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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Alex Kinlaw, Jr., Circuit Court Judge

THE STATE,

RESPONDENT

V.

TYRIESE N. ROBINSON,

APPELLANT

APPELLATE CASE NO. 2024-000963

RECORD ON APPEAL

WANDA H. CARTER
Chief Appellate Defender
South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

MELODY J. BROWN
Senior Assistant Attorney General

KYLEE KANEALEY
Assistant Attorney General
S.C. Bar No. 107060

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina
Phone: 803-734-3737

CINDY S. CRICK
Solicitor, Thirteenth Judicial Circuit
305 E. North Street
Greenville, South Carolina 29601
(864) 467-8647

ATTORNEYS FOR RESPONDENT

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 1 (HIGHLAND SQUARE APT. SURVEILLANCE VIDEO)
STATE’S EXHIBIT NO. 2 (9-1-1 CALL CD)
STATE’S EXHIBIT NO. 122 (EVA GIPSON AFF. OF PHOTO ID)
STATE’S EXHIBIT NO. 123 (JERMIKA GIPSON AFF. OF PHOTO ID)
STATE’S EXHIBITS 154-168 (PHOTOGRAPHS)

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2021-GS-23-08420
COUNTY OF GREENVILLE	)	2021-GS-23-08418
	)	
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
TYRIESE N. ROBINSON,	)	
DEFENDANT.	)	
	)	

May 28, 29, 30, 31, 2024
Greenville, South Carolina

B E F O R E:

THE HONORABLE ALEX KINLAW, JR., JUDGE

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

WILLIAM RYAN HOLLOWAY, ESQ.
EDWARD W. MILLER, ESQ.
Attorney for the Plaintiff

JUSTIN MARTIN KATA, ESQ.
Attorney for the Defendant

CHERYL A. SMITH
Circuit Court Reporter

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

Monday, May 28, 2024.

(WHEREUPON, proceedings commenced at 1:32 PM; State's

Exhibits 1 and 2 are marked for identification.)

THE COURT: Let's go on the record just for a couple of administrative matters. This is in the interest of the State vs. Tyriese Robinson.

That's you, Mr. Robinson?

DEFENDANT ROBINSON: Yes, sir.

THE COURT: How are you doing today?

DEFENDANT ROBINSON: I'm doing all right. How about you?

THE COURT: Good, good.

I've got three indictments, gentlemen. One of them is an indictment for murder, I've got an indictment for conspiracy, and I've got on indictment for possession of a weapon during a violent crime, and lastly, I've got one for possession of a firearm by a person convicted of a violent crime. Moving forward on all four of those?

MR. HOLLOWAY: Your Honor, the State is going to move forward just on Indictments 8420 and 8418. It's murder and possession of a weapon.

THE COURT: All right. 8420 and 8418. So I'm going to give these back to you, Madam Clerk, to hold onto the two that we're not moving forward on.

1 just a firearm.

2 THE COURT: Now, when I use the words "Smith &
3 Wesson," it wasn't on the murder charge. It was on the
4 possession of a weapon charge.

5 MR. HOLLOWAY: Yes, sir.

6 THE COURT: So we're not going forward on this
7 indictment at all.

8 MR. HOLLOWAY: Well ---

9 THE COURT: You know what? Smith & Wesson, you
10 didn't have Smith & Wesson written out. You had S&W and I
11 took it upon myself to say that's Smith & Wesson. If I
12 was wrong about that, let me know.

13 MR. HOLLOWAY: In the alternative, the State would
14 ask simply to amend that indictment and leave it as just a
15 firearm.

16 THE COURT: All right. But still go forward on both.

17 MR. HOLLOWAY: Yes, sir.

18 THE COURT: All right. It depends upon the outcome.
19 It will be moot anyway.

20 MR. HOLLOWAY: Yes, sir.

21 THE COURT: Mr. -- I want to make sure I pronounce
22 your name right.

23 MR. KATA: I pronounce it Kata, Your Honor.

24 THE COURT: Kata?

25 MR. KATA: Kata, Your Honor.

1 THE COURT: Yes, sir. You understood what he was
2 talking about. ■

3 MR. KATA: I do understand. I was talking to my
4 client, too. Their request is to amend the indictment and
5 go forward on both. Is that their final request?

6 MR. HOLLOWAY: Yes, yes.

7 THE COURT: Yeah. And just not refer to the weapon
8 as a Smith & Wesson because they don't really know what
9 kind of weapon. Am I right?

10 MR. HOLLOWAY: Yes, sir.

11 MR. KATA: Let me speak with my client briefly. Beg
12 the Court's indulgence.

13 ■ (Pause in proceedings.)

14 MR. KATA: Your Honor, we have no objection.

15 THE COURT: Okay.

16 MR. KATA: Your Honor, if I could use the restroom
17 really fast before we just -- thank you.

18 (WHEREUPON, a recess is taken at 2:24 PM.)

19 THE COURT: Can I see y'all up here for a second?
20 sidebar.

21 (WHEREUPON, a bench conference was held off the record.)

22 THE COURT: Bring Juror Number 49.

23 (WHEREUPON, Juror Number 49 enters the courtroom at

24 2:34 p.m.)

25 THE COURT: We're on the record. I have been advised

1 And I try to be as expeditious as I can in getting you
2 back out here and dealing with the issue that's before me.

3 So if, during the course of the trial, you might from
4 time to time look up and look at my face and see I'm
5 twitching my nose or my eyes or something like that,
6 please, ma'am, please, sir, do not interpret that that
7 means that I have an opinion about this case, because I do
8 not. I do not have an opinion about the facts of the
9 case. As a matter of fact, I'm prohibited if I have an
10 opinion regarding the facts of the case.

11 So who does have an opinion about the facts of the
12 case and where does that realm go? Well, it goes to the
13 second judge. And you might say, well, who is the second
14 judge? The second judge is all of you.

15 And there's two things that you brought with you when
16 you came into the courthouse today. Hopefully you brought
17 with you your car keys. But the second thing I know you
18 brought with you is your common sense and your life
19 experiences. All of you have had life experiences. All
20 of you have had common sense and you know how to use it.
21 You didn't leave it in the car. So you're the judge of
22 the facts in the case.

23 Now, as your duty as the judge of the facts in the
24 case, what's your duty? Let me tell you exactly what it
25 is. You're going to be presented with a lot of testimony

1 during this trial, and you're going to be presented with a
2 lot of evidence during this trial. And the witness will,
3 in all likelihood, testify from this witness stand to my
4 left.

5 All right. How do you judge the credibility of a
6 witness's testimony? You could believe some of what a
7 witness says to you, none of what a witness says to you,
8 or you can believe some and not the others. In other
9 words, believability is in your purview as the judge of
10 the facts. That's your job. You determine that.

11 Now, as it relates to evidence that's presented to
12 you in terms of photos, videos, pictures, anything of that
13 nature, you apply the same litmus test that you would do
14 as you were analyzing the testimony of a witness. In
15 other words, you could look at a picture or look at a
16 diagram or whatever, video, and you can believe everything
17 you just saw, some of what you just saw, or none of what
18 you just saw. All of that is within your realm as the
19 judge of the facts.

20 There's going to be two kinds of evidence that will
21 be presented to you. It will be circumstantial evidence
22 and there may be also direct evidence. These lawyers may
23 reference that during the course of the trial. But at the
24 end of the trial, I will define what is circumstantial
25 evidence and what is direct evidence.

1 Now, the burden in a criminal case, and I said that
2 earlier, falls squarely on the shoulders of the State.
3 The State must prove the elements upon which this
4 defendant, Mr. Robinson, is charged. Whatever offenses
5 he's charged with, the State must prove the elements of
6 the offense and satisfy you beyond a reasonable doubt as
7 to the defendant's guilt. So as Mr. Robinson sits over
8 there right now, he has a cloak of innocence around him
9 until only you -- only you the jury can remove that cloak
10 of innocence from around him.

11 And you're not to begin any deliberations in your
12 head, among each other or any kind at all until the case
13 is over with and all the evidence has been presented to
14 you and I've instructed the foreman to begin
15 deliberations. And he will preside over the deliberations
16 at that time. Other than that, you're not to do so until
17 I instruct you what the law is and instruct you to do so.

18 In a minute or so, these lawyers are going to give
19 you what is called opening statements. And I always
20 describe opening statements in this way. There are
21 several ways to get to New York. You can go that way, you
22 can go that way, but at the end of the day, New York is
23 still where New York is. So the lawyers are going to tell
24 you what they think the evidence will show and where it's
25 going to lead. That's their opening statement. All

1 right. But at the end of the trial, the same lawyers are
2 going to get up there and tell you after all the evidence
3 has been received and you've heard all the witness'
4 testimony, they're going to tell you what they think in
5 their minds, in their opinion as to what the evidence did
6 show. But neither opening statements or closing
7 statements are considered evidence. They're just a
8 lawyer's opinion as to what they think the evidence will
9 show.

10 So I'm going to turn that over to the State and I
11 will turn it over to defense counsel.

12 Are you ready to proceed?

13 MR. MILLER: Yes, Your Honor.

14 THE COURT: All right. Mr. Miller.

15 MR. MILLER: May it please the Court.

16 THE COURT: Yes, sir.

17 OPENING STATEMENTS

18 MR. MILLER: Good afternoon. A bit of a long time.
19 We're here. We're starting. You heard earlier, my name
20 is Walker Miller, and I'm assistant solicitor in the 13th
21 Circuit Solicitor's Office. And that is Ryan Holloway,
22 Sonya Browning, investigator we get to work with, and
23 Investigator John Garrett with the Greenville County
24 Sheriff's Office.

25 And so assistant solicitor, some of you may know

1 this, some may not, may have heard under the different
2 frame of a district attorney or a prosecutor. And what
3 that means is that Ryan and I, we represent the State of
4 South Carolina in criminal matters which is what His Honor
5 laid out earlier is that we're here in the criminal matter
6 of the State of South Carolina vs. Tyriese Robinson on the
7 charges of murder and possession of a weapon during the
8 commission of a violent crime. So we'll talk about those
9 points of law a little bit. We'll briefly kind of talk
10 about over what you can expect to hear as we go through
11 this opening statement. I promise I'll try and keep it
12 brief. And people probably thinking a lawyer's going to
13 keep it brief, but I promise I'll try to.

14 So we're going to go back in time a little bit to
15 September 26th of 2020 at the Highland Square Apartments.
16 And that is the day that we're going to be focused on and
17 that's the location. And that is where we intend to prove
18 to you that the defendant, Tyriese Robinson, shot and
19 killed the victim, Jermaine Gipson, in this case.

20 And we'll prove this to you through a variety of
21 different types of evidence. It can be -- there could be
22 pictures, there could be video, there can be logs. But
23 evidence also comes from the witness stand, when people go
24 on the stand, go under oath and tell you what they know
25 about what happened. That is also evidence that you can

1 give the same weight, more weight or anything to. And
2 that's for you to decide as jurors. That's what makes you
3 the trier of fact just as Your Honor was just speaking
4 about, that y'all give the weight as to what you want to
5 do to each piece of evidence or witness testimony.

6 So let's talk a little bit about -- get this out of
7 my way a little bit -- about the law. We'll start with
8 possession of a weapon during the commission of a violent
9 crime. What that means is is that a violent crime was
10 committed and that the person who committed it used a
11 weapon in the commission of that crime. South Carolina
12 Code of Law has defined murder as a violent crime.

13 So if someone is found to be convicted of murder,
14 then they could see it was a weapon used in the commission
15 of that murder. A firearm has been defined as a weapon.
16 So break it down to was a firearm used in the murder.
17 That's possession of a weapon during the commission of a
18 violent crime.

19 Murder is the killing of another person with malice
20 aforethought which is either expressed or implied. Break
21 it down a little bit. One person kills another person,
22 the malice aforethought which would then turn into an
23 unlawful killing and turn it into a murder.

24 Malice means a meanness. It means an ill will, a
25 depraved heart.

1 Aforethought is that the malice exists just before
2 and at the time of the killing. It doesn't mean that it
3 has to be a long, drawn-out plan. It can be that but it
4 doesn't have to be. Malice can form in the snap of a
5 finger. It can form that fast. It just has to exist just
6 before and at the time. ■

7 And that malice aforethought is either expressed or
8 implied. Expressed would mean evidence was to be
9 presented to you that would say, it's a person said, "I'm
10 going to kill you." They've expressed the malice.

11 Implied comes from the circumstances that is
12 presented to you, the circumstances of the killing when
13 you look at it shows an ill will or meanness from that
14 person to the other person. Because there isn't always a
15 case where the evidence says the person just says "I'm
16 going to kill you" and then immediately kills the person.
17 So you can take the circumstances of how it occurs to
18 determine whether or not the malice existed.

19 There's another point of law to go over, especially
20 when more than one person is involved in a crime. And
21 it's called the hand of one is the hand of all. What that
22 means is when there's more than one person and they're
23 working together, that the actions of one person applies
24 to everybody else because they're all working together to
25 accomplish the same goal. What that means and how you can

1 think about it in the context of if it's a murder is if
2 two people take one person down some railroad tracks,
3 there's one firearm, the person they took down and shot
4 one time, only one person pulled the trigger. The hand of
5 one, hand of all with them working together, it is as if
6 both of those persons' fingers were on the trigger. And
7 it's not necessary to say this is the exact person, just
8 that these were the two people working together to do this
9 and that the hand of one is the hand of all.

10 You can think of it in the context also of a bank
11 robbery. The getaway driver is just as responsible for
12 the robbery as the person who goes in the bank. Okay.
13 They're all responsible for the actions of everybody. And
14 that's the hand of one is the hand of all.

15 Now, it's our burden, the State's burden, and it lies
16 solely at this table to prove these elements to you beyond
17 a reasonable doubt. So I want to talk a little bit about
18 what is and what beyond a reasonable doubt is not.

19 Beyond a reasonable doubt is not 100 percent
20 certainty. It is not beyond all doubt, any doubt.
21 Because there are very few things that are 100 percent
22 certain. If we think about it, there's really very few
23 things that everybody can say this is 100 percent. And
24 that's not the standard that we have to meet. Okay.
25 That's all known in a way as a doubt to which reason can

1 attach. A reasonable doubt, a burden or a bar of
2 reasonableness. That's more beyond a reasonable doubt.

3 When you hear they talk about under the law a little
4 bit as well, it will say is a doubt that causes you to
5 hesitate to act. Now, that doesn't mean that while once
6 the evidence is presented to you and you receive it to
7 begin your deliberations that if you have a question or
8 you want to talk about something and go through it and
9 you're saying I'm not quite ready to say this is my
10 decision, that is not you're hesitating to act. That is
11 you fulfilling your oath as a juror and evaluating the
12 evidence that has been presented to you. That is what we
13 all would like for you to do in this case is to go through
14 the evidence, evaluate it and talk about it. That is not
15 hesitating to act. But it's after you've had those
16 discussion and you've gone through it that if you are then
17 firmly convinced in your decision, then you are beyond a
18 reasonable doubt. When you're firmly convinced, we all
19 know when we're firmly convinced of something, we know it
20 to be true. And there might be some other question or
21 something out there. Because remember, it's not every
22 question has an answer. It's not every concern can be
23 addressed because that would be 100 percent. But are you
24 firmly convinced.

25 And what we're going to ask you to find, that the

1 defendant's guilty. And if you find yourself firmly
2 convinced, then you would be beyond a reasonable doubt.

3 Now, kind of the next question. How do you know when
4 you're sort of firmly convinced? Well, as Your Honor
5 alluded to, you're not allowed to bring a lot of things in
6 the courthouse, let alone the courtroom. But the two
7 things that everybody brings with them wherever they go,
8 your common sense and your life experience. Those are
9 your guiding lights as you go through these new waters of
10 sitting on a jury in a murder trial. Your common sense is
11 vital. Your life experience is vital when you evaluate
12 this evidence and you apply it to beyond a reasonable
13 doubt. Those are your two guiding lights.

14 And we are going to be here for a few days, and we do
15 understand this is an interruption from what everybody had
16 going on. And you get a summons in the mail, call
17 somebody, how do I get out of this? How do I get out?
18 What do I do? You know, being here, I'll get those calls
19 from people, and I'll tell people, no, you need to go.
20 It's very important and it's very vital to have people on
21 a jury. And so while we understand over these next few
22 days this is different than what each and every one of you
23 probably had planned, an unexpected interruption to your
24 life, but we greatly thank you for your time and your
25 service and your attention in this matter.

1 Thank you.

2 THE COURT: Mr. Kata.

3 MR. KATA: Thank you, Your Honor. May it please the
4 Court.

5 Good afternoon ladies and gentlemen. I'd like to
6 start talking about what I actually agree with the State
7 about. I agree that they have the total burden to prove
8 every element of each charge beyond a reasonable doubt. I
9 agree with that 100 percent. But not only do they have to
10 prove every element, and in this case an unlawful killing
11 with malice aforethought, they also have to affirmatively
12 prove beyond a reasonable doubt that Mr. Robinson is the
13 person that committed that crime. And I submit to you,
14 ladies and gentlemen, that they will fail that burden.

15 You're going to hear a lot about what happened.
16 You're going to see a lot that happened. You're going to
17 see that someone is described as a black male wearing a
18 red T-shirt. You're probably going to hear that over and
19 over and over again. But, ladies and gentlemen, that's
20 not Mr. Robinson.

21 Please, evaluate the evidence. Listen to it. Look
22 at it. See what supports it. See what doesn't support
23 it. Does objective, real evidence support that
24 Mr. Robinson is the person that they're talking about or
25 is it evidence that's based on, understandable, emotional

1 speculation by those that are involved? There's a
2 difference in that. There's a difference between
3 objective, tangible evidence and emotional speculation
4 about who did this.

5 Please, listen to the evidence with a skeptical ear.
6 Watch everything. I know you will. Okay. This is a big
7 deal. It's a big deal to everyone in this room,
8 especially Mr. Robinson. And I submit that, at the end of
9 all the evidence, there will only be one conclusion, that
10 the State has failed their burden to prove beyond a
11 reasonable doubt that Mr. Robinson committed these
12 crimes.

13 Thank you.

14 THE COURT: All right. Thank you, Counsel.

15 State's ready to call its first witness?

16 MR. MILLER: Yes, Your Honor. The State calls
17 Leroysha Turner.

18 THE COURT: All right.

19 THE CLERK: Please pause here at the bench and raise
20 your right hand. Place your left hand on the Bible.

21 WHEREUPON,

22 LEROYSHA TURNER

23 After having been duly sworn, testified as follows:

24 THE CLERK: Thank you. You may be seated. And
25 please state your full name for the record.

1 THE WITNESS: Leroysha Janielle Turner.

2 DIRECT EXAMINATION.

3 BY MR. MILLER:

4 Q Good afternoon, Ms. Turner.

5 A Good afternoon.

6 Q Ms. Turner, where are you employed?

7 A Highland Square Apartments.

8 Q And I'll ask if you can speak into the microphone
9 just a little bit.

10 THE COURT: Speak up a little. Pull up your seat.
11 Pull up a little bit.

12 THE WITNESS: Highland Square Apartments.

13 BY MR. MILLER:

14 Q Perfect. Thank you.

15 What is your role at Highland Square Apartments?

16 A Property manager.

17 Q What County is that in?

18 A Greenville County.

19 Q How long have you been the manager?

20 A 12 years.

21 Q What are your responsibilities as the manager?

22 A To manage the assets of the community, collect rents,
23 move-ins, move-outs, security deposits.

24 Q And are there security cameras at the -- it's an
25 apartment complex?

1 A Yes, it is.

2 Q Are there security cameras there?

3 A Yes.

4 Q As the manager, are you the person over the security
5 footage?

6 A Yes. Myself and the maintenance team.

7 Q And how do you access the security footage?

8 A We have to enter in a password.

9 Q A password?

10 A Uh-huh.

11 Q Do you have that password?

12 A Yes.

13 Q So if somebody ever needed to pull any type of
14 footage, are you the person they would come talk to?

15 A They will come and talk to me, yes.

16 Q Were you the manager on September 26th of 2020?

17 A Yes.

18 Q And on that day, were you asked to pull any security
19 footage by law enforcement?

20 A Yes.

21 Q And I'm going to hand you what's been premarked as
22 State's Exhibit 1. Do you recognize this?

23 A Yes.

24 Q What is it?

25 A It is a drive that has the security camera footage on

1 it.

2 Q Have you reviewed that?

3 A Yes, I have.

4 Q After you reviewed -- is it a true and accurate
5 representation of the footage from that day?

6 A Yes, it is.

7 Q And you're the keeper of the record.

8 A Yes.

9 MR. MILLER: Your Honor, at this time, the State
10 would move to admit State's Exhibit 1 into evidence.

11 THE COURT: Any objection?

12 MR. KATA: No objection.

13 THE COURT: All right. So admitted without
14 objection.

15 (WHEREUPON, State's Exhibit Number 1 was admitted into
16 evidence.)

17 BY MR. MILLER:

18 Q Now, before we get into it a little bit, if you
19 could, please explain how the security cameras worked at
20 the apartment complex.

21 A Okay. We have 16 cameras. They are placed in the
22 attic access of the buildings, and it receives digital
23 signals. And they are motion activated.

24 Q They're motion activated. So it takes a car or
25 something going by to activate the camera?

1 A Uh-huh. Picking up an amount of motion.

2 Q And do they respond better if the motion is closer to
3 the camera rather than further away?

4 A I really can't say on that, because sometimes it
5 picks up little bitty thing. So if they -- it can pick up
6 any type of motion. It will activate and start recording.

7 Q Okay. And do y'all perform an annual maintenance on
8 the cameras?

9 A We call ADP out to service the cameras when we're
10 having problems with them.

11 Q So you'll know if something's going wrong when
12 something goes wrong?

13 A Yes.

14 (WHEREUPON, State's Exhibit Number 1, a video recording,
15 is played in open court.)

16 BY MR. MILLER:

17 Q Ms. Turner, do you recognize this area?

18 A Yes.

19 Q Is this at the Highland Square Apartments?

20 A Yes, it is.

21 Q On September 26, 2020?

22 A Yes.

23 Q And where are we looking in the ---

24 A The camera is located on Building ■ and is looking
25 towards Building ■.

1 Q How many buildings are in Highland Square Apartments?

2 A 11.

3 Q And this is in between Buildings ■ and ■.

4 A Yes.

5 Q Is there a Building ■?

6 A Yes, it is.

7 Q Is it further away from these buildings?

8 A It's right beside Building ■, to the right of
9 Building ■.

10 (WHEREUPON, State's Exhibit Number 1, a video recording,
11 continues to play in open court.)

12 BY MR. MILLER:

13 Q Ms. Turner, where is this viewpoint?

14 A The camera is on Building ■ and is pointing towards
15 Building ■.

16 Q And, Ms. Turner, where is this viewpoint?

17 A It is on Building ■, and it's facing Building ■.

18 (WHEREUPON, State's Exhibit Number 1, a video recording,
19 continues to play in open court.)

20 BY MR. MILLER:

21 Q In looking at this vantage point, do we see -- is
22 that Building ■ to the left, the left of the screen?

23 A Yes, it is.

24 Q And is Building ■ a similar setup as the building
25 we're seeing right now with two sides and the breezeway in

1 the middle?

2 A Yes.

3 MR. MILLER: Thank you, Ms. Turner. Please answer
4 any questions defense counsel has.

5 THE COURT: Mr. Kata?

6 CROSS EXAMINATION

7 BY MR. KATA:

8 Q Ms. Turner, good afternoon.

9 A Good afternoon.

10 Q You testified you're an employee of the apartment
11 complex?

12 A Yes, I am.

13 Q And that's your role in this case?

14 A Uh-huh.

15 Q You maintain the videos.

16 A Yes.

17 Q Nothing more, nothing less.

18 A Nothing.

19 MR. KATA: No more questions, Your Honor.

20 THE COURT: Anything on redirect?

21 MR. MILLER: No, Your Honor. We request that
22 Ms. Turner be excused from subpoena.

23 THE COURT: All right. Any objection?

24 MR. KATA: No objection.

25 THE COURT: Ma'am, you're free to go. Thank you for

25 Q And what do you mean by pull 9-1-1 tapes?

1 A Excuse me. I basically take the 9-1-1 call and -- or
2 whoever requests it, officer, and then I send it to
3 whoever is requesting it.

4 Q How are 9-1-1 calls recorded and put down and taken?
5 And how do y'all keep them?

6 A Basically, when the 9-1-1 calls come in, they're
7 automatically recorded and then they're saved to a server.

8 Q Is that a secure server?

9 A Yes. It is a secure server.

10 Q Are they taken down in real time?

11 A Yes.

12 Q Okay. And to go back and pull a call, you would have
13 to be contacted.

14 A Yes.

15 Q Okay. And you're the person that has access to the
16 calls.

17 A Yes.

18 Q Okay. Not everybody has access to these calls.

19 A No.

20 Q Okay. And were you asked to pull a call in this
21 case?

22 A Yes.

23 Q I'm going to hand you what's been premarked as
24 State's Exhibit 2. Do you recognize this?

25 A Yes.

1 Q What is it?

2 A It is the 9-1-1 call for the case that was requested.

3 And that is my signature and the date that I signed it.

4 Q And you've reviewed the call?

5 A Yes.

6 Q And it's true and accurate?

7 A Yes.

8 Q Appear to be tampered with in any way?

9 A No.

10 MR. MILLER: Your Honor, at this time, the State
11 would move to admit State's Exhibit 2 into evidence.

12 MR. KATA: I do have an objection and a matter of
13 law.

14 THE COURT: A legal objection?

15 MR. KATA: Yes, Your Honor.

16 THE COURT: All right. Ladies and gentlemen of the
17 jury, I'm going to send you out to your jury room.
18 Please, ma'am, please, sir, do not talk about the case to
19 each other. I'll bring you back in here shortly. Okay.

20 (WHEREUPON, the jury exits the courtroom at 3:21 PM.)

21 THE COURT: Mr. Kata, I'll hear your objection.

22 MR. KATA: Thank you, Your Honor.

23 Your Honor, I would object to this piece of evidence
24 under the confrontation clause grounds. Your Honor, I
25 anticipate that it's a call of an individual who requests

1 to remain anonymous that describes what he saw,
2 specifically a person in a red shirt getting into a car.
3 Your Honor, I think the problem is going to become every
4 other witness that they call that describes what they saw,
5 I get a chance to ask them questions under
6 cross-examination during his trial. I'm unable to
7 cross-examine this person on the tape that they are going
8 to, essentially, put into evidence so that they can hear
9 what he perceived. And I do not have a chance to
10 cross-examine that individual.

11 THE COURT: All right. Mr. Miller?

12 MR. MILLER: Your Honor, under case law of Davis v.____
13 Washington, which is 126 S. Ct. 2266, also as well as
14 State vs. Daise, D-A-I-S-E, 421 SC 442, it addresses about
15 the question of Crawford in that the Supreme Court has
16 held that the statement to police is nontestimonial
17 because the primary purpose was to address what they
18 perceived to be an ongoing emergency, and the
19 circumstances lacked any formality that would have alerted
20 or focused to the possible future prosecutorial use of the
21 statements. Specifically addresses that these type of
22 statements and 9-1-1 calls are not prohibited by Crawford.
23 Do not fall under it. And this is the same type of call
24 of a person saying what they perceived to be an ongoing
25 emergency, giving information. It was not an

1 interrogation. It was not at a law enforcement center
2 hours later. It was an in-the-moment describing an
3 ongoing emergency, which under this case law states that
4 it's proper for the call to be admitted.

5 MR. KATA: Your Honor, I think it falls outside the
6 scope of an immediate emergency. I mean, the -- and if
7 Your Honor would like to hear it first. I mean, he's
8 describing essentially what happens afterward, which was
9 just providing investigatory type evidence about who did
10 this. I mean, there's no "hurry up and get here."
11 There's no "help me." Nothing like that that would be
12 more in the realm of an emergency than, you know, really
13 reporting facts to law enforcement.

14 So, Your Honor, our position would be it falls
15 outside the scope of the true emergency exception.

16 THE COURT: How do you reconcile that thought with
17 the Crawford case? How do you reconcile that?

18 MR. KATA: Well, I agree with the case in that if
19 there's a call in about a true emergency. I understand
20 that.

21 THE COURT: You're saying it wasn't an emergency.

22 MR. KATA: What I'm saying is what he's calling in
23 about is more along the lines of telling them what
24 happened instead of calling in, hey, y'all need to get
25 here to save these people. This is an emergency. Help.

1 You know, it's more along the lines of this is who I saw
2 get in the car and drive off after I heard shots. I
3 didn't see anything that happened. Heard shots.
4 Described somebody getting in a car and leaving.

5 MR. MILLER: Your Honor, he was giving statements of
6 his own. But also, it says -- the question in Davis is
7 whether objectively considered if it was an interrogation,
8 which I would say this one was not, or testimonial in
9 contrast to Crawford where the interrogation took place at
10 the police station and was directed solely at establishing
11 a past crime, a crime. A 9-1-1 call is ordinarily
12 designed primarily to describe current circumstances
13 requiring police assistance.

14 The difference was apparent here, which I believe is
15 also apparent in this case. This person was making a
16 phone call and needed police assistance for a shooting
17 that they had just observed.

18 THE COURT: Anything else?

19 MR. KATA: No, Your Honor.

20 THE COURT: All right. I'm going to allow it subject
21 to your objection. Your objection is noted for the
22 record.

23 MR. KATA: Thank you, Your Honor.

24 THE COURT: Bring them back.

25 (WHEREUPON, the jury entered the courtroom at 3:26 PM.)

1 THE COURT: All right. Mr. Miller?

2 MR. MILLER: Thank you, Your Honor. May it please
3 the Court.

4 BY MR. MILLER:

5 Q That's the phone call that you received?

6 A Yes.

7 Q And it's true and accurate?

8 A Yes.

9 MR. MILLER: Your Honor, at this time, the State
10 would move to admit State's Exhibit 2 into evidence.

11 THE COURT: Subject to your objection.

12 MR. KATA: Yes, Your Honor.

13 THE COURT: All right. So admitted.

14 (WHEREUPON, State's Exhibit Number 2 was admitted into
15 evidence and was played in open court.)

16 MR. MILLER: Ms. Young, please answer any questions
17 defense counsel has.

18 THE COURT: All right. Cross-examination, Mr. Kata?

19 MR. KATA: Thank you, Your Honor.

20 CROSS EXAMINATION

21 BY MR. KATA:

22 Q Ms. Young, you testified that you're the custodian of
23 this tape.

24 A Yes.

25 Q You weren't at Highland Apartments?

1 A No, sir.

2 Q You didn't see what happened?

3 A No, sir.

4 Q Your role in this case is collected this tape and
5 brought it here.

6 A Yes. It's to take the call off the server, place it
7 on a -- or to place it into a secured file and send it to
8 the person who requested it.

9 Q So you wouldn't know if this individual had ever been
10 interviewed by anybody.

11 A No, sir.

12 MR. KATA: No more questions, Your Honor,

13 THE COURT: All right. Anything on redirect?

14 MR. MILLER: Nothing further, Your Honor. We'd ask
15 Ms. Young be excused.

16 THE COURT: Any objection?

17 MR. KATA: No objection.

18 THE COURT: All right. You can step down, ma'am.
19 And you're free to go.

20 Is your next witness a relatively long witness?

21 MR. MILLER: No, Your Honor. With our prior
22 discussion, we are trying to see if the next witness is
23 close by. It would not be a ---

24 THE COURT: So everybody's on board with what we
25 talked about earlier?

1 Tuesday, May 29, 2024

2 (WHEREUPON, proceedings commenced at 10:08 AM; State's
3 Exhibit Numbers 3, 4 and 19 through 140 were marked for
4 identification.)

5 THE COURT: Let's go on the record, Madam Court
6 Reporter, State vs. Tyriese Robinson.

7 Anything from the State before we move forward?

8 MR. HOLLOWAY: No, sir.

9 THE COURT: Anything from defense?

10 MR. KATA: No, Your Honor.

11 THE COURT: All right. Bring the jury out.

12 (WHEREUPON, the jury entered the courtroom at 10:10 AM.)

13 THE COURT: All right. Good morning. There's a
14 saying in my neck of the woods. You look bright-eyed and
15 bushy-tailed. You're ready to go.

16 All right. Okay. State's ready to call it's next
17 witness?

18 MR. HOLLOWAY: Yes, sir, Your Honor. The State calls
19 Ms. Riser -- Renada Riser to the stand.

20 THE CLERK: Please pause here at the bench. Put your
21 left hand on the Bible and raise your right hand.

22 WHEREUPON,

23 RENADA RISER

24 After having been duly sworn, testified as follows:

25 THE CLERK: Thank you. You may be seated. Please

1 state your name for the record.

2 THE WITNESS: Renada Renee Riser.

3 DIRECT EXAMINATION

4 BY MR. HOLLOWAY:

5 Q Ms. Riser, tell the jury where you live currently.

6 A I live in Highland Square Apartments.

7 Q And on September 26, 2020, did you live out there?

8 A I did.

9 Q Did you live in the same building?

10 A Same building, same apartment.

11 Q And do you have a husband?

12 A No. We was engaged at the time.

13 Q Engaged. And what's his name?

14 A Eugene Glover.

15 Q And how many kids do you have?

16 A I have a total of four.

17 Q Okay. Now I'm going to go back in time a little bit
18 with you back to September 26, 2020. Can you tell the
19 jury what you were doing that morning?

20 A I went to the grocery store. I came back around 12.
21 I backed in, got most of the groceries out. And my
22 7-year-old at the time, he was 7, came back out to help
23 me.

24 The victim walked past me and said, "Hey, ma'am. How
25 are you doing?" And I spoke back. He walked on.

1 At this time, we proceeded to come back out to get
2 the rest of the groceries. And probably like a second
3 later, I pushed my 7-year-old in the house because I heard
4 gunshots. I didn't know where the shots was coming
5 from. I just heard gunshots.

6 Q Are you able to tell the jury how many gunshots you
7 heard?

8 A Probably six to seven.

9 Q Okay. When you saw the victim walk by -- first of
10 all, did you know him?

11 A I did not. At the time I did not. I never seen the
12 young man at all.

13 Q Did you know his family? his friends?

14 A I didn't know his -- I knew his mom, but I didn't
15 know that was her son until I seen her on Facebook Live
16 saying her son was deceased.

17 Q Could you describe the victim as he's walking by, his
18 approximate size?

19 A He was probably 5'9", 5'10". I know he's taller than
20 me. I remember him having on a white T-shirt and blue
21 jeans.

22 Q When he was walking by, did you see his hands?

23 A Yeah. He was on his phone.

24 Q Did you see anything else in his hands?

25 A No.

1 Q Like a gun?

2 A No.

3 Q He's on his cell phone.

4 A He was on his phone.

5 Q People are kind of tapping on the phone.

6 A Pretty much just what he was doing.

7 Q But he did look up to you.

8 A And he spoke. He acknowledge me. Because he almost
9 -- we almost ran into each other.

10 Q When you heard the gunshots, where were your
11 children?

12 A My son was actually walking in the house with me. My
13 daughter was standing in the blinds. At the time, she was
14 6.

15 Q Were you able to tell where the gunshots were being
16 fired from?

17 A No. I just hear gunshots and then I automatically
18 just pushed my son in the house.

19 Q When the gunshots rang out, how did your kids respond
20 to that?

21 A I basically just told them to hit the ground.
22 Because, I mean, you know, bullets can fly anywhere. They
23 can come through glass. And I pushed them in the middle
24 of the hallway.

25 Q Did you see what happened to the victim?

1 A At this point, we looked out the blinds to see where
2 it was coming from after pushing my kids in the hallway.
3 And I seen the victim. I'm not for sure where he was shot
4 at, but his white T-shirt was full of blood. And I'm
5 assuming it's his friends, they picked him up in the car
6 and threw him in the backseat like he was a rag doll.

7 Q And when you say you saw things going on through the
8 blinds, can you describe, was it a window? Was it a
9 sliding glass door?

10 A It's my sliding glass door.

11 Q Okay. And the blinds, did you have to spread them
12 apart to ---

13 A Yeah.

14 Q Did you see -- did the blinds obstruct your view?

15 A A little because I couldn't really see anything with
16 my car and other cars that was there. But I could see his
17 friends picking him up and putting him in the car. And at
18 this point, I'm on the phone with the police telling them,
19 because, I mean, I'm not knowing where the gunshots coming
20 from. I just see this young man.

21 Q And your first reaction was to protect ---

22 A My kids.

23 Q --- your kids. And then from there you called ---

24 A Called 9-1-1.

25 Q Okay. And you told the dispatcher everything that

1 you're telling this jury.

2 A Yes.

3 Q The victim, can you describe how he was being held?

4 A One was holding his arms up and the other one was
5 holding his legs trying to put him in the car.

6 Q Were you able to see whether he was able to walk?

7 A He could not.

8 Q Could you describe that. He couldn't walk?

9 A Pretty much what I could see vividly was him laying
10 on the ground and his friends running to him. And they
11 was actually -- his shirt was full of blood.

12 So I don't know how many shots he got hit by, but I
13 did see them putting him in the backseat and driving off.

14 Q The guys that were with him, how many were with him?

15 A I only seen him and the other two guys, the two guys
16 that was putting him in the car.

17 Q Okay. Did you see whether his friends had guns?

18 A I did not.

19 Q Did you see whether the victim had a gun?

20 A I did not.

21 Q Did you hear -- there was the initial burst of
22 gunfire.

23 A Yes.

24 Q Six to seven shots. Did you hear any other gunfire
25 after that?

1 A No. It's just everybody just scattering. All the
2 other neighbors came outside looking, trying to figure out
3 what was going on. It was multiple people calling 9-1-1.
4 So nobody -- I mean, you know, kids outside playing. This
5 is in broad daylight.

6 Q Did you see where the victim was shot on his body?

7 A No. I just seen his shirt was full of blood.

8 Q Did you see any of the shooters -- or shooter?

9 A I can't --- I don't know who was the shooter. I just
10 seen a guy with all black and dreads. I can't say what
11 his face looked like or anything.

12 Q Did you see anybody else ---

13 A No.

14 Q --- firing?

15 A No.

16 Q Do you know if it was more than one person firing a
17 gun?

18 A There had to be because it was like it was coming
19 from two different angles.

20 Q What did the victim's friends do after they loaded
21 him in the car?

22 A They drove off.

23 MR. HOLLOWAY: Thank you very much. Please answer
24 any questions opposing counsel has for you, Mr. Kata.

25 THE COURT: Mr. Kata. Yes, sir.

1 CROSS EXAMINATION

2 BY MR. KATA:

3 Q Good morning, Ms. Riser. [REDACTED]

4 A Good morning.

5 Q Your day began at the grocery store. You got your
6 groceries and you're bringing them back to the apartment.

7 A Uh-huh.

8 Q Nothing out of the ordinary.

9 A No.

10 Q Just a regular day ---

11 A Just [REDACTED] regular old day.

12 Q --- [REDACTED]n your life.

13 A Regular old day during COVID.

14 Q Understand.

15 Am I correct that you testified that you were picking
16 up groceries, you had an encounter with the victim?

17 A Yes.

18 Q And then you go to walk inside.

19 A Uh-huh.

20 Q Okay. And at that point, you hear the shots.

21 A Yes.

22 Q Okay. But you didn't see who shot.

23 A No.

24 Q Okay. You didn't know where they were coming from.

25 A No.

1 Q And you just had to guess about how many shots there
2 were.

3 A Yes.

4 Q Understandably.

5 A Yes.

6 Q Is that correct?

7 A Yes.

8 Q But you did see an individual that you described as a
9 black male with all-black dreads.

10 A Yes.

11 Q And the reason you didn't see what happened is
12 because you had your groceries in your hands and you were
13 walking in.

14 A Heard the gunshot, and my instinct thing is to
15 protect my kids.

16 MR. KATA: No more questions, Your Honor.

17 THE COURT: Anything on redirect?

18 REDIRECT EXAMINATION

19 BY MR. HOLLOWAY:

20 Q Just one question I meant to ask you. Which day of
21 the week was this?

22 A I want to say Sunday. I'm not really sure. But I
23 know it was in September.

24 Q And are you certain whether it was a day of the week
25 or a Saturday or Sunday?

1 A Probably Saturday or Sunday.

2 MR. HOLLOWAY: Okay. Thank you very much.

3 THE COURT: All right. Anything else based on his
4 question?

5 MR. KATA: No, Your Honor.

6 THE COURT: All right. Ma'am, you may step down.
7 Thank you.

8 This witness can be excused?

9 MR. HOLLOWAY: Yes, sir.

10 THE COURT: Any objection?

11 MR. KATA: No objection.

12 THE COURT: All right. Ma'am, you're free to go.
13 State call its next witness.

14 MR. MILLER: Thank you, Your Honor. The State calls
15 Deputy Breanna Kowalski.

16 WHEREUPON,

17 BREANNA KOWALSKI

18 After having been duly sworn, testified as follows:

19 THE CLERK: Thank you. State your full name for the
20 record.

21 THE WITNESS: Breanna Patricia Kowalski.

22 DIRECT EXAMINATION

23 BY MR. MILLER:

24 Q Deputy Kowalski, where are you employed?

25 A Greenville County Sheriff's Office.

1 Q How long have you been with the sheriff's office?

2 A Approximately eight years.

3 Q What's your current role at the sheriff's office?

4 A I'm a master deputy.

5 Q And what are your job responsibilities?

6 A It varies, really. Assisting other units.

7 Q What unit are you in right now?

8 A Directed Patrol.

9 Q What unit were you with the sheriff's office
10 September 26, 2020?

11 A I was assigned to Uniform Patrol.

12 Q What does Uniform Patrol do?

13 A They answer calls for service like 9-1-1 calls.

14 Q So if someone calls in, Uniform Patrol goes and
15 responds?

16 A Yes.

17 Q Did you respond to a call on September 26, 2020?

18 A I did.

19 Q What was it in relation to?

20 A It was in relation to a shooting and a possible
21 gunshot victim.

22 Q Where was the shooting?

23 A [REDACTED] Pine Creek Court.

24 Q What county is that in?

25 A It's Greenville County.

1 Q And when you say in relation to a shooting, what
2 steps do you take when you get that kind of call?

3 A Well, when we first received the call, we'll
4 initially respond Signal 1, which is lights and sirens, to
5 the location. And then once we get there, we'll try to
6 find the victim, find a suspect and then preserve the
7 scene.

8 Q Okay. So when you arrived on scene, were you able to
9 locate a victim?

10 A No.

11 Q And do you know why that was?

12 A Prior to arriving on scene, dispatch advised that on
13 the 9-1-1 call, they were told that the victim was being
14 loaded into a vehicle and left the scene.

15 Q So what were the next steps that you took?

16 A When I arrived on scene, we looked for any evidence
17 of where it could have taken place. And I roped off that
18 area with crime scene tape.

19 Q And do you recall what area that was?

20 A It was in front of the ■ Building and the ■ Building.

21 Q Was it a parking lot?

22 A Yes.

23 Q Okay. Was that the only area that you're aware of
24 where any items were found or located?

25 A That I know of, yes.

1 Q That you know of. But that's the area where you
2 generally stay.

3 A Yes. I -- I briefly where it was in front of the
4 ■ Building, the ■ Building and then behind both of those
5 buildings.

6 Q Okay. Now, when you talked about earlier, I think
7 you mentioned securing the scene ---

8 A Uh-huh.

9 Q --- what does that mean?

10 A Just making sure the scene is safe and then making
11 sure that all evidence is preserved.

12 Q Okay. And how do you do that?

13 A You attempt to find a victim, attempt to find a
14 suspect. If none is found, you talk to witnesses, you
15 find any evidence, you rope it off with the crime scene
16 tape to make sure no one can get into that area.

17 Q So no one's allowed in or out of the area once y'all
18 have it secured.

19 A Yes.

20 Q Now, in Uniform Patrol, do you actually collect
21 evidence if you locate any evidence?

22 A No.

23 Q Who would end up being -- who would collect it?

24 A Forensics.

25 Q Forensics? Okay.

1 So your general role is arrive, see if you can locate
2 a victim?

3 A Yes.

4 Q See if you can locate a suspect?

5 A Yes.

6 Q And when you locate a suspect, are you the lead
7 investigator?

8 A No.

9 Q Okay.

10 A We just want to make sure there's no active threat to
11 a public or to us.

12 Q Just to be clear, that's when you arrive on scene,
13 that if you would locate someone immediately on scene ---

14 A Yes.

15 Q --- as a suspect.

16 A Yes. Just right there.

17 Q And did you locate a suspect on scene when you
18 arrived?

19 A No.

20 Q And how long did you -- when would you leave the
21 scene?

22 A Like me personally, when I would leave the scene?

23 Q As a Uniform Patrol officer securing the scene.

24 A As soon as the investigator tells me I can leave.

25 Q And during that time, you would just be following the

1 directions of the investigator or supervisor?

2 A Yes.

3 Q And this scene, it did stay secure the whole time?

4 A Yes.

5 MR. MILLER: Please answer any questions defense
6 counsel has.

7 THE COURT: Cross-examination.

8 MR. KATA: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY MR. KATA:

11 Q Detective Walski?

12 A Kowalski.

13 Q Would it be safe to say, I mean, you're a true first
14 responder? I mean, you get the call and you respond
15 immediately.

16 A Yes, sir.

17 Q Okay. And when you responded --- I mean, of course
18 you responded after the fact, correct?

19 A Yes.

20 Q Okay. So you didn't see what happened that day.

21 A No.

22 Q Okay. And you tape off the area you talked about.
23 You look for a victim, you look for a suspect; is that
24 correct?

25 A Yes.

1 Q Okay. You didn't encounter any suspect on the scene.

2 A Not at the time, no.

3 Q And you roped off your area.

4 A Yes.

5 Q And that was your role in the case.

6 A Yes.

7 MR. KATA: No more questions, Your Honor.

8 THE COURT: Anything?

9 MR. MILLER: Briefly.

10 REDIRECT EXAMINATION

11 BY MR. MILLER:

12 Q Were there other deputies that also secured the
13 scene? It's not just you?

14 A Yes.

15 Q Okay. So the scene really did stay secure the whole
16 way.

17 A Yes.

18 MR. MILLER: Thank you.

19 THE COURT: All right. No other questions, Mr. Kata?

20 MR. KATA: No, Your Honor.

21 THE COURT: All right. You can step down.

22 Can she be excused?

23 MR. KATA: Yes, Your Honor.

24 THE COURT: Without objection.

25 MR. KATA: No objection.

1 THE COURT: All right. Ma'am, you're free to go.

2 All right. State can call its next witness.

3 MR. HOLLOWAY: Yes, sir, Your Honor. The State calls
4 Sergeant Christopher Pletcher.

5 WHEREUPON,

6 CHRISTOPHER PLETCHER

7 After having been duly sworn, testified as follows:

8 THE CLERK: Thank you. You may be seated. State
9 your full name for the record.

10 THE WITNESS: Christopher Pletcher.

11 DIRECT EXAMINATION

12 BY MR. HOLLOWAY:

13 Q And I believe when I called you, I called you
14 sergeant. But your ranking is currently what?

15 A A lieutenant.

16 Q And I apologize. I did not mean to ---

17 A Not offended at all.

18 Q --- lower your rank in front of the jury.

19 Tell us how you became involved in this particular
20 case.

21 A On the date, I was working Uniform Patrol as a
22 sergeant. And we got a call through dispatch from a -- it
23 was a gunshot victim at Highland Square Apartments. And
24 en route, they advised that the gunshot victim had been
25 loaded into a vehicle and taken off the scene.

1 So I arrived on scene. I was probably the sixth or
2 seventh person there. And when I arrived on scene,
3 deputies already began trying to figure out where the
4 crime scene was, where the incident occurred at the --
5 it's a large apartment complex. They determined that it
6 happened in the parking lot, so they began taping off the
7 crime scene, trying to locate witnesses, searching for
8 evidence, making sure there were no more victims, seeing
9 if the suspects were still on scene. So we had a lot
10 going on.

11 Q Describe the average apartment complex shooting.
12 When you respond, what is it like on average?

13 A So it's a little chaotic because you have a lot of
14 people. You don't know who's involved, who's not
15 involved. Sometimes we get information from dispatch
16 that's good. Sometimes we don't. Sometimes suspect's
17 still on scene. Your number one priority is, obviously,
18 to make sure the scene is safe, then render aid to the
19 victim and then try to locate the suspect.

20 So you've got multiple buildings. You've got second
21 stories. I mean, the suspect could still be on scene in a
22 building. You don't know -- you don't know if there's
23 random gunfire into buildings and cars, if you have
24 victims in an apartment that accidentally got shot. So
25 it's just you've got a lot going on.

1 Q Part of your job, your job primarily is to bring
2 order to chaos, right?

3 A Yes, sir.

4 Q Figure out who's involved, who saw what if they saw
5 anything, or if they're hearing just hearsay, hearsay
6 about who may have done this. That's your job, right?

7 A Yes, sir.

8 Q Okay. I'm showing you what's been marked State's
9 Exhibit 3. Can you identify this for the jury?

10 A Yes, sir. So this is an overview of the apartment
11 complex and a couple surrounding streets.

12 Q And what complex?

13 A Sorry. Pine Creek Court Extension, Highland
14 Square Apartments.

15 Q And what you're seeing is an aerial shot of the area
16 that you responded to on September 26, 2020.

17 A Yes, sir.

18 Q You see the streets, the apartment buildings, that
19 sort of thing?

20 A Yes, sir.

21 Q And is this a fair and true copy of an aerial
22 photograph of that complex?

23 A It is.

24 MR. HOLLOWAY: Your Honor, I would ask to move this
25 into evidence as State's Exhibit 3.

1 MR. KATA: Without objection.

2 THE COURT: All right.

3 (WHEREUPON, State's Exhibit Number 3 was admitted into
4 evidence.)

5 MR. HOLLOWAY: And at this time, the State would like
6 to publish this to the jury.

7 THE COURT: Any objection?

8 MR. KATA: No objection.

9 THE COURT: All right. So noted.

10 BY MR. HOLLOWAY:

11 Q Lieutenant Pletcher, I'm going to zoom out a little
12 bit. And if you need to, step from the witness stand and
13 kind of show us what's going on here.

14 A So this is the entrance to the apartment complex
15 here. And this is where a majority of the crime scene was
16 around ■. There's a set of dumpsters here. And ■. So
17 this is mainly what we had taped off as the crime scene
18 (indicating throughout.)

19 Q And when you talked about people being on scene,
20 people, other tenants, they're all kind of in this
21 (indicating) particular area.

22 A Yes.

23 So, obviously, when incidents like this happen,
24 people want to come out, see what's going on. So you've
25 got all kinds of people coming out, residents and whoever,

1 family members that are coming out from this side, this
2 side, this side. These all have breezeways that come
3 through (indicating throughout).

4 Q And your job, obviously, in part is to tape off or
5 make sure this area is taped off.

6 A Yes. So our job is to preserve as much of the
7 evidence and the scene as possible so that the
8 investigators can come and work the scene. So we're
9 trying to bring order and look for as much evidence as
10 possible, locate witnesses so that when investigators
11 arrive on scene, it makes their job a little bit easier.

12 Q Okay. Right near Building [REDACTED] right here, what are
13 these objects right here? And I'm going to go back to the
14 overhead so the jury can see what I'm talking about.
15 Right about here (indicating throughout).

16 A Yes. So there's dumpsters, trash -- large steel
17 trash dumpsters.

18 Q Okay. And those were -- are you aware of where
19 exactly the victim was shot?

20 A I believe it was in front of the [REDACTED] Building over here
21 (indicating).

22 Q Okay.

23 A Or somewhere close to the dumpsters in the
24 [REDACTED] Building.

25 Q All right. Thank you.

1 And a part of bringing order to the chaos is if
2 there's any potential evidence, make sure that evidence is
3 safe.

4 A Yes, sir.

5 Q Did you see any shell casings?

6 A Yes.

7 Q Okay. How many shell casings? Several?

8 A Ten-ish, I would say. Several.

9 Q Do you recall finding anything else in the parking
10 lot?

11 A There was a cell phone, I believe, and a holster,
12 like a nylon pistol holster in the parking lot. And then
13 there's also a pool of blood kind of in the middle part of
14 the parking lot.

15 Q Okay. Where was the victim at?

16 A So that was another part of the chaos of the scene
17 was there were actually three crime scenes. We had the
18 shooting here (indicating). The victim was transported
19 via a Nissan Altima in an attempt to get to the hospital.
20 However, the Greenville City Police Department had it
21 stopped at Vardry and Main Street. The victim was then
22 transported to the hospital by the police department. So
23 you had our scene here, Main Street and Vardry where the
24 vehicle that transported the victim was, and then you were
25 going to have another scene at St. Francis Hospital where

1 they went.

2 So that was another thing. I was trying to
3 coordinate, hey, you go to the hospital, you go to the
4 scene and just then try to relay all that to investigators
5 who were coming on the way, hey, we've got three crime
6 scenes. I need somebody here with me and I need somebody
7 here and somebody here.

8 Q So there was actually three crime scenes in this
9 case.

10 A Yes, sir.

11 Q What happened to the Altima? Do you know why it
12 stopped?

13 A I'm not 100 percent sure. I thought at the time it
14 was disabled, but I know that -- through the Greenville
15 Police Department, they got out with it at that location.

16 Q And a part of your duties on the first crime scene at
17 the apartment complex was confirm whether they had
18 cameras.

19 A Yes, sir.

20 Q And were you able to confirm that?

21 A Yes. I was able to get ahold of the apartment
22 complex manager. And they came to the scene, because they
23 weren't working that day, and then started -- we went to
24 the office and they started trying to go through camera
25 footage to see if any of it was caught on camera.

1 Q And ultimately, did you learn whether the situation,
2 the incident, had been caught on camera?

3 A Yes. It had been. Yes, sir.

4 Q In your duties out on scene, did you talk to anybody
5 who saw what happened?

6 A My duties were mainly trying to quarterback it. So I
7 had deputies trying to get with witnesses. So if a deputy
8 found a witness, they would come to me and tell me, hey,
9 I've got a person that saw this or that, and I'd say,
10 okay, hold them. Make sure they don't go anywhere. When
11 an investigator gets here, we'll let the investigator talk
12 to them. But I didn't really talk to anybody that saw
13 anything.

14 Q Did you learn where the suspect or suspects were?

15 A No, I did not.

16 Q Were they on scene?

17 A They were not on scene.

18 Q So ---

19 A When I arrived, they were not on scene.

20 Q Were they ever found while you were out there?

21 A No.

22 Q Do you recall if they were found that day, at any
23 time that day?

24 A Not to my knowledge.

25 Q And what you did was after dealing with that, you

1 helped -- or you coordinated the canvassing of the complex
2 for anyone who saw anything or heard anything.

3 A Yes, sir.

4 Q You gathered that data for the investigators.

5 A Yes, sir.

6 Q The second crime scene, where was that located?

7 A That was Vardry and Main Street in the city.

8 Q Okay. And as the quarterback on the first crime
9 scene, did you send a deputy out to that scene?

10 A Yes. That was Deputy Fowler.

11 Q And that's her -- she's gotten married since this
12 case transferred. What's her ---

13 A Benoit. Sorry.

14 Q Benoit.

15 A I'm sorry.

16 MR. HOLLOWAY: That's fine.

17 Thank you very much. Please answer any questions
18 opposing counsel has for you.

19 THE COURT: All right. Cross-examination?

20 CROSS EXAMINATION

21 BY MR. KATA:

22 Q Lieutenant ---

23 A Yes, sir.

24 Q --- you responded and you testified that the scene
25 was chaotic.

1 A Yes, sir.

2 Q Okay. It's a large apartment complex, right?

3 A Yes, sir.

4 Q A lot of people in the apartment complex.

5 A Right.

6 Q And you testified that, in your experience, when
7 things like this happen, people tend to come out of the
8 apartments to see what happened.

9 A Right.

10 Q Correct?

11 A Yeah.

12 Q And part of your role as quarterback, you're more of
13 a manager, it seems.

14 A Yes, sir.

15 Q Okay. Is to seal off the area, right, and find
16 witnesses that saw what happened?

17 A Right.

18 Q Right. And that's part of your investigative
19 function.

20 A Yes, sir.

21 Q Okay. And you do that because, of course, you want
22 to find the people that saw what happened.

23 A Right.

24 Q And differentiate them between the neighbors that
25 come out of the house ---

1 A Right.

2 Q --- and start talking and speculating about what
3 happened.

4 A Right.

5 Q It's natural for people to do, correct?

6 A Correct.

7 Q And you didn't see what happened.

8 A I did not.

9 Q You didn't find any suspects at the scene.

10 A No.

11 Q And you didn't interview anybody that saw what
12 happened.

13 A Correct.

14 MR. KATA: No more questions, Your Honor.

15 THE COURT: Redirect?

16 MR. HOLLOWAY: No, sir, Your Honor.

17 THE COURT: All right. Officer, you can step down.

18 THE WITNESS: Thank you.

19 THE COURT: Can he be excused?

20 MR. KATA: No objection.

21 THE COURT: All right. No objection.

22 Sir, you're free to go.

23 THE WITNESS: Thank you.

24 THE COURT: All right. State can call its next
25 witness when it's ready.

1 MR. HOLLOWAY: Yes, sir, Your Honor. The State calls
2 Deputy Jamie Fowler Benoit. That's B-E-N-O-I-T.
3 WHEREUPON,

4 JAMIE FOWLER BENOIT

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you. You may be seated. Please
7 state your full name for the record.

8 THE WITNESS: My name is Jamie Benoit.

9 DIRECT EXAMINATION

10 BY MR. HOLLOWAY:

11 Q Now, your last name -- I'm from Louisiana. I'm kind
12 of a French -- we speak a little bit of French.

13 A Benoit is correct as well, yes.

14 Q Make sure I do pronounce it correctly.

15 Tell us where you work.

16 A Greenville County Sheriff's Office.

17 Q And how long have you worked for the sheriff's
18 office?

19 A Almost six years.

20 Q And what are your current duties?

21 A I'm a master deputy on Uniform Patrol.

22 Q Okay. And tell us what your -- tell us how you
23 became involved in this particular case.

24 A I was dispatched to 1107 South Main in the city
25 limits. Greenville City Police had originally responded

1 to a vehicle. There were multiple subjects out there.
2 One of them appeared to be injured. The city responded
3 because it was in their jurisdiction, but once they got
4 there, they realized that the crime actually occurred in
5 Greenville County, so Greenville County responded.

6 When I arrived there was no one except for Greenville
7 City police. But when Greenville City arrived, there was
8 an injured person which was transported to the hospital in
9 the back of a pickup truck. And then the vehicle that
10 they had been driving in when it broke down was left
11 behind. So city officers were still out with the vehicle
12 just securing that scene, and so I took over and relieved
13 them.

14 The vehicle appeared to have multiple gunshot wound
15 -- gunshot bullet holes in it, and it appeared to be
16 that's what disabled it. There was a bullet hole through
17 one of the -- one of the headlights which appeared to go
18 into the engine. And then there was the radiator leaked
19 fluid onto the ground, and I'm assuming it just
20 overheated. So they kind of stopped there, panicking,
21 trying to get their friend help. So the vehicle was
22 disabled.

23 So yeah. There was multiple bullet holes in the car.
24 There was a little bit of blood on the ground, some paper
25 towels and water. The men that had transported the

1 injured victim were trying to get help. Since the victim
2 was disabled, they were no longer able to transport him to
3 the hospital.

4 Q And when you got there, describe what you smelled
5 coming from the vehicle.

6 A Yeah. So there was fluid on the ground underneath
7 the engine area and it smelled like coolant, so I'm
8 assuming the radiator had been struck by the bullet that
9 went through the headlight. And then in the -- the
10 vehicle had cracked windows, and you could smell marijuana
11 coming from inside the vehicle.

12 Q Okay. And your job was, I think you just testified,
13 you saw items that could be evidence, and your job was to
14 make sure what?

15 A Correct. So Greenville City had already put up crime
16 scene tape and kept people from going in and out at that
17 point. So it was just to preserve any evidentiary value
18 of the car and the surrounding items, just making sure no
19 one messed with them until forensics could come.

20 She sealed the car, just means she puts like stickers
21 on all the seams to the doors so that no one touches the
22 vehicle between the time it's transported, and that just
23 shows that it wasn't tampered with and then it could be
24 further processed. They don't process it on the scene in
25 the middle of downtown.

24 A Just Greenville City police. The two people that
25 had driven the car and the victim were no longer on the

1 scene.

2 Q And you taped off the area?

3 A It was taped off by Greenville City prior to my
4 arrival. But yes. It was taped off by law enforcement.

5 Q Taped off already.

6 A Yes.

7 Q You made sure it didn't come untaped.

8 A Correct.

9 Q Okay. And you secure those areas because, in your
10 experience, I mean, if you didn't do that, sometimes
11 people tamper with the scene.

12 A Yes. It could have been tampered with. And so
13 that's ---

14 Q It could be by anybody. I mean, people just come
15 around and ---

16 A It was downtown.

17 But like I said, Greenville City Police had already
18 taped it off. They were still on scene and stood by until
19 I arrived. And so I was able -- they were able to
20 transfer the secure scene to me, and I ensured that no one
21 came in and tampered with anything until I -- until the
22 vehicle was transported to a secure location.

23 MR. KATA: Thank you. No more questions.

24 THE COURT: Redirect?

25 ///

REDIRECT EXAMINATION

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BY MR. HOLLOWAY:

Q Deputy Benoit, about how long did you stay on scene?

A I was probably there for at least an hour, maybe two waiting for forensics. Because when it's a scene of this level, they often go to the original scene. A car is a little bit less important, so I'll end up standing around longer. It was a while.

Q And you stayed there until the vehicle was actually towed.

A Correct.

MR. HOLLOWAY: Thank you very much.

THE COURT: Anything else?

MR. KATA: No, Your Honor.

THE COURT: All right. Ma'am, you can step down.

Is this officer free to go?

MR. HOLLOWAY: Yes, sir.

MR. KATA: No objection.

THE COURT: All right. No objection. Ma'am, you're free to go.

All right. If the State's ready, it can call its next witness.

MR. MILLER: The State calls Nia Rosenblum.

THE CLERK: Come right up here. Pause here at the bench. Place your left hand on the Bible and raise your

1 right hand.

2 WHEREUPON,

3 NIA ROSENBLUM

4 After having been duly sworn, testified as follows:

5 THE CLERK: Thank you. You may be seated. And state
6 your full name for the record.

7 THE WITNESS: Nia Rosenblum.

8 DIRECT EXAMINATION

9 BY MR. MILLER:

10 Q Nia, where are you currently employed?

11 A Greenville County Forensics.

12 Q How long have you been with forensics?

13 A Nearly four and a half years.

14 Q Were you employed with forensics in September of
15 2020?

16 A Yes, sir.

17 Q And how did you get into the field of forensics?

18 A Just out of interest and schooling and curiosity.

19 Q What kind of schooling do you have?

20 A I have a bachelors in criminal justice and an
21 associates in forensic science.

22 Q Now, what is your current role in forensics?

23 A I'm a field training officer.

24 Q In September of 2020, what were your job
25 responsibilities?

1 A Back then I was a forensic technician, and my
2 responsibilities were responding to all crime scenes
3 ranging from auto breakings to homicides and everything in
4 between.

5 Q Would that include responding to a vehicle?

6 A Yes, sir.

7 Q So if you respond to a vehicle, if you could walk the
8 jury through just the steps that you take when you arrive
9 on scene.

10 A So it all depends on what's needed from that request
11 for processing the vehicle. But it always begins with
12 photographing, examining, documenting what's seen, and
13 then, like I said, going from there in regards to what the
14 investigator wants from the certain vehicle.

15 Q Now, if you process a vehicle, do y'all process it at
16 the scene where you respond?

17 A It all depends on what the scenario is.

18 Q And you responded in this case.

19 A Yes, sir.

20 Q In this case, did y'all process the vehicle at the
21 scene where you responded?

22 A The vehicle was sealed at the scene and processed at
23 a different location.

24 Q Okay. And the location you responded, do you recall
25 where that was?

1 A Yes. It was 1107 South Main Street in Greenville,
2 South Carolina.

3 Q When you arrived, were there any law enforcements on
4 scene?

5 A Yes, sir.

6 Q Was the scene secured?

7 A To the best of my knowledge.

8 Q And what steps did you take with this vehicle?

9 A With this vehicle in particular, I was requested to
10 obtain photographs and seal it which means that I place
11 evidence tape on it for the chain of custody purposes to
12 give investigators time to obtain a search warrant for
13 further processing.

14 Q And when you say place tape on it, where do you place
15 the tape?

16 A On all the doors, the trunk and the hood. Any areas
17 that could be opened.

18 Q So after the tape was placed on and someone opened
19 the door, what would happen?

20 A The tape would rip and it would signify to us that
21 the vehicle had been entered at some type of way,
22 potentially.

23 Q And just to be clear, the vehicle we're talking about
24 in this case is a 2016 Nissan Altima?

25 A Yes, sir.

1 Q Silver in color?

2 A Yes, sir.

3 Q Nia, I'm going to show you what's been premarked as
4 State's Exhibits 19 and 20. Do you recognize these?

5 A (Reviews exhibits) Yes, sir.

6 Q And what are they?

7 A They are the 2016 Nissan Altima.

8 Q Pictures of the Altima?

9 A Yes.

10 Q Are they true and accurate?

11 A Yes.

12 MR. MILLER: Your Honor, at this time, the State
13 would move into evidence Exhibits 19 and 20.

14 THE COURT: Any objection?

15 MR. KATA: No objection.

16 THE COURT: So entered without objection.

17 (WHEREUPON, State's Exhibit Numbers 19 and 20 were
18 admitted into evidence.)

19 BY MR. MILLER:

20 Q Nia, this is State's Exhibit 20. Is this the vehicle
21 that you responded to?

22 A Yes, sir.

23 Q And what do you notice about this picture?

24 A I noticed that it's a passenger's side of the vehicle
25 and that it's silver in color with tinted windows and

1 darker rims.

2 Q And does anything appear to be leaking from the
3 vehicle?

4 A At the front passenger's side of the vehicle.

5 Q And when you were on scene, where did you believe
6 that fluid to be coming from?

7 A The under part of the vehicle on the front
8 passenger's side.

9 Q And now I'm showing you what has been marked -- or
10 entered into evidence as State's Exhibit 19. And what is
11 this a picture of?

12 A That's a picture of the front passenger headlight and
13 the damage to it.

14 Q And the damage you're talking about is right here
15 (indicating)?

16 A Yes, sir.

17 Q And did you believe that to be caused by a projectile
18 from a firearm?

19 A Yes, sir.

20 Q And these pictures, just to be clear, these were
21 taken before you put the tape on them, correct?

22 A Yes, sir.

23 Q Now, where did the vehicle get transported to?

24 A After the vehicle was sealed, it got transferred to
25 our crime scene office.

1 Q Now, did you process the vehicle?

2 A No, I did not.

3 Q Okay. So you stayed on the scene, placed the tape on
4 it, sealed it and then made sure it was securely
5 transported to the crime scene office.

6 A Yes, sir.

7 Q Okay. Where it was processed later.

8 A Yes, sir.

9 MR. MILLER: Please answer any questions defense
10 counsel has.

11 THE COURT: Cross-examination?

12 MR. KATA: No questions, Your Honor.

13 THE COURT: All right. Ma'am you can step down.
14 Can this witness also be excused?

15 MR. KATA: No objection.

16 THE COURT: Any objection? All right. Without
17 objection. Ma'am, you're free to go.

18 THE WITNESS: Thank you.

19 THE COURT: All right. State can call its next
20 witness if they're ready.

21 MR. HOLLOWAY: Yes, sir, Your Honor. The State calls
22 Mr. Glover, first name Eugene. Eugene Glover.

23 THE CLERK: Please come forward, Mr. Glover. Pause
24 here at the bench. Lay your left hand on the Bible, raise
25 your right hand.

1 WHEREUPON,

2 EUGENE GLOVER

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. You may be seated. Please
5 state your full name for the record.

6 THE WITNESS: My name is Eugene Glover, Jr.

7 DIRECT EXAMINATION

8 BY MR. HOLLOWAY:

9 Q All right. Mr. Glover, tell the jury where you lived
10 on September 26, 2020.

11 A Well, I wasn't living there, but I was there visiting
12 my fiancée at the time.

13 Q And who was that?

14 A Renada Riser.

15 Q Okay. And at this point, are you still together?
16 married? I'm putting you on the spot. I know.

17 A We're best friends at this moment.

18 Q But you have kids together.

19 A No, sir, we don't.

20 Q But on September 26, 2020, where were you around
21 12:15?

22 A I was at Ms. Riser's house.

23 Q Okay. And tell the jury, what did you see?

24 A Well, what I saw was -- when I was waiting for
25 Ms. Riser to come from the grocery store, and as she

1 backed in. I saw a vehicle coming up the hill. It's like
2 a little hill. And I saw two men exit the vehicle and a
3 third man was driving -- still driving. And as Ms. Riser
4 was entering the house with groceries and everything with
5 her son at the time because he was helping, all of a
6 sudden, I heard -- I heard a series of gunshots. And it
7 sounded like a high-caliber weapon. I mean, I was in the
8 Marines, so I got a chance to fire a couple of
9 high-caliber weapons. And this sounded like something I
10 had a chance to hear being in the Marines.

11 The next thing I know, Ms. Riser and her son, they
12 came dashing in the house. And I grabbed her son because
13 it's like it started. I could hear it real good and then
14 like off in the distance. And then the next thing I know,
15 Ms. Riser proceeded to run down the hallway because her
16 daughter was in the back bedroom. And when I was holding
17 her son, I observed a tall, slender guy holding this young
18 man. It was like he had just been riddled with bullets or
19 something like that. And I saw him just -- the guy was
20 holding him. He was just dangling. And then the car came
21 up again, and the next thing I know, I saw the tall,
22 slender guy opening the door and proceeding to put the
23 like deceased young man in the backseat.

24 Q Did you see the shooters?

25 A No, I did not.

1 Q Did you see or hear any other gunshots besides the
2 six or seven?

3 A Yeah. After -- after that, the six or seven I heard,
4 then I heard a couple like off in the distance. But by
5 that time, I saw the gentleman bringing the young man,
6 like I said, holding him in his arms and putting him in
7 the car.

8 Q How was the sound of the gunshots, the second burst
9 of gunshots different from the first?

10 A It sounded like the second gunshots, like it was a
11 handgun. It sounded like it was a handgun. But that
12 first couple of shots I heard, it was like an assault
13 rifle or something like that. I have -- you know, I was
14 like, wow. It would take you -- put your mindset like you
15 was at a shootout in the Midwest or something like that.

16 Q What kind of vehicle did you see earlier on? What
17 vehicle was driving around the complex? Do you know what
18 kind it was?

19 A It was a sedan.

20 Q And what color was it?

21 A I think it was silver, a silver, like a -- it was on
22 the style of a Camry or Altima or something like that. I
23 can remember that.

24 Q Are you able to say how many times it went around the
25 complex?

1 A Just one. After I saw it the first time, it came up
2 and the two gentlemen exited. I saw the vehicle. It went
3 out of sight. It went out of sight. Then once, like I
4 said, the guy was shot, then I saw that same vehicle again
5 come back.

6 Q Are you able to describe how his friends or how the
7 people, the guys with him were acting?

8 A Just observing. It's like they -- everybody was in a
9 good mood. Like I said, when they exited the vehicle, I
10 saw two gentlemen. They had smiles on their face.

11 The guy who got shot, he was closest to the patio
12 where I could see him. He was like he was in a good mood.
13 The tall, slender guy, he was -- when they exited the
14 vehicle at first, they was both -- like I said, they both
15 was smiling. And when the tall guy got close by, you
16 know, in view of the patio, it just looked like -- I guess
17 his facial expression changed, you know. And after that,
18 like I said, once they passed by the patio, that's when I
19 started hearing the gunshots.

20 Q If you need to come off the witness stand, that's
21 fine. I was going to have you point out where your
22 apartment is for us.

23 A Okay.

24 Q Just show the jury.

25 A There's the entrance right here. So came around the

1 curb. Now, this was the hill, like I was saying, like a
2 little incline. And I saw -- oh, I'm sorry. They got
3 like right up in here, this area right here. That's when
4 I -- them exit the vehicle. And they was walking. And I
5 think our apartment is like right in here where this white
6 car is -- this brown car is. But then that's when I heard
7 -- like after they pass by the patio walking that away,
8 that's when I started hearing the gunshots (indicating
9 throughout).

10 Q Were you able to tell from what direction the first
11 burst of gunshots came from?

12 A It's like -- like I said, the men were coming this
13 way (indicating), and like the gunshots were coming like
14 this way (indicating).

15 Q And I'm pointing to State's Exhibit 3 just for the
16 record. What are these objects right here (indicating)?

17 A Those are like I think garbage cans right here or
18 something like that. Yeah. Garbage cans.

19 Q Are they small cans or large?

20 A They're the big green dumpsters where the garbage
21 truck come and ---

22 MR. HOLLOWAY: Okay. Have a seat.

23 Thank you very much. Please answer any questions
24 opposing counsel has for you.

25 THE WITNESS: All right.

1 THE COURT: Cross-examination?

2 MR. KATA: Thank you.

3 CROSS EXAMINATION

4 BY MR. KATA:

5 Q Good morning, Mr. Glover.

6 A Good morning.

7 Q You testified that you were in the military?

8 A Yes, sir.

9 Q What did you do in the military?

10 A United States Marines. I was stationed at Camp
11 Lejeune, North Carolina. My MOS was 03-52, 03-11. Basic
12 grunt and a TOW gun. So I was around some light to heavy
13 artillery at times.

14 Q Okay. So when you say that you can recognize that
15 there were two different types of firing, you have a
16 reason to have that knowledge.

17 A Yes, sir.

18 Q Okay. And you testified, describe, I mean, a
19 high-caliber. What does that mean to you?

20 A The high-caliber -- high-caliber, that sound is like
21 a -- like a real base sound like boom, boom, boom, you
22 know. That's what I heard at first, the first couple of
23 shots. I heard that at first. And then the next thing I
24 know, I heard off like in a distance like it could have --
25 like a handgun.

1 Q And that led you to believe that there were two
2 different types of guns being fired, correct?

3 A If that -- if that wasn't the case, then whoever shot
4 the first -- that first automatic weapon or whatever,
5 either they were close near where we live or they were
6 running back from a distance and it sounded a little, like
7 I said, off.

8 Q And you're kind of guessing at that because you
9 didn't see the shooters.

10 A I didn't see the shooters.

11 Q You're just basing it off what you heard ---

12 A What I heard.

13 Q --- from in the apartment without actually seeing the
14 shooters.

15 A Yes, sir.

16 Q All right. And you describe seeing a car drive up
17 and individuals get out ---

18 A Yeah.

19 Q --- and then the car came back. If I can show you
20 State's Exhibit 19 and 20, is this the vehicle that you're
21 talking about?

22 A It looks similar.

23 Q Similar.

24 A It looks similar.

25 Q Looks similar.

1 A Yes, sir.

2 Q Looks silver with gray. And that's the car that you
3 were testifying about.

4 A Yes, sir.

5 Q How long between the time that the driver dropped the
6 individuals off, left out of your view and came back?
7 What was the time frame on that?

8 A It wasn't no more than about -- like I want to say
9 maybe two, three minutes it seemed like.

10 Q And this was just an average day for you. You
11 weren't expecting to have to take an accounting of
12 everything that happened, right?

13 A No. I was just visiting. No, sir. Yes, sir.

14 Q Okay. And all of your testimony is based off of what
15 you heard.

16 A What I heard and what I observed.

17 Q Because, once again, you didn't see ---

18 A The shooters. No, sir.

19 MR. KATA: No more questions, Your Honor.

20 THE COURT: Any redirect?

21 MR. HOLLOWAY: Just briefly.

22 REDIRECT EXAMINATION

23 BY MR. HOLLOWAY:

24 Q Going back to point to State's Exhibit 3, this is --
25 I'm pointing (indicating) to Building ■, correct?

1 A Yes, sir.

2 Q And Building (indicating).

3 A Uh-huh.

4 Q Now, as far as shell casings that were found, you
5 never actually found shell casings.

6 A No, sir.

7 Q That's for the police, right?

8 A Yes, sir.

9 Q And there's a decent sized space between the
10 buildings, correct?

11 A Yes, it is.

12 Q So is it possible that the sounds you heard were
13 echoes coming from these two buildings?

14 A Yes, it could.

15 Q Yes, sir?

16 A Yes, sir.

17 MR. HOLLOWAY: O. Thank you.

18 THE COURT: Anything on recross based upon his
19 question?

20 MR. KATA: No, Your Honor.

21 THE COURT: All right. Sir, you can step down.
22 Is this witness free to go?

23 MR. KATA: No objection.

24 MR. HOLLOWAY: Yes, sir.

25 THE COURT: All right. Sir, you're free to go.

1 Thank you for coming.

2 THE WITNESS: All right. Thank you.

3 THE COURT: All right. The jury feels comfortable,
4 we'll continue. Everybody feels comfortable.

5 All right. State call its next witness.

6 MR. HOLLOWAY: Yes, Your Honor.

7 MR. MILLER: The State calls Brittany Brown.

8 THE CLERK: Come this way. And pause here at the
9 bench. And you can set that down so you can lay your left
10 hand on the Bible, raise your right hand.

11 WHEREUPON,

12 BRITTANY BROWN

13 After having been duly sworn, testified as follows:

14 THE CLERK: Thank you. And then you may be seated.
15 Just bring that up there with you. Please state your full
16 name for the record.

17 THE WITNESS: Brittany Brown.

18 DIRECT EXAMINATION

19 BY MR. MILLER:

20 Q Ms. Brown, where are you currently employed?

21 A Greenville County Forensics.

22 Q How long have you been with Greenville County
23 Forensics?

24 A Since April 2019.

25 Q What are your current job responsibilities?

1 A I go to crime scenes, collect, document and preserve
2 evidence.

3 Q How did you get into forensics?

4 A I went to school for it.

5 Q What kind of education background do you have?

6 A Have a bachelor's in forensic science with minors in
7 biology and chemistry, and a masters in forensic science
8 as well.

9 Q And were you employed with Greenville County
10 Forensics in September of 2020?

11 A Yes.

12 Q What were your job responsibilities at that time?

13 A The same: collect, document and preserve evidence.

14 Q So what is the -- if we're talking about a vehicle,
15 what is the process you go through in processing the
16 vehicle?

17 A We take pictures, collect evidence, package the
18 evidence, transport it to Property and Evidence.

19 Q And where do you typically process the vehicle?

20 A Sometimes in a secured location like our crime scene
21 vehicle bay or tow lot. Sometimes it's on scene.

22 Q And in this case, you processed a silver Nissan
23 Altima?

24 A Yes.

25 Q Do you recall where you processed that?

1 A The [redacted] prime scene office's vehicle bay.

2 Q And why do y'all process vehicles there?

3 A It's a controlled environment. We don't have weather
4 or other mitigating factors. [redacted]

5 Q And do you recall what steps you went through
6 processing this vehicle? [redacted]

7 A Yes.

8 Q And just briefly tell the jury your process and how
9 you go about it.

10 A So first, we took pictures of the vehicle as it was.
11 It was sealed with red evidence tape. That means that no
12 one has entered the vehicle since it left its location.
13 And then once [redacted] collect evidence on the exterior of the
14 vehicle, then we broke those seals and then entered the
15 vehicle. [redacted]

16 Q And you talk about breaking the seals, you're talking
17 about red tape that's placed? [redacted]

18 A Yes.

19 Q Okay. And do you recall in this case if that red
20 tape, if it was still together?

21 A Yes, sir.

22 Q It was? [redacted]

23 A Yes.

24 Q Okay. And you mentioned that you took pictures of
25 the vehicle. [redacted]

1 A Uh-huh.

2 Q I'm going to show you what's been premarked as
3 State's Exhibits 21 through 50.

4 A Okay. (Reviews exhibits.)

5 Q Do you recognize those?

6 A Yes.

7 Q What are they?

8 A They're the pictures I took of the vehicle.

9 Q Are they true and accurate?

10 A Yes.

11 MR. MILLER: Your Honor, at this time, the State
12 would move to enter into evidence State's Exhibits 21
13 through 50.

14 THE COURT: Any objection?

15 MR. KATA: No objection.

16 THE COURT: So entered without objection.

17 (WHEREUPON, State's Exhibit Numbers 21 through 50 were
18 admitted into evidence.)

19 BY MR. MILLER:

20 Q I see you have a box. What's in the box you brought
21 with you?

22 A A trajectory kit.

23 Q Trajectory kit? Okay. And we'll talk about that in
24 just a second.

25 I'm going to show you State's Exhibit 21. And tell

1 the jury ■ that we're looking at here.

2 A That's the Nissan Altima in the crime scene vehicle
3 bay.

4 Q And this is the red tape? ■

5 A ■ Yes. It seals the four doors, the hood ■ and the trunk
6 of the vehicle. ■ ■

7 Q That's a close-up of it. It shows that it's together
8 and it's sealed? ■

9 A Yes.

10 Q Okay. What does it mean to you that the vehicle is
11 sealed when you go to process ■ it?

12 A That no one's entered the vehicle from the time that
13 it was sealed ■ til the time that I responded to it.

14 Q And your objective when you're performing these
15 duties, you're there to collect evidence.

16 A Correct. ■

17 Q And then what do ■ you do with that evidence? ■

18 A We package it and then take it to Property and
19 Evidence ■ for further examination.

20 Q And is that information then related to the lead
21 investigator?

22 A Yes. ■

23 Q Again, here?

24 A Yes. ■ ■

25 Q This is the ■ different angle of the Altima.

1 A Yes.

2 Q And here looking at the hood?

3 A Yes.

4 Q And in this photo, was there anything about this part
5 of the Altima why you took a picture here?

6 A There was a suspected projectile hole in the
7 headlight.

8 Q And this would be the front passenger headlight?

9 A Yes.

10 Q And this photo, if you'll tell the jury what we're
11 looking at.

12 A The suspected projectile hole in the headlight.

13 Q Okay. What led you to believe that it's a suspected
14 projectile hole.

15 A The training and experience.

16 Q And when you say "projectile," what do you mean?

17 A Like from a firearm or handgun.

18 Q So the part the firearm shoots out.

19 A Yeah. The bullet.

20 Q And here?

21 A It's just the -- a marking on a scale on the
22 suspected projectile hole.

23 Q And is that tape that you then placed?

24 A Yes.

25 Q What were you looking at here?

1 A So this is a trajectory rod within that projectile
2 hole, and then we took measurements with the trajectory
3 rod.

4 Q And how do trajectory rods work? How do you get
5 trajectory?

6 A Can I show?

7 Q If that will help you explain it to the jury.

8 A Okay. So we have a rod that we insert into the
9 projectile hole, and then we have a protractor that has
10 angle measurements on it, and then we have an angle finder
11 that tells the vertical angle of it. So when your
12 trajectory rod is here, you can tell what degree
13 horizontally the projectile entered the surface, and then
14 you can also tell what angle, if it's ascending or
15 descending. So that's the measurements that we take for
16 trajectory.

17 Q And are you able to get trajectory on all suspected
18 projectile holes?

19 A Not all of them, no.

20 Q And so with this trajectory, what were you able to
21 determine?

22 A It was 87 degrees from right to left and then
23 7 degrees descending.

24 Q Descending. So it started higher and came down low?

25 A Correct it was at a descending angle.

1 Q And tell the jury what we're looking at here.

2 A That is the trajectory rod inside the engine
3 compartment of the vehicle.

4 Q So that would show that the projectile went into the
5 engine?

6 A Correct.

7 Q And what about with this photo?

8 A That's another suspected projectile hole on the rear
9 passenger door frame. Just a closer image of it.

10 Q Did these appear to be fresher projectile holes?

11 A I can't say that.

12 That's just a scale that we place on the projectile
13 hole.

14 Q And a couple more close-ups of it here?

15 A Yes.

16 Q Okay. Now, and what led you to believe, because this
17 looks different than the first one, that -- that that one
18 is also a projectile hole?

19 A Uh-huh.

20 Q How did you come to that conclusion?

21 A Just training and experience.

22 Q And what are we looking at here on the car?

23 A The rear driver's side door.

24 Q And ---

25 A That's the close-up of the seal.

1 Q And this looks like the initials NRR.

2 A Yes.

3 Q Would that be who sealed the vehicle?

4 A Yes.

5 Q Do you know who NRR is?

6 A Nia Rosenblum.

7 Q And what are we looking at here?

8 A The rear driver's side bumper.

9 Two suspected projectile holes.

10 Q And this is on the bumper?

11 A Correct.

12 Q And what -- and you placed tape around these, and you
13 have these labeled as P-2 and P-3?

14 A Correct.

15 Q Were you able to get trajectory from P-2 and P-3?

16 A No.

17 Q Close-up of P-2.

18 And those are suspected projectile holes that you
19 found?

20 A Yes.

21 Q And you also believe -- found a projectile in the
22 car?

23 A Correct.

24 Q Okay. And where was this located?

25 A The rear passenger's seat.

1 Q Did you find any documents about the car, about the
2 car, about who the car would have belonged to?

3 A Yes.

4 Q And who was that?

5 A Jaquan McGee.

6 Q And these are photo copies of a social security card
7 and a driver's license?

8 A Correct.

9 Q And then something from the DMV?

10 A Yes.

11 Q And did you also find a firearm in the vehicle?

12 A Yes.

13 Q Where was that located?

14 A Underneath the trunk liner.

15 Q And what kind of firearm was that?

16 A A revolver.

17 Q And that's the one you found?

18 A Yes.

19 Q Now, from your training and experience, does a
20 revolver, does it eject shell casings after it's fired?

21 A No.

22 Q Okay. And if you can, tell the jury a little bit
23 about what we mean by that.

24 A So a revolver has like a chamber and a barrel, so
25 when the firing pin hits the cartridge and expels the

1 projectile, the barrel will rotate to the next cartridge
2 within the barrel.

3 MR. MILLER: Please answer any questions defense
4 counsel has.

5 THE COURT: Cross-examination?

6 MR. KATA: May it please the Court.

7 CROSS EXAMINATION

8 BY MR. KATA:

9 Q Investigator Brown, you weren't at the Highland
10 Apartment complex at the time the shots were fired, were
11 you?

12 A No.

13 Q Your role in this is to do exactly what you said.

14 A Process the vehicle.

15 Q And the vehicle that you processed belonged to who?

16 A The registered owner was Sandra Brown.

17 Q And you found a gun in the trunk.

18 A Yes.

19 MR. KATA: No more questions for this witness.

20 THE COURT: Any redirect?

21 MR. MILLER: No, sir, Your Honor.

22 THE COURT: All right. Ma'am, you can step down.

23 Is this witness free to go?

24 MR. MILLER: Yes, Your Honor.

25 MR. KATA: No objection.

1 THE COURT: All right. Free to go, ma'am.

2 THE WITNESS: Thank you.

3 THE COURT: State's prepared to call its next
4 witness?

5 MR. HOLLOWAY: Yes, sir. The State calls Dr. Grace
6 Dukes.

7 THE COURT: Okay.

8 THE CLERK: If you would, pause here at the bench.
9 Put your left hand on the Bible, raise your right hand.
10 WHEREUPON,

11 GRACE DUKES

12 After having been duly sworn, testified as follows:

13 THE CLERK: Thank you. You may be seated. Please
14 state your full name for the record.

15 THE WITNESS: Grace Dukes.

16 DIRECT EXAMINATION

17 BY MR. HOLLOWAY:

18 Q Thank you, Dr. Dukes. Tell us where you work.

19 A I'm employed by Pathology Associates here in
20 Greenville.

21 Q And if you could, describe your education and
22 background.

23 A Yes. I completed my undergraduate education at
24 Clemson University. I then did four years of medical
25 school at Medical University of South Carolina in

1 Charleston. I then completed an anatomic and clinical
2 pathology residency, a four-year residency at the
3 University of Kentucky. And I then completed my specialty
4 training in forensic pathology by way of a fellowship in
5 -- one-year fellowship in the Cook County Medical
6 Examiner's Office in Chicago, Illinois.

7 Q And what did your training and education and
8 background, what is that leading you toward? What is your
9 expertise?

10 A I'm a forensic pathologist.

11 Q And how many times have you testified in court, state
12 and Federal Court?

13 A Between 15 and 20 times.

14 Q And, again, what is your expertise in?

15 A Forensic pathology.

16 MR. HOLLOWAY: Your Honor, at this time, I'd move to
17 have her qualified as an expert witness in pathology.

18 THE COURT: All right. Any objection?

19 MR. KATA: No objection.

20 THE COURT: Okay. She's so qualified.

21 MR. HOLLOWAY: Thank you, Your Honor.

22 BY MR. HOLLOWAY:

23 Q So I'm sure people have seen decades of police drama
24 on television. What exactly do you do on a day-in and
25 day-out basis?

1 A I perform autopsies on people who have died, and I do
2 an examination of the body to come to a medical conclusion
3 about the cause and manner of death.

4 Q And describe the process that you undergo to conduct
5 an autopsy.

6 A At the beginning of an autopsy, we will pull out the
7 body that we are going to be examining, open the sealed
8 bag, the bag should be sealed at the scene, we'll unseal
9 the bag, open it, take photos of the body as is with
10 whatever is with on the body, describe everything that is
11 with on the body. Then we will remove everything,
12 describe features of the body including hair color, eye
13 color, height, weight, things like that, any identifying
14 marks, tattoos or scars, any changes to the skin and then
15 any injuries. And then after that's done, we'll proceed
16 to the internal examination, portion of the examination
17 where we open the body, the chest and abdomen, take off
18 the front of the rib cage, take organs out one by one
19 usually. And then I will examine them more thoroughly and
20 dissect and potentially take sections of to look at under
21 the microscope.

22 Q And that is basically to determine what? All that
23 process, that careful process, what is that meant to
24 determine?

25 A To determine the cause of the person's death.

1 Q And where does the autopsy, where does it occur?

2 A I perform autopsies in the morgue of Greenville
3 Memorial Hospital.

4 Q So it's in a hospital setting, correct?

5 A Yes.

6 Q And who else is in the room with you?

7 A There may be anywhere from one to three autopsy
8 technicians, potentially a coroner who's taken
9 jurisdiction of the case and potentially an investigator.

10 Q Now, in this particular case, you conducted an
11 autopsy on Jermaine Alan Gipson, Jr.; is that correct?

12 A Yes.

13 Q And that was on September 28, 2020?

14 A I believe so, yes.

15 Q And take us through that process of when you
16 conducted an autopsy on this victim.

17 A I performed all of the activities that I described to
18 you in terms of external examination. In this case, not
19 in all cases, but in this case, we also did X-rays of the
20 body to look for any retained projectiles. I then
21 examined the body and then specifically described gunshot
22 wounds that were present.

23 Q And as part of the process to -- I guess the first
24 thing is, what observations did you initially see on his
25 body?

1 A Initially, my impression was that there was blood
2 indicating an injuring, and then we knew and observed that
3 there were gunshot wounds.

4 Q Dr. Dukes, I'm going to hand up -- Dr. Dukes, I'm
5 going to hand you what's been -- a document here. Can you
6 identify this document for the jury?

7 A Yes. This is the report that I produced based on the
8 examination I did on the decedent.

9 Q Okay. And does the document show exactly what you
10 did, the methods and the process you conducted to do the
11 autopsy on Mr. Gipson?

12 A It doesn't explain the methods, but it explains my
13 findings.

14 Q Okay. Take us through the process. Show one by one
15 each step you did and what you observed.

16 A First, we identify the body and the people present
17 and the time the autopsy begins. Then we -- there is an
18 external examination description. We describe the
19 appearance of the body, age, height, weight, how the body
20 is identified by any identifying tags. Describe the
21 stiffness of the body, the way that the blood has settled
22 on the body, the hair color, condition and appearance of
23 the eyes, facial hair, whether there is anything, blood or
24 fluid coming from the nose, mouth, ear canals, description
25 of the teeth, description of the general appearance of the

1 neck and chest and abdomen and back, genitals,
2 extremities, fingernails, toenails and then identifying
3 marks and scars. And then we will describe any medical
4 devices that are on the body.

5 Q Okay. In this case, did you see any indication that
6 he'd been worked on by doctors?

7 A I did.

8 Q And what were those indicators?

9 A By some sort of healthcare professional. Evidence of
10 medical intervention included an endotracheal tube in the
11 mouth, intravascular catheters, IVs in the right side of
12 the neck, a chest tube on the right side of the chest,
13 some old adhesive residue on the chest and intraosseous
14 needles in both legs.

15 Q Okay. And is it part of the process of conducting
16 autopsy also doing X-rays on the body?

17 A It may be.

18 Q Okay. Did you do any X-rays in this case?

19 A Yes.

20 Q What did the X-rays show?

21 A There were three postmortem radiographs performed of
22 the chest, abdomen and pelvis areas where we had noted
23 injuries, and there was some diffuse opacification of the
24 abdomen which we would later find out was because of a lot
25 of bleeding into the abdomen. And then there were --

1 there was no evidence of any foreign objects, namely
2 retained projectiles, in the body.

3 Q Okay. And could you describe the injuries that you
4 observed on this body, Mr. Gipson?

5 A I described two perforating gunshot wounds,
6 perforating meaning entrance and exit with not retained
7 projectiles. The first was a gunshot wound with injuries
8 of the back and pelvis or lower abdomen. The second was
9 another perforating injury with injuries of the left thigh
10 and pelvis.

11 Q Dr. Dukes, I'm showing you what's been premarked as
12 State's Exhibit 4. Can you identify this for the jury?

13 A This appears to be the body diagram which is my page
14 of notes that I take during the process of the autopsy.

15 Q And when was this diagram created?

16 A Around the time of the autopsy.

17 Q And who did the markings on there?

18 A I did.

19 MR. HOLLOWAY: I would ask to move State's Exhibit 4
20 into evidence.

21 THE COURT: Any objection?

22 MR. KATA: No objection.

23 THE COURT: All right. So entered without objection.

24 (WHEREUPON, State's Exhibit Number 4 was admitted into
25 evidence.)

1 MR. HOLLOWAY: And I would ask to show the jury.

2 THE COURT: Any objection?

3 MR. KATA: No objection.

4 BY MR. HOLLOWAY:

5 Q If you could, describe what the jury is seeing here.

6 A This is a diagram of a body in anatomic position
7 which is with the face, body, legs and feet facing forward
8 and the palms facing forward. Up in the left corner are
9 my notes about the appearance of various things on the
10 body, most of them on the head. There are notes
11 indicating the medical device, note indicating a presence
12 of a paper bag covering the hand and then the tattoos and
13 then the guns, wounds and the measurements on the body.

14 Q If you don't mind, I'm going to have you step from
15 the stand. I'm going to hand you up 21st-century
16 technology to point. Show us the notes up here
17 (indicating) the top left on Exhibit 4, what do they
18 indicate?

19 A These are my descriptions of the hair, so black
20 dreadlock, facial hair, eyes color, other appearance of
21 the eyes, ears, teeth, nails noting nothing abnormal, the
22 rigor mortis of the body, how stiff the muscles of the
23 body are and then the lividity of the body, how it's
24 placed and how the blood has settled within the skin.

25 Q Okay. And describe how the blood settled in his

1 body.

2 A It settled on the posterior surfaces of his body.

3 Q And that's because why?

4 A It's because either at the time of death or soon
5 after, the body was placed on his back and then the blood
6 was allowed to settle, because it's no longer circulating,
7 was allowed to settle in that pattern.

8 Q Okay. And that begins, really, at the moment of
9 death?

10 A It begins then, yes.

11 Q So if he's being transported in the back of a vehicle
12 on his back, that could be the reason why the blood was
13 settled in his rear section, correct?

14 A If he's dead, yes.

15 Q Okay. Now, I see right here (indicating) on
16 Exhibit 4, IN, IN right here, I-N 1. What does that
17 indicate?

18 A That's the entrance wound for the first gunshot wound
19 that I described.

20 Q And is there an exit wound?

21 A There is.

22 Q Can you show the jury?

23 A It is here (indicating) at 1.

24 Q Okay. And what do these numbers, these notes right
25 here (indicating) indicate?

1 A These are the dimensions of the gunshot wound defect,
2 distance from the top of the head, distance from the left
3 of the posterior midline of the body, descriptions of a
4 marginal abrasion on the wound, the width of it and at
5 which position around the wound, and then an indication
6 that there's no soot or stippling meaning evidence of
7 close-range fire around the wound.

8 Q And in this case, you saw no stippling on the body.

9 A That's right.

10 Q And what does that mean?

11 A That means that the gunshot wound was likely more
12 than about three feet away from the body. The gunshot --
13 the gun, I'm sorry, was likely more than three feet away
14 from the body when it was fired.

15 Q And the notes by the Exit Wound 1, what do they
16 indicate?

17 A These are the dimensions of the exit wound, distance
18 from the top of the head, distance from the left of the
19 anterior midline of the body, and then a description of
20 the wound. So it was lacerated irregularly. And then
21 these are the dimensions of those lacerations and their
22 positions. And then the fact that there was a darkening
23 or drying of the superior edge of the wound.

24 Q And if you could, tell the jury how do you know
25 what's an exit wound, what's the -- what's the entrance

1 wound, what is the exit wound?

2 A Entrances and exits typically have different
3 features. When the projectile enters the skin, it
4 stretches the skin and can abrade the skin creating a sort
5 of distinct pattern of injury. And the entrance wounds
6 tend to be rounder, more calved out by the projectile.
7 Exit wounds do not have those changes on the skin because
8 the projectile's pushing from the inside out, and they
9 tend to be a little bit more irregular, more lacerated
10 because of that motion.

11 Q Okay. And the second hot wound, we see IN, or
12 IN-2. What does it indicate?

13 A That's the entrance wound for the second gunshot
14 wound that I described.

15 Q Okay. So both entrance wounds for Mr. Gipson were in
16 his posterior area.

17 A Yes.

18 Q So it stands to reason he would be either facing --
19 was he facing the shooter or facing away from the shooter?

20 A This (indicating) part of the body would have to be
21 in the direction of the gun.

22 Q Which means his face would be away.

23 A Maybe.

24 Q Either way, he was shot in his posterior area.

25 A Yes.

1 Q Now, where is the exit wounds for Gunshot Wound
2 Number 2?

3 A Right here (indicating).

4 Q Okay. And what are -- the notes indicate to you?

5 A So this is distance from the top of the head,
6 distance from the left of the anterior midline. I'm
7 trying to interpret what that is. It's not meant to be
8 neat. They're my notes from the time of the autopsy.
9 There is also -- there's a discontinuous superficial
10 abrasion of the skin on the superior edge of the wound at
11 the 12 o'clock position that measures 2.1 inches in
12 length.

13 Q And right here (indicating) what does this indicate
14 right here, this circle?

15 A This indicates that there was a brown paper bag
16 partially covering the hand which had previously been
17 secured at the wrist by white tape and had been partially
18 removed. And it was just this portion that was covered.

19 Q And who would normally put the bag and the adhesive
20 on a body?

21 A Bags are placed on the hands typically at the -- by
22 someone at the scene to preserve any potential evidence
23 that might be on the hands.

24 Q Okay. All right. Thank you.

25 What internal damage was caused by each of these

1 gunshot wounds?

2 A The first described gunshot wounds entering the back
3 exiting the lower abdomen or the left side of the pelvis
4 perforated both the back and the abdominal wall,
5 obviously, but also the left gonadal artery within the
6 abdomen and the pelvic and loop of small bowel.

7 Q Are you able to determine the order of shots?

8 A No.

9 Q So either one could have come first or second.

10 A Yes.

11 Q Okay. Are you able to determine which of the two
12 wounds or both would have been fatal or were fatal?

13 A Either wound is potentially fatal.

14 Q Of the two, which one is -- would cause the most
15 blood flow?

16 A The second gunshot wound injured a slightly larger
17 vessel, the left external iliac artery. But both are
18 arterial high-pressure bleeds.

19 Q Okay. And the artery -- is it an artery or a vein?
20 I keep calling it an artery.

21 A It's an artery.

22 Q Okay. The artery in Gunshot Wound Number 2 would be
23 in his pelvic area (indicating)?

24 A Lower abdomen to pelvis, yes.

25 Q Okay. The entrance wound's right here (indicating).

1 And if you could, correct me if I'm wrong, the pelvis is
2 up here (indicating)? And I'm pointing to Exhibit 4.

3 A Essentially, the lower third of the torso.

4 Q Okay. And did you say how the artery was damaged?
5 Was it just completely taken out or was it severed is what
6 I'm getting at.

7 A It was perforated.

8 Q And I guess what I'm getting at is what does that
9 mean?

10 A It means that there were injuries to both sides of
11 the artery, at least both sides of the artery potentially
12 with an open wound on one side.

13 Q And the other artery that was damaged with Gunshot
14 Wound Number 1, what was that artery?

15 A That was the left gonadal artery.

16 Q Okay. And I would say the same general area?

17 A Roughly, yes.

18 Q Okay. And could you describe how much blood flow
19 would result from that, from either injury?

20 A The amount of blood flow depends on a lot of factors.
21 But they're both high-pressure arterial bleeds in arteries
22 that arise from the aorta which is the largest, most
23 high-pressure artery in the body.

24 Q Once both arteries are severed, how much time would a
25 gunshot wound victim have to get to a doctor, get to a

1 hospital?

2 A Seconds to minutes.

3 Q And when that's happening, say someone calls 9-1-1,
4 are you able to say how much blood is flowing? And what
5 happens to the blood inside the body?

6 A I'm not able to say how much blood is flowing. That
7 could depend on a lot of factors. Our body is made to try
8 to slow the bleeding on its own. There are also
9 positional factors. Also, both of these arteries run
10 behind the lining of the inside of the abdomen, meaning
11 that when they are bleeding, they're bleeding into tissue
12 rather than into a -- they're also bleeding into a cavity
13 that now exists, but they're also bleeding into
14 surrounding tissue which is a higher-pressure situation.
15 So the rate of bleeding depends on a lot of different
16 things.

17 Q Does it also depend on if someone is performing CPR
18 on the victim?

19 A How do you mean, exactly?

20 Q Well, if a first responder is doing a -- pressing on
21 the chest to keep the heart pumping, that's the usual
22 response, correct?

23 A Correct.

24 Q Okay. And what is the purpose in doing that, keep
25 the heart going?

1 A Yes. CPR is meant to try to keep the heart
2 contracting.

3 Q Which also keeps the person alive, correct?

4 A Correct. That's the hope.

5 Okay. But what's happening if two arteries like in
6 this case were severed, what's happening as first
7 responders are compressing on the heart?

8 A So chest compressions during CPR compress the heart,
9 so they increase blood flow out of the heart. So whether
10 the heart is contracting on its own or not, those
11 compressions are increasing the blood flow out of that
12 area.

13 Q So really it's fair to say it's a catch-22 for the
14 first responder, isn't it?

15 A If you could be more specific.

16 Q So the more compressions they do, the more the blood
17 flows out of the wound on the victim, correct?

18 A Correct.

19 Q They also have to do it to keep the person alive long
20 enough to get to the hospital.

21 A Correct.

22 Q So that's the catch-22.

23 A Sure.

24 Q When someone -- like in this case with Mr. Gipson
25 these arteries are severed, can you describe his ability

1 to stand?

2 A I can't.

3 Q Are you able to say how long he's able to see or
4 perceive a danger?

5 A No.

6 Q What about his ability to hold a gun, the physical
7 ability to hold a gun? Would he be able to keep holding a
8 gun for any length of time?

9 A I don't know because of those factors I described.

10 Q Is it fair to say the longer the more blood that's
11 flowing out of his body, the less likely he is able to do
12 those things, to be able to see and to move?

13 A Yes.

14 Q And the faster the blood flows, the faster the
15 process of his ability -- his inability to see, to move
16 would be, correct?

17 A Correct.

18 Q Were you able in the autopsy to determine the angle
19 at which he was -- these gunshot wounds came from?

20 A No. I described the pathway through the body itself.

21 Q Okay. Now, the pathway through the body for Gunshot
22 Wound Number 1, what was that?

23 A The pathway for Gunshot Wound Number 1 was through
24 the back, and then it traveled back to front, slightly
25 left to right, I believe. I want to be sure. Yes. Left

1 to right and then downward.

2 Q So Gunshot Wound Number 1 right here (indicating),
3 and I want to make sure the jury is clear on this, this
4 right here (indicating) is your line that you wrote for
5 your notes, correct?

6 A Yes.

7 Q This is not the angle at which he was shot.

8 A It's not.

9 Q Or the pathway through the body.

10 A No.

11 Q But Gunshot Wound Number 1, the entrance wound came
12 at a downward angle, correct?

13 A The trajectory was downward.

14 Q Now, with regard to Gunshot Wound Number 2, what was
15 that pathway?

16 A The trajectory was from back to front, upward and
17 slightly right to left.

18 Q Okay. Are you able to explain why one wound would be
19 downward, one pathway would be downward and one would be
20 upward?

21 A It could either be because of a change in the
22 position of the body or projectiles coming from two
23 different angles.

24 Q And a part of the autopsy you testified earlier was
25 for you to determine what? What's the purpose of the

1 autopsy?

2 A The purpose of the autopsy is to determine a medical
3 cause and manner of death.

4 Q Okay. And what did you find in this case for both?

5 A The cause of death was gunshot wounds of the pelvis
6 and the manner of death was homicide.

7 Q As part of the autopsy process, did you conduct a
8 screening for any substances that may be in his system?

9 A Yes.

10 Q And did you find anything else in his system?

11 A No.

12 Q No marijuana? No alcohol? No drugs?

13 A No.

14 Q And how old was he at the time of his death?

15 A 21 years.

16 Q Okay. Did you see any other health problems in your
17 autopsy? Heart disease? And other health problems?

18 A No.

19 Q So otherwise, he was a healthy individual at the time
20 of his death.

21 A Presumably, yes.

22 Q Besides the gunshot wounds.

23 A Yes.

24 MR. HOLLOWAY: All right. Thank you very much.

25 Please answer any questions opposing counsel has for you.

1 THE COURT: Mr. Kata?

2 MR. KATA: Thank you, Your Honor. May it please the
3 Court.

4 CROSS EXAMINATION

5 BY MR. KATA:

6 Q Doctor, if I can draw your attention to one of the
7 questions that the State asked you about this diagram and
8 the positioning of the body in relation to the shots ---

9 A Yes.

10 Q And first, let's start with we're calling this
11 Gunshot Number 1 and Gunshot Number 2.

12 A Yes.

13 Q Are those your numbers?

14 A They're my numbers.

15 Q Okay. You don't know the order of the shots.

16 A That's correct.

17 Q The State asked you if, when the victim received this
18 shot, was he facing away from the shooter in line like
19 this and his face was away, and you responded "maybe." Do
20 you recall that question?

21 A Yes. I said that the portion of his body that was
22 injured had to be in the direction of the gun, but I do
23 not know which way his head was turned.

24 Q And you don't know which way his head was turned
25 because, of course, you weren't there to see what

1 happened, correct?

2 A Right.

3 Q Okay. So to make an opinion about the position of
4 the head, you would have to speculate about where it could
5 be, correct?

6 A Yes.

7 Q It could be to the left. It could be to the right.
8 It could be twisted.

9 A Yes.

10 Q There's a number of ways that this body could have
11 been positioned to take a wound in the back and other
12 things going on, correct?

13 A Potentially.

14 Q All right. And going back to this labeling and the
15 order of the shots, the State asked you about the order of
16 the shots and if you knew what order these shots were
17 incurred, and you said "I don't know"; is that correct?

18 A That's right.

19 Q You don't know because you weren't there to see what
20 happened.

21 A Yes.

22 Q So for you to give an opinion about whether this shot
23 came first or that shot came first would be based on pure
24 speculation on your part.

25 A Yes.

1 Q All right. And let's talk about the angles. The
2 State asked you about the angles, why this angle is
3 different than this angle.

4 A Yes.

5 Q And you testified to a number of reasons why that
6 could occur.

7 A Two, I believe.

8 Q But you don't know which one.

9 A I don't.

10 Q You'd be speculating to pick one answer over the
11 other.

12 A Yes.

13 Q Would you be speculating if it came from one shooter
14 or two shooters?

15 A Yes.

16 Q Because you weren't there.

17 A Right.

18 Q You have no foundation to make that opinion.

19 A Right.

20 Q The State also asked you about whether the victim --
21 how long the victim could hold a gun after sustaining
22 these wounds.

23 A Yes.

24 Q Is there any way for you to really know?

25 A No. I believe my answer was "I don't know."

1 Q Right. Because that would be speculation to give an
2 opinion on that fact.

3 A Yes.

4 MR. KATA: No more questions, Your Honor.

5 THE COURT: Redirect?

6 MR. KATA: Yes, sir, Your Honor. Just briefly.

7 REDIRECT EXAMINATION.

8 BY MR. HOLLOWAY:

9 Q I believe on cross-examination you clarified your
10 testimony on direct about the angles at which these
11 gunshot wounds pathway through the victim's body, correct?

12 A Yes.

13 Q That he was shot in the posterior area which is right
14 here and right here (indicating).

15 A Yes.

16 Q You just don't know where his face was pointed.

17 A Correct.

18 Q Or his head.

19 A Correct.

20 Q So a person who's running away from the danger can be
21 looking at the danger, but his backside, the back of his
22 body is in the line of fire, correct?

23 A His head can be in any position, yes.

24 MR. HOLLOWAY: Thank you very much.

25 THE COURT: Anything else?

1 (WHEREUPON, a recess is taken at 11:48 AM.)

2 THE COURT: Is everybody ready?

3 MR. HOLLOWAY: Yes, sir.

4 THE COURT. All right. We're ready if they're ready.
5 You can bring the jury out.

6 (WHEREUPON, the jury entered the courtroom at 1:35 PM.)

7 THE COURT: Okay. Everybody's good? Good.

8 All right. State's ready to call its next witness?

9 MR. HOLLOWAY: Yes, sir. The State calls Officer
10 Andrew Hansen.

11 THE COURT: All right.

12 THE CLERK: If you would, pause here. Raise your
13 right hand.

14 WHEREUPON,

15 ANDREW HANSEN

16 After having been duly sworn, testified as follows:

17 THE CLERK: Thank you. You may be seated. And state
18 your full name for the record.

19 THE WITNESS: Officer Andrew Hansen.

20 DIRECT EXAMINATION

21 BY MR. HOLLOWAY:

22 Q All right. Officer Hansen, tell the jury where you
23 work.

24 A I work for the Greenville City Police Department.

25 Q Can you tell the jury, how did you become involved in

1 this case?

2 A On this day in question, we got a call for a gunshot
3 victim. Originally, the location came out of Greenville
4 High School on Vardry Street. But we checked the
5 location. We couldn't find anything. And then we got
6 updated information with the victim's location.

7 Q Okay. So originally, this case was thought to be
8 within the city.

9 A Originally, yes.

10 Q And what did you eventually learn?

11 A We learned shortly thereafter, after speaking with
12 the people on the scene, that this occurred in the county
13 at Highland Apartments.

14 Q When you arrived, describe what you saw.

15 A When I arrived on scene, this is -- the victim was
16 located at Vardry and South Main Street, right there at
17 St. Paul's Methodist Church. And there were several
18 vehicles pulled over to the side of the street. There's a
19 Honda van, a red Dodge, a pickup truck and then another
20 silver Altima and then multiple people standing around,
21 moving -- should say there was commotion.

22 Q Okay. Were you able to determine who actually was
23 the person that had been shot?

24 A Yes. That was very apparent.

25 Q Okay. And who was that person?

1 A It was the victim in this case, Jermaine Gipson.

2 Q Okay. And was there anybody there on scene that knew
3 him?

4 A Yes. So there were -- like I said, there were
5 multiple vehicles, so a couple -- essentially, what I
6 gleaned is that the vehicle that the victim, his friend
7 Jaquan McGee were in, and then another -- I think another
8 guy, Franklin -- was it Zamario Franklin? They were all
9 in the car together, from my understanding, and the
10 vehicle had been shot. And so at this location, the
11 vehicle stopped working which is why they ended up here.

12 So they were in the process of moving him out of the
13 vehicle and then had essentially jumped down and waved
14 down some traffic, some passerbys who pulled over. One of
15 the guys had a pickup truck and then they moved the victim
16 into the back of the pickup truck.

17 Q Who were the people trying to wave down or flag down
18 passerbys?

19 A The people -- the people was the victim's friends,
20 Jaquan McGee and Zamaria Franklin.

21 Q If you could, describe how they were acting.
22 Describe their emotional state that they displayed.

23 A They appeared to be -- they appeared to be emotional.
24 He appeared to be urgent, concerned. They were clearly
25 upset, screaming, yelling "let's go, let's go, let's go."

1 That's what I mean by urgency. They were trying to get
2 the victim to the hospital, so they were both, you know,
3 screaming expletives. Just appeared to be upset by the
4 situation.

5 Q All right. Whose pickup truck was used to transport
6 the victim?

7 A Dixon. I think his name was Del Ray Dixon. He's
8 just a -- from my understanding, he was just passing by or
9 he was sitting, actually, across the street in his truck
10 on the phone with his girlfriend and had observed the car
11 pull over and them jumping out, screaming for help. So
12 Mr. Dixon drove his car -- took his truck across the
13 street into the church parking lot and said, hey, you can
14 use my truck.

15 Q When you arrived, were there any other officers or
16 deputies on scene?

17 A No. It was me and my partner. We were the first
18 ones to arrive.

19 Q So what was your role there with regard to the
20 victim?

21 A My immediate role was just try to do lifesaving
22 measures. So once the vehicle -- or once the victim was
23 lifted into the truck bed, I started checking for the
24 bullet wounds and performing CPR.

25 Q And who actually helped get the victim into the back

1 of the pickup truck?

2 A The people lifting him in the pickup truck were the
3 strangers, Mr. Dixon, a friend of his that would have been
4 following him in another vehicle and then Jaquan McGee and
5 Zamaria Franklin, the victim's friends.

6 Q Now, did anybody besides the victim get in the back
7 of the truck with you?

8 A Yes. So I jumped to the back of the pickup truck
9 with the victim, started checking for injuries and CPR.
10 And then Jaquan jumped to the back of the truck bed along
11 with me. Initially, while I was putting on gloves, he was
12 doing some CPR trying to -- trying to save his friend, and
13 then I took over that. And Mr. Zamaria Franklin, he
14 actually jumped in the pickup truck to drive the truck to
15 the hospital as Mr. Dixon wasn't familiar with the area.

16 Q And did you ride in the back of the pickup all the
17 way to the hospital?

18 A I did. I did CPR all the way to the hospital in the
19 back of the pickup truck.

20 Q And did Mr. Franklin and Mr. McGee stay at the
21 hospital until other officers arrived?

22 A They did. They were -- they were -- they stayed.
23 And at the hospital, St. Francis, they were -- they were
24 concerned and they were initially helpful in giving us
25 some information about the victim's identity and where it

1 happened at and minor details as to what happened.

2 MR. HOLLOWAY: Okay. Thank you very much. That's
3 all I have. Please answer any question opposing counsel
4 has for you.

5 THE COURT: Cross-examination?

6 CROSS EXAMINATION

7 BY MR. KATA:

8 Q Officer Hansen, you didn't respond to Highland
9 Apartment complex.

10 A I did not.

11 Q You didn't view what -- you didn't witness the event.

12 A I did not.

13 Q And your role was totally limited to what you just
14 testified to.

15 A Yes, sir.

16 MR. KATA: No more questions, Your Honor.

17 THE COURT: All right. Anything further?

18 MR. HOLLOWAY: No, sir.

19 THE COURT: Sir, you can step down.

20 This witness can be excused?

21 MR. KATA: No objection.

22 THE COURT: All right. Without objection. Sir,
23 you're free to go.

24 THE WITNESS: Thank you.

25 THE COURT: State can call its next witness.

1 MR. [REDACTED]OLLOWAY: Thank you, Your Honor. The State
2 calls Eva Gipson. [REDACTED]

3 THE CLERK: Pause here at the bench. Lay your left
4 hand on the Bible, raise your right hand. [REDACTED]

5 [REDACTED]HEREUPON, [REDACTED]

6 [REDACTED] EVA [REDACTED]GIPSON

7 After having been duly sworn, testified as follows:

8 THE [REDACTED]LERK: If you wou[REDACTED]d, please have a seat. Please
9 state your full name for the record.

10 THE WITNESS: Eva Gipson.

11 [REDACTED]IRECT [REDACTED]INATION

12 BY MR. HOLLOWAY:

13 Q Ms. Gipson, [REDACTED] I want to thank you for being here. Tell
14 the jury where you currently live.

15 A Where [REDACTED] I live at now?

16 Q Yes, ma'am. [REDACTED]

17 A At Highlands in [REDACTED] Pine Creek Cou[REDACTED]t.

18 Q In what building do you live?

19 A In [REDACTED] Building.

20 Q And on September 26, 2020, tell the jury where you
21 lived.

22 A In the same apartment where I stay at now.

23 Q Okay. Now, if you could, tell the jury how you know
24 the victim in this case. [REDACTED] [REDACTED]

25 A He was dating my daughter.

1 Q The victim.

2 A The -- oh, that's my son.

3 Q Okay. And on the day of his death, how old was he?

4 A He had just turned 21.

5 Q Okay. And, Ms. Gipson, I think you just mentioned
6 this a second ago. Tell the jury how do you know the
7 defendant in this case?

8 A He was dating my daughter.

9 Q How many children do you have?

10 A I have five kids.

11 Q And so who was the daughter that he was dating?

12 A Jermaine.

13 Q Now, you have a husband named Jermaine, Sr.

14 A Jermaine, yes.

15 Q Jermaine Alan, Sr.?

16 A Yes.

17 Q You have a son named Jermaine Alan, Jr.

18 A Yes.

19 Q And you have a daughter named Jermaine ---

20 A Annette.

21 Q Annette. She also went by the name of what?

22 A Annette, Jay.

23 Q Jay. Okay.

24 When did you first meet the defendant?

25 A I really never met him. I just seen him outside all

1 the time in the breezeway.

2 Q Okay. And the breezeway of what building?

3 A In Apartment █ -- I mean in the █ Building.

4 Q Okay. How long did -- and if you don't mind, I'll
5 call her Annette.

6 A Okay. That's fine.

7 Q How long did Annette date him?

8 A I really don't know that. I don't know.

9 Q Okay. On the day of the murder, was it several
10 months?

11 A It had been like a year, maybe two that she has --
12 she was dating him at that time.

13 Q Okay. Had your son Jermaine, Jr. ever met him?

14 A Yes.

15 Q And you saw him meet or saw him interact with the
16 defendant?

17 A Yes.

18 Q Describe how your daughter would interact with your
19 family up to this point.

20 A Jay has always been my problem child. So it was
21 always she was jealous of the younger siblings, and I
22 never understood why.

23 Q Is your family from this area?

24 A No, sir. We're from Miami.

25 Q Okay. When did you move to this area?

1 A I think I moved here 2015 if I'm not -- if I'm not
2 mistaken, I think. We've been here at least like nine
3 years.

4 Q Okay. And when you moved from Miami, who all from
5 your family moved up with you?

6 A Everybody except for Jay.

7 Q Was there a reason why she stayed down there?

8 A Once again, like I said, when -- she has always been
9 my problem child. So when I left -- she was over the age
10 of 18 -- she was not coming to stay with me.

11 Q When did Annette or Jay move to this area?

12 A She came here -- I don't know exactly, specifically
13 the year. My daughter knows a little more. But she came
14 here it had to be 2018, if I'm not mistaken. It probably
15 was like 2018.

16 Q When she moved to this area, did she live with your
17 family?

18 A She stayed with me.

19 Q And how long did she live with your family?

20 A She stayed with me for like a year -- for like a
21 year.

22 Q Okay. Was there a reason why she left your home?

23 A Like I said, once again, Jay was my problem child.
24 She was very disrespectful, and we was always getting into
25 it. So I just couldn't take it anymore. She was over the

1 age of 18, so...

2 Q So did she leave voluntarily or did you tell her ---

3 A I told her she had to leave.

4 Q And from there where did she live?

5 A She went and stayed with my niece.

6 Q And your niece lives in the same complex as you

7 or ---

8 A Yes. She stayed -- she stayed in the same complex

9 but was in the Building ■.

10 Q When you say that Annette was disrespectful in your
11 home, could you explain that?

12 A Well, when you tell her something that she's not
13 allowed to do, she feels like she can. And she used to
14 steal from me a lot.

15 Q And how long did Annette live with your niece?

16 A I'm not for sure how long she actually stayed there.

17 Q Was it a long time? a short time?

18 A It wasn't that long. It wasn't that short. It was
19 -- once she left my house, I really like cut
20 communications with her.

21 Q Okay. When -- starting in early 2020, where was
22 Annette living?

23 A Where was she living?

24 Q Yes.

25 A She was living in some apartments that was in

1 Mauldin, and then she wanted to move into Highlands.

2 Q Okay. Do you remember how long before your son was
3 killed that she moved back to Highlands? ■■■

4 A I believe she had been staying out there maybe a good
5 two to three months.

6 Q The spring of 2020, it's sort of the beginning of
7 COVID ---

8 A Yes.

9 Q --- COVID shutdown. Can you describe an event that
10 happened with your family as it relates to COVID that
11 occurred ■ in the spring of 2020?

12 A I do ■'t remember.

13 Q During that time frame, did your family receive a
14 series of payments from -- as it relates to COVID
15 payments?

16 A Yes.

17 Q Okay. Can you expound on that and tell the jury what
18 happened with that?

19 A Well, you know, my daughter, every -- she had been
20 staying out of my house for two years. So, you know,
21 everybody that filed taxes, they was getting the stimulus
22 checks back. And she said one of her checks had came to
23 the house. I had no recognition of it. She said that my
24 son had cashed it. And come to find out that was not
25 true. Because when my son cashed it, he went to Walmart.

1 And, you know, Walmart, you have to put in your Social
2 Security number. So if the Social Security didn't match
3 up with the check, she wouldn't have been able -- he
4 wouldn't have been able to cash it.

5 Q Did Annette report this to law enforcement?

6 A No, she did not.

7 Q Okay. Was your son ever charged or arrested?

8 A No, he was not.

9 Q Okay. What became of this issue with the COVID
10 payment check?

11 A She just -- she just went on. Like she just went on
12 a rampage. It was like she was coming to my house
13 unannounced, banging on my door, coming with the
14 defendant. It was just -- it was a lot. It was just a
15 lot. Her and her brother were getting into it. They was
16 going backwards and forwards. But like Junior just really
17 was like, Jay, I don't have it. Like I didn't cash your
18 check so I don't know why you're coming at me like this
19 when mom is telling you that I didn't do it. So it was
20 the -- they would say stuff to him, he would say stuff
21 back. And it just went from there.

22 Q I think you said this, but I want to make sure it's
23 clear. When Annette came to your house, did the defendant
24 come with her?

25 A Yes, he did.

1 Q And this is about the payment, the check that was
2 lost.

3 A Yes.

4 Q Okay. Did he say anything?

5 A My husband make me go in the room because they was
6 getting into it really bad. So I went in the back room.
7 And she went storming out the door because she was mad.
8 And that's all I know of. I was in the room.

9 Q Okay. Did the defendant know anyone that lived at
10 the complex?

11 A His sister stayed out there.

12 Q And where was her apartment at?

13 A She stayed downstairs up under the steps in the same
14 building where I lived at.

15 Q And did she live by herself?

16 A I think she had kids. I'm not for sure who all
17 stayed there.

18 Q Did you ever see the defendant?

19 A He used to be over there, but he stayed with my
20 daughter Jay.

21 Q Okay. Now, I think you testified earlier she --
22 Annette eventually -- or Jay eventually went back to the
23 complex.

24 A Yes.

25 Q So what building was she living at that time?

1 A I don't know what building that is. I honestly -- I
2 know it's across from where we stayed at, because not
3 across in the front of me. It's on the side. More to the
4 side.

5 Q I'm showing you State's Exhibit 4. If you could show
6 the jury -- and it's marked here, ■ Building right here
7 (indicating).

8 A Uh-huh. So she was in Building ■.

9 Q So she was in Building ■?

10 A Uh-huh.

11 Q Right here (indicating) where I'm pointing.

12 A Uh-huh.

13 Q Okay. How often did she come to your house asking
14 where her check was?

15 A Because she had went to the post office and used her
16 daddy by him and her have the same name, so said that she
17 lived at the residence and had them to do some type of --
18 I'm not for sure what it was for where she can tell when
19 mail comes to my house. And like I explained to the
20 people how do they even legal when she don't even live
21 there? She don't even have ID to my address, so how is
22 that even legal?

23 Q And I do want to make sure the timeline is clear,
24 too. By the time Jay -- or Annette moved back to the
25 complex, what had happened with the issue with the COVID

1 check?

2 A She winded up texting my phone and saying, oh, I got
3 my check. It -- I'm sorry. It's over with. I'm moving
4 on. It's cool. You know, she just was rambling through
5 the texts. But I never responded back.

6 Q Okay. Now, Building ■ is where you lived at this
7 time ---

8 A Yes. Uh-huh.

9 Q --- correct? Still live there.

10 A Yes.

11 Q The defendant's sister lived there.

12 A Yes.

13 Q Okay. Where on the premises was your son shot?

14 A I do not know.

15 Q Okay. Do you know who or where the shooters were
16 standing?

17 A No. I do not know.

18 Q So the exact details of the investigation, law
19 enforcement did not share that with you, correct?

20 A No.

21 Q And that's probably to keep the investigation from
22 getting tainted, correct?

23 A Yes.

24 Q Okay. Can you describe what happened, what you were
25 doing on September 26, 2020?

1 A I was actually out shopping to get the clothes for a
2 family portrait. We were supposed to take that next week.

3 Q And the family portrait with everyone in the family?

4 A Yes.

5 Was Annette going to join?

6 A Yes.

7 Q And tell the jury where you were shopping that day.

8 A I was in Simpsonville at Ross.

9 Q Okay. Who was with you?

10 A It was me, my husband and my son Alan and Jeremiah.

11 That's my other son.

12 Q Was your son Junior, was he with you?

13 A No.

14 Q What was he doing that morning?

15 A I talked to him that morning. He had supposed to
16 work, but they called. I guess they didn't have any work,
17 so he didn't go in. That's all I know. Like I talked
18 to him that morning.

19 Q Okay. I want to sidetrack a little bit. During that
20 time frame of 2020, where were you working?

21 A I was working at PLD.

22 Q And what is PLD?

23 A That's a pharmaceutical development place.

24 Q Okay. And who else worked there with you in your
25 family?

1 A My husband worked there, Jay worked there and also
2 the defendant.

3 Q Okay. During the situation with the COVID check,
4 describe what it was like working with the defendant in
5 the same building.

6 A He would just walk past me and say little smart
7 remarks to me. And just -- like he used to just joke at
8 me all the time. It used to be like why are you even
9 saying something to me? I don't even work in your
10 department. You have to leave out of your department to
11 come on the floor where I'm working at to just say stuff
12 to me. Why?

13 Q When he was walking by or on the premises, what did
14 he say?

15 A He would always call me by a name. I don't think I
16 could say that here.

17 MR. KATA: Objection. Hearsay.

18 MR. HOLLOWAY: That's a party admission.

19 THE COURT: Overruled. Go ahead.

20 THE WITNESS: He used to call me raggedy [phonetic]
21 bitches, little punk-ass bitch. It would just be
22 disrespectful stuff out of his mouth.

23 BY MR. HOLLOWAY:

24 Q Did he say why he was calling you that?

25 A No. I guess he didn't like me. I never did anything

1 to him so I don't know why he don't like me.

2 Q And this was over what period of time?

3 A This was the time after the checks.

4 Q So after the check issue was resolved, this went on?

5 A Uh-huh. Yep.

6 Q And how long did it go?

7 A It went on -- I'm not for sure. What I was told -- I
8 had reported it to HR because I was actually permanent on
9 there. And once I did that, I was informed that they let
10 him go.

11 Q And this was how long before -- how long before your
12 son was shot that he was terminated?

13 A It was like maybe a month and a half.

14 Q Okay. How often did you see him at the apartment
15 complex?

16 A If I came out the door to get in my car, I always see
17 him standing outside.

18 Q And did he do anything, make any -- say anything to
19 you?

20 A He just frung [phonetic] up, say little smart bitch,
21 raggedy old, stuff like that. But I never paid him no
22 attention.

23 Q But you -- when he was outside, did you see any kids
24 playing around with him?

25 A No.

1 Q Did Annette or Jay work at PLD?

2 A Yes.

3 Q And how long did she work there?

4 A She was there before I got there, so I don't know
5 exactly the years.

6 Q In the year 2020 leading into the spring, did she
7 still work there?

8 A Around that time, no, I don't think she had. I think
9 she had stopped working there.

10 Q Okay. The person who was an ex-boyfriend, what was
11 his name?

12 A Tyriese. They used to call him AD.

13 Q Do you know why he's called AD?

14 A I guess he's from Allendale.

15 Q Allendale County?

16 A Uh-huh.

17 THE COURT: Make sure she says yes or no so she can
18 be clear.

19 THE WITNESS: I'm sorry.

20 BY MR. HOLLOWAY:

21 Q If you could, please point him out in the courtroom.

22 A He's sitting right there (indicating).

23 Q The man over there at the defense table?

24 A Yes.

25 Q And he was Annette's boyfriend in 2020.

1 A Uh-huh. Yes.

2 MR. HOLLOWAY: I want to note for the record that the
3 witness has pointed to the defendant.

4 THE COURT: So noted.

5 BY MR. HOLLOWAY:

6 Q When the defendant was hanging out at Building ■, did
7 he make any hand gestures at you?

8 A Not that I know -- not that I can remember.

9 Q Okay. Could you describe any incidents, any
10 interactions you had with the defendant in the days or
11 weeks that led up to the murder?

12 A The day of my son getting killed, I was leaving out
13 the door. We passed each other. And he just had this
14 smirk on his face and was looking at me like I was crazy.
15 And I went and got -- I went to my car. That was the day
16 we was leaving to go shopping for the photos.

17 Q And how long before your son was shot was this?

18 A It was probably like nine. We left out the door
19 eight, nine, up in that area. Because we got there, the
20 store was still -- we had to wait like five minutes before
21 the store was open.

22 Q Your son, at the time of his death, did he have any
23 kids?

24 A Yes.

25 Q Was it one child?

-
- 1 A Yes. He only had one child.
- 2 Q Okay. What's her name?
- 3 A Charmaine.
- 4 Q And who was the mother of that child?
- 5 A Sha -- Shanique.
- 6 Q Okay. Did your son go to see his child very often?
- 7 A Uh-huh.
- 8 Q Do you know if he saw her that day?
- 9 A Not that day. Actually, when I -- we talked on the
- 10 phone, that's what we was talking about. When I came back
- 11 from shopping, I was going to take Charmaine and drop her
- 12 off because I had her with me.
- 13 Q Okay. So his daughter was with you.
- 14 A Yes. She was in the car with us.
- 15 Q Okay. Did you know your son's friends, like
- 16 Mr. Franklin, anybody like that?
- 17 A No. I don't know who that is.
- 18 Q Do you remember, I'm sure you do, when you got the
- 19 phone call, who called you about your son being shot?
- 20 A It was one of the residents that stayed in the
- 21 building. They text my phone -- well, they called my
- 22 phone. They called me on messenger, was just was like
- 23 your son was involved in a shooting. Your son got shot.
- 24 Q And without going into anything that they said, what
- 25 did you then do?
-

1 A I thought -- immediately called my son's phone.

2 Q Okay. And what happened?

3 A I didn't get no answers through the six times I
4 called. Then I called my daughter. And I was just like,
5 Mika, you are closer. Can you get somewhere? I don't
6 know where my baby at. He's not answering his phone. Can
7 you just check on him? And I wind up calling back again.
8 Then my husband called. Then when we -- I called the last
9 time, that was probably like my ninth or tenth time
10 calling, the detectives answered the phone and told me
11 where he was at.

12 Q Okay. And your son was at the hospital?

13 A Yes.

14 Q Which hospital was that?

15 A I think it was St. Francis. I'm not familiar with
16 the hospitals.

17 Q Okay. Did you actually drive back to the apartment
18 complex before going to the hospital?

19 A No. We went straight to the hospital.

20 Q Okay. And the daughter that called you, which
21 daughter was that?

22 A Jermika.

23 Q When you got to the hospital, did you see Annette?

24 A No.

25 Q Did you see her that afternoon?

1 A Yes. When we left from the hospital after they told
2 us that my son was dead, we went home. And I seen a lot
3 of police that day, and that's why I know where my son got
4 shot at.

5 Q And the police, they were still out there. Did you
6 see -- you saw them out there. Did you see any of the
7 crime scene tape?

8 A Yes. It was -- it was -- when I got out there, it
9 was like a Western movie was like. They had cones
10 everywhere. It was like a lot of gunshots.

11 Q When you got back out there, did you see Annette?

12 A No. Well, yes. When we -- as she got out there and
13 after the detectives was talking to us, and her and
14 another resident was out there about to fight about
15 something. I had no idea what was going on.

16 Q So you spoke to Annette that afternoon?

17 A Yes.

18 Q When is the last time you spoke to Annette?

19 A The day of my son's -- well, the day my son got
20 killed.

21 Q So it's been three and a half years since you've
22 spoken to your daughter.

23 A Yes.

24 Q Has she reached out to you?

25 A No.

1 Q Has she reached out to her father?

2 A No.

3 Q Has she reached out to her sister?

4 A No. Not that I know of. Not that -- she hasn't told
5 me that she has.

6 Q When the police were out there, did you speak to
7 them?

8 A Yes.

9 Q Okay. Did they give you an idea of what happened?

10 A No.

11 Q Did you and your husband, your family cooperate and
12 give them possible leads in the case?

13 A No. We didn't know what was going on at the time.

14 Q Okay. All you knew was that your son had been shot.

15 A Yeah.

16 Q Did you give law enforcement any information
17 regarding a likely suspect?

18 A No. I was just trying to figure out what was going
19 on.

20 Q Okay. Did you mention with law enforcement about the
21 COVID check issue ---

22 A No.

23 Q --- after that day?

24 A (Shakes head negatively.)

25 Q Did law enforcement present you with any photographs

1 or video surveillance ---

2 A Yes.

3 Q --- from this complex?

4 Okay. Did they ask you to determine if you knew --
5 if you knew who was in these photos?

6 A Yes.

7 Q Ms. Gipson, I'm handing you what's been marked as
8 State's Exhibit 122. Can you identify this for the jury?

9 A (Reviews exhibit) Yes. Number 3.

10 Q What is this exhibit?

11 A It's a photograph of the defendant.

12 Q Okay. And it's stapled together with four different
13 pages, correct?

14 A Yes.

15 Q Okay. Can you describe what's on each page?

16 A The defendant.

17 Q Okay. The first page is -- if you could read from
18 the top.

19 A It said photographs identification, my name.

20 THE COURT: Speak into the microphone.

21 THE WITNESS: Oh, I'm sorry. My name, it's the 26th,
22 it's September. I know this person, my daughter's
23 boyfriend, AD, Tyriese Robinson.

24 BY MR. HOLLOWAY:

25 Q Okay. So this is your affidavit?

1 A Yes.

2 Q And you signed it on what day?

3 A It says on September 26th.

4 Q So it was the afternoon or evening that your son was
5 killed.

6 A Yes.

7 Q Page Number 2, can you describe what you see?

8 A I see six defendants on here, but Number 3 is Tyriese
9 Robinson.

10 Q Okay. And the person, the officer who showed you
11 that, do you know who that was?

12 A I think his name was Detective Garrett.

13 Q Is he in the courtroom?

14 A Yes.

15 Q Okay. Did he tell you that the suspects were in the
16 photos or that they may not be in the photos?

17 A He just asked me can I identify anybody in the
18 photos.

19 Q But he didn't say, wink, wink ---

20 A No.

21 Q And which one did you point out?

22 A Number 3.

23 Q And who is that?

24 A Tyriese Robinson.

25 Q Page Number 3, can you identify this?

-
- 1 A Tyriese Robinson.
- 2 Q And is a picture of what?
- 3 A Him standing in a breezeway. Looks like something
- 4 he's holding in his hand.
- 5 Q And what -- if you could, describe what he's wearing.
- 6 A A red shirt, black pants.
- 7 Q Okay. And is there somebody with him?
- 8 A Yes.
- 9 Q And if you could, describe that person.
- 10 A He's a tall, slender guy. Looks like he's got dreads
- 11 in his head.
- 12 Q Is the second gentleman anyone you've ever seen?
- 13 A No.
- 14 Q Is the person wearing the red shirt someone you know
- 15 definitively?
- 16 A Yes.
- 17 Q And who is that person?
- 18 A Tyriese Robinson.
- 19 Q You're 100 percent sure.
- 20 A Yes.
- 21 Q I'm showing you the fourth page attached to State's
- 22 Exhibit 122. Can you describe what you see in that
- 23 photograph?
- 24 A Tyriese Robinson standing in the breezeway.
- 25 Q Of what building?
-

1 A H.

2 Q And I meant to ask you earlier, the building has how
3 many levels?

4 A Two.

5 Q And where is your apartment?

6 A Upstairs in the corner.

7 Q And where his sister stayed was in?

8 A In the same building downstairs up under the stairs.

9 Q Downstairs. Okay.

10 And how sure are you that this person standing right
11 here is the defendant?

12 A 100 percent.

13 Q Because you worked with him, right?

14 A Yes. And I see him all the time.

15 MR. HOLLOWAY: Your Honor, I ask to move into
16 evidence State's Exhibit 122.

17 THE COURT: Any objection?

18 MR. KATA: No objection.

19 THE COURT: Without objection.

20 (WHEREUPON, State's Exhibit Number 122 was admitted into
21 evidence.)

22 THE COURT: Would that be collectively? How many
23 sheets?

24 MR. HOLLOWAY: There's four, four sheets.

25 THE COURT: Four. Okay. All right.

1 BY MR. HOLLOWAY:

2 Q The day of the murder, the day your son was shot and
3 killed, I should say, you said you were leaving that
4 morning?

5 A Yes, sir.

6 Q And if you could, just describe to the jury who you
7 saw.

8 A Tyriese Robinson.

9 Q And where was he standing?

10 A He was actually walking up in the breezeway and I was
11 walking out of the breezeway.

12 Q So we're saying -- you're saying that the breezeway
13 in which you saw him that day ---

14 A Uh-huh. That morning.

15 Q --- the same breezeway right here (indicating)?

16 A Yes, sir.

17 Q On Exhibit 122.

18 A Yes.

19 Q Was he wearing the same thing?

20 A Yes.

21 Q The red shirt?

22 A Yes.

23 MR. HOLLOWAY: All right. Thank you very much.

24 Please answer any questions Mr. Kata has for you.

25 THE COURT: Cross-examination, Mr. Kata?

1 MR. KATA: Thank you, Your Honor.

2 CROSS EXAMINATION

3 BY MR. KATA:

4 Q Good afternoon, Ms. Gipson.

5 A How are you doing?

6 Q Okay.

7 Ms. Gipson, let's take it all the way back from the
8 beginning. Okay. And let's start with the relationship
9 with your daughter Jay.

10 A Uh-huh.

11 Q And Jay is the daughter that you testified that
12 Mr. Robinson was dating; is that correct?

13 A Yes, sir.

14 Q Okay. Would it be safe to characterize your
15 relationship with Jay as strained?

16 A I guess if that's what you want to say.

17 Q Y'all had your disagreements.

18 A Yes.

19 Q Earlier you testified, too, that you had never met
20 her boyfriend?

21 A I said I don't know him like that.

22 Q Okay. Let's go to the day of the incident.

23 Ms. Gipson, you weren't present ---

24 A No, sir.

25 Q --- at the time of the shooting.

1 A No.

2 Q You were actually miles away.

3 A Yes.

4 Q So you didn't actually see what happened.

5 A No.

6 Q You weren't there.

7 A No.

8 Q You didn't see any shots fired?

9 A No.

10 Q And you didn't see Mr. Robinson shoot your son.

11 A No.

12 Q But you testified earlier that you didn't like

13 Mr. Robinson, didn't you?

14 A I don't have an issue with him.

15 Q You didn't -- did you like that he was dating your

16 daughter?

17 A I don't care who she dates.

18 Q When did the incidents at work begin? Was it over a

19 course of months?

20 A I can't specifically remember the dates, but it was

21 after the checks was issued out.

22 Q The check thing was a big deal it sounds like.

23 A Yes.

24 Q And Jay was really upset ---

25 A Yes.

1 Q --- about the check?

2 A Yes.

3 Q Okay. And, in fact, correct me if I'm wrong, she had
4 come to your house on a prior occasion and accused you of
5 cashing the check.

6 A Yes.

7 Q And she was 100 percent certain that you were the one
8 who did it.

9 A Yeah.

10 Q But you didn't, did you?

11 A No.

12 Q She was wrong.

13 A Yes.

14 Q She didn't want you to cash the check, did she?

15 A No.

16 Q She didn't see you go and take the COVID money.

17 A No.

18 Q But she thought it was you.

19 A Yes.

20 Q And you weren't at the apartment complex ---

21 A No.

22 Q --- to see Mr. Robinson do anything?

23 A No.

24 Q Do you recall being asked by law enforcement about
25 who you thought might have a disagreement with your son?

1 Do you remember being asked that question?

2 A No.

3 Q At what point in time did you inform law enforcement
4 that you believed that it was Mr. Robinson?

5 A I didn't inform them that.

6 Q Okay. Let me show you what is marked Exhibit 122,
7 page 3. Would you agree that that picture is blurry?

8 A Yes.

9 Q Okay. Who is this ---

10 A I don't know.

11 Q --- in the black shirt?

12 A I have no idea.

13 Q No idea?

14 A No.

15 Q And you have no idea because you weren't there to see
16 him.

17 A No. I didn't see him.

18 Q Never seen anybody like that before.

19 A No.

20 Q Let me show you the fourth page. There's an
21 individual standing there. This is exhibit -- State's
22 Exhibit 122. Who's that in the gold shirt?

23 A I don't know.

24 Q No idea?

25 A No.

1 Q You can't tell from this photograph, can you?

2 A No. I just don't know a lot of people that stays out
3 there at Highlands.

4 Q I got you. But there's a lot of people out there.
5 We can agree on that, right?

6 A Uh-huh.

7 Q She may live there, she may not live there.

8 A Probably so.

9 Q Just like the individual in the black shirt may not
10 live there?

11 A Probably so.

12 Q You just don't know because you didn't watch what
13 happened.

14 A No.

15 Q But you believe it was Mr. Robinson.

16 A Yes.

17 Q And your daughter believed that you cashed her check,
18 correct?

19 A No. She thought my son cashed it.

20 Q But at first she thought you did. Is that what you
21 testified to?

22 A Yes. That's what I said the first time.

23 Q She was wrong.

24 A Uh-huh.

25 Q Because she wasn't there to watch you do anything.

1 A No. ■

2 Q Just like you ■ weren't there to watch Mr. Robinson do
3 anything.

4 A Uh-huh. ■

5 ■ THE COURT: Make sure you say yes or no ■

6 THE WITNESS: No ■ ■

7 MR. KATA: No more questions, Your Honor.

8 THE COURT: Redirect? ■

9 REDIRECT EXAMINATION

10 BY MR. HOLLOWAY:

11 Q The situation with the ■ COVID check, the defendant was
12 not involved in that until Annette involved him, correct?

13 A Yes, sir ■

14 Q And after the arrest of her boyfriend, she still
15 hasn't reached out to you?

16 A No, sir. ■

17 Q The person you see in this photograph right here
18 (indicating), this is the same person you saw in the
19 breezeway ■ the morning your son was killed.

20 A Yes, sir.

21 Q Any doubt in your mind?

22 A No, sir. ■

23 Q Would you want someone else blamed for your son's
24 murder falsely? ■ ■

25 A No. ■

1 Q You have a vested interest as his mother to have the
2 right person, correct?

3 A Yes.

4 MR. HOLLOWAY: Thank you.

5 THE COURT: Recross?

6 MR. KATA: No more questions.

7 THE COURT: All right, ma'am. Thank you. You can
8 step down.

9 THE WITNESS: Thank you.

10 THE COURT: State prepared to call its next witness?

11 MR. HOLLOWAY: Yes, sir, Your Honor. The State calls
12 Jermika Gipson.

13 THE COURT: All right.

14 THE CLERK: Please pause at the bench. Lay your left
15 hand on the Bible, raise your right hand.

16 WHEREUPON,

17 JERMIKA TAYLOR

18 After having been duly sworn, testified as follows:

19 THE CLERK: Thank you. You may be seated. Please
20 state your full name for the record.

21 THE WITNESS: Jermika LaShawn Taylor.

22 DIRECT EXAMINATION

23 BY MR. HOLLOWAY:

24 Q So I just want to make sure, your name is Taylor, not
25 Gipson?

1 A Yes. I got married last year.

2 Q That's wonderful. I think when I called you up here
3 I had your name as Ms. Gipson. I apologize for that.

4 If you could, Ms. Taylor, tell the jury how do you
5 know the victim in this case?

6 A That's my little brother.

7 Q And how much younger was he than you?

8 A We were four years apart.

9 Q And your family is not from this area originally?

10 A No.

11 Q And where is your family from?

12 A Miami, Florida.

13 Q When did your family move here to Greenville?

14 A 2015.

15 Q Okay. And did someone else -- did all your siblings
16 move up here?

17 A No.

18 Q Okay. Which siblings stayed in Florida?

19 A Jermaine, Jay, my sister.

20 Q And her middle name is Annette?

21 A Uh-huh.

22 Q Does she go by Annette and Jay?

23 A We call her Jay.

24 Q When is the last time you spoke to Jay?

25 A Maybe October of 2020.

1 Q Did she reach out to you after this man over here,
2 the defendant, was arrested?

3 A Uh-huh.

4 Q Yes?

5 THE COURT: Make sure you say "yes" or "no."

6 THE WITNESS: No, no. He got arrested later in the
7 year. I haven't heard from her since then.

8 BY MR. HOLLOWAY:

9 Q Okay. So to be clear, since the defendant was
10 arrested on this charge or charges, you have not heard
11 from your sister.

12 A No.

13 Q Has she tried to reach out to you?

14 A No.

15 Q If you could, describe what your brother was doing
16 that morning, the morning of September 26th.

17 A I hadn't talked to him.

18 Q Okay. Prior to his being shot and killed that day,
19 when was the last time you spoke to him?

20 A I had spoke to him like maybe five days before. He
21 had my son, and my son didn't want to stay with him so I
22 went and picked him up. And that was the last time I had
23 spoke to him.

24 Q Okay. And at that time, your brother was staying
25 where?

1 A He was staying in Grove Station. That's what I know
2 it by.

3 Q And your parents, they live where?

4 A In Highlands.

5 Q And in what building?

6 A On the ■ Building.

7 Q And they still live there?

8 A Yes.

9 Q Okay. But your brother lived elsewhere at that time.

10 A Uh-huh.

11 Q Okay. How long had he been staying out there?

12 A For a few months, like maybe six months, maybe.

13 Q Okay. Did he move out there before the COVID
14 shutdown?

15 A Yeah. He had lived out there previously before, too.

16 Q Out at Grove Station, was he staying with somebody
17 else?

18 A Uh-huh.

19 THE COURT: Make sure you say "yes."

20 THE WITNESS: Yes. Yes, sir.

21 BY MR. HOLLOWAY:

22 Q Was it a friend?

23 A He was living with the mother of his child.

24 Q Okay. And her name is?

25 A Shanique.

1 Q Okay. And his daughter's name is?

2 A Charmaine.

3 Q And she was how old when this shooting occurred?

4 A Maybe 6.

5 Q The day of your brother's death, what were you doing?

6 A I was at work. I was a supervisor at Burlington.

7 Yeah. I was at work.

8 Q And your sister Jay -- your sister Jay, was she
9 living with your parents at that time?

10 A When he died?

11 Q When he died.

12 A No.

13 Q And where was she living at?

14 A She was living in Highlands also.

15 Q Okay. And what building was that?

16 A I don't know which building, the letter of it, but
17 it's the first building when you come into Highlands to
18 the right.

19 Q Was it the same building as your parents?

20 A No.

21 Q Had you met the defendant before all this happened?

22 A Yes.

23 Q If you could, describe how you met him.

24 A His sister lived up underneath my mom, so just in
25 passing. I know that him and my brother used to talk and

1 then eventually my sister started dating him.

2 Q Okay. When you say your brother and he would talk,
3 what does that mean?

4 A Like I would say they was friends. The [REDACTED] was okay.

5 Q So prior to the defendant meeting Annette ---

6 A Uh-huh. Yes, sir. [REDACTED]

7 Q --- the defendant and your brother were friendly.

8 A Yes. [REDACTED]

9 Q When did your sister begin to date the defendant?

10 A I want to say around 2019, like the beginning of the
11 year, approximately. [REDACTED]

12 Q Okay. And as of the date of your brother's death,
13 they were still together.

14 A Yes.

15 Q Okay. If you could, describe how your family
16 interacted with the defendant. [REDACTED]

17 A Not much. Briefly he used to speak -- he would see
18 us and say, you know, hey, what's up? Then he started
19 dating her. He stopped talking to us. Like he didn't
20 speak anymore.

21 Q Did he say why?

22 A No. [REDACTED]

23 Q After -- the time frame where he stopped speaking to
24 you, can you describe what happened in the weeks and [REDACTED]
25 months after that?

1 A So...

2 Q What I mean is in the weeks and months after he began
3 to give your family -- to be quiet around them and not say
4 anything, can you describe how things went on between your
5 family and the defendant?

6 A He -- he was making threats to them. My brother had
7 called me one night. I guess he made a live video. I
8 didn't see it for myself. And he was upset. And he was
9 just saying that they knew him as AD. They was like, oh,
10 AD was on live saying that he was going to shoot your mom
11 and shoot your niece. He was like -- he was saying he's
12 going to shoot mama, shoot my daughter in her face. He
13 was really upset about it. He called me like 2,
14 3 o'clock in the morning around the time when he stopped
15 speaking to us. It was just a lot of tension between my
16 parents and my sister, you know,

17 Q In this live video, who was with the defendant?

18 A My sister.

19 Q Do you know how long before your brother was shot and
20 killed when this happened?

21 A I can't recall the exact timing of when the video was
22 made.

23 Q Approximately was it a month? two months?

24 A It was -- I'm going to say like the ending of the
25 summer because I had just given birth, and I had gave

1 birth in July. So it was like July, August, maybe.

2 Q So possibly a month, maybe two months before your
3 brother was murdered. [REDACTED]

4 A Yeah, yeah.

5 Q And from there, at the time, did you work at PLD?

6 A I never worked there.

7 Q Who in your family worked at PLD?

8 A My cousin, my mom, my dad. Jay was working there
9 also. Jay had worked there for maybe like a month. That
10 was -- that's all I know who worked there.

11 Q And [REDACTED] Jay, did she actually work there at the time your
12 brother was killed?

13 A I don't know. I don't know if she was still at PLD
14 when he died.

15 Q It's possible she left and was working somewhere
16 else.

17 A Uh-huh.

18 Oh, yes. She was. She was working somewhere else at
19 the end. I think she was working at the vitamin place,
20 maybe.

21 Q Prior to your brother's death, when was the last time
22 you saw the defendant?

23 A Prior to his death, I saw him -- him and my brother
24 both was incarcerated together. I went to visit my
25 brother. She was visiting him. And that's when I saw

1 him. But we didn't say anything to each other.

2 Q Okay. Going to the day of your brother's death, what
3 were you doing that morning?

4 A I was at work. Yeah. I was the opening manager, so
5 I was at work just doing my job. And that afternoon my
6 mom called me because I had just came from lunch. And we
7 was on the phone. Everything was fine. So -- and then
8 she called me and told me that something happened to my
9 brother.

10 Q Who called you?

11 A My mom.

12 Q Okay. After she called you and said something may
13 have happened to your brother, what did you then do?

14 A I left work. So she was ---

15 MR. KATA: Your Honor, I have an objection and a
16 matter of law.

17 THE COURT: All right. Ladies and gentlemen of the
18 jury, I'm going to send you back to your room. Please,
19 ma'am, please, sir, don't talk about the case to each
20 other and I'll bring you back in here as quickly as I can.
21 It will be a good time to take a break, walk around a
22 little bit.

23 (WHEREUPON, the jury exits the courtroom at 2:34 PM.)

24 THE COURT: Mr. Kata?

25 MR. KATA: Your Honor, I'm a little concerned about

1 the testimony that came out about him being incarcerated
2 before.

3 THE COURT: Well, we can't unring the bell.

4 MR. KATA: We can't unring the bell. But I don't
5 want to draw more attention to it than it is, but the
6 response wasn't -- the answer wasn't even in response to a
7 question.

8 THE COURT: What was your question?

9 MR. HOLLOWAY: My question was when was the last time
10 she saw the defendant prior to the date of her brother's
11 death.

12 THE COURT: And her answer was?

13 MR. KATA: They were incarcerated together.

14 MR. HOLLOWAY: Her brother and the defendant were
15 incarcerated the same day. And I drove on. That was not
16 intentional on my part.

17 MR. KATA: I'm not saying that the State elicited
18 that at all. That's not my argument. The problem is it's
19 just being injected in.

20 THE COURT: I understand that. I understand that.
21 But, you know, trials are -- you've got to be forward
22 thinking. And when I say forward thinking is you know
23 what you're going to say and you know what you're going to
24 ask and you know that as well, but you don't always know
25 what these witnesses you put up in this witness stand are

1 going to say. So you've got to think forward and say,
2 well, you know what? Maybe I should have -- maybe I
3 should have filed a motion in limine to limit that. But,
4 see, you've got to be thinking that way. You see what I'm
5 saying? Because, you know, once you get the bell rung --
6 now, I can instruct Mr. Holloway not to -- and I'll
7 instruct this witness not to -- any further witnesses, of
8 course, I'm sure counsel will advise them that you can't
9 say anything about this defendant being incarcerated. You
10 can't say anything like that. Counsel knows why that's an
11 issue.

12 MR. KATA: Correct, Your Honor. That's my concern.
13 And if you instruct her not to do that, that's fine. I
14 mean, I don't ever just file a motion in limine just to
15 exclude that. That's always excluded.

16 THE COURT: Yeah. I know. I know. But, you know,
17 I'm instructing you, ma'am, not to bring up anything about
18 -- anything about him in jail, that you knew him when he
19 was in jail or he was incarcerated, anything like that.
20 Please, ma'am, do not refer to anything like that at all.

21 And you -- probably going forward, if you've got any
22 fact witness like this, you might want to just pull them
23 to the side and make sure they don't do the slip of the
24 tongue and then Mr. Kata's going to jump up again. And I
25 understand why he would. So I think his objection is

1 valid.

2 But, you know, we can clean it up as best we can
3 right now. I think Mr. Holloway agrees not to ask any
4 questions, and this witness has been admonished not to say
5 anything like that. And I don't think we'll have a
6 problem going forward. Is that pretty much -- it's not --
7 it's the best I can do.

8 MR. KATA: I understand, Your Honor.

9 THE COURT: Okay. All right. Bring them back.

10 (WHEREUPON, the jury entered the courtroom at 2:38 PM.)

11 THE COURT: All right. Mr. Holloway?

12 MR. HOLLOWAY: Yes, sir, Your Honor.

13 BY MR. HOLLOWAY:

14 Q Ms. Gipson, your mother called you about your
15 brother.

16 A Uh-huh. Yes, sir.

17 Q And then what happened?

18 A I left work. I had to call my dad's phone to ask her
19 where was everything. She told me Piedmont Manor. So I
20 went to Piedmont area, and nothing was happening over
21 there so I kept calling back. She eventually told me that
22 he was at St. Francis -- at St. Francis downtown. And I
23 drove there. And I was his first family member at the
24 hospital.

25 Q Okay. Did you see Annette that afternoon?

1 A Yes.

2 Q Where at?

3 A In Highlands.

4 Q Did Annette come to the hospital?

5 A No.

6 Q When is the last time you spoke to her?

7 A I haven't talked to her since October.

8 Q Of?

9 A 2020.

10 Q Now, the police investigators spoke to you and your
11 family.

12 A Yes.

13 Q Okay. Did they tell you exactly what happened to
14 your brother?

15 A They came. They just said that he was shot and
16 killed. But I don't remember exactly what they was really
17 saying at that time.

18 Q Did they tell you there was a list of suspects or if
19 there was a list of suspects?

20 A No.

21 Q Ms. Gipson, I'm handing you -- Ms. Taylor, I'm
22 handing you what's been marked as Exhibit 123. If you
23 could, identify what you see right there.

24 A That's my handwriting. You want me to read it?

25 Q If you could, read the top of the page.

1 A Affidavit of photograph identification.

2 Q Okay. And what was the date?

3 A It was September 26, 2020.

4 Q Do you recall who showed that to you?

5 A Yes.

6 Q Is that person here in the courtroom?

7 A Yes.

8 Q Is it our lead investigator John Garrett?

9 A Yes.

10 Q Okay. And who signed this first page on Exhibit 123?

11 A Here?

12 Q Yes.

13 A Me.

14 Q That was you?

15 A Uh-huh. Yes, sir.

16 Q And it's also our investigator.

17 A Yes.

18 Q If you could, identify page 2.

19 A That's a list of people.

20 Q The investigators informed you and your family that
21 the complex had video -- had some video footage that
22 recorded your brother being shot.

23 A Yes.

24 Q Did they plant any ideas in your head as to who the
25 suspect might be?

1 A No.

2 Q When you were presented with this lineup of -- if you
3 could, tell the jury how many photographs are on page 2.

4 A Six.

5 Q Okay. When you were presented with that lineup, did
6 the investigator tell you the suspects could be on that
7 page?

8 A No.

9 Q It's fair to say that they said that the suspects may
10 not be on that page?

11 A Yes.

12 Q And which photo did you pick?

13 A Number 3.

14 Q Okay. And whose initials are right there
15 (indicating)?

16 A Mine.

17 Q And this lineup was based on pages 3 and 4 of this
18 packet.

19 A Yes.

20 Q Now, if you could, describe to the jury and for the
21 record what you see on page 3 of that packet.

22 A Page 3 of this packet is in front of my mama's
23 building, and it's two -- three people and cars.

24 Q Okay. And who also visited Building H quite often?

25 A Tyriese.

1 Q And who lived there in that building that he knew?

2 A His sister.

3 Q What's his sister's name?

4 A Shante.

5 Q What's her last name, do you know?

6 A I don't know.

7 Q Okay. And also, this is page 4. Can you describe
8 this?

9 A It's a picture of AD.

10 Q AD. And who is AD?

11 A Tyriese.

12 Q Is that person in that photograph here in this
13 courtroom?

14 A Yes.

15 Q Can you please point him out?

16 A (Indicating) Right there.

17 Q And where is he sitting?

18 A (Indicating) Right there.

19 MR. HOLLOWAY: Okay. For the record, she's pointing
20 to the defendant, Mr. Robinson.

21 THE COURT: So noted.

22 BY MR. HOLLOWAY:

23 Q The person in this picture right here, how certain
24 are you that is the defendant?

25 A I'm certain.

1 Q Okay. And could you give us any reasons why you're
2 certain?

3 A Because you know what someone looks like.

4 MR. HOLLOWAY: Your Honor, I would ask to move
5 Exhibit 123 into evidence.

6 THE COURT: All right. Any objection?

7 MR. KATA: No objection.

8 THE COURT: All right. So entered without objection.

9 (WHEREUPON, State's Exhibit Number 123 was admitted into
10 evidence.)

11 THE COURT: What's those numbers? State what?

12 MR. HOLLOWAY: It's State's Exhibit 123.

13 THE COURT: 123. All right.

14 MR. HOLLOWAY: Thank you very much. Please answer
15 any questions opposing counsel has for you.

16 Mr. Kata?

17 THE COURT: Mr. Kata?

18 MR. KATA: Thank you, Your Honor.

19 CROSS EXAMINATION

20 BY MR. KATA:

21 Q Ms. Gipson, remind me where you were on the day that
22 this event happened.

23 A I was at work.

24 Q You were at work. So you weren't at the Highlands
25 Apartment complex?

1 A No.

2 Q So, you know, you didn't see the shooters do
3 anything.

4 A No. I wasn't there.

5 Q Okay. So you weren't there to witness what happened.

6 A No.

7 Q Okay. Let me turn your attention to the document
8 that you were just referencing, State's Exhibit 123.

9 A Yes.

10 Q Is that a clear picture or a blurry picture?

11 A It's a little blurry.

12 Q It's a little blurry.

13 A Uh-huh.

14 Q Okay. Who's this (indicating) individual in the
15 black?

16 A I don't know who that is.

17 Q Okay. What features do you recognize about this
18 person in the black sweatshirt and pants?

19 A His hands is covered. Everything about him is
20 covered up.

21 Q Okay. Can you tell what kind of hair he has based on
22 this photograph?

23 A No.

24 Q No.

25 A Hu-uh.

1 Q Why can't you tell?

2 A Because I -- I can't.

3 THE COURT: Speak up.

4 THE WITNESS: I can't tell.

5 BY MR. KATA:

6 Q Because it's blurry?

7 A No.

8 Q You just can't tell.

9 A No.

10 Q Okay. I'm looking at page 4 of State's Exhibit 123.

11 A Uh-huh.

12 Q Okay. Does this photograph aid you in recognizing
13 who the person in the black sweatshirt is?

14 A No.

15 Q Does this photograph aid you in describing any facial
16 features about that individual?

17 A No.

18 Q What facial features do you see about the individual
19 in the red shirt?

20 A Can I hold the paper?

21 Q Sure.

22 A (Reviews exhibit) Facial features, I mean, I just
23 know what he looks like. I know what AD look like.

24 Q Okay. Well, what facial features can you see in that
25 photograph?

1 A I could tell it was him, but I've seen him before so
2 I know what he looks like.

3 Q You just know it.

4 A Yeah.

5 Q Do you know the person in the yellow?

6 A Can I see it again? (Reviews exhibit) I don't.

7 Q Can you describe what her face looks like in that
8 photograph?

9 A I can't.

10 Q You can't.

11 A No.

12 Q Ms. Gipson, let me just get this straight. Page 3 of
13 this photograph, you can't specifically identify any
14 facial features from any of these people.

15 A Page -- say it again? I'm sorry.

16 Q Page 3 of State's Exhibit 123.

17 A Say it again? I'm sorry.

18 Q You're unable to describe any specific facial
19 features of any of these three individuals; is that
20 correct?

21 A Uh-huh.

22 THE COURT: Is that a "yes"?

23 THE WITNESS: Yes, yes.

24 BY MR. KATA:

25 Q But yet you just know that the person in the red is

1 Mr. Robinson.

2 A Yes. I saw when we pulled up to the scene because
3 that's when I saw that blurry one. I was like, oh, that
4 looks like AD. That's exactly what I said to Investigator
5 Garrett. And then later on is when they brought the
6 lineup and he asked did I -- you know, is there anybody on
7 this picture that you recognized, and I pointed at him in
8 Picture 3.

9 Q In the lineup. But you can't specifically point to
10 any identifying facial features in any of these three
11 individuals in the photograph, can you?

12 A I'm going to repeat again. When Detective Garrett --
13 Investigator Garrett showed me that blurry picture, I said
14 that looks like AD. That's what I said.

15 Q That's it. No specific ---

16 A Yeah. I said that looks like AD. That's what I
17 said.

18 Q And you had already made up your mind that AD was
19 responsible for this, hadn't you?

20 A I said that looks like him. I didn't say he was
21 responsible because I didn't know what was going on
22 exactly. And when my brother was killed, I didn't know
23 where it happened at. So when we got out there, I was
24 just shocked that it happened where my mama lived. I
25 didn't know AD was responsible.

1 Q Because you weren't there to see it.

2 A I was not there to see it.

3 Q So it's impossible for you to say for sure.

4 A Yeah. I was not there to see it. I was not there.

5 MR. KATA: No more questions, Your Honor.

6 THE COURT: Redirect?

7 REDIRECT EXAMINATION

8 BY MR. HOLLOWAY:

9 Q But we have a camera that was there at the time
10 filming?

11 A Uh-huh.

12 THE COURT: Make sure you say "yes" or "no," ma'am.

13 THE WITNESS: Yes.

14 BY MR. HOLLOWAY:

15 Q And what else about this person do you see? His
16 height?

17 A Yeah.

18 Q His size?

19 A I mean, yeah.

20 Q His clothing?

21 A Yes.

22 Q Shoes he's wearing?

23 A I can't even see the shoes.

24 Q Some facial hair?

25 A Yes.

1 Q Like right here (indicating)?

2 A Yes.

3 Q There are other aspects of this picture that helped
4 you identify in your mind this was this person, correct?

5 A Yes.

6 Q As opposed to the other gentleman on page 2 of this
7 photo lineup, correct?

8 A Yes.

9 Q Yes?

10 A Yes.

11 Q It's just telling -- it's getting to the point where
12 specifically, in your mind, explain to a jury how you
13 recall that, that's where you're getting tripped up,
14 correct?

15 A Yes.

16 Q But the moment of recognition when you saw the photo,
17 was how long? A split second?

18 A When I saw this -- or this is the first photo that I
19 saw, and I said, oh, that look like AD. That's what I
20 said.

21 Q And then given the photo lineup ---

22 A Yeah. I pointed him on this, and I was like that's
23 AD.

24 Q As the person in the photographs attached to
25 Exhibit 123.

1 A Yes.

2 Q Had law enforcement told you about his involvement in
3 this case?

4 A No.

5 Q Did they say this person was the shooter?

6 A No.

7 Q Or a person who was the shooter may be in this photo
8 lineup?

9 A No.

10 Q They gave you no details about it.

11 A No.

12 Q He could have had any involvement in the case, much
13 less be the shooter when you identified him from this
14 video.

15 A Yes.

16 MR. HOLLOWAY: Thank you. That's all I have.

17 THE COURT: Recross?

18 MR. KATA: Just one or two, Your Honor.

19 RE CROSS EXAMINATION

20 BY MR. KATA:

21 Q Ms. Gipson, do you have Exhibit 123?

22 A Yeah.

23 Q I'd like to show you page 1. This is your
24 handwriting on it?

25 A Yes, it is.

1 Q All right. You say that you recognize the person to
2 be my sister's boyfriend, AD ---

3 A AD, yeah. |

4 Q --- then I later found out was Tyriese Robinson.

5 A Yes.

6 Q So on the day that you selected that photograph, you
7 didn't know that his name was ---

8 A Tyriese ---

9 Q --- Tyriese Robinson.

10 A Until later.

11 Q Okay. Who did you speak with in between those times?

12 A I'm not sure.

13 Q But you talked about people -- you talked to people
14 about this case.

15 A What do you mean like talk with people?

16 Q I just want to know how did you find out his name was
17 Tyriese Robinson? You said you later learned it.

18 A Yeah. Because, I guess -- I don't remember who told
19 me, to be honest.

20 Q Did you inquire about it? Or, I mean, you were doing
21 your own investigation.

22 A Yeah. I mean, yes. Me and my family was talking. I
23 don't really talk to people like outside of them, so...

24 Q But you and your family were talking.

25 A Yes.

1 Q Okay. About who this could be.

2 A Yes.

3 Q But none of you were there.

4 A Not when the shooting was happening, no.

5 Q But in between the time that it happened and the time
6 that you went in to do these selections, you and your
7 family had gotten together and discussed Mr. Robinson.

8 A During this -- during the time when? I'm sorry.

9 Q In between the time of the shooting and the time that
10 you were presented with these photographs.

11 A During the time of the shooting between -- yes. I
12 had talked to my mom. She told me everything happened.
13 When we arrived to the hospital, we did not talk. We sat
14 in the room and waited for them to come and tell us if my
15 brother had survived. We didn't know he was -- had died
16 already. So once they came down and pronounced him, then
17 we didn't talk. We cried. I cried. I didn't talk.

18 Q But your mom told you what she thought had happened.

19 A No. Not yet. We didn't talk until we got on the
20 scene, which was at Highlands, when we realized the scene
21 was in Highlands.

22 MR. KATA: No more questions, Your Honor.

23 THE COURT: All right. Now, ma'am, you can step
24 down.

25 Is this a sequestered witness?

1 MR. HOLLOWAY: Yes, sir.

2 THE COURT: All right. She can exit.

3 MR. HOLLOWAY: Your Honor, I was going to ask if she
4 can stay in here.

5 THE COURT: No objection on the other side?

6 MR. KATA: No.

7 THE COURT: All right. She can stay.

8 Y'all need a break or are you good? You're good?

9 All right. Call your next witness.

10 MR. HOLLOWAY: Your Honor, if possible, the attorneys
11 would like a break.

12 THE COURT: Okay. I didn't think you needed that.

13 All right. Ladies and gentlemen of the jury, I'm
14 going to send you to your jury room. Please, ma'am,
15 please, sir, don't talk about the case. And I'll bring
16 you back in as soon as they finish their bathroom break.
17 (WHEREUPON, the jury exits the courtroom at 2:56 PM, and a
18 recess is taken.)

19 THE COURT: Let's go back on the record.

20 MR. KATA: Your Honor, at this time, I just renew my
21 objection to the incarcerated comment. It's been bugging
22 me more and more and more.

23 THE COURT: All right. It's noted for the record.

24 MR. KATA: I'd ask for a mistrial based on that.

25 MR. HOLLOWAY: Your Honor, I would, obviously, object

1 MR. KATA: Thank you, Your Honor.

2 THE COURT: And your objection is noted for the
3 record.

4 MR. KATA: Thank you.

5 THE COURT: Your motion for a mistrial is denied.

6 All right. Bring them in.

7 (WHEREUPON, the jury entered the courtroom at 3:19 PM.)

8 THE COURT: All right. The State's ready to call its
9 next witness?

10 MR. MILLER: Yes, Your Honor. Thank you. The State
11 calls Darbi Harriman.

12 THE CLERK: Come forward. Place pause here at the
13 bench. Put your left hand on the Bible. Raise your right
14 hand.

15 WHEREUPON,

16 DARBI JACKSON

17 After having been duly sworn, testified as follows:

18 THE CLERK: Thank you. You may be seated. And State
19 your full name for the record.

20 THE WITNESS: Darbi Michelle Harriman Jackson.

21 DIRECT EXAMINATION

22 BY MR. MILLER:

23 Q So Ms. Harriman-Jackson ---

24 A Just Jackson will be fine.

25 Q Jackson. Okay.

1 Ms. Jackson, where are you currently employed?

2 A Laurens County.

3 Q And how long have you been employed in Laurens
4 County?

5 A Two weeks.

6 Q Two weeks.

7 Where were you employed in September of 2020?

8 A Greenville County Forensics.

9 Q How did you get into forensics?

10 A I have a degree in forensic anthropology, so I just
11 moved onto forensics.

12 Q How long were you with forensics?

13 A Four and a half years.

14 Q What were your roles in forensics?

15 A I was a forensic evidence technician.

16 Q What does a forensic evidence technician do?

17 A We respond to crime scenes. We are tasked with
18 documenting the scene appropriately, collecting evidence
19 as necessary, processing that evidence, processing the
20 scene with whatever what the scene requires and turning in
21 that evidence and writing reports about it.

22 Q And did you receive a call to process a scene at
23 20 [sic] Pine Creek Court on September 26, 2020?

24 A I did.

25 Q And you're no longer with forensics.

1 A That's correct.

2 Q Would having a copy of your prior report help you in
3 your testimony?

4 A Yes, sir.

5 Q Okay. And so I'll just give you the -- this is -- do
6 you recognize that?

7 A Yes, sir. It's my report.

8 Q Is it your full report?

9 A (Reviews document) It's just missing the diagram
10 which is the last four pages.

11 Q And I'm showing you now what's been premarked as
12 State's Exhibit 51, 52, 53 and 54. Do you recognize that?

13 A Yes. It's my diagram.

14 Q It's your diagram of what?

15 A The crime scene.

16 Q Okay. At [REDACTED] Pine Creek Court Extension?

17 A Yes, sir.

18 Q And you made those diagrams.

19 A Yes, sir.

20 Q Was that made as a regular course of your job?

21 A Yes.

22 Q Did you make that close in time to when you processed
23 the scene?

24 A Yes.

25 Q Are those true and accurate copies of the diagrams

1 you made?

2 A Yes.

3 MR. MILLER: Your Honor, at this time, the State
4 would move into evidence State's 51, 52, 53 and 54.

5 THE COURT: Any objection?

6 MR. KATA: No objection.

7 THE COURT: All right. So entered without objection.

8 (WHEREUPON, State's Exhibit Numbers 51 through 54 were
9 admitted into evidence.)

10 BY MR. MILLER:

11 Q And, Ms. Jackson, what I'm going to do is we'll get
12 -- reference the diagrams, but first just sort of I'd like
13 for you to tell the jury how did you go about processing
14 this scene?

15 A This scene specifically, Step 1 was I made contact
16 with the deputy who was kind of in charge of the scene,
17 made contact with him, got all the information about what
18 had happened to the best of his knowledge. I then did a
19 walk-through with that deputy, decided what was -- what we
20 collectively agreed may be of interest, began
21 photographing that scene.

22 At that time, I had my sergeant at the time and
23 another forensic evidence technician come out with me and
24 assist me. We began documenting by photographing with and
25 without evidence placards. We videotaped the scene. We

1 collected the measurements that helped us create that
2 diagram -- me create that diagram. Then we collected that
3 evidence, did trajectory when necessary and then we
4 cleared the scene.

5 Q And so your job is to collect items that you believe
6 could be of evidentiary value.

7 A That's correct.

8 Q And then that is then later relayed over to the lead
9 investigator.

10 A Correct.

11 Q And in this case, did you collect any shell casings
12 and projectiles?

13 A Yes, I did.

14 Q Okay. How do you go about collecting a projectile?

15 A If it's a projectile on the ground, we will
16 photograph it with and without evidence placard, videotape
17 it, measure it in terms of creating the diagram. We will
18 also collect it in a coin envelope. If it's embedded in
19 something, we'll get that out making as little damage to
20 the projectile as possible.

21 Q And we kind of sort of take this a little bit
22 projectile by projectile, casing by casing where they --
23 where you found, and we'll come back to the diagram.
24 We'll probably ask you to label like which item is what.

25 And so looking at your report, it seems like a decent

1 amount of items or casings, projectiles were collected.

2 A Yes. That's correct.

3 Q And how do you go about keeping it in order? Do they
4 assign any type of numbers or anything?

5 A Yes. We assign it the numbers when we put the
6 evidence placard down next to it. We'll photograph it
7 with that evidence placard. That item is then associated
8 with that evidence placard and that placard only.

9 Q Okay. And I'm going to show you what's been
10 premarked as State's Exhibits 55 through 61. Do you
11 recognize those?

12 A (Reviews exhibits) Yes. They're photos I took of the
13 scene.

14 Q And are they of a specific part of the scene?

15 A It is a projectile hole that we labeled as Number 4
16 on the bottom part of the porch of Apartment Number [REDACTED].

17 Q And was that projectile given an identification
18 number?

19 A Yes. It was given Number DH-E28.

20 Q DH-E28.

21 And referring to those photos, are those photos you
22 took?

23 A Yes.

24 Q Are they true and accurate?

25 A Yes.

1 MR. MILLER: Your Honor, at this time, the State
2 would move to enter State's Exhibits 55, 56, 57, 58, 59,
3 60 and 61 into evidence.

4 THE COURT: All right. Any objection?

5 MR. KATA: No objection.

6 THE COURT: All right. So entered without objection.

7 (WHEREUPON, State's Exhibit Numbers 55 through 61 were
8 admitted into evidence.)

9 BY MR. MILLER:

10 Q So we said it was Number DHE28.

11 A DH-E28.

12 Q I'm sorry.

13 And looking at State's Exhibit 52, do you see that on
14 your diagram?

15 A Yes.

16 Q And where is that? Is that here (indicating)?

17 A Yeah. Where the -- there's an arrow pointing to it
18 to where that's at, yes.

19 Q To there (indicating). Okay.

20 And let's see. And, Ms. Harriman, I'll ask you to do
21 what we kind of do with these. So DH-E28, was that a
22 shell casing or a projectile?

23 A DH-E28 was a projectile.

24 Q Okay. Ms. Jackson, what I'm going to do is is as we
25 talk about each one, to keep it straight between

1 projectiles or casings as we go on, I'm going to give you
2 a sheet of paper. ■ And I'm just going to ask you if you
3 can keep track of if we say DH-E28 is a projectile so that
4 we'll be able to add that to say that's what ■ this is.

5 ■ And here, so we're looking at Building ■?

6 A Yes. That's correct. ■

7 Q And do you recognize State's Exhibit 55?

8 A I do ■ yes. ■

9 Q What is that?

10 A That is a picture I took. It is of the bottom of the
11 porch of Apartment Number ■ where the projectile
12 entered through that, you know, banister, traveled under
13 and then came ■ to rest into the bottom piece of wood there.

14 Q Is that (indicating) it?

15 A Yes. ■ That's it.

16 Q And over here, what are we looking at?

17 A So when there's ■ lot of force kind of hitting out,
18 sometimes the other side of that surface will kind of, you
19 know, blow ■ out, cause some damage to it. So that is the
20 other side of where the projectile is located.

21 Q So this would be more of -- I see it's labeled here
22 P-4? ■

23 A Uh-huh.

24 Q That's how we know we're ■ still dealing with DH-E ■?

25 A Yes. ■

1 Q And [REDACTED]o this is?

2 A Yeah. That's [REDACTED]projectile Number 4 that we've labeled.

3 Q And it's 28 because there's the 28 placard next to
4 it? [REDACTED]

5 [REDACTED] That's correct. [REDACTED]

6 Q Okay. I want to [REDACTED]go ba[REDACTED]k now to State's Exhibit 60.
7 What is this purple rod?

8 A That [REDACTED]is a trajectory rod. [REDACTED]

9 Q And what is a trajectory rod?

10 A A trajectory rod is used to calculate trajectory of a
11 projectile. So that's -- [REDACTED]'s what that rod is. The
12 purple one, we have a couple colors. There's purple and
13 yellow. Purp[REDACTED]is just smaller so they can fit into the
14 hole better.

15 Q Now, [REDACTED]are you able to obtain trajectory from every --
16 from any projectile hole you come [REDACTED]across?

17 A No. [REDACTED] [REDACTED]

18 Q When are you able to obtain trajectory?

19 A We [REDACTED]need to be sure that the trajectory rod will
20 securely fit into the hole so there's not -- there's no
21 wiggle room so that we can get an accurate measurement.

22 Q And this photo, State's 61. [REDACTED]

23 A That photo, so we take it with the camera flash
24 against the surface, and we ca[REDACTED] get an idea of where [REDACTED] that
25 rod is pointin[REDACTED] where that projectile came from, where it

1 originated from.

2 Q And so from that, were you able to determine where
3 P-4, DH-E28 came from trajectory-wise?

4 A Yes, we could.

5 Q And where was that?

6 A It came from the parking lot closer to I believe it
7 was in front of Building ■ and ■. I can reference my
8 report, I wrote in my report.

9 Q Okay.

10 A (Reviews document) Yes. It came from the parking lot
11 in between Apartment Buildings ■ and ■.

12 Q ■ and ■.

13 And how did you go about collecting the projectile?

14 A We securely removed it from that wood. With that one
15 it was protruding a little bit out of that wooden beam, so
16 we were able to kind of wiggle it -- wiggle it on out.

17 Q And, Ms. Jackson, I'm now going to show you what's
18 been premarked as State's Exhibit 124. Do you recognize
19 this?

20 A Yes, I do.

21 Q What is it?

22 A It is the coin envelope I utilized to seal that
23 projectile into this envelope.

24 Q How do you know it's that projectile?

25 A So the evidence tape here, it has my initials and the

1 date that I had sealed it. That has not been torn. That
2 evidence seal has not been ripped.

3 Q Okay. And, Ms. Jackson, so you know that because you
4 sealed it, it has your initials on it. It doesn't appear
5 to be tampered with in any way?

6 A That's correct.

7 MR. MILLER: Your Honor, at this time, the State
8 would move to have Exhibit 124 entered into evidence.

9 THE COURT: Any objection?

10 MR. KATA: No objection.

11 THE COURT: All right.

12 (WHEREUPON, State's Exhibit Number 124 was admitted into
13 evidence.)

14 BY MR. MILLER:

15 Q Ms. Jackson, if you can open the package and show the
16 jury the casing -- or the projectile.

17 A (Witness complies.)

18 Q And that is DH-E28?

19 A That's correct.

20 Q All right. Put it back in.

21 And now I'm going to show you what's been premarked
22 as State's Exhibits 62 and 63. Do you recognize these?

23 A Yes, I do.

24 Q What are they?

25 A Photographs of Projectile Path Number 5 with an

1 evidence placard labeled 29 next to that projectile.

2 Q Are those true and accurate photographs?

3 A Yes.

4 MR. MILLER: Your Honor, at this time, the State
5 would move Exhibits 60 and 61 --62 and 63 into evidence.

6 THE COURT: Any objection?

7 MR. KATA: No objection.

8 THE COURT: Without objection.

9 (WHEREUPON, State's Exhibit Numbers 62 and 63 were
10 admitted into evidence.)

11 BY MR. MILLER:

12 Q And I believe this is -- there's a 29, so this would
13 be DH-E29?

14 A That's correct.

15 Q That would be here (indicating)?

16 A Uh-huh.

17 Q And DH-E29 is a projectile or a casing?

18 A It is a projectile.

19 Q Just keep the list going.

20 And, again, we're still on Building ■.

21 A Uh-huh.

22 Q Correct? Okay.

23 And is this it up here (indicating)?

24 A That is.

25 Q Close-up.

1 Were you able to obtain trajectory from DH-E29?

2 A I was not. ■

3 Q Why not?

4 A The hole was far too large for any of m rods to be
5 able to securely fit into it. ■

6 Q And I'm going to hand you what's been premarked as
7 State's Exhibit 125. Do you recognize this?

8 A Yes, I do. ■

9 Q What is it?

10 A A coin envelope containing the Projectile DH-E29 with
11 my initials and date ■ ■

12 Q Appear to be tampered with in any way?

13 A Hu-uh. ■ sir.

14 MR. MILLER: Your Honor, the State would move State's
15 Exhibit 125 into evidence.

16 THE COURT: Any objection? ■

17 MR. KATA: No objection. ■

18 THE COURT: So entered without objection.

19 (WHEREUPON, State's Exhibit Number 125 was admitted into
20 evidence.)

21 BY MR. MILLER:

22 Q Ms. Jackson, if you could please open and show the
23 jury. Would you like these gloves?

24 A I would love those gloves. Thank you. ■

25 Q All right. Is that still in the same condition you

1 found it?

2 A Uh-huh. Yes, sir.

3 Q And that's the casing?

4 A That is a projectile.

5 Q Projectile. I'm sorry.

6 If we could put it back in there.

7 Ms. Jackson, I would show you what's been marked
8 as State's Exhibits 64 through 68. Do you recognize
9 these?

10 A I do.

11 Q What are they?

12 A They are photographs I took of Projectile Path
13 Number 6.

14 Q You took the photographs?

15 A I did.

16 Q Are they true and accurate?

17 A They are.

18 Q Do they appear to be tampered with in any way?

19 A No.

20 MR. MILLER: Your Honor, at this time, the State
21 would move to admit State's Exhibits 64 through 68 into
22 evidence.

23 THE COURT: Any objection?

24 MR. KATA: No objection.

25 THE COURT: So noted.

1 A Yes, sir.

2 Q And where were you able to determine the trajectory
3 of DH-E30?

4 A We were able to determine that it came from the
5 parking lot. If I can reference my report. (Reviews
6 document) It came from the parking lot between Buildings ■
7 and Building ■ as well.

8 Q And it looks like were you able to retrieve that
9 projectile as well?

10 A That's correct.

11 Q I'm going to show you what's been premarked as
12 State's Exhibit 126. Do you recognize that?

13 A Yes, I do.

14 Q What is it?

15 A A coin envelope containing Item DH-E30 with my
16 initials and date on the back.

17 Q Appear not to be tampered with in any way?

18 A It does not appear to be tampered with.

19 Q Still sealed with evidence tape?

20 A Yes.

21 MR. MILLER: Your Honor, at this time, the State
22 would seek to move Exhibit 126 into evidence.

23 THE COURT: Any objection?

24 MR. KATA: No objection.

25 THE COURT: All right. So entered without objection.

1 (WHEREUPON, State's Exhibit Number 126 was admitted into
2 evidence.)

3 BY MR. MILLER:

4 Q If you would, please open it and show the jury.

5 A (Witness complies.)

6 Q Ms. Jackson, I'm going to show you what's been
7 premarked as State's Exhibits 69 through 72. Slide that
8 back in. Do you recognize those?

9 A I do.

10 Q What are they?

11 A They are photographs from the scene of Projectile
12 Path Number 7.

13 Q Are they true and accurate?

14 A Yes.

15 MR. MILLER: Your Honor, at this time, the State
16 would move to admit Exhibits 69 through 72 into evidence.

17 THE COURT: Any objection?

18 MR. KATA: No objection.

19 THE COURT: So noted without objection.

20 (WHEREUPON, State's Exhibit Numbers 69 through 72 were
21 admitted into evidence.)

22 BY MR. MILLER:

23 Q If you could, tell the jury what we're looking at
24 here.

25 A That is the entrance hole for Projectile Number --

1 Projectile Path Number 7.

2 Q And how are you able to tell that's the entrance?

3 A So in the majority of cases, there's always
4 exceptions, but the majority of cases, the entrance of
5 projectile holes can be determined when they're more
6 circular, clean, crisp and the exit is typically where you
7 see more damage.

8 Q And I'll show you now State's Exhibit 72. Would that
9 be the exit?

10 A Yes.

11 Q There's the close-up.

12 And State's Exhibit 71, it looks like you're able to
13 determine trajectory of Projectile Path Number 7.

14 A That's correct.

15 Q What was the projectile path of Projectile Number 7?

16 A It originated from the entryway of Building ■.

17 Q Okay. So it came from the entryway of Building ■.
18 Okay.

19 And was it -- from your notes, did it appear to be
20 ascending or descending?

21 A Let me look at my notes. (Reviews document) We
22 observed it to be 1 degree descending.

23 Q And from your report, I believe you -- is it correct
24 you collected an item as DH-E7 to be correlated with
25 Projectile Path Number 7?

1 A That's correct.

2 Q I'm going to show you what's been premarked as
3 State's Exhibit 127. Do you recognize this?

4 A I do.

5 Q What is it?

6 A It's a coin envelope containing Projectile DH-E7
7 sealed with my initials and date.

8 Q Appear to be tampered with?

9 A No.

10 MR. MILLER: Your Honor, at this time, the State
11 would move to enter into evidence State's Exhibit 127.

12 MR. KATA: No objection.

13 THE COURT: All right. So entered without objection.

14 (WHEREUPON, State's Exhibit Number 127 was admitted into
15 evidence.)

16 BY MR. MILLER:

17 Q If you can, please open and show the jury.

18 A (Witness complies.)

19 Q And DH-E7, the actual projectile, I believe it was
20 fired from Building ■, correct? Or you stated?

21 A We estimated that it was from the breezeway.

22 Q From the breezeway of Building ■?

23 A Building ■.

24 Q Okay. So now looking at State's Exhibit 51, we have
25 Building ■ over here (indicating), and DH-7 I believe here

1 with an arrow coming to over here (indicating).

2 A Yes, sir.

3 Q Okay. So DH-7 was located in this (indicating)
4 parking lot between G and E.

5 A That's correct.

6 Q And believed to have been fired from the breezeway of
7 Building █ over here (indicating).

8 A That's correct.

9 Q Ms. Jackson, I'm going to show you what's been
10 premarked as State's Exhibits 73 through 87.

11 A (Reviews exhibits.)

12 Q And I'll make sure I've got it all correct.

13 Do you recognize these? I apologize. 73 through 87.

14 A Yes, sir.

15 Q Do you recognize those?

16 A Yes, I do.

17 Q What are they?

18 A They are photographs of the crime scene that I took
19 from the parking lot once evidence items had been
20 placarded and labeled and numbered.

21 Q And also, these got stuck in the wrong stack.
22 State's Exhibits 88 and 89, do you recognize those?

23 A Yes, I do.

24 Q What are they?

25 A Photographs of -- from the parking lot of evidence

1 items that have already been placarded.

2 Q You took the photographs?

3 A I did take those photographs.

4 Q Are they true and accurate?

5 They are.

6 MR. MILLER: You Honor, at this time, the State
7 would move to admit State's Exhibit 73 through 89 into
8 evidence.

9 THE COURT: Any objection?

10 MR. KATA: No objection.

11 THE COURT: So admitted without objection.

12 (WHEREUPON, State's Exhibit Numbers 73 through 89 were
13 admitted into evidence.)

14 BY MR. MILLER:

15 Q Ms. Jackson, if we could tell the jury what we're
16 looking at here.

17 A That is from the parking lot. It is from, you know,
18 G and E. I'm on the other side of G and E. So those are
19 the photographs of Items 1, 3, 4, 5. My eyesight's not
20 that good. 7 is over there with the, you know, placard.

21 Q And you stated 7 was over where?

22 A Right there.

23 Q And that's Item DH-E7 that we saw?

24 A That's correct.

25 Q All right. And going back to here, this is the area

1 we're talking about you said we're looking down in here
2 between G and E. And looking up here, this would be more
3 up this direction (indicating), Building ■.

4 A That's correct.

5 Q Okay. And, again, these photos here, same.

6 And what are we looking at here?

7 A That is item DH-E1 cartridge casing.

8 Q And did you collect this cartridge casing?

9 A I did.

10 Q Where was it collected from?

11 A The parking lot in between Building ■ and ■.

12 Q Between ■ and ■, DH-E1. And just looking at -- so
13 here, DH-E1?

14 A That's correct.

15 Q So in this area here (indicating).

16 A That's correct.

17 Q I'm going to show you -- or hand you what's been
18 marked as State's Exhibit 128. What is that?

19 A That is the coin envelope I used to package this
20 cartridge casing, sealed with my initials and date.

21 Q Still sealed with evidence tape?

22 A Yes. It looks like another individual from forensics
23 also accessed. It is sealed with their initials and date.

24 Q Right. And -- but does it appear to be tampered with
25 in any way?

1 A Aside from that, no.

2 Q And that would just be in the regular course if
3 somebody requested any type of testing or anything.

4 A That's correct.

5 MR. MILLER: Your Honor, at this time, the State
6 would move to admit State's Exhibit 128 into evidence.

7 THE COURT: Any objection?

8 MR. KATA: No objection.

9 THE COURT: So admitted.

10 (WHEREUPON, State's Exhibit Number 128 was admitted into
11 evidence.)

12 BY MR. MILLER:

13 Q And so we're looking -- this is Item DH-E1, this
14 cartridge casing.

15 A That's correct.

16 Q From your experience, did you ever come across in
17 your training and experience what happens with the
18 cartridge casing inside of a firearm when it's fired?

19 A So there's a lot of heat, there's the gunpowder, it
20 is ejected, you know, from the slide.

21 Q So there's a lot of heat.

22 A That's correct.

23 Q What does the heat do to potentially any forensic
24 type of evidence that could be collected such as like a
25 latent print or DNA?

1 A It more often than not will get rid of any DNA and
2 latent fingerprints.

3 Q And if we could, please open Item DH-E1 and show it
4 to the jury.

5 A (Witness complies.)

6 Q Show you State's Exhibit 76. What are we looking at
7 here?

8 A That is Item DH-E3, also a cartridge casing.

9 Q And it looks like that is up here (indicating) on
10 your diagram?

11 A Yeah. There.

12 Q With an arrow down to ---

13 A Yes, sir.

14 Q --- same parking lot area?

15 A Yes, sir.

16 Q Okay. I'm going to show you what's been premarked as
17 State's Exhibit 129. Do you recognize that?

18 A Yes, I do.

19 Q What is it?

20 A It's my Item DH-E3, cartridge casing sealed with my
21 initials and date.

22 Q Does it appear to have been tampered with in any way?

23 A Another individual from forensics opened it but also
24 sealed it with their initials and date.

25 Q So it all appears to have been within the same flow

1 chain of custody in the regular course of business?

2 A Regular course of business, yes.

3 MR. MILLER: Your Honor, at this time, the State
4 would move to admit State's Exhibit 129 into evidence.

5 THE COURT: Any objection?

6 MR. KATA: No objection.

7 THE COURT: So admitted without objection.

8 (WHEREUPON, State's Exhibit Number 129 was admitted into
9 evidence.)

10 BY MR. MILLER:

11 Q If you'd please open it and show it to the jury.

12 A (Witness complies.)

13 Q All right. I'm going to show you State's Exhibit 77.
14 Is that the same parking lot area?

15 A Yes. That's correct.

16 Q And what are these placards here (indicating)?

17 A Placards 4 and 5 are the cartridge casing -- or
18 cartridge casings in that parking lot.

19 Q And that's that same parking lot that we've been
20 discussing at this time.

21 A Correct.

22 Q I'm going to show you what's been premarked as
23 State's Exhibit 130 and 131. Do you recognize those?

24 A Yes, I do.

25 Q What are they?

1 A Coin envelopes containing cartridge casings, sealed
2 with my initials and date.

3 Q Do they appear to be tampered with in any way?

4 A Aside from the forensic tech that opened them, sealed
5 them, initialed them and dated them after they were done.

6 Q Same thing we talked about the last couple of times?

7 A Yes, sir.

8 MR. MILLER: Your Honor, at this time, the State
9 would move to admit State's Exhibits 130 and 131 into
10 evidence.

11 THE COURT: Any objection?

12 MR. KATA: No objection.

13 THE COURT: So admitted without objection.

14 (WHEREUPON, State's Exhibit Numbers 130 and 131 were
15 admitted into evidence.)

16 BY MR. MILLER:

17 Q Ms. Jackson, if you'd please open them and show them
18 to the jury.

19 A (Witness complies.)

20 Q And D-5 coming into here (indicating), E-4 also
21 coming into here (indicating).

22 A That's correct.

23 Q Got another angle of 4 and 5. Are they a close-up of
24 Item 4, Item 5?

25 A Uh-huh.

1 Q And as we discussed about before, the Projectile 7,
2 that's your photo of that?

3 A Yes.

4 Q And we were going to look at -- let's see. State's
5 Exhibit 83, what are we looking at here?

6 A That is also from the parking lot in between
7 Buildings ■ and ■, just a different angle of it.

8 Q A couple dumpsters up here (indicating).

9 A Yes. And then that's Building ■ past it.

10 Q And I believe we've heard about this earlier. DH-E9,
11 what is that?

12 A That is a black gun holster.

13 Q Okay. That was also in that same parking lot?

14 A That's correct.

15 Q Right up in here (indicating).

16 And if you can explain to the jury briefly sort of
17 how you make your diagrams. And if State's Exhibit 54
18 helps you, aid in that.

19 A So we have a measuring device. We label points that
20 are sturdy, going to stay there. We use the corner of the
21 buildings. We -- because the scene was so large, we had
22 to go from ■ to ■. Typically, we can just do an ■ and ■,
23 but, again, because it was so large, we had to use
24 multiple points. The purpose to do this is so that we can
25 triangulate the parts or where the evidence items are so

1 we can get measurements of where they are in reference to
2 the incident location.

3 Q Ms. Jackson, I'm going to show you what's been
4 premarked as State's Exhibits 90 through 95. Do you
5 recognize those?

6 A (Reviews exhibits) Yes, I do.

7 Q What are they?

8 A Photographs of a vehicle that was on scene, a Dodge
9 van that was struck by one of the projectiles.

10 Q Where was that van located?

11 A It was in front of Building ■.

12 Q In front of Building ■?

13 A Yes, sir.

14 Q Do those photos appear to be tampered with in any
15 way?

16 A They do not.

17 Q Are they true and accurate?

18 A They are.

19 MR. MILLER: Your Honor, at this time, the State
20 would move Exhibits 90 to 95 into evidence.

21 THE COURT: Any objection?

22 MR. KATA: No objection.

23 THE COURT: So admitted without objection.

24 (WHEREUPON, State's Exhibit Numbers 90 through 95 were
25 admitted into evidence.)

1 BY MR. MILLER:

2 Q Ms. Jackson, if you could, please tell the jury what
3 we're looking at here.

4 A It is the driver's side of that Dodge van that was
5 hit.

6 Q And is that (indicating) the projectile hole?

7 A Yes. That's the projectile hole.

8 Q And is that it down here (indicating)?

9 A Yes, sir.

10 Q Okay. And it looks like you were able to do a
11 trajectory on this one. What was your finding of the
12 trajectory?

13 A The trajectory we discovered was 69 degrees. Yeah.
14 69 degrees left to right, 1 degrees descending.

15 Q And were you able to make a finding where it was
16 coming from?

17 A Yes. That parking lot in between Buildings ■ and
18 Building ■.

19 Q And were you able to recover that projectile?

20 A We were not.

21 Q Why not?

22 A The projectile traveled into the undercarriage of the
23 vehicle. We searched underneath the vehicle. The
24 projectile was not underneath the vehicle meaning it did
25 not come out from the bottom. As we recall, the victim --

1 or, excuse me -- the owner of that vehicle did not consent
2 to us lifting up her car and then tearing out the
3 undercarriage of her vehicle to retrieve it.

4 Q So y'all would have had to cut up the frame of the
5 car in order to get it?

6 A Yes.

7 Q And I'm going to now show you what's been premarked
8 as State's Exhibits 96 to 106.

9 A (Reviews exhibits.)

10 Q And what are those?

11 A Those are pictures of the dumpster, that right there
12 is facing towards Building ■, and of two projectile impact
13 points.

14 Q Where were those dumpsters located?

15 A They were located in front of Building ■.

16 Q And are these photos true and accurate?

17 A They are.

18 Q Appear to be tampered with in any way?

19 A No, sir.

20 Q Are these (indicating) the dumpsters we're
21 referencing?

22 A Yes, sir.

23 MR. MILLER: Your Honor, at this time, the State
24 moves to enter Exhibits 96 to 106 into evidence.

25 THE COURT: Any objection?

1 MR. KATA: No objection.

2 THE COURT: So entered without objection.

3 (WHEREUPON, State's Exhibit Numbers 96 through 106 were
4 admitted into evidence.)

5 BY MR. MILLER:

6 Q What are we looking at here?

7 A That is the side of the dumpster facing Building ■
8 with the two projectile impact points. I labeled them
9 Projectile Path 1, Projectile Path 2.

10 Q Right there (indicating)?

11 A Yes, sir.

12 Q Were you able to determine trajectory from these
13 paths?

14 A I was not.

15 Q Why were you not able to?

16 A They did not go -- they did not penetrate all the way
17 through that siding of the dumpster. Because there is not
18 a hole for us to securely fit that rod into, we were not
19 able to get trajectory.

20 Q From your experience and training, is it -- the
21 projectiles fired from firearms always penetrate a
22 dumpster?

23 A Do they always penetrate a dumpster?

24 Q Always.

25 A No. Not always.

1 Q What are we looking at here?

2 A The dumpster. There is the Dodge van over to the
3 side (indicating). Yes. And then down at the bottom,
4 those are two projectiles.

5 Q Would those be items DH-E10 and 11?

6 A Yes.

7 Q 10?

8 A Yes.

9 Q That's 11?

10 A Yes, sir.

11 Q Now, while you weren't able to determine the
12 trajectory, the side of the dumpster that was struck, if
13 this is the side struck, we're going this way. So is that
14 -- Building ■ is towards that way (indicating throughout)?

15 A That's correct.

16 Q And that's -- so this is Item 11. This is the van
17 outside of Building ■, correct?

18 A That's correct.

19 Q And the dumpster would be this (indicating) coming
20 down.

21 A Yes. Down to the right.

22 Q And did you collect those projectiles?

23 A I did.

24 Q I'm handing you what's been marked as State's
25 Exhibits 132 and 133. Do you recognize these items?

1 A Yes, I do.

2 Q What are they?

3 A Coin envelopes containing DH-E10, DH-E11, sealed, my
4 initials. And the date does not look to be tampered with.

5 MR. MILLER: Your Honor, at this time, the State
6 would move to enter into evidence Exhibits 132 and 133.

7 THE COURT: Any objection?

8 MR. DATA: No objection.

9 THE COURT: Entered without objection.

10 (WHEREUPON, State's Exhibit Numbers 132 and 133 were
11 admitted evidence.)

12 BY MR. MILLER:

13 Q Ms. Jack, if you will also update your list.

14 A I'm going. I'm going.

15 Q All right. A lot of assignments.

16 I'm going to now show you what will be State's
17 Exhibits 107 through 115. Please look at State's
18 Exhibits 107 to 115.

19 A (Reviews exhibits.)

20 Q Do you recognize those?

21 A Yes, I do.

22 Q What are they?

23 A Photographs I took from the incident location,
24 sidewalk in front of Building .

25 Q Building .

1 Are they true and accurate?

2 A They are.

3 Q Appear to be tampered with in any way?

4 A No.

5 MR. MILLER: Your Honor, the State would move
6 Exhibits 107 through 115 into evidence.

7 THE COURT: Any objection?

8 MR. KATA: No objection.

9 THE COURT: So entered without objection.

10 (WHEREUPON, State's Exhibit Numbers 107 through 115 were
11 admitted into evidence.)

12 BY MR. MILLER:

13 Q Ms. Jackson, if you will, please tell the jury where
14 we're looking right now.

15 A So that's on the concrete kind of cutout a little bit
16 next to the dumpster looking at Building H.

17 Q And here.

18 A That is Item Number 12. I had a 12-A and a 12-B.
19 12-A was a cartridge casing, 12-B was a cigarette butt.

20 Q So that will be 12-B?

21 A That's correct.

22 Q This will be 12-A.

23 A That's correct.

24 Q Ms. Jackson, I'm showing you what's been marked as
25 State's Exhibit 136. What is it?

1 A Coin envelope of the cartridge casing labeled
2 DH-E12A, sealed with my initials and date.

3 Q Appear to be tampered with in any way?

4 A The seal up top was cut and taped over.

5 Q And is that the same we sort of discussed about
6 before?

7 A No. That's at the bottom. This is not initialed.

8 Q Okay. Is it sealed with evidence tape, though?

9 A No. It is clear tape.

10 Q Clear tape.

11 Does it appear that it's been tampered with or
12 anything like that?

13 A Other than that, no.

14 Q If you'd like to open and look in without showing the
15 jury to see if you believe that it's been tampered with in
16 any way.

17 A (Witness complies) Not other than the other ones
18 where the -- whoever the forensic person was that tested
19 it, there's just a little green label on it like the other
20 ones.

21 Q So the casing itself, that appears to not have been
22 tampered with in any way.

23 A That's correct.

24 MR. MILLER: Your Honor, at this time, the State
25 would move Exhibit Number 136 into evidence.

1 THE COURT: Any objection?

2 MR. KATA: No objection.

3 THE COURT: All right. So entered without objection.

4 (WHEREUPON, State's Exhibit Number 136 was admitted into
5 evidence.)

6 BY MR. MILLER:

7 Q And that's that casing we're looking at on the
8 screen?

9 A That's correct.

10 Q Again, we're talking about Item 12. Looking at
11 State's Exhibit 52 where you're at the ■ Building here,
12 and our Item 12-A is here (indicating) with an arrow up to
13 here (indicating), correct?

14 A That's correct.

15 Q Now, what are we looking at here?

16 A That is on the passenger's side of that Dodge van
17 looking up into the breezeway of Building ■.

18 Q And what item numbers do we have down here?

19 A We have 14 and 15 down at the bottom.

20 Q And what were Item Numbers 14 and 15?

21 A They are two cartridge casings.

22 Q We've got to update our...

23 And here is looking up there?

24 A Yes.

25 Q I want to show you what's been premarked as State's

1 Exhibits 134 and 135. Recognize those items?

2 A Yes, I do.

3 Q What are they?

4 A Coin envelopes containing two cartridge -- well, one
5 DH-E14 containing a cartridge casing, 15 containing a
6 cartridge casing, evidence sealed with my initials and the
7 date.

8 Q Do they appear to be tampered with in any way?

9 A Yes. There's the clear tape where my seal is cut and
10 the clear tape is over the ---

11 Q And if you could, open it just a little without
12 showing the jury to see if the cartridge casings
13 themselves have been tampered with.

14 A (Witness complies) Other than, you know, the green
15 sticker that another forensic employee would have done,
16 no, they do not appear to be tampered with.

17 MR. MILLER: Your Honor, at this time, the State
18 would move Exhibit Numbers 134 and 135 into evidence.

19 THE COURT: Any objection?

20 MR. KATA: No objection.

21 THE COURT: All right. So entered without objection.

22 (WHEREUPON, State's Exhibit Numbers 134 and 135 were
23 admitted into evidence.)

24 BY MR. MILLER:

25 Q We're going to talk about Items 14 and 15 here

1 (indicating) ---

2 A Yes, sir.

3 Q --- with arrows coming up to here (indicating).

4 A Yes, sir.

5 Q Cartridge casings in front of Building ■.

6 A That's correct.

7 Q Next I'm going to show you what's been marked as
8 State's Exhibit 116 through 121. Do you recognize those
9 items?

10 A I do.

11 Q What are they?

12 A (Reviews exhibits) Photographs I took from the
13 sidewalk in front of Building ■ going into the breezeway
14 of Building ■.

15 Q Are they true and accurate?

16 A They are.

17 MR. MILLER: Your Honor, at this time, the State
18 would move Exhibits 116 through 121 into evidence.

19 THE COURT: Any objection?

20 MR. KATA: No objection.

21 THE COURT: So entered.

22 (WHEREUPON, State's Exhibit Numbers 116 through 121 were
23 admitted into evidence.)

24 BY MR. MILLER:

25 Q Ms. Jackson, what are we looking at there?

1 A That's from the front sidewalk in front of Building ■
2 looking up and into the breezeway.

3 Q That would be Item 13?

4 A Yes. The cartridge casings.

5 Q I'm going to show you what's been premarked as
6 State's Exhibit 137. Do you recognize that?

7 A Yes, I do.

8 Q What is it?

9 A Cartridge casing labeled DH-E13 in the coin envelope
10 with the evidence tape, my initials and the date.

11 Q And your initials and date is to clarify that
12 indicates that you collected this item.

13 A That's to indicate that I sealed it on that date.

14 Q And you collected it?

15 A Yes.

16 Q And because at the time, DH, your name then was Darbi
17 Harriman?

18 A That's correct.

19 MR. MILLER: Your Honor, at this time, the State
20 would move Exhibit 137 into evidence.

21 THE COURT: Any objection?

22 MR. KATA: No objection.

23 THE COURT: All right. In without objection.

24 (WHEREUPON, State's Exhibit Number 137 was admitted into
25 evidence.)

1 BY MR. MILLER:

2 Q And what are we looking at here?

3 A That is from the stairs leading into the breezeway of
4 Building ■.

5 Q Building ■.

6 They had to go upstairs to get to this level?

7 A Yes.

8 Q From down from the parking lot?

9 A Yes.

10 Q And what are we looking at here?

11 A Item DH-E16 is a cartridge casing in the grass.

12 Q Show you what's been premarked as State's
13 Exhibit 138. Do you recognize that?

14 A I do.

15 Q What is it?

16 A DH-E16.

17 Q 16.

18 And does it appear to be tampered with in any way?

19 A Other than the, you know, clear tape on the back.

20 Q All right. If you need to cut into it to make sure.

21 A (Witness complies.)

22 Q Does it appear to be tampered with?

23 A No.

24 MR. MILLER: Your Honor, at this time, the State
25 would move to admit Exhibit 138 into evidence.

1 THE COURT: Any objection?

2 MR. KATA: No objection.

3 THE COURT: So entered without objection.

4 (WHEREUPON, State's Exhibit Number 138 was admitted into
5 evidence.)

6 BY MR. MILLER:

7 Q And that's the cartridge casing that we're seeing on
8 this picture?

9 A That's correct.

10 Q All right. What are we looking at here?

11 A That is Item DH-E17, cartridge casing.

12 Q And here?

13 A DH-E18, cartridge casing in the breezeway of
14 Building ■.

15 Q So these were all -- if we go back to your diagram,
16 we're looking at 16, 17 and 18 in the breezeway of
17 Building ■.

18 A That's correct.

19 Q From an elevated position from the parking lot.

20 A Yes.

21 Q Show you what's been premarked as State's
22 Exhibit 139 and 140. Do you recognize those?

23 A Yes, I do.

24 Q What are they?

25 A Items DH-E17, DH-E18, both cartridge casings sealed

1 in coin envelopes.

2 Q All right. Do they appear to be tampered with in any
3 way?

4 A Other than the clear tape on the back.

5 Q If you need to open them to check to make sure...

6 A Yes. (Witness complies.)

7 Q Do they appear to be tampered with?

8 A No, they do not.

9 MR. MILLER: Your Honor, at this time, the State
10 would move to admit into evidence Exhibits 139 and 140.

11 THE COURT: Any objection?

12 MR. KATA: No objection.

13 THE COURT: So admitted without objection.

14 (WHEREUPON, State's Exhibit Numbers 139 and 140 were
15 admitted into evidence.)

16 BY MR. MILLER:

17 Q Ms. Jackson, did you do any swabs for any suspected
18 blood?

19 A I did.

20 Q Where did you do those?

21 A In the parking lot in between Buildings G and E.

22 Q In between G and E?

23 A Yes, sir.

24 Q And no suspected blood up near Building H?

25 A No, sir.

1 MR. MILLER: Please answer any questions that defense
2 counsel has. █

3 THE COURT: Cross-examination?

4 CROSS EXAMINATION █

5 BY MR. KATA: █

6 Q Investigator Harbiman? █

7 A Yes. Jackson's fine. Yes.

8 Q Of course, obviously, you put a lot of work into
9 collecting items at the scene and labeling everything.
10 How often have you dealt with collecting projectiles and
11 casings? █ █

12 A Often. Very, very often.

13 Q A lot. █ you would recognize this stuff.

14 A Cartridge casings and projectiles? Yes, sir.

15 Q Did you find or collect any casings or projectiles
16 that are consistent with a high-powered rifle?

17 A Not that I noticed. █

18 Q Out of all of these?

19 A No. █ Not that I noticed. I'm not a ballistics
20 expert. So when it comes to projectiles, I'm not able to
21 determine caliber from those projectiles.

22 Q But you would recognize the difference in shape, say,
23 from a long rifle to a pistol?

24 A Yes. I would hope so, yes. █

25 Q And you didn't recognize any of that -- those kinds

1 of differences within any kind of the evidence that you
2 collected, did you?

3 A In my experience with high-powered rifles and
4 projectiles is projectiles will typically kind of shatter
5 upon impact of something.

6 Q But the casings won't shatter.

7 A Casings do not shatter, no.

8 Q Did you find any high-powered rifle casings?

9 A No, I did not.

10 Q All right. You testified that you collected a gun
11 holster. Where did you actually find the holster?

12 A I found the holster in the parking lot between
13 Buildings ■ and ■.

14 Q Okay. Did you take any DNA swabs from the holster?

15 A I did not.

16 Q How many DNA swabs did you take?

17 A I didn't take any swabs for possible DNA. With items
18 such as the gun holster, if it's not suitable for latent
19 fingerprint processing and it's best suited for DNA, we'll
20 just package it and the investigator can make a choice to
21 just send it over to DNA.

22 Q All right. So you wouldn't have been responsible for
23 taking any DNA swabs.

24 A I took DNA swabs from the cell phone because it could
25 be processed for latent fingerprint processing.

1 Q Understood. I got it. So if you can take
2 fingerprints, you will take DNA.

3 A Correct.

4 Q Okay. What other items did you test for
5 fingerprints?

6 A It was just the cell phone.

7 Q Just a cell phone.

8 Did you try to pull a print off of any of these shell
9 casings?

10 A No. Because the heat more often than not, it will,
11 you know, remove any DNA or latent fingerprint processing.
12 So in order to preserve them, we just go ahead and send
13 them up to Property and Evidence so the investigator can
14 make the choice to -- for further testing.

15 Q Understood. But you didn't try to take any
16 fingerprints.

17 A I did not.

18 Q And you've labeled pretty extensively all of the
19 items that you found and their whereabouts. You labeled
20 them with numbers 1 through however many you numbered them
21 through. That numbering system is unique to you, correct?

22 A In terms of the initials, that's unique to me. Every
23 other forensic evidence technician, the placard, putting
24 it down and that item being associated with that number,
25 that is standard.

1 Q That will stay the same.

2 A Yes.

3 Q But the numbers don't mean like this was fired first,
4 this was fired second?

5 A No.

6 Q It's not numerical order. It's just identifying
7 numbers.

8 A Correct.

9 Q And there's no way for you to know, based upon your
10 role in the case, what shots rang out first, what shots
11 rang out second?

12 A That's correct.

13 Q Nor who fired them.

14 A In my report, I was informed -- I mean, other than
15 what I was informed by the deputy in my report that the
16 individuals who exited out of Building █ fired first.
17 That's what I was informed of and that's the only
18 knowledge of the chronological events.

19 Q You didn't witness anything else.

20 A I didn't witness anything else.

21 Q Because you weren't there.

22 A Correct.

23 Q So for you to say who did it would be speculation on
24 your part.

25 A Yes.

1 MR. KATA: No more questions, Your Honor.

2 THE COURT: Redirect?

3 MR. MILLER: A few questions, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. MILLER:

6 Q You mentioned a cell phone. Where was the cell phone
7 found?

8 A The cell phone was located in the parking lot in
9 between Buildings ■ and ■.

10 Q Okay. And also, going back to Items DH-E16, 17, 18
11 those were in the breezeway of Building ■, correct?

12 A That's correct.

13 Q Could there be an echo that came from there, firing
14 in a breezeway in a covered space?

15 A Sure. I don't see why not.

16 Q Possibly enhance the sound?

17 A Possibly.

18 Q And you marked on there, you know, what size casing,
19 correct?

20 A I did.

21 Q And what size casings did you find?

22 A They were all 9 millimeter.

23 Q 9 millimeter.

24 And do you have any knowledge of if a 9 millimeter
25 could be put in any type of accessory versus just being

1 held? ■

2 A I mean, I've ■ seen people combine caliber of, you
3 know, bullets to whatever kind of gun. I've seen that.

4 Q And so have you ever seen a handgun get ■ placed into
5 ■ any type of accessory that could then make it ■ look more
6 like a rifle or anything? ■

7 A Perhaps.

8 MR. ■ MILLER: Okay. Thank you, Ms. Jackson.

9 THE COURT: All right. Limited recross? Anything?

10 MR. KATA: No, Your Honor.

11 THE COURT: All ■ right ■ ■ am, you can step down.

12 Can this witness be excused or we need her?

13 MR. MILLER ■ Please, Your Honor.

14 THE COURT: Any objection?

15 MR. ■ KATA: No objection.

16 THE COURT: All right. Ma'a ■, you're free to go
17 whenever you gather y ■ things. Make ■ sure you don't take
18 any exhibits with you.

19 All ■ right. State can call its next witness.

20 MR. HOLLOWAY: Your Honor, our next witness is coming
21 up from Georgia and she'll be here tomorrow morning. We
22 have two more witnesses.

23 THE COURT: Okay. Very good.

24 All right. Ladies and gentlemen of the jury, we ■ re
25 going to go ahead and put a pin in it for this evening.

1 MR. HOLLOWAY: Yes, sir. And I will say this with
2 first Ms. Gipson yesterday, I walked over to him with the
3 photographic, that lineup. It was sort of a red flag to
4 go, hey, if you want to do a Biggers hearing, we can slide
5 into ---

6 THE COURT: You know, I wasn't going to bring it up.
7 Obviously, y'all are trying the case, but I'm just saying
8 it was brought up at the beginning and I just thought
9 that, you know, maybe...

10 MR. KATA: Yes, Your Honor.

11 THE COURT: Okay. So we're not doing it. Okay. All
12 right.

13 (WHEREUPON, the jury entered the courtroom at 10:35 AM.)

14 THE COURT: All right. Good morning. How is
15 everybody? Good, good.

16 All right. State's ready to call its next witness?

17 MR. MILLER: Yes, sir, Your Honor. The State calls
18 Felicia Mayes.

19 THE COURT: Felicia Mayes. Okay.

20 THE CLERK: Please come forward and pause here at the
21 bench. Lay your left hand on the Bible and raise your
22 right hand.

23 WHEREUPON,

24 FELICIA MAYES

25 After having been duly sworn, testified as follows:

1 THE CLERK: Thank you. You may be seated. And
2 please state your full name for the record.

3 THE WITNESS: Felicia Mayes.

4 DIRECT EXAMINATION

5 BY MR. MILLER:

6 Q Good morning, Ms. Mayes.

7 A Good morning.

8 Q If you could, tell the jury where you live.

9 A I live at Highlands condos -- I mean Highlands
10 Apartments.

11 Q Is that on Pine Creek Court Extension?

12 A [REDACTED] Pine Creek.

13 Q Is that an apartment complex?

14 A Yes.

15 Q Which building do you live in?

16 A The [REDACTED] building.

17 Q How long have you lived there?

18 A Six years.

19 Q So did you live there in September of 2020?

20 A Yes, sir.

21 Q Is the [REDACTED] Building across from the [REDACTED] Building?

22 A Yes, sir.

23 Q Are you able to see the [REDACTED] building from where you
24 live?

25 A Yes, sir.

1 Q Do you recall an event happening on September 26,
2 2020?

3 A Yes, sir.

4 Q What was going on that morning? What were you doing?

5 A Sitting at our kitchen table.

6 Q Are you able to see the ■ Building from your kitchen
7 table?

8 A Yes, sir.

9 Q Did you look at the ■ building that morning?

10 A Yeah. I was looking out. My blinds be open, so I
11 was just sitting there.

12 And so I seen when a guy was just standing there and
13 pointing the gun, which I didn't know what it was at
14 first. And so I was going to my patio door. And my
15 husband told me to get back because there was shooting.
16 So I seen the guy shooting.

17 Q And where was the guy standing?

18 A In the breezeway at the corner, on the right-hand
19 side corner of the bottom complex patio.

20 Q Would that be the ■ Building?

21 A ■ Building.

22 Q And was this a -- you said it was a guy.

23 A Yes.

24 Q Was he white? black? Hispanic?

25 A He was a black guy.

1 Q Okay. And did you notice what he was wearing?

2 A A red T-shirt.

3 Q Red T-shirt.

4 And would you say he's more of a light-skinned or

5 dark-skinned black guy?

6 A Dark skinned.

7 Q And what about his height?

8 A Like 5'11".

9 Q Kind of average height?

10 A Average height.

11 Q And did you notice anything about his style of

12 hair?

13 A A short haircut. He was dark skinned.

14 Q Okay. And were you able to kind of tell in what

15 direction he was shooting?

16 A He was shooting towards the Building.

17 Q Okay. And you knew these buildings because that's

18 where you've lived for a while.

19 A Yes, sir.

20 Q Had you seen this guy in a red shirt before?

21 A Yes, sir.

22 Q Did you know him?

23 A No, sir.

24 Q You never really talked to him?

25 A No, sir.

1 Q So just kind of someone you saw around but not
2 someone you really knew?

3 A Right.

4 Q Okay. You you were at a little bit of a distance
5 from your viewpoint, correct?

6 A Yes, sir.

7 Q And did you hear the gunshots?

8 A Yes, sir.

9 Q Were the first shots you heard from -- coming from
10 the guy holding the gun in the red shirt?

11 A Yes, sir.

12 Q Was there another black male out there wearing a red
13 shirt?

14 A No, sir.

15 Q There was only one.

16 A Yes, sir.

17 Q And he was shooting from the breezeway of the
18 H Building?

19 A Yes, sir.

20 Q How do you know of the guy in the red shirt?

21 A I've just seen him around. I knew -- I knew that he
22 stayed in the H Building with his sister.

23 MR. MILLER: Okay. Thank you, Ms. Mayes. Please
24 answer any questions defense counsel has.

25 MR. KATA: Thank you, Your Honor.

1 CROSS EXAMINATION

2 BY MR. KATA:

3 Q Ms. Mayes, what is the distance between your
4 apartment and the ■ Building?

5 A The distance, it's pretty close. It's not that far.

6 Q Is it across the way or is it on the same side?

7 A Across the way. But when my blinds are open all the
8 way, I can see clearly.9 Q What you saw was a general description of a black
10 male.

11 A In a red shirt.

12 Q In a red shirt.

13 Were you ever presented with any photographic
14 lineups?

15 A No, sir.

16 Q Never.

17 A No, sir.

18 Q Okay. Nobody from law enforcement presented you with
19 a photo lineup?

20 A No, sir.

21 Q And you testified that you had never met the person.

22 A No. Not personally. I've just seen him -- I've just
23 seen him out there all the time standing in his breezeway
24 or he's on the sidewalk daily.

25 Q Never had any encounter with him.

1 A No. ■

2 MR. KATA: No ■ more questions, Your Honor.

3 MR. MILLER: Briefly, Your Honor.

4 REDIRECT EXAMINATION ■

5 ■ Y MR. MILLER: ■

6 Q Do you speak with ■ a lot ■ of people out there or do you
7 think you kind of keep more to yourself?

8 A Repeat ■ that? ■

9 Q Do you speak to a lot of people at Highland Square
10 Apartments or do you think you kind of keep more to
11 yourself? ■ ■

12 A I stay to myself.

13 Q Okay. A ■ again, there was only one black male in a
14 red shirt, correct?

15 A Yes, ■ sir.

16 MR. MILLER: Thank you. ■

17 THE COURT: Anything else? ■

18 MR. KATA: No, Your Honor.

19 THE COURT: All right. Ma'am, you can step down.

20 Is this witness excused?

21 MR. KATA: No objection.

22 MR. MILLER: Yes, sir. ■

23 THE COURT: All right. You're free to go, ma'am.

24 THE WITNESS: Thank you. ■ ■

25 THE COURT ■ State can call its next witness.

1 MR. HOLLOWAY: Yes, sir, Your Honor. The State calls
2 Susan, last name M-O-L-L-O-Y, Molloy.

3 THE CLERK: Please pause here. Put your left hand on
4 the Bible, raise your right.

5 WHEREUPON,

6 SUSAN MOLLOY

7 After having been duly sworn, testified as follows:

8 THE CLERK: Thank you. You may be seated. Please
9 state your full name for the record.

10 THE WITNESS: My first name is Susan spelled
11 S-U-S-A-N. My last name, Molloy. It's spelled
12 M-O-L-L-O-Y.

13 DIRECT EXAMINATION

14 BY MR. HOLLOWAY:

15 Q Ms. Molloy, tell us where you work.

16 A I'm currently employed with the Greenville County
17 Department of Public Safety, their crime lab.

18 Q And what is your role there?

19 A In the crime lab division, I'm actually the
20 supervisor of both controlled substance analysis and
21 firearms analysis.

22 Q And if you could, describe your background in this
23 area.

24 A Let's start with my education. So I graduated,
25 actually, from California State University in Hayward. I

1 have a bachelor's of science in biological science and a
2 double major in criminal justice. I basically have been
3 in the field of forensics for 25 years. I have moved to
4 Greenville in about 2021, so I've been at the Greenville
5 Department of Public Safety for the last three years. I
6 basically am the firearms examiner for that unit.

7 In this capacity, I have the opportunity to basically
8 go to something that's called the National Firearms
9 Examiners Academy. So at this academy, it's put on by
10 ATF. I spent a year learning how to become a firearms
11 examiner. After that, I studied under a senior examiner
12 for another year and became an independent analyst in like
13 2009 as I've been doing firearms examination for a while
14 now.

15 Q And how many times have you testified in court in
16 California and South Carolina?

17 A In reference to firearms only, 52.

18 Q In the area of comparison of firearms, cartridges or
19 shell casings, bullets, things like that, what is your
20 expertise really in with regard to those areas?

21 A So people like to call this discipline ballistics.
22 But that truly has more to do with the flight of the
23 bullet itself. What we do as firearms examiners is
24 firearms identification. So we will look at a gun as a
25 tool and look at the tool marks that it leaves behind so

1 that we can maybe identify what gun fired what ammunition
2 components.

3 Q And with regard to shell casings, describe what you
4 do with regard to shell casings.

5 A So shell casings to me is a cartridge case. Because
6 you have a round of ammunition, most people commonly call
7 it a bullet but it's really a cartridge or a round of
8 ammunition. And it's made of four parts. You're going to
9 have the bullet which is actually the projectile at the
10 top. It sits inside the cartridge case or the shell case.
11 And then you're going to have powder inside that. And at
12 the very bottom, you're going to have an area called the
13 primer.

14 MR. HOLLOWAY: Your Honor, at this time, I would
15 offer this witness as an expert in the field of
16 identifying firearms and comparison of shell casings.

17 MR. KATA: No objection.

18 THE COURT: All right. She's so qualified.

19 BY MR. HOLLOWAY:

20 Q Ms. Molloy, I'm showing you what's been marked as
21 State's Exhibits 5 through 8. If you could, identify
22 these documents to the jury.

23 A (Reviews exhibits) So these documents are visual aids
24 that were created by my old supervisor at the Oakland
25 Police Department where I worked.

1 Q And how do these photographs or these documents
2 assist in your testimony?

3 A These documents basically go over basic terminology
4 of the components that we're going to be talking about in
5 terms of my analysis.

6 Q And these are fair and true pictures of what you're
7 talking about, the parts of a gun, parts of a cartridge,
8 things of that nature.

9 A Yes.

10 MR. HOLLOWAY: Your Honor, I would ask to move each
11 of these exhibits into evidence.

12 MR. KATA: No objection.

13 THE COURT: All right. So entered without objection.

14 (WHEREUPON, State's Exhibit Numbers 5 through 8 were
15 admitted into evidence.)

16 BY MR. HOLLOWAY:

17 Q All right. If you could, tell the jury what we're
18 seeing on the screen right here.

19 A So what you see on the screen right now is an actual
20 cartridge or a round of ammunition and the basic
21 components that I described to you. So you actually have
22 it sliced in half there on the far right. And it is
23 showing the jacketing on the bullet, the core area, the
24 powder that I discussed, that primer area. On the far
25 left, you can see the headstamp designation. So that kind

1 of is the information that tells you what caliber you
2 potentially have or the brand, who manufactured that
3 cartridge. And then you can see in the middle of the
4 diagram it shows the actual cartridge case itself.

5 Q Okay. And I'm going to point on the screen to -- and
6 this is State's Exhibit 5 I'm pointing to on the screen.
7 Just for the record, we did admit the hard copies first.
8 I'm pointing to right here.

9 With regard to a cartridge, or I may sometimes call
10 it a shell casing, what do you do to analyze a cartridge
11 like I'm pointing to this right here on Exhibit 5
12 (indicating throughout)?

13 A So looking at a cartridge, it's unfired. So there
14 aren't necessarily marks related to having been fired in a
15 gun, but it can be cycled through a gun on occasion. So
16 that just means somebody actually puts it into a magazine,
17 goes through the cycle of fire and then basically ejects
18 it without actually shooting that round.

19 So when I'm looking at a cartridge, I can look for
20 marks related to it being cycled through the gun or I can
21 look at the headstamp itself to give me an idea of what
22 caliber that cartridge is.

23 Q And the caliber, for example in this picture right
24 here, you could tell right here (indicating) it's a .40
25 caliber.

1 A Yes. ■

2 Q Okay. But also ■ from there, you're able to look at
3 what the firing of the gun did to this part right here
4 (indicating), the headstamp. Or this part right here
5 ■ (indicating). ■

6 A Yes. When it's ■ - whe ■ it's a fired cartridge case.

7 Q And I may have called this -- this is actually the
8 firing -- ■ what is this called ■ right here, this circle
9 right here (indicating)?

10 A That's called the primer.

11 Q Primer. Okay. ■ And th ■ (indicating) is the ---

12 A That's the headstamp area.

13 Q Okay. A ■ from there, can you describe what happens
14 to this portion right here (indicating), maybe even the
15 entire headstamp when a cartridge is fired?

16 A Okay. So there's an area on the gun that's called
17 the breech face or the backstop. And there's a hole in
18 it. And the firing pin is going to come through that hole
19 and strike ■ the primer when you pull the trigger. And it's
20 going to crush that primer, and it's going to start an
21 explosion. And so it's going to that powder. And the
22 bullet is going to go down the barrel, and the cartridge
23 case is actually going to expand in the chamber of the
24 gun. And then it's going to be ■ what's known as extracted
25 out with a part ■ of the gun called an extractor.

1 And then there's a piece on the gun as well that's
2 called an ejector. And so that's when you see in TV shows
3 or maybe you fired a gun yourself where the cartridge case
4 gets ejected out of the handgun. That's the marks that
5 I'm looking for.

6 But in the primer area, I'm going to see the breech
7 face marks or the backstop from the machining of when it
8 was made. I'm going to see the firing pin impression as
9 well.

10 Q And if you had the gun, say, in a case like this,
11 would you be able to definitively link a fired -- or an
12 ejected shell casing to that particular gun?

13 A I can definitely do the comparison. It would depend
14 on the firearm itself for the being able to identify it or
15 link it.

16 Q In my mind, is it -- or I guess I'll ask you. Is it
17 very similar to potentially leaving a fingerprint on the
18 headstamp?

19 A Yes. Because we're both comparative sciences.

20 Q You mentioned something about the explosive process
21 of -- with this process. What does that do to the ability
22 to potentially get DNA or fingerprints off a shell casing?

23 A Well, first, you have a small surface area so you
24 have to have left DNA cells, skin cells behind or
25 fingerprints behind. And usually you're not touching the

1 whole area when you're putting it in. So to start off,
2 you already are behind the eight ball, for lack of a
3 better term. You're not going to be placing that evidence
4 there.

5 And then it does get very hot inside a firearm when
6 it is fired. So if you've ever fired a gun and tried to
7 pick up your cartridge cases after that, they're still
8 very warm. And so that can lead to degradation or
9 destroying of those other trace evidence items.

10 Q Okay. And if you find -- in this portion right here
11 (indicating), I call it the bullet. What else -- what is
12 this (indicating) called?

13 A It is called the bullet or a projectile.

14 Q Okay. If you find a bullet on scene, that
15 projectile, describe your ability to link a projectile to
16 shell casings. How difficult is that? Or is it
17 difficult?

18 A It's extremely difficult to link a bullet to a
19 cartridge case because the area that you're looking for
20 the marks are where it's seated, the bullet gets seated
21 into that case. And it's a die mark. And it's an
22 extremely difficult examination, and more than likely, if
23 you have fired evidence at a scene, it's a limited
24 universe. The evidence that's there when it actually
25 occurs is usually related to the shooting at that time

1 that has happened. So we don't spend the time, especially
2 with backlogs, looking at bullets to cartridge cases
3 because I'm able to look at the bullet or the case and
4 link that back to a gun.

5 Q All right. This on the screen is already admitted as
6 State's Exhibit 6. Can you tell us what we see on here?

7 A Yes. This diagram is kind of explaining how you get
8 caliber in firearms. You can do it in different ways.

9 So caliber is defined by the base or the diameter of
10 that bullet, that projectile. It's also defined by
11 measuring the bore of the muzzle of the gun, so caliber of
12 the gun. So you have the caliber of a bullet, and you
13 have a caliber of the gun.

14 And so, on the far right, you can see cartridge name.
15 So once again, that's the designation. So that's going to
16 tell you exactly the specific caliber nomination that you
17 have.

18 At the bottom of this diagram, it's just showing you
19 a variety of different sizes and calibers of ammunition.

20 Q And this is State's Exhibit 7. Sorry. 6, Exhibit 6.
21 What are we seeing right here?

22 A So what we're seeing here is at the bottom of the
23 screen a barrel from a gun that's been basically cut in
24 half. So you can see what's known as rifling.

25 So rifling is put into firearms by manufacturers.

1 They choose how many lands and grooves they want cut into
2 that barrel. █

3 So in this case, you can see at the top it says 6R,
4 6L, 5R. So that means there were five or six lands and
5 grooves cut into that barrel, and the R or the L stands
6 from which direction that bullet is going to twist when it
7 goes down the barrel of the gun.

8 Why do we have rifling? It's the same idea behind
9 why a quarterback throws a football in a spiral. You want
10 your bullet to accurately go downrange. It's the same
11 idea. You impart that spin to it like a football so it
12 will be more accurate.

13 Q And, again, if you have a bullet that -- if you had a
14 gun to compare a bullet to, the bullet found on the scene
15 and the gun later found, you would be able to do what?

16 A So I would do a comparison analysis. I would examine
17 that firearm. I would test fire it, collect the cartridge
18 case and the bullets from it. And I would take the bullet
19 and compare it to bullets from the scene.

20 Q And do certain brands have a certain barrel design
21 that cause a different twist or markings?

22 A They do. █

23 So as you can see on kind of the middle to the left
24 where the numbers are, six right, six left, and five
25 right, you can see it's squarely cut. That is called

1 conventional rifling. So they actually do cut it. On the
2 far right you can see the word "polygonal." So polygonal
3 is a different type of rifling. And you can see that the
4 edges there are very smooth.

5 So basically, this is a cut, what one manufacturer
6 does, a very popular one, Glock. They take something
7 that's known as a mandrel. So they basically take this
8 tube or tool, and they pound the barrel around it. So
9 that's how they create their markings in their barrel.
10 It's very different from conventional rifling.

11 Q All right. And what is -- what is it we're seeing?
12 And this is Exhibit 8. What is this we're seeing on the
13 screen?

14 A So this is just another diagram to help you identify
15 what things are called on the firearm. So if I'm talking
16 about like the muzzle that you measure the front or the
17 barrel of the gun, it's identified there. You can kind of
18 see truly this is a Glock-type firearm.

19 And basically, you have the grip, and then it's
20 showing the magazine that's placed into the magazine well
21 at the bottom. You have a trigger guard, a trigger that
22 you're going to pull. The frame is the lower portion of
23 the firearm. That's where the serial number needs to be
24 present that ATF requires. And on the top, you have that
25 whole area called the slide. So the barrel is inside the

1 slide as is the firing pin that create the marks that I
2 look at.

3 Q Now, in this particular case, you were asked to
4 conduct what testing?

5 A In this case, I was asked to look at two firearms and
6 some cartridge cases.

7 Q Ms. Molloy, I'm handing you what's been premarked as
8 State's Exhibit 13. Can you identify this for the jury?

9 A Yes. This is the report that I typed.

10 Q Okay. And that report was prepared on what date?

11 A So that report was prepared on May 8, 2024.

12 Q And this report encapsulates your testing of the
13 items that came from this case as asked by Investigator
14 John Garrett.

15 A That is correct.

16 Q Okay. And this document, is it a fair and true copy
17 of that report?

18 A It is.

19 MR. HOLLOWAY: I would ask to move Exhibit 13 into
20 evidence.

21 THE COURT: Any objection?

22 MR. KATA: No objection.

23 THE COURT: So entered without objection.

24 (WHEREUPON, State's Exhibit Number 13 was admitted into
25 evidence.)

1 BY MR. HOLLOWAY:

2 Q And I'm also handing you up what's been marked as
3 State's Exhibit 9 through 18. Can you identify these
4 exhibits for the jury?

5 (Reviews exhibits) Yes. These are my notes and the
6 laboratory request for this case.

7 Q And just maybe self-explanatory, but what's -- how do
8 the notes serve the process of analyzing and preparing
9 Exhibit 13?

10 A So the notes provide me the basis for my conclusions
11 in my report and also a way for a second examiner to
12 review my work. They provide me with visual photographs
13 of the class characteristics of the cartridge cases that
14 I'm looking at.

15 So class characteristics are characteristics that
16 belong to a group of items of evidence that I'm looking
17 at. Class could also be considered just like the rifling
18 that the manufacturers make when they do conventional
19 rifling in that barrel. That's a Class 5, right, or class
20 marks, basically.

21 So individual marks are the way that I'm able to
22 identify something back to a common source. So individual
23 marks are created by the wear and tear in the use of that
24 firearm. And that can be imparted on the cartridge cases
25 or the bullets.

1 Q And you mentioned that there's always someone who
2 goes over your work, correct?

3 A Yes.

4 Q And who is that person that does that work for you in
5 this area?

6 A So James Armstrong was the firearms examiner prior to
7 my departure -- or my arrival. He retired, but he comes
8 back and reviews my work for me.

9 Q It's all of your firearms work, all analyses, he
10 reviews that to make sure your conclusions are
11 scientifically like correct.

12 A Yes.

13 MR. HOLLOWAY: And, Your Honor, I would ask to move
14 Exhibits 9 through 18 into evidence.

15 THE COURT: And objection?

16 MR. KATA: No objection.

17 THE COURT: All right. So entered without
18 objection.

19 (WHEREUPON, State's Exhibit Numbers 9 through 18 were
20 admitted into evidence.)

21 MR. HOLLOWAY: Thank you, Your Honor.

22 And I would ask to publish these items.

23 THE COURT: Any objection?

24 MR. KATA: No objection.

25 THE COURT: All right.

1 BY MR. HOLLOWAY:

2 Q All right. What are we seeing right here?

3 A This is a laboratory request form.

4 Q And this is an -- just for the record, this is a copy
5 of what we just admitted into evidence.

6 A It is.

7 Q Exhibits 9 through 18.

8 Okay. Now, take us through this process. First off,
9 going through -- I'm going to hand you back your report.
10 Should have kept it with you. I'm going to leave this on
11 the witness stand. I'm going to have you refer to this
12 throughout the next series of questions.

13 Take us through the process. What was the first item
14 that you were asked to test or analyze?

15 A So I was asked to look at the cartridge cases that
16 are listed on this laboratory request form, DH-E3, 4, 5,
17 12A, 13, 14, 15, 16, 17, and 18.

18 Q By my account, that's 11 shell casings?

19 A So ---

20 Q There's ten.

21 A There's ten.

22 Q I'll get to Number 11 shortly.

23 A Yes. There's ten on the laboratory request, but I
24 did examine 11 cartridges.

25 Q Okay. Take us through the process of analyzing

1 Items DH-E1, 4, 5, and even 3. I'm going to go through
2 your notes right here, that particular page, okay?

3 A Yes.

4 Q What are we seeing right here (indicating)?

5 A So this is my worksheet where I take my notes
6 specific to these cartridge cases in the case. Basically,
7 I am saying that the Item DH-E1, DH-E4, and DH-E5 had the
8 headstamp that is listed next to it on my form, S&B 9x19
9 and 20. And then I'm talking about the types of metals
10 that are present on that cartridge case on my notes.

11 Below that I have Item DH-E3. And so that had a
12 headstamp of AUSA 9 mm Luger on it.

13 But by all of them being on this note page, I'm
14 basically saying that they were fired by the same gun when
15 I put them on this note page.

16 Q And when you drew that conclusion, you are looking
17 at, though they are different brands, that they shared
18 qualities that are -- that indicate they were fired from
19 the same gun, correct?

20 A That is correct.

21 Q Okay. And can you just share with the jury what
22 qualities did they share?

23 A So down below where I define the items, I talk about
24 they were the same caliber, they had this type of firing
25 pin, and the shape of the aperture of the hole. I talk

1 about the type of breech face marks that they have there,
2 they're parallel lines, and where the extractor or any
3 ejector marks are located on that gun.

4 So then I will take a comparison photograph of the
5 area. In this case, I did the breech face marks that
6 identify the cartridge cases to each other.

7 Q Okay. And so basically, all four of these cartridge
8 casings marry up to this family, a 9 millimeter Luger.

9 A Yes.

10 Q Okay. And the firing pin is right here (indicating)?

11 A It is.

12 Q And this is a unique mark right here (indicating)
13 that I'm pointing to on the exhibit.

14 A Yes. That is called the firing pin drag.

15 Q And the parallel lines, are they what you see right
16 here, the lines coming across right here (indicating)?

17 A They are going across the entire headstamp area and
18 the primer. But I usually look in the primer area for
19 those markings, because sometimes they won't be as obvious
20 on the headstamp.

21 Q And what is this (indicating) right here, EXT mark
22 3 o'clock?

23 A So that stands for extractor mark, where the
24 extractor mark was located on those cartridge cases as
25 well as the ejector mark.

1 Q Okay. And where is that located? If you need to
2 come down, that's fine.

3 A So you can see the ejector mark is right in between
4 the 2 and the 0 there on the rim (indicating). So that is
5 the -- basically the little tool on the gun itself. It's
6 kind of like if you ever look inside a firearm, it just
7 sticks there. The cartridge case, when it's pulled out of
8 the chamber, hits that and it's knocked out through the
9 ejection port.

10 Q So it was in your expert opinion that these four
11 cartridge casings were fired from the same gun.

12 A That is correct.

13 Q I'm next showing you -- get it correct here. What am
14 I showing you right here on the screen?

15 A So this is the next representative photograph on my
16 note page of the next firearm that was involved in this
17 case. So three cartridge cases were fired by the same
18 gun. That would be DH-E12A, DH-E14 and DH-E15.

19 Q And once again, though they are different brands of
20 ammunition, what was your conclusion as to these casings?

21 A So even though they're different brands, they have
22 the same tool marks left behind in the firing pin
23 impression for these cartridge cases that I was able to
24 identify them as having been fired by the same gun.

25 Q And this is right here (indicating).

1 A It is.

2 Q And visually you're able to differ from the previous
3 slide.

4 A Yes.

5 Q And then you also had breech face mark undefined.
6 What does that mean?

7 A So basically, it didn't fit into -- it could have
8 been tumbled. It's not parallel lines. So that's -- it's
9 different. It's not crosshatch. It's not concentric
10 circles.

11 Q And extender mark right here (indicating), 3 o'clock,
12 what is that?

13 A So that's the extractor mark again. So that would be
14 on the underside of the headstamp area. You wouldn't
15 really see it in this photograph. And then the ejector
16 mark again is by the dots after the P and before the R in
17 Luger. That's where your...

18 Q And in your expert opinion, these four were fired --
19 I'm sorry -- these three were fired from the same gun?

20 A Yes.

21 Q But a different gun from the casings from the
22 previous slide.

23 A That is correct.

24 Q So now we have two guns.

25 A You do.

1 Q And going to the next slide, these are cartridge
2 casings, DH-E13, DH-- I'm sorry. I'm going to have you
3 explain that. What are the casings right here?

4 A So, again, we're looking at four fired cartridge
5 cases here that were fired by a third and different gun.
6 So this is DH-E13, DH-E16, H-E17 and DH-E18.

7 Q And if you could, take the jury through the
8 qualities, the characteristics of these casings, these
9 cartridge casings that led you to the conclusion that you
10 just testified to.

11 A So once again, they are all the same caliber,
12 9 millimeter Luger. That firing pin is different in terms
13 of the shape than the other two. This is a D-shaped
14 firing pin. You can see that the firing pin aperture or
15 the shape of the hole is different. It's called teardrop.
16 So that would be -- if I can stand up.

17 Q Sure.

18 A So that's -- as you can kind of see here
19 (indicating), this is the firing pin aperture or hole
20 that's being created. And it kind of looks like a
21 teardrop, hence the term that we use when we're looking at
22 that.

23 So this will always have those breech face lines that
24 go across parallel lines. You can kind of see them around
25 there. And then this would have the extractor mark again

1 under the headstamp. And then the ejector mark as I put
2 next to the P in the image on the screen.

3 So based upon -- I believe I used this area right
4 here (indicating) on the aperture. It's called sheer.
5 It's a sheer mark. And this occurs during the operation
6 of the firearm. When you have something that's called a
7 recoil operated firearm, that barrel cants downward. And
8 when the barrel cants -- goes downward, it basically
9 slices the primer area and creates that sheering mark.
10 It's an extremely unique area and a great place for a
11 firearms examiner to be able to make an identification
12 from.

13 Q Were you able to determine with these particular
14 cartridges what kind of gun, what brand of gun likely was
15 the gun that fired these casings?

16 A Yes.

17 So with proprietary manufacturing, so that means the
18 manufacturer kind of uses this certain technique or design
19 when they're making their guns, and so Glock has a
20 tendency now for their later generations, so when I say
21 newer generations of Glocks, I mean like fourth and fifth
22 gens or your new single stash like your 43s or 48 models,
23 so those are going to have this type of design.

24 Q So in your expert opinion, these shell casings were
25 fired from a Glock.

1 A And when I do say Glock, I do say Glock type because
2 there are manufacturers out there who copy Glock. So you
3 have Palmetto State Armory who makes a design that looks
4 just like a Glock. You have the little Polymer80 creates
5 guns that look just like Glocks.

6 Q All right. The next analysis you conducted, I've got
7 the slide up here, can you take us through -- this is what
8 item?

9 A This is Item AML-9.

10 Q Okay. And what was this item?

11 A This was a Smith & Wesson Model SD40 VE 40 S&W
12 caliber semi-automatic pistol.

13 Q And is this the kind of gun that would have a
14 cartridge casing that would either be in the gun in a
15 cylinder or would it eject a shell casing?

16 A Okay. So this is a handgun that would have a
17 magazine that you would basically load just like a Pez
18 dispenser with candy. You put those cartridges in there,
19 you put it in your magazine well, and it would eject a
20 round out of the ejection port if you were to cycle a fire
21 and use this gun.

22 Q And none of the shell casings from this case came
23 from this gun.

24 A That is correct.

25 Q All right. The next slide, tell us what item that

1 you analyzed.

2 A I looked at Item BB-25, which was a Charter Arms
3 model Undercover, five-shot, 38 special caliber revolver.

4 Q And what kind of gun was this?

5 A So a revolver operates differently than the pistol
6 that we were just discussing. A revolver actually has an
7 area known as a cylinder, and you're going to load the
8 cartridge into that. The cylinder rotates on an access
9 line, and it basically puts each cartridge in line with
10 the barrel when it's fired. So it can rotate clockwise or
11 counterclockwise. And in this case, you would have five
12 shots available.

13 Now, the ammunition used in a revolver is very
14 different from the ammunition used in your pistols. The
15 reason for this is you need a rim on your revolver,
16 because if you don't have a rim on the ammo, it's going to
17 go right through the cylinder. So that rim holds it in
18 place so that it can rotate a round.

19 Q And this particular gun had how many live rounds in
20 it?

21 A So this gun had four cartridges with it.

22 Q That could be fired.

23 A Yes.

24 Q How many what I'll call spent cartridge casings were
25 in that cylinder?

1 A Ther[REDACTED] were one.

2 Q So one shot was fired.

3 A Yes.

4 Q Is it possible to load the shell casing[REDACTED] that you've
5 already talked about into this gun? [REDACTED]

6 A No. As I explained, completely different design.
7 They're rimless.

8 Q A gun like this, when the firing occurs, what happens
9 to the spent shell casing?

10 A Didn't mention that. So they actually stay in the
11 cylinder. They are not ejected out until the shooter
12 actually does it manually. Depending on -- like with this
13 gun, you probably have a latch in order to flip out the
14 cylinder and then you can, basically, push on the rod to
15 eject those cartridge cases. So most of the evidence we
16 look at when we have shootings involving revolvers are
17 just bullets because most people take their cartridge
18 cases with them.

19 Q Ms. Molloy, I'm going to hand you up what's been
20 marked as State's Exhibits 152, 147, 148, 149.

21 MR. KATA: Your Honor, I have an objection to these
22 exhibits. I have a matter of law.

23 THE COURT: Legal objection?

24 MR. KATA: Yes, Your Honor.

25 THE COURT: All right. Ladies and gentlemen, I'm

1 going to send you back to your jury room. Please, ma'am,
2 please, sir, do not talk about the case with each other.
3 I'll bring you back in just a few minutes.

4 (WHEREUPON, the jury exits the courtroom at 11:23 AM.)

5 THE COURT: Yes, sir.

6 MR. KATA: Your Honor, I have an objection under
7 relevance and 403, that the prejudicial effect of these
8 pieces of evidence outweighs any probative value. These
9 are pictures of examples of long weapons. If you can
10 review them, Your Honor. Not weapons that were collected
11 in this case, nothing that's been found, nothing that is
12 in evidence. These are just pictures of weapons that are
13 not ---

14 THE COURT: What's the relevance of that, Counsel?

15 MR. HOLLOWAY: These are examples that I believe the
16 defense brought, was pointed out yesterday in the
17 testimony of -- I know Mr. Glover this came up. These are
18 examples of firearms that fire 9 millimeter rounds. These
19 are not handguns. These are long guns, examples of what
20 the jury is going to see in the photographs, the video
21 footage. It's already admitted, but I'm going to publish
22 some of the videos showing the two shooters using long
23 guns.

24 The perception or maybe misperception is that
25 9 millimeters are only fired from handguns. These are

1 examples. As a ballistics expert, she can testify that
2 9 millimeter shell casings can be fired from long guns.

3 If you don't mind, I'll hand up the ---

4 THE COURT: Let me see. And this is an objection to
5 Exhibit 152 through -- I mean 148 through 152?

6 MR. KATA: Yes, Your Honor.

7 MR. HOLLOWAY: And, Your Honor, Exhibit 152 is a
8 photograph that the witness took from her office. It's an
9 example that she has in her office of a long firearm that
10 would fire the type of shell casings that we're talking
11 about in this case.

12 THE COURT: Let me hear your objection again.

13 MR. KATA: Your Honor, the objection is relevance to
14 those photographs. She can testify to the fact that
15 9 millimeters can be fired from long guns, but I think
16 putting in photographs of examples of long guns is unduly
17 prejudicial to Mr. Robinson and also could possibly
18 confuse the jury about looking at these photographs of
19 long guns and interpret that these are, you know, part of
20 the case when these are just example photographs of a
21 weapon that's not seized, not collected.

22 THE COURT: All right. I can hear your response and
23 I'll tell you what my ruling is.

24 MR. HOLLOWAY: Yes, sir. I believe it's the
25 opposite. I believe it alleviates any confusion they may

1 have.

2 THE COURT: I disagree. I disagree, Mr. Holloway. I
3 think this witness can testify exactly as to what counsel
4 just stated, but I am not going to allow you to show these
5 -- the jury a bunch of guns that have nothing to do with
6 this case.

7 MR. HOLLOWAY: Yes, sir. Thank you.

8 THE COURT: All right. That's the Court's ruling.
9 State's objection is noted for the record.

10 You can bring the jury back.

11 MR. HOLLOWAY: Your Honor ---

12 THE COURT: Oh, you've got something else?

13 MR. HOLLOWAY: Yes, sir. We already have an exhibit
14 in evidence that shows -- it's the surveillance footage.
15 My plan is to show instead the types of guns the shooters
16 were holding in the alternative and ask her the questions.

17 THE COURT: How are you going to do that?

18 MR. HOLLOWAY: Well, the video's already admitted.
19 And she would say long guns like this would be -- could
20 fire the ammunition that we're talking about in this case.

21 THE COURT: Do you need a proffer on that or are you
22 okay?

23 MR. KATA: I would like a proffer on that.

24 THE COURT: You want a proffer on that.

25 MR. HOLLOWAY: You know what? It's probably easier.

1 I'm just going to show the photo stills.

2 THE COURT: Okay.

3 MR. HOLLOWAY: These are exhibits -- these are photo
4 stills from the video footage already admitted into
5 evidence. These stills are not admitted into evidence
6 yet.

7 THE COURT: Have you seen them?

8 MR. KATA: I have not seen the stills. I can imagine
9 what they are.

10 MR. HOLLOWAY: No. They come from the same videos.

11 (Pause in proceedings.)

12 MR. HOLLOWAY: The video footage from which these
13 stills came from are in evidence.

14 THE COURT: All right. So what's the issue right
15 now?

16 MR. HOLLOWAY: The issue is that he objects because
17 this is not in evidence yet, but we are drawing this from
18 the exhibits already in evidence. Or I can show the video
19 itself.

20 THE COURT: Well, the video is in evidence. Those
21 stills aren't. So show the video.

22 MR. HOLLOWAY: Yes, sir.

23 Your Honor, I think we're just going to drive on.
24 I'll ask the questions but without the visuals right now.

25 THE COURT: All right. Mr. Kata? Okay. Are you

1 okay?

2 MR. KATA: Yes, Your Honor. That's fair.

3 THE COURT: All right. We're clear, Mr. Holloway, on
4 what question you're going to ask this witness?

5 MR. HOLLOWAY: Oh, I'm going to ask her, if you
6 could, describe the type of firearms that would fire the
7 shell casings that you tested in this case.

8 THE COURT: Do you have any objection to that?

9 MR. KATA: I don't have an objection. No objection
10 to that question.

11 MR. HOLLOWAY: It would be any questions in relation
12 to that and to include guns that have long barrels. Long
13 guns is what I will call them ---

14 THE COURT: All right.

15 MR. HOLLOWAY: --- that may look like rifles.

16 MR. KATA: I have no objection to those questions.
17 My objection was to the photographs.

18 THE COURT: All right. Okay. So the record will be
19 clear, we didn't proffer any testimony regarding the
20 photographs so we never got into a proffer.

21 MR. KATA: No, Your Honor.

22 THE COURT: So I just wanted the record to be clear
23 that we didn't do that.

24 Okay. Bring the jury back.

25 (WHEREUPON, the jury entered the courtroom at 11:32 AM.)

1 THE COURT: Mr. Holloway?

2 MR. HOLLOWAY: Yes, Your Honor. Thank you.

3 BY MR. HOLLOWAY:

4 Q What kind of guns would a 9 millimeter cartridge go
5 into and can be used for firing?

6 A So we saw an example of that earlier. You can have a
7 handgun that, you know, is about six inches in length.
8 9 millimeter can also be fired in carbines or rifles. A
9 carbine is just a shorter version of a rifle.

10 Q Is it possible to have a handgun and add a long
11 stock, a long barrel?

12 A Yes. There are also something known as conversion
13 kits. So you can literally take your handgun and place it
14 into a stock to make it a long gun.

15 Q In your expert opinion, can you talk about the --
16 once a 9 millimeter cartridge is fired, the speed and
17 direction, how fast is a 9 millimeter versus other
18 ammunition?

19 A So it does depend on the weight of a bullet as well,
20 but typically, a 9 millimeter Luger, 115 grain round goes
21 about 1,250 feet per second.

22 Q And how is that in comparison to what people would
23 think as high-powered rifle ammunition?

24 A So rifle ammunition you're talking more about
25 2,000 feet per second on the average.

1 Q And in relation or in comparison or contrast, really.
2 9 millimeter versus the high-powered rifle penetrating
3 things like metal, vehicle siding, how would a
4 9 millimeter compare to a high-powered rifle that you just
5 testified to?

6 A It depends on the substrate that it's hitting. So if
7 you have metal that's unyielding, there might be backing
8 to it, it might be much more difficult for that round to
9 get through it versus a yielding surface such as a wall
10 which is made of a much softer material.

11 Q I'm handing you what's already been admitted into
12 evidence as State's Exhibits 97 and 98. These are
13 dumpsters already testified to. What is the likelihood a
14 9 millimeter cartridge penetrating a dumpster versus a
15 high-powered rifle?

16 A I really -- from a scientific standpoint, I really
17 can't say unless I do an analysis on this.

18 Q Okay. Could you say that it's less likely to
19 penetrate depending on the distance?

20 MR. KATA: Objection calls for speculation.

21 MR. HOLLOWAY: She's an expert witness. She can
22 speculate of her expert opinion.

23 THE COURT: Overruled. I'll allow it.

24 BY MR. HOLLOWAY:

25 Q What circumstance -- and I'll rephrase the question.

1 What circumstances could a 9 millimeter penetrate the side
2 of a dumpster? ■

3 A It would all depend on the thickness of the dumpster,
4 and that's why I can't make a -- I can't form a
5 conclusion, really. ■

6 Q Okay. And just to be clear, 9 millimeter shell
7 casings, can they be fired from a rifle?

8 A Yes. ■

9 Q Or a long gun -- or a handgun that's been converted
10 to a long gun?

11 A Yes. ■ ■

12 MR. HOLLOWAY: All right. Thank you very much.
13 Please answer my questions opposing counsel has for you.

14 THE COURT: Cross-examination, Mr. Kata.

15 ■ CROSS EXAMINATION

16 BY MR. KATA: ■

17 Q Ms. Molloy, good morning. ■

18 You described earlier that you're engaged in a
19 comparative science. ■

20 A I do.

21 Q And that means that your role is to compare objects
22 that you receive with each other? ■

23 A Yes.

24 Q And let me just -- just tell me if I'm summarizing
25 this straight. ■ You analyzed four casings that all went to

1 Gun A, to a gun?

2 A Yes.

3 Q You don't know which gun, but a gun.

4 A Correct.

5 Q Okay. And then you analyzed three cartridge casings
6 that matched each other but to a different gun than
7 before.

8 A Correct.

9 Q So logic would follow that there were two weapons.

10 A At that point, yes.

11 Q At that point.

12 And then you analyzed four casings that matched each
13 other but didn't match the two before it ---

14 A Correct.

15 Q --- two groups before it?

16 A Correct.

17 Q So now we're at three guns.

18 A We are.

19 Q Okay. But nothing in your analysis can allow you to
20 give an opinion about who had what gun. You don't have
21 that information.

22 A I do not.

23 Q And your role in this case is limited to comparing
24 casings with casings with casings.

25 A Yes.

1 Q And without -- there was a question earlier about
2 puncturing metals and all that. There's really no way to
3 say that without examining the impact place in the metals,
4 correct?

5 A Correct. I would -- there are tests that can be used
6 to check and see if there's something called bullet wipe
7 present. So if there's lead on the dumpster itself, that
8 can be checked, or copper from the jacketing potentially
9 from one of those rounds.

10 Q You didn't conduct any of those tests.

11 A No. I don't go to scenes.

12 MR. KATA: Understood. Thank you.

13 No more questions, Your Honor.

14 THE COURT: Redirect, Mr. Holloway?

15 MR. HOLLOWAY: Just briefly.

16 REDIRECT EXAMINATION

17 BY MR. HOLLOWAY:

18 Q To be clear, there were -- you accounted for four
19 different guns in this case, correct?

20 A When you say four different guns, there were two
21 firearms I looked at. So -- and then I did look at one
22 fired cartridge case that was fired by the revolver that I
23 examined. So that would be technically five guns, right?
24 Confusing.

25 Q I will rephrase. I'm sorry.

1 The 9 millimeter shell casings came from how many
2 guns?

3 A Three.

4 Q And then the only other spent shell casing you found
5 came from a fourth gun.

6 A Correct. The fourth and the 38 special that I
7 examined came from the firearm that I examined.

8 MR. HOLLOWAY: Thank you very much. That's all I
9 have.

10 THE COURT: Anything on recross?

11 MR. KATA: No, Your Honor.

12 THE COURT: All right. Thank you, ma'am. You can
13 step down.

14 Any objection to this witness being excused?

15 MR. HOLLOWAY: No, sir.

16 MR. KATA: No, Your Honor.

17 THE COURT: All right. The next witness by the
18 State, if any?

19 MR. HOLLOWAY: The State calls Investigator John
20 Garrett.

21 WHEREUPON,

22 JONATHAN GARRETT

23 After having been duly sworn, testified as follows:

24 THE CLERK: Thank you. And please state your full
25 name for the record.

1 THE WITNESS: My name's Jonathan Garrett.

2 DIRECT EXAMINATION

3 BY MR. HOLLOWAY:

4 Q Investigator Garrett, tell us where you work.

5 A I'm an investigator with the Greenville County
6 Sheriff's Office.

7 Q And how long have you been with the sheriff's office?

8 A 22 years.

9 Q And what role do you currently serve?

10 A I'm a homicide investigator since 2019.

11 Q And do you have any prior experience working in law
12 enforcement?

13 A I started out with the Greenville City Police
14 Department 1996 to -- correction -- 1992 to 1996; 1996,
15 1998, Greenville County Forensics as a crime scene
16 technician; 1998 to 2001, United States Border Patrol in
17 Southwest Texas. I came back home in 2001 and I have been
18 with the sheriff's office ever since.

19 Q On September 26, 2020, what role were you serving in
20 the sheriff's office?

21 A I was an on-call homicide investigator with the
22 sheriff's office.

23 Q And how did you become involved in this particular
24 case?

25 A Me and my partner were out following up on another

1 case and -- when we hear this gunshot victim called out at
2 200 Pine Creek Court. And details were coming in where
3 they were being transported to the hospital in a
4 privately-owned vehicle. So we responded to the scene.

5 Q Okay. The scene of the shooting.

6 A Yes. That's correct.

7 Q And in what county is that located?

8 A Greenville County, South Carolina.

9 Q About what time did you respond?

10 A About 1:10. I think that's about the time the call
11 came in. It was shortly thereafter.

12 Q And how many other investigators were out there?

13 A Several. I know myself, Investigator Sparkman. I
14 can't recall. Several. I'd have to go through my report.
15 But I had -- there were several -- Uniform Patrol was
16 already there prior to our arrival.

17 Q Could you explain to the jury why is it necessary to
18 have more than one investigator?

19 A Particularly, in this case, we were getting
20 information as we went there that the gunshot victim had
21 been transported in a gray or silver Nissan Altima. And
22 shortly thereafter, the Greenville City Police Department
23 had relayed to us that they possibly had that vehicle
24 inside the city, and it was disabled at Vardry near Main
25 Street, near Greenville High School. So we dispatched I

1 think it was investigator -- or, I mean, Deputy Fowler
2 from yesterday to that location to secure that scene.

3 We did learn that the victim was placed in the back
4 of a pickup truck with a bystander that was coming by, and
5 then they were transported to St. Francis at 1 St. Francis
6 Drive downtown. So I had that pickup. I had another
7 scene. So I'm having to call additional help, one, to
8 process the large scene which was in a parking lot at
9 Highland Square Apartments, the Altima in downtown
10 Greenville, and then the pickup truck at St. Francis
11 Hospital.

12 Q So your responsibilities are to make sure -- make
13 sure what on the first crime scene?

14 A First, to make sure it's secured and how big it is
15 and everything that's involved is protected, which the
16 primary responding deputies were good at that. They
17 started locating shell casings and started roping off and
18 getting bigger and larger. So when I got there, the scene
19 -- the whole parking lot was blocked off with patrol
20 vehicles, uniform deputies and crime scene tape, which
21 they had done at the other two locations, also.

22 Q And regarding the processing of each of the three
23 crime scenes, what is your duty? What are your duties?

24 A I start taking notes to see what's potentially
25 evidence, who is a potential witness, video footage of

1 anything that would gather or glean a lead that we can
2 start working with, of how many scenes I have and who -- I
3 start assigning different responsibilities for the
4 different scenes. And then also, we start canvassing the
5 area for anybody that may have saw or heard something.

6 Q And even before that, you have to learn who is the
7 victim, what is his name.

8 A That's correct.

9 Q And then from there, like shows like, you know, old
10 TV shows, Jack Webb, Colombo, what's the motive, right?

11 A Correct.

12 Q And to determine the victim's name, identity, how do
13 you go about doing that?

14 A The deputy that arrived at St. Francis, I tasked them
15 with trying to find out identity of him, why he was there,
16 why he was at our crime scene to begin with and who he
17 might be. And they came up with the name Jermaine Alan
18 Gipson, G-I-P-S-O-N.

19 Q Did you learn who had transported him to the
20 hospital?

21 A I did. There were two individuals that were at
22 St. Francis, a Zamaria Franklin and Jaquan McGee.

23 Q Okay. And did you learn how they knew the victim?

24 A They were friends with him. They had been hanging
25 out with him earlier in the day. And I'm not sure of the

1 exact relationship, but I knew they were friends of the
2 deceased.

3 Q And the third crime scene, did you speak to the
4 family of the victim at St. Francis.

5 A At St. Francis? No. They returned to Highland
6 Square Apartments at Pine Creek Court. And I was informed
7 that they were at the scene and they thought -- they
8 informed me that they were the parents of the victim that
9 had been shot. They had just left the hospital.

10 Q Okay. Did they know what was going on or why this
11 happened?

12 A They had -- they had speculations and information,
13 obviously, I was interested in to sort of direct my
14 investigation, where I need to go.

15 Q And why was that?

16 A The -- well, Mr. Gipson, I had spoke to him with
17 Ms. Gipson. And I asked, obviously, every question I
18 asked, who would want to hurt your son? Is there anyone
19 right now he might be having problems with? And I learned
20 that their daughter's boyfriend had been in an altercation
21 and had arguments with him. That's the only person they
22 could think of at the time. They only knew him as AD and
23 knew he was from Allendale.

24 Q In your investigation in this case, indeed, since
25 September 2020, have you learned of any other suspects,

1 gottten any other leads as to alternatives?

2 A No, no.

3 Q Okay. How common is it for you as an investigator to
4 learn about motive from friends and family?

5 They're usually the first ones I go to in a homicide
6 investigation. That's like the top of my list. Who's the
7 closest to the victim? They usually know what's going on
8 in their life. Or a sibling. Because I have siblings and
9 we're a lot closer than you are to friends sometimes.

10 Q Sometimes you tell your siblings more than you tell
11 your parents.

12 A Correct.

13 Q Mr. McGee and Mr. Franklin, could you describe how
14 cooperative were they initially? Just describe their
15 behavior.

16 A Obviously, emotional. They just witnessed the
17 shooting of their friend.

18 We had them transferred to the Law Enforcement Center
19 to interview them, to get as much information as we could
20 from them. And they were emotional. They were wanting to
21 get back to their friends and family, but we still had to
22 -- we had a lot of things going and we had -- was put in
23 line of things to do was interview them. So I had other
24 investigators coming in to interview them, because I was
25 on the scene coordinating that situation and everything

1 there. So I was trying to coordinate over the phone in
2 different locations. Their interview is at the Law
3 Enforcement Center.

4 Q What steps have you taken to locate Mr. Franklin?

5 A I went to his brother's house. I went to his
6 mother's house last night on Duncan Chapel Road. That
7 place is vacant. I went to a location off of Augusta Road
8 the day before yesterday. That place is vacant. And I've
9 called two relatives, new phone numbers that I've gotten
10 through incident reports, and they're the wrong number.

11 Q And Mr. McGee, describe his level of cooperation.

12 A Initially, he was cooperative until we had to seize
13 his clothes, some of his clothing because he had blood on
14 it. But it's early in the investigation, so I don't know
15 what's relevant and what isn't. So I can't speculate on
16 what's evidence, so I want to take his Timberland boots,
17 which he got very upset about. And I got another
18 investigator to interview him. And since then, he has
19 been uncooperative, stating he has to live in that area,
20 quote, unquote.

21 Q As far as any cell phones in this case, it's fair to
22 say three to four, maybe five cell phones were taken in
23 this case.

24 A Correct.

25 Q What steps did you take to learn if there was any

1 evidentiary or evidence on these phones as it relates to
2 this case?

3 A I obtained search warrants for them to be digitally,
4 electronically extracted, the data. They're dumped is
5 pretty much the common word for it onto a computer so we
6 can see what's in the phones.

7 Q It's fair to say you got 18 search warrants, or you
8 and your team got 18 search warrants in this case.

9 A Yes. On different -- various -- on various things.
10 18 search warrants, correct.

11 Q Okay. The contents of the phones and your
12 experience, just a brief description, how do you get the
13 contents of a cell phone? Like this is mine. How do you
14 get the -- extract?

15 A Well, first, you've got to get into them, so you have
16 to have a password, a code or fingerprint or facial
17 recognition. In 2020 it was a lot more difficult. We've
18 gotten better since then. But in 2020, if you didn't have
19 a password, you weren't going to get in it. But
20 technology has advanced since then and we have devices
21 that will crack those codes. Sometimes it takes hours,
22 sometimes it takes months.

23 Q And in this case, did you obtain the victim's phone?

24 A I did.

25 Q Any evidence, any issues on that phone?

1 A None.

2 Q Nothing. Messages saying, hey, meet up with me here?
3 None of that?

4 A I didn't see anything. I was wanting to see what was
5 he doing right before the event to see what led up to --
6 who he last spoke to, if it was, you know, planned, if he
7 was planning to meet someone. I didn't find that.

8 Q It's like you see in -- it stands to reason you have
9 a shooting, you have to go in reverse to figure out the
10 victim's movements throughout the day, correct?

11 A Correct.

12 Q That led to the moment the person is murdered.

13 A Correct.

14 Q But the victim's phone didn't have anything on there.

15 A It did not.

16 Q Did you look at -- there was a phone by Jaquan McGee.
17 Was that phone seized?

18 A It was.

19 Q Search warrant on that one.

20 A It was.

21 Q Did you find anything on that search warrant?

22 A Did not.

23 Q As part of this case, you also, your job is to
24 determine did anyone call 9-1-1.

25 A They did.

1 Q Okay.

2 A Several calls.

3 Q And the call we've already heard in this case, what
4 information was key in that call to you as an
5 investigator?

6 A He witnessed two individuals running from Highland
7 Square Apartments. There's a hole in the fence, I'm
8 familiar with Highland Square Apartments, the leads back
9 to behind the complex. One was wearing a red shirt, one
10 was wearing a dark hoodie and he gave a license plate
11 number. And they got into a black or dark Dodge Charger
12 that appeared to be waiting for them.

13 Q Okay. And did he describe on the call the suspects?

14 A He did. Two black males. I think he said they were
15 in their teens, early 20s. I can't recall, but younger.

16 Q Did he describe the clothing on the call?

17 A He did. Red shirt, black pants, black hoodie on the
18 other, black hoodie, blue jeans.

19 Q Did he describe anything about their behavior like
20 their hands on the call?

21 A They were running and appeared to be concealing
22 something.

23 Q Did he describe in what doors he entered the vehicle
24 on the call?

25 A Yes. He said there was a driver in there. They

1 didn't get in the driver vehicle. I do recall that.
2 Listened to it today. But the driver was already in the
3 driver's seat. They didn't get in the driver's seat. One
4 in the front, one in the back. I don't recall which did
5 what.

6 Q Okay. What steps did you take to figure out whose
7 car -- first of all, let me just ask you, what was the tag
8 number that this caller provided?

9 A MWW 458.

10 Q And from what state?

11 A South Carolina.

12 Q And what steps did you take to determine whose
13 vehicle or whose tag that was?

14 A Ran it through South Carolina Department of Motor
15 Vehicles database, run the tag.

16 Q And whose name was that?

17 A It comes back to a Yolanda Sondra [phonetic],
18 200 Pine Creek Court, which is Highland Square Apartments.

19 Q Did you learn -- what, if any, connections does
20 Ms. Sanders have to the defendant?

21 A I learned from an incident report that Mr. Tyriese
22 Robinson was a potential witness, and it lists Ms. Sanders
23 as his sister, which is the registered owner of the
24 vehicle.

25 Q Now, going back to the crime scene -- I say the crime

1 scene -- the first crime scene, the scene of the shooting,
2 this has already been admitted into evidence as State's
3 Exhibit 51. What are we seeing here?

4 A This is an overview map or diagram of Highland Square
5 Apartments, Apartment ■, ■ -- I mean Building ■,
6 Building ■, Building ■ and Building ■ and ■.

7 Q And your testimony yesterday explained the shell
8 casings, and I call them bullets, various shell casings
9 and bullets found on the scene. Can you just describe as
10 the lead investigator how that helped you in this
11 investigation?

12 A Well, I determined -- I, obviously, rely on my crime
13 scene technicians that you heard from yesterday because
14 they can tell me my trajectory, where bullets are coming
15 from. Shell case location can tell me where they were
16 shot at, where the weapon was actually discharged at
17 different locations. And I can determine sometimes, which
18 you've got different calibers, it's easy, but if you have
19 the same caliber, you have to do a little bit more
20 research to see how many guns were involved, how many
21 people were involved or how many guns were involved and
22 their locations in relation to the incident I'm
23 investigating.

24 Q And what did you eventually learn that helped give
25 you a picture of what exactly transpired in this case?

1 A Base█ on the physical evidence, I had -- based on the
2 physical evidence █ and talking with forensics and in my
3 analysis, I have two different guns being fired around the
4 breezeway where these shell casings are located, Building
5 █. And I also had a firearm being fired in █ the parking
6 lot between Building █ and █ in the parking lot. And
7 they're exchanging gunfire based on projectiles hitting
8 Building █ and projectiles █ hitting the dumpsters and
9 landing in the parking lot here and exchanging gunfire
10 here to here (indicating throughout).

11 Q And how many times was █ victim shot?

12 A Twice.

13 Q So he's █t twice. And one bullet was recovered
14 from this location (indicating); is that correct?

15 A Yes, █ yes.

16 Q I'm sorry. E-7 right here (indicating)?

17 A Correct. █ █

18 Q Okay. And then from there, two more projectiles were
19 found around ---

20 A Around the dumpsters area (indicating) on this side.
21 But the projectile holes or indentions were here
22 (indicating) as if █ they struck the dumpster and hit the
23 ground.

24 That one, I can't recall █ that item number, was █
25 recovered in t█e Nissan Altima, in the backseat where the

1 victim would have been lying.

2 Q Okay. And what did that show you as to how many
3 times the victim was fired upon?

4 A Based on the shell casings here, seven. Seven shell
5 casings here, four in this area (indicating throughout).

6 Q And he was struck twice.

7 A Twice.

8 Q Okay. Thank you.

9 Now, in speaking to the victim's family, two of them
10 have already testified. You were here yesterday during
11 their testimony.

12 A Correct.

13 Q Ms. Eva Gipson and her daughter Jermika, correct?

14 A Correct.

15 Q Ms. Gipson had a daughter named Jermaine Annette.

16 A That's correct.

17 Q Also known as Jay.

18 A That's right.

19 Q And in determining or trying to figure out motive,
20 what did you do in your interviews or in your discussions
21 with the family to figure out what's going on here?

22 A Well, I learned that Annette, Jay, the sister lived
23 in the ■ Building at ■ Pine Creek Court. So myself and
24 another investigator and a deputy went to that location to
25 interview her, see if we can glean any information related

1 to what happened to her brother.

2 Q And did they -- what possible leads as to a motive
3 did Jermika and Eva provide?

4 A At the time, they told me it was over -- possibly
5 over a COVID check that had been cashed either by the
6 victim, the mom, there's some discussion, that apparently
7 belonged to Jay, Annette. But she didn't cash that check
8 and she suspected that her brother or her other family
9 member had done that.

10 Q And who was Annette -- or Jay dating at that time?

11 A AD, or what the family -- I learned from the family
12 he went by on social media is OD Tone as a username that I
13 later identified as Tyriese Robinson.

14 Q And what did "AD" stand for?

15 A Allendale.

16 Q Did you, in your investigation, learn of any
17 connections the defendant had to Allendale County?

18 A Yes.

19 Q What connection was that?

20 A Of family there, also of incident reports from
21 agencies there.

22 Q In your investigation, did you dig a little deeper
23 into this COVID check allegation?

24 A I did.

25 Q What did you learn?

1 A It was unfounded. It was -- no arrest was made and
2 no foundation for the allegation was substantiated.

3 Q And what did you learn regarding the family dynamics
4 that occurred because of this COVID check?

5 A Jay was not speaking to her parents or other siblings
6 and vice versa. They had just cut off ties with each
7 other and were very bitter.

8 Q And what was that over?

9 A Of her dating her boyfriend and the cashing of the --
10 alleged cashing of the COVID check.

11 Q And what did you do to learn further that once the
12 check issue was resolved, what happened from there?

13 A As far as the check?

14 Q Well, as far as the family. Did the family situation
15 calm down, is my point, at that point?

16 A It did not. Apparently, they were still hostile and
17 still not speaking to each other and not having any ties
18 or communication.

19 Q What was the source of this hostility?

20 A I'm sorry?

21 Q What was the source of this hostility? What was
22 causing it?

23 A The boyfriend, AD, Tyriese Robinson.

24 Q This defendant?

25 A Correct.

1 Q And how long was this going on, this hostility?

2 A I think since they'd been dating, approximately a
3 year or even more.

4 Q In speaking to Annette, you testified earlier you
5 spoke to Annette, describe how she was interacting with
6 you in the first interview.

7 A Well, at her apartment it took her approximately ten
8 minutes to answer the door. We saw movement on the blinds
9 so we knew she was in there. Eventually, she answered the
10 door and she was not cooperative and she wouldn't answer.
11 She denied any knowledge of any motive, relationship or
12 any information relating to why her brother would have
13 been shot.

14 Q So she denied even being involved with the defendant?

15 A Correct, correct.

16 Q What was her behavior as a sister of the victim in
17 comparison or contrast to your typical interaction with
18 relatives?

19 A Well, in my experience in homicides I've worked,
20 they're very forthcoming because they want to find out
21 what has happened to their loved one, and they give you
22 almost too much information, abundance of information and
23 leads and information you have to follow up on. I didn't
24 get that from her. Nothing from her.

25 Q That's exactly actually what happened with the family

1 over here ---

2 A Correct.

3 Q --- of Eva and Jermika. The family was forthcoming,
4 correct?

5 A They were, very.

6 Q And your job is to hear what they say, grieving as
7 they are and sift through it, figure out if there's merit,
8 correct?

9 A Correct.

10 Q And what did you discover in your investigation as to
11 what they were saying about the animosity as it relates to
12 motive?

13 A Well, her, I felt like she was deceptive, because
14 when I asked her is there anything you want to tell me,
15 she started crying and didn't want to talk anymore. So I
16 know there's something there. She's just not telling me.
17 But I learned later that the animosity was her
18 relationship with Robinson and the whole situation that
19 the family didn't approve of.

20 Q And as of the date of the murder, was that animosity
21 still there?

22 A Yes.

23 Q Nothing changed after the COVID check issue was
24 resolved.

25 A Correct.

1 Q Now, this investigation, we're in the 21st century,
2 aren't we, with most businesses have cameras, right?

3 A They do.

4 Q All right. This is State's Exhibit 1. It's already
5 been admitted into evidence. Now, as part of the
6 investigation, the investigators and deputies working
7 under you obtained all the camera footage from this
8 particular incident ---

9 A Correct.

10 Q --- that existed.

11 A Correct.

12 Q In your investigation, describe some of the visuals
13 you see on this system.

14 A Some are a lot better than others. Highland Square,
15 I have worked several cases at Highland Square, and it is
16 substandard. But it's all we had to work with. I'm very
17 familiar with their camera system as recently as this
18 month on cases out there. And it's motion activated which
19 it dissolves when there's no motion, and then a little bit
20 after the motion comes into frame, it will start
21 recording. So it's sort of like when you don't have
22 coverage on your cable, it sort of dissolves or is
23 scattered or scrambled, and then it will back in. But
24 that's all I had to work with.

25 Q And you have seen all of the videos on Exhibit 1,

1 correct? ■

2 A I have. ■

3 Q Can you describe how it helped you narrow down the
4 universe of possible suspects down to one? ■

5 ■ Obviously, I look at it and see what's ■ going on. I
6 see the victim. He's ■ smoking a cigarette, phone in one
7 hand, casually walking up the sidewalk in front of
8 Building ■ toward Building ■. And I'd learn later from
9 the witnesses that they had been talking to females down
10 at the bottom of the hill, and the victim was going to
11 walk up to Building ■ to s ■ family while they were
12 talking. Then a short time later, which was corroborated
13 with video, they start walking and one of them starts
14 driving the vehicle up to meet up with him and be at
15 Building ■ where Jermaine, Jr. was going to visit his
16 family. ■

17 Q In your investigation, did you learn whether the
18 defendant had anyone associated with him that lived in
19 Building ■?

20 A I did. His sister, and I later discovered was the
21 registered owner of the vehicle. They live on the bottom
22 floor of Building ■.

23 Q So he had one sister that was the owner of the
24 Charger, and one other sister ■ that lived in Building ■.

25 A That's correct. ■

24 Q So both of them were firing toward the direction
25 where the victim was.

1 A Correct. Where he was located.

2 Q Was the victim the only one that was shot in this
3 situation?

4 A Yes.

5 Q No one else was struck by any bullets.

6 A No one. To my knowledge, no one came forward later
7 saying I've been shot, so we assumed it was just the one
8 victim. On the other end of it, no one has reported being
9 shot at or shot.

10 Q What are we seeing on this next video on Exhibit 1?

11 A This is the breezeway looking straight into the
12 breezeway of Building ■ and of the red T-shirt and two
13 subjects pointing firearms, appear to be firing firearms
14 in the direction of the parking lot between the ■ and ■
15 buildings.

16 Q And can you describe what the firearms is they are
17 holding?

18 A One appears to be -- in my experience, the subject in
19 the black shirt is holding a handgun. The one in the red
20 is holding a longer firearm like a long gun.

21 Q And as part of the investigation, did you look at not
22 just the video footage from this one moment in time, but
23 in the minutes and hours leading up to it?

24 A I did. For that day, we looked at all the video
25 related to this date of September 26th at the complex.

1 Q On the video, who else did you see that was wearing a
2 red T-shirt?

3 A The only person I saw wearing a red T-shirt -- well
4 the one was Jaquan McGee had a red coat on, but I have
5 that coat. I took it during his interview. Of -- was
6 Tyriese Robinson in front of the ■ Building earlier in the
7 day with a red T-shirt on. I didn't know who he was at
8 the time, but...

9 Q This would be earlier. Is this video I'm showing
10 from Exhibit 1, Video Number 4, was this from earlier in
11 the day?

12 A It was.

13 Q And who do we see right here?

14 A The red T-shirt in front of Apartment ■, ■ or ■.

15 Q In your investigation, did you determine on what
16 level his sister's apartment was?

17 A She lives in this apartment right here (indicating).
18 The door is right here (indicating) where the red T-shirt
19 is standing.

20 Q Thank you.

21 And, again, earlier in the day, who do we see?

22 A Tyriese Robinson I later learned from other videos in
23 a red T-shirt in front of the ■ building.

24 Q Again, this is Video 6 on Exhibit 1. Who do we see
25 right here?

25 A Still a red T-shirt in the breezeway, but now a black

1 vehicle had pulled up. We couldn't get the tag.

2 Q This is Video 10.

3 A Same. Standing in the breezeway of Building [REDACTED] the
4 breezeway of Highland Square Apartments with a child.

5 Q It looks like he's running?

6 A Correct. In front of the ---

7 Q In front of the place jogging, what have you.

8 This is video 11.

9 Video 12, what angle is this?

10 A This is going to be -- I'm pretty sure it's
11 Building [REDACTED], looking down into the parking lot in front of
12 Building [REDACTED] building.

13 (End of video playback.)

14 BY MR. HOLLOWAY:

15 Q All right. From this video, I'm going to show you
16 some exhibits. I'm showing you what's been marked as
17 State's Exhibit 153 through 168. Can you identify these
18 for the jury?

19 A (Reviews exhibits) These are still images I gathered
20 or obtained from the video we just viewed.

21 Q Okay. And as part of the investigation, you managed
22 the creation of those photo stills.

23 A I did.

24 Q For what purpose?

25 A To stop the actual motion so I could get better

1 visuals of the images that are in the videos so I can
2 actually have them for identification purposes.

3 Q Like we just saw when I was trying to pause it on
4 that one segment.

5 A Very difficult.

6 Q Very difficult.

7 And these, each of these exhibits show different
8 angles from Highland Square?

9 A Correct.

10 Q Throughout that morning until around noon that
11 particular day.

12 A Correct.

13 Q And these documents, these pictures, are they fair
14 and true depictions from the video footage we just
15 witnessed?

16 A They are.

17 MR. HOLLOWAY: I would ask to move into evidence each
18 of these exhibits.

19 THE COURT: Any objection?

20 MR. KATA: No objection.

21 THE COURT: So moved without objection.

22 (WHEREUPON, State's Exhibit Numbers 153 through 168 were
23 admitted into evidence.)

24 BY MR. HOLLOWAY:

25 Q I'm showing you what's been admitted as Exhibit 153.

1 What are we seeing right here?

2 A Tyriese Robinson just moments before the shooting in
3 front of the ■ Building.

4 Q Wearing what?

5 A A red T-shirt.

6 Q State's Exhibit 154, who is this we're seeing in
7 Exhibit 154?

8 A It's an enlargement of the same picture, Tyriese
9 Robinson in front of the ■ Building in a red T-shirt.

10 Q And I'm just going to go through these fairly
11 quickly. You've already seen the footage. This is
12 Exhibit 155.

13 A Still photo of Tyriese Robinson in a red T-shirt in
14 front of the breezeway of Building ■.

15 Q Where one of his sisters lives.

16 A Correct. On September 26, 2020.

17 Q And I don't know if I asked you this earlier, but
18 where did the victim live?

19 A Oh, he lived -- he was living in Piedmont with his
20 girlfriend, but he came there, I learned, to visit family.

21 Q His family lived in what building?

22 A ■ Building.

23 Q Were they on the same level?

24 A Different level.

25 Q What are we seeing in Exhibit 156?

1 A Red T-shirt, Tyriese Robinson holding an object and
2 another subject extending an object in front of him
3 wearing a black hoodie and blue jeans.

4 Q And what time was this, do you know?

5 A Approximately 1 o'clock or just shortly thereafter.

6 Q And the time at which Jermaine, Jr. was shot,
7 correct?

8 A The 9-1-1 call came in at 1:10, so right before.
9 Just after 1 o'clock.

10 Same video outlining the breezeway of Building █.

11 Q And for the record, we're referring to Exhibit 157.

12 This is Exhibit 161. What are we seeing right here?

13 A Tyriese Robinson in a red T-shirt in the breezeway
14 apparently holding something down behind his leg or back,
15 and the black male in the black hoodie beside him with
16 blue jeans in the breezeway of Building █ also.

17 Q Some of the pictures like on Exhibit 163 I'm showing
18 have other people out there; is that correct?

19 A Correct.

20 Q Were you able to determine who these people are?

21 A One of them is Tyriese Robinson's sister.

22 Q Do you know which one that is?

23 A In the yellow.

24 Q This is Exhibit 165.

25 A Tyriese Robinson, red T-shirt in the breezeway of

1 Building ■.

2 Q We've heard testimony earlier that, in the photo
3 lineups that you provided both Ms. Gipsons, at the time of
4 the lineups, what day did you present the lineups?

5 A Later that night of the 26th, like around 10 or
6 11 o'clock at night. ■ ■

7 Q Did you have at your disposal at that time the day of
8 the murder the blown-up --- ■

9 A I did not. I didn't get that until later that night.
10 I just had several other still photos of the actual
11 shooting at the time. ■ ■

12 Q But who they identified actually was correct.

13 A Correct. ■ that's all I had. So I made photo lineups,
14 because I don't know Tyriese Robinson. I didn't -- all I
15 knew him as AD. So I had the photos of the breezeway to
16 present to the family. ■

17 Q Going back to Exhibit 1 --- ■

18 A You want to freeze -- family.

19 (WHEREUPON, the following testimony was given while
20 State's Exhibit Number 1, a video, was played in open
21 court.)

22 BY MR. HOLLOWAY: ■

23 Q What do you see right here?

24 A I see Jermaine Gipson, the victim, walking in a white
25 T-shirt with white tennis shoes up the sidewalk in front

1 of Building ■. That's Zamaria Franklin walking behind him
2 in the black.

3 Q Okay. And as a part of the investigation, you had a
4 homicide, right?

5 A Correct.

6 Q Your job is also to figure out do you have a crime.

7 A Correct.

8 Q Because sometimes shootings are justified.

9 A They are.

10 Q Sometimes self-defense.

11 A Correct.

12 Q Sometimes someone can assert a stand-your-ground
13 claim.

14 A I've had that.

15 Q So tell the jury as we go along what are you seeing
16 here that discounts self-defense, justifiable shooting,
17 okay?

18 A Okay.

19 Q And he was -- what did Jermaine, Jr. have in his
20 hands?

21 A Cigarette and a phone.

22 Q You saw the smoke right here?

23 A Correct.

24 Q From Exhibit 1, Video 18, do you see him holding a
25 gun ---

1 A I do not.

2 Q --- at this point?

3 A Not at that point.

4 Q And this building right here is what?

5 A Building ■.

6 Q Okay. Could you describe what we're seeing right
7 here?

8 A Jaquan McGee is driving up in the vehicle before he
9 is talking to this female. Zamaria is going around the
10 vehicle with his hands -- one hand in his pocket, and
11 they're casually walking towards the ■ Building.

12 Q Before they went off the clip there, could you see if
13 any of them had guns out?

14 A No. I did not see any guns out.

15 Q So McGee's not rolling up in his Altima, guns blazing
16 like he's Clint Eastwood.

17 A Correct.

18 Shooting's already started. They appear to be
19 reacting to the gunfire. And the vehicle's rolling
20 backwards, unattended.

21 That's Jermaine Gipson on the ground in front of the
22 vehicle down below the ■ building. Jaquan McGee in a red
23 jacket is holding a firearm, and Zamaria is down near at
24 the left bottom of the screen in the black.

25 Q Okay. And the victim, Jermaine, Jr., what is in his

1 hand?

2 A A cigarette still. I think it's in his right hand.
3 I don't think anything's in his other hand. I think he
4 dropped the phone. But both his hands are on the
5 pavement.

6 Q Looks like there's a gun in his hand, too, right?

7 A Yes. There is now.

8 Q But his gun is not drawn until -- from your
9 perspective as an investigator, he does not draw his gun
10 until he is fired upon.

11 A Correct. In another video, it's a better angle.

12 Q And I'm going to direct you still on Video 18 on
13 Exhibit 1, and I'm pointing to this on the screen. What
14 do we see right here (indicating)?

15 A That is the red T-shirt running from the only
16 building that was there, the █ Building, the back side of
17 the breezeway that leads to the hole in the fence that
18 comes out on Marlboro Street behind Highland Square
19 Apartments. And the gentleman with him has got the black
20 hooded sweatshirt and the blue jeans. This would have
21 been the area where the call came in about the vehicle.

22 Q Okay. What are we seeing right here?

23 A The Dodge Charger backing out of the █ Building.
24 Greenville County deputies arrive on the scene.

25 Q That was quick, wasn't it?

1 A There's a lot of deputies in that area.

2 Q And what is that right there?

3 A Charger pulling out of the complex and going right
4 which would lead you back behind the complex if you keep
5 going around onto the frontage road.

6 (End of video playback.)

7 BY MR. HOLLOWAY:

8 Q So now in the investigation you have who has been
9 identified as at least one of the shooters.

10 A Correct.

11 Q What about the second shooter?

12 A I don't know who he is.

13 Q To this day, we don't know who that is.

14 A I do not.

15 Q You tried?

16 A I've tried.

17 Q As a part of this process -- or part of the
18 investigation, your job is to make sure that forensics
19 properly processes the crime scenes.

20 A Correct.

21 Q Take us through what happened.

22 A Well, obviously, I want to document the scene. I'll
23 request digital photos, photographs, trajectory because I
24 want to know what angle and where my bullets are coming
25 from and what angle of downward or upward departure, how

1 they were being fired, where my shell casings are and to
2 collect and number each one of them so I can adequately
3 describe it later in court as we've done here.

4 Q And in this case, you found a cell phone in the
5 parking lot.

6 A Correct.

7 Q A gun holster in the parking lot.

8 A Correct.

9 Q Blood, or what was suspected as blood in the parking
10 lot.

11 A Correct.

12 Q How do those objects influence or affect your
13 investigation?

14 A Well, I knew I had more than one gun, that I knew
15 where -- different locations they were being fired. So
16 that led me to seal the Altima because I now know it was
17 possibly involved, to have it searched and processed
18 properly in a dry environment. It was cloudy that day, so
19 I didn't know if it was going to rain. So we sealed it to
20 process it later pursuant to a search warrant at
21 forensics.

22 Q And the location of the blood, the holster, the cell
23 phone, how did the video we just ---

24 A It corroborates what happened. It tells me why what
25 was left there, the holster, the phone, the blood's where

1 he fell, and the shell casings, where the actual guns are
2 being fired from and who's firing.

3 Q And in this case, we heard testimony previously
4 several blood swabs were taken in the case from the Nissan
5 Altima, latent prints were collected in this case, so the
6 normal things you would see on a CSI episode.

7 A Correct.

8 Q How did it come into play in your investigation?

9 A Well, it established what I saw on video and it
10 established probable cause to assign warrants on Tyriese
11 Robinson.

12 Q And those warrants were signed on what day?

13 A I want to say the 27th or 28th. I can't remember.
14 (Reviews document) Later on the 27th. I think the early
15 morning of the 27th.

16 Q How long was it before he was found?

17 A The first week of October, probably six days later.

18 Q Where was he found?

19 A Suffolk County, New York.

20 Q And where in New York is that?

21 A I think it's Upstate. I'm not sure.

22 Q And who was with him?

23 A Jermaine, Jay Annette Gipson, the decedent -- the
24 victim's sister.

25 Q And Jermaine Annette, also known as Jay, after he's

1 extradited to South Carolina, did you talk to her again?

2 A No. I attempted to.

3 Q Okay. Did she give any other interviews?

4 A No. Well, one other. We did -- we convinced her to
5 come down to the Law Enforcement Center, but all she
6 talked about was the situation with the family and didn't
7 provide information relative to her brother's death.

8 Q Did she affirm that she was still dating the
9 defendant?

10 A Yes. Well, I affirmed that through documentation.

11 Q Okay. But did she comment on that?

12 A No.

13 Q In your investigation, was there any forensic
14 evidence, any cell phone evidence that would indicate
15 someone else did this?

16 A No. Not other than the red T-shirt which identifies
17 Tyriese Robinson in the early picture and video and the
18 other male that was there where Ms. Molloy had testified,
19 the different guns where the shell casings were located.

20 Q And earlier this year in preparation for trial, you
21 asked our expert witness to test shell casings.

22 A Correct.

23 Q And as well as one firearm or two firearms?

24 A Two firearms.

25 Q One of the firearms belonged to who?

1 A Jaquan McGee. It was in the trunk of the Altima when
2 we searched it for a search warrant.

3 Q Okay. And could you describe initially how he was
4 acting back at the hospital?

5 A Somewhat cooperative. I'd been given this
6 information that what they were there doing. They were
7 there with Jermaine to visit his family. And -- but once
8 we were going to have to seize some of his items, his
9 phone, his clothes, he became bitter.

10 Q Okay. And it stands to reason, at some point in time
11 between Highland Square and the hospital, he put that
12 revolver in his trunk.

13 A Correct.

14 Q I mentioned earlier you and your team obtained
15 probably by my count 18 search warrants, correct?

16 A Correct.

17 Q You have to get a search warrant whenever you examine
18 a cell phone, correct?

19 A Correct.

20 Q Even down to the apps, individual apps.

21 A Correct.

22 Q Each different company, whether it's Facebook or Cash
23 App, you've got to get a separate search warrant.

24 A Correct.

25 Q Is it fair to say you chased every single lead

1 possible [REDACTED] side from the defendant?

2 A That I know of [REDACTED], yes.

3 Q The cell phones in this case, it included the
4 victim's phone, correct? [REDACTED]

5 [REDACTED] Correct. [REDACTED]

6 Q Jaquan's phone, [REDACTED] correct? [REDACTED]

7 A Correct.

8 Q Franklin's phone? [REDACTED]

9 A Correct.

10 Q The Dodge Charger that belonged to Ms. Sanders, the
11 sister, when was that found [REDACTED]

12 A I obtained a search warrant for it when I got the tag
13 and realized [REDACTED] there was a connection between Robinson and
14 that was his sister's vehicle. So we had surveillance at
15 Highland [REDACTED] square because we had outstanding warrants for
16 him. And our fugitive team was conducting surveillance,
17 and they saw the Char[REDACTED] pull into the [REDACTED] Building briefly
18 and then leave, and they followed it to White Horse Road
19 and I-85 [REDACTED] at the Spinx gas station where it was stopped.

20 Q Okay. Who was in the Dodge Charger at that time?

21 A Two other individuals I was not familiar with, but it
22 wasn't Robinson. [REDACTED] he was -- their age range was off. an
23 Isaiah Wesley and a gentleman with the last name Haywood.
24 He was born in '66. He was a [REDACTED] lot older than Robinson [REDACTED]
25 And Isaiah, I [REDACTED] think, was born in '96.

1 Q In your investigation of these two individuals, did
2 you learn whether there was any connection with Jermaine
3 Gipson, Jr.?

4 A I did not. █

5 Q What about the defendant? █

6 A I did not. █ █

7 Q Did these two gentlemen have any connection to
8 anybody in this case? █

9 A I have not located any connection.

10 Q And, again, their appearance, their age range
11 differed from the people that you saw on the video
12 surveillance footage.

13 A Correct. █ gave them a ride home. I sealed the
14 Charger, had it towed to be searched pursuant to the
15 warrant. █

16 Q Did you hear from Ms. Sander█?

17 A I did. █ █

18 Q Avoiding hearsay rules what she actually said, can
19 you describe her demeanor on the phone?

20 A I provided my card to both of the gentlemen that were
21 in the car and explained what's going on. I mean, where a
22 car -- you take somebody's car, they want to -- I would
23 want to know just that we had a search warrant for it and
24 I'd get it back to her when I could. I didn't know when
25 it would be. █ had to consult prosecutors in the case.

1 So I provided the card to them, and a short time
2 later I received a call from a female identifying herself
3 as that, and she's extremely hostile. I couldn't get a
4 word in, so I just disconnected.

5 Q As far as the other firearms in this case, we know
6 that there were two shooters, correct?

7 A Correct.

8 Q And that Jaquan had a gun.

9 A Correct.

10 Q Because that was found, correct?

11 A Correct.

12 Q The gun that Mr. Franklin has in the video, was that
13 ever found?

14 A Not that day of -- on video I witnessed him putting
15 it in the front seat of the Altima. It wasn't in the
16 Altima. I don't know where it's at.

17 Q And the victim's gun.

18 A I don't know where it's at either.

19 Q As far as the Charger, was that vehicle processed?

20 A It was.

21 Q Same processing as the Nissan Altima?

22 A It was.

23 Q Anything of value that connects to this case?

24 A Other than it was the same tag. It was described as
25 being behind the complex on the day of the shooting they

1 picked up the two subjects. But no forensic or
2 evidentiary items were located inside or on the vehicle.

3 Q In fact, there was a cell phone found in the consul
4 of the vehicle.

5 A Correct.

6 Q And that, again, I think we covered this earlier, but
7 you obtained a search warrant for that phone.

8 A I did.

9 Q Anything of value in the cell phone dump or
10 extraction?

11 A No.

12 Q And each of the events, from the three crime scenes
13 including the shooting, going to the hospital, all this
14 occurred in what county?

15 A Greenville County, South Carolina.

16 MR. HOLLOWAY: All right. Thank you very much.
17 Please answer any questions opposing counsel has for you.

18 THE COURT: Cross-examination?

19 MR. KATA: Thank you, Your Honor. Please the Court.

20 CROSS EXAMINATION

21 BY MR. KATA:

22 Q Investigator, good afternoon.

23 All right. Let's step all the way back and talk
24 about your role. So you're the lead investigator.

25 A Correct.

1 Q Okay. So you're pretty much the captain of the ship
2 here?

3 A Somewhat, yeah. I've got supervisors who still want
4 to call some shots.

5 Q It's always going to be that way.

6 But anyway, you tell people -- you task people with
7 things to do.

8 A Correct.

9 Q Okay. And you testified earlier that when you
10 arrived at Highland Apartments, things were already in
11 motion.

12 A They were.

13 Q Okay. People obviously responded before you.

14 A They did.

15 Q And things had already been in motion.

16 How long after you first arrived did you have contact
17 with the mother of the deceased, the Gipsons?

18 A I want to say within the hour. I was speaking with
19 someone else when they said somebody wanted to speak to
20 me. I just figured it was a victim. But they drove up
21 real close to the crime scene, so I thought they were
22 trying to get through. And Mr. Gipson identified himself
23 as the father of the victim in this. Relatively soon.

24 Q And at what point did you learn that they weren't
25 present at the time of the shooting?

1 A Then. They said they went to the hospital first.

2 Q Okay. So they were coming from somewhere else.

3 A Shopping. We just got -- they received a call.

4 Q And so they show up. They encounter you very quickly
5 and, essentially, presented their speculation about who
6 this might be?

7 A Correct.

8 Q Okay. And was that before you showed them any
9 evidence?

10 A Yes.

11 Q Okay. You didn't show them a photograph or videos.

12 A I didn't have any.

13 Q You didn't have any of that.

14 A I did not.

15 Q So you didn't have anything to give them.

16 A That's correct.

17 Q Okay. And they came and gave that to you right away.

18 A That name, AD.

19 Q AD. They didn't even know a real surname.

20 A Correct. I think the sister may have. They notified
21 her. But they didn't. The only thing they knew about was
22 AD.

23 Q So that becomes your lead.

24 A Somewhat. But my real lead didn't come until I'm
25 interviewing Annette and I'm being told had we had video

1 of something you need to come look at, and -- but it's not
2 very good quality, but come look and see what we have.

3 Q I'll agree with you on the quality. I mean, the
4 videos could be better.

5 What other leads did you have at that time?

6 A Of -- that was it then.

7 Q That's it.

8 A Yeah. Up until ---

9 Q What other leads have you developed from that day to
10 now?

11 A Well, after that, went and listened to 9-1-1 calls.
12 The tag coincidentally goes back to the sister. And I
13 have them leaving through the back fence into that area
14 where they would have been picked up and the tag come back
15 to her.

16 Q Well, did you develop a lead on the person in the
17 black shirt?

18 A I have not.

19 Q Was the family of the deceased, did they have any
20 speculation about who that may be?

21 A No.

22 Q Not at all.

23 A No.

24 Q All right. So you're presented with this theory.
25 And you talked about corroboration, that your job is to

1 corroborate what you find.

2 A Correct.

3 Q And that's part of every investigation that you do.

4 A Yes.

5 Q Correct. Okay.

6 And let's go through the corroboration,
7 corroborations that you did. So you collect three cell
8 phones and apply for 18 search warrant that were given to
9 you to look in different places for evidence.

10 A Correct.

11 Q Out of all of those search warrant and all of those
12 phones, did you uncover any evidence of Mr. Robinson
13 threatening the victim?

14 A Not on the phones. No, I did not.

15 Q And not as a result of any of the search warrants.

16 A Hu-uh. Not of the search warrants.

17 Q You seize a lot of phones in your job.

18 A I do.

19 Q Okay. I mean, would it be safe for me to say that
20 when you seize -- cell phones can become a gold mine of
21 evidence?

22 A They can.

23 Q And these phones had nothing.

24 A They did not.

25 Q Not one text.

1 A No.

2 Q Or one call.

3 A Correct.

4 Q But the family told you about this ongoing, you know,
5 dispute between Mr. Robinson and themselves, and nothing
6 was ever sent, just orally, in 2020.

7 A I agree. Correct.

8 Q I mean, based on your experience as an investigator,
9 is that just a little surprising?

10 A It's unusual.

11 Q Ms. Gipson did testify that Mr. Robinson was fired
12 from his job for making threats to her.

13 A Correct.

14 Q As part of your investigation, did you uncover any
15 paperwork to confirm that he was fired?

16 A I didn't. I didn't realize that until after I had
17 signed the warrant. I learned that information weeks
18 later.

19 Q Let's talk about photo lineups. How many photo
20 lineups did you prepare?

21 A Three.

22 Q And who did you present them to?

23 A I only presented two to Ms. Eva and Jermika. I had
24 one prepared for Mr. -- Senior Gipson, but when I showed
25 him the initial photograph, like do you know who this

1 might be, he didn't, so I didn't go down that road.

2 Q So you stopped?

3 A Right.

4 Q Okay. So he admitted that he didn't know who this
5 was. And he wasn't there either.

6 A Right.

7 Q Okay. So when did you present the two photo lineups
8 to the Gipsons?

9 A I'd have to look. They're time stamped. I think
10 it's around 10:50 something that night.

11 Q Same day, but hours later.

12 A That's correct.

13 Q And it's fine on the exact time.

14 All right. So same day, hours later you present them
15 with two photo lineups, and one of them has a picture of
16 the person that they earlier had speculated to you ---

17 A Right.

18 Q --- that was in them. And they selected his
19 photograph.

20 A They did.

21 Q Okay. Already thinking it was him based upon ---

22 A I wasn't sure that was him myself.

23 Q Based upon them.

24 A Yeah. So that's why I kept the lineups sort of close
25 to me to see if I'm looking at the right person to confirm

1 his identification.

2 Q And the other witnesses that testified, fact witness,
3 Eugene Glover and Renada Riser ---

4 A Right.

5 Q --- did you show them any photographic lineups?

6 A Did not.

7 Q Why didn't you show them lineups?

8 A I didn't find out about them until later. But I
9 didn't.

10 Q Okay. Well, when you found out about them later, did
11 you come to learn that they actually didn't see what
12 happened?

13 A Eventually.

14 Q Okay. If so somebody didn't see what happened, you
15 wouldn't show them a photo lineup.

16 A Correct.

17 Q Let's go to Ms. Felicia Mayes. She's the witness
18 that testified today that she was sitting in her kitchen
19 and saw the person in the red shirt ---

20 A Correct.

21 Q --- shoot. Did you show her a photo lineup?

22 A I didn't. I knew she witnessed the shooting then but
23 I didn't know she witnessed the red shirt until preparing
24 for this case.

25 Q So you found out about that ---

1 A Several months ago when we were preparing.

2 Q Still didn't show her a photo lineup.

3 A Didn't then. Not months later or years later.

4 Q Would you agree that we wish we could have done that?

5 A Perhaps.

6 Q To find out one way or another.

7 A I'm sorry?

8 Q To see if she picked him or not.

9 A Right.

10 Q I mean, you agree that that would be helpful ---

11 A It would be.

12 Q --- to determine if Mr. Robinson was the actual
13 person in that video.

14 A Correct.

15 Q And to corroborate the allegations made by the
16 Gipsons about who they thought did this.

17 A Correct.

18 Q Did you uncover during the execution of these search
19 warrants any Facebook Live videos?

20 A I did.

21 Q No Facebook Live video threats from Mr. Robinson ---

22 A Right.

23 Q --- to the victim's family.

24 But, I mean, you tried to find everything you could.

25 A I did. I've never gotten a Facebook Live, and I've

1 done multiple Facebooks. It's usually just the
2 documentation.

3 Q But no messages.

4 A Hu-uh. I didn't.

5 Q No taunts. No -- no nothing.

6 A No, sir.

7 Q All right. Let's talk about the Dodge Charger. You
8 executed a search warrant on that vehicle, too.

9 A I did.

10 Q Okay. And you testified that it uncovered no
11 evidentiary value.

12 A Correct.

13 Q No DNA ---

14 A No.

15 Q --- of Mr. Robinson? No fingerprints?

16 A Hu-uh.

17 Q I mean, how long can fingerprints stay on a
18 substance?

19 A They can. But, I mean, it had been weeks -- about
20 three or four days later. But it had rained. But no
21 fingerprints from him.

22 Q Did you try to take any fingerprints from that car?

23 A They would have processed for prints, everything.

24 Q Nothing.

25 A Correct.

1 Q All right. But when you executed the search warrant,
2 you also -- there were two other people in the car.

3 A Yes.

4 Q Okay. I mean, didn't have anything to do with this
5 case, but there were two other people using that vehicle.

6 A That's right.

7 Q Is it a safe assumption that many people could use
8 that vehicle?

9 A They could have, yeah.

10 Q Investigator, are you aware that Mr. Robinson has
11 family up in New York?

12 A I am now. I did then. It was a relative.

13 Q And I asked you about documentary evidence that you
14 collected about threats to the victim. You said that
15 there's none. Did you uncover any texts or calls or
16 admission in writing as a basis of your search warrants
17 that provided any evidence that I'm getting out of town?
18 You don't have any of that, do you?

19 A No.

20 Q Nothing.

21 A Hu-uh.

22 Q But you looked. I'll agree.

23 A I talked to investigators in New York, and they
24 informed me that he traveled there by Greyhound bus.

25 Q Ms. Riser mentioned in her testimony that she saw a

1 black male with dreadlocks.

2 A Correct.

3 Q Were you able to develop any leads to provide a photo
4 lineup to her about who that might be?

5 A I did not.

6 Q So where we stand now is we have one person who
7 witnessed the shooting, correct?

8 A Correct. Well, there's several on video witnessing
9 it. They're not very forthcoming.

10 Q Right. So all the other people that we see on video,
11 they were right there, you've got no information from
12 them.

13 A I did not.

14 Q No photo ID from them.

15 A Uncooperative.

16 Q And, in fact, Zamaria Franklin was uncooperative,
17 too.

18 A He was cooperative. We just can't find him.

19 Q Do you recall, did he lie about being there to begin
20 with?

21 A No.

22 Q No.

23 A I think he may have had a story that they were there
24 for a different reason, but he laid out the whole story
25 then.

1 Q After that.

2 A Correct.

3 Q But he's nowhere to be found.

4 A Can't find him.

5 Q I mean, he didn't select Mr. Robinson out of a photo
6 lineup?

7 A No.

8 Q Neither did Jaquan McGee?

9 A He did. And he said he was shooting back.

10 Q Looking at the people that did this, nothing from
11 them.

12 So where we leave it is all of the people that were
13 at the scene looking at what happened, none of them have
14 selected Mr. Robinson out of a photo lineup as the person
15 that did the shooting.

16 A Not at the scene. That's correct.

17 Q Right. The only people that have picked him out of a
18 lineup are people that were not there.

19 A Right.

20 Q And came to you already with it in their head that AD
21 was the shooter.

22 A Well, I mean, I got it off the video and it's right
23 in front of the H Building, right in front of the
24 shooting.

25 Q They came to you with that speculation first.

1 A Yeah. And I confirmed the identity with the photo
2 lineup.

3 Q From them. Not from anybody that was at the scene.

4 A I didn't know I needed them. I don't know them. I
5 mean, they work with him. They know him. I needed to
6 confirm his identification.

7 Q They already had it in their mind that he did it.

8 A Well, they did. I didn't until I saw the video and
9 then I had it in my mind.

10 Q Okay. The other people, you could have given a photo
11 lineup to Felicia Mayes. She said that she saw it. But
12 you didn't.

13 A Correct.

14 MR. KATA: No more questions, Your Honor.

15 THE COURT: Anything on redirect?

16 MR. HOLLOWAY: Yes, sir.

17 REDIRECT EXAMINATION

18 BY MR. HOLLOWAY:

19 Q What you did have, Detective, was the best eyewitness
20 there could be, right?

21 A Correct.

22 Q You had the defendant within a couple hours of the
23 shooting.

24 A That's right.

25 Q Correct?

1 A Yes.

2 Q Wearing the same red shirt as the shooter -- one of
3 the shooters.

4 A Correct.

5 Q Wearing it earlier. And, of course, from watching
6 the video, you looked at his movement, his size, compared
7 all that to this video.

8 A Yes.

9 Q Detective, isn't it fair to say that one of the
10 ultimate tragedies in a shooting like this is oftentimes
11 the witnesses on scene don't cooperate; is that correct?

12 A Correct.

13 Q In your experience, why is that?

14 A Protecting someone or they're afraid.

15 Q I mean, why are they afraid?

16 A I couldn't answer that.

17 Q These people are looking at what?

18 A The shooting occur.

19 Q The shooting by this defendant.

20 A Correct.

21 Q And you as the investigator and us as the State are
22 asking them to come to court and point the finger at him.
23 Isn't that why they're afraid ---

24 A Correct.

25 Q --- in your experience?

1 A In my experience, that's why.

2 MR. HOLLOWAY: Thank you. That's all I have.

3 THE COURT: Anything on recross?

4 MR. KATA: No, Your Honor.

5 THE COURT: All right. Sir, you can stop down.

6 He'll remain since he's been here the whole time.

7 Do you have another witness?

8 MR. HOLLOWAY: Your Honor, the State rests.

9 THE COURT: All right. Okay. Ladies and gentlemen
10 of the jury, I'm going to send you to lunch. Please
11 ma'am, please, sir, do not talk about the case to each
12 other or anyone.

13 It is exactly 1 o'clock -- 1:02. I need you back in
14 your jury room at 2:30. Thank you.

15 (WHEREUPON, the jury exits the courtroom at 1:02 PM.)

16 THE COURT: All right. A couple of administrative
17 matters. Mr. Kata, any motions at this particular point?

18 MR. KATA: Your Honor, I'd make a motion for a
19 directed verdict.

20 THE COURT: Give me the basis.

21 MR. KATA: Your Honor, I move to dismiss the case
22 under this directed verdict motion for failure to present
23 any direct or circumstantial evidence that goes towards
24 the identity of Mr. Robinson as being the person that
25 committed the crime.

1 THE COURT: I think it's a highly circumstantial
2 evidence case. Let me hear from ---

3 MR. HOLLOWAY: Yes, sir, Your Honor. As far as the
4 facts are concerned, the State has proven in the light
5 most favorable to the State who the shooter was based on
6 the circumstances surrounding Building ■. Building ■ is
7 the heart of this case along with the sister of the
8 victim. The defendant has a connection to the sister of
9 the victim. He was dating the victim's sister. There was
10 information providing motive as to why he did what he did.
11 The connection of him being in Building ■ quite often to
12 visit his sister. In fact, he was there. We see a photo,
13 it's plain as day, that he was there wearing a red shirt,
14 matches the description of one of the shooters by
15 Ms. Mayes in her testimony bridging the gap between the
16 footage on scene out of Building ■ where the shooters were
17 standing within a few feet of the doorway to the
18 defendant's sister's apartment. The defendant -- the
19 shooter is wearing a red shirt firing from Building ■.

20 The connection of the victim to the building, knowing
21 the victim's movements, heading to his parents' house, all
22 of this shows a circumstantial tie of the defendant as the
23 shooter and meets the elements of the crime itself.

24 THE COURT: Thank you, Mr. Holloway.

25 I think there's enough evidence in terms of

1 circumstantial or the record to be submitted to the jury
2 for the jury to make that determination, so I'm going to
3 go ahead and deny your motion at this time.

4 And then the motions -- let's talk a little bit
5 about ---

6 MR. KATA: Your Honor, just for the record, I'll
7 renew all prior objections.

8 THE COURT: Yeah. And all prior objections on both
9 sides are noted for the record.

10 Let's get to another administrative matter.

11 Mr. Kata, do you intend to present any witnesses?

12 MR. KATA: Your Honor, I would like to talk to my
13 client about that over the lunch break.

14 THE COURT: All right. Okay. And then we'll address
15 that when we get back.

16 MR. KATA: Thank you, Your Honor.

17 THE COURT: But other than your client, there's no
18 other potential witnesses.

19 MR. KATA: We're making one quick decision on that.

20 THE COURT: All right. So you'll let us know.

21 MR. KATA: I'll let you know as soon as I know. I
22 won't wait till 2:30.

23 THE COURT: All right. And, obviously, there's been
24 some exchange of potential witnesses on both sides. So
25 this is not somebody that you're talking about that the

1 evidence and testimony that was presented would show.

2 Keep in mind the statements, opening statements as
3 well as the closing arguments of the lawyers are not
4 considered evidence. They're not considered evidence just
5 like that indictment that I showed you is not evidence.
6 And even though you've heard all of the testimony and
7 you've received all the evidence, Mr. Robinson, as he sits
8 over there at counsel's table, he still has the cloak of
9 innocence around him because no one has taken it from him
10 at this particular point.

11 So I'm going to turn it over to counsel for closing
12 arguments.

13 MR. HOLLOWAY: Yes, Your Honor. Thank you.

14 THE COURT: All right.

15 CLOSING ARGUMENTS

16 MR. HOLLOWAY: Three days of testimony. It seems
17 like a long time ago that we met, we selected you, our
18 jurors, in this case. Both sides selected you because we
19 believed of the entire panel that you were the best to
20 serve this case. And both sides don't take it lightly
21 when we ask you or you're summoned to court to leave your
22 lives, to leave your families, leave your jobs and decide
23 this issue.

24 I've been doing this 20 years, almost 21 years, and I
25 am still in awe of this system really from the time I

1 began in 2003 till now that this is the greatest system of
2 justice. Where else -- there's some places in the world
3 where the governments can swoop in and charge somebody and
4 that's it. You were the person that's incarcerated.
5 That's not how it is in this country and certainly not in
6 South Carolina.

7 But the greatest service a person can give we
8 actually just celebrated on Monday. That is the service
9 of one's country and dying for one's country. And I dare
10 say the second best way that a person can serve their
11 country is where you're sitting right now. Some of us
12 lawyers would love to serve on a jury. I don't think I'll
13 ever have that opportunity in my lifetime based on what I
14 do for a living. So don't doubt that both sides,
15 Mr. Kata, Walker, my co-counsel and myself that we don't
16 appreciate your service and the time that you've taken to
17 hear this case. The victim's family, the family of our
18 defendant, both sides.

19 As you know, this is the State of South Carolina vs.____
20 Tyriese Robinson, and it's a case that involves a murder,
21 a murder on September 26, 2022 [sic]. In the opening
22 statement from the defense, they conceded this is a
23 murder. This is a murder. This is not a voluntary
24 manslaughter. This is not a lesser charge. This is
25 murder.

1 The evidence, though they admitted it and conceded it
2 in opening statements, we proceeded because we have to. A
3 lot of the testimony that you heard throughout this trial
4 probably seemed very dry. But there's a method behind the
5 madness. There are things that we are obligated to do and
6 to show into building the picture, the portrait of what
7 happened on September 26, 2022.

8 The key thing in the defense's concession is that a
9 person who shot Jermaine, Jr. shot with malice
10 aforethought, the wicked heart, that depraved heart.

11 Wicked, people sometimes think of, you know, a
12 Broadway play, a musical. But in the law, it does deal
13 with the depraved heart, what's necessary to not just kill
14 somebody, but they kill that person with malice
15 aforethought, with a wicked heart. That's what we're
16 talking about here. And I'll go into details about that
17 later on.

18 So two days ago, defense admitted that this is a
19 murder. So we're past that. This case does not rise and
20 fall on whether this is a murder or a voluntary
21 manslaughter. The killing without malice is essentially
22 what that is. Jermaine indeed was shot with malice
23 aforethought on September 26, 2020.

24 This is where -- this is the rub in the case. Did
25 the defendant, is he the one who shot our victim? And

1 what you've seen hopefully from the State's case is a --
2 we have provided the video footage of the moment of
3 Jermaine, Jr.'s murder, the moment he is killed and we
4 believe he dies. We believe he dies. He may have shown
5 vital signs up to the point that his friends are carrying
6 him to the hospital, rushing him to the hospital.

7 But we believe, if you look at the video closely --
8 and here's the thing, too. I've been doing this, like I
9 said, a long time. I am not so jaded that viewing this
10 doesn't affect me. It does. I have to remain objective,
11 obviously, to prove my case. The defendant deserves my
12 objectivity every bit as much as the victim's family. The
13 public demands that. And bear in mind, as a prosecutor, I
14 don't work for the victim's family. I don't work for the
15 police. I work for the people of Greenville County. My
16 job is to do justice. As hokey as that sounds, sometimes,
17 in our day and age, and an air of cynicism out there
18 outside this courthouse, I don't think cynicism -- I hope
19 it doesn't invade this courthouse. I hope that we
20 effectively keep cynicism out.

21 The question here is from the defense's perspective
22 is did -- is this the defendant? This is a picture of
23 him. You will have photo stills of him. You look at this
24 picture right here and look at him right there and tell me
25 that's not him. Bear in mind this is outside. The

1 lighting is a little bit different. This is three and a
2 half years ago. Bear in mind we had a COVID pandemic.
3 Some cases were delayed because no one was trying cases in
4 South Carolina for 14 months. But there is no question
5 that's him. There's no question, no reasonable question.
6 And keep in mind your education, your backgrounds, you
7 were all selected because we believe you can be impartial
8 and decide this case.

9 Sometimes in cases they are circumstantial cases. We
10 have video footage of the murder. The circumstantial
11 point in this case is identity. We have this photo still
12 from not long before the murder of the defendant in
13 Building ■, the seat, the hub of what happened
14 September 26, 2020. And, indeed, everything that led up
15 to it came from Building ■. And your common sense, your
16 perceptions are very, very important in this case.

17 How do we prove it's him? Well, we look at the
18 various views from the surveillance cameras at Highland
19 Square Apartments. We look at the approximate size. We
20 look at his profile, his side -- side view. Look at his
21 movement throughout these videos and the photo stills.
22 You'll have videos back when you go back there to decide
23 this case. These are photo stills.

24 One more thing amongst several that I quibble over
25 and disagree with defense is this idea that this family

1 drove this investigator, this investigator whose record is
2 impeccable. Most murder victims, how an investigation
3 proceeds is you have to get to know the victim. You have
4 to get to know the victim's lifestyle, what do they do,
5 where do they work, who do they know. How else are we to
6 figure out who did it.

7 In every whodunit, every whodunit anybody's ever read
8 by Agatha Christie or anybody else or I love shows like
9 Dragnet, Colombo, you have to look at in reverse
10 chronological order what led this victim to this moment in
11 time when his life is taken. That is exactly why he
12 talked to the family. If he hadn't, Detective Garrett had
13 not talked to the victim's family, that would be
14 malpractice on his part. He had to talk to them. And
15 nothing else in three and a half years led to anyone else.
16 And believe me, they looked. They looked. No leads.

17 This case is not a product of a vendetta. It is a
18 product of video. And the circumstantial evidence in this
19 case is the surrounding video footage in the couple of
20 hours, the moments prior to the murder. Who is wearing a
21 red T-shirt, fairly distinctive, and was in Building H?
22 Who's connected to Building H? Who's connected to the
23 Dodge Charger? That is exactly how you build a case
24 against someone charged with murder.

25 This is footage before the murder. You see the

1 defendant's sister out there. That was testified to. Her
2 apartment was right there on that corner. The victim's
3 parents' apartment was right upstairs. Defendant's sister
4 is in this video right here, this photo still.

5 The shooting came from the same breezeway as the
6 defendant's sister's apartment. Her doorstep was just a
7 few feet away from where these shooters, the defendant and
8 the unknown other shooter is standing. The person -- the
9 defendant wearing the red shirt after the murder, running
10 to his sister -- his other sister's Dodge Charger right
11 there. The victim is being -- Jermaine, Jr. is being
12 lifted by his friend to be rescued. Tragically, it's far
13 too late. Far too late.

14 But his friend who you didn't hear from, we concede
15 that he's not here. The investigator testified that his
16 hesitance to testify. And we've talked about in these
17 cases when people know each other, people live in the same
18 places, the human reaction is very -- it's very difficult
19 to convince someone to take that stand.

20 The way I characterize it to people, it's less
21 painless than going to the dentist. At least with the
22 dentist, there's at least some anesthesia, some Novocaine
23 they can put in you. You can't do that. And you can't
24 hide on the witness stand. I've testified before myself
25 in previous matters. And I'm an experienced attorney.

1 And it's not easy to take the stand. It's not easy to get
2 in front of total strangers and bare your soul or admit
3 you're afraid.

4 There can be no doubt if your common sense and your
5 perceptions, your combined perceptions of these videos
6 that the defendant is the shooter. The defendant was one
7 of the shooters firing malice at the victim. Jermaine,
8 Jr. was the target. There could be no reasonable doubt
9 about that. He was the only one shot when he and
10 Mr. Franklin and Mr. McGee were sitting -- they were
11 sitting ducks in that parking lot. They were sitting
12 ducks. You have two shooters a little bit higher
13 elevation, not by much, and the dumpster is blocking the
14 view to some degree. We know it blocks the view because
15 two bullets struck it, two bullets aimed for our victim,
16 Mr. Gipson.

17 The judge will instruct you on the law of murder. in
18 South Carolina, we have one murder. You may have heard in
19 other states there's first-degree murder, second-degree
20 murder. Some states like Minnesota, the State of
21 Tennessee have third-degree murder. We have just murder
22 in South Carolina.

23 Murder is the killing of any person with malice
24 aforethought either expressed or implied. My colleague
25 Mr. Miller here described what that means on Tuesday.

1 Expressed is honestly very rare. It's very rare for
2 someone to write down "I'm going to kill somebody today"
3 in a diary or on a live feed from Facebook or social media
4 or TikTok video. Or the closest we get and it's more
5 common is people making verbal threats. In this case, the
6 defendant didn't take the time to make a verbal threat.
7 That might have bought Jermaine, Jr. some time if the
8 defendant had bothered to say get away from here, I'm
9 going to kill you if you come any closer. That didn't
10 happen in this case.

11 Imply is typically how a murder -- malice is proven.
12 You look at the circumstances surrounding the case. So a
13 lot of my closing today will deal with the implications of
14 what you see on the videos, how things unfolded out there
15 to prove malice aforethought.

16 By the way, we've already said that the defense has
17 conceded it is murder. But I have an obligation here.
18 I'm going to go through this.

19 Malice can be planned. It can be formed in the
20 killer's mind in a split second. A person can decide
21 consciously I'm going to kill somebody in a split second.

22 Voluntary manslaughter is the killing without malice.
23 It's usually in the heat of passion type case.

24 A conscious decision to take another person's life.
25 An express is an evidence of a plan. Implied is proven by

1 surrounding circumstances. Malice is killing without
2 justification. It's killing with what I've talked about.
3 These seem like antiquated terms: depraved, wicked. This
4 is what the law says. And this is the rule, that reaction
5 you have in your gut on what is wicked, what is depraved.

6 An old Supreme Court case from years ago discusses I
7 know when I see it. The circumstances surrounding of our
8 victim being a sitting duck just going to his parents'
9 apartment and being shot at at least four to five times,
10 that is the very definition of being shot with malice.
11 Ambushing Jermaine, Jr. before he was able to get to the
12 safety of his parents' apartment or back inside
13 Mr. McGee's Altima is the very definition of killing with
14 malice.

15 Why do I call it an ambush? Well, this is one of the
16 last views that Jermaine, Jr. saw in his life. He didn't
17 see his mother, he didn't see his father, he didn't see
18 his sisters. He saw this. And this is not my opinion.
19 You can see this on the video. Something makes him turn.
20 He sees right here, right here the shooters coming from
21 the breezeway to right about here where you see the shell
22 casings were within the breezeway right here and right
23 here (indicating throughout).

24 These two dumpsters, one right here -- there's
25 actually two right here. It's almost like an

1 old-fashioned -- my dad made me watch John Wayne movies
2 and Clint Eastwood movies a lot. And it just reminds me
3 of going through a canyon. And it's the perfect location
4 for an ambush. This is as close as you get to having a
5 perfect place for an ambush right here. Because at the
6 very least, if the victim returns fire, these shooters
7 have some protection by that dumpster (indicating
8 throughout).

9 How do I know it's protection? Well, the shooters'
10 bullets, the defendant and the unknown shooter, struck the
11 dumpster and didn't penetrate.

12 The law of possession of a weapon during the
13 commission of a violent crime, that is a mouthful. Just
14 my standing here and calling it that, it's a lot of words
15 there. But basically, it's very simple. Possessing a
16 firearm or a knife during the commission of a violent
17 crime. South Carolina Code 16-1-60 lists those crimes
18 classified as violent. Murder is the chief amongst that
19 list of violent crimes.

20 You will hear about the hand of the one is the hand
21 of all. That is the law of South Carolina. It's meant to
22 address every person who contributes in a chain of events
23 leading to a crime. Every person in that chain is equally
24 guilty. Every person has a hand in the crime is just as
25 guilty as the person who, as my colleague said on Tuesday,

1 actually pulls the gun in front of the bank teller. The
2 getaway driver is just as guilty as the person who goes in
3 there. Someone in the bank may be standing there watching
4 the employees. Someone here may be forcing employees
5 somewhere else. Everybody has a hand in it is equally
6 guilty.

7 It is the law of South Carolina each individual who
8 has a hand in the commission of a crime is as guilty as
9 the person, like in this case, who pulls the trigger.
10 There is no reasonable doubt that the defendant pulled
11 this trigger more than once at Jermaine, Jr. The hand of
12 the one, this doctrine dictates that it does not matter,
13 it does not matter in the eyes of the law of South
14 Carolina whether the defendant's bullets struck and killed
15 Jermaine, Jr. or the other shooter's bullet struck and
16 killed him. Both were shooting at him with malice
17 aforethought. Let that not be a distraction. This is the
18 law of the land in South Carolina. Both were acting in
19 concert to achieve the common outcome of Jermaine, Jr.'s
20 violent death.

21 I spent a lot of time talking about Jermaine Annette
22 Gipson. There's a reason for that. Every case, we try to
23 figure out the motive. The motive in this case is --
24 centers around her. She is the heart of this case. She
25 is the tie between our victim and the defendant. We have

1 Building ■, we have the Dodge Charger, which I'll go to
2 more later, but no one can doubt that she is every bit
3 involved in this case. She was the girlfriend of the
4 defendant. She is the center of this family tragedy. The
5 Gipson family's dynamics with Annette provides some
6 insight into what would lead a man to kill. That's really
7 what motive is about. Why kill somebody?

8 Now, here, we don't have to prove motive. Motive is
9 not an element of the crime of murder. But we are very
10 much interested in discussing it.

11 Motive invariably boils down to three reasons.
12 Typically, it's money, it's sex in the form of sexual
13 violence usually, power, it can be in the form of
14 disrespect, someone's disrespecting me, someone's
15 disrespected someone I know, someone I love, someone I
16 care about like in this case. People often kill for the
17 smallest of reasons. How little these murderers value
18 human life proves how wicked or depraved their hearts are.
19 How little -- how little it takes to kill is sometimes
20 shocking in this business. And that's where malice is
21 proven beyond a reasonable doubt.

22 Jermaine Annette Gipson, she connects the defendant
23 to her brother whom he murdered. No feud or violence
24 between the defendant and her brother until she stirred
25 the pot, until she brewed hostility and animosity and

1 violence and the murder. The COVID stimulus check lit the
2 fuse with her and the defendant. But she's always just
3 beyond the drama she instigates. She's the only one who
4 lived in a different building from Building . It's odd,
5 isn't it? She's a participant. She is uncharged, but she
6 is a participant. Yes she's sort of over here in the
7 building across the way.

8 As this drama evolves into violence, how often do we
9 see that? She did not work at PLD Developments with her
10 mother, father, brother and the defendant when all the
11 drama in 2020 occurred. She had worked there before, but
12 at this time she did not. She's always in the background
13 of her family life and the feud with the defendant. No
14 matter how much the defense tells you that we're just
15 trying to distract you, no. She is every bit a part of
16 this case. It cannot be denied. She is the definitive
17 link in this case besides the video, those two.

18 Her moving back to Highland Square Apartments a
19 couple of months before the murder, that's an interesting
20 twist in this case. The COVID -- I asked about it
21 yesterday. The COVID check was what lit the fuse. But
22 what escalated the animosity, the hostility is her moving
23 back to Highland Square Apartments a couple of months
24 before this murder.

25 She -- Je maine, Jr. was killed at the doorstep of

1 the defendant's sister's apartment, Shante Kennedy. He's
2 downstairs from his parents' apartment. Yet Annette is
3 still kind of over here in the shadows over here.

4 This hostility built up over several weeks if not
5 months and boiled over in front of Building H. The 9-1-1
6 caller -- again, this case has a different piece of the
7 puzzle, and they all kind of fit together. The caller
8 heard approximately ten gunshots, saw two African-American
9 males get into a Dodge Charger. Key thing, he got the tag
10 number: [REDACTED]. He never saw the driver which means the
11 defendant and the other shooter got into different doors
12 of the vehicle. So there's a driver. The Charger's
13 there. It's waiting. Again, proves planning was involved
14 in this murder.

15 The caller says one of the suspects is wearing a red
16 shirt. After hearing the gunfire, the two males got into
17 the Dodge Charger on Pine Creek Court, concealing
18 something under their shirts as they got in the vehicle.
19 He heard ten gunshots. We know the victim didn't fire a
20 single gunshot. We know Mr. McGee fired once because we
21 have a .40 caliber gun that is his. It was found in the
22 trunk of his car. Again, no shell casings. So the shell
23 casing on scene did not go to his gun.

24 We know Mr. Franklin fired three times. This is all
25 from -- it's not my opinion. This is simple math, really,

1 from Stat[REDACTED]'s Exhibit 51, 52, 53.

2 The victim was [REDACTED] shot, Jermaine, Jr. was shot two
3 times. We know that. We know, from that simple math, the
4 defendant and the unknown shooter fired eight [REDACTED] times. This
5 simple math shows the defendant fired with the intent to
6 kill the victim. At least four if not five rounds were
7 fired in his general direction: two that entered him,
8 killed him; two that hit the dumpster from the side facing
9 the shooters; and the other bullet found in the parking
10 lot that landed near where our victim was. The defendant
11 and the other guy fired two [REDACTED]s many rounds.

12 And the tag number going to the Dodge Charger, the
13 registered owner [REDACTED] of the vehicle, the defendant's other
14 sister. Again, another link in the chain of
15 circumstantial evidence that that person on that video is
16 Tyriese Robinson. [REDACTED]

17 First crime scene [REDACTED] which was Highland Square
18 surveillance footage, the footage changed the ball game
19 for the investigation. It dramatically changed it.
20 Security cameras -- the investigator said sometimes these
21 cameras don't work. But they worked at that particular
22 moment in time, and, of course, the time leading up to it.

23 The crime scene depicted what we call a typical
24 spraying and praying scenario, multiple shooters. In this
25 case, we have four different shooters. In the

1 investigation at that point in time and before the videos,
2 officers, they could have been a mutual combat scenario or
3 self-defense. So the video was very, very important in
4 depicting how things unfolded.

5 What did we learn from these videos? The footage
6 definitively shows who fired first and who fired in
7 retaliation, that the victim pulled his gun too far -- his
8 gun far too late to protect himself, that McGee and
9 Franklin fired in self-defense and defense of Jermaine,
10 Jr., that they couldn't save their friend with their guns,
11 and most importantly, the defendant fired with malice
12 along with his co-conspirator and the victim died as a
13 result of that gunfire.

14 The defendant was wearing dark pants and a red shirt.
15 The other guy was wearing blue jeans and a black hooded
16 sweatshirt.

17 The victim walked up on the sidewalk smoking a
18 cigarette. The gun is not out yet. His friends walks a
19 short distance behind the victim, and McGee drives up as
20 the victim and Franklin are walking in Robinson's
21 direction.

22 It would be nice to have Mr. Franklin here and
23 Mr. McGee. We've already discussed their lack of
24 cooperation. But we have a definitive eyewitness in these
25 cameras. These cameras show exactly what each person's

1 role was, whether it is firing with malice or firing in
2 defense of himself self-defense, or defense of others.

3 Mr. Robinson retrieved a rifle from behind his body
4 near the doorstep of his sister's apartment. Both guys
5 begin firing their guns at the victim. The victim had not
6 pulled his gun out at this moment in time. Two of the
7 bullets struck the victim in his lower back and left
8 thigh.

9 From there Franklin, McGee and the victim pull out
10 their own handguns. The victim was armed. I mean, the
11 video shows that. But as [REDACTED]d, he pulled his gun far
12 too late. Franklin and McGee returned fire. The victim
13 never -- never fires his gun.

14 McGee and Franklin get the victim into the Altima.
15 The defendant and the other shooter flee the scene. They
16 flee in the Dodge Charger which belonged to the
17 defendant's sister, Yolanda Sanders.

18 The defendant, very key here, he fled to Suffolk
19 County, New York. Why would he do that? Well, he had a
20 relative that lived up there. And if you want a safe
21 harbor from what you've done, that's a perfect place to
22 hide.

23 And why would Annette join him? If she's not -- if
24 she a distraction, why is she always around stirring the
25 pot in this case?

1 (WHEREUPON, a video was played in open court.)

2 MR. HOLLOWAY: Okay. Here, he turns. Jermaine, Jr.
3 turns. Mr. Franklin turns. Mr. McGee has returned. He's
4 already dropped off Jermaine, Jr., Mr. Franklin.

5 This is where at this moment in time as I showed you
6 earlier the view from the dumpsters, the point of ambush.
7 This is where Mr. Gipson, Jermaine, Jr. realizes he's
8 trapped. He's got to make a move to protect himself. And
9 honestly, he's pausing here most likely to -- he sees the
10 defendant. He knows the defendant. He sees the defendant
11 standing there with someone else. Maybe Jermaine knew the
12 second shooter. We don't know. We will never know that.
13 But he does not reach for his gun. He turns, perceives
14 eventually there's a threat there. He still keeps his gun
15 where he can reach for it, but he still hasn't pulled his
16 gun out. Why does he do that? Because he knows the
17 defendant.

18 (End of video playback.)

19 MR. HOLLOWAY: You have two people cowardly leaving
20 the scene of the crime, the defendant and the other
21 shooter leaving. They left Jermaine there to die. Maybe
22 he -- we'll never know. Maybe he knew that he fired and
23 struck him straight and true.

24 What Dr. Dukes talked about yesterday is that the
25 pooling of the blood, it's in his posterior area, that it

1 is quite possible that he died right in that Nissan
2 Altima. And on the video you see his skin color change.
3 Again, he was worked on by law enforcement and at the
4 hospital to try to save his life. But it was far too
5 late.

6 And the defendant skips town. Why would he skip town
7 all of a sudden? Why would he flee not just to North
8 Carolina or Georgia or a nearby state? He flees all the
9 way to New York. Not that New York is a place where you
10 can hide from the law of South Carolina, which the State's
11 proved that and got him back here.

12 The second crime scene, why are we showing you photos
13 of a Nissan Altima with a bullet hole in it? Well,
14 because what this shows is that when Mr. McGee was coming
15 on the scene, the gunfire had already started, that,
16 number one, he's being fired upon. And this bullet struck
17 this vehicle and ultimately disabled it. And it's
18 powerful enough to penetrate plastic, all the materials
19 that are in the front of the vehicle, again, being fired
20 upon, being fired upon at that time.

21 Jaquan McGee, he wasn't here, but we had testimony of
22 his behavior, how he was acting. He and Franklin behaved
23 like anyone trying to help their friend. Flagged down
24 several people to get help for their friend after the
25 vehicle had broken down. He attempted CPR on his friend.

1 He rode in the back of Delron Dixon's Dodge Ram truck with
2 Officer Hansen as Hansen continued chest compressions to
3 save Jermaine's life.

4 Many Good Samaritans came together that afternoon to
5 try to save Jermaine's life. This is a testament to our
6 society. Whenever we think that we're so cynical, we see
7 things like this where people came together to try to help
8 Jermaine.

9 This is not your standard CSI, forensics solving this
10 crime. Obviously, law enforcement, forensics attempted to
11 -- did what they're supposed to do: process every crime
12 scene, attempted to gain -- to obtain latent prints, had
13 presumptive positive blood swabs they collected and
14 preserved, the location of the blood and the latent prints
15 documented and photographed, shell casings, projectiles
16 swabbed for DNA. But no DNA. We know why. Number one,
17 location of the blood, location of the cell phone on scene
18 in the parking lot and the gun holster all corresponds
19 what the video shows. The holster belonged to Franklin or
20 McGee. Really, either one.

21 The pool of blood belonged to our victim. It's found
22 wherever he was lying.

23 We know the DNA and prints are most likely removed
24 during the explosive process of firing a bullet. It
25 creates too much heat to preserve DNA or latent prints

1 from skin oils.

2 Forensics crime scene analysts does enhance the image
3 of this murder. The video surveillance provides the
4 murder unfolding before your eyes. The layout of the
5 Highland Square crime scene is fleshed out by what was
6 shown in the video, that the testimony of our forensics
7 techs, especially Darbi Harriman-Jackson does that.
8 We have the footage -- I'm sorry. We have her diagram
9 showing shell casings. This is the breezeway. Shell
10 casings from the shooters are right here. Projectiles
11 that they fired are right here. Hit the dumpsters.
12 They're firing in the direction of the victim.

13 And, again, more shell casings were found in that
14 area than was found in any other part of the parking lot.

15 We have the photographs of a shell casing DH-E12A,
16 Shell Casings 10, 11. We have -- the testimony of
17 Ms. Jackson and our expert today is meant to marry up and
18 show you the significance. It's not meant to bore you to
19 tears. It's meant to show that there were, in fact, three
20 guns out there. We have three guns, and then the fourth
21 was the gun that was found with -- we had four guns out
22 there. One was found in the trunk of the Altima.

23 We have a dumpster where projectiles were fired at
24 the victim. Another projectile fired at the victim. The
25 fifth one would be Number 2 right here. You have the two

1 he was struck with, one, a third in the parking lot, and
2 four and five right here (indicating).

3 Shell casings near the apartment of our defendant's
4 sister. This is the other part of the diagram. Shell
5 casings and one bullet was found in the parking lot near
6 Building ■ and Building ■.

7 Again, going through the testimony today summarizing
8 it from our expert witness, three guns, three guns are out
9 there, guns that would be fired using 9 millimeter shell
10 casings which would fit into long guns. The shell casings
11 would be fired and can be fired from long guns, whether a
12 rifle or a hand gun converted into a long gun.

13 This is Projectile Number 7. Again, a view of the
14 parking lot.

15 The ballistics in all this in summary is consistent
16 with the location of three guys shooting on the video.
17 Shell casings came from three different guns: two
18 different guns outside Building ■, the other gun shot from
19 the parking lot.

20 Mr. McGee's gun was the only other gun. It was a
21 revolver. No shell casings were spent onto the parking
22 lot. They were found within his gun. He was able to cap
23 off one gun, one round to help his friend.

24 Again, this evidence is meant to show and flesh out
25 what actually transpired on that video. The video shows

1 from a higher elevation. The ballistics and the forensics
2 testimony, though dry at times, was meant to show what's
3 happening on the ground from the parking lot. And their
4 testimony marries up with what you see on the video. And,
5 again, proves the victim did not fire his gun. Firearms
6 compatible to 9 millimeter cartridges can have long gun
7 accessories added.

8 The waiting getaway car. Two suspects got into a
9 Dodge Charger. Not the driver's seat. One of the
10 suspects was wearing a red shirt. That was the defendant.

11 After hearing the gunfire, the two males got in the
12 Charger and left, concealing something under their shirts
13 as they got in the Charger.

14 This is the Charger leaving. This is the Charger
15 that the 9-1-1 caller saw and got the tag number, linked
16 it to Yolanda Sanders, the defendant's sister.

17 Felicia Mayes's testimony, the guy she saw was
18 wearing the red shirt. He was light-skinned, short
19 haircut. Fired his gun first. He fired toward Building ■
20 which was toward Jermaine, Jr. He was the same guy she
21 saw standing almost daily in that breezeway in Building ■.
22 That is another link in this case to the defendant. Make
23 no mistake.

24 The hub of this case, you've got the heart of the
25 case, which is Annette Gipson, you've got the hub of the

1 case, Building [REDACTED] When -- Mr. Kata, and he will do his
2 very best to convince you that all this is just a
3 coincidence. Don't let him tap into your doubt. Use your
4 common sense. Use your common sense. Every link in the
5 chain A to Z leads to the defendant. This is not a
6 coincidence. All these things I'm mentioning, this is
7 evidence, circumstantial evidence surrounding that video
8 showing the guy in the red shirt firing the gun with his
9 other shooter and killing Jermaine, Jr.

10 There is no reasonable doubt that there was hostility
11 between Annette and her family including her brother.
12 This family still doesn't talk. She doesn't talk to them.
13 This feud evolved over weeks into a feud between Annette
14 and the defendant versus her parents and brother. She
15 didn't cooperate in the investigation of her brother's
16 killer. And they were still dating the day Junior was
17 killed. And she was found with him in New York. She
18 already knew he was a suspect, and she's with him in New
19 York.

20 Hand of one is the hand of all. It's irrelevant
21 whose bullets actually struck and killed Jermaine, Jr.
22 Both the defendant and the second shooter were clearly
23 shooting at him. Both the defendant and the second
24 shooter were shooting together. Both of them were acting
25 in concert with a common goal of killing Jermaine, Jr.

1 The defendant's trigger hand is forever tied to the second
2 shooter's trigger hand. It doesn't matter. They both
3 were firing. They both were firing to kill Jermaine, Jr.
4 Spraying and praying doesn't exclude spraying and doing
5 all this, praying you hit something. It's murder. Their
6 reactions show malice from the tops of the roofs of
7 Highland Square Apartment buildings. State's burden of
8 proof.

9 Here's the thing, we have the burden of proof and we
10 freely accept that. The burden of proof in the United
11 States of America is beyond a reasonable doubt. It is not
12 beyond all doubt. One of our founding fathers said that
13 there's nothing sure in this world but death and taxes,
14 and the entire goal of Mr. Kata is to convince you to
15 doubt your common sense. That's what he's going to try to
16 do when he gets up here. That's his job. I'm not
17 faulting him for that. I'm not criticizing. I expect
18 that. We prepared this case in anticipation of that. But
19 everything he will tell you, every last thing he will tell
20 you except a greeting and a farewell is going to be to
21 convince you to doubt your common sense. Don't let him do
22 that.

23 This defendant shot the brother of his girlfriend
24 over practically nothing. I'm not a psychiatrist. I'm
25 not a criminologist. I can't explain what goes into

1 someone's mind that it's okay to kill somebody, much less
2 over something like this. But I told you this earlier
3 that your value on human life rests on how little you're
4 willing to kill for. What he did to Jermain, Jr. shows
5 the wickedness in his heart, that over a family drama he's
6 willing to kill. And Mr. Keta will try to tell you that's
7 not enough. That's not enough. Use your common sense.
8 Use your experience.

9 Nothing in this world is definitive. Past events are
10 proven with evidence. Your best tools are collective
11 experience and backgrounds. There are people still,
12 believe it or not, who are willing to look for reasons to
13 doubt Neil Armstrong landed on the moon in July of 1969.
14 There are people out there who are willing to believe that
15 the earth is still flat even though a certain gentleman
16 proved that incorrect in 1492. That's not reasonable.

17 Discussing -- when you go back there, you are
18 expected to discuss this case. It is three days of
19 testimony. And as you can tell, I have to summarize three
20 days of testimony, it takes a while. It takes a while to
21 go through the evidence and show you why we presented
22 witnesses, why we put them on the stand. It wasn't to
23 waste your time. It was meant for one other piece of the
24 puzzle. We expect you to listen to each other, to give
25 and take of debate. One of the past times of every

1 American, that's not signs of reasonable doubt. That's
2 doing your job. That's not a sign of hesitating to act.
3 It's doing your job. It's following your oath.

4 What are the odds -- this is a series of questions
5 here. What are the odds that the shooters stood from the
6 breezeway and shot and killed the victim where the
7 defendant's sister lived, where the victim lived with his
8 parents, where the defendant and victim had an ongoing
9 beef or feud for weeks, where the defendant made hand
10 gestures he would shoot the mother of the victim and his
11 sister who was also the defendant's girlfriend? What are
12 the odds the defendant left for Suffolk County, New York
13 immediately after the shooting where he had a relative
14 living to provide safe harbor, where the defendant played
15 with his nephew and hung outside shortly before the
16 shooting in Building H, where the defendant wore a red
17 shirt shortly before the shooting? It's the same as the
18 killer. What are the odds that he is not the killer? The
19 odds are astronomical. This case, the defense will try to
20 convince you these are all coincidences. It's not enough.
21 He may even say no one should be convicted on evidence
22 like this. No. This is what happens when you murder
23 somebody in broad daylight in a parking lot. It's caught
24 on video.

25 I included the videos, all the videos for a reason.

1 Compare how the shooter stands in these videos and photo
2 stills, how he moves in different settings, when he runs
3 behind the building. It's for comparison. Size, even
4 gait, the way he walks and runs.

5 There's one video in there of the defendant doing
6 this (gesturing). Again, it wasn't meant to waste your
7 time. It's meant to compare how we know it's him. You
8 see his face, one of the shooters running behind the
9 building.

10 Again, this case is not a product of a vendetta.
11 It's a product of a video. The only reasonable verdict in
12 this case is murder. No reasonable person can say this is
13 not him. It defies reason. It defies reason to say this
14 is not this gentleman sitting right over there. And all
15 the circumstances surrounding this photo right here when
16 comparing to what happens at the moment of the shooting,
17 which is on a different camera angle showing you from
18 afar, that is how you prove a case. And the judge will
19 tell you circumstantial evidence is just as -- it has the
20 same level playing field as direct evidence.

21 The only reasonable verdict in this case is guilty,
22 is guilty. He did this. It's time at long last to hold
23 him accountable.

24 THE COURT: All right. Mr. Kata.

25 MR. KATA: Yes, Your Honor.

1 Ladies and gentlemen, we are about to be at the stage
2 of the case where you're going to be asked to apply the
3 law to the facts and make a very important decision. And
4 that decision is whether you label Mr. Robinson as a
5 murderer, a permanent decision, an important decision.

6 And I first want to read -- the judge is going to
7 instruct you on the law and he'll read this to you and you
8 all will receive a copy. But I just want to read a piece
9 of it. And this piece of it states: An issue in this
10 case is the identification of the defendant as the person
11 who committed the crime charged. The State has the burden
12 of proving identity beyond a reasonable doubt. You must
13 be satisfied beyond a reasonable doubt of the accuracy of
14 the identification of the defendant before you may convict
15 the defendant. Identification testimony is an expression
16 of belief or impression by a witness. You must determine
17 the accuracy of the identification of the defendant. You
18 must consider the believability of each identification
19 witness in the same way as any other witness. You may
20 consider whether the witness had an adequate opportunity
21 to observe the offender at the time of the offense. That
22 is the law.

23 The burden of proof on the State extends to every
24 element of the crime charged and this specifically
25 includes the burden of proving beyond a reasonable doubt

1 the identity of the defendant as the person who committed
2 the crime. If, after examining the testimony, you have a
3 reasonable doubt as to the accuracy of the identification,
4 you must find the defendant not guilty. That is the law.

5 What is a reasonable doubt? A reasonable doubt is a
6 doubt that causes you to hesitate to act. Okay.
7 Something that would give you pause to say, hold on, let's
8 step back from this and take another look.

9 Okay. When we started this case, I stood up here,
10 and I asked you to review the evidence. I believe you
11 will. It's all on that table. You're going to get to go
12 back and see it and discuss it. And I brought up two
13 things. I asked you to look at the evidence and
14 differentiate between emotional speculation and objective
15 evidence. I'm going to change the second part. I'm going
16 to ask you to compare emotional speculation with objective
17 corroboration of the allegations, objective corroboration
18 of allegations that Mr. Robinson committed this crime.

19 Investigator Garrett -- let's talk about speculation.
20 Investigator Garrett just today on the witness stand
21 conceded and admitted that when the victim's mother came
22 to him at first, she speculated that it was Mr. Robinson.
23 She didn't see what happened. She wasn't there. She was
24 shopping with her family. Didn't witness the events.
25 Wasn't -- didn't observe the offender at the time of the

1 offense. But she knew who did it. She came in and
2 admittedly speculated who it was. She'd already made up
3 her mind. Okay. That is speculation.

4 Also, look at the two witnesses that were deemed to
5 be experts. Experts can give an opinion. Dr. Dukes, the
6 forensic pathologist, she can give an opinion. She gave
7 an opinion about the cause of death based on her findings.

8 There was a sequence in her testimony about the shot
9 coming into the back and what was the position of the
10 head. And the State tried to elicit, you know, some
11 answer from her on if the head was one way, would this,
12 and she could not answer. She admitted that for her to
13 give an opinion about that fact would be speculation. And
14 it would be speculation because she didn't observe the
15 victim at the time of the offense. There's no way for her
16 to say that. And that's correct. I agree. Just like the
17 forensic technician that testified this morning about the
18 dumpsters and the metal. There was some questioning that
19 went into piercing of the metal, and she couldn't answer
20 it because she wasn't able to view the metal and run her
21 test to give that opinion, that objective opinion because
22 she wasn't -- didn't have access to the dumpsters.

23 The lack of objective corroboration of this motive,
24 you know, that there was so much bad blood between all of
25 these parties and animosity about this for COVID check and

1 these threats. And even so much to say that Mr. Robinson
2 was fired from his job at a plant. Well, a plant doesn't
3 fire somebody and just say, all right, see you later. You
4 know, where's the documentation to corroborate that he was
5 fired from his job for making threats to Ms. Gipson? The
6 State did 18 search warrants. That's not here. Where's
7 the objective corroboration of any real threats that were
8 made? You've got three cell phones, a cell phone from the
9 victim. Nothing. A year's worth of conflict and therein
10 nothing, nothing we can look at to confirm it.

11 Let's move to the photo lineups that were shown to
12 the Gipsons the same day without watching the video. They
13 printed out the still shots. They're right here, State's
14 Exhibits 123 and 122. And they were shown these
15 photographs.

16 I don't think anybody can disagree that these are
17 blurry. Even the investigator admitted he wished the
18 cameras were better. These are blurry photographs. But
19 yet, they were so convinced that this showed Mr. Robinson
20 because they had already made up their mind of that.

21 I asked the victim's sister to articulate what facial
22 features in this photograph did you perceive that led you
23 to make the match to Mr. Robinson. And she responded, oh,
24 I just know. She didn't give any details. She didn't
25 specifically articulate what she viewed in this photograph

1 that was equal to Mr. Robinson. That would be objective
2 corroboration. She's I just know because she'd already
3 made up her mind.

4 And too, this theory and the motive that the State is
5 doing, the whole COVID thing and all that doesn't take
6 into account who's this other guy in the black sweater? I
7 mean, is he upset about the COVID check, too?

8 The motive doesn't fit two people. The motive fits,
9 oh, it's got to be him. He's the one that did it because
10 we've been having this family strife over a year. This
11 person doesn't fit that motive.

12 So these are the two identifications, okay, by people
13 that had already made up their mind about who they thought
14 had done it without reviewing any other evidence or even
15 being at the scene to watch it.

16 So let's turn our attention to what other fact
17 witnesses do they have that identified Mr. Robinson in the
18 same method with the six-pack photo lineup, a tool of law
19 enforcement that is used to determine is this person who I
20 think it is. Is this the person who I saw do something.
21 That is the objective way to corroborate eyewitness
22 testimony.

23 So if I'm in a room and I see Mr. Bailiff steal my
24 wallet and I call the police, I say, guys, I saw this man
25 steal my wallet, well, law enforcement is going to come to

1 me and they're going to have six photographs, one of which
2 has him on it, and they're going to say is the person that
3 you saw in here in this group? And I'll look at the
4 photographs, and if Mr. Bailiff's in there, I will select
5 him. If Mr. Bailiff is not in the six, I will say I don't
6 see him. ■ ■

7 And it is a tool for us here in court to objectively
8 corroborate an identification. It's important. It is
9 important. Because that is how you differentiate between
10 emotional speculation and objectiveness. And in this
11 case, we just do not have ■■■■■ We have a bunch of fact
12 witnesses that actually didn't see the shooting, so I
13 understand why photo lineups were not given to them. They
14 didn't see it. There's no way you for them to even -- you
15 don't show a lineup to everybody.

16 Okay. But there's Felicia Mayes. Felicia Mayes has
17 nothing to do with anybody in this. She doesn't interact
18 with people. She keeps to herself. Testified to that
19 today. She's got no bias. She has no slant. She doesn't
20 come into this with any preconceived notion about any of
21 it. She was all alone. I keep to myself. And she
22 testified that she actually observed the offender at the
23 time of the offense. I'm reading that from the law. She
24 observed the offender at the time of the offense. No
25 photo lineup. ■ Did not even give her a shot. They had

1 them printed. They showed them to two people already.
2 The one person who watched it happen that has no qualm, no
3 bias, nothing on the line for her, she lives her life
4 quietly, alone, no photo lineup. No objective
5 corroboration from somebody that is completely neutral to
6 determine whether Mr. Robinson is the person in these
7 photographs or on the video. The only person that
8 observed the offender at the time of the offense.

9 Next, I want to move on to forensics. We heard a lot
10 about shell casings. There's a very detailed map that
11 shows where the shots came from and the position of
12 everything. But the forensics that we don't have don't
13 have any DNA. We don't have any fingerprints. We don't
14 have DNA in any of the cars. No fingerprints in any of
15 the cars, inside the windows, on the handles. None of
16 that. There's no evidence to that effect. Nothing
17 forensically that corroborates the identity of
18 Mr. Robinson.

19 Now let's talk about him being found in New York. He
20 has family in New York. New York's part of the United
21 States of America. There's no objective, written evidence
22 by anybody, whether it be from the Gipson side of things
23 or from the Robinson side of things that you can
24 objectively look at and say let's get out of there. Okay.
25 There's no smoking gun that shows that he fled from this.

1 None of that's in there. If you find that in there,
2 there's no evidence of that at all.

3 Okay. To make the link that he hightailed it out of
4 town fleeing from something is about as speculative as the
5 original allegation to begin with. And the reason it's
6 speculative is because there's no objective corroboration
7 of that fact. That's what we need. That's how you get
8 over the hesitation. That's how you get to firmly
9 convinced. You can look at something and say you know
10 what? I'll have to take somebody's word on it. Okay. I
11 can see this and make my decision. Now I believe them.
12 Okay. Now I believe the theory. But we can't do that
13 because the essential part of this didn't have the
14 opportunity to weigh in on whether the person that
15 observed the offender at the time of the offense was Mr.
16 Robinson, Felicia Mayes. It's not there. And because
17 it's not there, I'm asking you, you can't convict somebody
18 of murder when you can't objectively corroborate the
19 allegation, the identity.

20 What happened is awful. Nobody's disputing that.
21 But to label somebody a murderer requires more than a
22 speculative theory with speculative opinions about who did
23 it.

24 Please, look at the evidence. Look for what
25 objectively corroborates that Mr. Robinson did this, and I

1 submit you won't find it. And that should cause you to
2 hesitate in convicting him of murder.

3 Thank you.

4 THE COURT: All right. Thank you, Counsel.

5 Ladies and gentlemen of the jury, before I charge you
6 on the law, I'm going to take me a five -- two or three
7 minute break. Everybody else had one, so I'm going to
8 take me a five -- two or three minute break and I'll bring
9 you back in here.

10 Please, ma'am, please, sir, even though you heard
11 closing arguments from both sides, please do not discuss
12 the case and I'll bring you back in here in just a minute.

13 (WHEREUPON, the jury exits the courtroom at 3:57 PM; a
14 bench conference was held off the record; the jury entered
15 the courtroom at 4:05 PM.)

16 THE COURT: All right. Ladies and gentlemen of the
17 jury, a matter has arisen, and we're going to put a pin in
18 it for the day. I'm going to charge you on what the law
19 is tomorrow morning. However, we're going to do it at a
20 different time. We're going to start at 9 o'clock. I
21 need you in your jury room at 9 o'clock.

22 Please ma'am, please, sir, over the evening do not
23 discuss the case with each other or anyone in your midst
24 and be prepared to go at 9 o'clock in the morning, and
25 that's when we'll get started. Okay.

1 Friday, May 31, 2024.

2 (WHEREUPON, proceedings reconvened at 9:04 AM.)

3 THE COURT: This is State vs. Tyriese Robinson. It
4 appears that the defendant is present with counsel and the
5 State is also represented by counsel as well.

6 We're at the juncture of the trial where it's time
7 for the Court to instruct the jurors on the law. Is there
8 anything I need to address before I bring the jury out and
9 do that?

10 MR. HOLLOWAY: No, sir.

11 MR. KATA: No, Your Honor.

12 (WHEREUPON, the jury entered the courtroom at 9:06 AM.)

13 THE COURT: All right. Good morning. Ladies and
14 gentlemen of the jury, I am going to talk to you for a few
15 minutes. And first, I want to thank you for paying
16 attention. I was watching, and I applaud all of you for
17 paying attention. And I thank you on behalf of both the
18 State as well as the defendant for paying attention to
19 this very important matter.

20 But I also want you to extend your attention to what
21 I'm getting ready to tell you about. And I will say this
22 from the outset. I am going to go over the applicable law
23 in this case in the form of what we call in the judicial
24 arena charges that I'm going to give to you. Listen
25 carefully to what I say. But in the event that you need

1 to read what I say, I will be sending back to the jury
2 room with you what I just said. So you'll have an
3 opportunity to go over the charges again, look at them,
4 dissect them, and then if you have any questions, those
5 questions need to be directed through the foreman, and
6 then he will give those questions to the bailiff and those
7 questions will be delivered to me.

8 CHARGE ON THE LAW

9 THE COURT: Now, at the beginning of the trial, as
10 you remember, I said that Mr. Robinson, who's seated over
11 there at counsel table, that he was charged with two
12 offenses. And I read them to you off these indictments.
13 And I told you at the outset that these two pieces of
14 paper, they're called indictments, but is no evidence of
15 guilt or innocence on behalf of the defendant. These
16 pieces of paper is the vehicles by which these matters
17 come before the Court. And I talked to you about that
18 earlier.

19 So even though you've heard the testimony and you've
20 reviewed the evidence that was presented to you, as I'm
21 speaking to you right now, these indictments are not any
22 evidence of guilt or innocence on behalf of the defendant.
23 And the defendant, Mr. Robinson, and I refer him as
24 Mr. Robinson, Mr. Robinson has entered a plea of not
25 guilty to both of these indictments which he has the

1 absolute right to do. And that cloak of innocence that I
2 talked about him having still remains with him and will
3 remain with him unless you the jury find that the State
4 has met its burden of proof as to both of the offenses
5 upon which Mr. Robinson is charged, that they've met that
6 burden of proof beyond a reasonable doubt. And you heard
7 both lawyers talk about reasonable doubt, and you heard
8 them in their opening statements as well as their closing
9 statements.

10 But it now becomes my duty as the trial judge under
11 the constitution of this state to instruct you in the law
12 applicable in this case. And before I do that, you notice
13 that the defendant, Mr. Robinson, did not testify on his
14 behalf. And I'm going to charge you specifically the law
15 as it relates to that. The fact that this defendant did
16 not testify should not be held against him, should not
17 even be discussed by you. So if you have any thoughts in
18 that regard, you should disregard it because every
19 defendant has the right not to testify in his or her case.

20 All right. Now it becomes my duty as the trial judge
21 under the constitution of this state to charge and
22 instruct you in the law applicable in this case. It is
23 your duty as jurors to accept the law as I give it to you,
24 not as to what you think it should be or what you think
25 portions should be. You've got to accept the law exactly

1 as I give it to you.

2 Now, both the State and Mr. Robinson have the right
3 to expect that you will conscientiously consider and
4 evaluate the evidence and apply the law of the case
5 thereon and so he could -- each side can receive a fair
6 and impartial trial in this case in which you all swore
7 under oath that you would do.

8 And keep in mind that I described to you or defined
9 to you what was evidence. And I told you at the outset
10 that evidence in this case will take two forms tangibly,
11 but I'm going to define to you the difference between
12 direct evidence and circumstantial evidence in a minute.

13 But what is the evidence? What's the definition of
14 that? The evidence in this case were the witnesses'
15 testimonies that you heard from this witness stand. You
16 heard a number of them. You heard some testimony of
17 laypeople, you heard some testimony of law enforcement
18 people, and then you heard the testimony of some expert
19 people, quote, unquote. And I'm going to give you a
20 charge as to how you should look at expert testimony in
21 just a few moments. That's what you heard.

22 But you also saw some tangible things such as videos
23 or a body cam. You heard a 9-1-1 call, that's an audio,
24 and you saw pictures, you saw sketches, you saw a number
25 of things shown to you on the screen with diagrams. All

1 that, along with the witnesses' testimony, that all goes
2 into that basket that's called evidence. And then I'll
3 talk to you in just a minute about how you look at
4 evidence.

5 Now, you came here today and you came here all week
6 long using -- bringing with you your car keys, and I
7 alluded to that when you first came, your car keys and
8 your common sense. And guess what? You still have your
9 common sense and hopefully you still have your car keys.
10 All right. You brought all that with you. You've still
11 got them. You still have that.

12 So now, as I said, both of these indictments
13 Mr. Robinson has pled not guilty which places the burden
14 upon the State to prove his guilt beyond a reasonable
15 doubt. And the State has the burden of proving all of the
16 elements of the offense upon which the defendant is
17 charged.

18 In this state and in this country, a person who is
19 accused with the commission of a criminal offense is never
20 required to come in and prove him or herself innocent, the
21 principle law we call the presumption of innocence. Each
22 of you are required under our law and by your oath to
23 actively presume that this defendant is not guilty.

24 The presumption of innocence is maintained at all
25 times throughout the trial in this case. It is only

1 removed and only removed when and if the State brings in
2 enough evidence to persuade you beyond all reasonable
3 doubt that the defendant is guilty. And I defined to you
4 what evidence was. And we'll talk more about it in just a
5 minute.

6 Well, what is reasonable doubt? You heard that term
7 floated around. A reasonable doubt is a doubt that makes
8 an honest, sincere, conscientious juror in search of the
9 truth in the case to hesitate to act. Proof beyond a
10 reasonable doubt is proof that leaves you firmly convinced
11 of the defendant's guilt.

12 There are few things in this world that we know with
13 absolute certainty, and in criminal cases, the law does
14 not require that that proof -- let me read this again
15 because I want to be clear. There are few things in this
16 world that we know with absolute certainty, and in
17 criminal cases, the law does not require proof that
18 overcomes every possible doubt. If, based on your
19 consideration of the evidence, you are firmly convinced
20 that the defendant, Mr. Robinson, is guilty of the crime
21 charged, you must find him guilty. If, on the other hand,
22 you think there's a reasonable possibility that
23 Mr. Robinson is not guilty, you must give him the benefit
24 of the doubt and find him not guilty.

25 Reasonable doubt may arise from the evidence which is

1 in the case or from the lack of evidence -- absence of
2 evidence in the case. It is up to you, ladies and
3 gentlemen of the jury, to determine whether or not a
4 reasonable doubt exists as to the guilt of this defendant.

5 I charge you that the defendant is entitled to every
6 reasonable doubt arising in the whole case. If, upon any
7 issue of fact essential to a conviction and a verdict of
8 guilty you have a reasonable doubt as to how that issue
9 should be resolved, it would be your duty to resolve that
10 reasonable doubt in favor of the defendant.

11 Now, I spoke to you very briefly about the failure of
12 this defendant to testify. Let's talk about that. I
13 instruct you and emphasize that the fact that the
14 defendant did not testify is not a factor to be considered
15 by you in any way in your deliberation and in your
16 consideration of the question of the guilt or innocence of
17 the defendant. It must not be considered by you in any
18 manner.

19 The defendant has the constitutional right to remain
20 silent, and the assertion of this right must not be
21 considered by you in your deliberations. I repeat, under
22 your oath, you are to draw no conclusion whatsoever from
23 the fact that the defendant, Mr. Robinson, in this case
24 did not testify. The fact that this defendant,
25 Mr. Robinson, did not testify should not even be discussed

1 in the jury room. The burden of proof, as I stated to
2 you, is on the State. The defendant is not required to
3 prove his innocence. The burden of proof remains on the
4 State to prove guilt beyond a reasonable doubt.

5 Now, I spoke to you a few minutes ago and told you
6 what was considered evidence, and I put it in that bucket.
7 Now let's go in that bucket and see, talk about the kinds
8 of evidence. There's two kinds. There's direct and
9 circumstantial evidence. And I'm going to go ahead and
10 define that to you.

11 There are two types of evidence generally presented
12 in a trial. And in this trial, you heard direct evidence
13 and you had circumstantial evidence. Listen to the
14 definition of both.

15 Direct evidence is testimony of a person who claims
16 to have actual knowledge of a fact such as an eyewitness,
17 and this evidence which immediately establishes the main
18 fact to be proved.

19 Circumstantial evidence is proof of a chain of facts
20 and circumstances which indicate the existence of a fact.

21 Well, I said a mouthful. Let me stop right there.
22 And I may have said this to you earlier, but I'll use this
23 example again. When you came in here today, the sun was
24 out, birds were singing, all that. If you go back
25 outside, say, around -- let's say you go outside about

1 3 o'clock sun's out, birds singing, but all these
2 raindrops are on your car. Well, you've got to assume
3 that the period of time that you were in here it must have
4 rained because it's on your car. You didn't see it, but
5 the circumstances dictated that it must have rained while
6 you were in here in the courthouse. So that's a
7 simplistic example of circumstantial evidence. But let me
8 just read it again, read both.

9 Direct evidence is testimony of a person who claims
10 to have actual knowledge of a fact such as an eyewitness.
11 And this is evidence which immediately establishes the
12 main fact to be proved.

13 Circumstantial evidence is proof of a chain of facts
14 and circumstances which indicate the existence of a fact,
15 and this evidence which immediately establishes collateral
16 facts from which a main fact may be inferred.
17 Circumstantial evidence is based on inference and not on
18 personal knowledge or observation.

19 The law makes absolutely no distinction between the
20 weight or value to be given either direct or
21 circumstantial evidence, nor is a greater degree of
22 certainty required of circumstantial evidence than direct
23 evidence. You should weigh all the evidence in the case,
24 and after weighing the testimony, you are not convinced of
25 the defendant's guilt beyond a reasonable doubt, you must

1 find the defendant not guilty.

2 Now, the law makes absolutely no distinction between
3 the weight or value to be given to either direct or
4 circumstantial evidence as I told you a minute ago. Nor
5 is a greater degree of certainty required of
6 circumstantial evidence than of direct evidence. And like
7 I said a minute ago, you should weigh all the evidence in
8 the case.

9 The law does say to the extent that the State relies
10 on circumstantial evidence, it has to meet a certain test.
11 First, as to each of those events and circumstances they
12 are relying on, the State has to prove each one of those
13 beyond a reasonable doubt. Further, these facts must
14 point conclusively to the guilt of the accused and must be
15 holy perfectly consistent with each other in every
16 particular respect.

17 I further instruct you that the mere fact that the
18 circumstances brought out in the case are strongly
19 suspicious of guilt or the circumstances are such that a
20 defendant's guilt is probable is not enough. That is not
21 sufficient to sustain a conviction because the proof
22 offered by the State has to be more than just mere
23 suspicion. It has to be more than someone being probably
24 guilty. It has to be proof that satisfies you the jurors
25 then beyond a reasonable doubt.

1 Now, I told you the evidence that you are to consider
2 consists of the testimony presented from the witness stand
3 and the exhibits that have been offered and received into
4 evidence. Now, objections and rulings and matters that
5 may have been excluded from the record are not to be
6 considered by you in any fashion. I do not think that I
7 made any statements taking anything from the record or
8 having the record struck in any form, so I don't think
9 that came up.

10 If it appears from you from my interaction with the
11 lawyers or anything that I've said that you are assuming
12 that I have an opinion regarding the facts in the case,
13 then you should disregard it. I have a tendency
14 sometimes, as my wife tells me, to put a frown on my face
15 when I'm happy as a lark. So if you looked at me and I
16 got a facial expression, that's just who I am. I have no
17 opinion about this case, so don't form any opinion
18 regarding that.

19 Now, also, the remarks of the lawyers are not
20 evidence. Their statements and their arguments are
21 intended to help you understand the evidence and apply the
22 law as I indicated to you about opening statements and
23 closing statements.

24 Now, how do you decide the facts of this case? You
25 do it through your exercise of good judgment in the

1 application of, guess what, your common sense, your sense
2 of logic and reason and your life experiences. All of you
3 as you sit over there today, you have had life
4 experiences. And you couple that with your common sense
5 and you know every day in your lives you judge
6 credibility. Every day that you get up and walk out,
7 you're judging whether something is right or wrong or
8 credibility of something. You make decisions every day of
9 your lives with regard to whether people are believable,
10 persuasive or convincing or not. And guess what? You do
11 the same thing as a juror.

12 And let's talk about the believability standard that
13 you use, and I talked about it earlier during my comments
14 to you. You had the opportunity to listen to all of the
15 witnesses' testimonies. You listened to law enforcement
16 testimony, you listened to laypeople's testimony, and you
17 also listened to some expert witnesses' testimony. And
18 you say, well, what do I do? Here again, you determine --
19 you're the judge of the facts. You determine the
20 credibility and believability of the evidence. What am I
21 saying? You can believe -- as it relates to the testimony
22 of a witness, you can believe everything a witness says,
23 you can believe some of what a witness says, you can
24 believe none of what a witness says. You can factor in
25 whether or not the witness had some bias or prejudice in

1 his or her testimony. All of that can factor in. Was the
2 testimony of a witness consistent or inconsistent? Was
3 the testimony of the witness straightforward or did the
4 witness hesitate in answering some of the questions? What
5 was the witness's ability to know these facts? Is there
6 some reason a witness would want to give testimony which
7 would help or hurt one side? In other words, was the
8 witness, again, biased or prejudiced in any manner?

9 In determining the question of believability of a
10 witness, you may believe one witness over several
11 witnesses or several witnesses against one witness, you
12 may believe a part of a witness's testimony or reject the
13 same as I told you earlier.

14 Now, these considerations you do not exercise
15 arbitrarily, but in your good judgment there is a sound
16 reason in the record for this case for so doing. You are
17 to consider all the evidence in the case and determine
18 what you believe to be the true facts of the dispute.

19 Now, there was testimony by a couple, I think, either
20 two or three, I'm not sure, expert witnesses. And as you
21 heard, the lawyers went over the qualifications of those
22 experts. The Court had to make a determination whether or
23 not they were expert witnesses and that they were deemed
24 to be expert witnesses for you to consider their
25 testimony. But let's talk about what applies when you're

1 looking at expert witnesses.

2 The rules of evidence ordinarily do not permit
3 witnesses to testify about their opinions or conclusions.
4 But an exception to this rule exists for witnesses we call
5 expert witnesses. A witness who, by education and
6 experience, has become an expert in some art, science,
7 profession or calling may state an opinion as to relevant
8 and material matter in which the witness claims to be an
9 expert and may also state the reasons for that opinion.

10 You should consider any expert opinion received in
11 evidence in this case like any other piece of evidence
12 that you're going to evaluate. Give it the weight that
13 you think it deserves. If you decide that the opinion of
14 the expert is not based on sufficient education and
15 experience or if you conclude that the reasons given in
16 support of the opinion are not sound or that the opinion
17 is outweighed by other evidence, you may disregard the
18 opinion entirely. An expert witness's testimony is to be
19 given no greater weight than any other witness's simply
20 because the witness is an expert.

21 Further, you're not required to accept an expert's
22 opinion even though it is not contradicted. In other
23 words, what am I saying in simplistic terms? What I'm
24 really saying is that you've got this bucket that has all
25 this evidence. You've got lay witnesses that you're going

1 to determine the believability and credibility of using
2 your common sense and logic. You've got documents, you've
3 got sketches, you've got pictures, you've got all the
4 other things, audios, whatever. You determine the
5 credibility of that evidence. But guess what else is in
6 the bucket? The bucket is -- also in that bucket is the
7 expert witness's testimony. And you make the same
8 evaluation. Nothing changes. You determine the
9 believability and credibility of the expert witness. In
10 other words, like I said a minute ago, an expert witness's
11 testimony is to be given no greater -- considered by you
12 in any other manner than you do any other -- the evidence
13 that's presented. So the litmus test is the same.

14 All right. Now let's talk about intent, because
15 that's a significant, important portion in our criminal
16 justice system. In order to establish criminal liability,
17 in all criminal offenses, the State must establish
18 criminal liability. In order to establish criminal
19 liability, criminal intent is required. For example, the
20 mental state required to be proven by the State for a
21 particular crime might be purpose, intent, knowledge,
22 recklessness or criminal negligence.

23 Criminal intent must be proven by the State beyond a
24 reasonable doubt. Criminal intent is always a matter that
25 must be determined by the jury from the circumstances

1 surrounding the situation.

2 There is no way to prove intent to a mathematical
3 certainty. There is no way medical science can dissect a
4 person's brain and determine what the person had in mind,
5 so the law says that criminal intent may be inferred from
6 the circumstances shown to have existed. This is how you
7 make a determination of whether or not the element
8 requiring intent was present.

9 It is not necessary to establish intent by direct and
10 positive evidence, but intent may be established by
11 inference in the same way as any other fact by taking into
12 consideration the acts of the parties and all of the facts
13 and circumstances surrounding the case.

14 Criminal intent is a mental state, a conscious
15 wrongdoing. It is up to you the jurors to determine what
16 the defendant intended to do based on the circumstances
17 shown to have existed.

18 Criminal intent can arise from action or a failure to
19 act. It may arise from negligence, recklessness or an
20 inference to duty or to consequences that is considered by
21 the law to be the equivalent of criminal intent.

22 Now, before I get into specifics of the offense upon
23 which Mr. Robinson is charged, you heard this term
24 mentioned to you and discussed with you by counsel: the
25 hand of one, the hand of all. You heard that. Let's talk

1 about that.

2 All right. If a crime is committed by two or more
3 people who are acting together in committing a crime, the
4 act of one is the act of all. A person who joins with
5 another to commit an unlawful act is criminally
6 responsible for everything done by the other person which
7 happens as a probable or natural consequence of the acts
8 done in carrying out the common plan and purpose. For
9 example, two people can be guilty of killing another
10 person when only one of the two had a gun, there was only
11 one bullet, and only one of the two fired the shot that
12 caused the death. If two or more people are together,
13 acting together, assisting each other in committing the
14 offense, the act of one is the act of all, or as it is
15 sometimes said, the hand of one is the hand of all.

16 Prior knowledge that a crime is going to be committed
17 without more is not sufficient to make a person guilty of
18 that crime. Mere knowledge that another person is going
19 to commit a crime, even if the defendant is present when
20 the crime is committed is not sufficient to convict the
21 defendant as a principal. Guilt as a principal is shown
22 by actual or constructive presence at the scene as a
23 result of a prior arrangement. Therefore, a finding of a
24 prior arranged plan or common scheme is necessary for a
25 finding of guilt as a principal.

1 The State must prove beyond a reasonable doubt by
2 competent evidence the theory of the hand of one is the
3 hand of all. A principal in a crime is one who either
4 actually commits the crime or who is present aiding,
5 abetting or assisting in committing the crime.

6 When a person does an act in the presence of and with
7 the assistance of another, the act is done by both. Where
8 two or more acting with a common plan or intent are
9 present at the commission of a crime, it does not matter
10 who actually commits the crime. All are guilty. The hand
11 of one is the hand of all.

12 Present at the commission of a crime means to be
13 sufficiently near to aid and abet and assist in the
14 commission of the crime. However, mere presence at the
15 scene of a crime is not sufficient to convict one as a
16 principal on the theory of aiding and abetting. Intent is
17 also a necessary element, for there must have been a
18 common design or intent to commit the crime, and the crime
19 must have been committed pursuant with the person aiding
20 and abetting by some overt act.

21 Intent means intending the result which actually
22 occurs, not accidentally or involuntarily. Intent may be
23 shown by acts and conduct of the defendant and other
24 circumstances from which you may naturally and reasonably
25 infer intent. The State must prove these elements beyond

1 a reasonable doubt. Here again, burden, intent, burden is
2 on the State to show criminal intent. And as it relates
3 to the hand of one, hand of all, the burden still rests on
4 the State in this case and does rest on the State
5 throughout this case.

6 The next area I'm going to talk about is, obviously,
7 in your listening to the testimony and also listening to
8 the questions from counsel, identification is an area
9 that's very important in this case. Let me just talk a
10 little bit about that.

11 An issue in this case is the identification of the
12 defendant, Mr. Robinson, as the person who committed the
13 crime charged. The State has the burden of proving
14 identity beyond a reasonable doubt. You must be satisfied
15 beyond a reasonable doubt of the accuracy of the
16 identification of the defendant before you may convict the
17 defendant.

18 Identification testimony is an expression or belief
19 or impression by a witness. You must determine the
20 accuracy of the identification of the defendant. You must
21 consider the believability of each identification witness
22 in the same way as any other witness. You may consider
23 whether the witness had an adequate opportunity to observe
24 the defendant at the time of the offense. This will be
25 affected by things like how long or short of a time was

1 available, how far or close the witness was, the lighting
2 conditions, whether the witness had the chance to see or
3 know the person in the past.

4 Once again, I instruct you the burden of proof on the
5 State extends to every element of the crime charged, and
6 this specifically includes the burden of proving beyond a
7 reasonable doubt the identity of the defendant as the
8 person who committed the crime. If, after examining the
9 testimony, you have a reasonable doubt as to the accuracy
10 of the identification, you must find the defendant not
11 guilty.

12 But here again, all of these charges that I'm reading
13 to you at the present time you will be given -- you will
14 have them in the jury room for you to go back over if you
15 need to read them again. And feel free to do so.

16 Now let's talk about specifically the offenses upon
17 which Mr. Robinson is charged and what the law says. In
18 this case, Mr. Robinson is charged with the offense of
19 murder. Murder in our state is defined as the willful,
20 felonious killing of a human being by a human being with
21 malice aforethought, that malice either being expressed
22 malice or implied malice. Section 16-3-10 of our South
23 Carolina Code of Laws provides and says murder is the
24 killing of any person with malice aforethought either
25 expressed or implied.

1 The State must prove beyond a reasonable doubt that
2 the defendant killed another person with malice
3 aforethought. The presence of malice is a required
4 element of murder.

5 Malice is defined as being hatred or ill will.
6 Malice, in its legal sense, does not necessarily import
7 ill will toward the individual injured, but signifies
8 rather a general malignant recklessness of lives and
9 safety of others or it conditions the mind which shows a
10 heart regardless of social duty and fatally bent on
11 mischief.

12 Malice is the wrongful intent to injure another
13 person. It indicates a wicked or depraved spirit intent
14 on doing wrong.

15 Malice is a legal term implying wickedness and
16 excluding a just cause or excuse. The term "malice"
17 indicates a form purpose and design to do a wrongful act
18 under the circumstances that exclude any legal right to do
19 it.

20 Malice may be either expressed or implied. The words
21 "expressed" or "implied" add nothing to the meaning of the
22 word "malice." They do not imply different kinds of
23 malice but merely the manner in which the only kind known
24 to the law may be shown to exist, that is either by
25 positive evidence or by inference.

1 Express malice is when there is a deliberate
2 intention to unlawfully take the life of another. Implied
3 malice is when circumstances demonstrate a wanton or
4 reckless disregard for human life or a reasonable prudent
5 man would have known that, according to the common
6 experience, there was a plain and strong likelihood that
7 death would follow the contemplated act.

8 Although malice may be aforethought, there is no
9 requirement that it must exist for any appreciable length
10 of time before the commission of the act. It can be
11 conceived at the very moment the act occurs. There must
12 be a combination of the evil intent and the act producing
13 the result.

14 This is the definition of murder, the requirements of
15 murder as indicated by our law here in the State of South
16 Carolina, and I will make sure that you have a copy of
17 this in the jury room to look at.

18 Now, this defendant, Mr. Robinson, is also charged
19 with another offense. The other offense upon which he's
20 charged is possession of a weapon during the commission of
21 or attempt to commit a violent crime which is found in
22 Section 16-23-490 of our South Carolina Code of Laws.
23 Let's talk about that.

24 Mr. Robinson is charged with possession of a weapon
25 during the commission or attempt to commit a violent

1 crime. The State must prove beyond a reasonable doubt
2 that the defendant was in possession of a firearm or
3 visibly displayed what appeared to be a firearm or a knife
4 during the commission of a violent crime.

5 A firearm means any machine gun, automatic rifle,
6 revolver, pistol or any weapon which will, is designed or
7 may be readily converted to expel a projectile.

8 A knife means any instrument or tool with a sharp
9 cutting blade whether or not fastened to a handle which
10 can be used to inflict cuts, slash or wound.

11 In order to find the defendant guilty of possession
12 of a weapon during the commission of a violent crime, you
13 must first find the defendant guilty of either committing
14 a violent crime or attempting to commit a violent crime.
15 Murder is considered a violent crime. The State must
16 prove beyond a reasonable doubt that the weapon further
17 advanced or helped in the commission of the crime. This
18 is the law on the second offense upon which Mr. Robinson
19 is charged.

20 Ladies and gentlemen of the jury, that is the law as
21 to the offenses upon Mr. Robinson is charged. And I've
22 also covered with you all of the other things that you are
23 to consider.

24 All of these things I now put in your basket for you
25 to consider as the judge of the facts. I have done my

1 duty. I have given to you what the law is. I have --
2 during the course of the trial, I have done my duty as the
3 trial judge in ruling on matters relating only to the law.
4 I know nothing about this case, have no opinion
5 whatsoever. But now I turn it over to you the jury for
6 it's now in your hands.

7 Mr. Foreman, I will be sending back to the jury room
8 along with these charges that I just read and along with
9 the evidence that's been presented, I'll be sending back a
10 verdict form. Pay no particular attention in which I have
11 written these items on the verdict form because I have to
12 put it in some order. But I'll read the verdict form in
13 the record, Madam Court Reporter.

14 It says: State of South Carolina, County of
15 Greenville, in the Court of General Sessions for the 13th
16 Judicial Circuit, Indictment 2021-GS-23-008418 and
17 Indictment 2021-GS-23-008420, State of South Carolina vs. __
18 Tyriese N. Robinson. First line says: We the jury, as to
19 the indictment of murder in violation of 16-3-0010 of the
20 South Carolina Code of Laws as amended, unanimously find
21 the defendant, then there is a line that says "guilty,"
22 and then there's a line that says "not guilty." Your
23 verdict must be unanimous. Mr. Foreman, you can either --
24 you on behalf of the jury would be checking either one of
25 these boxes.

1 The second question -- after your answer, continue to
2 Question 2. Question 2 is this: We the jury as to the
3 indictment of possession of a weapon during the commission
4 of a violent crime in violation of Section 16-3-0490 of
5 the South Carolina Code of Laws as amended find the
6 defendant, there's a line that says "guilty," and there's
7 a line that says "not guilty."

8 Once you have done that, then, Mr. Foreman, you would
9 sign your name on the bottom of this document and date it
10 today's date. Once the jury has reached a verdict, then
11 you will let the bailiff know and then the bailiff will in
12 turn let the Court know.

13 Now, what I'm going to do is I am going to send you
14 to your jury room with these specific instructions.
15 You've heard the closing arguments of both sides, you
16 heard my charge to the jury. You are still not to begin
17 any deliberations at all, none, until I give you
18 instructions to do so. I have to confer with the
19 attorneys for just a minute. Those instructions to begin
20 deliberations will be delivered to you by the bailiff, and
21 once you get those instructions, then you're free to go
22 ahead and start your deliberations.

23 If there is anything at all, Mr. Foreman, that
24 happens in that jury room other than deliberations or
25 anything that the Court needs to be aware of, it is up to

1 you to let the Court know. You are in charge. As I
2 indicated to you at the beginning of the trial, you are in
3 charge. So anything that I need to be aware of has to
4 come through you.

5 All right. Okay. So I'm going to send you back to
6 your jury room and I'll give you some instructions
7 shortly.

8 (WHEREUPON, the jury exits the courtroom at 9:44 AM.)

9 THE COURT: I know I said a lot, but any exceptions
10 to the charge by the State?

11 MR. HOLLOWAY: No, sir.

12 THE COURT: Any exceptions?

13 MR. KATA: No, Your Honor.

14 THE COURT: All right. Where are the exhibits at?
15 They're over there? Okay. Y'all want to take a look at
16 them and make sure?

17 MR. KATA: Yes, Your Honor.

18 (WHEREUPON, a recess is taken at 9:48 AM, and the jury
19 begins deliberating; Alternate Juror Number 90 entered the
20 courtroom.)

21 THE COURT: How are you doing?

22 JUROR NUMBER 90: Good. How are you?

23 THE COURT: All right. Your juror number?

24 JUROR NUMBER 90: 90.

25 THE COURT: 90.

1 What's your last name?

2 JUROR NUMBER 90: Horlacher.

3 THE COURT: Ms. Horlacher, you are our alternate, but
4 we're going to keep you. The only good thing is you're
5 going to be in a room by yourself.

6 JUROR NUMBER 90: Yes, sir.

7 THE COURT: And I know you've probably got your cell
8 phone with you.

9 JUROR NUMBER 90: No.

10 THE COURT: You don't. Okay.

11 The reason we're going to keep you, just in the event
12 something happens with the other jurors. Are you okay
13 with that?

14 JUROR NUMBER 90: Yes, sir.

15 THE COURT: All right. They're going to put you in a
16 room. You're going to be by yourself and you can sing
17 songs or do whatever you want to do. All right. We'll
18 let you know when to come out.

19 JUROR NUMBER 90: Thank you, sir.

20 THE COURT: All right. Thank you, ma'am. Thank you
21 for serving. Thank you for being attentive.

22 (WHEREUPON; a recess was taken at 9:49 AM; proceedings
23 reconvened at 10:30 AM; Court's Exhibit Number 1 was
24 marked for identification; the jury foreperson entered the
25 courtroom.)

1 JURY QUESTION

2 THE COURT: Yes. I've got a question. You've
3 submitted a question on behalf of the jurors. The first
4 question, I'll read it for the record, the question says:
5 How long after the crime was the Dodge Charger recovered?
6 And the only thing I can tell you is that all the evidence
7 is in and you have to consider what's been presented. And
8 so that would be the answer to the first question.

9 Now, the second question: Can we have the transcript
10 of the lead investigator? Now, the court reporter,
11 obviously, took down everything that the lead investigator
12 said. Is there a specific portion of the transcript
13 regarding what the lead investigator said or is the jury
14 in need of hearing the whole thing?

15 JURY FOREPERSON: I think the jury needs the whole
16 thing.

17 THE COURT: The whole thing?

18 JURY FOREPERSON: Yes.

19 THE COURT: Okay. All right. So if that's what the
20 request is, then you can go back and then we'll see what
21 we can do and we'll be back with you in just a second.

22 JURY FOREPERSON: Thank you.

23 THE COURT: Yes, sir.

24 (WHEREUPON, the jury foreperson exited the courtroom.)

25 THE COURT: Let's go off the record for a second.

1 (WHEREUPON, a recess is taken at 10:35 AM; the jury
2 entered the courtroom at 10:43 AM.)

3 THE COURT: All right. We're back on the record.

4 It's my understanding, Mr. Foreman, that the jury
5 would like to hear the testimony of the lead investigator
6 again. All right. What we're going to do is the court
7 reporter is going to play that so you'll be able to listen
8 to it. Okay. And I'll turn it over to you.

9 (WHEREUPON, the testimony of Jonathan Garrett was replayed
10 for the jury.)

11 THE COURT: All right. Ladies and gentlemen of the
12 jury, I'm going to send you back to your jury room. You
13 can continue deliberations. Lunch will be here shortly,
14 and you can deliberate over lunch, too, if you want to.
15 Okay. All right.

16 (WHEREUPON, the jury exits the courtroom at 12:29 PM.)

17 THE COURT: Okay. Gentlemen, we'll be at ease.

18 (WHEREUPON, a recess is taken at 12:29 PM; proceedings
19 reconvened at 12:57 PM.)

20 THE COURT: Let's go on the record.

21 Those of you who are occupying the pews, I will not
22 tolerate any action, reaction of any kind once the verdict
23 is read. Everybody understands that? No reaction or
24 action of any kind.

25 All right. Okay. State ready for the jury?

1 MR. HOLLOWAY: Yes, sir.

2 THE COURT: Defense ready for the jury?

3 MR. KATA: Yes, Your Honor.

4 THE COURT: All right. Bring them out.

5 (WHEREUPON, the jury entered the courtroom at 12:59 PM.)

6 THE COURT: All right. Mr. Foreman, I've been
7 advised by the bailiff that the jury has reached a
8 verdict; is that correct?

9 JURY FOREPERSON: Yes, Your Honor.

10 THE COURT: All right. Would you give the verdict
11 form to the bailiff?

12 Madam Clerk, would you publish the verdict.

13 VERDICT

14 THE CLERK: Your Honor, Case Number 2021-GS-23-8418
15 and Case Number 2021-GS-23-8420, we the jury as to the
16 indictment of murder in violation of 16-03-0010 of the
17 South Carolina Code of Laws as amended unanimously find
18 the defendant guilty.

19 We the jury as to the indictment of possession of a
20 weapon during the commission of a violent crime in
21 violation of 16-23-0490 of the South Carolina Code of Laws
22 as amended unanimously find the defendant guilty.

23 Ladies and gentlemen, if you would please stand. If
24 you agree this is the verdict you reached in your
25 deliberation room, please raise your right hand.

1 (WHEREUPON, all jurors raised their right hands.)

2 THE CLERK: Thank you.

3 THE COURT: All right. Thank you, Madam Clerk.

4 Ladies and gentlemen of the jury, I want to thank you
5 for your service this week. I think I speak on behalf of
6 both sides. I've watched you this week. I appreciate the
7 fact that you were attentive, you listened. And if you
8 ever get an opportunity to serve as a juror again, whether
9 it's in the Court of General Sessions, Court of Common
10 Pleas, Magistrate Court, Federal Court, no matter where it
11 is, please jump at the opportunity to do that. If our
12 paths never cross again, I wish you well. And thank you
13 so much for your service.

14 Just follow this bailiff and he will escort you out.

15 (WHEREUPON, the jury exits the courtroom at 1:02 PM.)

16 THE COURT: Any motions?

17 MR. KATA: Your Honor, at this time, I renew all
18 previous objections and move for a new trial.

19 THE COURT: All right. Any response from the State
20 before I rule on Counsel's motion?

21 MR. HOLLOWAY: No, sir.

22 THE COURT: All right. Motion is denied. And all
23 other objections are noted for the record.

24 Anything before sentencing from either side?

25 MR. HOLLOWAY: No, sir.

1 THE COURT: All right. Do we have the sentencing
2 sheets?

3 MR. HOLLOWAY: Yes, sir.

4 THE COURT: All right. Parties can approach the
5 bench with the defendant.

6 All right. Be glad to hear from the State.

7 MR. HOLLOWAY: Yes, sir, Your Honor. I think after
8 three days of testimony, the State has presented all the
9 circumstances surrounding this case showing malice that
10 was used -- that was used to kill Jermaine, Jr. I don't
11 want to add to that. I don't think I could add to the
12 testimony -- I think powerful testimony that this court
13 heard from the witness stand.

14 As far as a prior record, there is a conviction in
15 Allendale County from 2018 for assault and battery second
16 degree. And that's the extent of his record.

17 I don't believe the victim's family would like to
18 speak. No, sir.

19 THE COURT: All right. Mr. Kata?

20 MR. KATA: Thank you, Your Honor. May it please the
21 Court. Your Honor, he's a young man in his early 20s.
22 Your Honor, we're asking for as much mercy as you can give
23 at the end of the trial.

24 Your Honor, he does have family that's here in
25 support of him. They've been with him the whole way. His

1 mother's here. She just left the courtroom. But she's in
2 support of him all the way.

3 Your Honor, we're just asking for as much mercy as
4 you can give.

5 MR. HOLLOWAY: And, Your Honor, he's entitled to
6 1,327 days.

7 THE COURT: Do you agree with that number?

8 MR. KATA: I agree with that number.

9 MR. HOLLOWAY: And for the record, that does include
10 three days he was in New York State.

11 THE COURT: All right. Mr. Robinson, anything you
12 want to tell me?

13 DEFENDANT ROBINSON: No, sir.

14 SENTENCING

15 THE COURT: All right. On indictment ending in
16 08420, the State vs. Tyriese Robinson, for the offense of
17 murder, the sentence of the Court is you be committed to
18 South Carolina Department of Corrections for a period of
19 45 years.

20 On indictment ending in 08418, State vs. Tyriese_
21 Robinson, charged with possession of a weapon during the
22 commission of a violent crime, the sentence of the Court
23 is you be committed to South Carolina Department of
24 Corrections for a period of five years. That sentence
25 will be consecutive to the prior sentence.

1 1,327 days of jail credit is given to you.

2 Good luck to you, sir.

3 (WHEREUPON, proceedings concluded at 1:07 PM.)

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WITNESSES

Jonathan J. Garrett



Greenville County Sheriff's Office

10/15/2020

DOCKET NO. 2021-GS-23-
WRH

008418

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

December TERM 2021

THE STATE

vs.

TYRIESE N. ROBINSON

ARREST WARRANT NUMBER

2020A2330209512

**ACTION OF GRAND JURY
TRUE BILL**



FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

GUILTY

Indictment for

0549

**POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME**

VIOLATION § 16-23-0490



Foreperson of Petit Jury

Date:

**ENTERED
ACCT.**



STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 POSS OF A WEAPON DURING THE
 COMMISSION OF A VIOLENT CRIME

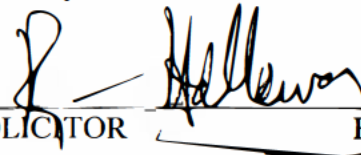
At a Court of General Sessions, convened on
 County present upon their oath:

the Grand Jurors of Greenville

DDEC 07 2021

That TYRIESE N. ROBINSON did in Greenville County, on or about the 26th day of September, 2020, possess or visibly display a S&W .40cal semi-automatic handgun (SN: HFL9664) during the commission or attempted commission of a violent crime, to wit: Murder. This is in violation of § 16-23-0490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

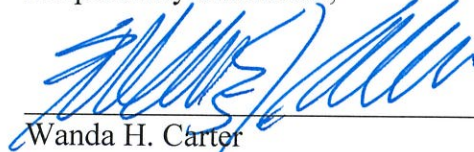

 SOLICITOR BAR # 71605

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED**Dec 22 2025****SC Court of Appeals**

Respectfully Submitted,



Wanda H. Carter

Chief Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 22nd day of December, 2025.