if this case comes

1 down to that one piece of evidence then that's on me. But,  
2 ladies and gentlemen, when you look at the evidence as a whole  
3 and everything that has been provided and everything that has  
4 been relied upon to convict Troy Stevenson of murder I submit  
5 that it does not rise to the level.

6 And, for that reason, the Judge will tell you that the law  
7 requires you to find him not guilty because they have not met  
8 that burden. Thank you.

9 FURTHER CLOSING ARGUMENT ON BEHALF OF THE STATE

10 SOLICITOR SCOTT: Okay. The Judge is going to instruct that  
11 you that the lawyers' arguments are not evidence. What we do  
12 here is to attempt to distill evidence as we remember it, but  
13 ultimately you all are to rely on your own recollection.

14 For instance, you just heard the attorney say there was no  
15 evidence whatsoever that Mr. Stevenson sprayed down and ordered  
16 his car to be cleaned the next day. In his Facebook records,  
17 okay, his girlfriend, Ashley Carter, was asked about that. She  
18 admitted, yeah, he did send me that because her car stank. Do  
19 you remember that? And I said, well, what did it smell like?  
20 And she said somebody had stepped in throw-up or something, and  
21 it had been that way. Rely our recollection, okay.

22 That's why our arguments are not evidence. We need to  
23 accurately reflect what the evidence was, though, when we argue  
24 because then if we didn't we'd be misleading. So if you hear any  
25 inconsistencies that a lawyer says that don't really match up

1 with what the testimony was keep in mind what is here and what  
2 the testimony you remember was. That was in -- it was testified  
3 that was in his Facebook records which have been admitted.

4 C.J. The first time we hear about C.J. was during the  
5 testimony. That was absolutely incorrect. C.J. was testified to  
6 being at that Lucille Drive house. C.J. was testified as far as  
7 being with Tamira and Dai'Juan in the car. In fact, Troy  
8 Stevenson's own cousin identified C.J. I said can you give me  
9 his last name? Nobody wants to tell me C.J.'s last name. He's  
10 my -- or, the father of my child's best friend but I don't even  
11 know his name. I said, all right. This is his cousin. And I  
12 asked Jalanda. She won't tell me the name. Maybe Jalanda will  
13 eventually tell us C.J.'s last name but until then we have a  
14 nickname. He has certainly been consistent. Jalanda talks about  
15 him being there. Tamira talks about him being there.

16 And the first time we hear about Troy going to pick Latoya  
17 up, that was yesterday. And you've got the defense map they have  
18 which will be handy, because when you look at it you'll be able  
19 to pinpoint where it is, and you realize even this map isn't big  
20 enough to depict where she says he drove her. And by the way,  
21 his phone records do not match what she's saying, but that house  
22 is out here. We'd have to blow a map up all the way out here to  
23 pinpoint where she says he took her. Not at all consistent with  
24 what this phone records say. But wouldn't that have been great  
25 if she could have told us that when Scott McDonald on the stand

1 so he could have said whether that was consistent with the phone  
2 records or not? But, no. That's the last witness, and that's  
3 what she's essentially saying.

4 So you talked to two different law enforcement agencies, the  
5 city of Columbia and the Richland County Sheriff's Department.  
6 Why'd you leave that out? They didn't ask me. Tell Scott  
7 McDonald, the guy who's tracking everything and plotting things.  
8 I submit to you that that is another one of Troy's family  
9 members. And I don't blame them. They're trying to protect him.  
10 Okay.

11 Johnikqa, when she gets up there and says I don't remember  
12 what he asked me before I sent him that messages, I think I was  
13 high and drunk. I go tell me -- tell me about, like, how he  
14 called and you your sister, you're always together, and then 10  
15 minutes later you unsend those messages? Why did you do that? I  
16 think I was still high and drunk. She's in a tough spot, and  
17 Troy put her there because he involved her in his doings.

18 Jalanda, the same way. His mother, the same way. They are  
19 being forced to look at the evidence and give some kind of reason  
20 why he would have been on Devoe right at the time Mr. Jackson was  
21 shot. None of that makes sense.

22 Even the story about going to -- what did she say? I have  
23 what she said -- 3630 Ranch Road. You saw a look at the map. Go  
24 to -- let me see real quick Scott McDonald's map. Even this  
25 defense, at the 11th hour, doesn't make any sense and it doesn't

1 fit the evidence. I just want to note the example she gave,  
2 okay. She talked about possibilities. Is this possible? Is  
3 that possible? Anything is possible. Remember when Kevin Bryant  
4 [ph] said that? Anything is possible. That's true. But is  
5 everything reasonable when she says is that possible or that  
6 possible?

7 I want to talk to you about reasonable doubt. It's not  
8 beyond possibility; it's beyond reason, okay. So is it that Troy  
9 Stevenson's car, Troy Stevenson's phone, is right outside of that  
10 house when we hear that 14-shot --

11 ATTORNEY ZMROCZEK: Your Honor, I would object.

12 THE COURT: Approach.

13 (Off-the-record discussion at sidebar.)

14 THE COURT: Overruled.

15 SOLICITOR SCOTT: Is it just the wildest coincidence in the  
16 world a black car with a broken brake light, passenger brake  
17 light, his phone right outside of 209 Devoe at the exact time we  
18 hear 14 shots? By the way, go watch that video from 204 Devoe.  
19 I submit to you even though her investigator didn't want to talk  
20 about it there's a flash, a muzzle flash, I submit, that can be  
21 seen even though the windows are tinted, even though the  
22 headrests and the car seats were in front of him as he's shooting  
23 because we're looking at the car behind. Look at the reflection  
24 of that Trailblazer that exact moment.

25 Also, look at the bodycam. Look at that feed. Testified it

1 was coming from the outside that's consistent with exactly where  
2 Charlie Jackson was shot in the lower back. It all lines up.

3 So when the defense attorney says, well, if you go outside  
4 in the morning and everybody's yards wet and there's broken  
5 branches on the ground, and the sidewalk's are wet, the streets  
6 wet, and the car's all wet, it would be logical to say maybe the  
7 city ordered everybody's lawns be watered that night.

8 I submit to you that is not logical. I submit to you that  
9 is not reasonable. I submit to you that causes you to speculate  
10 far outside of what your commonsense tells you. Is that a  
11 reasonable thing? If you get back there and deliberate somebody  
12 says I don't believe that it was raining; I believe the city  
13 ordered everybody's lawns to be watered against -- just, they  
14 took and then dumped water without telling everybody? It's not  
15 reasonable. That's why we need to listen to what the Judge's  
16 instructions are on reasonable doubt.

17 But if that -- if that's their interpretation, I think  
18 that's why we're so far apart, because it is not just the wildest  
19 coincidence here. Troy Stevenson's phone is there. He's using  
20 it, he is replying to his girlfriend, he's sending her messages.  
21 The time's there when Charlie Jackson is shot and killed.  
22 Motive, opportunity, all there.

23 The truth to me is like a coin dropped into a clear shallow  
24 stream. (illustrates) It's there. It's clear for everybody to  
25 see if you want to see the truth. It's right there, shining

1 silver. But if you want to be unreasonable, you don't want to  
2 see the truth, you know what you can do? You know what you can  
3 do to that clear, shallow stream? You can muddy it up and talk  
4 about shadowy figures, you can talk about flashings of light, you  
5 can talk about lights flickering on and off. You can cover up  
6 the truth with distraction, with things that don't make any  
7 sense. But the truth there is there, right down there. All  
8 you've got to do is look with your own eyes and use your  
9 commonsense. Don't fall for distraction. Keep your eye on the  
10 ball and use commonsense.

11 Dai'Juan Richardson, he's going to have his day in court. A  
12 little bit unfair for Mr. Stevenson to make this case about  
13 Dai'Juan Richardson's case because he's going to have his day,  
14 too.

15 Let's talk about what happened at 209 Devoe. Let's talk  
16 about what all the evidence showed and give Mr. Stevenson his day  
17 in court because that's who we're here for.

18 Commonsense. Reason. That's all I'm asking you. Return  
19 the only verdict that speaks the truth of why Charlie Jackson's  
20 not here today, and that is a verdict of guilty. Thank you.

21 CHARGE OF THE COURT

22 THE COURT: All right. Thank you. Thank you, ladies and  
23 gentlemen. I'm going to read to you now the law that you will  
24 apply. As I stated at the very beginning of this trial, you are  
25 the judges of the fact and the facts only, and I am the judge of

1 the law.

2 ATTORNEY ZMROCZEK: Your Honor, may we get --

3 THE COURT: Yeah. If you all want to turn that off. And I  
4 want you to pay close attention because you're not going to  
5 have -- let's turn that off. You're not going to have a copy of  
6 this with you, I'm just going to read it to you, so if you'll pay  
7 close attention while I read it.

8 Members of the jury, it is now my duty as the trial judge to  
9 instruct you on the law applicable to this case and, in that  
10 regard, it is your duty as jurors to accept and apply the law as  
11 I now state it to you. Furthermore, it is your exclusive duty to  
12 decide all the issues of fact in this case and to determine the  
13 effect, value, weight, and truth of the evidence.

14 All the parties have the right to expect that you will  
15 carefully consider and evaluate the evidence and apply the law of  
16 this case to it so that in the end all parties will receive a  
17 fair and impartial trial.

18 During this trial you and I have separate duties to perform.  
19 As the trial judge, it is my responsibility to preside over this  
20 trial and to rule upon the admissibility of the evidence offered  
21 during the trial. In that regard, you are to consider only the  
22 evidence before you; thus, you are to consider only the testimony  
23 which has been presented from the witness stand, together with  
24 any exhibits admitted into the record in this case. If you have  
25 any preconceived ideas as to what the law is or what you think

1 the law ought to be and it does not agree with what I tell you  
2 the law is, you are obligated, under your oath, to abandon these  
3 preconceptions because you are sworn to accept the law as I now  
4 state it to you.

5 In this trial you are the sole and exclusive judge of the  
6 facts. Do not infer that I have any opinion about the facts in  
7 this case from anything I've said or done during the course of  
8 this trial. In this regard, the law simply did not permit me to  
9 have an opinion about the facts.

10 As jurors, it is your duty alone to determine the effect,  
11 value, weight, and truth of the evidence presented during the  
12 course of this trial. The evidence from which you are to decide  
13 what the facts consist of in this case are the sworn testimony of  
14 witnesses, both on direct and cross-examination, the exhibits  
15 which have been admitted into evidence, and any facts to which  
16 all the attorneys have agreed and stipulated.

17 The following things are not evidence and you must not  
18 consider them as evidence in deciding the facts of this case:  
19 Statements and arguments of the attorneys, questions and  
20 objections of the attorneys, and testimony that I instruct you to  
21 disregard.

22 While argument of counsel is a beneficial part of every  
23 trial, you should remember that the statements made by counsel  
24 are not evidence. In presenting arguments counsel often referred  
25 to evidence; however, you should base your verdict on the

1 evidence as you remember it. If there are any conflicts between  
2 the recollection of counsel about the evidence and your own  
3 recollection you should rely upon your own understanding of the  
4 evidence.

5       Furthermore, evidence may be direct or circumstantial.  
6 Direct evidence is testimony by a witness about what the witness  
7 personally saw, or heard, or did. Circumstantial evidence is  
8 indirect evidence; in other words, it is proof of one or more  
9 facts from which one can find another fact. You may consider  
10 both direct and circumstantial evidence equally. Crimes may be  
11 proven by circumstantial evidence. The law makes no distinction  
12 between the weight or value to be given to either direct or  
13 circumstantial evidence; however, to the extent the State relies  
14 on circumstantial evidence, all of these circumstances must be  
15 consistent with each other and, when taken together, point  
16 conclusively to the guilt of the accused beyond a reasonable  
17 doubt. If these circumstances merely portray the defendant's  
18 behavior as suspicious, the proof has failed.

19       The State has the burden of proving the defendant guilty  
20 beyond a reasonable doubt. This burden rests with the State  
21 regardless of whether the State relies on direct evidence,  
22 circumstantial evidence, or some combination of the two.

23       Additionally it is your job as jurors to determine the  
24 credibility, or believability, of the witnesses who have  
25 testified in this case. You must evaluate the evidence and

1 determine which evidence convinces you of its truth. In  
2 determining the believability of witnesses who have testified in  
3 this case, you may believe one witness over many or many over  
4 one, you may believe a part of the testimony of a witness and  
5 reject the remaining part, you may believe the testimony of the  
6 witness in its entirety or reject it in full, you may consider  
7 whether the witness has an interest in the result of a trial,  
8 whether the witness is prejudiced toward either party, the  
9 opportunity for the witness to have seen the matters and things  
10 about which the witness may testify, and the way the witness acts  
11 on the witness stand.

12       The rules of evidence ordinarily do not permit witnesses to  
13 testify to opinions or conclusions. An exception to this rule  
14 exists for witnesses we call expert witnesses. A witness who, by  
15 education and experience, has become an expert in some art,  
16 science, or profession may give an opinion as to the subject the  
17 witness claims to be an expert in, and may also give the reasons  
18 for the opinion. You should consider any expert opinion given by  
19 a witness and, like any other witness, give it the weight you  
20 think it deserves. If you decide that an expert witness's  
21 opinion is not based on sufficient education and experience, or  
22 if you decide that the reasons given in support of the opinion  
23 are not sound, or that the opinion is outweighed by other  
24 evidence, you may disregard the opinion entirely. An expert  
25 witness's testimony is to be given no greater weight than that of

1 other witnesses simply because the witness is an expert, and you  
2 do not have to accept an expert's opinion even though it is  
3 uncontradicted.

4 The defendant has pled not guilty to this indictment, and  
5 that plea puts the burden on the State to prove the defendant  
6 guilty. A person charged with committing a criminal offense in  
7 South Carolina is never required to prove his or her innocence.  
8 I charge you that it is an important rule of law that a defendant  
9 in a criminal law, no matter what the seriousness of the charge  
10 may be, will always be presumed to be innocent of the crime for  
11 which the indictment was issued unless guilt has been proven by  
12 evidence satisfying you of that guilt beyond a reasonable doubt.

13 This presumption of innocence does not end when you begin  
14 your deliberations but it is accompanies the defendant throughout  
15 the trial unless you reach a verdict of guilt based on evidence  
16 satisfying you of that guilt beyond a reasonable doubt. The  
17 presumption of innocence is like a robbery of righteousness  
18 placed about the shoulders of the defendant which remains with  
19 the defendant unless it has been stripped from the defendant by  
20 evidence satisfying you of the defendant's guilt beyond a  
21 reasonable doubt. The presumption of innocence is not mere legal  
22 theory, it is not just a legal phrase; it is a substantial right  
23 to which every defendant is entitled unless, you the jury, are  
24 satisfied from the evidence of the defendant's guilt beyond a  
25 reasonable doubt.

1           The State has the burden of proving the defendant guilty  
2 beyond a reasonable doubt. Some of you may have served as jurors  
3 in civil cases where you were told that it is only necessary to  
4 prove that a fact is more likely true than not true such as by  
5 the greater weight, or preponderance, of the evidence. In  
6 criminal cases, however, the State's proof must be more powerful  
7 than that, it must be beyond a reasonable doubt as to each  
8 element of each offense charged.

9           What is reasonable doubt in the law? A reasonable doubt is  
10 the kind of doubt that would cause a reasonable person to  
11 hesitate to act. Proof beyond a reasonable doubt is proof that  
12 leaves you firmly convinced of the defendant's guilt. There are  
13 very few things in this world that we know with absolute  
14 certainty, and in criminal cases the law does not require proof  
15 that overcomes every possible doubt.

16           If, based on your consideration of the evidence, you are  
17 firmly convinced that the defendant is guilty of the crime  
18 charged, you must find the defendant guilty. If, on the other  
19 hand, you think there's a real possibility that the defendant is  
20 not guilty, you must give the defendant the benefit of the doubt  
21 and find him not guilty. Mere suspicion, however strong, is not  
22 enough to sustain a conviction. Suspicion implies a belief or  
23 opinion as to guilt based upon facts or circumstances which do  
24 not amount to proof.

25           There are two indictments in this case alleging two

1 different offenses against the defendant, murder and possession  
2 of a weapon during the commission of a violent crime. Each  
3 charge is a separate and distinct offense. I remind you that the  
4 fact the defendant was arrested, charged, and indicted in this  
5 case is not evidence and cannot be considered by you as evidence  
6 of guilt in this case, nor does it create any presumption or  
7 inference of guilt. The indictment is simply the formal, written  
8 instrument which contain the charges made against the defendant.

9 In order to establish criminal liability, criminal intent is  
10 required. The dictionary defines intent as the state of a  
11 person's mind that directs his actions towards a specific object.  
12 Criminal intent must be proven by the State beyond a reasonable  
13 doubt. Criminal intent is a mental state, a conscious  
14 wrongdoing. It is up to you to determine what the defendant  
15 intended to do based on the circumstances shown to have existed.

16 A specific intent crime requires that a defendant have the  
17 intent to cause a particular result or that the defendant have  
18 the specific intent in committing the act. A person acts with  
19 specific intent when his conscious objective is to cause the  
20 specific result prescribed by the statute defining the events.

21 Pursuant to the transferred intent doctrine, if one person  
22 intends to harm a second person but instead unintentionally harms  
23 a third, the first person's criminal intent toward the second  
24 applies to the third as well. Where a defendant with malice  
25 aforethought intends to unlawfully kill one person but by mistake

1 or inadvertence kills a different person from the one he intended  
2 to kill, the law holds the defendant responsible for his  
3 felonious intent, merely transferring the intent from the  
4 original person the defendant attempted to kill to the actual  
5 person killed. This concept is known as transferred intent.  
6 Under this doctrine the defendant's intent to kill his intended  
7 victim is said to be transferred to his actual victim. The  
8 degree of guilt is the same as it would have been if the intent  
9 had resulted in the death of the person at whom he was angered.

10 If a crime is committed by two or more people who are acting  
11 testify together and committing a crime, the act of one is the  
12 act of all. A person who joins with another to commit an  
13 unlawful act is criminally responsible for everything done by the  
14 other person which happens as a probable, or natural, consequence  
15 of the acts done in carrying out the common plan and purpose.  
16 For example, two people can be guilty of killing another person  
17 when only one of the two had a gun, there was only one bullet,  
18 and only one of the two fired the shot that caused the death. If  
19 two or more people are together, acting together, assisting each  
20 other in committing the offense, the act of one is the act of all  
21 or, as it is sometimes said, the hand of one is the hand of all.

22 Prior knowledge that a crime is going to be committed  
23 without more is not sufficient to make a person guilty of that  
24 crime. Mere knowledge that another person going to commit a  
25 crime, even if the defendant is present when the crime is

1 committed, is not sufficient to convict the defendant as a  
2 principal. Guilt as a principal is shown by actual or  
3 constructive presence at the scene as a result of prior  
4 arrangement; therefore, a finding of a prior arranged plan or  
5 common scheme is necessary for a finding of guilt as a principal.

6 The State must prove beyond a reasonable doubt by competent  
7 evidence the theory of the hand of one is the hand of all. A  
8 principal in a crime is one who either actually commits the  
9 crime, or is present aiding, abetting, or assisting in committing  
10 the crime. When a person does an act in the presence of and with  
11 the assistance of another the act is done by both. Where two or  
12 more acting with a common plan or intent are present at the  
13 commission of a crime it does not matter who actually commits  
14 the crime, all are guilty. The hand of one is the hand of all.

15 Present at the commission of a crime needs to be  
16 sufficiently near to aide, and abet, and assist in the commission  
17 crime. However, mere presence at the scene of a crime is not  
18 sufficient to convict one as a principal on the theory of aiding  
19 and abetting.

20 Intent is also a necessary element, for there must have been  
21 a common design, or intent, to commit the crime, and the crime  
22 must have been committed pursuant thereto with the person aiding  
23 and abetting by some overt act. Intent means intending the  
24 result which actually occurs, not accidentally or involuntarily.  
25 Intent may be shown by acts and conduct of the defendant and

1 other circumstances from which you may naturally and reasonably  
2 infer intent.

3 The State must prove these elements beyond a reasonable  
4 doubt: The State is required to prove the element of malice  
5 beyond a reasonable doubt for the charge of murder. If you are  
6 not satisfied that the State has proven the element of malice  
7 beyond a reasonable doubt, you must find the defendant not  
8 guilty.

9 The defendant is charged with murder. The State must prove  
10 beyond a reasonable doubt that the defendant killed another  
11 person with malice aforethought. Malice is hatred, ill will, or  
12 hostility toward another person. Malice aforethought does not  
13 require that malice exist for any particular time before the act  
14 it committed but malice must exist in the mind of a defendant  
15 just before and at the time the act is committed. Therefore,  
16 there must be a combination of the previous evil intent and the  
17 act.

18 Malice aforethought may be express or inferred. These  
19 terms, express and inferred, do not mean different kinds of  
20 malice but merely the manner in which malice may be shown to  
21 exist; that is, either by direct evidence or by inference from  
22 the facts and circumstances which are proved.

23 Express malice is shown when a person speaks words which  
24 express hatred, or ill will, for another, or when the person  
25 prepared beforehand to do the act which was later accomplished.

1 Malice may be inferred from conduct showing a total disregard for  
2 human life.

3 The defendant is also charged with possession of a weapon  
4 during the commission of a violent crime. The State must prove  
5 beyond a reasonable doubt that the defendant was in possession of  
6 a firearm during the commission of a violent crime.

7 A firearm means any machinegun, automatic rifle, revolver,  
8 pistol, or any weapon which will, is designed to, or may be  
9 readily converted to expel a projectile.

10 In order to find the defendant guilty of possession a weapon  
11 during the commission of a violent crime you must first find the  
12 defendant guilty of either committing a violent crime or  
13 attempting to commit a violent crime. Murder is a violent crime.  
14 The State must prove beyond a reasonable doubt that the weapon  
15 further advanced or helped in the commission of the crime.

16 The State not only has the burden of proof of guilt but it  
17 also has the burden of producing evidence which could establish  
18 the innocence of the defendant. When evidence is lost or  
19 destroyed by a party you may infer that the evidence which was  
20 lost or destroyed by that party would have been adverse to that  
21 party. If you find, first, that the evidence was spoiled or  
22 destroyed, and if you further find that the evidence could help  
23 establish the innocence of the defendant, you may then consider  
24 those facts in deciding whether or not the State has met its  
25 burden of proof.

1 Further, the fact that the defendant elected not to testify  
2 is not a factor to be considered by you in any way in your  
3 deliberations and in your consideration on the question of  
4 whether the defendant is guilty or not guilty. It must not be  
5 considered in any a manner whatsoever against him. An accused  
6 has the constitutional right to remain silent, and the assertion  
7 of that right cannot be considered by you in your deliberations.  
8 Under your oath you are to reach no inference and draw no  
9 conclusion whatsoever from the fact the defendant elected not to  
10 testify. His decision not to testify should not even be  
11 discussed in the jury room. It is not to enter your minds in  
12 making your decision.

13 The State has the entire burden of proof, and the accused  
14 has no burden to prove anything at all.

15 A verdict in this case cannot be based upon sympathy,  
16 passion, prejudice, or emotion, or some other consideration not  
17 found in the evidence. I charge you that, as jurors, you must  
18 decide the issues involved in this proceeding based solely upon  
19 the evidence which you hear during the course of the trial. Your  
20 verdict must be without bias and without prejudice to any party.  
21 You cannot allow yourselves to be governed by sympathy, by  
22 prejudice, by fashion, by public opinion, or by some other  
23 consideration not found in the evidence.

24 I want to say something to you about deliberations.  
25 Deliberation is defined as careful consideration lined up with a

1 view to decision. The genius of our jury system is that it  
2 allows 12 good men or woman from 12 different backgrounds, life  
3 experiences, and perspectives to consider the evidence, talk  
4 about it respectfully, and ultimately reach a verdict. We call  
5 them deliberations for a reason.

6 You are to consider the evidence in this case carefully and  
7 deliberately, and discuss it in a calm, thorough, and courteous  
8 manner with respect to each and every other of your fellow  
9 jurors. Listen to the views of all of your fellow jurors,  
10 consider other people's points and points of view, and talk  
11 through and discuss the evidence. And remember, if you are doing  
12 something deliberately you are not in a big hurry, and you should  
13 not be in a hurry here. This case is very important to all the  
14 parties, and this trial is their only day in court.

15 When you retire to the jury room you should discuss the case  
16 with your fellow jurors to reach agreement if you can do so.

17 Your verdict must be unanimous. Each of you must decide the  
18 case for yourself but you should do so only after you have  
19 impartially considered all the evidence, discussed it fully with  
20 the other jurors, and listened to the views of the fellow jurors.  
21 Do not be afraid to change your opinion if the discussion  
22 persuades you that you should but do not come to a decision  
23 simply because other jurors think it is right. It is important  
24 that you attempt to reach a unanimous verdict but, of course,  
25 only each of you can do so after having made your own decision.

1 Do not change an honest belief about the weight and effect of the  
2 evidence simply to reach a verdict. In other words, do not  
3 change your opinion solely for the sake of reaching a unanimous  
4 verdict.

5 There are two possible verdicts for which you may find in  
6 this case, guilty or not guilty. There is no significance  
7 whatsoever in the order in which I state these possible verdicts;  
8 it is simply that one must be stated first. Your verdict must be  
9 a unanimous one. Madam foreperson, you will be in charge of the  
10 verdict form. It has at the top the case caption which is the  
11 name, case number, and the two charges. Gives you two options.  
12 As to the charge of murder, we, the jury find the defendant  
13 either guilty or not guilty. Once you make a unanimous decision  
14 you'll put an "x" beside whichever one you choose. The  
15 directions further state if the verdict is not guilty, then stop.  
16 If the guilty as to murder, then continue no. 2, possession of a  
17 weapon during commission of a violent crime, and consider the  
18 following charge. Go to question no. 2. As to charge of  
19 possession of a weapon during the commission of a violent crime,  
20 we, the jury, find the defendant -- same as before -- either  
21 guilty or not guilty. No significance in which one comes first.  
22 And you'll sign it at the bottom. You'll have a copy of this.

23 We'll send you all back out here now. Don't deliberate yet.  
24 Almost, but you can't start deliberating until we get all of this  
25 evidence back there to you. Once you get all of the evidence

1 back there, with the verdict form on top, madam foreperson will  
2 get that, and you can start deliberations. Then the three  
3 alternates will come back out here, but we've got to make sure  
4 everyone makes it back there first. Do not discuss the case. Do  
5 not deliberate quite yet. We've got a few more legal issues to  
6 work through.

7 As to the evidence, we will likely send a blank laptop, just  
8 a regular laptop, back there with you for the CDs, USBs, whatever  
9 it may be. If, for some reason, you're having trouble using it  
10 madam foreperson will write a note, explain that, and we'll try  
11 to get that situated.

12 The only two pieces of evidence that aren't going back there  
13 with you are the two weapons. We're going to keep those in the  
14 courtroom. If you want to see them we'll bring you all back out  
15 here and let you look at them; we just won't send them back with  
16 you for obvious reasons.

17 Other than that, we're going to send you back now. Do not  
18 discuss the case. Do not deliberate. We'll have the evidence  
19 back there shortly. Thank you.

20 (Jury escorted out of the courtroom at 12:22 a.m.)

21 MATTER(S) OF LAW

22 THE COURT: And just for the record, we had several bench  
23 arguments that will be notated what happened.

24 ATTORNEY ZMROCZEK: Your Honor, because I need to address  
25 one of those bench arguments, but I need a piece of evidence in

1 order to do that.

2 THE COURT: Of course.

3 ATTORNEY ZMROCZEK: Thank you.

4 THE COURT: Which argument is that?

5 ATTORNEY ZMROCZEK: The Facebook message.

6 THE COURT: The read or not read?

7 ATTORNEY ZMROCZEK: Uh-huh. And you said that they said  
8 that that Facebook evidence was suppressed. It was not  
9 suppressed. I moved to suppress the Facebook evidence. It was  
10 suppressed, Your Honor. They said, oh, well, Ricky Johnson's  
11 report showed that it read. I just sat there and read his 28- or  
12 32-page report. It is not mentioned in there so I do take issue  
13 with them saying that I tried to get in evidence that was  
14 suppressed, because that is not true.

15 THE COURT: Is there evidence that --

16 ATTORNEY ZMROCZEK: I take a big issue with not being able  
17 to argue a big, strong part in my case because they said that the  
18 evidence that the text message was read was in Ricky Johnson's  
19 report which was suppressed. I just sat here and read all 23  
20 pages of that report. It is not in that report. The Facebook  
21 records were not suppressed. In fact, as you can see, they were  
22 entered in by the State. So for me not to be able to argue that,  
23 Your Honor --

24 THE COURT: They said the cellphone records. All right. I  
25 got it.

1 ATTORNEY ZMROCZEK: But do you see my point?

2 THE COURT: Yeah. I'm going to let you get it all on.

3 ATTORNEY ZMROCZEK: Okay. Thank you.

4 SOLICITOR FOWLER: Your Honor, I think Mr. Scott misspoke  
5 when he referred to Facebook records. The cellphone records, the  
6 Cellebrite downloading data from the cellphone, was suppressed by  
7 Your Honor, and that is where that information --

8 THE COURT: That's what he said up here, he said  
9 cellphone -- Cellebrite?

10 SOLICITOR SCOTT: Yes.

11 SOLICITOR FOWLER: Right.

12 SOLICITOR SCOTT: That's where that -- I'll let you.

13 SOLICITOR FOWLER: Yeah. That's where that information come  
14 from. And I agree with Mr. Zmroczek, it's not in Mr. Johnson's  
15 report whether or not, what he could tell from Cellebrite, read  
16 or unread. That was something that I think he might have done it  
17 after Ms. Zmroczek said it in her opening and went back and  
18 verified whether or not he could tell that from the Cellebrite  
19 download. And I actually have Major Johnson here if you'd like  
20 to put him on the stand, and he can explain that. That would  
21 have been his testimony to rebut any claim by the defense that  
22 the message was unread.

23 THE COURT: Was there evidence in general that was it read  
24 or unread from --

25 SOLICITOR FOWLER: I've confirmed this with Major Johnson

1 here.

2 THE COURT: No. No. Just in general, was there evidence?

3 SOLICITOR FOWLER: Right. Yes, Your Honor, that's what I'm  
4 saying. I have confirmed this. All the evidence we have related  
5 to the messages comes from Facebook business records, and  
6 according to a digital forensic analyst there's no way you can  
7 tell from the Facebook message -- the Facebook business records  
8 whether or not a message was read or unread.

9 ATTORNEY ZMROCZEK: And there's been no evidence provided.  
10 Now they're saying that he -- so he did a report, I'm saying,  
11 right before this trial, and it was not in there either. So to  
12 say that there's now evidence that it was read that they haven't  
13 provided me, apparently, is an issue. But, also, the issue is  
14 the Facebook records that we have are in, and they -- you know.

15 I just -- I don't -- think it is what it is, Your Honor.  
16 You know, I don't want to continue to draw a highlight to it  
17 because, you know, I know you can strike whatever I said but,  
18 Your Honor, just so the record is clear that I did not violate  
19 any oath of any -- by trying to get evidence that was suppressed  
20 in because none of that evidence was -- I have no evidence that  
21 they now say it was read.

22 THE COURT: Hold on. There are two. What message is this,  
23 the address that she sent?

24 SOLICITOR FOWLER: 209 Devoe, that's that gal Chasicia  
25 address.

1 THE COURT: When Ricky Johnson testified, he was the one  
2 that testified about it, or was that another expert?

3 SOLICITOR SCOTT: The way he would have been able to tell,  
4 in his opinion, his professional expert opinion, whether or not  
5 he believed he read it or would have been able to read it, that  
6 comes from the Cellebrite phone, not Facebook.

7 THE COURT: But we have positive evidence and negative  
8 evidence. Is there any important evidence -- I don't remember --  
9 on the stand that came out, Ricky Johnson, was this message ever  
10 read?

11 SOLICITOR SCOTT: No.

12 THE COURT: Was that ever --

13 SOLICITOR SCOTT: No, Your Honor.

14 THE COURT: That underlying -- you have a substantive -- you  
15 were talking about ethics, certainly that's not a problem.

16 ATTORNEY ZMROCZEK: Sure.

17 THE COURT: The substantive issue is because, with the  
18 Facebook message, we struck that argument. Now, if there was all  
19 this -- something that was in the testimony and I struck it, then  
20 that gives you a substantive argument, but that's not the issue.  
21 So I want to make that clear, that I did sustain the objection, I  
22 struck her arguments, and I made you move past where it was in  
23 there two or three times. The jury was able to see it but I made  
24 you move past because that evidence was not in the record.

25 And if it had been in the record -- I don't know if we get

1 to the issue about -- I mean, it was in the record, so I don't  
2 think there's any underlying objection there. But that would  
3 be -- any other issue about complaints, attorney, we'll deal with  
4 that. I mean, it is what it is.

5 ATTORNEY ZMROCZEK: And that's all. I just wanted to make  
6 sure. Thank you.

7 THE COURT: And I think it was, from the State's  
8 perspective, I think it was cured when I sustained the objection,  
9 struck it, told them to disregard it, and moved on from the  
10 PowerPoint.

11 As to the second, we had another bench conference. It said  
12 in there about the defendant never gave a statement. I overruled  
13 their objection because the way I interpreted it, it didn't go  
14 to -- it didn't open any doors, it presented evidence. The only  
15 evidence about him, what was it, about retaliation or something?  
16 It wasn't in evidence.

17 ATTORNEY ZMROCZEK: So the way that it read -- and I think  
18 Your Honor read it the way that it was intended which is what it  
19 said, was that nobody testified that he stated that he was acting  
20 in retaliation. And I think I cleared that up with the --

21 THE COURT: And I think it's clear they gave -- it's implied  
22 that he retaliated because of his mother, because of the  
23 connections.

24 SOLICITOR SCOTT: And it's almost just a reverse comment on  
25 his right against incriminating himself. We've gone through a

1 Denno hearing about his statement. He did give a statement. I  
2 found it to be misleading that there's no -- the State did not  
3 attempt to offer a statement by the defendant. Well, we know,  
4 the Court knows, the parties know that there was a statement and  
5 we intended on offering parts of the statement but for legal  
6 reasons we were prohibited. So it was -- it seemed to be  
7 misleading to me as far as what the State did or did not do or  
8 could but --

9 THE COURT: All right. It's noted for the record. All  
10 right.

11 The third one, Ms. Zmroczek made an objection, I believe  
12 during the rebuttal, about Mr. Stevenson's phone being right  
13 beside the incident location. This goes back to the objection I  
14 sustained throughout McDonald's testimony where they needed to  
15 clarify that it's his phone, not him.

16 I overruled your objection because it was a logical argument  
17 based on the facts that, based on all of the other facts, that  
18 they say he was there and that the car that he was allegedly  
19 driving did it, with his cellphone in that area, that it put him  
20 there, so it's overruled because that's a logical argument to  
21 make, conclusions to draw from the evidence of the case just on  
22 their behalf.

23 ATTORNEY ZMROCZEK: And, Your Honor, yeah. And my objection  
24 specifically was he said in front of -- he said they placed the  
25 phone in front of the house, and so that's what I was objecting

1 to. But we certainly understand the Court's ruling.

2 THE COURT: All right. Noted for the record.

3 ATTORNEY ZMROCZEK: And just while we're at it, they did  
4 make the argument about getting the gun and inferring that as  
5 malice, and so that would be the previous objection. I didn't  
6 make it during his argument but I just want to make sure that was  
7 preserved.

8 THE COURT: All right. Noted for the record.

9 ATTORNEY ZMROCZEK: Thank you.

10 THE COURT: And just to be clear, I did make you  
11 fast-forward through your PowerPoint when there was a sentence in  
12 there about what Mr. Fowler said in opening statement about --  
13 they would put in evidence. I suppressed it. So if you had said  
14 that in the trial that would have opened the door, so I found it  
15 was inappropriate, there wasn't evidence, and so --

16 ATTORNEY ZMROCZEK: And that's why I moved on.

17 THE COURT: -- that's why I instructed Mrs. Zmroczek to move  
18 on from that slide. All right.

19 Anything else from the State as to jury charges, anything of  
20 that nature?

21 SOLICITOR SCOTT: No, Your Honor.

22 THE COURT: Anything from the defense?

23 ATTORNEY ZMROCZEK: Nothing further, Your Honor.

24 THE COURT: All right. We'll be in recess while -- all the  
25 attorneys come up here, make sure you all have all the evidence

1 that goes back. Make sure none of the evidence not in evidence  
2 goes back because that would be a mistrial. And where is the  
3 clean laptop?

4 SOLICITOR FOWLER: It's right here. Ms. Zmroczek can review  
5 it.

6 THE COURT: Ms. Zmroczek, can you confirm?

7 ATTORNEY ZMROCZEK: Yeah. I'll look at it. I haven't seen  
8 it yet.

9 THE COURT: Leave the weapons here. I'm going to take a  
10 short recess.

11 (The Court momentarily leaves the bench and returns.)

12 THE COURT: Did the State and the defense have a chance to  
13 review all the evidence that's going back?

14 ATTORNEY ZMROCZEK: We did, Your Honor. And I checked the  
15 computer to confirm that it is a complete, clean computer.

16 THE COURT: And is this all the evidence right here on this  
17 table?

18 ATTORNEY ZMROCZEK: That is going back, yes.

19 THE COURT: All right. And Jaunus, you have the verdict  
20 form? All right. Show that to Ms. Zmroczek and --

21 ATTORNEY ZMROCZEK: I have a copy. I saw it.

22 THE COURT: Just make sure --

23 ATTORNEY ZMROCZEK: Oh, is that a new one?

24 THE COURT: It's a copy, but just be extra sure. And the  
25 date should be May 22nd at the bottom.

1 ATTORNEY ZMROCZEK: Correct.

2 SOLICITOR SCOTT: Yes.

3 THE COURT: Send back all the evidence. And we're going to  
4 bring back those three alternates and dismiss them.

5 (Verdict slip and evidence are delivered to the jury at  
6 12:47 p.m.)

7 (Alternate jurors enter the courtroom and are excused.)

8 THE COURT: Thank you. Court's in recess.

9 (Court recessed at 12:50 p.m. and reconvened at 3:16 p.m.,  
10 without the defendant present.)

11 (Jury is seated in the courtroom at 3:16 p.m.)

12 THE BAILIFF: Jury is seated, Judge.

13 THE COURT: Thank you, ma'am. Thank you, madam foreperson,  
14 ladies and gentlemen. I received your two notes, notes on two  
15 questions. The second question is which clarification on whether  
16 there was a GSR test done on State's 20. All I can say is -- and  
17 you might hear me say this often -- I'm just going to ask you to  
18 rely on the collective memory of evidence that you have back  
19 there and the testimony that you heard. So that's my answer to  
20 that second question.

21 The first question, list of what evidence of which videos.  
22 The descriptions are vague. Kind of the same answer. I want you  
23 to rely on your collective memory what you heard and saw, as well  
24 as you got the evidence back there. I know it's a lot of videos.  
25 All I can say is if there's a specific video or something you're

1 looking for and you want direction to finding that, you can write  
2 that down on a note and we'll see if we can help you locate that  
3 more directly.

4 But I want to thank you all for your deliberations and  
5 continued deliberations. So we'll send you back with that.  
6 Thank you.

7 (Court's Exhibits 16 and 17 are marked for identification.)

8 (Jury escorted out of the courtroom at 3:17 p.m.)

9 THE COURT: Anything from the State?

10 SOLICITOR SCOTT: No, Your Honor.

11 THE COURT: Anything from defense?

12 ATTORNEY ZMROCZEK: Only that I had told my client when I  
13 went down to see him earlier that unless it was a question of  
14 significance that I would waive his presence so that the jury  
15 could keep deliberating. And he was okay with that.

16 THE COURT: Thank you. Noted for the record. You all just  
17 be on standby. We might get a letter real quick. We'll let you  
18 know.

19 (Court recessed at 3:19 p.m. and reconvened at 6:28 p.m.,  
20 without the defendant and the jury present.)

21 MATTER(S) OF LAW

22 THE COURT: We got a note from the jury. We are unable to  
23 reach a unanimous decision, and so we'll bring the jury out and  
24 read the *Allen* charge. Anything from the State before we do  
25 that?

1 SOLICITOR SCOTT: No, Your Honor.

2 THE COURT: Anything from the defense?

3 ATTORNEY ZMROCZEK: Your Honor, except is it the new Allen  
4 charge? I don't know there's been some issues with the --

5 THE COURT: This one is from *State v. Taylor* from the 2019  
6 Court of Appeals case.

7 ATTORNEY ZMROCZEK: Okay. Yes. I knew there was a new one.  
8 I just wasn't aware of it. Thank you.

9 THE COURT: This is -- yes. I've read it before in a recent  
10 case with the public defender's office here, and it's the same  
11 issue, but I'm sure that was the one.

12 ATTORNEY ZMROCZEK: Okay.

13 THE COURT: I will make this a court's exhibit. Let's bring  
14 the jury.

15 (Court's Exhibit 18 is marked for identification.)

16 (Jury seated in the courtroom at sixth 6:30 p.m.)

17 THE BAILIFF: Jury's seated, Your Honor.

18 THE COURT: Thank you, sir. All right. Madam foreperson, I  
19 received your note that you are unable, at this point, to reach a  
20 unanimous verdict. Let me give you some further instructions.  
21 All right.

22 Ladies and gentlemen of the jury, when any matter is in  
23 dispute it is not always easy for even two people to agree;  
24 therefore, I understand when 12 people must agree it becomes much  
25 more difficult. It is important that you attempt to end the case

1 without a single one of you doing violence to your conscious. It  
2 is your duty, as jurors, to consult with one another and to  
3 deliberate with a view toward reaching an agreement if you can do  
4 so without violence to your individual judgment.

5 Each of you must decide this case for yourself but do so  
6 only after impartial consideration of the evidence in the case  
7 with your fellow jurors. In the course of your deliberation do  
8 not hesitate to re-examine your own views and change your opinion  
9 if convinced that your opinion is erroneous. No juror is  
10 expected to give up his or her opinion based on reasoning  
11 satisfactory to yourself merely for the purpose of being in  
12 agreement. And I want you to understand that.

13 And do not surrender your honest convictions as to the  
14 weight, or the effect, of the evidence solely because the opinion  
15 of your fellow jurors is contrary to your opinion for the mere  
16 purpose of returning a verdict.

17 It has never been intended that the verdict of the jury  
18 shall be the verdict of any one person; on the other hand, the  
19 verdict of the jury is the collective reasoning of all persons  
20 put together. The reason we have a jury is that so we might have  
21 the benefit of the collective thought and collective reasoning of  
22 the jury.

23 It may help to tell the other jurors how you feel about the  
24 case and why you think so as you do, and I'm sure that you have  
25 been doing that just now. On the other hand, it may help if the

1 other jurors exchange views with you, and I ask that you listen  
2 to each other and give to the other's thoughts such meaning as  
3 you think they should.

4 I'm now going to ask that you again retire to your jury room  
5 for further deliberations and see if you can reach a verdict in  
6 this case.

7 And I'm going to close by reminding you again that while it  
8 is important that you attempt to come to a decision, you should  
9 do so without any juror doing violence to his or her own  
10 conscious. No juror is expected to give up an opinion based on  
11 reasoning satisfactory to himself merely for the purpose of being  
12 in agreement.

13 And with those instructions, I'm going ask that you retire  
14 to your jury deliberation room, continue your deliberations.  
15 We're going to get a menu. We'll order you dinner. It will take  
16 about 30, 45 minutes to get here. I'm going to let you go back  
17 and continue your deliberations. Thank you.

18 (Jury escorted out of the courtroom at 6:33 p.m.)

19 THE COURT: Anything from the State?

20 SOLICITOR SCOTT: No, Your Honor.

21 THE COURT: Anything from the defense?

22 ATTORNEY ZMROCZEK: No, Your Honor.

23 THE COURT: Back in recess.

24 (Court recessed at 6:33 p.m. and reconvened at 10:06 p.m.,  
25 without the defendant and the jury present.)

## MATTER(S) OF LAW

1  
2 THE COURT: All right. A jury question, all right, two-part  
3 question. First part says does the hand of one, hand of all  
4 apply to the possession charge? Second part states if we find  
5 the defendant guilty on the murder charge and don't believe he is  
6 the shooter can we find him not guilty of possession?

7 My inclination is not to directly answer those questions. I  
8 would prefer to charge again the specific possession charge, and  
9 then to re-read the directions from the verdict form about how to  
10 proceed forward.

11 Any thoughts from the State?

12 SOLICITOR SCOTT: Your Honor's suggestion, that suits us.

13 DEFENSE ATTORNEY: Anything from the defense? Take a second  
14 to think.

15 ATTORNEY ZMROCZEK: So that you're proposing to go forward  
16 on the one charge?

17 THE COURT: I'm sorry. Repeat that.

18 ATTORNEY ZMROCZEK: To read just the weapons charge, or?

19 THE COURT: Correct.

20 SOLICITOR SCOTT: I guess they need to be clear the hand of  
21 one applies to all charges.

22 ATTORNEY ZMROCZEK: Yeah.

23 THE COURT: Do you want me to just -- the question does the  
24 hand of one hand, hand of all, apply to the possession charge?  
25 Yes. And then as to the second question, If we find,

1 dat-dat-dat, to follow the instructions?

2 SOLICITOR SCOTT: I think it's an accurate reading of the  
3 law.

4 ATTORNEY ZMROCZEK: Can you read the first question again?

5 THE COURT: Of course.

6 ATTORNEY ZMROCZEK: I'm sorry. I'm just trying to --

7 THE COURT: Of course. Does the hand of one, hand of all  
8 apply to the possession charge?

9 ATTORNEY ZMROCZEK: So it would be my request to charge, or  
10 re-charge, the hand of one, hand of all, and the possession  
11 charge.

12 THE COURT: State's position?

13 SOLICITOR SCOTT: I don't think that's what they're asking  
14 but, I mean, I don't necessarily disagree. I don't think they  
15 asked for clarification of hand of one. I think their question  
16 specifically does it apply to possession of a weapon with a  
17 violent crime. True statement of law is it applies to all the  
18 charges. I don't know that they've asked to have explanation as  
19 far as hand of one. Sounds like they have a grasp on it. It's  
20 just whether or not it applies to the possession of a weapon.

21 THE COURT: All right. I'm going to go with the defense's  
22 request to charge the hand of one, hand of all, followed by the  
23 possession instruction. And then as to the second part, I am  
24 going to just repeat the instructions on the verdict form.  
25 Anything from --

1 SOLICITOR SCOTT: I'm sorry. Tell me, what was the second  
2 question? I'm sorry, Your Honor.

3 THE COURT: If we find the defendant guilty on the murder  
4 charge and don't believe he is the shooter can we find him not  
5 guilty of possession?

6 SOLICITOR SCOTT: Okay. I agree with Your Honor's  
7 recommendation.

8 THE COURT: Anything from the State before I bring the jury  
9 out?

10 SOLICITOR SCOTT: No, Your Honor.

11 THE COURT: Anything from the defense?

12 ATTORNEY ZMROCZEK: No.

13 THE COURT: Bring the jury.

14 (Jury seated in the courtroom at 10:11 p.m.)

15 THE BAILIFF: Jury's seated, Your Honor.

16 THE COURT: All right. Thank you, sir. Thank you, ladies  
17 and gentlemen. Thank you, madam foreperson, for your two-part  
18 question. I'm going to try to answer it as best as I can.  
19 Sometimes we can't answer directly.

20 But what I'm going to do for the first question, does the  
21 hand of one, hand of all, apply to the possession charge, I'm  
22 going to re-charge you -- not on everything but -- on the  
23 specific hand of one, hand of all charge, and then the possession  
24 of a weapon charge. So if you will all listen closely.

25 If a crime is committed by two or more people who are acting

1 together in committing a crime, the act of one is the act of all.  
2 A person who joins with another to commit an unlawful act is  
3 criminally responsible for everything done by the other person  
4 which happens as a probable, or natural, consequence of the acts  
5 done in carrying out the common plan and purpose. For example,  
6 two people can be guilty of killing another person when only one  
7 of the two had a gun, there was only one bullet, and only one of  
8 the two fired the shot that caused the death.

9 If two or more people are together, acting together,  
10 assisting each other in committing the offense, the act of one is  
11 the act of all or, as it is sometimes said, the hand of one is  
12 the hand of all.

13 Prior knowledge that a crime is going to be committed  
14 without more is not sufficient to make a person guilty of that  
15 crime.

16 Mere knowledge that another person is going to commit a  
17 crime, even if the defendant is present when the crime is  
18 committed, is not sufficient to convict the defendant as a  
19 principal. Guilt as a principal is shown by actual, or  
20 constructive, presence at the scene as a result of prior  
21 arrangement; therefore, a finding of a prior arranged plan or  
22 common scheme is necessary for a finding of guilt as a principal.

23 The State must prove beyond a reasonable doubt by competent  
24 evidence the theory of the hand of one is the hand of all. A  
25 principal in a crime is one who either actually commits the crime

1 or who is present, aiding, abetting, or assisting in committing  
2 the crime. When a person does an act in the presence of and with  
3 the assistance of another, the act is done by both. Where two or  
4 more, acting with a common plan or intent, are present at a  
5 commission of a crime, it does not matter who actually commits  
6 the crime, all are guilty, the hand of one is the hand of all.

7 Present at the commission of a crime means to be  
8 sufficiently near to aid and abet and assist in the commission of  
9 the crime; however, mere presence at the scene of a crime is not  
10 sufficient to convict one as a principal on the theory of aiding  
11 and abetting.

12 Intent is also a necessary element, for there must have been  
13 a common design, or intent, to commit the crime, and the crime  
14 must have been committed pursuant thereto with the person aiding  
15 and abetting by some overt act. Intent means intending the  
16 result which actually occurs, not accidentally or involuntary.  
17 Intent may be shown by acts and conduct of the defendant and  
18 other circumstances from which you may naturally, and reasonably,  
19 infer intent. The State must prove these elements beyond a  
20 reasonable doubt.

21 As to the possession of a weapon during the commission a  
22 violent offense, the defendant is charged with possession of a  
23 weapon during the commission of a violent crime. The State must  
24 prove beyond a reasonable doubt that the defendant was in  
25 possession of a firearm during the commission of a violent crime.

1           A firearm means any machinegun, automatic rifle, revolver,  
2 pistol, or any weapon which will, is designed to, or may be  
3 readily converted to expel a projectile.

4           In order to find the defendant guilty of possession of a  
5 weapon during the commission of a violent crime you must first  
6 find the defendant guilty of either committing a violent crime or  
7 attempting to commit a violent crime. Murder is a violent crime.

8           The State must prove beyond a reasonable doubt that the  
9 weapon further advanced, or helped, in the commission of the  
10 crime.

11           Madam foreperson, as to your second question, if we find the  
12 defendant guilty on the murder charge and don't believe he is the  
13 shooter, can we find him not guilty of possession, I'm just going  
14 to reiterate, or restate, the verdict form which you are in  
15 possession of.

16           No. 1, the choice is, as to the charge of murder, we, the  
17 jury find the defendant -- either guilty or not guilty. No  
18 significance there. The instructions states: If the verdict is  
19 not guilty, then stop. If the verdict is guilty as to murder,  
20 then continue to no. 2, possession of a weapon during the  
21 commission of a violent crime, and consider the following charge.  
22 As to the charge of possession of a weapon during the commission  
23 of a violent crime, we, the jury find, the defendant -- guilty or  
24 not guilty. Again, no significance.

25           I'm going to let you continue your deliberation. Thank you

1 for that.

2 We'll send them back. Thank you.

3 (Jury escorted out of the courtroom at 10:16 p.m.)

4 THE COURT: Anything from the State before we go back into  
5 recess?

6 SOLICITOR SCOTT: No, Your Honor.

7 THE COURT: Anything from the defense?

8 ATTORNEY ZMROCZEK: No, sir.

9 THE COURT: Thank you. I will make it a court's exhibit.

10 (Court's Exhibit 19 is marked for identification.)

11 (Court recessed at 10:16 p.m. and reconvened at 10:29 p.m.,  
12 without the jury present.)

13 VERDICT OF THE JURY

14 THE COURT: It's my understanding the jury has reached a  
15 verdict. Anything from the State before we bring the jury out?

16 SOLICITOR SCOTT: No, Your Honor.

17 THE COURT: Anything from the defense?

18 ATTORNEY ZMROCZEK: That's when we'll renew all our motions  
19 afterwards, Your Honor?

20 THE COURT: Of course. Let's bring the jury. And there  
21 will be no outbursts, no emotions. If you need to excuse  
22 yourself, feel free to do that at this point. Any outbursts will  
23 be handled appropriately. And everyone will remain seated at all  
24 times, including the reading of the verdict.

25 (Jury seated in the courtroom at 10:30 p.m.)

1 THE BAILIFF: Jury's seated, Your Honor.

2 THE COURT: All right. Thank you, sir. All right. Madam  
3 forelay, it's my understanding the jury has reached a verdict; is  
4 that correct?

5 THE FOREPERSON: Yes, Your Honor, we have.

6 THE COURT: If you'll hand it to the bailiff.

7 (The Court inspects the verdict form.)

8 THE COURT: All right. The verdict is in the proper form.  
9 The clerk may publish the verdict.

10 CLERK OF COURT: Yes, Your Honor. In the Court of General  
11 Sessions for the Fifth Judicial Circuit, the State of South  
12 Carolina, in the county of Richland, the State of South Carolina  
13 versus Troy Stevenson, Jr., indictments, murder and possession of  
14 a weapon during commission of a violent crime, 2022-GS-40-01884,  
15 2022-GS-40-01885.

16 As to the charge of murder, we, the jury, find the defendant  
17 guilty. If the verdict is guilty as to murder, then continue to  
18 no. 2, possession of a weapon during the commission of a violent  
19 crime and consider the following charge: As to the possession of  
20 a weapon during the commission a violent crime, we, the jury,  
21 find the defendant not guilty.

22 I certify this decision was a unanimous decision of the  
23 jury, Jury 96, foreperson, May 22nd, 2024. Madam forelady, was  
24 this the verdict of the entire jury?

25 THE FOREPERSON: Yes, it was.

1 CLERK OF COURT: Thank you, ma'am.

2 THE COURT: Poll the jury.

3 CLERK OF COURT: Ladies and gentlemen of the jury, I'm going  
4 to ask you two questions related to your verdict. As I call your  
5 number, please answer yes or no to both questions.

6 Jury 96, were these your verdicts?

7 THE JUROR: Yes.

8 CLERK OF COURT: Are these still your verdicts?

9 THE JUROR: Yes.

10 CLERK OF COURT: Juror 137, were these your verdicts?

11 THE JUROR: Yes.

12 CLERK OF COURT: Are theses still your verdicts?

13 THE JUROR: Yes.

14 CLERK OF COURT: Juror 183, were these your verdicts?

15 THE JUROR: Yes.

16 CLERK OF COURT: Are these still your verdicts?

17 THE JUROR: Yes.

18 CLERK OF COURT: Juror 49, were these your verdicts?

19 THE JUROR: Yeah.

20 CLERK OF COURT: Are these still your verdicts?

21 THE JUROR: Yeah.

22 CLERK OF COURT: Juror 356, were these your verdicts?

23 THE JUROR: Yeah.

24 CLERK OF COURT: Are these still your verdicts?

25 THE JUROR: Yes.

1 CLERK OF COURT: Juror 150, were these your verdicts?  
2 THE JUROR: Yes.  
3 CLERK OF COURT: Are these still your verdicts?  
4 THE JUROR: Yes.  
5 CLERK OF COURT: Juror 23, were these your verdicts?  
6 THE JUROR: Yes.  
7 CLERK OF COURT: Are these still your verdicts?  
8 THE JUROR: Yes.  
9 CLERK OF COURT: Juror 247, were these your verdicts?  
10 THE JUROR: Yes.  
11 CLERK OF COURT: Are these still your verdicts?  
12 THE JUROR: Yes.  
13 CLERK OF COURT: Juror 220, were these your verdicts?  
14 THE JUROR: Yes.  
15 CLERK OF COURT: Are these still your verdicts?  
16 THE JUROR: Yes.  
17 CLERK OF COURT: Juror 283, were these your verdicts?  
18 THE JUROR: Yes.  
19 CLERK OF COURT: I'm sorry?  
20 THE JUROR: Yes.  
21 CLERK OF COURT: Are these still your verdicts?  
22 THE JUROR: Yes.  
23 CLERK OF COURT: Juror 238, were these your verdict?  
24 THE JUROR: Yes.  
25 CLERK OF COURT: Are these still your verdicts?

1 THE JUROR: Yes.

2 CLERK OF COURT: Juror 236, were these your verdicts?

3 THE JUROR: Yes.

4 CLERK OF COURT: Are these still your verdicts?

5 THE JUROR: Yes.

6 CLERK OF COURT: The jury's been polled, Your Honor.

7 THE COURT: All right. Thank you. Anything else from the  
8 State?

9 SOLICITOR SCOTT: No, Your Honor.

10 THE COURT: Anything else from the defense?

11 ATTORNEY ZMROCZEK: Not while the jury's here, Your Honor.

12 THE COURT: All right. Ladies and gentlemen, I want to  
13 thank you for your service. I know it's been a long two weeks  
14 and a very long day. I thank you for your service. I'm not  
15 going to keep you any longer. You've done your duty to your  
16 county and your state. At this point you're free to leave. The  
17 bailiffs and the clerk will answer any questions you may have.  
18 Again, thank you for your service.

19 (Jury is excused at 10:34 p.m.)

20 THE COURT: All right. Procedurally we're going to handle  
21 sentencing tomorrow at 2:00. Any -- renewing all motions.  
22 Ms. Zmroczek?

23 ATTORNEY ZMROCZEK: Not only that, Your Honor, I have two  
24 issues. One, obviously simply renew to the hand of one, hand of  
25 all because the State's theory was the whole time he was the only

1 person there, the only shooter.

2 And, Your Honor, clearly that last juror was incredibly  
3 hesitant on his responses, so for that reason we would ask that  
4 the verdict be set aside.

5 THE COURT: Okay. It's noted for the record. The juror did  
6 answer yes to both questions after being polled. But it's noted  
7 for the record. All your previous objections and motions are  
8 renewed, including the hand of one, hand of all.

9 Anything else from the State?

10 SOLICITOR SCOTT: No, Your Honor.

11 THE COURT: All right. We are going to adjourn until  
12 tomorrow at 2:00 for sentencing.

13 ATTORNEY ZMROCZEK: Thank you, Your Honor.

14 THE COURT: Speak with your attorney overnight, and you'll  
15 have a chance to speak tomorrow if you would like to. Okay.

16 ATTORNEY ZMROCZEK: His question is he wants a new trial,  
17 and that he keeps me to keep asking you that, and I ...

18 THE COURT: We'll have to address that -- we will address  
19 that tomorrow.

20 ATTORNEY ZMROCZEK: Thank you.

21 THE COURT: Court will be adjourned until 2:00 tomorrow.

22 (Adjourned for the day.)  
23  
24  
25

STATE OF SOUTH CAROLINA ) COURT OF GENERAL SESSIONS  
)  
COUNTY OF RICHLAND ) FIFTH JUDICIAL CIRCUIT  
  
THE STATE OF SOUTH CAROLINA ) NOS. 2022-GS-40-01884 and  
) 2022-GS-40-01885  
VS. )  
) TRANSCRIPT OF RECORD  
TROY CHRISTOPHER STEVENSON, JR. )  
) Volume VIII of VIII,  
) Pages 1062 - 1074

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B E F O R E:

The Honorable Daniel Coble, Judge; and a jury

DATE: Thursday, May 23, 2024, 2:26 p.m.  
Columbia, South Carolina

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

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 SENTENCING

4 THE COURT: We are back on the record with State versus Troy  
5 Stevenson. After receiving a guilty verdict last night, we are  
6 here for sentencing. Just so everyone knows here in the  
7 audience, as stated last night, there will be no outbursts,  
8 emotional support for either side in any way. It's an emotional  
9 case, so if you believe you cannot control your emotions that's  
10 understandable, but I'm going to give a chance now to exit the  
11 courtroom. If you remain here and there's any outburst  
12 whatsoever you will be taken into custody. But I'm going to give  
13 you a chance at this time to leave if you believe you're not  
14 going to be able to control yourself.

15 With that being said, I'll hear from the State first, any  
16 victims who would like to speak; and then I'll let Ms. Zmroczek  
17 give any mitigation after that.

18 Yes, sir, Mr. Scott.

19 SOLICITOR SCOTT: Thank you, Your Honor. I don't want to  
20 belabor the facts of the case too much because we just spent the  
21 last 10 days going over and over and over the facts, but quickly,  
22 as you'll recall, we noticed this thing started at 2849 Lucille  
23 Drive, that would be Troy Stevenson' home. No allegations that  
24 he was there. In fact, all the testimony was that he was not  
25 there, but that would be a home that he lived in. His mother,

1 her name was attached to that address.

2 You heard about a gathering there; you heard about a fight;  
3 you heard about Dai'Juan Richardson being assaulted, being struck  
4 in the head with a bottle, a liquor bottle which, as Your Honor  
5 recalls, that set in sequence a chain of events that ultimately  
6 leads to Charlie Jackson being shot to to death, because what we  
7 find out is that after being assaulted one of the members of that  
8 party went to an address, picked up a gun, came back to the  
9 Lucille Drive address and shot it up. And we are so thankful  
10 that nobody was hurt. But again, that sets into sequence a chain  
11 of events that leads to this poor man's death, this innocent  
12 man's death, because all the evidence, all the text messages, all  
13 the cellphone data tell us that once Troy Stevenson received that  
14 information that his mother's house add been shot up at 2:11 in  
15 the morning he immediately tracks down to his mother's house,  
16 surveys the damage, and then drives up to 209 and shoots 14 times  
17 with a semiautomatic rifle, what the evidence produced, into the  
18 home of 209 Devoe. And strikingly, we're able to see exactly,  
19 Mr. Jackson is shot and killed. (publishes audio)

20 I've been thinking a lot, as you could imagine, about  
21 Charlie Jackson, Judge. And you heard a little bit about him.  
22 I've gone all over Newcastle, that subdivision, getting ready for  
23 this case and surveying the different areas and talking to  
24 people. I spoke with the woman who owns this house that we get  
25 this footage from. She had nothing but kind words to say about

1 Mr. Jackson, what a great neighbor he was, how much he was loved  
2 all around that particular neighborhood. He was very helpful to  
3 everybody. Anybody who needed help, he was there to give it to  
4 them.

5 We heard about how hard he worked for years. Injured on the  
6 job twice, leading to a disability but was able to retire.

7 Sixty-three years old, Judge, and he's lying in bed  
8 watching, watching TV, has nothing to do with anything that  
9 transpired earlier that night at Lucille Drive, nothing to do  
10 with it. And to me, this case is so symbolic of the violence we  
11 see day in and day out reported in the newspapers and in the  
12 media about people just getting shot and the recklessness that is  
13 involved with that.

14 And this is a -- clearly he wasn't the intended target, but  
15 that is a natural outcome when you take a rifle and you drive by  
16 and you spray 14 rounds into the home. And as I talked about in  
17 my closing, that's a natural outcome. We shouldn't be surprised  
18 when somebody's hit, an innocent person is hit when you engage in  
19 that kind of reckless behavior.

20 Judge, he is 29 years old as he stands before you today. He  
21 has one breach of peace conviction from 2012.

22 ATTORNEY ZMROCZEK: Your Honor, I would like to approach,  
23 please.

24 (Off-the-record discussion at sidebar.)

25 SOLICITOR SCOTT: 2012, breach of peace, but he has been

1 involved in the following incidents as a suspect: Burglary in  
2 2011; burglary in 2011; auto, breaking, in 2012; breach of peace,  
3 high and aggravated nature, in 2012.

4 THE COURT: Do you have an objection?

5 ATTORNEY ZMROCZEK: Yes, Your Honor. He's reading out  
6 juvenile records on the record in front all these people.

7 THE COURT: All right. Approach.

8 (Off-the-record discussion at sidebar)

9 THE COURT: Noted for the record.

10 SOLICITOR SCOTT: All right. April 2011, burglary;  
11 October 2011, burglary; March 2012, auto, breaking; May 2012,  
12 breach of peace, high and aggravated nature; April of 2013,  
13 simple assault; July 2013, this would be an incident that he went  
14 to trial on but was acquitted, we understand that; March 16,  
15 2019, attempted murder; August 2019, possession with intent to  
16 distribute marijuana; August 2020, attempted murder; April 2021,  
17 our current murder; and then June of last year there was a DV  
18 charge that he was arrested for which, accompanied with his  
19 violations of GPS monitoring while he was out on bond, led to him  
20 being revoked.

21 So what he's got, Judge, is arrest on May 12th, 2021. He  
22 was in jail until December 7th, 2022. I count 574 days. And  
23 then, as I said, he had his bond revoked June 14th, 2023, and he  
24 has been incarcerated since then. That would be an additional  
25 344 days. My count is he gets credit for 918 days.

1           Judge, what I just listed to you, aside from that breach of  
2 peace, those are incidents that -- law enforcement, his name came  
3 up. Those weren't convictions, you know, but it seems to be a  
4 lot of times where there's smoke, there's fire. He's 29 years  
5 old and he's got all these close calls. My understanding, this  
6 is the third homicide he's been present for.

7           And so it occurs to me when you reach a certain age maybe  
8 you've learned not to engage in these behaviors and these  
9 activities that put you in these situations. But he hasn't  
10 learned.

11           And, Judge, I believe what that jury entered yesterday, it  
12 matched the evidence. The evidence was crystal clear. He was  
13 guilty of the murder of that innocent man. But what they did, I  
14 believe, was they saved some person's life because he has proved  
15 he's willing to be there and do that and engage in these reckless  
16 activities, and I'm so thankful that they found him guilty, and  
17 I'm so thankful that he's not going to be a danger to any citizen  
18 of Richland County in the near future.

19           Judge, due to the recklessness of this case, the completely  
20 innocent victim in this case -- and I know you recognize that --  
21 but I ask you to craft a sentence that reflects that.

22           Your Honor, Ivy Jackson, Mr. Charlie Jackson's widow, she  
23 does want to address the Court. And you've noticed her being  
24 here all week. And I want to thank the family, too, because  
25 they've heard a lot of ugly things and they've seen a lot of ugly

1 things with this case. But she does wish to address the Court,  
2 Your Honor.

3 THE COURT: Happy to to hear from her. We'll get her a  
4 microphone. Make sure she states her name for the record.

5 MRS. JACKSON: My name is Ivy Renee Wilson Jackson.

6 THE COURT: Yes, ma'am, Ms. Jackson.

7 MRS. JACKSON: Thank you for giving me the opportunity to  
8 tell you a little bit about how this has impacted our whole  
9 family. Our gentle giant, Charlie Jackson, nicknamed "Sonny" in  
10 the neighborhood, all-around guy, father of four, grandfather of  
11 three and one on the way, one living daughter-in-law, and a wife  
12 of 26 years, can't sit on the porch anymore and drink coffee,  
13 can't go swimming anymore, can't go fishing anymore, can't go  
14 hunting anymore. Won't be able to hear his voice. Had a  
15 birthday March the 30th. Six days after his birthday he was  
16 taken away from us, senseless, for no reason.

17 My family has not been the same since. He will never walk  
18 his daughters down the aisle. He will never be able to play in  
19 the yard with any of his grandkids or teach them how to do the  
20 things that he loved.

21 When he retired our thing was to start to travel. We came  
22 back from the beach for my birthday, and that's one thing that I  
23 haven't been able to do, nights, since he's been gone. Our life  
24 has been truly, truly difficult. The house has not been the  
25 same. We can't hear his voice anymore. He was the glue to our

1 family. And holidays are extremely hard. We haven't had a great  
2 cookout, a family gathering, since. This has torn his side of  
3 the family up, and also my side.

4 It's hard whenever people don't have respect for life. It's  
5 hard when you can't come together as a unit. And that's what he  
6 did. Whenever our family got together -- and it would be a yard  
7 full. Even the neighbors, when they knew he was cooking, we'd  
8 have a family gathering, the yards and the streets was, like,  
9 blocked off, and everybody got along. No fighting, shooting.  
10 Perhaps playing cards. All that has been gone these past three  
11 years.

12 I hate not being able to hear his voice anymore, screaming  
13 and fussing with the kids, hollering at the grandkids, screaming  
14 across the street at the neighbors.

15 For what? Why? Why did he have to be snuffed out? Why did  
16 he have to be stolen from us? Because someone had a fight when  
17 it could have just been over with. Why did somebody have to just  
18 take a gun and just shoot it at anybody? You couldn't have just  
19 hit him. My granddaughter normally would be there with him, but  
20 I took her to North Carolina with me. And it could have been  
21 her. It could have been Tamira. It could have been me. It  
22 could have been one of my neighbors if the bullet would have went  
23 somewhere else.

24 I just -- it has made me very ill. I can't do the things I  
25 normally would do. I've been having stress, PTSD. If I hear a

1 loud noise I'm calling the police, grabbing the children,  
2 screaming in the middle of the night telling them to get down  
3 because I'm thinking it's gunshots, and it's probably a power  
4 line going out. Thunderstorm come, I'm scared. Don't want to  
5 sit on the porch at night. I used to be able to sleep with my  
6 door open. I can't do that anymore. Got all kind of alarm  
7 system and cameras around the house now. I never had to do that  
8 because everybody knew that was Sunny's house and that house was  
9 off limits because he was a gentle giant.

10 All of this could have been avoided. It could have been  
11 avoided.

12 Your Honor, I pray and I hope that you give out the right  
13 sentence because some people have no regards for other people's  
14 life, and I think that that's what happened when Mr. Stevenson  
15 did what he did. Thank you for listening.

16 THE COURT: Thank you, Ms. Jackson. Thank you for being  
17 here today.

18 Anything else from the State?

19 SOLICITOR SCOTT: No, Your Honor.

20 THE COURT: Ms. Zmroczek.

21 ATTORNEY ZMROCZEK: Thank you. Would you like me to come  
22 forward, or --

23 THE COURT: Yes, ma'am.

24 ATTORNEY ZMROCZEK: With my client?

25 THE COURT: Mr. Stevenson, too.

1           ATTORNEY ZMROCZEK: Your Honor, I'd like to start with the  
2 lovely demonstration that we had, and the  
3 pow-pow-pow-pow-pow-pow-pow-pow, because that's not what the jury  
4 found. The jury did not find that he shot 14 rounds out of the  
5 car. Okay. And so I know that you know that because you were  
6 here till 11:00 last night, and you've been here for two weeks.  
7 You've been here for two weeks to hear all of the evidence that  
8 they wanted to get Troy Stevenson, and they got him. They got  
9 Troy Stevenson this time. That's what they wanted.

10           They didn't look at the shadowy figures; they didn't  
11 interview the two people in and around that house, crawling  
12 around with weapons; they didn't interview the person who ran  
13 from the vehicle, never interviewed him about it.

14           Obviously I'm here fired up because, you know, the work that  
15 the police department put into this to get Troy, you know, they  
16 got what they wanted. Did they get justice? No.

17           Your Honor, we understand the jury's verdict, and with all  
18 the discovery problems we certainly intend to appeal the jury's  
19 verdict.

20           Troy Stevenson, in all of these things they want to read out  
21 that he's been a suspect in, no adult record, Your Honor.  
22 They've been wanting to get him, and they've got him. And that's  
23 where we are.

24           I understand that, you know, after two weeks we haven't had  
25 the packed audience that we have today, and that they want to

1 make this the news, and let's stop kids with guns and -- but,  
2 Your Honor, the people inside that house were just as much a part  
3 of bringing all of this on and I suspect, as you heard my jury  
4 argument, responsible for it. The jury did not find Troy  
5 Stevenson shooting a gun at a house -- or, out of a car. That's  
6 not what they found.

7 But I understand as you look at sentencing factors -- he's a  
8 member of the community. You've seen his family. They've been  
9 here for two weeks, and each and every one of them care about  
10 him. He has a small child. He was locked in the jail the first  
11 time for five years, and when he gets picked up the second time,  
12 Your Honor, the minute he goes in he gets assaulted by employees  
13 at the jail, so badly that he has to go to the hospital. When he  
14 got put back in for his bond revocation he gets beat up again at  
15 the jail.

16 This is how they feel about Troy Stevenson. Troy Stevenson  
17 is a young man who has had a hard life. His brothers are in  
18 prison, his father is in prison, and he has had hardly anyone to  
19 fight for him. We have tried to do that and, Your Honor, here we  
20 are.

21 You understand what we say the phone records show, as that  
22 is the exact same route that he took to his mother's house. But  
23 the only reason that they said that he was guilty of murder is  
24 because they said there was another person. And that's never  
25 been the State's theory. They just want to keep playing this

1 over and over, pow-pow-pow. That jury did not find that for him.

2 Your Honor, he has finished his high-school diploma. He has  
3 been working. He does a lot of manual labor.

4 Your Honor, we would ask the Court fashion a sentence that  
5 is appropriate for someone with the record, not the arrest, not  
6 the suspicion, and, Your Honor, we would argue that that is the  
7 mandatory amount of 30 years, and he also has to do it day per  
8 day.

9 I understand that he may want to say something, Your Honor.  
10 Understand it is against my advice.

11 THE COURT: And before you speak, do you understand anything  
12 you say can be used against you in any future proceedings? Do  
13 you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: All right. If you'd like to address the Court,  
16 you may but, again, your attorney has advised you probably not  
17 to. But just make sure you speak up so the court reporter can  
18 hear you.

19 THE DEFENDANT: I just send my own condolences to Tamira.  
20 Me and her really had no bad blood. I said I just send my  
21 condolences to Tamira. Me and her really had no bad blood. You  
22 know, I'm gonna grab big on faith, and I've been strong all my  
23 life, you know. An innocent man. I just love everybody.

24 THE COURT: All right. Thank you, Mr. Stevenson. Anyone  
25 from his family like to address the Court?

1           ATTORNEY ZMROCZEK: No, Your Honor. I believe after  
2 speaking with everyone they are incredibly upset and emotional;  
3 they feel like he was targeted; they got their man. And so here  
4 we are today.

5           THE COURT: All right. Well, for the record, I'm not  
6 considering any of the suspicions, that breach of peace, anything  
7 of that nature. The only thing I'm considering in this case is  
8 the no-adult record as the facts of this case.

9           And this is a tragic case, this being the death of an  
10 innocent citizen of Richland County who was doing nothing but  
11 sitting in his home. And the jury has spoken. Whether we agree  
12 or disagree throughout trial, we all agree that the jury has  
13 spoken and found Mr. Stevenson guilty.

14           This case can only be described as a total disregard for  
15 human life. That's the only way to describe it.

16           As to the charge of murder, you are hereby committed to the  
17 State Department of Corrections for the rest of your life. Good  
18 luck to you, sir. Court is adjourned.

19           (End of Transcript of Record.)  
20  
21  
22  
23  
24  
25

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

VS.

Troy Christopher Stevenson Jr

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 40 - 01884

AKA: \_\_\_\_\_  
Race: BLACK Sex: M Age: 29  
DOB: 05-10-1995 SS#: 248-97-9463  
Address: 2849 Lucille Dr  
City, State, Zip: Columbia, SC 29204-2731  
DL#: 103154486 SID#: \_\_\_\_\_

A/W#: 2021A4011200382  
Date of Offense: 4/6/2021  
S.C. Code § 16-03-0010  
CDR Code #: 0116

SENTENCE SHEET

*30 - Life*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Murder / Murder

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

[Signature] 73081 [Signature] 77193  
Scott, Dale SC Bar # Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Correction,  County Detention Center,

for a determinate term of LIFE days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_ days/months/years/Time Served and or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with **probation** for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 910 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

**SPECIAL CONDITIONS:**

- PTUP** after \_\_\_\_\_ months/years  
**And Other Terms Listed Below:**
- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
  - Attend Voc. Rehab. or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
  - Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
  - Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
  - Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
  - Other: \_\_\_\_\_

- RESTITUTION:**     **Deferred**       **Def. Waives Hearing**       **Ordered**

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPS

Recipient: \_\_\_\_\_

*Fine:		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____ Beginning	_____
§14-1-206 (Assessments 107.5 %)		\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114(BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
<b>TOTAL</b>		<b>\$ <u>128.75</u></b>

Clerk of Court/ Deputy Clerk: Jeanette McBride JXP  
 Court Reporter: Provost

Presiding Judge: \_\_\_\_\_  
 Judge Code: 2779  
 Sentence Date: 5/23/2024

**WITNESSES**

(s) Adam G Oxendine

- Richland County Sheriff Dept

**DOCKET NO. 2022GS4001884**

**The State of South Carolina**

County of

Richland

**COURT OF GENERAL SESSIONS**

67

*APRIL*

**TERM 2022**

**THE STATE**

**vs.**

**Troy Christopher Stevenson Jr**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

**ARREST WARRANT NUMBER**

**2021A4011200382**

**ACTION OF GRAND JURY  
TRUE BILL**

*Christina Allard*  
Foreperson of Grand Jury  
Date: **APR 14 2022**

**VERDICT**

**Indictment for  
MURDER**

SC Code: 16-03-0010  
CDR Code: 0116

Foreperson of Petit Jury

Date:

**SCANNED**



THE STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

THE STATE OF SOUTH CAROLINA,

-vs-

TROY STEVENSON, JR.

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS  
FOR THE FIFTH JUDICIAL CIRCUIT

INDICTMENT(S):

MURDER;  
POSSESSION OF A WEAPON DURING  
THE COMMISSION OF A VIOLENT  
CRIME

VERDICT FORM

2022-GS-40-01884; 2022-GS-40-01885

1. As to the charge of Murder, we the Jury find the Defendant:

X Guilty.

\_\_\_\_\_ Not Guilty.

If the verdict is **Not Guilty**, then stop. If the verdict is **Guilty** as to Murder, then continue to Number 2, Possession of a Weapon During the Commission of a Violent Crime, and consider the following charge.

2. As to the charge of Possession of a Weapon During the Commission of a Violent Crime, we the Jury find the Defendant:

\_\_\_\_\_ Guilty.

X Not Guilty.

I certify this decision was the unanimous decision of the jury.

  
Foreperson  
May 22, 2024

PLEASE NOTIFY THE BAILIFF WHEN YOU HAVE COMPLETED THIS FORM

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF RICHLAND ) FIFTH JUDICIAL CIRCUIT  
) )  
THE STATE, )  
) )  
-vs- ) ORDER SETTING  
) BOND  
) Warrant #'s : 2021A4011200382 (murder);  
Troy Stevenson, ) 2021A4011200383 (poss. weapon com vio crime)  
Defendant. ) and 2021A4011200384 (dis weapon into dwelling)

This matter came before the Court on a Motion to compel discovery filed by Attorney Aimee J. Zmroczek on behalf of the Defendant. A hearing was held on August 30, 2021. The Defendant was present for the hearing via Web-Ex. The Court heard argument from attorney Aimee Zmroczek as well as Assistant Solicitor Dale Scott. After argument the Court orders that discovery be provided within ten (10) days. ~~XXXXXXXXXX~~

*gn*

AND IT IS SO ORDERED.

*Jocelyn Newman*  
The Honorable Jocelyn Newman  
Presiding Circuit Court Judge

September 3, 2021  
Columbia, South Carolina

RICHLAND COUNTY  
CLERK OF COURT  
2021 SEP -8 AM 11:08  
JANETTE W. MCNEIRE  
COURT CLERK

**Ashley Carter Black Honda**

Tue, May 14, 2024 at 1:17 PM

DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>  
To: Aimee Zmroczek <aimee@ajzlawfirm.com>, "ajzlawfirm@gmail.com" <ajzlawfirm@gmail.com>  
Cc: JUSTIN DILL <DILL.JUSTIN@richlandcountysc.gov>, JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>,  
NICOLAS FOWLER <FOWLER.NICOLAS@richlandcountysc.gov>

Ashley Carter's black honda that was impounded has a defective tail light



**Dale Scott**

First Assistant Solicitor  
Fifth Judicial Circuit

1701 Main Street, Suite 302 • P.O. Box 192 (29202)  
Columbia, South Carolina 29201  
Phone: 803.576.1521 • Fax: 803.576.1718



early morning. Upon confirming everyone was safe, he returned to his girlfriend's residence who stated he was gone a total of 10-15 minutes.

### Procedural History

Defense counsel filed her letter of representation and Discovery motions<sup>1</sup> on May 17, 2021<sup>2</sup>. On July 14, 2021, Defense filed a motion to compel which was set for August 30, 2021<sup>3</sup>. This motion was heard and the solicitor was ordered to comply with discovery. On August 30, 2021, counsel was sent 316 items and a link to an evidence.com site which had 53 items for download.<sup>4</sup> Also on August 30, 2021, defense counsel sent an itemized list of necessary discovery citing page numbers of provided discovery.<sup>5</sup>

On June 23, 2021, on the record, in open court, Mr. Stevenson's counsel asserted his right to a speedy trial.<sup>6</sup> On November 30, 2021, Counsel sought release from the detention center again asserting his speedy trial rights.<sup>7</sup> Counsel met with Solicitor Scott on October 22, 2022, to again discuss the items that were missing as well as specifically inquire into and ShotSpotter evidence. At the meeting counsel affirms as an officer of the court that only CPD had spotshotter so there might be some with the Lucille Drive incident but not Devoe.<sup>8</sup> Defendant was released on bond in December of 2022 and bond was revoked on June 14, 2023, and Judge Hood ordered the case be tried as soon as possible. The trial was not being

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<sup>1</sup> That include demand for Rule 6

<sup>2</sup> See Exhibit A

<sup>3</sup> See Exhibit B

<sup>4</sup> Interviews, BWC, video secured by RCSD, also counsel has copies of all emails related to the disclosure of discovery if need to be provided but did not want to unnecessarily create large filings.

<sup>5</sup> See Exhibit C-the items highlighted in yellow are still outstanding from 8-30-21.

<sup>6</sup> See Exhibit D

<sup>7</sup> See Exhibit E

<sup>8</sup> Please note that on March 18, 2024, Defense counsel was finally provided with spotshotter information from 2021 which included an intent to not have to lay a foundation for the records. The forensic supervisor for soundthinking which is the entity of shotspotter is unavailable to come testify.

scheduled and discovery still was not being received so Counsel filed a second motion for speedy trial along with a motion for bond.<sup>9</sup> As a result of this filing Sr. assistant solicitor Scott asked for available dates for trial. These were heard on March 13, 2024, the bond was denied but the trial was set for May 13, 2024. Counsel continued to inquire about discovery issues and all parties met for a physical evidence review on March 19, 2024.

Since the March 19, 2024, meeting there have been upwards of 20 emails containing never before received discovery. Communication has become strained between the parties. On March 22, 2024, counsel was told to “knock herself out with filing more motions protecting Mr. Stevenson’s rights, and was asked, assuming sarcastically, if “I would prefer the State stop sending discovery.”<sup>10</sup> The prosecution went to review physical evidence without the invitation of the defense, although counsel had previously requested to view all evidence, and no date to review that evidence was ever provided.<sup>11</sup> On April 3, 2024, counsel was still seeking specific digital evidence including a copy of Mr. Stevenson’s video interrogation.<sup>12</sup> On April 24, 2024 counsel inquired as to why I was still receiving evidence that has been in the State’s possession for quite some time and the response by the State, counsel can only describe as flippant, stating it’s better late than never explaining how they send it when “they” are made aware of it.<sup>13</sup>

**Itemized List of Items Missing or Do Not Exist<sup>14</sup>**

<b><u>Requested Item</u></b>	<b><u>Person/reference</u></b>	<b><u>Why needed</u></b>	<b><u>Response from State</u></b>
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<sup>9</sup> See Exhibit F

<sup>10</sup> See Exhibit G

<sup>11</sup> See Exhibit H

<sup>12</sup> See Exhibit I, the interview was provided April 4, 2024

<sup>13</sup> See Exhibit J

<sup>14</sup> This list is not exhaustive, but it is of what defense counsel thinks of as critical

Complete Chain	In Rule 5 filing pg 8 and letter dated 8/30/21	Need to know where the items listed in the property report came from when/where	
Expert Witness Info	In Rule 5 filing pg 9	Obvious	
<i>Giglio</i>	In Rule 5 filing	Obvious	
Criminal records of all potential witnesses	In Rule 5 filing pg 13-14	Obvious	
Statements made by Defendant	In Rule 5 filing Pg 4-5	Investigators make reference to statements made by this Defendant but have only provided the recent video taped interrogation from 5/12/21	This was referenced in search warrants as well as statements in the investigation
Entire CPD case jacket	Letter dated 8/30/21	Have only recently been provided an incident report and a few pictures there is no BWC no statements from witnesses that we at Lucille Drive that night	The information has been used to secure search warrants (referenced specifically) as well as provides the basis for the arrest warrants
All BWC	Letter dated 8/30/21	Deputy Ricci and others spoke with witnesses at the scene and were wearing BWC but they were not activated	This information is critical as it is occurring immediately after an event and can be used for impeachment
PDF of victim timeline	Letter dated 8/30/21	Information needed for impeachment	
All records of Antonio Barnes' ankle monitor	Letter dated 8/30/21	This information was listed, sworn upon in warrants and used as a basis for arrest of Mr. Steveson	State replied in an email dated May 9, 2024, that they do not have them
All handwritten notes from Godfrey	Letter dated 8/30/21	This information was used three years later for Cpt. Johnson to generate	

		a report re: phone and social media data	
All notes and color photos from texts from Kovalchek	Letter dated 8/30/21	This information is needed for impeachment	
Copy of all paperwork regarding Troy's wages	Letter dated 8/30/21	This was the basis for several search warrants	
All gunshot residue testing	Letter dated 8/30/21	A Honda and Tamira Jackson's hands were both swabbed for GSR this has exculpatory and impeachment information	
All attachments to the property report	Letter dated 8/30/21	Obvious	
Complete and updated property report	Letter dated 8/30/21	Obvious	
Item 51 on letter 8/30/21	Letter dated 8/30/21	This appears to be a phone plotting map, I have asked who did this, when, and with what records. This information was never provided to me, however, on April 29, 2024 and continuing to May 8, 2024, Defense is suddenly provided with detailed plotting information with no time to challenge the same	

**Itemized List of Items Provided Since March 22, 2024<sup>15</sup>**

<b><u>Item Received</u></b>	<b><u>Date Provided</u></b>	<b><u>Why late disclosure is prejudice to Stevenson</u></b>	<b><u>Previously requested information?</u></b>
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<sup>15</sup> That are critical for the Defense to present a case that is Constitutionally Protected

NIBIN hits	May 10, 2024	These record states that the 9mm has been used in other crimes	Yes
Troy Stevenson and Jamaree Jeffcoat's report and maps	April 29, 2024 then a different "updated" version May 8, 2024	These purport to plot each person's movements. My expert has to confirm and challenge all the information provided	Yes
Troy Stevenson cell phone analysis report	April 29, 2024	My expert has to confirm and challenge all the information provided	Yes
Donell Benton's phone download	May 6, 2024	My expert has to confirm and challenge all the information provided	Yes
All spotshotter documents and recordings and screen recordings	March 18, 2024	I received along with these records a notice to authenticate them, but when I called the person who complied them, he explained several problems with these documents that need to be presented to the jury	Yes
Taylor Thomas Statement	May 10, 2024	This witness has never been identified and now states: "Taylor Thomas came to the office on 5/2/2024. She indicated that she walked down to 209 Devoe after hearing shots. She saw Tamira and police cars and an	

		<p>ambulance. When she got back to her house, she had a text from Ashley Carter telling her she probably should check on Tamira and Makayla”</p> <p>The records were never requested and are no longer available and there is no way to challenge this witness statement</p>	
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## Law

Mr. Stevenson is alleging that the federal prosecutors violated his due process rights in failing to produce documents favorable to him before trial, in violation of *Brady v. Maryland*, 373 U.S. 83 (1963) (requiring the government to disclose exculpatory evidence), and *Giglio v. United States*, 405 U.S. 150 (1972) (requiring the government to disclose impeaching evidence).

According to established case law, due process requires the government to disclose favorable evidence to the defendant in a criminal prosecution if the evidence's suppression would deny the defendant a fair trial. *Kyles v. Whitley*, 514 U.S. 419 (1995); *United States v. Bagley*, 473 U.S. 667 (1986); and *United States v. Agurs*, 427 U.S. 97 (1976).

The Fifth Amendment's Due Process Clause guarantees that criminal defendants have a meaningful opportunity to present a complete defense. This guarantee requires the prosecution to disclose to the defense evidence favorable to the accused.

In *Brady v. Maryland*, the Supreme Court stated that society benefits when criminal trials are fair, and that the administration of justice suffers when any accused is treated unfairly. This withholding of relevant information has a serious effect on the fairness, integrity or public reputation of judicial proceedings.

The right to a fair trial is a fundamental liberty secured by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, sections 3 and 14 of the South Carolina Constitution.

## Argument

The State, including law enforcement, have violated Mr. Stevenson's Constitutional rights. See *Gibson v. State*, 334 S.C. 515, 514 S.E.2d 320 (1999) (holding "a Brady violation occurs when: (1) the evidence was favorable to the accused, (2) it was in the possession of or known to the prosecution, (3) it was suppressed by the prosecution, and (4) it was material to guilt or punishment.") (citation omitted). In *Gibson*, 334 S.C. at 524, 514 S.E.2d at 324, n. 3 the Court found *Brady* and its progeny place the burden upon the prosecutor to know all the

relevant facts of a case to decide what information to disclose as exculpatory or impeachment evidence. Our Supreme Court noted whether the prosecutor's failure to reveal evidence pursuant to *Brady* is due to negligence or an intentional act is irrelevant because a court may find a *Brady* violation regardless of the good or bad faith of the prosecutor. *Id.* at 528, 514 S.E.2d at 326-27. (*emphasis added*).

“A *Brady* violation is one type of prosecutorial misconduct. It is misconduct of a different type than, for instance, an attempt to introduce inadmissible evidence, tamper with the jury, or some other inappropriate action.” *Gibson*, 334 S.C. at 528, 514 S.E.2d at 326 (*citations omitted*). “It does not matter whether the prosecutor's misconduct in failing to reveal *Brady* evidence is due to negligence or an intentional act because a court may find a *Brady* violation irrespective of the good faith or bad faith of the prosecutor.” *Id.* “*Brady* is based on a sense of fairness, and a belief that society gains when a defendant is accorded a fair trial. The focus is not on the misconduct of the Prosecutor, but on the fairness of the procedure.” *Id.* at 528, 514 S.E.2d at 326-27 (*citations omitted*).

Likewise, in *Kyles v. Whitley*, 514 U.S. 419 (1995) “the individual prosecutor has a duty to learn of any favorable evidence known to others acting on the government’s behalf in the case, including the police.” *Kyles*, 514 U.S. at 442 n.134, 445-451 (finding due process requires disclosure of any evidence that provides grounds for the defense to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the credibility of the state’s witnesses, or to bolster the defense case against prosecutorial attacks).

In *Riddle v. Ozmint*, 369 S.C. 39, 45, 631 S.E.2d 70, 73 (2006) “[t]he question is not whether petitioner would more likely have been acquitted had this evidence been disclosed, but whether, without this impeachment evidence, he received a fair trial resulting in a verdict worthy of confidence.” (*quotation omitted*). The United States Supreme in *Crane v.*

*Kentucky*, 476 U.S. 683 (1986) states “the Constitution guarantees criminal defendants a meaningful opportunity to present a complete defense.” Our Supreme Court has reiterated that “[d]ue process requires that a criminal defendant be afforded a meaningful opportunity to present a complete defense.” *State v. Mabe*, 306 S.C. 355, 358, 412 S.E.2d 386, 388 (1991) (citing *California v. Trombetta*, 467 U.S. 479 (1984)).

The opportunity to present a full and complete defense includes “a defendant’s privilege to request and obtain material evidence from the state.” *Id.* (emphasis added); see also *Town of Fairfax v. Smith*, 285 S.C. 458, 330 S.E.2d 290 (1985). *U.S. Const. amends. V, VI, XIV*; *S.C. Const. art. I, §§ 3, 14*.

### **Rule 5 sanctions**

In *Bagley*, the United States Supreme Court reiterated the importance of specific requests for undisclosed Brady material:

“When the prosecutor receives a specific and relevant request, the failure to make any response is seldom, if ever, excusable.” *Id.* at 681 Rule 5 of the South Carolina Rules of Criminal Procedure also provides that the Defendant has the right to be furnished or to examine, inspect, copy, photograph or make other facsimile copies of the following documents or tangible objects, which are within the possession, custody or control of the prosecution, and which are material to the preparation of his defense. *Earley v. State*, 418 S.C. 255, 267, 792 S.E.2d 226, 232 (2016).

Our Supreme Court has explained that the purpose of Rule 5(a)(1)(C), SCRCrimP, is for the Defendant to obtain pre-trial disclosure of information necessary to properly prepare a defense to the evidence that may be introduced against him. *Earley v. State*, 418 S.C. 255, 267, 792 S.E.2d 226, 232 (2016).

“Under Rule 5(d)(2), SCRCrimP, where a party fails to comply with Rule 5, the court

may order the noncomplying party to permit inspection, grant a continuance, prohibit introduction of the nondisclosed evidence, or enter such order as it deems just under the circumstances.” *State v. Kerr*, 330 S.C. 132, 150, 498 S.E.2d 212, 221 (Ct. App. 1998) (emphasis added) (citation omitted).

### **Prosecutor’s obligations**

*Brady* and its progeny place the burden upon the prosecutor to know all the relevant facts of a case in order to decide what information to disclose as exculpatory or impeachment evidence. The due process rights recognized by *Brady* applies to both exculpatory and impeachment evidence. See *United States v. Bagley*, 473 U.S. 667 (1985). In *Giglio v. United States*, 405 U.S. 150, 153-154 (1972), the United States Supreme Court held that *Brady* encompasses impeachment evidence. *Kyles v. Whitley*, 514 U.S. 419 (1995) (finding “the individual prosecutor has a duty to learn of any favorable evidence known to others acting on the government’s behalf in the case, including the police.”) *Kyles v. Whitley*, 514 U.S. 419 (1995) (finding due process requires disclosure of any evidence that provides grounds for the defense to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the credibility of the state’s witnesses, or to bolster the defense case against prosecutorial attacks). *Kyles v. Whitley*, 514 U.S. 419 (1995).

“A prosecutor's office cannot get around *Brady* by keeping itself in ignorance or compartmentalizing information about different aspects of a case.” (quoting *Carey v. Duckworth*, 738 F.2d 875, 878 (7th Cir.1984)) Notably, “the overriding theme of the *Brady* cases is the emphasis the Supreme Court has placed on the prosecutor's responsibility for fair play.” *Gibson*, 334 S.C. at 526, 514 S.E.2d at 325.

This case involves allegations of murder and possession of a weapon during the commission of a violent crime. There is no physical nor direct evidence linking Mr.

Stevenson to the crime, and the trial will likely hinge upon the jury's perception of the credibility of the alleged witnesses and of the police.

In addition to the specific complaints above, the discovery produced by the Solicitor's Office, there are references to body camera footage of the interview of witnesses taken immediately after the alleged incident, and then additional footage from a follow up investigations a few days later. However, Defendant's counsel has never received the video and was recently informed that it no longer exists. There is no reason that this video should not have been preserved. Also, Defendant has every right to be able to evaluate the statements and stories given the day of the alleged incident and to compare it to any later statements provided. Defendant should also have the ability to impeach the witnesses at trial with this evidence. The State had a duty to preserve this information.

Respectfully submitted,



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Date: May 12, 2024  
Columbia, South Carolina

COPY

Exhibit A  
(18 pgs)

STATE OF SOUTH CAROLINA

) IN THE COURT OF GENERAL SESSIONS

State of South Carolina

) REQUEST FOR THE DISCLOSURE  
) OF EVIDENCE IN COMPLIANCE WITH  
) RULE 5 AND BRADY v. MARYLAND

v.

Troy Christopher Stevenson,

) 2021A4011200382 - 2021A4011200384-

DEFENDANT

TO: Richland County Solicitor's Office, Deputy Solicitor Dan Goldberg  
1701 Main Street, 3rd Floor, Columbia, SC 29201

In compliance with Rule 5 of the South Carolina Rules of Criminal Procedure (1989), as amended, and pursuant to the provisions of Brady v. Maryland, 373 U.S. 83 (1963), and succeeding Federal and State decisions, including United States v. Bagley, 473 U.S. 667 (1985), the Defendant hereby requests that the prosecution shall, within thirty (30) days or sooner, disclose evidence, data, information, material and items as set forth below as sought by the Defendant, as well as evidence, information, data and material not specifically requested, which may be material and/or exculpatory to the Defendant, or the Defendant's case, presently possessed by the Prosecution or any of its agents as defined by United States v. Santiago, 46 F.3d 885 (9th Cir. 1995) or acquired in the future by any agent of the State of South Carolina until such time as this matter, and any post trial matters, are finally and forever concluded.

GENERAL ISSUES

If, prior to or during trial, the prosecution discovers additional evidence or material previously requested by the Defense, (or which is ordered by the Court to be produced) which may be exculpatory, inculpatory, impeaching or material, he or she shall immediately produce same to Defense counsel, or allow Defense counsel to inspect, copy,

SCANNED  
J.B. 5.20.21

photograph or independently examine same and document such action.

If the prosecution is unsure as to any aspect of its duty to disclose any material in its possession or in the possession of its officers, lay or expert witnesses, agents or suppliers of equipment or testing devices, Defendant hereby requests that the prosecution immediately notify the Court having jurisdiction of this matter and notify Defense counsel, so that a determination can be made as to the prosecution's discovery duties associated therewith, so as to avoid any delay in the proceedings and any inconvenience to the Court administratively.

#### METHOD OF DISCLOSURE

When you or your office provide any "discovery," "Rule 5 Material," or "Brady Material," Defense counsel may inventory those items by marking them sequentially, with the date received and returning to you a photocopy of this material so marked. Alternate methods of documentation may be employed.

If you provide photocopies of documents and those copies represent your entire, complete file, please clearly indicate this as being so as of that particular date. If no indication is made by you, Defense Counsel will assume that the failure to note this is an oversight and will assume that the collection of copied documents is your entire file, and will argue this position in court should the issue arise.

If what you provide to me is indicated by you as not being your complete file, please inventory yourself all remaining materials including that which you consider privileged or lawfully exempt from disclosure, and keep this inventory in your file in the event a judicial determination needs to be made as to disclosure of any of those items to the Defense, recording the date each item is inventoried. If materials are retained by you, please

indicate that this has been done and within thirty days or sooner move for judicial determination of your ability to retain same.

On the material provided to the Defense please note the following:

1. Complete file, or
2. Incomplete file, as of the date materials are provided to the defense;
3. Sequential notation for tracking and identification purposes.

Please note that the request of the Defense for witness statements which are material and provided by or taken from witnesses who will be called by the Prosecution at any proceeding at which testimony is taken, should include handwritten, typewritten or computerized media interview notes or digital made by prosecuting counsel or any prosecuting agent interviewing any witnesses should there be no other statement from that particular witness or should those notes reflect any difference compared to any existing oral or written statement. The Defense states herein that such interview notes are discoverable preferably prior to the direct examination of any prosecution witness at any proceeding, but certainly at least immediately thereafter. Rule 5, SCRCrimP. Should there be any such items, which the Prosecution chooses to provide to the Defendant only after such witness completes direct examination by the Prosecution, please advise Defense Counsel of the existence of same as soon as they are possessed by the Prosecution so that Defense Counsel may pursue Court ordered disclosure of same well in advance of direct examination of such witness(es).

If you or your office decide not to provide or neglect to provide all or some of the materials requested herein or which are discoverable, within 30 days from the date this motion is received by you, please understand that time is considered by the Defense to be

"of the essence" and such failure or neglect will force the Defense to argue for exclusion or suppression of any such evidence at hearing or trial and/or dismissal of the charges. Rule 5, SCRimP.

Defense Counsel hereby notes that such refusal or neglect may or will prohibit Defense Counsel from properly representing the Defendant, may or will constitute denial of the Defendant's right to due process of the law, both substantive and procedural as guaranteed under the Fifth and Fourteenth Amendments of the United States Constitution; and if such refusal is determined by the Court to be willful, may be deemed by the Court to constitute prosecutorial misconduct.

The Defense notes that relevant guides of professional conduct address the prosecution's duty not simply to seek conviction of all criminally accused individuals, but to see that justice is done. Accordingly, Defense Counsel, within or without its reciprocal discovery duties, may provide to the Prosecution documents or information that may call into question the accuracy and or reliability of certain evidentiary matters, real and testimonial, upon which the Prosecution intends to rely at trial. Defense Counsel will document the provision of such material to the prosecution. The prosecution should be considered to be on notice as to issues raised by or within materials so provided by the Defense. In short, respectfully, the Defense suggests that the prosecution cannot ignore and must consider not only that which may arguably render evidence admissible, but that which calls admissibility of evidence into question.

#### GENERAL RULE 5 REQUESTS

(a) Permit the Defendant to inspect and copy or photograph any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession,

custody or control of the prosecution as defined by United States v. Santiago, *supra*, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the Defendant, whether before or after arrest, in response to interrogation by any person then known to the Defendant to be a prosecution agent;

(b) Furnish to the Defendant such copy of his or her prior criminal record, if any, as is within the possession, custody, or control of the prosecution within the meaning of United States v. Santiago, *supra*, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution;

(c) Permit the Defendant to inspect and copy books, papers, documents, photographs, tangible objects, buildings or places, or copies of portions thereof, which are within the possession, custody, or control of the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as either evidence in chief or for impeachment purposes at the trial, or were obtained from or belong to the Defendant;

(d) Permit the Defendant to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended to be used by the prosecution as either evidence in chief or for impeachment purposes at the trial.

In accordance with his duties to represent his client zealously, Defense Counsel will

seek any available remedy and recourse to the prosecution's negligent or intentional failure to comply with Discovery sought by the Defense or which the prosecution must provide, including dismissal of all charges and/or suppression of evidence.

However, Defense Counsel has every reason to believe and no reason not to believe that the Prosecution will comply with its Discovery responsibilities.

#### SPECIFIC REQUESTS

(1) All information in any form that is material to the captioned Defendant's guilt or innocence within the meaning of Kyles v. Whitely, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995); which decision recognizes that one piece of evidence may seem insignificant, but it is the cumulative effect of all the non-disclosed evidence that will be reviewed to determine materiality. Id., at 1569. This request includes but is not limited to the following: "Any" shall be taken as meaning the same as "each," "every," and "all."

(2) Police reports of any and all involved agencies, entities or persons hired or used by these agencies or who have rendered services to any of these agencies whether paid or not, all as regards this case in any way whatsoever.

(3) Police incident reports generated by any and all agencies or persons involved in any manner with this case.

(4) Police supplemental reports generated by any and all agencies or persons involved in any manner with this case.

(5) Copies of all statements of any and all arresting or investigating officers, agents, troopers, deputies, detectives or supervisory or "street" police personnel.

(6) Copies of all documents including emails generated by or caused to be generated by any person or procedure of any involved agency, which may not be filed with the

primary case file, associated with the matter of the Defendant's arrest.

(7) Copies of any and all records associated in any way with the criminal investigation of the defendant by any government agency, whether city, county, local, state, and/or federal; and whether or not such investigation resulted in the arrest and/or prosecution and/or conviction and/or sentencing, and/or incarceration of the Defendant in any way at any time.

(8) Audio copies of any and all radio transmissions on any frequency and/or any recorded telephone call(s) via 911 or any other telephone call to and/or from any involved law enforcement agency regarding events contemporaneously associated with the occurrence of the incident forming the basis for the Defendant's prosecution and/or contemporaneously associated with the Defendant's arrest (if not occurring at the time of the incident forming the basis for the Defendant's prosecution). (Defendant will pay for reasonable production costs associated with this request). Further, this motion is filed as soon after the Defendant's arrest as possible. Defendant is aware that many law enforcement agencies retain such recordings for a limited period of time. Request is hereby made for departmental policies as to retention periods for these materials. Additionally, Defendant notes that if this request is made prior to the conclusion of the standard time period for tape retention, and the material is thereafter destroyed, damaged or recorded over, prior to or after the expiration of this time period, it will logically be impossible for the Defendant or the Court to make a determination as to the materiality or exculpatory nature of that which no longer is available for review. Considering this the Defendant will move to dismiss should any such material be destroyed after notice.

(9) Any and all information about any previous crime sought to be introduced as

evidence of "prior bad acts" or "criminal propensity" pursuant to South Carolina Rule of Evidence 404 ( hereafter, SCRE) including, but not limited to, reports from any Federal, State or local agency regarding the previous crime.

(10) Any and all transcripts or documentation associated with any proceeding regarding all "prior bad acts" sought to be introduced as evidence pursuant to SCRE 404 supra.

(11) Copies of any and all documentation in any form of chains of custody for any item of physical evidence as required by South Carolina Rule of Criminal Procedure 6(b). Disclosure of chains of custody is to be made pursuant to the provisions of SCRCrimP 6(c). Demand is hereby made for the personal testimony of all personnel within any chain of custody as to any item of evidence. Defendant hereby notes his or her objection to the introduction of any report or of any analysis of any item conducted relevant to this case reserving full confrontation and cross examination rights as to any state witness performing any tests and requiring their personal testimony. SCRCrimP 6(a)(2).

(12) Copies of any and all reports of chemical analyses made for establishing the physical evidence of a controlled dangerous substance as required by SCRCrimP 6(a). Disclosure of reports of chemical analysis is to be made pursuant to the provisions of SCRCrimP 6(c).

(13) A description of, and photocopies of any documentation the prosecution intends to rely upon to establish jurisdiction to arrest and prosecute, whether the documentation is certified or not.

(14) If any expert witness for the state or prosecution will be testifying at any court proceeding, or has played any role in this case and could be called as a witness at any court

proceeding, please provide as to each such non-lay witness, the following:

(a) The facts or data upon which the expert bases an opinion or inference perceived by or made known to the expert. (SCRE 703).

(b) Any facts or data reasonably relied upon by experts in the particular field in forming an opinion or inference upon the subject. (SCRE 703).

(c) Any potential testimony embracing the ultimate issue to be decided by the trier of fact. (SCRE 704).

(d) NOTE: If the prosecution takes the position that it will not disclose any expert's considered underlying facts or data, it is requested that this position be immediately communicated to Defense counsel so that Order of the Court otherwise may be sought, or Defense Counsel may move the Court to suppress such testimony. (SCRE 705).

(15) As to any expert witness the prosecution intends to or may call at any court proceeding in this case please provide:

(a) The curriculum vitae or resume of any such witness.

(b) Whether they have been qualified as an expert witness by any court before, and if so, details as to matter, date, and forum.

(c) Whether in any forum they have been refused qualification.

(d) All information related to any remuneration they have received or for which they have billed the prosecution as to activities they have performed for the prosecution , or if no remuneration is requested nor paid, that fact.

(e) Any negative or material information regarding any expert witness that would go to either qualification or credibility.

(f) Verbatim, identical, or mirror-image copies of any and all information in any form provided to any expert witness by any source regarding this case.

(16) Copies (complete) of written information, or exact details of oral information obtained by the Prosecution from any type of local, regional or national database or source, providing information regarding expert witnesses to agents of prosecution generally, or actually to the Prosecution regarding this case.

(17) All statements or writings of any kind in possession of the State made by any person or obtained from any person by the State, which contain information relevant to the trial of the Defendant.

(18) Any and all statements, testimony, memoranda, interviews, documents or summaries, relating to this case, or any portion thereof, by any person, that contradict, in whole or in part, any statement (by that person or any other person) that the State intends to use or rely on in any manner in connection with the trial of this case.

(19) All written or recorded statements made by any co-defendant and/or claimed co-conspirator, regardless of whether they are indicted or unindicted, arrested or not-arrested.

(20) The substance of all oral statements which the State intends to offer in evidence at trial, made by any co-defendant and/or claimed co-conspirator, regardless of whether they are indicted or unindicted.

(21) The substance of all statements of co-defendants and/or claimed co-conspirators, regardless of whether they are indicted or unindicted, which the State intends to offer in evidence at trial under the co-conspirator exception to the hearsay rule.

(22) The names, addresses, current telephone numbers and criminal records of any informants, special employees or special investigators used in the investigation of this case, or persons hired, directed, requested and/or paid by the State to investigate or obtain information in any manner whatsoever during the investigation of this case.

(23) All investigative agencies' departmental rules or regulations by which any informant or special employee was hired, employed, or requested to participate in the investigation of this case.

(24) All recorded or written memoranda of conversations, discussions with or statements made by informants or special employees of the State.

(25) The names and classifications of all investigative agents, Assistant Attorney General, Assistant Solicitors, City, County or State Prosecutors, regularly appointed or special or other government employees, who met with, talked to, or who were present at any meeting or discussion held with any informants and/or special employees of the State during the investigation of the offenses for which the Defendant charged.

(26) Whether any State or local agent or anyone acting at the direction or best interest of the State has talked with or communicated with any Defendant pertaining to this case; if so, the names of such agent, informant, or special employee together with all other facts and circumstances pertaining to the conversation.

(27) If conversations of a Defendant or his or her attorney were subject to surveillance, but were not electronically recorded, provide all handwritten notes or memoranda, stating the date of the conversation, the parties to the conversation and the nature of the conversation.

(28) The make, kind or model and serial number of any electronic monitoring or recording device utilized by Federal or local State agents to record conversations of the Defendant, or anyone else named in the Indictment as a co-conspirator or co-Defendant.

(29) Whether there have been any "beeper" transmitters or any other type of listening or "homing" devices used to overhear or monitor conversations between any defendant and any other parties since their arrest, or used to assist any surveillance, "tailing" or stakeout of any Defendant, or any vehicle prior to their arrest.

(30) With regard to any kind of surveillance, state whether it was consensual in any

respect; and if so, if it was a result of any promise or inducement on the part of the State or any local agency.

(31) Any and all tapes of electronically recorded conversations in the possession of the State, which were made among and between agents of any branch of any Federal, State, or local governmental law enforcement agency.

(32) If no electronic recordings were made of the conversations, provide memoranda and notes of said conversations, including the dates of said conversations, the nature of them and the parties to them.

(33) All searches and seizures made and detailed information regarding the times, dates and places thereof, together with the authority for such search and seizure, copies of any search warrants and affidavits in support thereof, and a listing of the items seized.

(34) All evidence concerning any searches and/or seizures made by the State or its agents, which would tend to taint or make illegal such searches and/or seizures.

(35) Whether any U.S., foreign, or private mail or other correspondence sent to or by the Defendant, or any co-defendant, or any alleged co-conspirator was intercepted or otherwise inspected.

(36) If any "mail cover" did exist, as referred to in Paragraph (37) above, detail:

(a) The circumstances under which it was instituted including the names and positions of all persons who authorized it;

(b) The procedure under which it was instituted, including the names and positions of all persons involved therein;

(c) The purported justification for its institution;

(d) The information it produced;

(e) The names and positions of all persons to whom such information was transmitted and the dates of such transmission; and

(f) The use of such information.

(37) All communications, statements, memoranda, notes and/or documents from a State witness or confidential informant to a State agent (whether an investigatory agent, State or County Prosecutor) which falls with the ambit of "5(a)(2) material" pursuant to Rule 5 (a)(2) of the South Carolina Rules of Criminal Procedure, including but not limited to communications or statements of any kind made by electronic recording or other types of mechanical or electronic means.

(38) All communications, statements, memoranda, notes and/or documents from a State witness or confidential informant to a State agent which the State contends does not fall with the ambit of "Rule 5(a)(2) material" including but not limited to communications or statements of any kind made by electronic recording or other type of mechanical or electronic means.

(39) All writings, recordings and photographs relating to or discussing offers, threats or inducements made to any persons in an effort, whether successful or not, to obtain testimony in this case.

(40) The names, addresses and current telephone number(s) of any person who has given information exculpatory to the Defendant, and any writings, recordings and photographs relating thereto.

(41) All statements made by co-conspirators, which are exculpatory to the Defendant, whether made in furtherance of any alleged conspiracy, or after its termination.

(42) All writings, emails or recordings relating to offered "bargains" or "deals", whether consummated or not, with alleged co-conspirators in this case.

(43) The criminal records of all witnesses whom the State intends to call at trial or

any hearing in connection with this case. Conviction data is requested as well as arrest data if the prosecution possesses arrest-only data.

(44) All correspondence from representatives of the State on behalf of any witnesses in this case seeking special considerations or favors for said witnesses. Such request specifically includes, but is not limited to, letters to the United States Parole Commission and the Bureau of Prisons and/or the South Carolina Department of Parole and Community Corrections, and/or any prosecuting agency and the like.

(45) Production by the State of records of all funds paid to, or allowed to be retained by, confidential informants or witnesses in this case. Further, copies of procedures or regulations of the relevant agency pertaining to such activity.

(46) The existence and substance, and the manner of execution or fulfillment of any promises, agreements, understandings, or arrangements, either verbal or written, between the State and any prosecution witnesses, or their attorneys or representatives, wherein the State has agreed:

- (a) Not to prosecute the witness or any individual with a close association to the witness, for any crimes;
- (b) To provide a formal grant of statutory immunity or use immunity in connection with any testimony given by him;
- (c) To recommend leniency in sentencing for any crime or crimes for which he may be charged or convicted;
- (d) To make any other recommendation of benefit or to give any other consideration to him.

(47) Whether any person interviewed in connection with the State's investigation of this case has been given a psychological or psychiatric examination now or in the past; and if so, list such person, the date of the examination, the examiner, and provide the results

of such examination.

(48) Whether evidence of a trait, character, or conduct of a witness or Defendant is intended to be introduced and the nature of the intended method of proving character pursuant to South Carolina Rule of Evidence 405.

(49) Whether evidence of the habit, or routine practice of a witness or Defendant is intended to be introduced pursuant to SCRE 406, and the nature of the habit or routine practice intended to be introduced.

(50) The names, addresses, current telephone numbers, and the criminal records of all persons who were interviewed in connection with this case but who will not testify as witnesses for the State at trial, and all statements or writings of any kind made from the State's interview of such persons, including, but not limited to:

- (a) Records of convictions maintained by any law enforcement agency;
- (b) Any facts or allegations concerning criminal or other misconduct of the witness that is not reflected on his or her criminal record, any pending charge against the witness, or any business activity with which he or she is connected;
- (c) Any material relating to the witness' mental or physical history that tends to impair or reflect adversely on his or her reliability or capacity as a witness;
- (d) Any information that tends to contradict the testimony that the government anticipates will be given by any of its witnesses.

(51) Whether insurance information is intended to be introduced pursuant to SCRE 411, the nature of such information, and copies of all documents containing such information.

(52) Whether any privilege may be claimed by the state or any of its witnesses pursuant to SCRE 501.

(53) All evidence of criminal sexual conduct victim's sexual relationships with Defendant or which are adulterous. SC Code Ann. ' 16-3-659.1 (Law. Co-op. 1985).

(54) Any and all evidence relating to any and all witnesses regarding their competency as a witness pursuant to SCRE 601.

(55) Any and all evidence relative to a witness' personal knowledge of a matter about which they may testify pursuant to SCRE 602.

(56) The curriculum vitae, criminal record, and copies of any and all notes, books, and / or documents within the possession of the State used by any and all interpreters associated with this case in any way.

(57) Any and all information that relates to the credibility or reputation of any prosecution witness which is or may be admissible pursuant to SCRE 608.

(58) A list of all matters, which the State intends to ask the court to judicially notice.

(59) Assistance in scheduling and meeting with State's witnesses as soon as possible.

(60) A list of the voir dire questions the State will request be asked of any prospective jury panel.

(61) Any and all jury charges the State intends to request regarding this case, as well as requested pre-charges.

(62) A list of all persons, places or things inspected, examined, analyzed and/or investigated that revealed no evidence regarding Defendant's guilt frequently referred to as "unproductive" investigatory results.

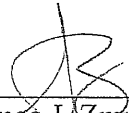
(63) A copy of any and all video and audio tape recordings in the possession, custody, and control of any persons, law enforcement or otherwise, involved in this case.

(64) RULE 6 NOTICE Pursuant to Rule 6 of the South Carolina Rules of Criminal Procedure, noticing the Prosecution in this case that he reserves all rights under Rule 6 and demands evidentiary documentation of all elements of any and all Chains of Custody for all items and exhibits of any nature intended to be offered into evidence by the Prosecution in the trial of this case or in any other proceeding and demands personal appearance in Court of any and all persons within any chains of custody.

Further, the Defendant notices the Prosecution that it does not waive the personal appearance of any and all expert witnesses employed or used by the Prosecution as to any Exhibit intended to be offered as evidence in the trial of this case or in any other proceeding, whether by technical, chemical, laboratory, analytical, scientific, forensic, or any other method. The Defendant reserves all rights to confrontation of witnesses against him or her at trial through the means of cross examination.

Objection is hereby made to the introduction of a chemist or analyst=s report without personal appearance of all such witnesses.

Respectfully Submitted:



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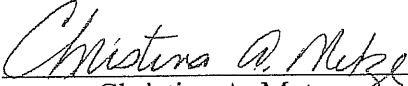
Aimee J. Znroczek, Esq.  
A.J.Z. Law Firm, LLC  
PO Box 11961  
Columbia, SC 29211  
(803) 400-1918

DATED: 5/13/21

STATE OF SOUTH CAROLINA ) IN THE COURT O.  
 )  
 RICHLAND COUNTY )  
 )  
 THE STATE, )  
 )  
 -vs- ) CERTIFICATE OF SERV  
 )  
 Troy Christopher Stevenson, )  
 ) 2021A4011200382 - 2021.  
 )  
 Defendant. )

I certify that, on this date, I served a copy of the REQUEST FOR THE DISCL  
 OF EVIDENCE IN COMPLIANCE WITH RULE 5 AND BRADY v. MARYLA.  
 dated 5/13/21 by depositing it in the U.S. Mail in an envelope with suffic  
 postage affixed, addressed as follows:

Richland County Solicitor's Office  
 Deputy Solicitor Dan Goldberg  
 1701 Main Street, 3rd Floor  
 Columbia, SC 29201

  
 Christina A. Metzger

Columbia, South Carolina

Dated: 5/13/21

2021 MAY 17 PM 1:29  
 CHRISTINA A. METZGER

Exhibit B  
(3pgs)

RICHLAND COUNTY  
STATE OF SOUTH CAROLINA ) FILED IN THE COURT OF GENERAL SESSIONS  
COUNTY OF RICHLAND ) 2021 JUL 14 AM 8:49  
IN THE FIFTH JUDICIAL CIRCUIT

The State of South Carolina, ) Warrant No.'s: 2021A4011200382-384;  
HEARNETTE W. McLELLIN  
C.C.R., G.S., & E.O.

vs. )

MOTION TO COMPEL  
DISCOVERY AND DISCLOSURE OF  
EVIDENCE

Troy Stevenson, )  
Defendant. )

The above-captioned defendant, through his attorney, Aimee J. Zmroczek, Esq., hereby moves that the Court enter an Order directing that the State of South Carolina comply with a previously filed Motion for Discovery and Disclosure of Evidence in the above-captioned matter. In support of this motion defendant would show that:

1. He was arrested in Richland County on May 12, 2021, and charged with Murder, Possession of a Weapon During the Commission of a Violent Crime, and discharging in to a dwelling.
2. Counsel for defendant served and filed a Motion for Discovery and Disclosures of Evidence in the above-captioned cases on May 17, 2021.
3. Counsel sent a letter requesting the complete discovery to the solicitor on numerous dates, detailing that she still had not received discovery.
4. As of the date of this motion the State of South Carolina has not complied with the above-referenced Motions for Discovery and Disclosures of Evidence in the following respects:
  - a. The state has failed to produce any discovery.
  - b. Defense counsel had contacted Senior Assistant Solicitor Scott a number of times in an

attempt to obtain discovery:

5. Rule 5 (a)(3), SCRCrimP. directs that the State comply with discovery requests within thirty (30) days.

6. More than thirty (30) days have passed since the filing of the Motions for Discovery and Disclosures of Evidence in this case.

7. Rule 5 (d) (2), SCRCrimP. provides that this Court may fashion a number of remedies to correct any failure to comply with the provisions the Rules of Criminal Procedure relating to discovery.

**NOW THEREFORE** attorney for defendant moves that this Court conduct a hearing regarding the status of discovery in this case and enter such Order regulating discovery or grant a dismissal of these cases, as it deems appropriate under the facts of this case.

Respectfully Submitted,  
"/s/ Aimee Zmroczek  
Aimee J. Zmroczek, #77193  
A.J.Z. Law Firm, LLC  
2003 Lincoln Street  
P.O. Box 11961  
Columbia, South Carolina 29211  
T-803-400-1918, F-803-403-8005  
aimee@ajzlawfirm.com  
Attorney for Defendant

"Electronic signature and filing authorized pursuant to the Order of the Supreme Court of South Carolina dated April 14, 2020.

Date: July 13, 2021  
Columbia, South Carolina

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )  
 )  
The State of South Carolina, )  
 )  
 )  
 )  
vs. )  
 )  
Troy Stevenson, )  
 )  
Defendant. )

IN THE COURT OF GENERAL SESSIONS  
IN THE FIFTH JUDICIAL CIRCUIT

Warrant No.'s: 2021A4011200382-384;

CERTIFICATE OF SERVICE

2021 JUL 14 AM 8:49  
FILED  
RICHLAND COUNTY  
JENNIFER W. McLEOD  
CLERK, G.S. & F.C.

I certify that on this date I served the Notice of Motion and Motion to Compel Discovery and Disclosure of Evidence in the above-captioned case on The State of South Carolina by delivering copies of these documents to the State's attorney of record, Senior Assistant Solicitor Dale Scott, by emailing said copies to his office located at The Office of the Solicitor, Fifth Judicial Circuit, Richland County Judicial Center, 1701 Main Street-3<sup>rd</sup> Floor, Columbia, SC 29072.

Respectfully Submitted,

Aimee J. Zmroczek, #77193  
A.J.Z. Law Firm, LLC  
2003 Lincoln Street  
P.O. Box 11961  
Columbia, South Carolina 29211  
T-803-400-1918, F-803-403-8005  
aimee@ajzlawfirm.com  
Attorney for Defendant

"Electronic signature and filing authorized pursuant to the Order of the Supreme Court of South Carolina dated April 14, 2020."

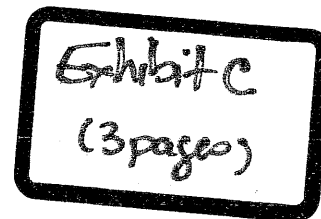
Date: July 13, 2021.  
Columbia, South Carolina

# A. J. Z. Law Firm, LLC

Mailing Address  
P.O. Box 11961  
Columbia, South Carolina, 29211

Physical Address  
2003 Lincoln Street  
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Phone: (803) 400-1918  
Fax: (803) 403-8005  
www.ajzlawfirm.com  
Aimee J. Zmroczek, Attorney  
aimee@ajzlawfirm.com



August 30, 2021

Mr. Dale Scott  
Via E-mail

RE: State v. Troy Stevenson

Dear Dale:

I received two (2) emails from your paralegal today totaling 318 pages of written discovery. Based on my review of that discovery I am missing the following items. For your reference, I have included the page number in parenthesis after the request so you may refer to that page if there are any questions.

1. Entire CPD case jacket including all BWC-everything regarding CPD case number 210008614 (p.2)
2. Statements of Tamira Jackson (p.2, p.26, p.29, p.30)
3. Statements of Makayla Jackson (p.26, p.27)
4. 911 call for CPD case including radio traffic and CAD report case number 210008614) (p.2, p.12, p.24, p.36)
5. 911 call for RCSD case number 2104003706 including radio traffic and CAD report (p.5, p.15, p.24)
6. All BWC and dash cameras (p.5) *many officers missing*
7. All Columbia Fire department records (p.6)
8. All EMS records (p.6)
9. All Richland Memorial Hospital (Prisma) records (p.6)
10. All handwritten notes of all officers involved (p.6-318)
11. All returns to SW including pictures/bench notes etc. of 2849 Lucille Dr. (p.9, p.22, p.66)
12. All statements from Dai'Juan Tyquay Richardson (p.12)
13. Download of victim cell (p.24)
14. PDF of victim timeline (p.24)
15. Download of Tamira Jackson phone (p.24, p.25, p.31)
16. All videos from cameras (p.25, p.27, p.30, p.33,
17. All records regarding Antonio Barnes ankle monitor (p.25, p.32)
18. All results of photos and license plates reports from Analyst Houck (p.25)
19. All handwritten notes from Godfrey (p.24-25)
20. All notes and color photos from texts from Kovalchek (p.26-27)
21. Copy of Makayla's phone (p.27)

Page 1 of 3

# A. J. Z. Law Firm, LLC

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2003 Lincoln Street  
Columbia, South Carolina, 29201

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Fax: (803) 403-8005

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Aimee J. Zmroczek, Attorney

aimee@ajzlawfirm.com

22. All statements of Ujima Jackson (p.29, 30)
23. All statements of Ivy Jackson (p.29, p.30)
24. All returns to SW including pictures/bench notes etc. of oldsmobile (p.23, p.30)
25. All videos on evidence.com (p.30)
26. Statement of Jalanda Tobias (p.31)
27. Complete search results of Jalanda Tobias' phone (p.31)
28. Complete digital/original copies of all facebook search warrant returns (p.32, p.33, p.72,
29. Stevenson statements (p.32,
30. All returns complete digital/original copies of all cell phone search warrant returns (p.32, p.33
31. All statements of Antonio Barnes (p.32)
32. All returns to SW including pictures/bench notes etc. of Carter's Honda (p.33, p.71
33. All returns to SW including pictures/bench notes etc. of 5665 Mergate St (p.33
34. Statement of Ashley Carter (p.34
35. Statement of Johnikqa Tobias (p.34
36. Color picture of p. 35, and all info related to "facial recognition request (p.34
37. All returns to search or SW including pictures/bench notes etc. of 2017 whit ford festiva (p.67
38. Complete digital copy of download of Antonio Barnes cell phone.(p.68
39. Complete digital copy of download of Tyjeria Prophet cell phone (p.69
40. Complete digital copy of download of Jalanda Tobias cell phone (p.70
41. Copies of all paperwork regarding troy Stevenson wages (p.77)
42. ALL search warrant returns facebook and cell records (P.81-P.277)
43. All CSI complete files including handwritten notes photographs entire case jackets (p.240-p.250)
44. All canine information regarding canine Caughtman (p.6, p.16)
45. All lab results all bench notes etc.GSR ballistics fingerprints and DNA trace evidence results  
bench notes entire case files (p.251-p.289)
46. On page 31 of 318 says the gun matched another shooting I need that information
47. I need all recorded interviews all handwritten interviews all officers handwritten notes
48. I need a color copy of pages 64 and 65
49. I can't read pages 230 and 231 of discovery provided
50. I need complete full copies of all Facebook downloads
51. I need a color picture of page 236,237, and 238, and with regard to page 238 I need it in color  
and an explanation of who put this thing together and what information it was based off of and I  
need the information off of which it was based (p.236-p.238)
52. need all gunshot residue testing (p.251)
53. I need a complete and updated property report (p.251)
54. I need a complete chain of custody (p.249)
55. I can't read page 245
56. I need all the attachments beginning on page 251 to the property report

*actually  
have  
this*

*red' s/10*

## A. J. Z. Law Firm, LLC

---

Mailing Address  
P.O. Box 11961  
Columbia, South Carolina, 29211

Physical Address  
2003 Lincoln Street  
Columbia, South Carolina, 29201

Phone: (803) 400-1918  
Fax: (803) 403-8005  
www.ajzlawfirm.com  
Aimee J. Zmroczek, Attorney  
aimee@ajzlawfirm.com

- 57. I need all ballistics reports including bench notes photographs reviews etc.
- 58. I need to go look at all the physical evidence please schedule this next week
- 59. I need the autopsy file
- 60. I need the corners report complete file
- 61. I need all photographs

\*please note that 59-61 are not even in the file you provided.

Thank you  
/s  
Aimee J. Zmroczek

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STATE OF SOUTH CAROLINA  
IN THE GENERAL SESSIONS  
COUNTY OF RICHLAND

State of South Carolina,  
Plaintiff,

vs. Transcript of Record  
2021-A40-11-22382, 383 & 384

Troy Christopher Stevenson, Jr.,  
Defendant.

June 23, 2021  
Columbia, South Carolina

B E F O R E:

The HONORABLE ROBERT J. BONDS

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

Aimee Smroczek, Representing the Defendant

Transcribed by SHARON G. HARDOON, CSR, III  
from DCRP, Digital Courtroom Recorder Project

Exhibit D  
"3 pages"

1 THE COURT: All right. Miss Zmroczek?  
2 Yes, ma'am. You had something you wanted to put  
3 on the record this morning?

4 MS. ZMROCZEK: That is correct, Your  
5 Honor.

6 THE COURT: Yes, ma'am. Go ahead.

7 MS. ZMROCZEK: For the digital court  
8 reporter, the case number is 2021A4011200382, 383,  
9 and 384. Just that, on behalf of Troy Stevenson,  
10 who is my client, I'm asserting orally and in open  
11 court, a speedy trial under 17-23-90.

12 THE COURT: All right. So noted. Thank  
13 you, ma'am.

14 MS. ZMROCZEK: Thank you, Judge.

15 (End of hearing.)  
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CERTIFICATE OF REPORTER

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I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record, digitally recorded of the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in General Sessions for Richland County, South Carolina.

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

September 17, 2021



\_\_\_\_\_  
Sharon G. Hardoon, CSR  
Official Circuit Court Reporter, II

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
Warrant No.'s: 2021A4011200382-384

The State of South Carolina, )

Exhibit E  
(5 pages)

vs.

Troy Christopher Stevenson, Jr., )  
Defendant.)

DEFENDANT'S MOTION TO  
RELEASE AND MEMORANDUM IN  
SUPPORT THEREOF PURSUANT TO  
S.C. CODE § 17-23-90

RICHLAND COUNTY  
FILED  
2021 NOV 30 PM 2: 21  
JEANETTE V. MERRITT  
C.C.P., G., REC.

The Defendant, Troy Christopher Stevenson, Jr., by and through his undersigned counsel, hereby moves for this Court to order, for the purpose of the above captioned warrants, that the Defendant be released from the custody of the Alvin S. Glenn Detention Center pursuant to South Carolina Code § 17-23-90. As set forth below, Mr. Stevenson asserted his statutory right to a speedy trial and the State has failed to respond to that assertion. Specifically, Mr. Stevenson has not been tried within two statutory terms of his demand for a speedy trial under the aforementioned statute. He is therefore entitled to release from custody as a matter of law.

**PROCEDURAL HISTORY**

Mr. Stevenson was served the above captioned arrest warrants on May 12, 2021. He and was transported to the Alvin S. Glenn Detention Center to be held on the above captioned warrants and denied bond by the magistrate. On June 20, 2021, Mr. Stevenson moved for bond for all three above captioned warrants before the Honorable Jocelyn Newman. Bond was denied. As a result, Mr. Stevenson remained incarcerated.

On June 23, 2021, Mr. Stevenson moved in open court before the Honorable Robert J. Bonds by oral assertion for a speedy trial, invoking his rights pursuant to the Sixth Amendment of the United States Constitution, Article I, § 14 of the South Carolina Constitution, and South Carolina Code § 17-23-90.

On August 30, 2021, Mr. Stevenson argued a motion to compel that was previously filed in front of the Honorable Jocelyn Newman. The order was issued on September 3, 2021, requiring the State to provide all discovery within ten days. Not only has this not be complied with, at the time

Assistant Solicitor Scott discussed the speedy trial that was previously asserted and stated he was “ready to try the case” and to put it on a docket.

Mr. Stevenson remains in custody based on the above captioned warrants. He has not been tried. At the time of the filing of this motion and according to the Richland County Clerk of Court’s records, Mr. Stevenson’s case has not been presented to the Richland County Grand Jury. This motion follows.

### ARGUMENT

South Carolina provides a statutory right of release from pre-trial detention when the accused invokes his rights to a speedy trial and the State fails to afford him that trial within two statutory terms of court. Because Mr. Stevenson invoked those statutory rights, the State failed to appropriately respond, and he remains in pre-trial custody, he is entitled to such relief.

Mr. Stevenson has a statutory right to be released that is ripe and must be granted. South Carolina Code §17-23-90 provides, in relevant part:

And if any person committed as foresaid, upon his prayer or petition in open court the first week of the term to be brought to his trial, shall not be indicted and tried the second term after his commitment or upon his trial shall be acquitted, he shall be discharged from his imprisonment.

S.C. Code Ann. § 17-23-90 (2014). Thus, the statutory right to discharge from imprisonment attaches once an accused (1) petitions in open court during the first week of the term of court to be brought to trial and (2) is not tried before the second term after his commitment.

The statutory preconditions have been met here. When South Carolina Code § 17-23-90 refers to a “term” of court, it refers to the statutory terms of court set by the General Assembly. In Ex Parte Attardo, 272 S.C. 1 (1978), the Supreme Court held that the statute only applies to statutory terms of court, not special terms. Id. At 2. In the Fifth Judicial Circuit:

The court of general sessions for Richland County shall be held at Columbia on the second Monday in January for two weeks, on the second Monday in April for two weeks, on the third Monday in June for two weeks, on the Tuesday following the first Monday in September for three weeks and on the second Monday in December for two weeks.

S.C. Code Ann. § 14-5-670 (2017). Thus, when Mr. Stevenson moved for a speedy trial on June 23,

2021, he did so during the week of the statutory term that began on Monday, June 21, 2021. His motion triggered the State's obligation to afford Mr. Stevenson a trial before the second term that followed his request, a term that ends the third Monday in November for three weeks, the week of November 29, 2021. Since the State has failed to try Mr. Stevenson, he must be released from custody. Notably, this is not a request for bail, but a statutory right of release over which the Court has no discretion, but is merely tasked with enforcing. State v. Fasket, 39 S.C.L. 255, 256 (S.C. App. L. 1852) ("the mandate for the discharge of the prisoner is peremptory; no discretionary power is reserved to the judge to require bail on the discharge of the prisoner."). As the Supreme Court explained in State v. Campbell, 277 S.C. 408 (1982), "Section 17-23-90 provides for discharge from imprisonment when a person is committed for a felony, demands to be brought to trial, and is not indicted [and<sup>1</sup>] tried by the second term following his commitment." Id. At 409. In rejecting a post-conviction argument that the statutory remedy was dismissal, the Court explained the statutory reference to discharge as if acquitted "merely indicates the prisoner should be released *without bail*, not discharged from further prosecution." Id. (emphasis added) (citing Fasket, 39 S.C.L. (5 Rich.) at 257 and State v. Williams, 35 S.C. 160 (1892)).

Because Mr. Stevenson has invoked his rights under South Carolina Code § 17-23-90 and he has not been tried within two statutory terms, the Court should order his immediate release from custody.<sup>2</sup>

## CONCLUSION

For the reasons set forth above, this motion should be granted and Mr. Stevenson should be released from custody.

{Signature page follows}

---

<sup>1</sup> The Court's use of the term "or" is likely a scrivener's error as the statute expressly requires that the accused be "indicted *and* tried" once the right is invoked. See S.C. Code Ann. § 17-23-90 (emphasis added). The error is immaterial here, however, as the Defendant has been neither indicted nor tried.

<sup>2</sup> Mr. Williams respectfully reserves his right to challenge the pendency of the charges against him pursuant to the United States and South Carolina constitutions and nothing in this motion should be construed as an abandonment of the rights and remedies secured thereby.



---

Aimee J. Zmrozek, Esq. (#77193)  
A.J.Z. Law Firm, LLC  
Attorney for Defendant  
P.O. Box 11961  
Columbia, South Carolina 29211  
t-803.400.1918; f-803.403.8005  
aimee@ajzlawfirm.com

Columbia, South Carolina

This 30 day of November, 2021



# Richland County Fifth Judicial Circuit Public Index



Richland County Home Page Online Payments Public Index City of Columbia Municipal Ct S.C. Judicial Department Summary Ct Dockets

### Switch View

## State of South Carolina vs Troy Christopher Stevenson Jr

Case Number:	2021A4011200382	Court Agency:	Richland County General Sessions	Filed Date:	05/20/2021
Case Type:	Richland-Clerk	Case Sub Type:			
Status:	Pending	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	
Disposition:					
Disposition Date:		Date Received:	05/20/2021	Arrest Date:	05/12/2021
Law Enf. Case:	2104003706	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	0000GS40	Waiver Date:	
Probation Case:					

### Case Parties

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Oxendine, Adam G	5623 Two Notch Road Columbia SC 29223				Officer		05/20/2021
Scott, Christopher Dale	Richland County Judicial Center 1701 Main Street Columbia SC 29201				Prosecuting Attorney		07/14/2021
<input checked="" type="checkbox"/> Stevenson, Troy Christopher Jr	2849 Lucille Dr Columbia SC 29204-2731	Black	M	1995	Defendant		05/20/2021
<input checked="" type="checkbox"/> Zmroczek, Aimee Jendrzejewski	PO Box 11961 Columbia SC 29211				Defendant Attorney		05/25/2021

### Charges

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Stevenson, Troy Christopher Jr	0116-Murder / Murder	0116-Murder / Murder	

### Actions

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Stevenson, Troy Christopher Jr	Order/ setting bd/discovery be provided w/i 10 days 82,83,84	Order		09/03/2021-14:06		
Zmroczek, Aimee Jendrzejewski	8/30/2021_GS MOTIONS_Roster/Notice of Motions Roster Publica	Action		08/18/2021-13:03		
Scott, Christopher Dale	8/30/2021_GS MOTIONS_Roster/Notice of Motions Roster Publica	Action		08/18/2021-13:03		
Stevenson, Troy Christopher Jr	Motion to Compel Discovery & Disclosure of Evidence/HEARD	Motion	GS Motions Mon 8/30/21 @ 2:00 PM via WebEx w/ Judge J.Newman	07/14/2021-08:57	08/30/2021-08:57	
Stevenson, Troy Christopher Jr	Notice of Motion to Compel Discovery & Disclosure of Eviden	Filing		07/14/2021-08:56		
Stevenson, Troy Christopher Jr	Order/ initial bd setting inc 382,383,384 bd denied	Order		06/30/2021-15:13		
Stevenson, Troy Christopher Jr	Filing/Case File	Filing		05/20/2021-10:22		
Stevenson, Troy Christopher Jr	Request for the Disclosure of Evidence in Compliance	Filing		05/17/2021-09:43		
Stevenson, Troy Christopher Jr	Letter/Letter OF REP	Filing		05/17/2021-09:40		

**Exhibit F**  
 "4 pages"

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
 ) FOR THE FIFTH JUDICIAL DISTRICT  
 COUNTY OF RICHLAND )  
 THE STATE, ) 2<sup>nd</sup> MOTION FOR SPEEDY TRIAL  
 )  
 -vs- )  
 )  
 Troy Christopher Stevenson, ) Warrant No's: 2021A4011200382- 384  
 )  
 Defendant )

2024 FEB 14 PM 1:43  
 RICHLAND COUNTY  
 FILED  
 RECEIVED BY: M. McPhee  
 S.C.P., G.S. & H.C.  
 10

TO: Richland County Solicitor's Office , Assistant Solicitor Dale Scott , 1701 Main Street, 3<sup>rd</sup> Floor, Columbia, SC 29201

PLEASE TAKE NOTICE THAT the Defendant Troy Christopher Stevenson, now petitions the court to docket this matter for trial at the first available trial date forthcoming, in guarantee of the Defendant's right to a Speedy Trial pursuant to the South Carolina and United States' Constitutions.

MAY IT PLEASE THE COURT, Now comes Defendant, Troy Christopher Stevenson, by and through his undersigned counsel, Aimee J. Zmroczek, Esq., who respectfully moves this honorable court for a Speedy Trial guaranteed to the Defendant by Article 1, Section 9 of the South Carolina Constitution, and the Sixth and Fourteenth Amendments of the United States Constitution. The Defendant respectfully moves that this case be scheduled for a date certain jury trial either at a pre-trial conference set by the convenience of the court, or within the next six (6) months at the court's direction.

1. The Defendant was arrested on or about May 12, 2021.
2. As of the date of this filing, the State has not docketed this matter for disposition, extended a plea agreement offer, scheduled the case for trial, or dismissed the case.
3. The defendant is entitled to a quick and speedy trial under the South Carolina Constitution. "The fundamental law of this state reserves to each defendant the right to a speedy trial." State v. Dukes, 256 S.C. 218, 222, 182 S.E.2d 286, 287 (1971), citing Art. 1, Sec. 18, of the 1895 Constitution; see also S.C. Const. art. 1, §9.
4. The Defendant is entitled to a quick and speedy trial under the United States Constitution. "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted

with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." U.S. Const. amends. VI, XIV.

The Defendant now does affirmatively assert his right to a Speedy Trial, and respectfully moves this court to guarantee this right, and schedule this matter for a date-certain trial within the six (6) months.

A handwritten signature in black ink, appearing to be 'Aimee J. Zmroczek', written over a horizontal line.

Aimee J. Zmroczek  
A.J.Z. Law Firm, LLC  
P.O. Box 11961  
Columbia, SC 29211  
(803) 400-1918  
Attorney for the Defendant

Columbia, South Carolina

Dated: February 14, 2024

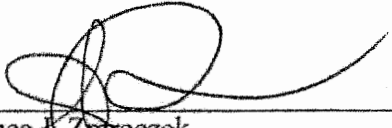
STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	
	)	
THE STATE,	)	
	)	NOTICE OF MOTION AND
-vs-	)	MOTION TO SET BOND
	)	
Troy Christopher Stevenson,	)	Warrant # 2021A4011200382- 384
<u>Defendant.</u>	)	

TO: Richland County Solicitor's Office , Assistant Solicitor Dale Scott , 1701 Main Street, 3<sup>rd</sup> Floor, Columbia, SC 29201

PLEASE TAKE NOTICE THAT on the next day after service or as soon thereafter as this matter may be heard, the attorney for Defendant will move before the presiding Circuit Court Judge for an Order setting bond on the above captioned charges for which the Defendant is presently being detained. Bond has either not been set or denied by the Magistrate.

WHEREFORE the Defendant prays that a bond be granted.

Respectfully submitted,

  
 \_\_\_\_\_  
 Aimee J. Zubroczek  
 A.J.Z. Law Firm, LLC  
 P.O. Box 11961  
 Columbia, SC 29211  
 (803) 400-1918  
 Attorney for the Defendant

Columbia, South Carolina


Dated: February 14, 2024

RICHLAND COUNTY  
 FILED  
 2024 FEB 14 PM 1:43

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
 )  
 COUNTY OF RICHLAND )  
 )  
 THE STATE, )  
 )  
 -vs- ) CERTIFICATE OF SERVICE  
 )  
 )  
 Troy Christopher Stevenson, ) Warrant # 2021A4011200382- 384  
 Defendant. )

I certify that, on this date, I served a copy of the Motion for Bond dated February 14, 2024 by email, addressed as follows:

Dale Scott  
 Scott.Dale@richlandcountysc.gov  
 1701 Main Street-3rd Floor  
 Columbia, SC 29201

  
 Christina Metze

Columbia, South Carolina

Dated: February 14, 2024

RICHLAND COUNTY  
 FILED  
 2024 FEB 14 PM 1:43  
 Clerk of Court  
 11

---

**BALLISTICS REPORT FOR TROY STEVENSON - 2021a401200382-384**

4 messages

---

**SHARON WILSON** <WILSON.SHARON@richlandcountysc.gov>

Fri, Mar 22, 2024 at 10:39 AM

To: "ajzlawfirm@gmail.com" <ajzlawfirm@gmail.com>

Cc: DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>, NICOLAS FOWLER

<FOWLER.NICOLAS@richlandcountysc.gov>, JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>

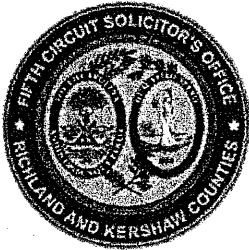
Please confirm receipt.

Thanks.

Sharon

Exhibits  
(4 pages)

**Sharon Wilson**



Supervisor of Data Entry & Paralegal

Fifth Judicial Circuit Solicitor's Office

1701 Main Street, Suite 302 • P.O. Box 192 (29202)

Columbia, South Carolina 29201

Phone: 803.576.1828 • Fax: 803.576.1718

---

3 attachments



image001.jpg  
57K

 2104003706-Initial Firearms Report.pdf  
466K

 2104003706-Note 1-NIBIN Entry Notification.pdf  
112K

To: SHARON WILSON <WILSON.SHARON@richlandcountysc.gov>  
Cc: DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>, NICOLAS FOWLER  
<FOWLER.NICOLAS@richlandcountysc.gov>, JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>

How much more new discovery and I going to get? Also...i need the original cdrs still don't have and still don't have the info that map with the circles. I'm filing a motion to compel and dismiss today  
Sent from my iPhone

On Mar 22, 2024, at 10:40 AM, SHARON WILSON <WILSON.SHARON@richlandcountysc.gov> wrote:

**Please confirm receipt.**

Thanks.

Sharon

<image003.jpg>

**Sharon Wilson**

Supervisor of Data Entry & Paralegal

Fifth Judicial Circuit Solicitor's Office

1701 Main Street, Suite 302 • P.O. Box 192 (29202)

Columbia, South Carolina 29201

Phone: 803.576.1828 • Fax: 803.576.1718

<2104003706-Initial Firearms Report.pdf>

<2104003706-Note 1-NIBIN Entry Notification.pdf>

---

DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>

Fri, Mar 22, 2024 at 11:03 AM

To: Aimee Zmroczek <aimee@ajzlawfirm.com>, SHARON WILSON <WILSON.SHARON@richlandcountysc.gov>

Cc: NICOLAS FOWLER <FOWLER.NICOLAS@richlandcountysc.gov>, JOSEPH KREUSH

<KREUSH.JOSEPH@richlandcountysc.gov>

You knock yourself out with that. Would you prefer we stop sending discovery to you?



## Dale Scott

First Assistant Solicitor

Fifth Judicial Circuit

1701 Main Street, Suite 302 • P.O. Box 192 (29202)

Columbia, South Carolina 29201

Phone: 803.576.1521 • Fax: 803.576.1718

**From:** Aimee Zmroczek <ajzlawfirm@gmail.com> **On Behalf Of** Aimee Zmroczek  
**Sent:** Friday, March 22, 2024 10:43 AM  
**To:** SHARON WILSON <WILSON.SHARON@richlandcountysc.gov>  
**Cc:** DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>; NICOLAS FOWLER <FOWLER.NICOLAS@richlandcountysc.gov>; JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>  
**Subject:** Re: BALLISTICS REPORT FOR TROY STEVENSON - 2021a401200382-384

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[Quoted text hidden]

---

**Aimee Zmroczek** <aimee@ajzlawfirm.com> Fri, Mar 22, 2024 at 12:52 PM  
**To:** DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>  
**Cc:** SHARON WILSON <WILSON.SHARON@richlandcountysc.gov>, NICOLAS FOWLER <FOWLER.NICOLAS@richlandcountysc.gov>, JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>

no I would prefer you send me all the discovery

A. J. Z.



Aimee J. Zmroczek, Esq.  
A.J.Z. Law Firm, LLC  
Mailing Address:  
P.O. Box 11961  
Columbia, SC 29211  
**Physical Address**  
2003 Lincoln Street  
Columbia, South Carolina 29201  
Phone: (803) 400-1913 Fax: (803) 403-8005  
E-mail: [ajzlawfirm@gmail.com](mailto:ajzlawfirm@gmail.com)  
website: [www.ajzlawfirm.com](http://www.ajzlawfirm.com)

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[Quoted text hidden]

**State v. Stevenson**

4 messages

**DALE SCOTT** <SCOTT.DALE@richlandcountysc.gov>

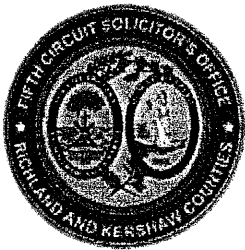
Tue, Apr 2, 2024 at 12:12 PM

To: Aimee Zmroczek <aimee@ajzlawfirm.com>

Cc: NICOLAS FOWLER <FOWLER.NICOLAS@richlandcountysc.gov>, SHARON WILSON

<WILSON.SHARON@richlandcountysc.gov>, JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>

We went to the impound lot to look at Ashley Carter's black Honda Accord last week. Let me know if you need for us to arrange for you to do the same.



**Dale Scott**

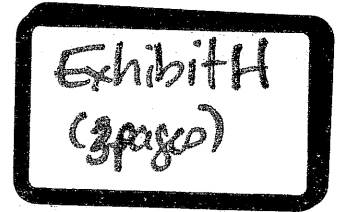
First Assistant Solicitor

Fifth Judicial Circuit

1701 Main Street, Suite 302 • P.O. Box 192 (29202)

Columbia, South Carolina 29201

Phone: 803.576.1521 • Fax: 803.576.1718



**Aimee Zmroczek** <aimee@ajzlawfirm.com>

Tue, Apr 2, 2024 at 12:35 PM

To: DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>

Cc: NICOLAS FOWLER <FOWLER.NICOLAS@richlandcountysc.gov>, SHARON WILSON

<WILSON.SHARON@richlandcountysc.gov>, JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>

yes

A. J. Z.



Aimee J. Zmroczek, Esq.

A.J.Z. Law Firm, LLC

Mailing Address:

P.O. Box 11961

Columbia, SC 29211

**Physical Address**

2003 Lincoln Street

Columbia, South Carolina 29201

Phone: (803) 400-1918 Fax: (803) 403-8005  
E-mail: [ajzlawfirm@gmail.com](mailto:ajzlawfirm@gmail.com)  
website: [www.ajzlawfirm.com](http://www.ajzlawfirm.com)

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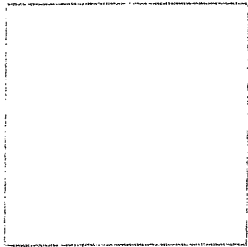
**Find A.J.Z. Law Firm on Facebook and Instagram. If you are happy with our service please post a review on Google.**

[Quoted text hidden]

---

**DALE SCOTT** <[SCOTT.DALE@richlandcountysc.gov](mailto:SCOTT.DALE@richlandcountysc.gov)> Tue, Apr 2, 2024 at 1:51 PM  
To: Aimee Zmroczek <[aimee@ajzlawfirm.com](mailto:aimee@ajzlawfirm.com)>  
Cc: NICOLAS FOWLER <[FOWLER.NICOLAS@richlandcountysc.gov](mailto:FOWLER.NICOLAS@richlandcountysc.gov)>, SHARON WILSON <[WILSON.SHARON@richlandcountysc.gov](mailto:WILSON.SHARON@richlandcountysc.gov)>, JOSEPH KREUSH <[KREUSH.JOSEPH@richlandcountysc.gov](mailto:KREUSH.JOSEPH@richlandcountysc.gov)>

You're going to have to give me a more responsive reply than that



**Dale Scott**

First Assistant Solicitor  
Fifth Judicial Circuit

1701 Main Street, Suite 302 • P.O. Box 192 (29202)  
Columbia, South Carolina 29201  
Phone: 803.576.1521 • Fax: 803.576.1718

**From:** Aimee Zmroczek <[aimee@ajzlawfirm.com](mailto:aimee@ajzlawfirm.com)>  
**Sent:** Tuesday, April 2, 2024 12:35 PM  
**To:** DALE SCOTT <[SCOTT.DALE@richlandcountysc.gov](mailto:SCOTT.DALE@richlandcountysc.gov)>  
**Cc:** NICOLAS FOWLER <[FOWLER.NICOLAS@richlandcountysc.gov](mailto:FOWLER.NICOLAS@richlandcountysc.gov)>; SHARON WILSON <[WILSON.SHARON@richlandcountysc.gov](mailto:WILSON.SHARON@richlandcountysc.gov)>; JOSEPH KREUSH <[KREUSH.JOSEPH@richlandcountysc.gov](mailto:KREUSH.JOSEPH@richlandcountysc.gov)>  
**Subject:** Re: State v. Stevenson

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[Quoted text hidden]

**Aimee Zmroczek** <aimee@ajzlawfirm.com>

Tue, Apr 2, 2024 at 2:04 PM

To: DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>

Cc: NICOLAS FOWLER <FOWLER.NICOLAS@richlandcountysc.gov>, SHARON WILSON  
<WILSON.SHARON@richlandcountysc.gov>, JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>

Yes, I would have liked to look at the evidence when you did- since I have previously asked to see all the evidence. Please set up a viewing for me and my staff this week or provide me the number of the person I need to call to set up viewing all the evidence that I previously requested to see, I have available time thursday afternoon and friday. THANK YOU

A. J. Z.



Aimee J. Zmroczek, Esq.

A.J.Z. Law Firm, LLC

Mailing Address:

P.O. Box 11961

Columbia, SC 29211

**Physical Address**

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Columbia, South Carolina 29201

Phone: (803) 400-1918 Fax: (803) 403-8005

E-mail: [ajzlawfirm@gmail.com](mailto:ajzlawfirm@gmail.com)

website: [www.ajzlawfirm.com](http://www.ajzlawfirm.com)

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Virus-free.[www.avg.com](http://www.avg.com)

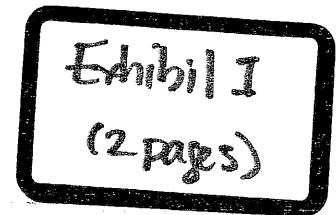
[Quoted text hidden]

the sender and know the content is safe.

As we have previously discussed...phine and social media downloads DO NOT DOWNLOAD to evidence.com. Which is why we dropped a hard drive off before. Please provide this with a hard drive immediately as this is the over 30th time you have requested this information

Sent from my iPhone

On Apr 3, 2024, at 12:19 AM, Oxendine, A G <AGOXENDINE@rcsd.net> wrote:



**From:** DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>  
**Sent:** Tuesday, April 2, 2024 3:50 PM  
**To:** 'Aimee Zmroczek' <aimee@ajzlawfirm.com>; NICOLAS FOWLER <FOWLER.NICOLAS@richlandcountysc.gov>; JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>; SHARON WILSON <WILSON.SHARON@richlandcountysc.gov>  
**Cc:** Oxendine, A G <AGOXENDINE@RCSD.NET>; Jordan, Taima <TJordan@RCSD.NET>  
**Subject:** RE: stevenson please confirm

Going to the requests regarding security camera videos:

1. The "complete download of video retrieved from 200 Devoe Dr" is the 43<sup>rd</sup> entry in evidence.com. It is uploaded by Brandon Rast. This entry contains multiple camera angles.
2. "video from 204 Devoe Drive in the correct viewable format" is the 45<sup>th</sup> entry in evidence.com. It is also uploaded by Brandon Rast.
3. "video from 205 Devoe Drive as stated in Oxendine report (pg. 29)" I don't know what this is but I will check with Oxendine
4. "video referenced by Inv. Oxendine at ESX Company located on Fontaine Rd." I believe this is the video that we have been calling the Warner Drive video and it should have already been provided but it is attached nevertheless.
5. Video referenced to seeing black car slow down in front of 209 Devoe Dr". You have this video and it is the 45<sup>th</sup> entry in evidence.com. Again, there are multiple angles from this address.

As pertains to interview videos:


1. Troy Stevenson interview: We just found out yesterday that this does exist and I suspect the sheriff's department will give us a copy. In the process of being recovered. Due to the time frame it was archived.
2. Jasmine Martin written statement as seen on video: We will reach out to the sheriff's department and see if they have this. She did not write a statement it was only verbal. What she is writing down are the questions we are asking her.

As pertains to Facebook Data:

1. Raw Facebook Data pertaining to Jamaree Jeffcoat this was uploaded and sent off to Evidence.com.
2. Raw Facebook Data pertaining to Jalanda Tobias This is on evidence.com
3. Raw Facebook Data pertaining to Johnique Tobaias
4. Raw Facebook Data pertaining to Tamira Jackson
5. Raw Facebook Data pertaining to Makala Jackson

As pertains to Cell Phone Records Cell Phone Records

1. I think we were given some kind of phone records last week for Jamaree Jeffcoat which we should have forwarded to you but if not, Sharon will be here tomorrow This is on evidence.com
2. I will check with the sheriff's department on the unidentified number 803) 569-0099
3. I will check with sheriffs department regarding Donell Benson phone dump Sent request to Tech Services for this.
4. I will check with sheriffs department regarding Antonio Barnes dump Sent request to tech services for this.

 image001.png

**Dale Scott**

First Assistant Solicitor

Fifth Judicial Circuit

1701 Main Street, Suite 302 • P.O. Box 192 (29202)

Columbia, South Carolina 29201

Phone: 803.576.1521 • Fax: 803.576.1718

**From:** Aimee Zmroczek <aimee@ajzlawfirm.com>

**Sent:** Tuesday, April 2, 2024 2:14 PM

**To:** DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>; NICOLAS FOWLER <FOWLER.NICOLAS@richlandcountysc.gov>; JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>; SHARON WILSON <WILSON.SHARON@richlandcountysc.gov>

**Subject:** stevenson please confirm

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Recent discovery questions

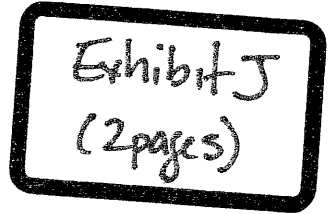
messages

Aimee Zmroczek <aimee@ajzlawfirm.com>

Wed, Apr 24, 2024 at 2:37 AM

To: Christopher Dale Scott <Scott.Dale@richlandcountysc.gov>, NICOLAS FOWLER FOWLER.NICOLAS@richlandcountysc.gov>, "Mr. Joe Kreush" KREUSH.JOSEPH@richlandcountysc.gov>

- 1) Why am I just receiving discovery that is dated from 2021?
- 2) What is the name of the officer that conducted the video interview of Tory?
- 3) where are his handwritten notes?



A. J. Z.



Aimee J. Zmroczek, Esq.

A.J.Z. Law Firm, LLC

Mailing Address:

P.O. Box 11961

Columbia, SC 29211

**Physical Address**

2003 Lincoln Street

Columbia, South Carolina 29201

Phone: (803) 400-1918 Fax: (803) 403-8005

E-mail: [ajzlawfirm@gmail.com](mailto:ajzlawfirm@gmail.com)

website: [www.ajzlawfirm.com](http://www.ajzlawfirm.com)

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DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>

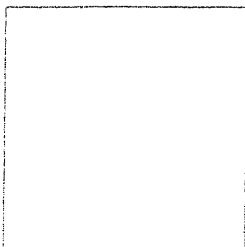
Wed, Apr 24, 2024 at 10:2

A

To: Aimee Zmroczek <aimee@ajzlawfirm.com>, NICOLAS FOWLER FOWLER.NICOLAS@richlandcountysc.gov>, JOSEPH KREUSH

The answers to your questions are as follows (using your same numerical identifiers):

- 1) Better late than never. We send discovery to you as soon as we are made aware of it and as soon as we receive or as soon as practical
- 2) Taima Jordan
- 3) I don't know but I have sent an email asking him



**Dale Scott**

First Assistant Solicitor

Fifth Judicial Circuit

1701 Main Street, Suite 302 • P.O. Box 192 (29202)

Columbia, South Carolina 29201

Phone: 803.576.1521 • Fax: 803.576.1718

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**From:** Aimee Zmroczek <aimee@ajzlawfirm.com>

**Sent:** Wednesday, April 24, 2024 2:38 AM

**To:** DALE SCOTT <SCOTT.DALE@richlandcountysc.gov>; NICOLAS FOWLER <FOWLER.NICOLAS@richlandcountysc.gov>; JOSEPH KREUSH <KREUSH.JOSEPH@richlandcountysc.gov>

**Subject:** recent discovery questions

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[Quoted text hidden]

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of General Sessions

Daniel Coble, Circuit Court Judge

Indictment Nos.: 2022GS4001884

The State,

Respondent,

v.

Troy Christopher Stevenson,

Appellant.

NOTICE OF APPEAL

Troy Christopher Stevenson appeals the conviction(s) and sentence(s) in these cases. The sentences were imposed by the Honorable Daniel Coble on May 23, 2024.

May 29, 2024



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Aimee J. Zmroczek, Esq.

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Columbia, South Carolina 29211

Telephone: 803-400-1918

Fax: 803-403-8005

[aimee@ajzlawfirm.com](mailto:aimee@ajzlawfirm.com)

Attorney for Appellant

Other Counsel of Record:

Dale Scott  
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Attorney for Respondent

**RECEIVED**

**Dec 17 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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

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State of South Carolina ..... Respondent,

vs

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

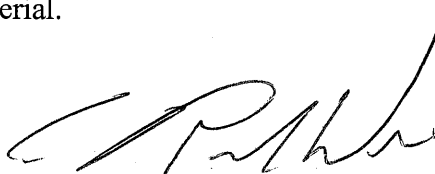
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CERTIFICATE OF COUNSEL

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The undersigned hereby certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

12-17, 2025



C. RAUCH WISE  
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Attorney for Appellant