

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Anderson County
Honorable R. Lawton McIntosh, Circuit Court Judge
Honorable Daniel D. Hall, Circuit Court Judge

EZRA RYSUNN WILLIAMS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001145

APPENDIX

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 COUNTY OF ANDERSON)

State of South Carolina,)
)
 v.) Case No. 12-GS-04-02473 *et. al.*
)
 Ezra Rysunn Williams,)
)
 Defendant.)

TRANSCRIPT OF JURY TRIAL

The within Jury Trial in the above-captioned matter was held on August 10-12, 2015, before The Honorable R. Lawton McIntosh in the Court of General Sessions for Anderson County, South Carolina; attended by counsel as follows:

APPEARANCES:

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Before The Honorable R. Lawton McIntosh

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- None Entered -

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Jury Qualification

1 (DEFENDANT PRESENT)

2 (JURY PANEL SWORN)

3 (BENCH CONFERENCE)

4 THE COURT: Ladies and gentlemen, let's
5 take about a ten-minute break. I apologize,
6 but up here in my job it's kind of like
7 herding cats. But if you'll come back in
8 about ten minutes, we will get started with
9 jury selection.

10 (JURY PANEL OUT)

11 (BRIEF RECESS)

12 (JURY PANEL PRESENT)

13 (DEFENDANT PRESENT)

14 THE COURT: Is the State ready to
15 proceed with the next case?

16 SOLICITOR CAMPBELL: The State is
17 ready, Your Honor.

18 THE COURT: All right, would you call
19 your next case?

20 SOLICITOR CAMPBELL: Yes, sir. Your
21 Honor, the State is ready on the State versus
22 Ezra Rysunn Williams:

23 Indictment 2012-4173 for armed robbery;

24 12-GS-04-4174, for possession of a weapon
25 during the commission of a violent crime;

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Jury Qualification

1 12-GS-04-2575 for murder;

2 12-GS-04-2576 for kidnapping.

3 It is my understanding that it is to be a
4 trial. He is represented by Mr. Robinson.

5 THE COURT: Is that correct, Mr.
6 Robinson?

7 MR. ROBINSON: It is, Your Honor.

8 THE COURT: All right. Ladies and
9 gentlemen, as you know, we have two different
10 courts running this week. My side of the
11 court which I happen to be running is the
12 criminal side.

13 The first case that we have this week
14 is the State of South Carolina versus Ezra
15 Rysunn Williams. Let me just point out to
16 you and I will remind you that the fact that
17 Mr. Williams, this gentleman, was charged,
18 indicted and arrested is not evidence of this
19 crime. This paperwork is merely the
20 mechanism by which the State of South
21 Carolina will bring a defendant like Mr.
22 Williams before the court for a trial to be
23 had and for a jury to make a determination of
24 guilt or innocence; so you may not give that
25 any consideration as evidence of guilt.

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Jury Qualification

1 With that being said, you are still under
2 oath and I need to ask a series of questions
3 concerning this case. Can you all hear me
4 sufficiently? If you cannot, raise your hand
5 and let me know. (No response).

6 First question, has anyone ever been
7 related by blood or marriage to Ezra Rysunn
8 Williams or Chandrakant "C.J." Patel? Did I
9 pronounce both of those correctly?

10 MR. ROBINSON: Yes, sir.

11 THE COURT: If so, would you please
12 stand? (No response).

13 Has any member of the jury panel ever had
14 a close personal or social relationship with
15 either Ezra Rysunn Williams or Chandrakant
16 C.J. Patel? If so, would you please stand.
17 (No response). All right.

18 Ladies and gentlemen, I am going to read
19 a list of potential witnesses that you may
20 hear in this trial and then I will ask you
21 questions following up on that. If you don't
22 get a name, raise your hand because it's
23 important that you hear all potential
24 witnesses:

25 Meet Patel

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Jury Qualification

1 Tracy McCall, Anderson County
2 Sheriff's Office
3 Kimberlee Lomax
4 Mary Bryant, Anderson County
5 Sheriff's Office
6 Jeff Finley, Anderson County
7 Sheriff's Office
8 Cedric Williams
9 Zack Gantt, Zachery Gantt
10 Joyce Johnson
11 Todd Owens, Anderson County
12 Sheriff's Office
13 Martha Everett
14 Chris Wilson, Anderson County
15 Sheriff's Office
16 Kizzie Roebuck
17 Rob Gebing, Anderson County
18 Sheriff's Office
19 Dustin Williams, Anderson County
20 Sheriff's Office
21 Jonathon Johnson
22 Todd Caron, Anderson County
23 Sheriff's Office
24 Malcolm Clement
25 Matthew McCarty, Anderson County

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1 Sheriff's Office

2 Danny Barton, Anderson County

3 Sheriff's Office

4 Dr. Brett Woodard

5 Jeremiah Johnson

6 Is there anyone in the jury panel that
7 did not -- did not -- understand or hear all
8 those names? If so, raise your hand. (No
9 response). Very good.

10 Following up on that list of witnesses,
11 has any member of the jury panel ever been
12 related by blood or marriage to any of the
13 people that I listed for you. If so, would
14 you please stand? (No response).

15 Has any member of the jury panel ever had
16 a close social or personal relationship with
17 any of the potential witnesses that I just
18 read to you? If so, would you please stand?
19 (No response).

20 Okay, sir. Give me your jury number.

21 JUROR NUMBER 184: I believe that it is
22 the last one, 184.

23 THE COURT: Do you have your card with
24 you?

25 SOLICITOR CAMPBELL: It is 184, Your

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Jury Qualification

1 Honor.

2 THE COURT: Okay, 184. Mr. -- I will
3 just refer to you by your number. Which of
4 those witnesses.

5 JUROR NUMBER 184: I know a guy named
6 Patel, Meet Patel.

7 THE COURT: Patel?

8 JUROR NUMBER 184: Yes, sir. I don't
9 know if it is the same person.

10 THE COURT: This is spelled M-e-e-t,
11 like you meet someone. Is that the same
12 person, you think?

13 JUROR NUMBER 184: Well, he is my age.

14 THE COURT: Ms. Campbell, do you know
15 -- well, how old are you?

16 JUROR NUMBER 184: I am nineteen.

17 SOLICITOR HAIGLER: He graduated from
18 Pendleton High -- that's not him.

19 THE COURT: That's not him?

20 SOLICITOR HAIGLER: No, sir.

21 THE COURT: Okay, anyone else?

22 COURT REPORTER: I'm sorry, what was
23 his number?

24 THE COURT: Juror Number 184. All
25 right.

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Jury Qualification

1 Mr. Robinson, would you stand up and
2 introduce yourself, please, sir, and your
3 law firm?

4 MR. ROBINSON: I am Scott Robinson
5 and I practice in Greenville and Anderson.
6 This is my client, Ezra Williams.

7 THE COURT: Mr. Campbell, would you do
8 the same, please?

9 SOLICITOR CAMPBELL: Yes, sir, Your
10 Honor. My name is Rame Campbell. I am the
11 Deputy Solicitor here in Anderson County,
12 working with Christy Adams.

13 Also assisting me today is Brantley
14 Haigler. He is also an Assistant (Solicitor)
15 here in Anderson County.

16 This is Investigator Danny Barton, lead
17 police officer.

18 THE COURT: Very good. Ladies and
19 gentlemen, has any member of the jury panel
20 ever been represented by Mr. Robinson, any
21 member of his firm, or by any member of the
22 Tenth Judicial Circuit Solicitor's Office?
23 If so, would you please stand? (No
24 response).

25 Has any member of the jury panel ever had

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1 a close personal relationship, with Mr.
2 Robinson, any member of his firm? (No
3 response).

4 Or with any attorney associated with the
5 Tenth Circuit Solicitor's Office? If so,
6 would you please stand? (No response).

7 Has any member of the jury panel ever
8 been related by blood or marriage to any
9 member of Mr. Robinson's office, Mr.
10 Robinson, or any member of the Tenth Judicial
11 Circuit Solicitor's Office? If so, would you
12 please stand? (No response).

13 Has any member of the jury panel read,
14 heard or seen anything about the case of the
15 State of South Carolina versus Ezra Rysunn
16 Williams prior to coming to court today? If
17 so, would you please stand? (Jurors
18 standing).

19 All right, I am going start and go around
20 the room. All you need to give me is your
21 juror number. Ma'am, in the green? Or gray?
22 Or blue, to the left? What is your juror
23 number?

24 JUROR NUMBER 116: I am 116.

25 THE COURT: Okay, 116. Have you read

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Jury Qualification

1 -- don't necessarily tell us what -- in fact,
2 do not tell us what. But tell us where you
3 have read or seen about this case.

4 JUROR NUMBER 116: Here in Anderson.

5 THE COURT: In the paper, on the News?

6 JUROR NUMBER 116: Yes.

7 THE COURT: The paper?

8 JUROR NUMBER 116: Yes.

9 THE COURT: The *Anderson Independent*?

10 JUROR NUMBER 116: Yes.

11 THE COURT: When is the last time that
12 you read or heard anything about this case?

13 JUROR NUMBER 116: When the cofendants
14 were ---

15 THE COURT: Going to trial?

16 JUROR NUMBER 116: --- convicted.

17 THE COURT: Well, let me ask you this.
18 Would the fact that you have previously read
19 an article or more about this case prevent
20 you from listening to the testimony and the
21 evidence that is getting ready to be
22 presented in the trial of this matter and
23 making your decision based on the testimony
24 and the evidence you hear in this courtroom
25 and according to the law as I give it to you;

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Jury Qualification

1 unaffected by your prior knowledge?

2 JUROR NUMBER 116: I believe ---

3 THE COURT: Can't "believe." Let me
4 tell you, Mr. Williams is on trial for his
5 liberty, so it's important that what we have
6 is an unbiased jury panel that can listen to
7 the evidence and make its decision based on
8 that alone and the evidence as I give it to
9 you today.

10 JUROR NUMBER 116: I can't do that.

11 THE COURT: You cannot?

12 JUROR NUMBER 116: No.

13 THE COURT: Okay. I am going to ask
14 you to sit on the front row for me, if you
15 don't mind.

16 JUROR NUMBER 116: (Complies).

17 THE COURT: Yes, ma'am, what is your
18 juror number?

19 JUROR NUMBER 27: Twenty-seven (27).

20 THE COURT: Okay. What source, and
21 don't tell me what, ---

22 JUROR NUMBER 27: Heard something about
23 it on the News.

24 THE COURT: On the News. How long ago
25 has that been?

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1 JUROR NUMBER 27: I am not sure.

2 THE COURT: Okay. Well, would the fact
3 that you heard about this case on the News,
4 would that prevent you from being able to
5 listen to the testimony in this case that is
6 going to be presented, the evidence that is
7 going to be presented and making your
8 decision according to the law as I give it to
9 you, unaffected by that prior newscast?

10 JUROR NUMBER 27: I believe so.

11 THE COURT: Again, the standard is not
12 "believe." I promise you.

13 JUROR NUMBER 27: Yes, I can.

14 THE COURT: You can?

15 JUROR NUMBER 27: Yes, sir.

16 THE COURT: Thank you very much. In
17 the pink, what is your juror number?

18 JUROR NUMBER 165: One-six-five (165).

19 THE COURT: What source?

20 JUROR NUMBER 165: News.

21 THE COURT: Will that affect your
22 ability to be fair and impartial both to the
23 State of South Carolina and to the Defendant?

24 JUROR NUMBER 165: Absolutely not.

25 THE COURT: Very good. Thank you,

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Jury Qualification

1 ma'am. Sir, what is your juror number?

2 JUROR NUMBER 61: Sixty-one (61).

3 THE COURT: Okay, 61. What source did
4 you hear the information?

5 JUROR NUMBER 61: Same thing.

6 THE COURT: Same? News?

7 JUROR NUMBER 61: Yes, sir.

8 THE COURT: Can you and will you be
9 fair and impartial to both the State and the
10 Defendant and base your decision on the
11 evidence that you hear in this trial and
12 according to the law as I give it to you?

13 JUROR NUMBER 61: Yes, sir.

14 THE COURT: And can you do that
15 unaffected by what you may have seen in the
16 past?

17 JUROR NUMBER 61: Yes, sir.

18 THE COURT: Yes, ma'am, what is your
19 juror number?

20 JUROR NUMBER 180: One-eighty (180).

21 THE COURT: Okay. Same source?

22 JUROR NUMBER 180: I've talked with
23 some of the police officers.

24 THE COURT: All right. When is the
25 last time that you talked about this case

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Jury Qualification

1 with anyone involved in law enforcement?

2 JUROR NUMBER 180: Last time was about
3 a month ago.

4 THE COURT: About a month ago?

5 JUROR NUMBER 180: Yes, sir

6 THE COURT: Well, let me ask you this.
7 The fact that you are related to somebody or
8 married to somebody in law enforcement, would
9 that prevent you from being fair and
10 impartial to both the State and the Defendant
11 in this case?

12 JUROR NUMBER 180: (No verbal
13 response).

14 THE COURT: I am going to have you sit
15 on the front row right here. Okay?

16 JUROR NUMBER 180: (Complies).

17 THE COURT: All right. Anyone else?
18 (No response).

19 Ladies and gentlemen, it is never easy
20 to come up and sit in judgment of anyone else
21 but it is critical that we have truthful
22 information from everyone out there and that
23 everyone knows that they can make their
24 decision on the testimony and evidence and
25 according to the law as I give it to them,

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1 unaffected by any prior newscasts, any news
2 stories, blogs, or any information that you
3 may have about this case prior to coming in
4 here today.

5 Is there anyone in the panel who feels
6 like based on that criteria that you will not
7 be able to be fair and impartial to both the
8 State and the Defense? (No verbal response).
9 Very good.

10 Is any member of the jury panel aware of
11 any bias or prejudice that they may have or
12 hold against the State of South Carolina or
13 toward the Defendant in this matter? If so,
14 would you please stand. (No response).

15 Is there any member of the jury panel who
16 was a member of the Anderson County grand
17 jury that issued the indictments in this
18 matter? If so, would you please stand? (No
19 response).

20 Is there any member of the jury panel who
21 is a member of or a contributor to any group
22 which has as its primary function the
23 promotion of law enforcement or victims'
24 rights. A nonexclusive list or examples of
25 such groups would be: MADD, Mothers Against

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1 Drunk Driving; SADD, Students Against Drunk
2 Driving; or Citizens Against Violent Crimes,
3 known as -- Citizens Against Violent Crimes,
4 known as CAVC.

5 If anybody in the jury panel is a
6 contributor to any group which has as their
7 primary purpose the advancement of victims'
8 rights or law enforcement, would you please
9 stand? (No response).

10 Does any member of the jury panel know
11 of any reason whatsoever why he or she should
12 not be called to sit on the trial of this
13 matter, with particular emphasis being placed
14 on your ability to be fair and impartial to
15 both the State of South Carolina and to Mr.
16 Williams? If you know of any reason why you
17 should not serve, would you please stand?
18 (No response). Very good.

19 May I see the attorneys here right quick?

20 (BENCH CONFERENCE)

21 THE COURT: Ladies and gentlemen, has
22 any member of the jury panel or any member
23 of their immediate family, close personal
24 friend or relative ever been the victim of a
25 violent crime? If so, would you please

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Jury Qualification

1 stand? (Juror standing).

2 Okay, sir. Just give me your juror
3 number.

4 JUROR NUMBER 67: Number 67.

5 THE COURT: And was it you?

6 JUROR NUMBER 67: No, it was my wife
7 that was a victim of a crime. She was
8 approached by someone who demanded money.

9 THE COURT: That experience by your
10 wife, would that prevent you from listening
11 to the testimony and evidence in this case?

12 JUROR NUMBER 67: No, sir. It won't.

13 THE COURT: Would it affect your
14 ability to be fair and impartial to both
15 sides?

16 JUROR NUMBER 67: I can be fair and
17 impartial.

18 THE COURT: You will be fair and
19 impartial?

20 JUROR NUMBER 67: Yes, sir.

21 THE COURT: I am going to ask the
22 attorneys, if you wish any additional *voir*
23 *dire* other than what I ask that you just let
24 me know.

25 SOLICITOR CAMPBELL: Yes, sir.

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Jury Qualification

1 THE COURT: Other than the folks that
2 we have removed, does any member of the jury
3 panel have a family member, a close personal
4 friend or relative that is actively in law
5 enforcement or has been in law enforcement?
6 If so, would you please stand? (Jurors
7 standing). Okay, we will move from left to
8 right.

9 Yes, ma'am, what is your juror number?

10 JUROR NUMBER 49: My number is 49.

11 THE COURT: What was the nature of the
12 relation with the person in law enforcement?

13 JUROR NUMBER 49: I have two of them, an
14 uncle who was a highway patrolman and another
15 uncle who is a retired police officer.

16 THE COURT: Would those relatives cause
17 you to be unable to listen to the testimony
18 and evidence in this case and be fair and
19 impartial to both the State and the
20 defendant?

21 JUROR NUMBER 49: Yes.

22 THE COURT: You would? Let's phrase it
23 again. Okay? Will you and can you be fair
24 and impartial to both the State and the
25 defendant in this case?

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Jury Trial of August 10-12, 2015

Jury Qualification

1 JUROR NUMBER 49: Yes, I can.

2 THE COURT: Thank you. Okay, up front
3 here -- in the white?

4 JUROR NUMBER 126: I have three cousins
5 who ---

6 THE COURT: Excuse me, what is your
7 juror number?

8 JUROR NUMBER 126: I am Number 126.

9 THE COURT: Okay. And you have three
10 cousins?

11 JUROR NUMBER 126: Two cousins and
12 one's older son.

13 THE COURT: Are they currently employed
14 in law enforcement?

15 JUROR NUMBER 126: Two are.

16 THE COURT: Would the fact that you
17 have those relatives currently or formerly
18 employed in law enforcement, would that
19 prevent you from being fair and impartial to
20 both the State and the Defense?

21 JUROR NUMBER 126: No.

22 THE COURT: Would you believe the
23 testimony of somebody in law enforcement
24 just because they are in law enforcement?

25 JUROR NUMBER 126: No, sir.

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Jury Qualification

1 THE COURT: Sir, in the black shirt,
2 your juror number?

3 JUROR NUMBER 157: One-five-seven
4 (157).

5 THE COURT: What is your relative?

6 JUROR NUMBER 157: I have a cousin that
7 is a police officer with Greenwood City.

8 THE COURT: Greenwood City?

9 JUROR NUMBER 157: Yes, sir, and I was
10 one myself.

11 THE COURT: You were?

12 JUROR NUMBER 157: Yes, sir.

13 THE COURT: How long have you been out?

14 JUROR NUMBER 157: Three years.

15 THE COURT: Three years?

16 JUROR NUMBER 157: Four years.

17 THE COURT: Would your prior work
18 experience or your relationship with your
19 cousin prevent you from being fair and
20 impartial to the defense and to the State in
21 this matter?

22 JUROR NUMBER 157: No, I could be fair,
23 I would be fair.

24 THE COURT: All right, thank you, sir.
25 And the next black shirt?

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Jury Qualification

1 JUROR NUMBER 96: I am a fire captain
2 with Michelin and as a part of that
3 occasionally I work with law enforcement.

4 THE COURT: And you still do that?

5 JUROR NUMBER 96: (Affirmative nod),
6 I also have a cousin that works with the
7 Sheriff's Office for Anderson County.

8 THE COURT: Would that exposure to law
9 enforcement or with your relative prevent you
10 from being fair and impartial to both sides
11 of this case?

12 JUROR NUMBER 96: No, sir.

13 THE COURT: What is your juror number?

14 JUROR NUMBER 96: Ninety-six (96).

15 THE COURT: Thank you, sir. All right,
16 sir, in the striped shirt?

17 JUROR NUMBER 134: I have a son that is
18 a police officer and that would not ---

19 THE COURT: Would not affect your
20 ability to be fair and impartial?

21 JUROR NUMBER 134: It would not.

22 THE COURT: Okay. What is your juror
23 number?

24 JUROR NUMBER 134: One-thirty-four (134).

25 THE COURT: Okay. And I see a lady

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Jury Qualification

1 back here, what is your juror number?

2 JUROR NUMBER 80: Eighty (80).

3 THE COURT: Eighty?

4 JUROR NUMBER 80: Yes, eight-zero.

5 THE COURT: And what is the relation-
6 ship that you have with someone?

7 JUROR NUMBER 80: I had a family member
8 that's law enforcement.

9 THE COURT: And is that still the case
10 or is that formerly?

11 JUROR NUMBER 80: Former.

12 THE COURT: And would that former
13 exposure prevent you from being fair and
14 impartial to both the State and the defense
15 in this matter?

16 JUROR NUMBER 80: (Pause) -- no.

17 THE COURT: Well, you can't hesitate.
18 You are going to have to be able to listen to
19 the law as I give it to you, listen to those
20 instructions and abide by those instructions.
21 You will have to listen to the testimony of
22 witnesses and any exhibits received and apply
23 the law, as I give it to you, fairly and
24 impartially to both sides of this case. If
25 you can't do that, you need to tell me.

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1 JUROR NUMBER 80: I can do that.

2 THE COURT: Thank you. Yes, sir, with
3 the stripe?

4 JUROR NUMBER 24: Yes, sir. Number 4,
5 Chad Burger. I had an uncle who was a police
6 officer with the city a number of years ago.

7 THE COURT: Would that affect your
8 ability to be fair and impartial?

9 JUROR NUMBER 24: No, sir.

10 THE COURT: All right, last one, what
11 is your juror number?

12 JUROR NUMBER 141: One-forty-one (141).

13 THE COURT: My father is a retired
14 police officer.

15 THE COURT: When did he retire and
16 where did he work?

17 JUROR NUMBER 141: City.

18 THE COURT: Would that relationship
19 affect your ability to be fair and impartial
20 to both sides?

21 JUROR NUMBER 141: Not at all.

22 THE COURT: And would you believe law
23 enforcement over someone else because they
24 are in fact law enforcement?

25 JUROR NUMBER 141: No.

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Jury Qualification

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

2 Any additional *voir dire* from the defense?

3 MR. ROBINSON: No, sir.

4 THE COURT: From the State?

5 SOLICITOR CAMPBELL: No, Your Honor.

6 THE COURT: Are y'all ready to go?

7 SOLICITOR CAMPBELL: Yes, sir.

8 MR. ROBINSON: Yes, Your Honor.

9 THE COURT: We are going to do two
10 alternates. Everybody agree that it is ten
11 and five for strikes, then two and one for
12 alternates?

13 MR. ROBINSON: Yes, sir.

14 SOLICITOR CAMPBELL: Yes, sir.

15 THE COURT: Ladies and gentlemen, let
16 me tell you this. Unlike the way that we do
17 it in civil court versus criminal court, what
18 is going to happen is that in just a few
19 moments the clerk is going to run your names
20 through the computer and it will randomly
21 select your name and put it on a list.

22 Then the names on the list will be called
23 and those persons will come through the bar
24 or the swinging door there, and stand between
25 Mr. Shirley and Vivian, the court reporter,

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1 in that little gap there. You will look at
2 the State and the Defense and they will make
3 a decision as to whether or not they want you
4 to serve.

5 If you are selected or your name is
6 called, bring your pocketbook or your
7 personal effects with you just in case you
8 are selected.

9 I will tell you the way that it used to
10 be, before I had gray hair, we used to have
11 somebody in here who could not read or write
12 and they would come in here, stick the names
13 in a cylinder and draw the names out and do
14 it that way. But with computers and
15 technology, that is how we do it today.

16 Do you need a minute, Mister Clerk?

17 CLERK OF COURT: Ready, Your Honor.

18 THE COURT: If you hear your name
19 announced, just come forward and they will
20 show you where to stand.

21 CLERK: Our first juror is Juror Number
22 159, Charles R. Shealy, II.

23 SIDEBAR:

24 THE COURT: Richard, just do the
25 juror number and not the name.

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Jury Qualification

1 (SIDEBAR CONCLUDED)

2 (WHITE MALE BEFORE COUNSEL)

3 CLERK: What say ye for the State?

4 SOLICITOR CAMPBELL: Present the juror.

5 CLERK: What say ye for the defense?

6 MR. ROBINSON: Seat the juror.

7 CLERK: Have a seat.

8 (JUROR NUMBER 159 SEATED)

9 CLERK: Juror Number 96.

10 (WHITE MALE BEFORE COUNSEL)

11 CLERK: What say ye for the State?

12 SOLICITOR CAMPBELL: Please seat the
13 juror.

14 CLERK: What say ye for the defense?

15 MR. ROBINSON: Please excuse the
16 juror.

17 CLERK: Have a seat back in the
18 audience, please.

19 (JUROR NUMBER 96 EXCUSED)

20 CLERK: Juror Number 99.

21 (WHITE MALE BEFORE COUNSEL)

22 CLERK: What say ye for the State?

23 SOLICITOR CAMPBELL: Please present Mr.
24 Lewis.

25 CLERK: What say ye for the defense?

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Jury Qualification

1 MR. ROBINSON: Please excuse the
2 juror.

3 CLERK: Please have a seat back in the
4 audience.

5 (JUROR NUMBER 99 EXCUSED)

6 CLERK: Juror Number 91.

7 (WHITE MALE BEFORE COUNSEL)

8 CLERK: What say ye for the State?

9 SOLICITOR CAMPBELL: Please present
10 Mr. Karr.

11 CLERK: What say ye for the
12 defense?

13 MR. ROBINSON: Please swear the
14 juror.

15 CLERK: That way, please.

16 (JUROR NUMBER 91 SEATED)

17 CLERK: Juror Number 132.

18 (WHITE FEMALE BEFORE COUNSEL)

19 CLERK: What say ye for the State?

20 SOLICITOR CAMPBELL: Please present Ms.
21 Percy.

22 CLERK: What say ye for the defense?

23 SIDEBAR:

24 CLERK: Do you want me to tell Rame
25 to quit calling them by name?

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1 THE COURT: No, I am just trying
2 to downplay it as much as I can.

3 CLERK: Okay.

4 (SIDEBAR CONCLUDED)

5 CLERK: What say ye for the defense?

6 MR. ROBINSON: Please swear the juror.

7 CLERK: Please have a seat in the jury
8 box.

9 (JUROR NUMBER 132 SEATED)

10 CLERK: Juror Number 86.

11 (BLACK FEMALE BEFORE COUNSEL)

12 CLERK: What say ye for the State?

13 SOLICITOR CAMPBELL: Please swear Ms.
14 Johnson.

15 CLERK: What say ye for the defense?

16 MR. ROBINSON: Please swear the juror.

17 CLERK: Please have a seat in the jury
18 box.

19 (JUROR NUMBER 86 SEATED)

20 CLERK: Juror Number 160.

21 (WHITE FEMALE BEFORE COUNSEL)

22 CLERK: What say ye for the State?

23 SOLICITOR CAMPBELL: Please swear Ms.
24 Silman.

25 CLERK: What say you for the defense?

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Jury Qualification

1 MR. ROBINSON: Please seat Ms.
2 Silman.
3 CLERK: Please have a seat, ma'am.
4 (JUROR NUMBER 160 SEATED)
5 CLERK: Juror Number 181.
6 (BLACK FEMALE BEFORE COUNSEL)
7 CLERK: What say ye for the State?
8 SOLICITOR CAMPBELL: Please swear Ms.
9 Wilson.
10 CLERK: What say you for the defense?
11 MR. ROBINSON: Please seat Ms.
12 Wilson.
13 (JUROR NUMBER 181 SEATED)
14 CLERK: Juror Number 84.
15 (WHITE MALE BEFORE COUNSEL)
16 CLERK: What say ye for the State?
17 SOLICITOR CAMPBELL: Please swear Mr.
18 James.
19 CLERK: What say ye for the defense?
20 MR. ROBINSON: Please excuse the
21 juror.
22 CLERK: Please have a seat back in the
23 audience.
24 (JUROR NUMBER 84 EXCUSED)
25 CLERK: Juror Number 81.

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1 (BLACK FEMALE BEFORE COUNSEL)

2 CLERK: What say ye for the State?

3 SOLICITOR CAMPBELL: Please swear Ms.
4 Hunter.

5 CLERK: What say ye for the defense?

6 MR. ROBINSON: Please swear the
7 juror.

8 (JUROR NUMBER 81 SEATED)

9 CLERK: Juror Number 44.

10 (BLACK MALE BEFORE COUNSEL)

11 CLERK: What say ye for the State?

12 SOLICITOR CAMPBELL: Please swear Mr.
13 Dean.

14 CLERK: What say ye for the defense?

15 MR. ROBINSON: Please swear the
16 juror.

17 CLERK: Please take a seat.

18 (JUROR NUMBER 44 SEATED)

19 CLERK: Juror Number 128.

20 (WHITE FEMALE BEFORE COUNSEL)

21 CLERK: What say ye for the State?

22 SOLICITOR CAMPBELL: Please swear Mr.
23 Paul.

24 CLERK: What say ye for the defense?

25 MR. ROBINSON: Please seat the juror.

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Jury Qualification

1 CLERK: Please take a seat.
2 (JUROR NUMBER 128 SEATED)
3 CLERK: Juror Number 1.
4 (WHITE FEMALE BEFORE COUNSEL)
5 CLERK: What say ye for the State?
6 SOLICITOR CAMPBELL: Please swear Ms.
7 Anders.
8 CLERK: What say ye for the defense?
9 MR. ROBINSON: Please excuse the
10 juror.
11 (JUROR NUMBER 1 EXCUSED)
12 CLERK: Juror Number 80.
13 (BLACK FEMALE BEFORE COUNSEL)
14 CLERK: What say ye for the State?
15 SOLICITOR CAMPBELL: Please swear Ms.
16 Humphrey.
17 CLERK: What say ye for the defense?
18 MR. ROBINSON: Please swear the
19 juror.
20 CLERK: Please take a seat in the jury
21 box.
22 (JUROR NUMBER 80 SEATED)
23 CLERK: Juror Number 66.
24 (WHITE FEMALE BEFORE COUNSEL)
25 CLERK: What say ye for the State?

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1 SOLICITOR CAMPBELL: Please swear Ms.
2 Harvey.

3 CLERK: What say ye for the defense?

4 MR. ROBINSON: Please excuse the
5 juror.

6 CLERK: Please take a seat in the
7 audience.

8 (JUROR NUMBER 66 EXCUSED)

9 CLERK: Juror Number 88.

10 (WHITE FEMALE BEFORE COUNSEL)

11 CLERK: What say ye for the State?

12 SOLICITOR CAMPBELL: Please swear Ms.
13 Jones.

14 CLERK: What say ye for the defense?

15 MR. ROBINSON: Please swear the
16 juror.

17 CLERK: Please have a seat.

18 (JUROR NUMBER 88 SEATED)

19 CLERK: Juror Number 142.

20 (WHITE FEMALE BEFORE COUNSEL)

21 CLERK: What say ye for the State?

22 SOLICITOR CAMPBELL: Please swear the
23 juror.

24 CLERK: What say ye for the defense?

25 MR. ROBINSON: Please excuse the

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1 juror.

2 (JUROR NUMBER 142 EXCUSED)

3 CLERK: Juror Number 97.

4 (BLACK FEMALE BEFORE COUNSEL)

5 CLERK: What say ye for the State?

6 SOLICITOR CAMPBELL: Please excuse the
7 juror.

8 CLERK: Please take your seat back in
9 the audience.

10 (JUROR NUMBER 97 EXCUSED)

11 CLERK: Juror Number 164.

12 (BLACK MALE BEFORE COUNSEL)

13 CLERK: What say ye for the State?

14 SOLICITOR CAMPBELL: Please swear Mr.
15 Smith.

16 CLERK: What say ye for the defense?

17 MR. ROBINSON: Please seat the juror.

18 (JUROR NUMBER 164 SEATED)

19 CLERK: Your Honor, that is twelve
20 jurors. Moving on to the alternates, do you
21 want one or two?

22 THE COURT: Two.

23 CLERK: Juror Number 12.

24 (WHITE MALE BEFORE COUNSEL)

25 CLERK: What say ye for the State?

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1 SOLICITOR CAMPBELL: Please swear Mr.
2 Bates.

3 CLERK: What say ye for the defense?

4 MR. ROBINSON: Please excuse the
5 juror.

6 CLERK: Have a seat, sir.

7 (JUROR NUMBER 12 EXCUSED)

8 CLERK: Juror Number 149.

9 (WHITE MALE BEFORE COUNSEL)

10 CLERK: What say ye for the State?

11 SOLICITOR CAMPBELL: Please seat Mr.
12 Rogers.

13 CLERK: What say ye for the defense?

14 MR. ROBINSON: Please excuse the
15 juror.

16 (JUROR NUMBER 149 EXCUSED)

17 CLERK: Juror Number 46.

18 (WHITE MALE BEFORE COUNSEL)

19 CLERK: What say ye for the State?

20 SOLICITOR CAMPBELL: Please seat Mr.
21 Dimel.

22 CLERK: What say ye for the defense?

23 MR. ROBINSON: Please seat the juror.

24 (JUROR NUMBER 46 SEATED AS ALTERNATE #1)

25 CLERK: Juror Number 110.

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1 (BLACK FEMALE BEFORE COUNSEL)

2 CLERK: What say ye for the State?

3 SOLICITOR CAMPBELL: Please seat Ms.

4 McIntosh.

5 CLERK: What say ye for the defense?

6 MR. ROBINSON: Please seat the juror.

7 CLERK: Please have a seat.

8 (JUROR NUMBER 110 SEATED AS ALTERNATE #2)

9 THE COURT: Any Motions from the State
10 with regard to jury selection?

11 SOLICITOR CAMPBELL: No, Your Honor.

12 THE COURT: Any Motions from the
13 Defense?

14 MR. ROBINSON: No, sir, Your Honor.

15 THE COURT: Very good. Ladies and
16 gentlemen, those of you that were selected,
17 just to let you know what we are going to do,
18 we have some pretrial matters to deal with
19 this afternoon.

20 I'm going to ask before you go that you
21 go back to your jury room to pick someone to
22 be your foreperson. The foreperson will be
23 someone who presides over the deliberations
24 at the end of the trial. Also will be
25 someone who communicates with me, if need be,

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1 during the course of the trial.

2 Alternates, you have the right to vote
3 but you may not serve as the foreperson since
4 you are the alternates.

5 If you would, once you have selected
6 whoever you would like to have from the
7 regular twelve to serve as your foreperson,
8 I ask that that person write their name and
9 juror number on a piece of paper and then
10 turn around and question your fellow jurors
11 to determine if anyone would like to have a
12 pad/paper and pencil or pen to use during the
13 course of the trial to take notes. Once you
14 have that information, knock on the door and
15 inform our bailiff.

16 I will then receive you back in the
17 courtroom and give you a few parting
18 instructions and excuse you until tomorrow
19 morning when we will begin opening statements
20 in the trial of this matter.

21 If you will, go with Buck now, please.

22 (JURY OUT @ 12:58 P.M.)

23 THE COURT: Mister Clerk, do you have
24 your list with the number on it?

25 CLERK: Yes, sir.

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1 THE COURT: Let me ask the young lady,
2 and I am not trying to single you out, but do
3 you feel uncomfortable sitting on any
4 criminal case?

5 JUROR NUMBER 180: Yes. I'm sorry, I
6 was just trying to be truthful.

7 THE COURT: Listen, I would much rather
8 that you be candid and honest with me now
9 than at the end of the case we find out there
10 was a problem. I am going to excuse you from
11 any criminal case. I'm not going to excuse
12 you from any civil case. All right?

13 JUROR NUMBER 180: Okay.

14 THE COURT: You'll need to get a piece
15 of paper with the number to call in, both of
16 you -- and I am going to ask you in a few
17 seconds. Call in and they'll -- if it is
18 hard to differentiate from that message, then
19 you will just need to come back. It will be
20 Judge Couch -- he's not nearly as good-
21 looking as I am, and all that, -- just
22 kidding. That's a Cordell -- Cordell Maddox
23 did that to me one time. Anyway just make
24 sure to tell him that I excused you from the
25 criminal side.

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1 Now, ma'am, can you sit on a criminal
2 case?

3 JUROR NUMBER 116: Yes.

4 THE COURT: You sure?

5 JUROR NUMBER 116: I'm positive.

6 THE COURT: Okay. The rest of you, I
7 am going to excuse you until they call you
8 back again. Please don't check in until
9 after 6:00 o'clock tonight. Mr. Shirley is
10 going to give you a number to call and they
11 will tell you whether or not and when you are
12 to report back. Thank you.

13 Thank you for being here, thank you for
14 your service to Anderson County and to South
15 Carolina. With that being said, you are
16 excused for the remainder of the day.

17 (JURY PANEL EXCUSED)

18 THE COURT: Scott? Rame?

19 (OFF RECORD BENCH CONFERENCE)

20 THE COURT: We are going to take a
21 break until 2:00 o'clock. Oh, oh, we have
22 got to wait for that jury.

23 Where is your client, Scott?

24 MR. ROBINSON: In the bathroom.

25 THE COURT: I am just going to tell the

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1 jury -- do you have a problem bringing them
2 in before he gets back?

3 MR. ROBINSON: No, sir, not for
4 preliminary remarks.

5 (DEFENDANT PRESENT)

6 (RECEIVED NOTE FROM JURY)

7 THE COURT: Juror Number 128 will be
8 our foreperson.

9 COURT REPORTER: Court's Exhibit 1.

10 (SO ENTERED AS COURT'S EXHIBIT 1)

11 THE COURT: Will you bring them in,
12 please.

13 (JURY IN @ 1:10 P.M.)

14 THE COURT: Juror Number 128 is going
15 to be our spokesperson or foreperson; is that
16 correct?

17 JUROR NUMBER 128: Yes, sir.

18 THE COURT: Okay. If you would each
19 time you come in, use that seat.

20 Alternates, raise your hands.

21 ALTERNATES: (Comply).

22 THE COURT: Use those seats. Juror
23 Number 159, -- and I am not trying to put you
24 on the spot -- but would you prefer that I
25 get you seated up here? Would it be easier

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1 for you to get in?

2 JUROR NUMBER 159: I'm fine.

3 THE COURT: You sure?

4 JUROR NUMBER 159: Yes, sir.

5 THE COURT: If you change your mind,
6 tell Buck and we'll get you -- accommodate
7 you. Okay?

8 JUROR NUMBER 159: Yes, sir.

9 THE COURT: Ladies and gentlemen, who
10 on the jury panel, including our Alternates,
11 would like to have pad and pen to take notes
12 with? Raise your hand -- raise them high.
13 Okay, one, two, three, four, five, six,
14 seven. Okay, that will be provided to you in
15 the morning.

16 If you would -- after I excuse you, I ask
17 that you be back in your jury room no later
18 than 9:25 in the morning. We are going to
19 start, hopefully, promptly around 9:30.

20 Before I excuse you, I'm going to tell
21 you a few things. Number one, I am going to
22 give you what is called the "don't speech."
23 That is simply that you are not allowed from
24 this point forward to speak with anybody
25 about this case until I tell you to begin

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1 your deliberations. That means with your
2 fellow jurors, you can't turn to each other
3 and ask 'what do you think about this case'
4 or 'what do you think about this?' 'What do
5 you think about that testimony?'

6 You can't speak with your spouses or your
7 children, significant others. I have a wife
8 and I have a daughter and I know if I was
9 selected on a case they'd be giving me twenty
10 questions when I got home about, 'what is the
11 case about, what's going on?' Just tell them
12 that, 'I will let you know once I'm off the
13 case.' Okay? The reason for that is simply
14 that we want you to be contained -- in other
15 words we want you to make your decision on
16 the evidence and the testimony that you hear
17 right here and the exhibits that I allow into
18 evidence and according to the law, as I give
19 to you, unaffected by anything somebody else
20 may say.

21 That includes oral communications, e-
22 mails, text messages or any fancy stuff that
23 I don't have a clue about: Twitter and all
24 this other stuff, that I don't have a clue
25 about. Just any form of communication, you

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1 may not engage in -- with your fellow jurors
2 or anyone else.

3 Also, you may not read, hear or see
4 anything about this case. I anticipate that
5 there may be things out there in the media,
6 in blogs or some other source of information
7 that I am not familiar with.

8 If, for example, you were to pick up a
9 newspaper and see something about the case,
10 put it down.

11 If you see something on TV, cut it off.

12 Radio, same thing.

13 Any more than I want you speaking with
14 anyone about this case, we don't want you
15 hearing about the case. The reasons are
16 exactly the same. We want you to make your
17 decision based on the testimony and the
18 evidence that you hear during the course of
19 this trial, unaffected and untainted by other
20 sources.

21 In addition, during the course of this
22 trial you may not and you shall not engage in
23 what is called independent jury research.
24 You can't look up something about a party or
25 witness in this case, court official. You

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1 can't look up anything about an issue that
2 you may hear about during the course of this
3 case or an issue that you think may be
4 helpful to your understanding. It is the
5 lawyers' job to present their case so that
6 you will understand it. You will not and you
7 shall not engage in independent research
8 about any person or issue that you hear about
9 or that you think would be helpful. Okay?

10 With that being said, I am going to
11 question each of you under oath each morning
12 before we begin whether or not you've read,
13 heard or seen anything about this case or
14 spoke with anyone about this case during the
15 interim. Okay? Just to forewarn you.

16 That being said, that ends my speeches to
17 you for the day. I am going to excuse you
18 for the day and ask that you be back in the
19 courtroom (sic) -- Buck is going to show you
20 how to get in and out -- no later than 9:25
21 in the morning. Thank you very much.

22 JUROR NUMBER 46: I am not sure that I
23 fully understand the role of an alternate.

24 THE COURT: Well, you are an alternate.
25 Both of the alternates are here in the event

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1 we have to replace one of the twelve primary
2 jurors for any reason. Those reasons could
3 be myriad: death in a family, sickness,
4 misconduct. If you violate the rules I just
5 told you, you could be replaced -- amongst
6 other things that could happen. You are
7 there as a safety valve. You'll be here up
8 to the time that the jury is told to go into
9 deliberations, assuming that there has not
10 been any replacement made during that period.
11 At that point you would be excused and would
12 not participate in the deliberations.

13 JUROR NUMBER 46: So we show up every
14 day at 9:25 and just sit here?

15 THE COURT: Yes, sir. Do you have any
16 questions about that?

17 JUROR NUMBER 46: Not at all. I just
18 wanted to ---

19 THE COURT: I just wanted to make sure.
20 Okay, we are going to excuse y'all for the
21 day. Thank you very much.

22 (JURY OUT @ 1:16 P.M.)

23 THE COURT: Any additions or exceptions
24 from the State or the Defense?

25 MR. ROBINSON: Judge, I do have an

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1 objection to the Alternate based on his line
2 of questioning.

3 THE COURT: He's going to stay. See
4 y'all about 2:15. Thank you.

5 (LUNCH RECESS)

6 (PREMARKED STATE'S EXHIBITS 1 THROUGH 30)

7 (DEFENDANT PRESENT)

8 SOLICITOR CAMPBELL: Your Honor, may we
9 approach?

10 (OFF RECORD BENCH CONFERENCE)

11 THE COURT: All right, we are going to
12 do Ezra Williams then take a break.

13 Mr. Robinson, I understand that you have
14 a Motion that the Defense needs to make. Do
15 you have a Motion for the record?

16 MR. ROBINSON: Your Honor, the --
17 there are actually probably three Motions.

18 One Motion regards the videotape picture
19 of the residence which is the subject of this
20 action.

21 Two, a suppression as far as the picture
22 of a vehicle, the 1994 Buick Regal that they
23 claim in this case.

24 Also a Motion *in limine* that goes
25 primarily to Officer/Investigator Barton

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1 about his going beyond ---

2 THE COURT: Well, in regards to any in
3 *limine* Motions regarding him, I can't direct
4 him and am not going to direct him to say
5 'you stay on point.' That is what
6 contemporaneous objections are all about.
7 Okay?

8 MR. ROBINSON: Yes, sir.

9 THE COURT: So you object to subject
10 matter that is inappropriate and I will
11 consider it.

12 MR. ROBINSON: Yes, sir.

13 THE COURT: I am not going to issue
14 advisory opinions prior to hearing it.

15 MR. ROBINSON: Of course not.

16 THE COURT: Okay. Let's go over your
17 first Motion, please. I have to ask you to
18 speak up a little bit.

19 MR. ROBINSON: I'm sorry, Your Honor.
20 I will do the best that I can.

21 THE COURT: Okay.

22 MR. ROBINSON: Judge, the first
23 Motion that I have is a Motion to suppress
24 the video and the pictures that they have
25 taken from this videotape.

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1 Here's why: In the report of Mister --
2 Investigator Barton's -- he makes mention
3 that they did not -- that it looks like they
4 did not retrieve the video from the DVR.
5 Some background, this particular landlord
6 decided to put cameras up in the area and
7 there's several videos of people including
8 Zachery Gantt, Jeremiah Johnson and Kyndra
9 Johnson but that is missing. From my
10 perspective it is not the whole videotape.
11 It appears -- I don't know why they didn't
12 get the whole videotape, only got part of the
13 videotape, but according to the detective
14 they made several attempts to retrieve the
15 entire video but were not successful.

16 THE COURT: Say that again.

17 MR. ROBINSON: He said in his report,
18 Detective Barton's report, that Detective Jim
19 Folks (phonetic) made several attempts to
20 retrieve the entire video from the DVR, which
21 is how he -- that had the cameras outside and
22 so forth -- and that he was unsuccessful.
23 That the DVR would remain in evidence until
24 they could ensure that they got the video.
25 They didn't get the whole video. I don't

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1 have in evidence the entire video. I don't
2 know how much of the video is missing or what
3 I have.

4 In my case that can be extremely
5 important because Zachery Gantt, one of the
6 State's main witnesses who has pled guilty,
7 he has -- his statement -- I could dispel
8 his statement if I had the whole video.

9 I don't know how much of the video that I
10 have. All I have is what the State has given
11 me. But if there is more video, which there
12 is according to the report of Officer Barton,
13 they made several attempts to retrieve the
14 entire video. So how much do they have of
15 the video? If they retrieved only the
16 portion that they needed to help them with
17 their case or -- that they thought would help
18 their case or help them establish certain
19 things.

20 THE COURT: Well, let me ask you this.
21 I know that you and Mr. Campbell met with me
22 this morning and pointed out some concerns
23 about your Motions.

24 MR. ROBINSON: Yes, sir.

25 THE COURT: I was doing some research

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1 over lunch about this area and -- is it your
2 contention that the State has lost or
3 intentionally destroyed any evidence in this
4 case?

5 MR. ROBINSON: No, I -- my
6 contention, Your Honor, is that this
7 information from that video, from this DVR,
8 could provide information that could be very
9 helpful, potentially evidence that could
10 help me in my case.

11 THE COURT: Well, let me put it to you
12 another way. Are you asking me to consider
13 your Motion on due process grounds or -- what
14 is the legal basis behind your Motion,
15 besides the fact that there may somehow be
16 some wealth of information that has not been
17 given up to you?

18 MR. ROBINSON: I think primarily it
19 is due process, that it has deprived my
20 client, Mr. Ezra Williams, of a fair shake
21 because it allows -- I am not saying it was
22 anything intentional. I am saying that the
23 problem is that, for whatever reason, this
24 DVR spit out the part that was great for them
25 and I don't know what the rest of it is.

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1 THE COURT: Right.

2 MR. ROBINSON: I'm not saying any-
3 thing but I just think it is very odd that it
4 only favors them.

5 THE COURT: Let me ask you this. In
6 looking at the cases that I looked at -- and
7 that was *State v. Cheeseborough*, *State v.*
8 *Breeze*, *State v. Jackson*, *California v. Stack*
9 *(phonetic)*, *Arizona v. Youngblood*, Supreme
10 Court cases, it appears that you are raising
11 it for loss or destruction of evidence. That
12 is what it sounds like to me. I want you to
13 correct me if I am wrong.

14 MR. ROBINSON: I think that is
15 accurate.

16 THE COURT: You have three factors:
17 One, that the State destroyed the evidence in
18 bad faith -- and I believe that I just heard
19 you say that is not ---

20 MR. ROBINSON: I don't see that.
21 That's for sure.

22 THE COURT: So the second aspect is
23 that the evidence would possess exculpatory
24 value that was apparent on its face before
25 the evidence was destroyed and that there is

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1 no other way of getting that or comparable
2 evidence back by other means. That seems to
3 be more in line with what you are saying.

4 Is there anything about the nature of the
5 videotape that you would contend or that you
6 have evidence to establish that it was
7 exculpatory, on its face, at the time it was
8 not retrieved. Otherwise it's seem like
9 you're asking me to engage in speculation as
10 to what it may have been or what it could
11 have shown.

12 MR. ROBINSON: That's the thing, Your
13 Honor, when we have the situation there that
14 -- they acknowledge that part is missing.
15 But you can't say that it done dishonestly.
16 I can't say that.

17 What I can say is that I believe that it
18 may have exculpatory information. I realize
19 that is to some degree speculation.

20 THE COURT: All right.

21 MR. ROBINSON: What I can say is that
22 I would -- that I have an issue with the part
23 of this video that could potentially hurt me
24 in this case but I don't have the part that
25 potentially is exculpatory, and that could

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1 help me. That's my -- I can't -- as an
2 officer of the court, I have no evidence that
3 it was intentional. I can't state that.

4 THE COURT: All right.

5 MR. ROBINSON: I have a situation
6 that puts me in the situation where, as an
7 attorney, I am disturbed by that.

8 THE COURT: Okay. Mr. Campbell?

9 SOLICITOR CAMPBELL: Your Honor, first
10 of all, this is the first time in the three
11 years that we've had this case that this
12 issue has come up; which is basically a
13 spoiliation-type kind of issue.

14 The DVD, the videotape that he is talking
15 about is -- we had two tapes that we pulled
16 the relevant times off. I think one was
17 April 9th, 2013.

18 What Detective Barton will testify to is
19 that in his report where he listed it was
20 when they went to the house pursuant to a
21 search warrant, the home of the landlord, who
22 owned the place, they removed an entire DVR
23 system from behind the wall where it was
24 hidden. The amount of what was -- the whole
25 of the DVR, they couldn't retrieve because it

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1 wouldn't fit on just a couple of disks.

2 They took it down to Jim Bolt, who at the
3 time was the City's, Anderson City Police
4 Department's, forensic computer analyst.

5 They attempted to try to download the entire
6 DVR system but due to the amount of time --
7 I don't know how many days but there were
8 numerous days that it recorded, -- they were
9 not able to download the whole entire thing
10 to disks, is what I am saying.

11 What they did was ---

12 THE COURT: Well, let me stop you there
13 if I may. The time in which this alleged
14 event took place, it took place in a day;
15 right?

16 SOLICITOR CAMPBELL: Yes, sir.

17 THE COURT: Were they able to recover
18 all the video from that day?

19 SOLICITOR CAMPBELL: Yes, sir. They
20 recovered a portion of time and Detective
21 Barton reviewed it, and the part that he felt
22 was relevant to his investigation, his
23 investigation, was the time -- at the time
24 this was Detective Perkins' case. At the
25 time, his -- it was roughly from about 4:00

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1 o'clock in the afternoon to the next day.
2 And we still have the DVR in evidence and we
3 -- because it was such -- we couldn't just
4 download it, but the Sheriff's Office
5 actually went ahead and purchased another one
6 for the homeowner and took it to him. We
7 have it in evidence. It's gone nowhere. I
8 mean, it's been sitting there the last three
9 years.

10 THE COURT: Did you ever get a request
11 to produce the DVR?

12 SOLICITOR CAMPBELL: No, we have not.
13 I've spoken to Mr. Robinson several times
14 regarding this and, uh, -- I asked him, Your
15 Honor if he wanted to go look at the
16 evidence. We discussed, he's been in my
17 office a couple of times and he's talked to
18 Mr. Haigler and myself and this is the first
19 time that this has come up to me regarding
20 the issue of what else may be on that DVR
21 tape.

22 THE COURT: Let me get a clarification.
23 Mr. Robinson, are you contending that during
24 the hours of this alleged incident, that any
25 video from that timeframe has been lost,

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1 destroyed or missing? Are you saying -- I
2 thought I heard Mr. Campbell say that 'we
3 couldn't download all the information from
4 weeks prior before this event occurred.'

5 Are you saying that the day that this
6 incident allegedly occurred that any evidence
7 went missing from that day?

8 MR. ROBINSON: I listened closely to
9 what Mr. Campbell said and I -- when I look
10 at the videos, the bunch of tapes that they
11 gave me, as far as -- it would track from, I
12 believe, -- from the next day from when this
13 happened, I believe -- I am going on that,
14 that's all. The statement saying that he
15 could not retrieve the entire video from the
16 DVR, and I'm wondering if there is any part
17 of that DVR that was in that period of time.

18 But as far as ---

19 THE COURT: Have you attempted to
20 review the DVR itself?

21 MR. ROBINSON: I have not.

22 THE COURT: He said that they ---

23 MR. ROBINSON: I did not. They have
24 an open door policy of discovery, obviously.
25 I've maybe fifteen -- have probably fifteen

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1 cases of evidence, so the DVR physically, I
2 didn't do that.

3 THE COURT: Anything further on that
4 aspect of your Motion? Yours was the video
5 and the pictures from that video; correct?

6 MR. ROBINSON: Yes, sir.

7 THE COURT: I am denying your Motion.
8 I think that the factors that I have to look
9 at to determine a due process violation have
10 not been met. You're essentially asking or
11 Mr. Williams is asking me to engage in
12 speculation about what might be missing, any
13 timeframe which may be missing. Information
14 was made available to you that was not taken
15 advantage of, so I'm going to deny your
16 Motion. That may be more appropriate for
17 cross-examination.

18 What is your next Motion?

19 MR. ROBINSON: The next Motion, Your
20 Honor, regards the Motion to suppress the
21 pictures of the automobile. In this matter,
22 it states that there is a 1994 Buick Regal
23 which they allege is the vehicle in the
24 video, in the pictures. The video, if I am
25 correct, is black-and-white.

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1 It is an ugly brown, gold-color Buick
2 Regal. You can't see -- in the black-and-
3 white pictures there you can't tell the color
4 or nothing like that.

5 Also I think ---

6 THE COURT: What is the basis of your
7 Motion, that it is just not properly
8 authenticated or that you cannot ---

9 MR. ROBINSON: It's just -- I don't
10 think it's that. I have an issue with the
11 fact that -- I went to -- I met with Mr.
12 Haigler last week to look at all the, uh,
13 just to make sure I had all the videos and,
14 you know, everything.

15 The car that they say belongs to my
16 client -- the car in the pictures has got no
17 stickers or anything like that. When Mr.
18 Barton went to the new owner of the vehicle,
19 Joyce Johnson, when she spoke to them she
20 told him -- and I believe that this is
21 correct -- she told him that the vehicle came
22 with stickers and so forth. It's not the
23 same vehicle. They are putting out there
24 that it is this man's vehicle, but it's not
25 this man's vehicle, it is not the same

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1 vehicle.

2 The only person who says that it is the
3 same vehicle is the codefendant, Zachary
4 Gantt, and I believe his credibility is in
5 question.

6 So I don't believe that they can prove
7 that it is the same vehicle. They are
8 going to bring it in as this man's vehicle
9 and they don't know that. There is no way --
10 there is no license plate that can be seen on
11 the car to identify it, at all. It is not
12 even the same car in the pictures.

13 So I don't believe that -- they're
14 bringing in a vehicle that he didn't own.
15 It's not the same vehicle. He sold his
16 vehicle to his grandma. His grandma sold it
17 to this Joyce Johnson.

18 Whether that vehicle is his or not -- and
19 we contend that it is not. If you look at
20 the picture, you can see that it is not his.

21 That is the Motion to suppress that we've
22 got. It's important to me to keep that out
23 because it's not the same vehicle. That's my
24 Motion to suppress, Your Honor.

25 THE COURT: Thank you, sir. Mr.

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1 Campbell?

2 SOLICITOR CAMPBELL: Yes, sir, Your
3 Honor. Regarding this, we did take the
4 stills from the house video. It is not in
5 black-and-white. It is the best color that
6 we could get due to the fact that it is dark.
7 It is when we allege Mr. Williams showed up
8 to the alleged crime scene at the house, [REDACTED]
9 Jerry Drive.

10 What we do have regarding the actual
11 identification of it is that we have two
12 individuals that were at the house that can
13 identify this vehicle as his vehicle, that he
14 was the one that had the keys to it, that he
15 gave them the keys to drive it. They will
16 testify to that. We can lay the foundation
17 regarding all of that.

18 Furthermore, we do disagree with Mr.
19 Robinson as to the identification of it
20 because based on our perception, in view of
21 the photographs, there is one statement that
22 identifies it. Of course it is dark, due to
23 it being night, but it is one that we feel
24 stands out.

25 This vehicle, of course, went missing

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1 right after this. We couldn't find it for
2 awhile. We did a background check and we do
3 have the title history on it and it turns out
4 that this car was initially purchased by or
5 for Martha Everett, who is Mr. Williams'
6 girlfriend. He was living with her at the
7 time. Her name popped up in this case and
8 our officers went out to investigate, talk to
9 her, when she was trying to give an alibi for
10 him. They started running a check and
11 realized that it went to his grandmother,
12 then to his aunt. Then about a year after
13 this they happened to ride by the
14 neighborhood where Ms. Johnson lives and
15 found the vehicle, took photographs of it.
16 It's a very distinct vehicle, it was only
17 made a couple of years. In one of the
18 photograph there appear to be the same
19 sticker in the bottom right-hand corner as
20 the daylight pictures taken a year later as
21 there was on that night.

22 I feel that it goes more to the weight
23 for the jury to decide whether this is the
24 vehicle in question. We feel that it is.

25 One of the codefendants, as Mr. Robinson

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1 stated, Mr. Gantt is going to testify that
2 this is his car, that this is what he drove.
3 He drove it himself. He got the keys from
4 him.

5 Based on the information that we have, it
6 all points in one direction, that it is his
7 vehicle. We feel that we can lay a proper
8 foundation to get this information to the
9 jury, and that's what we are -- we are
10 requesting the Court, respectively, to deny
11 the Motion.

12 THE COURT: At this point, I am going
13 to reserve ruling. I think that you're going
14 to have to, Mr. Robinson, for purposes of the
15 record renew your Motion at the appropriate
16 time.

17 MR. ROBINSON: Yes, sir.

18 THE COURT: And make the appropriate
19 objection at that time. I can't tell you at
20 this time ---

21 MR. ROBINSON: Your Honor, I had
22 decided that in listening to Mr. Campbell
23 that since these Regals are so unique, it's
24 a '94 gold-colored Regal car, I can go out
25 and buy all the ones that I can find, put

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1 them on eBay and make a ton of money.

2 THE COURT: All right. Any other
3 Motions from the Defense?

4 MR. ROBINSON: No, Your Honor. Thank
5 you.

6 THE COURT: Anything from the State?

7 SOLICITOR CAMPBELL: Yes, Your Honor.
8 I just want to put on the record that Mr.
9 Robinson and I had spoken prior to this and
10 one of the individuals that will be
11 testifying is Zachary Gantt's mother. We did
12 provide her current rap sheet to Mr. Robinson
13 this morning in court. He was asking for
14 some information regarding some recent
15 arrest, which is relevant, and it shows that
16 on her rap sheet; so we did provide that to
17 him.

18 Also we -- we'd met several times with
19 Mr. Robinson, myself and Mr. Haigler, during
20 the course of this investigation and his
21 representation of Mr. Williams. Based on our
22 discussion, several talks in our office and
23 on the phone, we have agreed to stipulate to
24 any type of chain of evidence regarding this
25 case. We have eliminated several witnesses

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1 due to that fact. This is not an evidence-
2 type case. It is really more a credibility-
3 type case.

4 THE COURT: Do you agree with that?

5 MR. ROBINSON: I do, Your Honor. We
6 actually met several times, moreso to make it
7 efficient so as not to waste time. Yes, I
8 agree it is.

9 THE COURT: Have you discussed that
10 with your client?

11 MR. ROBINSON: I did before this,
12 Your Honor, but I can talk to him now.

13 THE COURT: Okay.

14 MR. ROBINSON: I normally would as
15 far as stipulations go but -- because the
16 stipulations are just administrative type
17 stuff.

18 THE COURT: Okay. Anything further?

19 SOLICITOR CAMPBELL: No, Your Honor.

20 THE COURT: Okay, 9:30 in the morning.
21 We will start sharp at 9:30.

22 (COURT IN RECESS)

23 (TRANSCRIPT CONTINUED NEXT PAGE)

24

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9:30 A.M.

(DEFENDANT PRESENT)

THE COURT: Let me see the attorneys up here, please.

SIDEBAR:

SOLICITOR HAIGLER: We have a question?

THE COURT: Who is our first Alternate?

SOLICITOR HAIGLER: The guy in the back, the one who wanted to know what his responsibilities were.

THE COURT: Okay. Then he will be seated as our alternate. We will excuse Ms. Humphrey due to illness.

MR. ROBINSON: And, Judge, another matter. Rame just gave this to me, typed out ---

SOLICITOR CAMPBELL: That is our work product.

MR. ROBINSON: It's a synopsis of all the jail phone calls that were made. I am concerned that they are going to try to put it in through Mr. Barton, not

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1 someone from the jail.

2 SOLICITOR CAMPBELL: It is a
3 system that records the phone calls and
4 the officers have access to those. Each
5 inmate has a PIN number that -- and when
6 they are first on the phone it says "your
7 call is being recorded." The officer
8 types in the PIN number, all the calls
9 pop up. Then he plays it and can
10 download it. The officer is the one that
11 listens to it first. It is not the jail
12 house people, because they have no clue.

13 MR. ROBINSON: Okay. See, I have
14 an objection but I understand what he is
15 saying.

16 SOLICITOR CAMPBELL: We will lay
17 the foundation to ---

18 THE COURT: Let's do this.
19 Anything that you have that is objection-
20 able, raise that objection when we get
21 started and we can do it in-camera or at
22 least have some argument about it.

23 MR. ROBINSON: I appreciate it.

24 THE COURT: Sure, we want to have
25 a clean record.

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(SIDEBAR CONCLUDED)

THE COURT: Gentlemen, for the record,
-- I know we had a bench conference but I
just received a note from one of the jurors,
Juror Number 80, who was one of the first
twelve, not an alternate, who has some
medical issues going on and is asking to be
excused. My understanding is that the State
and the Defense are both in agreement that
Juror Number 46 was the first Alternate and
should be seated. The parties are also
agreeable to excusing Juror Number 80 and
going with one alternate.

Is that correct, Mr. Campbell?

SOLICITOR CAMPBELL: That's correct.

THE COURT: Is that correct, Mr.
Robinson?

MR. ROBINSON: That's correct, Your
Honor.

COURT REPORTER: The note will be
Court's Exhibit 2.

(SO ENTERED AS COURT'S EXHIBIT 2)

MR. ROBINSON: Excuse me a moment,
Your Honor. At the sidebar just a second
ago, I made clear that I received a list of

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1 the jail calls this morning and I have an
2 objection to ---

3 THE COURT: Well, what I understood Mr.
4 Campbell to say or what the transcript is is
5 that it is his work product based on phone
6 calls allegedly made by Mr. Williams from the
7 detention center; is that correct?

8 SOLICITOR CAMPBELL: That's correct.
9 We had my office go through them and type
10 that up. It was not done officially by a
11 court reporter but it is a ---

12 THE COURT: Is this supposed to be a
13 transcript of that?

14 SOLICITOR CAMPBELL: No, it's not
15 verbatim. It's just a synopsis of what was
16 said. That helped us narrow down the phone
17 calls, helped us to narrow down where to go
18 from these phone calls.

19 THE COURT: So -- I don't know where he
20 is going with that. What I just stated to
21 you and stated to Mr. Campbell, depending on
22 what he wants to do, state your objection and
23 we will hear it in-camera or oral arguments
24 and then we can make a determination at that
25 juncture.

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1 MR. ROBINSON: Yes, Your Honor.

2 Thank you.

3 THE COURT: Yes, sir. Please tell
4 Number 80 that she can go. Tell her that she
5 needs to call back tonight.

6 (JUROR NUMBER 80 EXCUSED)

7 THE COURT: Okay.

8 SOLICITOR CAMPBELL: And, Your Honor,
9 if we could make that announcement that we're
10 ---

11 THE COURT: We are sequestering.

12 SOLICITOR CAMPBELL: I'm keeping my
13 first witness in, he's my very first witness.
14 He's the officer on the front row.

15 THE COURT: Okay. All right.

16 CLERK: Your Honor, I've got seven pads
17 but not seven pens. I've called but nobody is
18 answering. Let me go get some pens.

19 THE COURT: While we wait for that, let
20 me state that it is my understanding that the
21 defense is requesting that we sequester the
22 witnesses, which is something that I deal with
23 on a standard basis.

24 Who is your first witness, Mr. Campbell?

25 SOLICITOR CAMPBELL: Matthew McCarty.

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1 He is the deputy here on the front row.

2 THE COURT: You can stay in since you
3 are the first witness.

4 DEPUTY MCCARTY: Yes, sir.

5 SOLICITOR CAMPBELL: Thank you.

6 THE COURT: Look around and make sure
7 that all potential witnesses are out. Mr.
8 Robinson, the same thing with you.

9 MR. ROBINSON: Yes, sir.

10 THE COURT: If they remain in here they
11 are not going to be allowed to testify. Do
12 you understand that, Mr. Robinson?

13 MR. ROBINSON: I do.

14 (POTENTIAL WITNESSES EXIT COURTROOM)

15 THE COURT: Are we close to getting our
16 utensils over here, Mister Clerk?

17 CLERK: They said they're on their way.

18 THE COURT: All right. Bailiffs, once
19 we begin our opening statements and during the
20 charge, do not let anybody in or out of the
21 courtroom.

22 CLERK: We have the pens now, Your
23 Honor.

24 THE COURT: State ready to proceed?

25 SOLICITOR CAMPBELL: Yes, sir, Your

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1 Honor.

2 THE COURT: Mr. Robinson?

3 MR. ROBINSON: Yes, sir.

4 THE COURT: Any additional matters from
5 the State before we get started?

6 SOLICITOR CAMPBELL: No, Your Honor.

7 THE COURT: Any additional matters from
8 the Defense before we get started?

9 MR. ROBINSON: No, Your Honor.

10 THE COURT: Are both of you ready to
11 proceed?

12 MR. ROBINSON: Yes, sir.

13 SOLICITOR CAMPBELL: Let's go.

14 THE COURT: Bring in our jury, please.

15 CLERK: This is a Court's exhibit?

16 COURT REPORTER: Court's Exhibit 2.
17 It has been marked.

18 (JURY IN @ 9:32 A.M.)

19 THE COURT: Good morning, ladies and
20 gentlemen. Let me make a few administrative
21 changes.

22 Juror Number 46, back row, move around.
23 You are the primary alternate, so you are now
24 being seated as part of the jury panel who
25 will deliberate. So you are no longer an

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1 alternate. Each time you come in and out of
2 the jury room you do not need to sit on that
3 back row anymore.

4 Ma'am, you will need to stay there.

5 Mister Foreperson, you need to sit there.

6 The rest of you may sit wherever you
7 like.

8 (JUROR NUMBER 46 SEATED)

9 THE COURT: That being done, Mister
10 Clerk, would you swear the jury?

11 (WHEREUPON JURY SWORN)

12 (CLERK DISTRIBUTES PADS AND PENS)

13 THE COURT: Do all the jurors who
14 requested to have a pad and pen have the pad
15 and pen? (Affirmative response from various
16 jurors). Very good.

17 Ladies and gentlemen, let me say this
18 before we get started. Trials are not an
19 endurance contest. So if at any time I ask
20 you to come back to the courtroom and any
21 jurors are not ready to come back, just send
22 word.

23 If during the course of the day I have
24 not taken a break and any juror needs or
25 would like to have a break, just let me know

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1 and we will be glad to accommodate you as
2 best we can.

3 Also if at any time you can't see the
4 witness or an exhibit, or if you can't hear
5 the testimony, let me know and we will stop
6 to rearrange things because it is vital that
7 you see and hear everything that is said and
8 offered during this trial.

9 I will now give you some opening
10 statements. This is not a charge on the law.
11 I will give that to you at the end of the
12 trial, at the end of all the testimony in
13 this case.

14 First, I don't know if any of you have
15 ever been involved with a trial before,
16 whether criminal or civil, as a juror, as a
17 party, witness, participant or in some other
18 capacity.

19 I would suspect however that each of you
20 have watched court proceedings as depicted on
21 TV or in movies. Let me quickly dispel you
22 of any notions that you may have that trials
23 are anything like what you see on TV. They
24 are nothing like you see on TV or in a movie.
25 They are often very slow, very deliberate,

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1 very methodical. They certainly are not
2 entertainment. They are a search for the
3 truth, seeking that justice be done.

4 These attorneys, for the State and for
5 the Defense, are advocates for their clients.
6 You can expect that during this trial they
7 will advocate their positions for their
8 clients.

9 That being said, they are also officers
10 of this Court. That means that you can
11 expect them to be professional, courteous and
12 ethical in their dealings with parties and
13 witnesses that may appear before you during
14 the trial of this case.

15 You have just taken an oath to try to
16 reach a fair and just verdict in this case.
17 What that means is that these parties, the
18 attorneys and this Court has the right to
19 expect from you that you will be fair, that
20 you will be impartial, that you will be
21 ethical in your dealing with this matter,
22 that you will follow the instructions of the
23 Court and abide by the requests that we make.

24 First, as I told you yesterday what I
25 would do each day throughout this trial, I

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1 will ask of you if anyone has read, heard,
2 seen or spoken with anybody this case. If
3 you have, raise your hand. (No response).
4 Very good. The record will reflect that no
5 one has spoken with anyone about this case or
6 heard anything about it.

7 Basically all this is is a discussion to
8 let you know what to expect during the course
9 of the trial.

10 Some of you have indicated that you want
11 to take notes. Some courts will not let you
12 take notes. I find that if a juror wants to
13 take notes that it helps them out.

14 But let me caution you about that. One,
15 some people are better note-takers than
16 others. Just because something may appear in
17 one juror's notes, Madam Forelady, at the end
18 of the day when you begin your deliberations
19 that doesn't mean that just because it is in
20 writing that -- it doesn't trump somebody's
21 memory of that fact. That is why they're
22 called deliberations. You will have to hash
23 that out and hopefully reach a conclusion as
24 to what that fact is.

25 Also, as jurors, one of the functions

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1 that you will have to gauge is to determine
2 the credibility and believability of a
3 witness. In other words, you'll have to --
4 which witness do you want to believe, which
5 part of their testimony do you want to
6 believe or which part you do not. In making
7 that determination, one thing that you need
8 to do is to watch the witness' demeanor here
9 while they are on the stand. If you are so
10 engrossed in taking notes that you miss a
11 subtle reaction, you may miss something that
12 is very important as to that witness'
13 credibility or their demeanor. Okay. Those
14 are just a few cautionary remarks about
15 taking notes.

16 If you remember from yesterday, there are
17 four documents in the case of the State
18 versus Ezra Rysunn Williams. He's been
19 indicted for murder, kidnaping, armed robbery
20 and possession of a weapon during the
21 commission of a violent crime.

22 As I told you yesterday, the fact that
23 this gentleman has been arrested, charged and
24 indicted is not evidence of his guilt in any
25 sense of the word. These documents are

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1 simply the charging mechanism by which the
2 State of South Carolina brings person such as
3 Mr. Williams before the court for a trial and
4 determination by a jury, such as yourselves,
5 of their guilt or innocence.

6 In fact, Mr. Williams has pled not guilty
7 to all four indictments in this matter. That
8 therefore puts the burden on the State of
9 South Carolina to prove each and every
10 element of each indictment by proof beyond a
11 reasonable doubt.

12 Madame Forelady, I will remind you at the
13 end of this case, each of these indictments
14 is freestanding. You will consider each
15 indictment separately from your decision on
16 any other indictment. Okay?

17 That being said, let me give you a brief
18 definite of what reasonable doubt is so that
19 you can have it in your mind during the
20 course of this case. I will certainly charge
21 you on that again at the conclusion of this
22 case.

23 A reasonable doubt is that doubt which
24 would cause a reasonable person to hesitate
25 to act.

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1 As I told you, the State has the burden
2 of proving Mr. Williams guilty by proof
3 beyond a reasonable doubt.

4 Some of you may have been involved in
5 civil cases. In civil cases, the
6 preponderance of the evidence is the
7 standard, or the greater weight. In other
8 words, all you have to do is to tilt the
9 scales ever so slightly in favor, one way or
10 the other, and you've met your burden of
11 proof.

12 In criminal cases, the burden of proof is
13 much more powerful than that. It is proof
14 beyond a reasonable doubt.

15 Now, proof beyond a reasonable doubt is
16 proof that leaves you firmly convinced of the
17 defendant's guilt.

18 Also, ladies and gentlemen, there are
19 very few things in this world that we know
20 with absolute certainty. In this case, and
21 in all criminal cases, the law does not
22 require proof that overcomes every possible
23 doubt.

24 If based on your consideration of the
25 evidence in this case you are firmly

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1 convinced that the defendant is guilty of the
2 crime or crimes with which he has been
3 charged, then at the end of the day you must
4 find him guilty.

5 On the other hand, if you think that
6 there is a real possibility that the
7 defendant is not guilty, you are required to
8 give him the benefit of the doubt and find
9 him not guilty of that charge or charges.

10 So, ladies and gentlemen, that is a
11 general idea of what reasonable doubt is.
12 At the end of the day when you begin your
13 deliberations, and I will tell you when, it
14 will be your burden or your duty to decide
15 whether the State has met its burden of proof
16 on the charges that have been submitted to
17 you.

18 Now, you, in the vernacular of the law
19 are considered judges of the facts. Your
20 purpose, as jurors, is to determine what the
21 facts are. You and you alone have that
22 obligation and duty in this case. If I do
23 anything throughout the course of this trial
24 that seems to indicate to you how you are to
25 find the facts or what verdict you are to

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1 reach, then you must disregard that. I tell
2 you that our State Constitution does not
3 allow any circuit court judge, or any judge,
4 to make a comment on the facts of the case or
5 to have an opinion on the facts of the case
6 and I do not.

7 You will determine what the facts are in
8 this case from the testimony that you hear in
9 this courtroom, from this witness stand right
10 here from the people that have been sworn in.
11 Also from any exhibits that I allow in
12 evidence.

13 Once a witness is allowed to testify or a
14 subject or exhibit has been allowed to come
15 in, you'll determine what weight that it has
16 and what believability that it has. That is
17 solely up to you.

18 Now, it is very important to stay focused
19 and pay attention throughout the trial. I
20 will tell you that if I make a misstatement
21 of law there are several groups of people
22 down in Columbia who will correct me. On the
23 other hand, ordinarily an incorrect
24 determination of what the facts are is not
25 correctible on appeal. So it is important

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1 for you to stay fully engaged throughout the
2 course of this trial.

3 Now, the law that makes you the sole
4 judges of the facts of this matter makes me
5 the sole judge of the law. What that simply
6 means is that I give you instructions about
7 the case -- you may not like them but you
8 have to abide by them. You must apply the
9 law as I give it to you at the end of the
10 case. You may disagree with it, you may
11 think that it should be something other than
12 what it is but you must apply the law as I
13 give it to you at the end of this cases.
14 Madam Forelady, you need to make sure that is
15 done.

16 Again, do not begin your deliberations
17 until I tell you to do so. That includes
18 talking to one another, any family members,
19 in any form or fashion.

20 Also, you're not to engage in any
21 independent jury research about the case.

22 You are not to listen to any news about
23 the case.

24 You are not to research anything about
25 the case, as I told you yesterday.

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1 In this case, in every case there are
2 five phases:

3 One will be the opening statements.

4 There will be the presentation of the
5 evidence.

6 There will be closing arguments by
7 counsel.

8 I will charge you on the law.

9 You will begin your deliberations.

10 I tell you that so that you will
11 generally know where we are throughout the
12 course of the trial.

13 In just a moment the State is going to
14 make their opening statement. What they tell
15 you is not evidence. It is what they think
16 that the case is about. I am not going to
17 minimize it because it's very important but
18 evidence is what you hear from the testimony
19 incorporated and the exhibits which are
20 admitted into evidence.

21 The Defense will also make an opening
22 statement and the same rules apply to them.
23 What they tell you in opening statements or
24 closing statements or throughout this trial
25 is not evidence.

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1 Counsel's comments are to help you
2 understand the issues in the case. The only
3 true evidence that you will hear is the
4 testimony of the witnesses and exhibits that
5 I allow to be entered of evidence.

6 On the other hand, the defense does not
7 have to make an opening statement because the
8 burden is on the State of South Carolina to
9 prove his guilt beyond a reasonable doubt on
10 all charges.

11 In every case I was involved with as an
12 attorney, every case I've been involved with
13 as a judge, there are objections. I will say
14 to you this, that these attorneys, as part of
15 their oath, have an obligation to stand up
16 and object any time they feel like something
17 improper is happening in the courtroom.

18 Now, the fact that an attorney raises an
19 objection or to the extent that I let you
20 stay here in the courtroom and let you listen
21 to the response to that objection is not
22 evidence. Madam Forelady, it would be
23 improper to allow any juror to engage during
24 deliberation, or prior to that, in any
25 conversation about the fact that an objection

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1 was raised or my ruling on it. Simply put,
2 that is part of the process and part of an
3 attorney's obligation.

4 On the other hand, I may need to send you
5 out of the courtroom because at times it
6 would be improper for you to hear the grounds
7 on which they are objecting. That is simply
8 part of the process.

9 Madam Forelady, any time that you need to
10 communicate with the court, you will have a
11 pad that Buck has given to you. Write down
12 any issue that you need to be addressed.
13 Write it down, sign it, knock on the door,
14 give it to Buck. I will receive it and we
15 will respond accordingly. Okay?

16 With that being said, to make sure that
17 I haven't overlooked something that I should
18 have told you or stated something improperly,
19 I ask that you go back to your jury room. We
20 will be very briefly.

21 When we come back, we will start with the
22 State's opening statement.

23 Go back to your jury room.

24 (JURY OUT @ 9:56 A.M.)

25 THE COURT: Any additions or exceptions

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Opening Statement by Solicitor Campbell

1 from the State?

2 SOLICITOR CAMPBELL: No, Your Honor.

3 THE COURT: From the Defense?

4 MR. ROBINSON: No, Your Honor.

5 THE COURT: You guys ready to go or do
6 you want to take a quick break before you do
7 your opening statements?

8 SOLICITOR CAMPBELL: Ready, Your Honor.

9 THE COURT: Are you going to do an
10 opening statement?

11 MR. ROBINSON: Yes, sir.

12 THE COURT: Go ahead and bring the jury
13 back, please. You can let the reporter back
14 in.

15 (JURY IN @ 9:57 A.M.)

16 THE COURT: State ready to proceed?

17 SOLICITOR CAMPBELL: Yes, Your Honor.

18 THE COURT: Mr. Haigler.

19 SOLICITOR HAIGLER: Yes, Your Honor.

20 THE COURT: You may proceed.

21 SOLICITOR HAIGLER: Thank you, Your
22 Honor. Good morning, ladies and gentlemen.

23 During the late night hours of Sunday,
24 July 1st, 2012, Chandrakant Patel, who went by
25 "C.J." was escorted through a narrow wooded

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1 path by three men. His hands were tied
2 behind his hand. If he could have been seen
3 in the daylight, you wouldn't have been able
4 to recognize him because he had been battered
5 and bruised. He'd been held against his will
6 for hours, beaten and tortured. Now it was
7 about to come to an end.

8 In those woods, when he didn't give those
9 three men the information that they wanted,
10 which were the PIN numbers to his ATM cards,
11 a nine millimeter was put to his head and he
12 was killed with just one shot.

13 Ezra Williams, the defendant in this
14 case, is the one that fired the shot that
15 killed C.J. Patel. He also took part in the
16 armed robbery and kidnapping of C.J. that
17 took place at [REDACTED] Jerry Drive here in
18 Anderson County.

19 C.J. ran an Exxon gas station on Clemson
20 Boulevard near the interstate. He worked
21 that day, July 1st. When he left work that
22 day, he went to meet up with Kyndra Howell,
23 a codefendant in this case and one of Ezra's
24 girlfriends at the time. He went to her
25 house with the ill intentions of paying her

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1 or someone else money in exchange for sex.

2 Each of you has been selected to
3 determine whether there is evidence beyond a
4 reasonable doubt to show that Ezra Williams
5 is responsible for the murder of C.J. Patel.

6 In order to prove that to you we're going
7 to present evidence, the majority of which
8 will come in the from of testimony from right
9 here on this witness stand.

10 You are going to hear from investigators,
11 like Danny Barton who worked this case from
12 the beginning as a missing person call to its
13 unfortunate ending.

14 You are also going to hear from Zachery
15 Gantt, a codefendant in this case.

16 Further, you will hear from Dr. Brett
17 Woodard, the pathologist who performed the
18 autopsy, who will tell you that Mr. Patel
19 died as the result of a single gunshot wound
20 to the head but not before he was beaten and
21 tortured.

22 The evidence in this case will show that
23 C.J. Patel went to [REDACTED] Jerry Drive, which
24 was Kyndra Howell's residence, the afternoon
25 of July 1st. He arrived in his black four-

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1 door Honda. He arrived. Kyndra came
2 outside, got in his car and they left
3 together. Shortly after that they returned
4 and both went inside the residence.

5 At this time, C.J. did not know that
6 Kyndra had no intentions of following through
7 with her part of the arrangement in providing
8 someone to have sex with him for money.

9 He didn't know that Kyndra was hard out
10 (sic) on money, was about to be evicted from
11 her home, and saw him as a perfect victim for
12 a robbery. The only problem was that she
13 needed help, she couldn't do it herself.

14 So she went outside of her home and
15 enlisted the help of Zachery Gantt and
16 Jeremiah Johnson, two guys from the neighbor-
17 hood. She told them, 'I've got this guy
18 inside, he runs a gas station, he's always
19 got a lot of cash. Why don't y'all come in
20 and help me rob him?' They agreed.

21 They went into the house and while C.J.
22 stood alone in a bedroom they ambushed him.
23 Jeremiah and Zach threw him to the ground,
24 tied his hands behind his back, started
25 beating on him. They got his wallet. They

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1 were not satisfied with the amount of cash
2 that was in his wallet. I believe that it
3 was about seventy dollars.

4 At that point they got his ATM cards and
5 started beating him some more, wanting his
6 PIN numbers. There were multiple attempts to
7 go use his ATM cards at gas stations and at
8 ATMs which failed.

9 Later Ezra Williams arrives at the
10 residence. This is when the beating
11 escalated to only what can be described as
12 torture. Ezra sprayed bug spray in C.J.'s
13 eyes, he cut him multiple times with a knife,
14 he put a knife on a hot stove and burned C.J.
15 with it; all in an attempt to get these PIN
16 numbers from him.

17 When all this torture failed to get what
18 they wanted, their decision was 'take him out
19 of here and kill him.'

20 That is when they drove him to a heavily-
21 wooded area at the corner of Highway 29 and
22 Big Water Road. They walked him into the
23 woods about a hundred and ten yards, where
24 they thought that his body wouldn't be easily
25 discovered and Ezra shot him in the head.

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1 The three of them left him there for dead
2 for ten days until his body was ultimately
3 discovered.

4 They went home, went back to Kyndra's
5 residence and smoked a Blunt while they had a
6 guy from the neighborhood clean up C.J.'s
7 car.

8 After the car was clean, they went and
9 dumped it in Fair Play in an attempt to
10 conceal all of their crimes.

11 Now, the Defendant is charged with the
12 crimes -- I mentioned Kyndra Howell, Zachery
13 Gantt, Jeremiah Johnson and of course this is
14 Ezra Williams. Mr. Williams is, as the Judge
15 said, charged with armed robbery, possession
16 of a weapon during the commission of a
17 violent crime, kidnapping and murder.

18 The elements of murder are the killing of
19 another person with malice aforethought.

20 Armed robbery is the taking and carrying
21 away of the personal property of another with
22 the intent to permanently deprive the person
23 of the property and the defendant was armed
24 with a deadly weapon during the robbery.

25 Kidnapping is knowingly and unlawfully

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Jury Trial of August 10-12, 2015

Opening Statement by Solicitor Campbell

1 seizing, confining, inveigling, decoyed,
2 kidnap, abducted or carried away another
3 person without the authority of law.

4 Possession of a weapon during the
5 commission of a violent crime sort of speaks
6 for itself. The defendant is guilty of
7 committing a violent crime and was in
8 possession of a firearm or knife during the
9 commission of this crime.

10 Another rule of law that will come up in
11 this case is the hand of one is the hand of
12 all. If a crime is committed by two or more
13 people acting together in committing the
14 crime, the act of one is the act of all.
15 That is why all four have been charged in
16 this case.

17 The elements of all those crimes will
18 come up in much greater detail by the judge
19 at the end of the trial but this is just
20 something to keep in the back of your mind
21 while you are listening to the testimony and
22 evidence.

23 I appreciate your time. Thank you.

24 THE COURT: Mr. Robinson, does the
25 Defense wish to have an opening statement?

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Jury Trial of August 10-12, 2015

Opening Statement by Mr. Robinson for Defense

1 MR. ROBINSON: Yes, Your Honor. Mr.
2 Haigler, Mr. Campbell.

3 Good morning. Again, my name is Scott
4 Robinson and I practice here in the Upstate.
5 It is my pleasure to be here before you
6 today.

7 You know, this past weekend I had a Honey
8 Do List to do. That's when your significant
9 other kind of tells you there are some things
10 you have to do.

11 One of the things that I had to do was
12 take out the garbage. I had to take out the
13 garbage and so forth. I noticed this awful
14 smell, I think it was some fish or something
15 like that that we'd had the week before. It
16 just kind of stunk, you know.

17 I thought to myself that it is an analogy
18 of this case for the State, it stinks. It
19 stinks because there is a complete lack of
20 evidence in this matter.

21 Now, I represent Ezra Williams who is
22 sitting to my right. My assistant, Belinda,
23 is also sitting to my right.

24 The judge told you about reasonable
25 doubt. When you look at this case, every-

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Opening Statement by Mr. Robinson for Defense

1 thing that the judge told you about has to be
2 looked at through the eyeglass of reasonable
3 doubt. It is not "could have", "maybe",
4 "possibly" "suspicion", anything like that.
5 It's not like that.

6 You've got to -- when you came to this
7 court today or yesterday, you took an oath to
8 look at everything in the State's case with
9 the parameter of beyond a reasonable doubt.
10 If you do that in this case, you'll see that
11 the State's case is built around smelly,
12 stinky, a codefendant and his mother in this
13 case.

14 Look at the motive of these people. The
15 judge is going to charge you that when you
16 look at witnesses to look at their motive,
17 look at their -- look at the reason why
18 they're testifying. Why are they testifying?

19 Also look at whether they have proof,
20 evidence, real evidence.

21 The State's case is based on statements
22 by the mother and her son, who is a co-
23 defendant, Zachary Gantt. The mother's name
24 is Kizzie Roebuck. Those are the two people
25 that you need to look at. Look at their

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Opening Statement by Mr. Robinson for Defense

1 motivation in this matter. Look at it. Look
2 into the jaundiced eye of reasonable doubt.

3 Now, before you got here today -- you
4 know, we all come into this, we all come into
5 the courtroom with our own ideas about what
6 it is about, justice, how the court system
7 works. Some of us have had exposure to it.
8 The Judge talked to you a little while ago
9 about the standards in this case.

10 Down below us on the third floor is Judge
11 Couch. He is hearing civil cases. The
12 standard there is going to be the preponder-
13 ance of the evidence, which is a smaller
14 standard.

15 In this matter, which is a General
16 Sessions criminal case, the standard is
17 beyond a reasonable doubt. The reason that
18 whole standard was created -- and it was
19 created hundreds of years ago. The reason it
20 was created was to protect common people from
21 tyranny, from things that they should not be
22 accused of. Just because you are accused of
23 something does not mean that you are guilty.
24 It just means that it is an accusation. The
25 State has to prove their case beyond a

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Opening Statement by Mr. Robinson for Defense

1 reasonable doubt.

2 Now, I am sure that all of you have
3 access to the Internet, newspapers, news and
4 so forth. Now, it's very common when you see
5 someone accused of a crime on TV, on the
6 Internet or by some other sort of -- the
7 paper or something -- it's very common to
8 say, 'oh they got the person, they got the
9 guy who is guilty, he must be guilty.' You
10 made that assumption, which is perfectly
11 normal.

12 But when you came to this Court yesterday
13 and when you were sworn in today, you came
14 with a different presumption. That
15 presumption is gone. The presumption of
16 guilt is gone. Now we have the idea that the
17 Defendant, Ezra Williams, is innocent. He is
18 presumed innocent. That is the presumption
19 that you have now.

20 The State has to prove their case to you,
21 all of you, beyond a reasonable doubt. As I
22 said in the beginning it not "maybe", "could
23 have", "it's possible", a suspicion. That is
24 gone. That is not the law.

25 Beyond a reasonable doubt.

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Opening Statement by Mr. Robinson for Defense

1 Ladies and gentlemen, if you all use that
2 standard -- the Judge is going to give you
3 the law in a moment, at the end of this case,
4 that's the law of the case for you as the
5 judges of the facts.

6 But if you use the presumption of
7 innocence in this case and you apply the
8 standard of proving this case beyond a
9 reasonable doubt, then you can only come up
10 with one conclusion and one verdict; and that
11 is that Ezra Rysunn Williams is not guilty.

12 I appreciate your time very much and I
13 look forward to working with you.

14 THE COURT: Call your first witness.

15 SOLICITOR HAIGLER: The State calls
16 Matthew McCarty.

17 (WITNESS TAKES STAND)

18 MATTHEW MCCARTY, having been sworn to
19 tell the truth, and nothing but the truth,
20 testified as follows:

21 DIRECT EXAMINATION

22 SOLICITOR HAIGLER:

23 Q. Officer McCarty, where do you work?

24 A. Anderson County Sheriff's Office.

25 Q. How long have you worked there?

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Testimony of Matthew McCarty - Direct Examination

1 A. Over ten years.

2 Q. What is your position with the
3 Sheriff's Office?

4 A. I am a corporal in the uniform
5 patrol.

6 Q. How long have you worked in that
7 capacity?

8 A. Almost four years.

9 Q. What are your general duties and
10 responsibilities?

11 A. I answer calls for service and train
12 newly-hired deputies.

13 Q. Were you working in that capacity in
14 the summer of 2012?

15 A. I was.

16 Q. Did you have the opportunity to get
17 involved in the disappearance of C.J. Patel?

18 A. I did.

19 Q. What was your first involvement in
20 this case?

21 A. My first involvement was that I went
22 to [REDACTED] Jerry Drive, which is in Anderson,
23 South Carolina, with some other deputies to
24 see if we could do a follow-up on or if we
25 could locate any information on where Mr.

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1 Patel was.

2 When I went there, I made contact with
3 Kyndra Howell, a codefendant in this case,
4 and I asked her had she talked to him or seen
5 him. She said that he'd called her on the
6 day that he went missing and that he was
7 offering thirty dollars for sex, and that she
8 had turned him down. That he called her
9 back, offered her forty dollars for sex and
10 she stated that she once again turned him
11 down. She said that this last time that he
12 stated that he was going -- that he was going
13 to go somewhere else and get sex from some-
14 body else.

15 I then asked her had Mr. Patel ever been
16 to her residence at [REDACTED] Jerry Drive and she
17 stated that he had not, that he didn't know
18 where she lived, that all of their previous
19 meetings had been at the Walmart #651 at the
20 Highway 28 Bypass.

21 Q. Did this end your conversation with
22 Ms. Howell?

23 A. It did. There was nothing after
24 that.

25 Q. Did you have any other involvement

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Testimony of Matthew McCarty - Direct Examination

1 in this case?

2 A. I did not.

3 Q. Thank you. Please answer any
4 questions that Mr. Robinson may ask you.

5 THE COURT: Cross-examination.

6 MR. ROBINSON: I have no questions.

7 THE COURT: Any objection to this
8 officer being excused?

9 MR. ROBINSON: No, sir.

10 SOLICITOR HAIGLER: No, Your Honor.

11 THE COURT: You may be excused.

12 (WITNESS STEPS DOWN)

13 THE COURT: Please call your next
14 witness.

15 SOLICITOR HAIGLER: The State calls
16 Jeff Finley.

17 (WITNESS TAKES STAND)

18 JEFF FINLEY, having been sworn to tell
19 the truth, and nothing but the truth,
20 testified as follows:

21 DIRECT EXAMINATION

22 BY SOLICITOR HAIGLER:

23 Q. Mr. Finley, you are a deputy
24 employed with the Anderson County Sheriff's
25 Office?

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Testimony of Jeff Finley - Direct Examination

1 A. I am.

2 Q. How long have you been in law
3 enforcement and what is your current position
4 of duties?

5 A. I've been in law enforcement for ten
6 years. I am currently assigned to
7 investigations, investigating felony crimes:
8 burglaries, armed robberies, crimes of
9 violence.

10 Q. Were you working in that capacity in
11 July of 2012?

12 A. I was, (affirmative nod).

13 Q. Did you have an opportunity to get
14 involved in the investigation of the
15 disappearance of C.J. Patel?

16 A. I did.

17 Q. When did you first get involved with
18 that investigation?

19 A. I assisted Detective Barton with
20 tracking down leads.

21 Q. Do you remember the date when you
22 first became involved?

23 A. July 2nd, 2012.

24 Q. And when you first started working
25 this case, was it being investigated as a

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Testimony of Jeff Finley - Direct Examination

1 missing person or was it being investigated
2 as a homicide?

3 A. Missing person.

4 Q. What did you do in initially
5 assisting in the investigation?

6 A. Just helping Detective Barton. As
7 any kind of lead came in, I would help him
8 run down things.

9 Q. And what first happened to cause the
10 direction of this investigation to change?

11 A. Mr. Patel's vehicle was found but we
12 couldn't find him.

13 Q. His vehicle was found but you
14 couldn't find him?

15 A. That's correct.

16 Q. Where was his car located?

17 A. Fair Play.

18 Q. How was it found?

19 A. It was found -- the individual that
20 owns the land was driving by. He always
21 checks it for turkeys. He saw it.

22 Q. Did you actually go out to see the
23 car where it was found?

24 A. I did.

25 Q. What, if anything, do you remember

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Testimony of Jeff Finley - Direct Examination

1 about the scene where it was found?

2 A. It was a heavily-wooded area. The
3 vehicle was about twenty yards off the
4 roadway. You wouldn't be able to see it
5 unless you were looking for it. There was a
6 metal cable spanning the distance of the
7 opening and it appeared that someone was
8 trying to hide it to where you couldn't
9 actually see it.

10 Q. Did you have an opportunity to speak
11 with the person who found the car?

12 A. I did, (affirmative nod).

13 Q. How did he come about finding the
14 car?

15 A. Every morning he goes by, checks the
16 land looking for turkeys, deer, things like
17 that and he spotted it then.

18 Q. Do you recall what day that he first
19 noticed the car being on the property?

20 A. July 2nd, 2012.

21 Q. Are you aware if the car was
22 touched, if he touched the car or did
23 anything to it?

24 A. He didn't touch it. I believe his
25 son took a pair of sunglasses or eyeglasses

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Testimony of Jeff Finley - Direct Examination

1 and placed them on the trunk lid of the
2 vehicle.

3 Q. Was the car ultimately towed back to
4 Anderson?

5 A. It was.

6 Q. Before that happened was it ---

7 A. It was.

8 Q. --- photographed out at the scene?

9 A. It was.

10 SOLICITOR HAIGLER: Your Honor, may I
11 approach the witness?

12 THE COURT: Yes, sir.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR HAIGLER:

15 Q. Mr. Finley, I am going to show you
16 what has been marked as State's Exhibits 1,
17 2, 3, 4, 5 and 6 for identification purposes.
18 What are those?

19 A. (Upon review), these are all
20 pictures of the scene that I just described.
21 The last two pictures are where we towed the
22 vehicle to our armory for processing.

23 Q. Do those pictures fairly and
24 correctly depict the scene as you recall it
25 that day?

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Testimony of Jeff Finley - Direct Examination

1 A. They do.

2 SOLICITOR HAIGLER: Your Honor, at
3 this time I would move to admit State's 1
4 through 6 into evidence.

5 THE COURT: Any objection?

6 MR. ROBINSON: No objection.

7 THE COURT: Admitted without objection.

8 (SO ENTERED AS STATE'S EXHIBIT 1)

9 (SO ENTERED AS STATE'S EXHIBIT 2)

10 (SO ENTERED AS STATE'S EXHIBIT 3)

11 (SO ENTERED AS STATE'S EXHIBIT 5)

12 (SO ENTERED AS STATE'S EXHIBIT 6)

13 SOLICITOR HAIGLER: May I have Mr.
14 Finley come down and describe these to the
15 jury?

16 THE COURT: Yes sir.

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR HAIGLER:

19 Q. Okay, I am going to put these up on
20 the screen, on the overhead and let you
21 describe to the jury what we are looking at.

22 A. Okay. This here is the opening to
23 the land that I described and here is the
24 cable running across that was tied to a tree.
25 There is a No Trespass sign. The roadway

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1 would be down this way right here.

2 Q. Okay, that was State's Exhibit 1.
3 Now I am going to show you State's Exhibit 2.

4 A. That is the left side of the cable
5 there where you can see that it was actually
6 tied -- you can see where it was tied up to
7 the tree.

8 Q. Okay. Now State's Exhibit 3?

9 A. Move it up some there.

10 Q. (Complies).

11 A. You can see the cable there for
12 reference and then the opening. You pull in
13 about twenty yards and then you can see the
14 vehicle where it is right there. On the
15 other side it opens up.

16 Q. State's Exhibit 4?

17 A. You can see the vehicle. There's
18 the eyeglasses that I spoke of that were
19 placed on the vehicle's trunk lid.

20 Q. State's Exhibit 5?

21 A. This is our armory. This is where
22 we secure our vehicles, lock them up and keep
23 them out of the weather. This is where they
24 are processed for fingerprints, evidence and
25 such.

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Testimony of Jeff Finley - Direct Examination

1 Q. State's Exhibit 6?

2 A. That is just another shot/angle of
3 the vehicle in the same armory where we keep
4 our vehicles.

5 Q. You may have a seat.

6 A. (Resumes witness stand).

7 Q. Now, I believe that when I was
8 showing you State's Exhibits 5 and 6 that you
9 said that the car was towed to the armory?

10 A. Yes.

11 Q. What is the purpose of taking the
12 car to the armory?

13 A. That's where we take it to process
14 it for evidence.

15 Q. Was this car processed for evidence?

16 A. It was.

17 Q. Were you present at that time?

18 A. I was.

19 Q. What were you looking for or hoping
20 to find when you processed the car for
21 evidence?

22 A. Just clues as to the whereabouts of
23 Mr. Patel or any signs of foul play at that
24 point.

25 Q. After dealing with the search

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Testimony of Jeff Finley - Direct Examination

1 warrants for the car, what was your next
2 involvement in the case?

3 A. I assisted Mr. Barton. He had
4 helped obtain video from a residence at [REDACTED]
5 Jerry Drive. I executed the search warrant
6 which ultimately led to the viewing of the
7 video.

8 It also led me to speaking with Tiwana
9 Edwards. She had stated that she had been
10 there on July 1st, at the house, and placed
11 Kyndra Howell and Jeremiah Johnson there.

12 Q. When did the case take its next
13 step, where you learned that Mr. Patel was
14 deceased?

15 A. We had found Mr. Patel's body.

16 Q. How did this come about?

17 A. Zachary Gantt actually took us to
18 the body.

19 Q. Do you recall what date that the
20 body was actually found?

21 A. July 11th, 2012.

22 Q. Where was his body found?

23 A. It was in a heavily-wooded area off
24 of Big Water Road, off Highway 29.

25 Q. Was this in Anderson County?

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Testimony of Jeff Finley - Direct Examination

1 A. It was, (affirmative nod).

2 Q. And did you help in the recovery of
3 the victim's body?

4 A. I did.

5 Q. Did you see where his body was
6 located?

7 A. I did.

8 Q. Can you describe to the jury what
9 you saw that day?

10 A. Once again, it was a heavily-wooded
11 area. It was very hot, very humid, being
12 July. The body was approximately 110 yards
13 from the roadway.

14 Going in, about halfway in, we located a
15 pair of brown sandals. Then we found Mr.
16 Patel further in, about 110 yards. He was
17 lying on his back and his hands were tied
18 behind him with some type of cord.

19 We also located a nine millimeter shell
20 casing near the body.

21 Q. Was the body located near where the
22 car was located?

23 A. No. It was about twenty-two miles
24 from where we found the body to the car.

25 Q. In your experience, what does that

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Testimony of Jeff Finley - Cross Examination

1 show?

2 A. They are trying to distance them-
3 selves, trying to hide things.

4 Q. Did you have any other involvement
5 in this case?

6 A. Yes. I actually went back with
7 Detective Barton to [REDACTED] Jerry Drive and
8 executed a search warrant and sprayed
9 Bluestar, which is a chemical that
10 illuminates and reacts to proteins, blood
11 and body fluids.

12 Q. After that, did you have any other
13 involvement with this case?

14 A. No.

15 Q. Thank you. Please answer any
16 questions that Mr. Robinson has for you.

17 A. Yes, sir.

18 THE COURT: Cross-examination?

19 MR. ROBINSON: May it please the
20 Court.

21 CROSS EXAMINATION

22 BY MR. ROBINSON:

23 Q. Officer Finley, if I am under-
24 standing correctly, Zachery Gantt is the
25 person who took you to the body; is that

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Testimony of Jeff Finley - Cross Examination

1 correct?

2 A. Yes, sir.

3 Q. Let's go back to the car itself, the
4 victim's car. In your report you indicate
5 that you took eighteen DNA swabs. Is that
6 correct?

7 A. Yes, sir.

8 Q. Have you got your report in front of
9 you?

10 A. I have my supplemental.

11 Q. Eighteen DNA swabs from the car,
12 eight trace lifts, -- what is a trace lift?

13 A. Trace lifts are different from --
14 fingerprints and that kind of thing.

15 Q. What do you do -- do you go in --
16 explain to the jury how you go in and do a
17 lift.

18 A. I'm sorry?

19 Q. How do you do a latent -- a trace
20 lift. How do you do it?

21 A. I believe graphite powder is what
22 forensics uses. They dust the car and it
23 bonds to any fingerprints. They put tape
24 over that and pull it up and they're able to
25 get the ---

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Testimony of Jeff Finley - Cross Examination

1 Q. That was the victim's car?

2 A. Yes.

3 Q. So there were eighteen DNA swabs,
4 eight trace lifts, and one latent finger-
5 print. Correct?

6 A. Correct.

7 Q. Then on 7/10, which is a week later,
8 you took nine swabs from the victim's car and
9 a plastic bottle; is that correct?

10 A. That's correct.

11 Q. Then about a week after that or two
12 weeks after that, you actually went to the
13 home that Kyndra rented at [REDACTED] Jerry Drive
14 and you got five swabs. Is that correct?

15 A. I am not seeing the five swabs.

16 Q. Look at ---

17 A. Yes, I do. Sorry.

18 Q. It should be on page ---

19 A. Page three, (affirmative nod).

20 Q. Five swabs.

21 A. Correct.

22 Q. Now, you don't actually do that.
23 You have technicians that do that. Correct?

24 A. (Affirmative nod), correct. Yes.

25 MR. ROBINSON: That's all.

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Testimony of Jeff Finley - Cross Examination

1 THE COURT: Redirect?

2 SOLICITOR HAIGLER: No, sir.

3 THE COURT: May this officer be
4 excused, Mr. Robinson?

5 MR. ROBINSON: Yes, Your Honor.

6 SOLICITOR HAIGLER: Yes, sir.

7 THE COURT: You may step down and you
8 are excused.

9 (WITNESS STEPS DOWN)

10 SOLICITOR HAIGLER: May we approach?

11 THE COURT: Yes, sir.

12 (OFF RECORD BENCH CONFERENCE)

13 THE COURT: Madam Forelady, we are
14 going to take a quick break, maybe ten
15 minutes, and then we will resume testimony at
16 that time. If you need anything, please let
17 Buck know.

18 (JURY OUT @ 10:26 A.M.)

19 THE COURT: Please let me know when Mr.
20 Gantt is here.

21 SOLICITOR CAMPBELL: He's here.

22 THE COURT: Oh, he's here.

23 SOLICITOR CAMPBELL: Yes, sir.

24 THE COURT: All right, well, let's take
25 about ten minutes while the jury is out.

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Testimony of Zachery Gantt - Direct Examination

1 (BRIEF RECESS 10:26 - 10:41 A. M.)

2 (DEFENDANT PRESENT)

3 THE COURT: Let's bring in the jury and
4 then bring Mr. Gantt in, unless y'all have an
5 objection to that.

6 SOLICITOR CAMPBELL: No objection.

7 MR. ROBINSON: (No verbal response).

8 (JURY IN @ 10:42 A.M.)

9 THE COURT: Call your next witness.

10 SOLICITOR CAMPBELL: Your Honor, the State
11 calls Zachery Gantt.

12 (WITNESS TAKES STAND)

13 ZACHERY GANTT, having been duly sworn to
14 tell the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR CAMPBELL:

18 Q. Mr. Gantt, you pled guilty back in
19 November of 2014 to murder, possession of a
20 weapon during the commission of a violent
21 crime, armed robbery and kidnaping; did you
22 not?

23 A. Yes, sir.

24 Q. And when you pled, your sentence was
25 deferred; correct?

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Testimony of Zachery Gantt - Direct Examination

1 A. Yes, sir,

2 Q. You have not been sentenced to date?

3 A. No, sir.

4 Q. You will be sentenced at a later
5 date; is that right?

6 A. Yes, sir.

7 Q. When you pled, had any of your
8 charges been reduced?

9 A. No, sir.

10 Q. Do you acknowledge your role and
11 participation that you were involved in in
12 the death of C.J. Patel?

13 A. Yes, sir.

14 Q. Besides yourself, how many other
15 people were involved in the robbery,
16 kidnaping and ultimate murder of Mr. Patel?

17 A. Three.

18 Q. Three.

19 Q. Who were those individuals?

20 A. Kyndra Howell, Jeremiah Johnson and
21 Ezra Williams

22 Q. You say Ezra Williams. Is he in the
23 courtroom today?

24 A. Yes, sir.

25 Q. Can you please identify him?

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1 A. (Pointing to defense table).

2 Q. Wearing the sweater, the brown
3 sweater?

4 A. Yes, sir.

5 SOLICITOR CAMPBELL: Your Honor, please
6 let the record reflect that Mr. Gantt is
7 identifying Mr. Williams in this case.

8 THE COURT: The record will reflect.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR CAMPBELL:

11 Q. When you got involved in this case,
12 how old were you?

13 A. Seventeen.

14 Q. How old are you today?

15 A. Twenty.

16 Q. Prior to that did you have any
17 involvement in the juvenile justice system?

18 A. Yes, sir.

19 Q. You had been convicted of grand
20 larceny, is that correct?

21 A. Yes, sir.

22 Q. Now, you mentioned the individuals
23 Kyndra Howell, Jeremiah Johnson and Ezra
24 Williams. Did Jeremiah Johnson have a
25 nickname or street name that he went by?

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1 A. Yes, sir.

2 Q. What was that?

3 A. "Munn."

4 Q. Anything else?

5 A. "Tree."

6 Q. Did you have a street name or a
7 nickname that you went by?

8 A. Yes, sir.

9 Q. What was that?

10 A. "Little."

11 Q. How about Mr. Williams?

12 A. Yes, sir.

13 Q. What was his street name or
14 nickname?

15 A. "Quavo."

16 Q. Now, you mentioned Ms. Howell,
17 Kyndra Howell. How long have you known
18 Kyndra Howell?

19 A. About a year.

20 Q. At the time back in July of 2012, do
21 you know where she was living?

22 A. Jerry Drive.

23 Q. Is that here in Anderson?

24 A. Yes, sir.

25 Q. What kind of house did she live in?

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1 A. A brick house.

2 Q. In the area on Jerry Drive, were
3 there any other brick houses or was it just
4 that one?

5 A. Just that one.

6 Q. How many bedrooms did this house
7 have?

8 A. Three.

9 Q. Now, how often -- had you been to
10 that house prior to July 1st, 2012? Had you
11 ever been to the house prior to that?

12 A. A couple of times.

13 Q. Had you ever seen Mr. Williams over
14 there?

15 A. A couple times.

16 Q. Now, Ms. Howell, was she working at
17 that time? Was she employed?

18 A. No, sir.

19 Q. Did she have a car?

20 A. No, sir.

21 Q. Before that date had you ever seen
22 Mr. Patel?

23 A. No, sir.

24 Q. Had you heard anybody talk about Mr.
25 Patel?

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1 A. No, sir.

2 Q. Now, do you recall seeing Mr. Patel
3 on July 1st, 2012?

4 A. Yes, sir.

5 Q. Before I get into that, I want to
6 talk a little bit about -- what -- how did
7 you initially wind up at her house on July 1st
8 on Jerry Drive, before you ran into him?

9 A. Just went over there to chill,
10 really.

11 Q. What do you mean by chilling?

12 A. Just going over there to play games,
13 something like that.

14 Q. You're talking about video games?

15 A. Yes, sir.

16 Q. And did you do that that morning or
17 that afternoon?

18 A. Yes, sir.

19 Q. About what time of day did you go
20 over there?

21 A. It was early.

22 Q. Before lunch?

23 A. Yes, sir.

24 Q. When you went to the house, who else
25 was there?

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1 A. When I went, it was Kyndra.

2 Q. When you -- at some point -- did you
3 stay there the entire day?

4 A. No.

5 Q. At any point did you leave her
6 house?

7 A. Yes. I did.

8 Q. What caused you to leave?

9 A. Because she had gotten a phone call,
10 I guess from -- something like that. She got
11 that call or text and she told me that she
12 wanted me to leave, that she had somebody
13 coming over and he didn't want nobody at the
14 house, so I left.

15 Q. Where did you go?

16 A. On the side of the trailer.

17 Q. Do you have -- do you know people in
18 that area on Jerry Drive?

19 A. Yes, sir.

20 Q. So did you go somewhere on Jerry
21 Drive and stay or did you go elsewhere?

22 A. I went -- I went on the other side
23 of the trailer.

24 Q. When you left, was Ms. Howell still
25 in the house or had she already gone?

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1 A. I guess she was gone.

2 Q. Do you know where she went or
3 whether she left with anybody?

4 A. No, sir.

5 Q. At some point did you see her come
6 back?

7 A. Yeah, I seen her come back.

8 Q. And where were you when you saw her?

9 A. On the side of the trailer on the
10 side of her house.

11 Q. When she came back, was she walking
12 or was she in a vehicle/car?

13 A. No, she was in a car.

14 Q. Do you recall what kind of car it
15 was?

16 A. Black Honda.

17 Q. And where was she sitting in the
18 black Honda?

19 A. On the passenger side.

20 Q. Who was driving?

21 A. The Patel man.

22 Q. Now, did you see them pull up to the
23 front of her house?

24 A. Yes, sir.

25 Q. Did you see them get out?

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1 A. Yes, sir.

2 Q. Come again?

3 A. I say yes, I seen them get out.

4 Q. Did you see them go into the house?

5 A. Yes, sir.

6 Q. Now, at that point did you go back
7 over to her house? Or what was your next
8 step, what did you do after that?

9 A. When I seen them go in the house,
10 that's when Jeremiah came out and I went and
11 talked to him. I was going to go on to my
12 cuz' house but he called me back over there.

13 Q. And how did Jeremiah get there?

14 A. I guess a girlfriend.

15 Q. Do you know her name?

16 A. No, I don't know her name.

17 Q. Do you know what kind of vehicle
18 that she was driving?

19 A. A silver Cadillac.

20 Q. Did you talk to Jeremiah when he
21 arrived?

22 A. Yes, sir.

23 Q. Why did you talk to Jeremiah when he
24 was coming over to Jerry Drive?

25 A. We had the only puppies we had.

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1 Q. Both you and he had puppies?

2 A. Yes, sir.

3 Q. What kind of puppies did you have?

4 A. Pit bulls.

5 Q. And did you and him walk back to the
6 house together?

7 A. Yeah.

8 Q. Now, Jeremiah, how do you know him?

9 A. Through Chill Will.

10 Q. Who?

11 A. William Jeffries.

12 Q. And his nickname was what?

13 A. Chill Will.

14 Q. Is Jeremiah older than you or
15 younger than you?

16 A. He older than me.

17 Q. Were you close to him?

18 A. Somewhat.

19 Q. And after y'all met up, you and
20 Jeremiah, did y'all go to Kyndra's house?

21 A. Yes, sir.

22 Q. Tell us what happened when you got
23 to the house?

24 A. When we got to her house -- I was
25 going to walk past her house and they called

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1 me back. I walked up under the carport and
2 they were talking that this Patel man was
3 supposed to have some money or stuff like
4 that and they wanted to rob him. They asked
5 me and I just agreed to it.

6 Q. When you say "they", who are you
7 talking about?

8 A. Kyndra and Jeremiah.

9 Q. Who was the one who brought up the
10 idea to commit this robbery?

11 A. Kyndra.

12 Q. So at this point the plan had been
13 formed to rob Mr. Patel?

14 A. (Affirmative nod).

15 Q. Where was he at this time?

16 A. He was in the house.

17 Q. So did y'all go in at that point in
18 time? Just go into the house?

19 A. (No verbal response).

20 Q. What happened next?

21 A. I agreed to, we walked in -- the man
22 was in the door. So we walked back out and
23 told Kyndra to put him in another room. She
24 put him in another room and we walked back
25 in.

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1 Q. And Patel, how big was he? Was he a
2 large man, small man, tall, short?

3 A. He was short, stocky kinda.

4 Q. Do you recall what he was wearing?

5 A. A shirt with some shorts, some
6 sandals.

7 Q. When y'all came in on him, what did
8 y'all do initially? Did you speak to him?

9 A. No. We walked in, Jeremiah grabbed
10 him by the neck and pulled him to the floor.

11 Q. Then what did y'all do?

12 A. We was tussling with him for a
13 little second and then we tied him up.

14 Q. What did you tie him up with?

15 A. A cord.

16 Q. After this point in time, was he
17 saying anything to y'all?

18 A. Not really.

19 Q. Did y'all ask him anything?

20 A. Yeah.

21 Q. I didn't hear you?

22 A. Yes, sir.

23 Q. What did y'all ask him?

24 A. We went in his pockets and got his
25 stuff out.

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1 Q. And what kind of stuff did you get?

2 A. Some credit cards, phone and stuff
3 like that.

4 Q. Did you get any cash money?

5 A. Yeah, got some money too.

6 Q. How much was that?

7 A. Seventy dollars.

8 Q. Were y'all expecting to get more
9 from him?

10 A. Yeah.

11 Q. At this point after you'd gone
12 through and taken all these items from him,
13 what did y'all do next to him?

14 A. Well, first we asked him the PIN
15 numbers and stuff like that to his credit
16 cards. But he wouldn't tell us and so we
17 started beating on him.

18 Q. Did Jeremiah hit him?

19 A. Yes, sir.

20 Q. Did you hit him?

21 A. Yes, sir.

22 Q. And you were trying to get his PIN
23 numbers from him?

24 A. Yes, sir.

25 Q. Did he eventually give you some

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1 numbers?

2 A. Yeah, he gave us some numbers but
3 when we went to check them out, they wasn't
4 the right ones.

5 Q. Who went to check them out?

6 A. Kyndra and Jeremiah.

7 Q. Did you stay at the house when this
8 took place?

9 A. Yes, sir.

10 Q. Were they able or were they
11 successful to get more money out of his bank
12 account using his PIN numbers, or his credit
13 cards?

14 A. No, sir.

15 Q. During this time after the use of
16 the credit cards and the PIN numbers and no
17 money was received, did y'all think about
18 letting him go at that point in time?

19 A. No, sir.

20 Q. What kind of shape was he in
21 physically?

22 A. Well, he was swollen. He was messed
23 up pretty bad.

24 Q. At this point did y'all really know
25 what to do with him?

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1 A. Naw.

2 Q. I didn't hear you?

3 A. No, sir.

4 Q. About this time, how long had this
5 been going on for?

6 A. It'd been going on for some hours.

7 Q. And when this occurred, when y'all
8 first busted in on him inside the house, do
9 you know what time of day that it was?

10 A. It was afternoon.

11 Q. Do you know how late in the after-
12 noon it was?

13 A. No, sir.

14 Q. Now, you said that this had been
15 going on for several hours. At this point in
16 time, was it already dark?

17 A. It was daytime but it went on to
18 then, like nighttime.

19 Q. Now, you mentioned earlier that Ezra
20 Williams' nickname was Quavo. How do you
21 know him?

22 A. Through Kyndra and Jeremiah.

23 Q. You're going to have to speak up.
24 I didn't hear you.

25 A. I said through Kyndra and Jeremiah.

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1 Q. Do you know the relationship between
2 Mr. Williams and Kyndra?

3 A. Not really.

4 Q. Did he come over that night while
5 Mr. Patel was being held?

6 A. Yes, sir.

7 Q. Do you know about what time that
8 was?

9 A. No, sir.

10 Q. Was it light outside or still dark?

11 A. It was dark.

12 Q. Do you know how he got there?

13 A. Drove his car.

14 Q. Do you know what kind of car that he
15 drives?

16 A. I think an Oldsmobile.

17 Q. How many doors does it have?

18 A. Four.

19 Q. Do you know for what reason or why
20 he came over?

21 A. No.

22 Q. When he came over, did you speak to
23 him?

24 A. No. Well, yeah, I threw my hand up
25 and said something to him.

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1 Q. Did somebody in the house, did y'all
2 tell him what was going on?

3 A. No.

4 Q. At some point did he find out that
5 Mr. Patel was being held inside the house?

6 MR. ROBINSON: Your Honor, objection.
7 Calls for speculation.

8 THE COURT: Lay a foundation.
9 Sustained as asked.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR CAMPBELL:

12 Q. When this occurred, when he came
13 over who was inside the house?

14 A. Me, Jeremiah and Kyndra.

15 Q. Is this house a large house or a
16 small house?

17 A. Really a small house.

18 Q. When he was there, at some point did
19 he have an opportunity to see Mr. Patel?

20 MR. ROBINSON: Objection, Your Honor.
21 That calls for speculation.

22 SOLICITOR CAMPBELL: That is not
23 speculation.

24 THE COURT: (No response).

25 DIRECT EXAMINATION CONTINUED

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1 BY SOLICITOR CAMPBELL:

2 Q. Did he have an opportunity to see Mr.
3 Patel?

4 A. Yes, sir.

5 Q. How did that opportunity present
6 itself?

7 A. The door was still open and he
8 walked towards the kitchen where he could see
9 him. The man was laying ---

10 Q. I'm sorry, Mr. Gantt, you're going
11 to have to speak up to where we can hear you.

12 A. I said that he walked towards the
13 kitchen and the door was still open to the
14 door and he could see him.

15 Q. So Mr. Patel was visible from the
16 kitchen area?

17 A. Yes, sir.

18 Q. At this point in time his hands were
19 still tied behind his back?

20 A. Yes, sir.

21 Q. Now, did he get involved with Mr.
22 Patel?

23 A. Yes, sir.

24 Q. Did he initially ask him -- what did
25 he initially ask him, or did he talk to him?

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1 Speak to him? Mr. Patel.

2 A. He walked in the room and just
3 looked at him at first and he said something
4 like that we must -- that it could have been
5 him, because we was like ---

6 Q. You're mumbling. I can't hear you.

7 A. I say that we walked in the room and
8 he said something like 'we better than him'
9 because it could have been worse or something
10 like that.

11 Q. Then what took place?

12 A. After that it just got worse after
13 that.

14 Q. When you mention that it got worse,
15 what are you referring to?

16 A. First he started beating on his
17 head.

18 Q. Who did?

19 A. Mr. Williams. After he been beating
20 on him, he went in the kitchen and got a
21 knife or something and put it on the stove
22 and let it heat up. Then he went back in the
23 room and stuck it on the man's stomach.

24 Q. How did Mr. Patel respond to this?

25 A. The man responded. He was

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1 screaming.

2 Q. Was he in pain?

3 A. He was in pain.

4 Q. What else happened?

5 A. After that he put the knife back and
6 went back in the room and grabbed some bug
7 spray, or something like that, that I think
8 he used it on the man.

9 Q. How did he use the bug spray?

10 A. How did he use it?

11 Q. Yes, sir.

12 A. I guess he sprayed it on him, like
13 in his eyes or something.

14 Q. Did Mr. Patel respond to that?

15 A. Yeah, he was still screaming.

16 Q. How long had this been going on for?

17 A. What?

18 Q. Mr. Williams' involvement with Mr.
19 Patel at this point in time?

20 A. I mean, after he used the bug spray
21 he put that back but he still went on and on.

22 Q He still what?

23 A. He still was involved after that.

24 Q. At this point in time did y'all ask
25 him again for his PIN numbers to his credit

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1 cards?

2 A. Yes, sir.

3 Q. Did he respond?

4 A. He just got real quiet after that.

5 Q. He got what?

6 A. I say he just kept sitting up quiet
7 after that.

8 Q. At any point -- at this point in
9 time had a gun been used to threaten Mr.
10 Patel?

11 A. No, sir.

12 Q. Had a gun been brought up that if he
13 didn't tell the PIN numbers that a gun would
14 be used in this case?

15 A. You mean at the house?

16 Q. At the house, (affirmative nod).

17 A. At the house it wasn't brought up
18 that a gun would be used on him or nothing
19 like that.

20 Q. And at this time there were three
21 men and then Mr. Patel, is that right?

22 A. Yes, sir.

23 Q. During this when all of this was
24 going on, did anybody try to stop the torture
25 that Mr. Patel was enduring?

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1 A. No, sir.

2 Q. Did anybody try to call for help for
3 him?

4 A. No, sir.

5 Q. Nobody tried to give him aid?

6 A. No, sir.

7 Q. Were things getting out of hand?

8 A. (No verbal response).

9 Q. Were things getting out of hand?

10 A. Yes, sir.

11 Q. At any point did anybody ever
12 discuss, the four of y'all, about letting him
13 go?

14 A. No, sir.

15 Q. Now, at some point -- when did the
16 idea come about to remove him or take him
17 from the house?

18 A. After the bug spray and all that
19 stuff went on and we kept asking what his PIN
20 number was and all and he still wouldn't say
21 nothing, we just decided to take him out.

22 Q. Now, did y'all eventually remove him
23 from the home on Jerry Drive?

24 A. Yes, sir.

25 Q. How did y'all do that?

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1 A. By picking him up and walking him
2 out the back door.

3 Q. You didn't walk him out the front
4 door?

5 A. No, sir.

6 Q. When you say the back door, where
7 did the back door lead in this house -- or --
8 let me rephrase that. The back door at
9 Kyndra's house, which way did it lead out?

10 A. The back door was really like a side
11 door 'cause it was up under a carport. I
12 mean, you go up under the carport and you can
13 turn like to your left and go out the back
14 door right there.

15 Q. Could you be seen from the front,
16 from the street if you went that way?

17 A. A little bit, I guess you could.

18 Q. But most of it was hidden?

19 A. Yes, sir.

20 Q. And when y'all took him, you took
21 him out the side door; is that right?

22 A. Yes, sir.

23 Q. And where did y'all take him once
24 you got him outside the house?

25 A. To his car.

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1 Q. And where was his car located?

2 A. In the back of the garage.

3 Q. Do you know how his car got there?

4 A. No, sir.

5 Q. The car that you're referring to was
6 his the black Honda that you were referring
7 to earlier?

8 A. Yes, sir.

9 Q. Did you go outside with him?

10 A. Yes, sir.

11 Q. And when you went outside, did you
12 see Mr. Williams' car there?

13 A. Yes, sir.

14 Q. Did you see any other cars in the
15 yard?

16 A. Just the Honda and that Oldsmobile.

17 Q. Now, after you got to his car where
18 did y'all try to put him?

19 A. They was going to try to put him in
20 the top (sic) of his car. I told them not
21 to, so we put him in the backseat of his car.

22 Q. And where did each of y'all sit in
23 the car?

24 A. I sat on the back side on the
25 passenger's side.

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1 Jeremiah, he was supposed to be the
2 driver but he gave it to Quavo.

3 Q. When you are referring to Quavo,
4 you're referring to Mr. Williams?

5 A. Right.

6 Q. Who drove when y'all left there?

7 A. Jeremiah, I think. Jeremiah.

8 Q. Did you know where y'all were going?

9 A. No, sir.

10 Q. How long did y'all drive for?

11 A. However -- I don't know how long it
12 take, so I don't know how long.

13 Q. Was it a good little while?

14 A. (Affirmative nod), it was a good
15 little distance.

16 Q. Did you know where you were headed
17 to?

18 A. No, sir.

19 Q. Eventually y'all came to a place.
20 Had you ever been to that place before?

21 A. No, sir.

22 Q. Were you still in Anderson County?

23 A. I guess you would consider that
24 Anderson County.

25 Q. Do you know what road you were

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1 traveling on?

2 A. Big Walker (sic) Road or something
3 like that.

4 Q. When you got there, prior to getting
5 to what you're calling Big Walker Road, did
6 anybody say anything inside the car?

7 A. No, sir.

8 Q. Was there any discussion whatsoever
9 about what y'all were going to do once you
10 reached the place that you wanted to take him
11 to?

12 A. No, sir.

13 Q. Did Mr. Patel at any point during
14 this ride say anything to any of you?

15 A. No, sir.

16 Q. He was just quiet?

17 A. Yes, sir.

18 Q. Now, when you got to this area, were
19 there a lot of houses around this area?

20 A. No, sir.

21 Q. Was it heavily wooded?

22 A. Yes, sir.

23 Q. A lot of trees?

24 A. Yes, sir.

25 Q. Had you ever been there before?

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1 A. No, sir.

2 Q. So when y'all stopped, what happened
3 next?

4 A. They switched drivers before we got
5 to the actual spot.

6 Q. Who is "they"?

7 A. Jeremiah and Mr. Williams.

8 Q. Now, -- so y'all went, you drove and
9 you eventually stopped. Did you all get out
10 of the car, his car?

11 A. Yes, sir.

12 Q. And the only car that y'all took --
13 was his car the only car that y'all took at
14 this point in time?

15 A. Yes, sir.

16 Q. Now, when y'all got to this wooded
17 area what did you do next after you stopped?

18 A. They got out and took him out. I
19 sat in the car.

20 Q. What were you doing?

21 A. I was talking on the phone.

22 Q. Where did Mr. Jeremiah Johnson, Mr.
23 Ezra Williams and Mr. Patel go?

24 A. They was off in the woods and
25 Jeremiah came back and got me.

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1 Q. When you say that he got you, did he
2 take you back into the woods?

3 A. He came and got me and I walked back
4 with him.

5 Q. Did y'all have a flashlight or
6 anything?

7 A. No, sir.

8 Q. Was it dark outside?

9 A. Yes, sir.

10 Q. Could you see?

11 A. You could see.

12 Q. Why is that?

13 A. Because the moon was up.

14 Q. Do you know about how far you
15 walked?

16 A. No, sir.

17 Q. So when you walked back into the
18 woods, it was just you and Mr. Johnson?

19 A. When we walked back into the woods,
20 (affirmative nod).

21 Q. Right. It was just you two?

22 A. Yeah.

23 Q. Did -- was Mr. Williams and Mr.
24 Patel already ahead of y'all?

25 A. Yes, sir.

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1 Q. So you all four didn't walk
2 together?

3 A. No, sir.

4 Q. You eventually walked up to a spot
5 where Mr. Williams was?

6 A. Yes, sir.

7 Q. Can you tell the ladies and gentle-
8 men of the jury what happened next in dealing
9 with Mr. Patel?

10 A. When we showed up, he asked the man
11 -- Mr. Williams asked the man, like, 'You
12 still ain't going to tell us your PIN
13 numbers?' The man still didn't say nothing.
14 So he told Jeremiah to step back and he shot
15 the man.

16 Q. Do you know what kind of weapon that
17 he used to shoot him?

18 A. A HiPoint .9

19 Q. And how many times did he shoot him?

20 A. He didn't shoot him but once.

21 Q. And where did he shoot him at?

22 A. At the side of the head.

23 Q. Do you know which side?

24 A. I think it was his right side.

25 Q. How close to Mr. Patel were you

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1 standing when Mr. Williams shot him?

2 A. I wasn't standing right next to him.

3 Q. Say that again?

4 A. I wasn't too close to him.

5 Q. Were you close enough to see?

6 A. I was close enough to see though,
7 (affirmative nod).

8 Q. Were you as close as me to you?

9 A. (No verbal response).

10 Q. Or closer?

11 A. A little closer.

12 Q. Just tell me when to stop to show
13 how close you were to him?

14 A. (Gesture).

15 Q About right here?

16 A. About that.

17 Q. Ten to twelve feet?

18 A. I'm guessing.

19 Q. And where was Jeremiah Johnson
20 standing when Mr. Patel was shot?

21 A. He was a little bit in front of
22 where you were standing there.

23 Q. After he was shot, did Mr. Patel --
24 well, before he was shot were his hands still
25 tied behind his back?

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Testimony of Zachery Gantt - Direct Examination

1 A. Yes, sir.

2 Q. And after he was shot, was he able
3 to walk or did he drop where he stood?

4 A. Uh, he fell right there where he was
5 standing at.

6 Q. After that happened, did y'all say
7 anything to one another?

8 A. No, sir, we just walked back to his
9 car.

10 Q. And when you got to the car, Mr.
11 Patel's car, where did y'all go?

12 A. Back to Kyndra's house.

13 Q. Was she there when y'all got there?

14 A. Yes, sir.

15 Q. When y'all rode back, did anybody
16 say anything -- to one another?

17 A. No, sir.

18 Q. So you got back to Mr. Patel's house
19 -- excuse me -- to Ms. Howell's house, did
20 y'all discuss with her what had took place?

21 A. No, sir.

22 Q. Was it kind of understood what had
23 happened?

24 A. Yes, sir.

25 Q. What did y'all do when you were

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1 there?

2 A. When we were in her house?

3 Q. Yes, sir.

4 A. We sat around and laid in her room.

5 Q. Sorry? What?

6 A. I say that we all just like sat
7 around and laid in her room a little bit.

8 Q. Did y'all do anything?

9 A. Yeah.

10 Q. What did you do?

11 A. Smoked weed.

12 Q. And when you say that you smoked
13 weed, are you talking about a Blunt?

14 A. Yes, sir.

15 Q. Now, at any point did anybody else
16 come back over to the house or come to the
17 house while you all were there after this
18 killing?

19 A. Yes, sir.

20 Q. Who was that?

21 A. This boy we call "Bug" or "Addy."

22 Q. Does he go by any other names
23 besides Bug?

24 A. No, sir.

25 Q. When you say "addy", are you

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1 referred to a drug addict?

2 A. Yes, sir.

3 Q. And what was he over there for?

4 A. I don't know. He just came over
5 there.

6 Q. Was he looking for dope?

7 A. I guess, yeah.

8 Q. And when he came over, did y'all
9 discuss with him what happened?

10 A. No, sir.

11 Q. Did y'all have him do anything for
12 you?

13 A. We had him clean out that black
14 Honda.

15 Q. Why did you want him to do that?

16 A. Get rid of evidence.

17 Q. Did he clean the car up for you?

18 A. Yes, sir.

19 Q. Now, after he cleaned the car up for
20 you, what did y'all do?

21 A. Give him some drugs and he went on
22 about his business.

23 Q. Did y'all go anywhere after that?

24 A. Not at first. Then later we took
25 the black Honda and dropped it off.

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1 Q. Y'all were trying to get rid of it?

2 A. Yes, sir.

3 Q. Whose idea was it to try to get rid
4 of it?

5 A. All of us, me and Jeremiah.

6 Q. Was Mr. Williams still at the house
7 at this point in time?

8 A. He'd got in his car and left.

9 Q. So at some point did y'all get rid
10 of his car?

11 A. You talking about his car?

12 Q. (Affirmative nod), the black Honda?

13 A. Yeah, we got rid of that.

14 Q. How did y'all go about doing that?

15 A. We -- Jeremiah and me had him ---

16 Q. You talking about Bug?

17 A. Yeah. I got in his car and I
18 followed them.

19 Q. Whose car did they get in?

20 A. The black Honda.

21 Q. The black Honda?

22 A. Yeah.

23 Q. And you followed?

24 A. Yes, sir.

25 Q. And how did you follow?

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1 A. In Mr. Williams' car.

2 Q. Was the car at the house when you
3 left or did he go with you?

4 A. Who? Mr. Williams?

5 Q. Yes.

6 A. No, he'd left when we left.

7 Q. Did he give you the keys to his car
8 or were the keys in the car?

9 A. No, he didn't give them to me.

10 Q. And you followed the black Honda?

11 A. Yes, sir.

12 Q. Where did y'all go?

13 A. Townville or somewhere.

14 Q. How long a drive did y'all make?

15 A. It was a good little distance.

16 Q. Had you ever been there before?

17 A. No, sir.

18 Q. And where did you go? Where did you
19 take the car to get rid of it?

20 A. Another wooded area.

21 Q. Can you describe it?

22 A. The only thing that I can remember
23 about it was that it had a cable across it
24 with a sign on it.

25 Q. Did y'all unlock it or how did y'all

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1 get through this cable?

2 A. Bug, he pulled the cord up so that
3 Jeremiah could pull it through.

4 Q. And did you drive the car that you
5 were in also under it?

6 A. No, sir.

7 Q. Where did you stay?

8 A. Out in the road.

9 Q. Now, after that -- did they drop the
10 car off?

11 A. Yes, sir.

12 Q. Left the car there?

13 A. Yes, sir.

14 Q. Then did they get in the car with
15 you?

16 A. Yes, sir.

17 Q. Where did y'all go?

18 A. Back to Kyndra's house.

19 Q. Was Mr. Williams there when you got
20 back?

21 A. Yes, sir.

22 Q. Did you give him the keys back to
23 his car?

24 A. Yes, sir.

25 Q. Do you know what time of day this

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1 was?

2 A. Like early in the morning.

3 Q. Daylight hours?

4 A. Yes, sir.

5 Q. Was it daylight outside?

6 A. Yes, sir.

7 Q. Now, for all this, how much money
8 did y'all get?

9 A. Seventy dollars.

10 Q. What did y'all do with his wallet,
11 cell phone and all that?

12 A. I don't know what they did with his
13 wallet. I know that Jeremiah kept his phone
14 somewhere.

15 Q. But you didn't have nothing to do
16 with all that?

17 A. No, sir.

18 Q. How about the gun that was used to
19 kill Mr. Patel, what happened to it?

20 A. Mr. Williams kept it. I don't know
21 what he did with it.

22 Q. Now, do you remember talking to
23 Detective Danny Barton here?

24 A. Yes, sir.

25 Q. Where did you meet him to talk with

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1 him at?

2 A. He came to Kyndra's house.

3 Q. Did you speak to him?

4 A. I opened the door and he asked if
5 Kyndra was there.

6 Q. So he wasn't looking for you?

7 A. No, he wasn't looking for me.

8 Q. Now, when did you learn that an
9 arrest warrant had been taken out for your
10 arrest?

11 A. July 6th.

12 Q. How did that come about, how did you
13 learn about it?

14 A. I went down to Kyndra's house, a --
15 a county sheriff's Jeep, like a Tahoe,
16 stopped when they seen me. That's when I ran
17 and then I found out that they were looking
18 for me.

19 Q. Did you eventually -- you said that
20 was on the 6th?

21 A. Yeah.

22 Q. Did they arrest you or did you turn
23 yourself in?

24 A. I didn't turn myself in until the
25 next day.

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1 Q. Who went with you when you turned
2 yourself in?

3 A. My mother and my aunt.

4 Q. What is your aunt's name?

5 A. Sheree (phonetic).

6 Q. Now, did you speak to Detective
7 Danny Barton that day?

8 A. He was sitting there.

9 Q. Did you talk to him?

10 A. Not really.

11 Q. Did you tell him the truth?

12 A. Somewhat.

13 Q. And during that time did you tell
14 them that Mr. Williams wasn't involved?

15 A. Not really.

16 Q. Did you deny that you were involved?

17 A. Yeah, some. I did a little bit.

18 Q. You didn't tell the whole truth when
19 you spoke to them?

20 A. No, I ain't told the whole truth
21 then.

22 Q. Did you write anything down on
23 paper?

24 A. No, sir.

25 Q. Now, eventually you cooperated with

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1 law enforcement; is that correct?

2 A. Yes, sir.

3 Q. Eventually you gave a statement, a
4 written statement to Mr. Barton?

5 A. Yes, sir.

6 Q. And you told about your involvement
7 in the disappearance and death of Mr. Patel?

8 A. Yes, sir.

9 Q. Did you take law enforcement out to
10 where the body was located?

11 A. Yes, sir.

12 Q. And when you did this, was anything
13 promised to get you to do this?

14 A. No, sir.

15 Q. Did they offer you anything, any
16 type of leniency whatsoever, to get you to
17 show them where the body was?

18 A. No, sir.

19 Q. In fact, you pled to murder; is that
20 right?

21 A. Yes, sir.

22 Q. Now, before -- when y'all left Ms.
23 Howell's house did y'all discuss amongst
24 yourselves about what to say if law
25 enforcement came looking for y'all?

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1 A. No, sir.

2 Q. Now, you mentioned earlier William
3 Jefferies, Chill Will. Was he involved at
4 all in the disappearance and murder of Mr.
5 Patel?

6 A. No, sir.

7 Q. Do you know where he is today?

8 A. Dead.

9 Q. He's dead?

10 A. (Affirmative nod).

11 Q. At any point did you ever speak with
12 Jeremiah or Mr. Williams about what you were
13 going to say to law enforcement if you spoke
14 to law enforcement?

15 A. No, sir.

16 Q. When you -- after you were arrested,
17 was Mr. Johnson eventually arrested?

18 A. Yes, sir.

19 Q. Was he held in the same part of the
20 jail as you were?

21 A. No, sir.

22 Q. Was Mr. Williams eventually
23 arrested?

24 A. Yes, sir.

25 Q. Was he held in the same part of the

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1 jail as you were?

2 A. No, sir.

3 Q. So since that time, July the 7th,
4 2012, you have not been housed together with
5 Mr. Williams or Mr. Johnson?

6 A No, sir.

7 Q. Now, after you were locked up in the
8 detention center here, did you have any
9 contact or communication with Mr. Williams?

10 MR. ROBINSON: Your Honor, objection.
11 Asked and answered.

12 THE COURT: Overruled. Go ahead.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR CAMPBELL:

15 Q. Go ahead, you may answer.

16 A. When I first got locked up.

17 Q. When you first got locked up?

18 A. Yes, sir.

19 Q. How was that or how did that come
20 about?

21 A. Through another inmate. He called
22 him and I talked to him.

23 Q. What did he tell you?

24 A. To just sit tight, that he was going
25 to get me a lawyer and stuff like that.

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1 Q. Did he do that?

2 A. No, sir.

3 Q. Did he promise you anything else?

4 A. No, sir.

5 Q. Why do you think he would tell you
6 that he was going to get a lawyer for you?

7 A. I really don't know, to tell you the
8 truth.

9 Q. Now, you mentioned earlier that you
10 drove Mr. Williams' car, the car that was at
11 [REDACTED] Jerry Drive. I am going to show you
12 what has been marked as State's Exhibits 33,
13 34 and 35. I have already shown this to Mr.
14 Robinson.

15 If you could, please look at these
16 pictures first. Can you tell me what these
17 pictures show or depict?

18 A. Mr. Williams' car.

19 Q. Was that the car that you saw on the
20 night or the early morning hours of July 1st,
21 2012?

22 A. Yes, sir.

23 Q. Was that also the car that you drove
24 when y'all took the black Honda to get rid of
25 it?

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1 A. Yes, sir.

2 Q. And that's the car that you got the
3 keys from Mr. Williams to drive?

4 A. Yes, sir.

5 SOLICITOR CAMPBELL: Your Honor, at
6 this time I would like to introduce into
7 evidence State's Exhibits 33, 34 and 35.

8 THE COURT: Any objection?

9 MR. ROBINSON: No objection.

10 (SO ENTERED AS STATE'S EXHIBIT 33)

11 (SO ENTERED AS STATE'S EXHIBIT 34)

12 (SO ENTERED AS STATE'S EXHIBIT 35)

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR CAMPBELL:

15 Q. This is State's Exhibit 33,
16 (displaying to jury).

17 State's Exhibit 34, (displaying to jury).

18 State's Exhibit 35, (displaying to jury).

19 Mr. Gantt, after all of this was said and
20 done, how much money or what did you profit
21 from the death of Mr. Patel?

22 MR. ROBINSON: Your Honor, objection.
23 Asked and answered.

24 THE COURT: Overruled.

25 WITNESS: Really, I didn't get nothing

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1 out of it.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR CAMPBELL:

4 Q. Did you get any money?

5 A. Like I said, in the end I did but at
6 first I didn't.

7 Q. How much did you get?

8 A. We split it up and I didn't get
9 nothing but like thirty dollars out of it.

10 Q. What did you do with the thirty
11 bucks?

12 A. Jeremiah had told me that Kyndra
13 needed it to pay her rent, so I give it to
14 her. He gave her what he had.

15 Q. So you wound up with nothing?

16 A. Nothing, (affirmative nod).

17 SOLICITOR CAMPBELL: I have no further
18 questions.

19 THE COURT: Let's take a break before
20 you begin cross-examination. Let's take
21 about a ten-minute break.

22 Madam Forelady, if you will go back to
23 the jury room, we will be with you shortly.

24 (JURY OUT @ 11:29 A.M.)

25 THE COURT: Mr. Gantt, you can't speak

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1 with anybody about your testimony during the
2 break. All right?

3 WITNESS: Yes, sir.

4 (BRIEF RECESS 11:30 - 11:46 A.M.)

5 (JURY NOTE RECEIVED)

6 THE COURT: We have a note from the
7 jury. If I could see the attorneys up here
8 for a minute.

9 (OFF RECORD BENCH CONFERENCE)

10 COURT REPORTER: Court's Exhibit 3.

11 (SO ENTERED AS COURT'S EXHIBIT 3)

12 THE COURT: Okay, are we ready? Mr.
13 Robinson?

14 MR. ROBINSON: Yes, Your Honor.

15 THE COURT: Solicitor?

16 SOLICITOR CAMPBELL: Yes, sir.

17 THE COURT: Bring in our jury.

18 (JURY IN @ 11:46 a.m.)

19 THE COURT: Madam Forelady, we got your
20 note and I think that we've addressed it.
21 However, if anyone is still having a
22 difficult time hearing, raise your hand and
23 we will address it again.

24 Mr. Robinson, you may proceed.

25 MR. ROBINSON: Beg the Court's

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1 indulgence.

2 CROSS EXAMINATION

3 BY MR. ROBINSON:

4 Q. Zachary, as the prosecutor stated a
5 minute ago and as you've testified, you've
6 already pled guilty to murder; haven't you?

7 A. Yes, sir.

8 Q. On all charges, you've pled guilty;
9 correct?

10 A. Yes, sir.

11 Q. And your sentence has been deferred
12 by the prosecutor; correct?

13 A. Yes, sir.

14 Q. How many times have you met with Mr.
15 Campbell on this case?

16 A. (No verbal response).

17 Q. More than five?

18 A. (No verbal response).

19 Q. Five or six times?

20 A. I don't think that many.

21 Q. More than once?

22 A. Yeah, it was more than once.

23 Q. And you've met with Investigator
24 Barton; correct?

25 A. Yes, sir.

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1 Q. How many times?

2 A. More than once.

3 Q. More than five?

4 A. I don't keep count.

5 Q. You don't keep count but you know
6 that you've met with him more than once;
7 correct?

8 A. Yes, sir.

9 Q. Now, let's talk about this deferred
10 sentence that we are speaking of here.
11 You've pled guilty to these charges but you
12 have not yet been sentenced. Correct?

13 A. Yes, sir.

14 Q. And you're testifying today in this
15 matter with this deferred sentence idea over
16 your head, isn't that right?

17 A. Yes, sir.

18 Q. So what you are hoping for -- you're
19 hoping that your testimony is going to help
20 you in your case as far as sentencing goes;
21 aren't you?

22 A. I hope it will.

23 Q. You hope that you can get a lesser
24 sentence, better treatment by the State for
25 your testimony; isn't that true?

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1 A. Say what? Say that again?

2 Q. I'm sorry. Let me rephrase that.

3 You agree with me that you're helping
4 yourself by testifying for the State, aren't
5 you?

6 A. I hope it'll help.

7 Q. Now, you gave three -- I want to see
8 if you recall this. You gave three
9 statements to law enforcement in this case,
10 did you not?

11 A. Yes, sir.

12 Q. One -- and I think that the
13 prosecutor alluded to this. One was given
14 on July 7th to Officer Barton. Isn't that
15 correct?

16 A. Yes, sir.

17 Q. And that was a verbal statement,
18 correct?

19 A. Yes, sir.

20 Q. That statement was not typed out for
21 you, was it?

22 A. (No verbal response).

23 Q. Nobody typed that statement up and
24 had you sign it, did they?

25 A. Not that same day, I don't think.

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1 Q. But they talked -- Investigator
2 Barton talked to you that day. Right?

3 A. Yeah, he talked ---

4 Q. Do you also recall an Officer McCall
5 also being there too?

6 A. Who?

7 Q. McCall?

8 A. (No verbal response).

9 Q. Or Call? Tracy Call?

10 A. Another detective?

11 Q. Yes, sir.

12 A. There was another detective there.

13 Q. Okay. Now, after that you gave two
14 other statements; right?

15 A. Yes, sir.

16 Q. And those were written statements,
17 weren't they?

18 A. (Affirmative nod), they were typed.

19 Q. So law enforcement either -- Mr.
20 Barton typed up one statement. Right?

21 A. Yes, sir.

22 Q. And another law enforcement officer
23 typed up the other statement. Isn't that
24 right?

25 A. Yes, sir.

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1 Q. Then you signed off on it, right?

2 A. Yes, sir.

3 Q. Now, again, the first statement that
4 you gave, the verbal statement, that wasn't
5 typed up, was it? You didn't sign anything,
6 did you?

7 A. I think I did sign something but I
8 can't remember.

9 Q. You can't remember that?

10 A. (Negative gesture).

11 Q. Okay. And I think in your statement
12 or when you were testifying a moment ago to
13 the prosecutor that when you and Jeremiah and
14 Kyndra had this, uh, plan to kind of --
15 hatched a plan out in the carport to rob this
16 guy, is that right?

17 A. Yeah. It was Kyndra's idea.

18 Q. But you and Jeremiah -- was it you
19 that went to the store or the ATM or was it
20 just Jeremiah?

21 A. It was him and Kyndra.

22 Q. And you said in your testimony a
23 moment ago that you participated in beating
24 Mr. Patel. Correct?

25 A. Yes, sir.

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Testimony of Zachery Gantt - Cross Examination

1 Q. You hit him a couple of licks.

2 Correct?

3 A. Yes, sir.

4 Q. You also got some rope and tied him
5 up, is that right?

6 A. Yes, sir.

7 Q. Then you -- then you, Kyndra -- wait
8 a second. Then y'all went and took him to
9 some place, Fair Play or something like that.
10 Correct?

11 A. (No verbal response).

12 Q. You guys left him someplace, is that
13 right?

14 A. Yes, sir. Kyndra wasn't there.

15 Q. Now, you've got a pretty good
16 memory, don't you?

17 A. (No verbal response).

18 Q. Do you think that you've got a
19 pretty good memory?

20 A. It's pretty good.

21 Q. Let's talk about -- let's talk about
22 -- and this is important because I want to go
23 to your three -- you've given three state-
24 ments. Okay.

25 A. (No verbal response).

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1 Q. The first statement that you gave.
2 The first verbal statement that you gave, to
3 Officer Barton and the other officer that was
4 there, let's go to that statement. Since
5 you've got a good memory, let's talk about
6 that statement.

7 In that statement, the verbal statement
8 that you gave, you told them that your mother
9 lies a lot. Is that correct?

10 A. Say that again?

11 Q. You told them that your mother lies
12 a lot.

13 A. That she lies a lot?

14 Q. Yes, you told them -- you said that
15 -- you told them that your mom lies a lot.
16 Would you agree with that, that you told
17 Officer Barton that?

18 A. I remember saying something like
19 that.

20 Q. You said something like that?

21 A. (Affirmative nod).

22 Q. And your mom is -- your mom's name
23 is Kizzie Roebuck. Right?

24 A. (No verbal response).

25 Q. Is that right? Kizzie Roebuck?

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Testimony of Zachery Gantt - Cross Examination

1 A. Yes, sir.

2 Q. And you also -- and since you've got
3 a good memory, I want to make sure that this
4 is what you said to Officer Barton. You told
5 Officer Barton in your first statement to him
6 that Ezra was not there. You told him that,
7 didn't you?

8 A. That he wasn't there?

9 Q. Yeah.

10 A. I mean, at first I said that.

11 Q. You said -- let me repeat this.
12 You told Detective Barton that Ezra was not
13 there; didn't you?

14 A. At first, yeah.

15 Q. And that statement was never typed
16 out for you, was it?

17 A. I said as far as I remember it
18 wasn't.

19 Q. Was not typed out for you?

20 A. (Negative gesture).

21 Q. Okay.

22 MR. ROBINSON: Beg the Court's
23 indulgence?

24 THE COURT: Yes, sir.

25 CROSS EXAMINATION CONTINUED

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Testimony of Zachery Gantt - Cross Examination

1 BY MR. ROBINSON:

2 Q. In these other statements that you
3 gave, after telling Officer Barton or this
4 other officer that Ezra was not there, your
5 mom came and talked with you about assisting
6 the State.

7 A. My mom?

8 Q. Yeah, about helping yourself ---

9 A. Yes, sir.

10 Q. --- by assisting the State; didn't
11 she?

12 A. Yeah, she came and talked to me.

13 Q. She talked to you about assisting
14 the State, helping the State to help you?
15 Isn't that right?

16 A. Yes, sir.

17 MR. ROBINSON: Beg the Court's
18 indulgence just one second, Your Honor.

19 THE COURT: Yes, sir.

20 MR. ROBINSON: That's all that I
21 have.

22 THE COURT: Redirect?

23 SOLICITOR CAMPBELL: Just a couple.

24 REDIRECT EXAMINATION

25 BY SOLICITOR CAMPBELL:

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Testimony of Zachery Gantt - Cross Examination

1 Q. Mr. Gantt, referring to the oral or
2 verbal statement that you gave Detective
3 Barton on July 7th, 2012, you also indicated
4 that C.J. Patel wasn't at the house that day;
5 isn't that right?

6 A. That he wasn't at the house?

7 Q. That's right.

8 A. Uhhhhhh, -- I think so.

9 Q. You also said that you weren't
10 involved, isn't that right?

11 SOLICITOR CAMPBELL: Nothing further.

12 THE COURT: May this witness be
13 excused?

14 MR. ROBINSON: Yes, sir.

15 THE COURT: You may step down.

16 (WITNESS STEPS DOWN)

17 THE COURT: Call your next witness,
18 please.

19 SOLICITOR HAIGLER: The State calls
20 Kizzie Roebuck.

21 (WITNESS TAKES STAND)

22 KIZZIE ROEBUCK, having been sworn to
23 tell the truth, and nothing but the truth,
24 testified as follows:

25 DIRECT EXAMINATION

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1 BY SOLICITOR HAIGLER:

2 Q. Ms. Roebuck, are you from Anderson?

3 A. I live in Georgia but -- I was born
4 in Georgia but I live in Anderson now; yes,
5 sir.

6 Q. Okay. Where are you currently
7 employed?

8 A. The 7-Eleven on the 128.

9 Q. Is the reason you are here today is
10 because your son Zach Gantt was charged in
11 connection with the disappearance and murder
12 of C.J. Patel?

13 A. Yes, sir.

14 Q. Do you remember when you first heard
15 anything about his involvement in the case?

16 A. Yes, it was ---

17 THE COURT: Just one second. Would you
18 pull that (microphone) a little closer?

19 WITNESS: (Complies) -- it was three
20 years ago in July.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR HAIGLER:

23 Q. When you first heard that his name
24 was being brought up in the case, what did
25 you do?

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Testimony of Kizzie Roebuck - Direct Examination

1 A. Go and tell him to turn himself in.

2 Q. Why did you insist that he turn
3 himself in?

4 A. So that he could tell the truth,
5 tell what happened.

6 Q. Now, Zach ultimately pled guilty to
7 all the charges that he was charged with, to
8 murder, kidnaping, armed robbery and
9 possession of a weapon during the commission
10 of a violent crime. He's agreed to testify
11 for the State against the codefendants. Have
12 you or Zach been promised anything for his
13 cooperation?

14 A. No, sir.

15 Q. Now, you told Zach that he needed
16 to turn himself in. Would you ever lie for
17 Zach?

18 A. No.

19 Q. Why not?

20 A. Why should I? I mean, you're
21 supposed to tell the truth.

22 Q. Did you tell Zach that? Did you
23 tell him that he needed to testify?

24 A. Yes, sir.

25 Q. Do you know the defendant in this

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1 case, Ezra Williams?

2 A. No. I just seen him in passing but
3 I don't know him.

4 Q. But you know who he is?

5 A. Yes, I know who he is.

6 Q. You said that you've seen him in
7 passing.

8 A. (Affirmative nod).

9 Q. Did you have a chance to talk with
10 Ezra Williams after your son was arrested?

11 A. Yes, sir.

12 Q. Do you see Ezra in the courtroom
13 here today?

14 A. Yes, sir.

15 Q. Can you please point him out?

16 A. The gentleman right here on the
17 front.

18 Q. When did you have an opportunity to
19 talk to him after your son was arrested?

20 A. I talked to him once at the
21 Friendship Court and then once at the
22 jailhouse.

23 Q. What is the Friendship Court?

24 A. That's an apartment complex.

25 Q. What did you talk to him about

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1 there?

2 A. We had let him know that the police
3 was looking for him. It was like he didn't
4 care. And when I seen him, he was getting
5 out of a gold car at which I think was his
6 girlfriend's house at the time. He had like
7 a -- I really couldn't tell what kind of gun
8 it was but he had a gun wrapped up in a
9 shirt.

10 Q. Now, other than telling you that he
11 didn't care that the police were looking for
12 him, did he tell you anything else?

13 A. I think -- I don't remember if it
14 was in Friendship Court that he had told me
15 or if we was somewhere -- I think that it was
16 in Friendship Court that he told me that he
17 wasn't on camera. I asked him why he wasn't
18 on the camera and he told me that it was
19 because he'd went through the back door, that
20 there is not a camera at the back door.

21 Q. That was at Friendship Court, you
22 think?

23 A. Yes, sir.

24 Q. Then you saw him at the jail?

25 A. Yes, sir.

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Testimony of Kizzie Roebuck - Direct Examination

1 Q. What, if anything, did you talk to
2 him about at the jail?

3 A. He just said that he was supposed to
4 be helping get Zach a lawyer and not to put
5 no money on that book because he was going to
6 put money on that.

7 Q. And did he ever help get Zach a
8 lawyer?

9 A. No, sir.

10 Q. Did he put money on the books?

11 A. He say that he put twenty dollars on
12 the book.

13 Q. So before your son was arrested, you
14 didn't really know Ezra that well? You just
15 knew him in passing?

16 A. No, I didn't really know him that
17 well.

18 Q. Do you have any reason to lie about
19 him here today?

20 MR. ROBINSON: Objection, Your Honor.
21 Self-serving.

22 THE COURT: Overruled.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR HAIGLER:

25 Q. Do you know who Ezra Williams'

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1 girlfriend was?

2 A. No, sir.

3 Q. You don't?

4 A. (Negative gesture).

5 Q. Do you have a prior record?

6 A. Yes.

7 Q. Have you been convicted of any
8 crimes?

9 A. Yes, sir.

10 Q. What have you been convicted of?

11 A. Selling drugs.

12 Q. Selling drugs?

13 A. Yes, sir.

14 Q. Do you recall when that was?

15 A. Like in 2005.

16 Q. I don't have any more questions.

17 Please answer any questions that Mr. Robinson
18 has for you.

19 THE COURT: Mr. Robinson? Cross-
20 examination?

21 MR. ROBINSON: May it please the
22 Court?

23 THE COURT: Yes, sir.

24 CROSS EXAMINATION

25 BY MR. ROBINSON:

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Testimony of Kizzie Roebuck - Cross Examination

1 Q. Ms. Roebuck, not only have you been
2 convicted of a prior crime but you are also
3 charged with that crime, aren't you?

4 A. Yes.

5 Q. You have a felony -- you are a
6 convicted felon, aren't you?

7 A. Yes.

8 Q. Now, in terms of -- you were
9 actually convicted of this charge not in 2005
10 but in 2008. Does that sound more familiar?

11 A. 2008?

12 Q. Now, you say that you're coming into
13 court today to tell the truth. You're not
14 expecting the jury to accept your position
15 that you're not trying to get anything or to
16 help your son at all. You're not expecting
17 them to believe that, are you?

18 A. Say that again?

19 Q. You're not expecting this jury to
20 believe you're not hoping that you can get
21 something for your son in return for your
22 testimony for the State?

23 A. Oh -- no, sir.

24 Q. You're hoping that hopefully if you
25 testify the right way that you'll get help

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1 for your son?

2 A. No.

3 Q. So you just came here today to ---

4 A. To tell the side of what I think was

5 ---

6 Q. Well, let's talk about that. Now,
7 you gave a statement on this. Right?

8 A. Um-humm.

9 Q. You gave a statement, I think to
10 Officer Barton, Investigator Barton; correct?

11 A. Yes, sir.

12 Q. Now, that statement, he actually
13 type up a statement for you, wrote out a
14 statement for you and then you signed off on
15 it. Correct?

16 A. Yes, sir.

17 Q. In terms of the gun that you talked
18 about, you don't know what kind of gun it
19 was; do you?

20 A. No, sir, all I seen was the handle.

21 Q. You don't know whether it was a .22
22 or a BB gun. You have no idea, do you?

23 A. Even if I had see it, I couldn't
24 tell you what kind of gun it was. I don't
25 know about guns and things like that.

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Testimony of Kizzie Roebuck - Cross Examination

1 MR. ROBINSON: Beg the Court's
2 indulgence.

3 THE COURT: Yes, sir.

4 MR. ROBINSON: That is all that I
5 have. Thank you.

6 THE COURT: Redirect?

7 SOLICITOR HAIGLER: Nothing further,
8 Your Honor.

9 THE COURT: May this witness be
10 excused?

11 SOLICITOR HAIGLER: Yes, sir.

12 THE COURT: Any objection?

13 MR. ROBINSON: No, sir.

14 THE COURT: You may step down.

15 (WITNESS STEPS DOWN)

16 SOLICITOR CAMPBELL: Your Honor, may we
17 approach for a second?

18 THE COURT: Yes, sir.

19 (OFF RECORD BENCH CONFERENCE)

20 THE COURT: Call your next witness.

21 SOLICITOR HAIGLER: The State calls
22 Jonathon Johnson, Your Honor.

23 (WITNESS TAKES STAND)

24 JONATHON JOHNSON, having been sworn to
25 tell the truth, and nothing but the truth,

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1 testified as follows:

2 DIRECT EXAMINATION

3 BY SOLICITOR HAIGLER:

4 Q. Mr. Johnson, are you from Anderson?

5 A. I am from Antreville.

6 Q. Do you currently live in Anderson?

7 A. Yes.

8 Q. How long have you lived in Anderson?

9 A. Oh, about five years.

10 Q. Are you currently employed anywhere?

11 A. Yeah, I work for a construction
12 company.

13 Q. Where did you live in July of 2012?

14 A. With my sister.

15 Q. Where was that?

16 A. [REDACTED] West Drive.

17 Q. Do you remember what you were doing
18 on July 1st, 2012? I believe that was a
19 Sunday.

20 A. Yeah. I had just come from a
21 baseball game in Antreville. I come back to
22 Anderson Road, caught a ride and I went out
23 on Terry Drive.

24 Q. What were you doing out on Terry
25 Drive?

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1 A. At the time I was looking for drugs.

2 Q. Where did you go to look for those
3 drugs?

4 A. Down to a brick house on Jerry
5 Drive.

6 Q. Did you know who lived in that
7 house?

8 A. Some girl named Kyndra.

9 Q. Did you in fact go over there to get
10 some drugs?

11 A. Yeah, I knocked on the door. They
12 came to the door and told me that there
13 wasn't nothing there at that time. So I
14 turned around and left and went next door to
15 the neighbor's house.

16 But I returned. Nobody still didn't have
17 nothing, so I went back again. I left
18 again.

19 Q. When you say you were met at the
20 door by somebody, who came to the door when
21 you went?

22 A. Some fellow, I don't know his name.
23 He told me that there wasn't no drugs, so I
24 left and came back.

25 THE COURT: Can you all hear him?

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1 MR. ROBINSON: Your Honor, could I
2 ask that he speak into the microphone?

3 THE COURT: Yes, sir. If you would,
4 lean into the microphone.

5 WITNESS: Yes, sir. I went to the
6 door and -- I remember that someone answered
7 the door. I didn't know his name and still
8 to this day I haven't seen him again.

9 DIRECT EXAMINATION CONTINUED
10 BY SOLICITOR HAIGLER:

11 Q. You say that you didn't know his
12 name. Do you know a nickname that he went
13 by or anything like that?

14 A. Some kind of -- I think that called
15 him Qualo (phonetic) or something like that,
16 but I don't know his name. Like I say, I
17 don't know him.

18 Q. Okay.

19 A. I don't know him like that.

20 Q. While we are on nicknames, do you
21 have a nickname that people call you?

22 A. (Affirmative nod), Bug.

23 Q. Is that your only nickname?

24 A. B.J.

25 Q. Anything else?

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1 A. I don't know what other people call
2 me.

3 Q I gotcha. So you say that you went
4 over there twice and didn't get any drugs.
5 Did you go over there again?

6 A. Yeah, when I went back again there
7 wasn't nobody there but Kyndra.

8 Q. Okay.

9 A. I sit there on the couch watching TV
10 and I dropped off to sleep. When I woke up
11 again and went out, I seen Jeremiah and Zach.
12 Jeremiah asked me to clean out a car that had
13 some mud on the door panel. So I cleaned out
14 the car and ---

15 MR. ROBINSON: Objection. Calls for
16 hearsay.

17 THE COURT: Sustained. Rephrase your
18 question.

19 SOLICITOR HAIGLER: Okay.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR HAIGLER:

22 Q. When you woke up on the couch what,
23 if anything, did you do after that?

24 A. Well, like I say, I was asked to
25 clean the door panel of a car and I did that.

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1 There wasn't nobody there but me, Kyndra and
2 Zach. Me, Kyndra, Zach and Jeremiah.

3 Q. Did you ask why it needed to be
4 cleaned?

5 A. No. Like I say, that's what I do.
6 I clean cars. I used to run a clean up shop.
7 So I cleaned the car and I didn't ask,
8 because that's what I do and I needed the
9 money.

10 Q. What, if anything, happened after
11 you cleaned the car?

12 A. Well, after we cleaned the car,
13 Jeremiah asked me if I would ride somewhere
14 with him. Me and him got in the -- I took it
15 to be a black car but I later found out, they
16 showed me a picture of it, that it was dark
17 green. Honda or something like that. We
18 drove the car to, I think, Fair Play. Then
19 we come back home and I ain't seen -- I ain't
20 seen neither one of them since.

21 Q. Now, this car that you cleaned, the
22 black Honda, were there any other cars there
23 when you were there?

24 A. There was a light-colored car. It
25 could have been silver or it could have been

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1 gold. I think it was. It was dark when I
2 saw the car, so I don't know whose car it
3 was. It was just a gold-looking, like a
4 Honda or something; or a silver-looking
5 Honda, or something like that.

6 Q. You're not familiar with what the
7 make and model of the car was?

8 A. No, it was a small car. You know
9 like a Honda or a Nissan or something like
10 that.

11 Q. Did you receive anything or did they
12 give you anything for cleaning the car?

13 A. Yeah. I think -- if I don't
14 disremember, it was five dollars or something
15 like that. Drugs or something. I don't
16 remember. That's been three years ago and I
17 was intoxicated, so I don't remember.

18 Q. When did you first hear that someone
19 was killed?

20 MR. ROBINSON: Objection. Relevance.

21 WITNESS: When y'all came to my house.

22 THE COURT: Overruled. Go ahead.

23 WITNESS: When the officers showed up
24 at my door and asked me about somebody being
25 murdered, which I know nothing about.

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1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR HAIGLER:

3 Q. Now, when y'all went to drop the
4 black car off in Fair Play, who did you ride
5 with? Do you remember?

6 A. Jeremiah, I think. Jeremiah was
7 driving, I think. It's been so long but I
8 think it was Jeremiah that was driving. I
9 know that it was me, Jeremiah and Zach that
10 went out there.

11 Q. Do you remember anything about where
12 y'all dumped the car?

13 A. I just remember that we was in Fair
14 Play. It was like in a field because there
15 was like a piece of wire or something across
16 the driveway and we had somebody lift it so
17 that we could get the car in and then we
18 drove it into the driveway and then we left.

19 SOLICITOR HAIGLER: Your Honor, I
20 don't think that I have any more questions.
21 Please answer any questions that Mr. Robinson
22 has.

23 THE COURT: Cross-examination?

24 MR. ROBINSON: Beg the Court's
25 indulgence for one second, Your Honor.

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1 THE COURT: Yes, sir.

2 MR. ROBINSON: I don't have any
3 questions for the witness.

4 THE COURT: May the witness be excused?

5 SOLICITOR HAIGLER: Yes, sir.

6 THE COURT: Madam Forelady, ladies and
7 gentlemen of the jury, counsel tells me that
8 this is a good time to take a lunch break.

9 It is about 12:15. If you would, be back
10 in the courtroom or your jury room, rather,
11 at 1:30 and we will resume the testimony at
12 that time. I remind everybody that you're
13 not to speak with anybody about the case.

14 Please leave your pads in the jury room.

15 (JURY OUT @ 12:16 P.M.)

16 THE COURT: Anything before we break?

17 SOLICITOR CAMPBELL: No, sir

18 THE COURT: From the Defense?

19 MR. ROBINSON: No, sir.

20 THE COURT: All right. See you at
21 1:30.

22 (LUNCH RECESS 2:17 - 1:48 P.M.)

23 (DEFENDANT PRESENT)

24 (RECEIVED JURY NOTE)

25 (SO ENTERED AS COURT'S EXHIBIT 4)

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1 THE COURT: I've been informed that one
2 of our jurors, Juror Number 120, Wanda
3 McIntosh, knows personally the last witness
4 who was called, Mr. Johnson. She only knows
5 him by his nickname, B.J., and did not
6 recognize his full name on the witness list.
7 She also worked with his mother.

8 I don't know if that makes any difference
9 at all. I think out of an abundance of
10 caution I need to bring her in here and just
11 ask her if, knowing the witness, that would
12 keep her from being fair and impartial. Any
13 objection to that approach?

14 MR. ROBINSON: No, sir.

15 SOLICITOR CAMPBELL: (Negative
16 gesture).

17 THE COURT: You said no?

18 MR. ROBINSON: I said "no."

19 THE COURT: And I see you shaking your
20 head, Mr. Campbell.

21 SOLICITOR CAMPBELL: No objection.

22 THE COURT: Would you bring the juror
23 in, please?

24 SOLICITOR CAMPBELL: Your Honor, may we
25 approach regarding scheduling?

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1 THE COURT: Yes, sir.

2 (OFF RECORD DISKUSSION RE SCHEDULE)

3 THE COURT: Bring in the jury.

4 (JURY IN @ 1:49 P.M.)

5 THE COURT: Madam Forelady, when I came
6 back into the courtroom there was a note from
7 you with regard Juror Number 110 who said
8 that she knew the last witness who was
9 called, Mr. Johnson; however, that she only
10 knows him by the nickname "B.J.", that she
11 did not recognize his name on the witness
12 list.

13 Let me ask, -- and you also worked with
14 his mother?

15 JUROR NUMBER 110: (Affirmative nod).

16 THE COURT: Does that knowledge of the
17 witness or employment with his mother, will
18 that affect your ability to make a decision
19 based on testimony and evidence and according
20 to the law in this case?

21 JUROR NUMBER 110: No, sir.

22 THE COURT: Can you be fair and
23 impartial to both the State and to the
24 Defense?

25 JUROR NUMBER 110: Yes.

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1 THE COURT: Okay. Any additional *voir*
2 *dire* from the State or the Defense?

3 SOLICITOR CAMPBELL: No, sir.

4 MR. ROBINSON: No, Your Honor.

5 THE COURT: Okay. I am going to leave
6 her on the jury, subject to any objection
7 from either side.

8 MR. ROBINSON: No, sir, Judge.

9 SOLICITOR CAMPBELL: No objection.

10 THE COURT: Very good. All right.
11 Call your next witness, please.

12 SOLICITOR CAMPBELL: Your Honor, the
13 State calls Dr. Brett Woodard.

14 (WITNESS TAKES STAND)

15 BRETT WOODARD, M.D., having been sworn to
16 tell the truth, and nothing but the truth,
17 testified as follows:

18 DIRECT EXAMINATION

19 BY SOLICITOR CAMPBELL:

20 Q. Dr. Woodard, are you the pathologist
21 that conducted the autopsy on Chandrakant
22 Patel's body?

23 A. Yes, I am.

24 Q. Do you recall what day the autopsy
25 was performed on?

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1 A. It was performed on July 12th, 2012.

2 Q. Before we get into your findings
3 through your observation in conducting the
4 autopsy, I want to go over a little bit about
5 autopsies and yourself in general.

6 Can you just tell the ladies and
7 gentlemen of the jury what the purpose of
8 an autopsy is?

9 A. The purpose of an autopsy is to
10 determine the cause of death, what actually
11 caused the individual's death, whatever
12 mechanism that was. Knowing that cause or
13 what the manner of death is -- and there are
14 five specific manners of death:

15 Natural

16 Accidental

17 Suicide

18 Undetermined

19 Homicide

20 So we attempt to categorize that so that
21 legal decisions can be made from that.

22 Q. In this case, at whose request was
23 the autopsy requested to be performed?

24 A. Deputy Coroner Don McCown.

25 Q. As coroner, do they have

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1 jurisdiction over the body?

2 A. Yes.

3 Q. Now, before we get into your
4 findings of what you found, let me get a
5 little information about you. Are you a
6 duly-licensed physician here in the state of
7 South Carolina?

8 A. Yes, I am.

9 Q. How long have you been a licensed
10 doctor?

11 A. I've been a licensed doctor since
12 1975. I've been licensed in South Carolina
13 since 1981.

14 Q. Where did you receive your medical
15 training?

16 A. I attended Tulane University School
17 of Medicine and received my medical degree.

18 I did an internship at the Charity
19 Hospital in New Orleans.

20 I did residency training at Duke
21 University Medical Center in Durham, North
22 Carolina.

23 I did fellowship training in Forensic
24 Pathology at the North Carolina Medical
25 Examiner's Office.

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1 Q. Now, as a regular physician, is an
2 autopsy part of your regular duties and job
3 detail?

4 A. In the field of Pathology,
5 pathologists are often trained to do
6 autopsies. Forensic Pathology is a
7 subspecialty of that area that deals more
8 intensely with the cause and mechanism by
9 which individuals die.

10 Q. Do you have more specialized
11 training in that area?

12 A. Yes, I do.

13 Q. What type of training did you
14 receive?

15 A. I received training in the North
16 Carolina Medical Examiner's Office. I worked
17 as a medical examiner in the state of North
18 Carolina for approximately seven years.

19 Q. So to conduct an autopsy, you have
20 to be a pathologist?

21 A. That's correct.

22 Q. How long have you had the title as a
23 pathologist?

24 A. I've been Board-certified by the
25 American Board of Pathology since 1980.

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1 Q. Is part of your training in the area
2 of pathology -- you mentioned earlier the
3 five causes of death. Do you have training
4 regarding the manner of death, such as the
5 use of a weapon?

6 A. Yes, you do.

7 Q. In particular, have you had training
8 in use of firearms in regards to the manner
9 of death of an individual?

10 A. Yes, I have.

11 Q. Does this include the effects of a
12 gun when a bullet is fired upon a human body?

13 A. That's correct.

14 Q. Did you also receive training in
15 distance comparison from the end of a weapon,
16 a firearm, to the body?

17 A. That's correct.

18 Q. Regarding autopsies, in your career
19 I know that it has spanned a long time but
20 how many autopsies would you guess that you
21 have performed?

22 A. I have performed between two hundred
23 and two hundred twenty-five autopsies a year
24 since I came to Anderson, South Carolina.

25 Q. Prior to that -- all these

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1 autopsies, is that strictly for law
2 enforcement or are they for other medical
3 reasons?

4 A. The majority of the autopsies are
5 for law enforcement or the coroner's office.

6 Q. At the request of the coroner's
7 office?

8 A. That's correct.

9 Q. And in court -- have you ever
10 testified in State or Federal courts as a
11 pathologist?

12 A. Yes, I have.

13 Q. And you've been declared an expert
14 in the area of Pathology?

15 A. That's correct.

16 Q. Do you know approximately how many
17 times?

18 A. Hundreds.

19 SOLICITOR CAMPBELL: Your Honor, at
20 this time I would like to move that Dr.
21 Woodard be admitted as an expert in the field
22 of Pathology.

23 THE COURT: Any *voir dire*?

24 MR. ROBINSON: No *voir dire*, no
25 objection.

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1 THE COURT: You will stipulate as to
2 that?

3 MR. ROBINSON: (Affirmative nod).

4 THE COURT: Okay. Madam Forelady,
5 ladies and gentlemen of the jury, normally a
6 witness is limited in their testimony to what
7 they see, they saw, they felt, they smelled.
8 They are not allowed to give their opinions
9 but in very limited circumstances.

10 However, a person who because of their
11 education or experience, or a combination of
12 both, who has attained expertise in a
13 particular area which may be helpful to you
14 the jury in determining the facts of the
15 case, they may be allowed to give their
16 opinions in the area of their expertise.

17 In this case, Dr. Woodard has been
18 stipulated to be an expert in the field of
19 Pathology. He will be allowed to give his
20 opinion in the field of his expertise and
21 the basis for his opinion(s).

22 An expert's opinion, ladies and
23 gentlemen, is like any other testimony that
24 you will hear. You may accept it, you may
25 reject it or give it as much weight as you

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1 feel like it deserves.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR CAMPBELL:

4 Q. Dr. Woodard, I believe that you
5 stated earlier that you received the body of
6 Chandrakant Patel or that you performed the
7 autopsy on July 13th, 2012?

8 A. July 12th.

9 Q. The 12th?

10 A. (Affirmative nod).

11 Q. Is that the first time that you came
12 in contact with his body?

13 A. Yes, it is.

14 Q. When the body was discovered, did
15 law enforcement call you out to the scene so
16 that you could observe it in the state that
17 they found the body?

18 A. No, the coroner's office took care
19 of that.

20 Q. Do you normally do that?

21 A. When I am asked by the coroner's
22 office, (affirmative nod).

23 Q. Now, I understand in this case that
24 you were asked, that the coroner's office
25 asked that you complete an undescriptive

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1 autopsy. What exactly does that mean?

2 A. That means that whatever dissections
3 or specimens that we have to acquire, they
4 want us to do those if we think that specimen
5 may be important, just to make sure that all
6 evidence was completely collected.

7 And they want us to dissect the entire
8 human body to make sure all injuries and all
9 life threatening diseases are detected.

10 Q. Now, where did you perform this
11 autopsy at?

12 A. At the morgue facility at Anderson
13 Area Medical Center.

14 Q. And when you conduct one, do you do
15 it by yourself or are there other people
16 assisting?

17 A. I have other people who help me. I
18 have a -- the chief deputy coroner assists me
19 with the physical autopsy and then I have a
20 physician's assistant that assists me on some
21 occasions.

22 Q. Are law enforcement authorities
23 usually present when you conduct an autopsy?

24 A. What the authority was, in this
25 particular case it was the Sheriff's

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1 Department.

2 Q. Now, when you received the body, Mr.
3 Patel's body, would you describe it as being
4 in an advanced stage of decomposition?

5 A. Yes, it was.

6 Q. Now, when you got the body -- can
7 you briefly tell the ladies and gentlemen of
8 the jury, what is the initial process or
9 steps that you go through before starting to
10 dissect the body?

11 A. We examine the body as we receive
12 it. It's secured at the scene by the
13 coroner's office, placed in a bag that is
14 sealed. Then it is brought to the morgue
15 facility.

16 So we open the bag and we begin to
17 examine the body. In the case of a
18 decomposing body there is often insect life
19 that is on the surface of the body that needs
20 to be collected because it can offer samples
21 for DNA and give timing information on how
22 long the body had been present in an outdoor
23 location.

24 So we collected those first and then we
25 examined the body as we saw it, the clothing

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1 that the body was in -- in this particular
2 case a shirt and t-shirt and some Jockey-type
3 underwear. Then any other things that were
4 present on the body -- in this particular
5 case the hands were tied, the hands and
6 wrists were tied behind the back with some
7 cord, some telephone wire like you'd use to
8 connect a telephone to the wall.

9 Q. Aside from the physical description,
10 do y'all also x-ray the body?

11 A. We will on some occasions but we
12 don't always x-ray the body.

13 Q. Was that done in this case? Do you
14 know?

15 A. I do not believe that it was done.

16 Q. Now, when you first observed the
17 body, what indicated to you that we were
18 dealing with a homicide here?

19 A. The hands were restrained behind the
20 back. In looking at the wrist area, not only
21 did we see artifacts associated with a dead
22 body in an outdoor location but we saw that
23 there had been resistance against the
24 bindings on the wrist.

25 The second thing that told us that we

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1 were dealing with a homicide was that there
2 was a gunshot wound to the head. Obviously
3 with the man's hands restrained behind his
4 back he couldn't inflict that on himself.

5 Q. During your examination of the body,
6 did you see any other signs of physical
7 injury that he may have had?

8 A. There were superficial cut injuries
9 to his legs. There was a discoloration that
10 suggested the possibility of a burn injury to
11 his abdomen.

12 Q. Regarding the gunshot that you were
13 talking about, you stated earlier that you
14 had studied the effects of a firearm upon a
15 body. Can you tell the ladies and gentlemen
16 of the jury briefly what you observed that
17 indicated or gave any indication of about how
18 close the end of the gun was to his body?

19 A. We saw a gunshot wound that would be
20 the ridge -- the little wrinkle above your
21 eyebrow that you can feel on your skull, uh,
22 that entered the head on the right side in
23 that location. Associated with the surface
24 of that bone was powder stain on the surface
25 of the bone.

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1 As a gun is fired, the powder leaves the
2 gun with some of it in front of the bullet,
3 some of it with the bullet and some of it
4 behind the bullet. When the powder leaves
5 the gun, it's so light that it falls away
6 within a short distance.

7 If the gun barrel is eighteen inches or
8 further away from the head, the powder can't
9 reach the surface so as to stain the surface.
10 But because we found it underneath what
11 normally would be covered with skin, that
12 told us that for a fraction of the time
13 period the powder was inside the hole that
14 the bullet made -- but there was no hole in
15 the skull. So the powder and the bullet came
16 out of the barrel very tightly together,
17 under a great deal of force. The bones of
18 the skull shattered open and the sutures
19 where the bone normally become affixed to
20 each other as we age were shattered. This
21 told us that at the time that the bullet
22 first came into the skull that there was a
23 great deal of pressure. That pressure is
24 because all the elements that come out the
25 end of the barrel with the bullet, all the

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1 gases and powder/grit that come out were
2 traveling into the wound and therefore the
3 gun had to be less than an inch away from the
4 skull at the time that it was discharged to
5 get all that excess energy into the wound
6 track to bruise all these secondary affects.

7 Q. So the victim in this case,
8 Chandrakant Patel, he would have been able
9 to see the gun close to him?

10 A. Yes.

11 Q. Now, was any projectile recovered
12 from the body?

13 A. No, it had passed through the body,
14 breaking bones in the skull, passing through
15 the sinuses, the maxillary sinus causing the
16 sinus to fracture open, then passed down,
17 missing the mandible and exiting the lower
18 part below the chin.

19 Q. When a person receives this type of
20 wound or injury, would his death have been
21 instantaneous or would he have been able to
22 function a little bit while longer after
23 having been shot?

24 A. He would become instantaneously
25 incapacitated. His death could take a period

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1 of time for the brain to swell, for bleeding
2 to occur in a sufficient quantity to occur
3 before he ultimately would die.

4 Q. Would he have been able to walk or
5 to take a step?

6 A. No.

7 Q. He basically would have dropped
8 right there ---

9 A. He would have dropped where he was
10 shot.

11 Q. Now, when you were conducting this
12 autopsy, besides generating a report
13 regarding your findings, did you also take
14 photographic evidence of what you saw?

15 A. Yes. I take photographs as we go
16 along in the autopsy so that other people who
17 wish to see what I saw can see it.

18 Q. And you did that in this case?

19 A. That's correct.

20 Q. Now, would these photographs help
21 you explain to the ladies and gentlemen of
22 the jury what you're talking about or
23 referring to?

24 A. Yes, they would.

25 Q. I am going to show you what has been

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1 marked as State's Exhibits 26, 27, 28 and 29.

2 These have already been shown to Mr.

3 Robinson. If you will, please just identify

4 what these are -- just as a group first?

5 A. State's Exhibit 26 represents the
6 bindings that were on his wrists behind his
7 back. We've separated it, took it off so
8 that we could release the wrists. We took
9 a picture of them as we saw them on that day.

10 State's Exhibit 27 represents him and
11 shows the bindings about his wrists before
12 we cleaned the area. It is substantially as
13 we saw him before we did anything to him.

14 State's Exhibit 28 represents some of the
15 cuts that I spoke of on -- this was on the
16 right leg. You can see several cuts on the
17 right leg.

18 State's Exhibit 29 represents the left
19 leg. You can see the cuts on the left leg.

20 State's Exhibit 30 represents the
21 discoloration on the abdomen, which appeared
22 to be a burn.

23 Q. And do these photographs, State's
24 Exhibits 26 through 30, do they fairly and
25 accurately represent what you observed on

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1 July 12th, 2012?

2 A. Yes, they do.

3 SOLICITOR CAMPBELL: At this time I
4 would like to move these photographs, State's
5 Exhibit 26 through 30 into evidence.

6 THE COURT: Any objection?

7 MR. ROBINSON: No objection.

8 THE COURT: In without objection.

9 (SO ENTERED AS STATE'S EXHIBIT 26)

10 (SO ENTERED AS STATE'S EXHIBIT 27)

11 (SO ENTERED AS STATE'S EXHIBIT 28)

12 (SO ENTERED AS STATE'S EXHIBIT 29)

13 (SO ENTERED AS STATE'S EXHIBIT 30)

14 SOLICITOR CAMPBELL: Your Honor, may I
15 have the witness step off the stand so that
16 he may better help explain what we are
17 talking about?

18 THE COURT: Yes, sir.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR CAMPBELL:

21 Q. Dr. Woodard, if you will please step
22 off the stand.

23 A. (Complies).

24 Q. I am going to put on the overhead
25 the photographs that you just went through.

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1 If you will, please explain to the ladies and
2 gentlemen of the jury what you are talking
3 about and what you're referring to.

4 I'm first going to show you what has been
5 marked State's Exhibit 26. If you could,
6 please identify this.

7 A. Yes. If you see this orange ruler
8 with the number associated with it, that's
9 the number that we associated with this
10 particular autopsy. These represent the
11 bindings that were around his wrists behind
12 his back. You'll see in the next picture
13 some sort of telephone wire and then another
14 cord of some sort.

15 Q. Showing you State's Exhibit 27.
16 Please reference what we are looking at here.

17 A. We are looking at his back. Here
18 are his hands. You can see this wire material
19 that you saw in this last picture here,
20 binding his wrists behind his back.

21 Q. Okay. This will be State's Exhibit
22 28.

23 A. This is the medial aspect or the
24 inside aspect of his right leg. You can look
25 here and you can see that there are cuts

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1 here; then there is another cut here,
2 superficial cuts to the skin.

3 Q. State's Exhibit 29?

4 A. This shows his left leg. Here you
5 can see the multiple cuts on the surface of
6 his left leg. All of these had to be caused
7 by a sharp object such as a knife.

8 Q. Looking on this picture, State's
9 Exhibit 29, would this have been caused by
10 any type of item/object?

11 A. Yeah, it's impossible to say that
12 there wasn't a cut there, because the insects
13 have gained entry to his body in this
14 location. That often indicates that that is
15 a site of trauma, but I can't say
16 conclusively that there was a cut there that
17 led to the insect activity.

18 Q. State's Exhibit 30, if you will
19 identify what this is?

20 A. This is his abdomen. You see here
21 this dark circular rim that had a very
22 leathery quality to it that was different
23 than the rest of his skin. It looks like a
24 second degree burn injury.

25 Q. Thank you, Doctor. If you will,

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1 please take a seat. Dr. Woodard, regarding
2 the cuts that were on the body, these type of
3 cuts, could they have been self-inflicted?

4 A. They could have. Given the entire
5 scenario, it would seem unlikely.

6 Q. Were you able to recall approxi-
7 mately how deep these cuts were?

8 A. These were all superficial, just
9 through the skin to the underlying portion
10 of the skin that we call the dermis, the more
11 leathery portion of your skin.

12 Q. Would it be enough for a person to
13 feel the cut?

14 A. Absolutely. It'd be like when you
15 cut yourself when you're doing something in
16 the kitchen or what-have-you. For a second,
17 you don't feel it a lot and then it begins to
18 bother you.

19 Q. Now, given the time of year this
20 was, are you able to determine approximately
21 when his cause of death may have occurred?
22 His manner of death?

23 A. The -- we collected insects so that
24 a more specific determination could be made.
25 But in general one would have to say that it

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1 was at least a week or ten days before the
2 discovery.

3 Q. When you received the body, did it
4 indicate to you that the body had been out
5 and decomposing in the weather?

6 A. Yes. In addition to the injuries
7 shown there was evidence of small mammals --
8 rats, rodents, skunks -- that had attacked
9 his body because it was exposed out in the
10 elements.

11 Q. Now, regarding Mr. Patel, how were
12 you able to identify or place a name with the
13 body?

14 A. We placed a name with the body
15 through dental comparisons. The police
16 thought that it was this individual because
17 he had been reported missing.

18 Q. And regarding -- when you conduct an
19 autopsy, do you also do an examination to try
20 to determine the height and weight of the
21 individual?

22 A. Yes, we do.

23 Q. What was this man's height?

24 A. His height was 64 inches, which
25 would be 5'4"; he weighed approximately 160

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1 pounds.

2 Q. Now, based on your observations and
3 to a reasonable degree of medical certainty,
4 were you able to form an expert opinion
5 regarding his cause of death?

6 A. Yes, sir, I was.

7 Q. Can you please tell the ladies and
8 gentlemen of the jury what your opinion is?

9 A. Yes, it was the gunshot wound to the
10 head with the resultant trauma that would
11 have produced in the brain and produced in
12 the skull.

13 Q. How would you classify this?

14 A. Homicide.

15 SOLICITOR CAMPBELL: Your Honor, I have
16 no further questions of this witness.

17 THE COURT: Cross-examination?

18 MR. ROBINSON: I have no cross, Your
19 Honor.

20 THE COURT: May Dr. Woodard be excused?

21 SOLICITOR CAMPBELL: Yes, sir.

22 MR. ROBINSON: Yes, Your Honor.

23 THE COURT: Doctor, you may be excused.

24 (WITNESS STEPS DOWN)

25 SOLICITOR CAMPBELL: Your Honor, may we

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1 approach?

2 THE COURT: Yes, sir.

3 (OFF RECORD BENCH CONFERENCE)

4 THE COURT: Madam Forelady, ladies and
5 gentlemen for the jury, there are a couple of
6 matters that I need to take up now. I'm
7 going to go ahead and take this as the
8 afternoon break. It will probably be a
9 minimum of twenty minutes, maybe a little
10 longer. So just make yourself at home. If
11 you need anything, just let Buck know and
12 he'll be glad to get it for you. We'll be
13 with you as soon as we can.

14 (JURY OUT 2:15 P.M.)

15 THE COURT: Mr. Robinson, I understand
16 that you have a Motion directed to some audio
17 tapes; is that correct?

18 MR. ROBINSON: I do, Judge.

19 THE COURT: I will be glad to hear from
20 you.

21 MR. ROBINSON: Yes, sir.

22 THE COURT: How long are those tapes?

23 SOLICITOR CAMPBELL: About thirteen
24 minutes on one and the other one is about
25 eighteen minutes.

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1 THE COURT: Okay.

2 MR. ROBINSON: May it please the
3 Court, Your Honor, what we've got here --
4 they've already given me the stuff/discovery.
5 I've received it, I've already listened to
6 it. When they brought that today, they're
7 going to be using two portions of some
8 jailhouse calls that they have. I
9 immediately wanted to check the Rules book
10 and all that stuff because I -- I have an
11 objection to those coming in, those tapes.

12 THE COURT: What is the nature of your
13 objection? What Rule?

14 MR. ROBINSON: Foundation and
15 hearsay, Your Honor. The Rules that I looked
16 are going to be 602 and 601, also the hearsay
17 Rule as well.

18 THE COURT: Okay, 601, 602, ---

19 MR. ROBINSON: And 701.

20 THE COURT: 701.

21 MR. ROBINSON: Hearsay, Your Honor.

22 THE COURT: 701 would be opinion
23 testimony by lay witnesses. Wouldn't it?

24 MR. ROBINSON: Yes, sir. He is a lay
25 witness. Yes, sir, Judge.

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1 THE COURT: Or 802? My understanding
2 is that telephone conversations -- that they
3 were recorded conversations that the
4 defendant had. Is that right?

5 MR. ROBINSON: Allegedly.

6 THE COURT: Allegedly. Assuming that
7 a foundation can be made to authenticate
8 recordings, how would that be hearsay?

9 MR. ROBINSON: May it please the
10 Court?

11 THE COURT: Yes, sir.

12 MR. ROBINSON: Your Honor, first, I
13 don't think my objection can be ---

14 THE COURT: I'm sorry, I can't hear
15 you.

16 MR. ROBINSON: I'm sorry. As far as
17 hearsay, that person -- he is -- the officer
18 is basically testifying that, uh, and the
19 person on the phone, Mr. Williams, is also
20 testifying about the fact that the people
21 that keep these records are -- that the
22 records are kept in the scope of business,
23 that they're -- he is in a jail cell and
24 they're recorded as a part of the normal
25 business practices of the jail. So that is

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1 basically my foundational and hearsay
2 objection.

3 THE COURT: Well, assume that the
4 proper authentication can be made under
5 801(d), wouldn't the jail providing those
6 tapes not be hearsay to the extent that is
7 contains statements or admissions by the
8 defendant?

9 MR. ROBINSON: I'm looking at 801(d),
10 Your Honor, in terms of hearsay in terms of
11 prior statements by a witness.

12 THE COURT: I'm sorry? Say that again.

13 MR. ROBINSON: Your Honor, I'm looking
14 at 801(d) as far as looking at this case.

15 THE COURT: Right.

16 MR. ROBINSON: I think in order for
17 this Rule to apply that they've got to
18 establish that this is authentic, that this
19 is his voice, so forth, and that he made
20 these to whomever he made the statements to.

21 THE COURT: Yes, sir. Anything further
22 as to the hearsay aspect of it?

23 MR. ROBINSON: No, sir.

24 THE COURT: Now go -- the foundation on
25 this case?

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1 MR. ROBINSON: I don't think that
2 they can because I believe the foundational
3 problem, Your Honor, is that the officer that
4 they are going to be bringing -- that the
5 person that runs the telecommunications
6 company that runs this operation, the jail
7 calls and so forth, they run that. I have no
8 ability to cross-examine whether or not the
9 system is functioning properly, any flaws in
10 the system. Is this a record that is
11 normally kept in the normal scope of
12 business, so forth.

13 I think -- I've seen their witness list
14 and they have no one who can come forward and
15 say that this is the system, that there is
16 not a flaw in the system. I think that under
17 the Rules, the rules that I suggested at the
18 beginning compensate and so forth.

19 The only witness that they have left
20 can't say that. He can't give a foundation.
21 The person that runs this or has this, uh,
22 this system is the only person that can come
23 in and say, 'the system is this, this is how
24 it works, there are no flaws in the system.
25 I inspected it the day that this was taken

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1 and there was nothing wrong with it.'

2 Officer/Investigator Barton, what can he
3 say? He can say that he's got a familiarity
4 with the system and such, but he's not the
5 person who actually runs the thing. He is
6 just an officer who is going to say that 'I
7 think it's accurate.' I think that we need
8 more than that in this case.

9 THE COURT: Do you have any question as
10 to the authenticity, that the duplicate that
11 they have is not the same as the original,
12 other than speculation that 'we don't know
13 that the system is working good, we don't
14 know if it hasn't been tampered with' or
15 anything along those lines?

16 The reason I ask -- and I'm looking at
17 Rules 1001, 1002, 1003 of the Rules of
18 Evidence and in that it appears that under
19 Rule 2003 business records are admissible as
20 the original unless there is a genuine issue
21 raised as to authenticity or certain
22 circumstances that it would be unfair to
23 admit copies in lieu of the originals.

24 My understanding that for the
25 authentication that we will have a witness

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1 who will say that the tapes are what they are
2 and ---

3 MR. ROBINSON: Your Honor, I am going
4 to except Rule 1003 only because we are not
5 talking about a written document or something
6 of that nature.

7 THE COURT: Rule 2002 (sic) says that
8 to prove the content of a writing, original
9 writing, or photographs -- when we have a
10 recording, number three says what we just
11 went over. That is that a duplicate is
12 admissible to the same extent as an original
13 unless somebody raises a genuine issue as to
14 authenticity or under the circumstances being
15 unfair to admit a duplicate.

16 MR. ROBINSON: Your Honor, one can
17 call it speculation, however ---

18 THE COURT: Well, right now that is
19 what you're calling it.

20 MR. ROBINSON: Your Honor, the point
21 that I make is that while it is speculation,
22 the State is putting it forth through an
23 officer. That is my objection in this case.
24 He is saying that, 'yes, this is -- I heard
25 it and this is Ezra Williams.' At the time

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1 he listened to this recording, he'd never met
2 Ezra Williams.

3 THE COURT: Well, I haven't yet heard
4 their presentment of the case, heard their
5 foundation, but ---

6 MR. ROBINSON: Yes, Your Honor.

7 THE COURT: --- your basis of this
8 being that it does not have a foundation,
9 that remains to be seen.

10 As far as it being hearsay, I deny that.
11 It is not hearsay to the extent that it
12 contains prior statements or admissions of
13 your client. Okay, sir?

14 MR. ROBINSON: Yes, sir.

15 THE COURT: However, that does not
16 obviate the need for the State to lay a
17 proper foundation with authentication.

18 MR. ROBINSON: Right.

19 THE COURT: So you'll need to raise
20 your objection -- you don't need to go
21 through your entire grounds again, unless you
22 just feel like you need to. You can just
23 say, 'I reiterate my objections' when they
24 attempt to admit it.

25 MR. ROBINSON: Yes, sir. I would

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1 like, Your Honor, to -- if the Court allows,
2 just for the purposes of a complete record, I
3 would like to hear Detective's Barton
4 testimony regarding this outside the jury
5 presence.

6 THE COURT: Do you want to make a
7 foundational proffer now? Is that what you
8 are asking?

9 MR. ROBINSON: I would like to find
10 out -- I'd like for the court to see how much
11 knowledge he has of the system and his
12 knowledge of Mr. Williams.

13 THE COURT: What is your position on
14 that? I mean, I normally don't have a
15 problem with things being heard in-camera.

16 SOLICITOR CAMPBELL: I don't have a
17 problem with it. If he wants to put him up,
18 let's put him up. I don't have a problem
19 with it.

20 THE COURT: All right, come around
21 Officer -- Detective.

22 (WITNESS TAKES STAND)

23 DANNY BARTON, having been sworn to tell
24 the truth, and nothing but the truth,
25 testified as follows:

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IN-CAMERA PROFFER TESTIMONY

EXAMINATION BY MR. ROBINSON:

Q. Detective Barton, before this case, did you have any dealings with Mr. Williams?

A. No.

Q. So you didn't know him before this case?

A. Right, I didn't know him.

Q. And in terms of your training, specifically about the system that records jail calls in the detention center, what kind of training have you received in that?

A. There is really no training on how to operate the system on how we retrieve phone calls. Each inmate is assigned a PIN number to make a phone call. When they go on to make a phone call, there is a message that the phone call is being recorded to let them know that they are to be recorded. They enter their PIN and after that it works kind of like a collect call, calls the number and announces that 'you have a collect call from so and so' and at that point the inmate will say his name or whatever he wants to say and the person has the opportunity to accept and

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1 then the phone call starts.

2 Q. Now, you are not getting this
3 information from training. You're getting it
4 from just ---

5 A. Well, when we are given a password
6 they come around and teach us how to use the
7 system, per se. There is no actual training
8 class.

9 MR. ROBINSON: That's all that I
10 have.

11 THE COURT: Thank you, sir.

12 (WITNESS STEPS DOWN)

13 THE COURT: Anything else?

14 MR. ROBINSON: No, sir.

15 THE COURT: State have anything?

16 SOLICITOR CAMPBELL: No, sir, can we
17 take a quick break.

18 THE COURT: Let's take about a ten-
19 minute break.

20 (BRIEF RECESS 2:30 - 2:40)

21 (DEFENDANT PRESENT)

22 THE COURT: Let me see Mr. Haigler --
23 let me see the attorneys regarding the
24 schedule.

25 (OFF RECORD BENCH CONFERENCE)

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1 THE COURT: Okay, let's bring in the
2 jury. State ready?

3 SOLICITOR CAMPBELL: State is ready,
4 Your Honor.

5 THE COURT: Defense ready?

6 MR. ROBINSON: Defense is ready, Your
7 Honor.

8 THE COURT: Bring in the jury.

9 (JURY IN @ 2:42 P.M.)

10 THE COURT: Call your next witness.

11 SOLICITOR CAMPBELL: The State calls
12 Investigator Barton.

13 (WITNESS TAKES STAND)

14 DANNY BARTON, having been sworn to tell
15 the truth, and nothing but the truth,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY SOLICITOR CAMPBELL:

19 Q. Detective Barton, you were the lead
20 detective or the case officer in this case
21 involving the disappearance and death of
22 Chandrakant Patel; is that right?

23 A. Yes, sir.

24 Q. You are also the detective that
25 brought the charges against Ezra Williams,

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1 which is why we are here today, for his role
2 and involvement in the robbery, kidnapping
3 and murder of C.J. Patel; is that right?

4 A. Yes, sir, I am.

5 Q. Prior to being involved in this
6 case, how long have you been -- had
7 experience in law enforcement?

8 A. Twelve years, almost.

9 Q. Are you currently with Anderson
10 County?

11 A. Yes, I am.

12 Q. And when did you actually go into
13 law enforcement?

14 A. In 2000. I joined the law enforce-
15 ment, starting at the detention center and I
16 was there until 2005 as a lieutenant at the
17 detention center.

18 After leaving the detention center, I
19 joined the Sheriff's office with a transfer
20 to the uniformed patrol division in 2005.
21 There I answered calls. That was my job for
22 several years. So for about four and a half
23 years, and during that time I was training
24 new hires for the Sheriff's Office.

25 And in 2005 -- sorry, in 2009 I

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1 transferred to the criminal investigations
2 division and started investigating property
3 crimes, from that to persons crimes, then to
4 where I am now which is violent crimes
5 against children, sex crimes and such.

6 I also train officers as newly-assigned
7 investigators as well as newly-assigned --
8 new hires at the Sheriff's Office, as well as
9 sniper consulting.

10 Q. Are you in the same capacity that
11 you were back in 2012?

12 A. Yes, sir.

13 Q. When officially did you become
14 involved in this case?

15 A. The morning of July 2nd, 2012.

16 Q. What day of the week was that?

17 A. A Monday morning.

18 Q. How did you become involved?

19 A. There was a missing persons report
20 filed on the late night of July 1st or early
21 morning of July 2nd. Meet Patel had filed a
22 report with the Anderson County Sheriff's
23 Office that he had not seen or heard from
24 his father in about seven hours or so.

25 Q. When he filed this report, was it in

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1 person? Did he actually come to the
2 sheriff's office or was it done over the
3 phone?

4 A. I believe that he came to the
5 sheriff's office. I wasn't working when he
6 filed the report but it was my understanding
7 that he came to the sheriff's office.

8 Q. But a report was generated regarding
9 the fact that his father, C.J. Patel, was
10 missing?

11 A. Yes, sir.

12 Q. Now, at this point in time you were
13 treating this as a missing persons case.
14 Right?

15 A. Yes, sir.

16 Q. Can you just describe the process
17 that you deal with when you get a missing
18 persons report?

19 A. Part of the process -- most of the
20 missing persons reports that we get will
21 start like this, most of the time it's just
22 someone who has walked away from the home,
23 maybe doesn't want to be found and then they
24 come home a few hours later. So we don't --
25 the first part of the process is, of course,

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1 that we get bank records, phone records, find
2 out who his friends are because typically
3 they'll just be hanging out with one of their
4 friends.

5 We got all that information from Meet
6 Patel who -- his father C.J. had not
7 contacted him by phone, there was no activity
8 on his bank account. Once he provided me
9 with all of this, then I began to follow up
10 on the leads, based on what he had given me.

11 Q. Now, were you able to determine or
12 learn where C.J. Patel worked?

13 A. Yes, sir.

14 Q. Where was that?

15 A. He worked at the Exxon Station. He
16 managed that store, the one on Clemson
17 Boulevard going towards Pendleton, just
18 before you get to the interstate, on the left
19 side of Hardees.

20 Q. When was the last time that you were
21 able to learn that -- that last time that he
22 was seen?

23 A. At that time in the investigation,
24 it was around 5:00 in the afternoon. He'd
25 left the store and hadn't been heard from

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1 since then.

2 Q. And that would have been on Sunday
3 the 1st?

4 A. Yes, sir.

5 Q. Now, he goes by "C.J.", but what is
6 his full name?

7 A. Chandrakant Patel.

8 Q. Now, when you were assigned this
9 case, were you able to read the initial
10 report?

11 A. Yes, sir.

12 Q. Did you also speak to Mr. Meet
13 Patel, the son?

14 A. I did.

15 Q. Was it unusual for him to be gone
16 this period of time without reporting in to
17 his family?

18 A. It was.

19 Q. Now, what steps -- after you read
20 the initial report, describe the initial
21 steps that you took in investigating this
22 disappearance.

23 A. Meet Patel -- like I said, he
24 provided me with the bank records. Like I
25 said, there had been no activity on that.

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1 Meet also gave me the phone records for
2 just before C.J. Patel had went missing.
3 There were numerous phone calls to a
4 particular number, 202-██████, prior to him
5 going missing. Once the last call was made
6 to that number there was no other activity on
7 his cell phone for the rest of the night.

8 So we have different tools that we use at
9 the Sheriff's Office for investigating where
10 we can look up phone number's names,
11 addresses. We can get a lot of information
12 based on these databases that we use.

13 That particular phone number was run
14 through the database and we came up with the
15 name of LeAnn Howell that that phone was
16 registered to.

17 Q. Was there an address associated with
18 this telephone number?

19 A. Yes, there were two addresses
20 actually. One was on Highway 29 (phonetic),
21 some apartments here in Anderson. The other
22 being ██████ Jerry Drive in Anderson.

23 Q. As a result of this information,
24 what was the next step that you did?

25 A. Well, going back to when I spoke

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1 with Meet, he had also said that his father
2 had an iPhone that he used sometimes. So
3 through the use of the iPhone application
4 which generates a GPS location, not an actual
5 exact location but a generic location where
6 that phone is, he had pinpointed his phone to
7 be in the area of Manley Drive, which is in
8 Homeland Park, not far from Jerry Drive.

9 I figured that was the best lead to
10 follow, so I went to Jerry Drive to check
11 that house and see if I could find LeAnn
12 Howell.

13 So Meet Patel conducted his own
14 investigation prior to coming to the
15 Sheriff's Office?

16 A. Yes, sir.

17 Q. Did you learn from Meet Patel what
18 his father typically carries in his wallet?

19 A. Meet gave me the different bank
20 cards: Regions Bank, I believe a Discover
21 card, those sorts of things.

22 Q. And did he give you a description
23 of the vehicle that his father drove at that
24 time?

25 A. Yes, he told me that it was a black

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1 Honda Accord, four door.

2 Q. And how about a physical description
3 of his father of Mr. Patel?

4 A. Yes. He said his father was last
5 wearing a -- I believe it was a gray shirt
6 and a pair of shorts.

7 Q. Now, based on this information --
8 this was all the information that you had at
9 this time during your investigation regarding
10 a missing persons case? Is that right?

11 A. Yes, sir.

12 Q. So with this information, did you go
13 to Jerry Drive?

14 A. I did.

15 Q. Where is Jerry Drive located in
16 reference to the City of Anderson?

17 A. It's just a couple of miles outside
18 of the city, two or three miles. It's in the
19 Homeland Park area, back behind the Minute
20 Mart. Jerry Drive actually runs off of
21 Roosevelt Drive. It's a trailer park.

22 Q. Now, when you went to this location,
23 was it a house or a mobile home?

24 A. [REDACTED] is a brick house.

25 Q. Were there any other brick houses in

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1 or on Jerry Drive?

2 A. Not that I recall. Mostly was
3 trailers.

4 Q. When you went there, were you able
5 to meet anyone at the home at [REDACTED] Jerry
6 Drive?

7 A. Yes, sir. When I got there, there
8 were no vehicles in the yard. There was a
9 trailer that was backed up into the carport
10 that had a bunch of junk on it, like if
11 somebody was throwing a bunch of junk away or
12 possibly moving.

13 I went and knocked on the door and a
14 black male, who at the time I didn't -- I had
15 no clue who he was. He came to the door. He
16 was later identified as Zachary Gantt.

17 He answered the door. I asked him if he
18 knew who LeAnn Howell was. LeAnn Howell is a
19 white lady. Zach Gantt is obviously a black
20 male. He said that he didn't know who LeAnn
21 Howell was. At that time that's all that I
22 had to go on, so -- like I said, this was a
23 black male and I was looking for a white
24 lady. So I figured maybe she had moved or
25 something or I had the wrong address, so I

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1 left at that point.

2 Q. Now, that was on Monday, July 2nd?

3 A. Yes, sir.

4 Q. Now, when you conduct these type of
5 cases or investigations, do you also have
6 other detectives assisting you?

7 A. Yes, sir.

8 Q. And did you have other detectives
9 assisting you in this case?

10 A. I did. Not necessarily that day.
11 It was the next day, really, when I had
12 people assisting me but not at that time.

13 Q. So that would have been Tuesday,
14 July 3rd?

15 A. Yes, sir.

16 Q. Let's talk about that. So at this
17 point in time you really have nothing, no
18 leads in your investigation?

19 A. No, sir.

20 Q. So on July 3rd, Tuesday the 3rd, what
21 did you do at that point in time?

22 A. The first thing on July 3rd, I met
23 with Meet Patel again and let him know where
24 I was with the investigation, what I'd done
25 the day before and to see if he had any

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1 additional information, if there had been any
2 activity on the bank accounts, anything by
3 phone. There was no activity on the banks,
4 no activity by phone records.

5 He did tell me that he had contacted the
6 Sheriff's Office the night before and that
7 Detective McCarty had gone out to [REDACTED] Jerry
8 Drive and located a Kyndra Howell. At that
9 time, I looked back in the reports and there
10 was a supplemental report written by Deputy
11 McCarty where he had spoken with Kyndra
12 Howell and what she had told him.

13 Q. Now, at this point in your
14 investigation, was that the first time that
15 the name of Kyndra Howell had come up?

16 A. Yes. As I said before, the phone
17 records had come back as LeAnn Howell, which
18 is Kyndra's mother.

19 Q. Now, did you speak to Deputy McCarty
20 or did you just read his report?

21 A. I just read his report.

22 Q. As a result of -- was the address
23 that Deputy McCarty went to the same address
24 that you went to the day before?

25 A. Yes, sir.

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1 Q. The one where you saw Zach Gantt?

2 A. Yes, sir.

3 Q. Based on reading his report, what
4 did you learn that assisted you in furthering
5 this investigation?

6 A. Well, he told me that Kyndra advised
7 him that she had spoken with C.J. the day
8 before and that they'd talked about sex for
9 money, argued about price, but that Kyndra
10 had never seen C.J. that night.

11 Q. Did you attempt to go back to 3304
12 Jerry Drive?

13 A. I did, but I did not locate anyone
14 at home again.

15 Q. I'm sorry. You've going to have to
16 speak up.

17 A. I did, but I did not locate anyone
18 at home.

19 Q. So at this point in time, you went
20 there and no one was home, uh, what -- on
21 this day, did something come in that helped
22 break this case, started pointing you in the
23 direction of your investigation?

24 A. Yes, sir.

25 MR. ROBINSON: Your Honor, objection.

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1 Leading.

2 THE COURT: Rephrase your question.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR CAMPBELL:

5 Q. What was the next step in your
6 investigation after you went to [REDACTED] Jerry
7 Drive?

8 A. Not long after I left Jerry Drive,
9 I heard a call go out on the County radio
10 about a vehicle that had been found in Fair
11 Play, in a wooded area. They gave the
12 vehicle description as a black four-door
13 Honda Accord. I was looking for a black
14 four-door Honda Accord, so I drove to that
15 location to see if it might be the one that
16 I was looking for.

17 Q. And was anyone else helping you at
18 that point in time?

19 A. Yes, at that point in time -- prior
20 to my arriving there, they discovered that it
21 was C.J. Patel's vehicle at that location.
22 So several other deputies came out to assist
23 in the investigation.

24 Q. And did you actually go to the scene
25 where the car was found?

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1 A. I did.

2 Q. And did you, yourself, speak to the
3 person who'd found this vehicle?

4 A. I did not. Jeff Finley did.

5 Q. Was this car located in Anderson
6 County?

7 A. Yes, sir. Fair Play, in Anderson
8 County.

9 Q. Do you recall what road or highway
10 that this was discovered off of?

11 A. I want to say Wooten Road.

12 Q. Approximately how many miles from
13 Jerry Drive was the vehicle found?

14 A. Around twenty miles.

15 Q. When you saw the vehicle, had it
16 been moved when you saw it?

17 A. Not when I got there. No.

18 Q. It hadn't been towed or anything?

19 A. No.

20 Q. Could you easily see it from the
21 road?

22 A. No. It was only a dirt trail, like
23 a little trail that led into a big field.
24 It was like twenty to twenty-five yards off
25 the roadway. Had all the police not been

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1 there, I would have drove right by it and
2 never saw it.

3 Q. And to your knowledge, had this
4 vehicle been tampered with prior to law
5 enforcement getting there?

6 A. To my knowledge the only thing that
7 had been touched prior to my getting there
8 was that the man who found, his son I believe
9 had found it and set his eyeglasses in a case
10 on the ground beside the vehicle and they'd
11 picked those up and set them on the trunk of
12 the vehicle.

13 Q. Since his car had been located in
14 this area in Fair Play in Anderson County
15 with all the law enforcement that was on the
16 scene, what steps did y'all take while at the
17 scene to try to locate Mr. Patel?

18 A. Well, once we found the vehicle, the
19 -- it was still a missing person's case but
20 it was starting to look like it might be a
21 lot more because the son said that it just
22 wasn't like his father to be gone for long
23 period of time, especially without his
24 vehicle.

25 So myself, the other detectives and the

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1 sheriff, we conducted a complete canvas of
2 that area, searching the fields and each side
3 of the road from Highway 243 all the way to
4 the other end of Wooten Road. We talked to
5 all the neighbors, picking up any piece of --
6 any item on the side of the road that might
7 be connected to it.

8 Like I said, we searched the big open
9 field that the car was leading to. We didn't
10 find anything, any sign of Mr. Patel.

11 At that point we had exhausted everything
12 out there. So we towed the vehicle back to
13 the sheriffs office and searched it.

14 Q. So y'all didn't look at the vehicle
15 during the time it was right off Wooten Road?

16 A. No, sir, we were going to get a
17 search warrant for the vehicle.

18 Q. Is that typical?

19 A. It is typical because the owner was
20 not there, to make sure -- you know if this
21 case was going to turn into something major,
22 we wanted to make sure that we were covered
23 on everything that we did.

24 Q. Now, eventually did law enforcement
25 get a search warrant for this car?

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1 A. Yes, sir.

2 Q. And was the car processed for
3 evidence?

4 A. Yes, it was.

5 Q. Was there anything of evidentiary
6 value that was recovered from the vehicle?

7 A. There were a couple of things in the
8 vehicle like a bottle and -- those things
9 were taken, several trace lifts. The car was
10 processed for fingerprints, several swabs --
11 you know, DNA swabs. Just trying to come up
12 with something inside the vehicle.

13 The fingerprints and the trace lifts got
14 brought up earlier. The trace lifts is
15 something that we would take trying to pick
16 up fibers or anything like that, any hairs.
17 We'd send that down to SLED to be analyzed.

18 Fingerprints are something that we can
19 dust and I can tell you whether there are
20 fingerprints on the vehicle or not. I
21 believe that there was one latent print
22 recovered and numerous trace lifts and
23 possible DNA swabs.

24 Q. Did y'all take the fingerprint and
25 try to compare it to anybody to see if you

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1 could identify who left it there?

2 A. Yes, sir. We couldn't -- we didn't
3 match it to anyone.

4 Q. Now, regarding the trace lifts, did
5 you take any type of evidence from the car
6 and take it to the processing center to get
7 it analyzed for determining his whereabouts.

8 A. Yes, sir. The DNA swabs that we
9 collected, the trace lifts and everything was
10 sent to SLED. No evidence was recovered from
11 -- we weren't able to get anything off of any
12 of that.

13 Another search warrant was conducted at a
14 later time, during the dark-time hours to
15 spray some BlueStar. That has to be done in
16 complete dark. It's a chemical that reacts
17 to blood and will light up a blue color. We
18 were able to recover dried blood from the
19 car. That blood was tested and compared and
20 it was in fact C.J. Patel's blood.

21 MR. ROBINSON: Objection, Your Honor,
22 calls for hearsay.

23 THE COURT: If y'all could approach,
24 please.

25 (OFF RECORD BENCH CONFERENCE)

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1 THE COURT: Madam Forelady, would you
2 take the jury back to the jury room for a few
3 minutes?

4 (JURY OUT @ 3:04 P.M.)

5 THE COURT: For the record, the
6 objection was to testimony about dried blood
7 belonging to the victim in this case based on
8 hearsay.

9 The reason that I brought y'all up here
10 is because yesterday, in the pretrial, there
11 was a stipulation that you were waiving the
12 chain of custody.

13 MR. ROBINSON: We waived the chain of
14 custody.

15 THE COURT: So with that stipulation in
16 place, tell me ---

17 MR. ROBINSON: We did stipulate to that.

18 THE COURT: And as a result several
19 witnesses were ---

20 SOLICITOR CAMPBELL: And Detective
21 Barton -- and I can lay more of a foundation
22 if he wants me to go into it -- received a
23 report from SLED. At their request, the
24 evidence was sent to SLED. SLED analyzed it,
25 SLED generated a report because it was a

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1 lengthy process. All it's going to say is
2 that it was his blood in the car.

3 THE COURT: It was his?

4 SOLICITOR CAMPBELL: C.J. Patel's.
5 I'm moving on.

6 THE COURT: That's what I heard him
7 say.

8 MR. ROBINSON: That's what I heard
9 him say.

10 THE COURT: It has already been
11 testified that C.J. Patel was in the car.

12 THE COURT: All right. So with the
13 prior stipulation, are you withdrawing your
14 stipulation?

15 MR. ROBINSON: I am.

16 THE COURT: Are you ready to proceed?

17 SOLICITOR CAMPBELL: Yes, sir. For the
18 record, I am not pounding on that subject. I
19 am moving on.

20 THE COURT: Okay. Bring in the jury.

21 (JURY IN @ 3:07 P.M.)

22 THE COURT: Solicitor, you may proceed.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR CAMPBELL:

25 Q. Now, Detective Barton, after the car

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1 was processed and at this point during your
2 investigation, was there anything specific
3 that was able to point, that was able to help
4 you determine or learn about the whereabouts
5 of Mr. C.J. Patel?

6 A. None at that time as to his where-
7 abouts, no.

8 Q. Now, as a result of that, do you --
9 in law enforcement, do you typically try to
10 get responses or help from the public when
11 you've kinda gotten stumped at this point in
12 time?

13 A. This particular case was placed on
14 the media, which -- like a lot of our missing
15 persons reports, if they go a couple of days
16 without finding the person we will put it on
17 the media to see if anyone is saying
18 anything.

19 In this particular case, we set up a tip
20 line with the Sheriff's Office specifically
21 for Mr. Patel, asking that if anybody had
22 seen or heard from him that they call the tip
23 line.

24 Q. Is this a 24-hour tip line?

25 A. It is.

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1 Q. When you set the tip line up is it
2 manned by a person or do people call and
3 leave a message on a voice mail machine?

4 A. It is typically manned by the desk
5 officer. We have a desk officer at the
6 sheriff's office who answers calls and
7 handles all the walk-in reports.

8 Q. During this time, were you able to
9 receive any type of information that helped
10 your investigation?

11 A. Yes, sir. That night I received a
12 phone call from a female, Kim Lomax, who had
13 information regarding the disappearance of
14 C.J.

15 Q. Did you speak with Ms. Lomax?

16 A. I did, by telephone.

17 Q. And during this conversation when
18 you were with Ms. Lomax, did anything occur
19 that helped point you in the direction of
20 this case, the right direction?

21 A. Yes, sir. While Ms. Lomax was
22 telling me what she knew, she had received a
23 ---

24 MR. ROBINSON: Objection, Your Honor.
25 It's going to hearsay.

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1 THE COURT: Sustained as to hearsay.
2 Rephrase your question.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR CAMPBELL:

5 Q. Now, not saying what you and Ms.
6 Lomax discussed, while you were on the phone
7 with her did anything happen that helped your
8 investigation?

9 A. Yes. While I was on the phone with
10 Kim Lomax, she got another phone call that I
11 could hear while speaking with her. It was a
12 female that we had already identified as Kim
13 Lomax -- not Kim Lomax. Sorry. Kyndra
14 Howell. She was asking her on the phone
15 where there was ---

16 MR. ROBINSON: Objection, hearsay.

17 THE COURT: Go back to the jury room
18 for just one second.

19 (JURY OUT @ 3:11 P.M.)

20 THE COURT: Let me make sure that I
21 understand the testimony. You said that you
22 received a call from Ms. Lomax.

23 OFFICER BARTON: Yes, sir.

24 THE COURT: During that call she
25 received a call from Ms. Howell, who is a

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1 codefendant?

2 OFFICER BARTON: Yes, sir.

3 THE COURT: You overheard Ms. Howell
4 say something, ---

5 OFFICER BARTON: Yes, sir.

6 THE COURT: --- and that is when the
7 objection came about?

8 MR. ROBINSON: Yes, sir.

9 THE COURT: Hearsay. Why would that
10 not be hearsay, Mr. Campbell?

11 SOLICITOR CAMPBELL: (No verbal
12 response).

13 THE COURT: Ask the question and let me
14 hear what his response is, please.

15 SOLICITOR CAMPBELL: Your Honor, what I
16 was going to ask Detective Barton at that
17 point in time is based upon what he heard the
18 person. He identified who the person was
19 based on her calling. What his testimony
20 will be is that after that she wanted to know
21 where a 24-hour convenience store was open in
22 Belton. He heard that information over the
23 phone. It was basically a three-way call.
24 Based on that, that's how he -- he went to
25 the location in Belton and that's where he

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1 met Ms. Howell along with Mr. Williams.

2 THE COURT: So it's certainly an out of
3 court statement.

4 SOLICITOR CAMPBELL: Yes, sir, it's an
5 out of court statement.

6 THE COURT: Not asserted for the truth
7 of the matter -- it may very well be, I think
8 that it probably is. Do you know of an
9 exception to the rule?

10 SOLICITOR CAMPBELL: No, sir.

11 THE COURT: I am going to sustain the
12 objection. I am going to let him say that as
13 a result of overhearing the conversation that
14 he took certain acts, because that is not
15 hearsay. But as to what was said, that's
16 hearsay.

17 SOLICITOR CAMPBELL: Yes, sir.

18 MR. ROBINSON: Thank you.

19 THE COURT: Bring the jury back.

20 (JURY IN @ 3:11 P.M.)

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR CAMPBELL:

23 Q. Detective Barton, as a result of
24 this conversation that you had with Kim
25 Lomax, Kimberlee Lomax, what actions, if any,

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1 did you take next in your investigation?

2 A. Well, I learned that Kyndra Howell
3 was going to be at a convenience store in
4 Belton, so I contacted the Belton Police
5 Department and learned that there was only
6 one convenience store at that time of night
7 -- it was around midnight or 1:00 o'clock in
8 the morning and there is only one convenience
9 store in Belton that stays open all night
10 long. So I called Belton PD and had them go
11 to that convenience store to be on the
12 lookout for Kyndra Howell, because at this
13 time she is the number one person that I am
14 looking for in the disappearance of Mr.
15 Patel.

16 Q. As a result of you calling the
17 Belton police department, what information
18 did you receive back?

19 A. They called me back just a short
20 time later, saying that they had located
21 Kyndra Howell and that she was in the company
22 of Ezra Williams.

23 Q. Did you go to Belton?

24 A. I did.

25 Q. And did you speak to Mr. Williams

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1 when you got there?

2 A. I didn't speak to him. I saw him
3 leaning up against the vehicle.

4 Q. Was that the first time that his
5 name had been mentioned in this investiga-
6 tion?

7 A. Yes, sir.

8 Q. Yes, sir.

9 Q. And did you speak with Ms. Howell?

10 A. Yes, sir.

11 Q. As a result of talking to her, did
12 she give you any information that would help
13 you regarding the disappearance of Mr. Patel?

14 A. She did not. Like Mr. McCarty said
15 earlier, she denied that he had ever been
16 there. I got the same story about the
17 argument of sex for money. That was pretty
18 much the gist of our conversation, that she
19 had seen him. At some point she just said
20 she wasn't going to talk to me any more and
21 left.

22 Q. Based on your conversation with her,
23 were you also able to learn who her landlord
24 was?

25 A. Yes, sir, she did provide me with

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1 his name.

2 Q. Now, based on the information that
3 you had at that point in time, what did you
4 do next?

5 A. Based on the fact that C.J.'s phone
6 had been pinging in the Homeland Park area,
7 that the person he was last calling lived at
8 3304 Jerry Drive, the conversation that I had
9 with Kim Lomax, based on all this information
10 I did have enough information to get a search
11 warrant for 3304 Jerry Drive just to see what
12 we could find. At this point I didn't know
13 what had gone on other than we had a missing
14 person.

15 Q. Did you get a search warrant?

16 A. I did.

17 Q. Did you serve the search warrant, go
18 to the house at [REDACTED] Jerry Drive?

19 A. We did. That night we did, around
20 3:00 or 4:00 in the morning.

21 Q. Were you present for the search
22 warrant?

23 A. I was.

24 Q. What, if anything, did you observe
25 at the house?

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1 A. When we got to the house, just like
2 the couple of days prior when I went there
3 and found Zach Gantt, there was -- the same
4 trailer was still backed up in the carport,
5 still loaded with a bunch of junk.

6 As we were doing the search warrant on
7 the house, part of the process is taking
8 photos of the exterior and interior of the
9 house. During the process, I did notice what
10 looked like cameras mounted on the front of
11 the house, three cameras to be exact on the
12 front of the house, before we went inside the
13 house to conduct our search.

14 Q. Now, regarding the cameras that you
15 observed, did you look for any type of
16 monitoring system or recording system inside
17 the house?

18 A. I did. During the search, we tried
19 to find a DVR which was connected to it. We
20 couldn't find anything, which is not
21 uncommon. This is a high, big-time drug
22 area, Jerry Drive is. A lot of these drug
23 houses that we go to have cameras mounted on
24 the outside just to show who is coming and
25 going. It's just a dope person thing. They

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1 want to know who is coming and knocking on
2 their door. But they are not recording, they
3 are just live feeds so that whoever is in the
4 house can see who is coming up to their door.

5 Q. Now, after this, you conducted a
6 search warrant at the house, did you gain any
7 information that night to help you in your
8 investigation?

9 A. Not that night. We seized a couple
10 of things from the house like cords and
11 whatnot, that someone could be held hostage
12 with. All of this was based on stuff that we
13 knew already from people that we had talked
14 to.

15 Q. And when you go into a house on a
16 search warrant, like in this case, do you
17 know what you're looking for?

18 A. Typically in this kind of case we
19 don't. It was still a missing person. You
20 know, we're starting to think differently but
21 we still don't know what we are looking for.
22 We don't know what has happened to him. We
23 don't know if he was -- whatever. We don't
24 know anything so we are just kind of grasping
25 at straws, basically, trying to find some

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1 sort of information.

2 Q. Now, after this first search warrant
3 that you did on Jerry Drive, did you contact
4 the landlord?

5 A. I did.

6 Q. Did you receive any information from
7 him that you went back to the house because
8 of his information?

9 A. Yes, sir. When I spoke with him,
10 we learned that there was actually a DVR
11 connected to the house; DVR, a digital video
12 recorder, that was connected to those
13 cameras. He had them installed for any kind
14 of illegal activity. Like I said, this is a
15 bad drug area, a lot of crime goes on down on
16 Jerry Drive. So he installed these cameras
17 to try and cut down on some of that crime or
18 to provide evidence if something did happen.
19 The DVR was actually located inside the wall
20 of the closet there to keep the resident
21 there from getting to the DVR or knowing it
22 was there. It was hidden in the wall.

23 Q. Did you get a search warrant to go
24 back in and try to retrieve this DVR?

25 A. Yes, sir, I had the search warrant

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1 typed up and I met with them down there and
2 we executed the search warrant and recovered
3 the DVR system.

4 Q. Where was the DVR system located?

5 A. It was behind a wall. It was built
6 into the closet wall so that no one could
7 know that it was there.

8 Q. Now, were you able to observe what
9 was on the DVR system at Jerry Drive or did
10 you remove the whole entire system from the
11 house?

12 A. Not at that time. We removed the
13 entire system, the actual DVR itself from the
14 house and everything that was hooked up to
15 it. We removed that, took it back to the
16 office and that's where I viewed it at.

17 Q. Did you observe or review the
18 information that was on the DVR system?

19 A. I did.

20 Q. As a result of that, did you learn
21 anything to help with this investigation?

22 A. Yes, sir. I did see on the DVR
23 system that around just after 5:30 p.m. that
24 C.J. Patel did actually arrive at [REDACTED] Jerry
25 Drive. He did have contact with Kyndra

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1 Howell at that residence. He and Kyndra
2 Howell left and they had came back. They
3 both went inside Kyndra's house and that was
4 the last time that C.J. Patel was ever seen
5 alive.

6 It also shows two black males, who we
7 have identified as Zach Gantt and Jeremiah
8 Johnson, codefendants in this case, arriving
9 on scene. Jeremiah actually arrives in a
10 silver Cadillac and they both go inside
11 Kyndra Howell's residence.

12 Later on that night another vehicle,
13 which we could not identify at the time,
14 arrived at the house, parked behind the
15 house. Other than that, the vehicles come
16 and go all night long.

17 It also shows Kyndra Howell moved C.J.'s
18 vehicle behind the house, like she is trying
19 to hide it.

20 Q. Now, as a result of observing the
21 video, did you take out any arrest warrants
22 at that time?

23 A. At that time -- we did take out an
24 arrest warrant on Kyndra Howell. Once we got
25 Jeremiah Johnson and Zach Gantt identified

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1 through several individuals, we took out
2 warrants on them as well for kidnaping.
3 C.J. Patel was seen going in the house and
4 was never seen coming back out. So based on
5 statements that we had received thus far, ---

6 MR. ROBINSON: Your Honor, I am going
7 to have to object on hearsay.

8 THE COURT: Would you repeat what you
9 just said.

10 OFFICER BARTON: What I just said?

11 THE COURT: Tell me what you just said
12 so that I can address his objection.

13 OFFICER BARTON: Based on the stuff
14 that we seen on the video and the statements
15 that we'd received thus far, we had enough to
16 sign warrants for kidnaping.

17 THE COURT: I am going to overrule the
18 objection. Go ahead.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR CAMPBELL:

21 Q. Now, at this point in time was an
22 arrest warrant taken out on Ezra Williams?

23 A. No, sir.

24 Q. Up to this point in time, your only
25 involvement with him regarding this case is

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1 that you saw him at the Belton convenience
2 store?

3 A. Yes, sir.

4 Q. Now I am going to show you what has
5 been marked as State's Exhibits 7, 8, 9, 10,
6 11, 12 and 13.

7 If you could, please identify what these
8 are, sir.

9 A. (Upon review), these were all photos
10 taken at Kyndra Howell's residence at 3304
11 Jerry Drive, exterior and interior photos
12 that were taken during the search warrant.
13 The last photo, Number 13, is the silver
14 Cadillac that we discovered was the one in
15 which Jeremiah Johnson arrived in, in the
16 passenger seat.

17 Q. And were these photographs, these
18 photographs taken on or about the early part
19 of July 2012 when you were conducting search
20 warrants at that house?

21 A. Yes, all but the Cadillac. The
22 Cadillac was taken a few days later.

23 Q. Okay. Do they fairly and accurately
24 reflect what you saw and observed around that
25 time?

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1 A. Yes, sir.

2 SOLICITOR CAMPBELL: Your Honor, I
3 would like to move State's Exhibits 7 through
4 13 into evidence.

5 THE COURT: Any objection?

6 MR. ROBINSON: No objection.

7 THE COURT: Admitted without objection.

8 (SO ENTERED AS STATE'S EXHIBIT 7)

9 (SO ENTERED AS STATE'S EXHIBIT 8)

10 (SO ENTERED AS STATE'S EXHIBIT 9)

11 (SO ENTERED AS STATE'S EXHIBIT 10)

12 (SO ENTERED AS STATE'S EXHIBIT 11)

13 (SO ENTERED AS STATE'S EXHIBIT 12)

14 (SO ENTERED AS STATE'S EXHIBIT 13)

15 SOLICITOR CAMPBELL: Your Honor, may I
16 have the witness step off the stand to help
17 explain what these are?

18 THE COURT: Yes.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR CAMPBELL:

21 Q. Detective, if you will just please
22 explain to the ladies and gentlemen of the
23 jury as I put them up on the overhead what we
24 are looking at or what they are seeing.

25 A. Okay.

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1 Q. Starting with State's Exhibit 7, if
2 you can just tell us what this is.

3 A. When we do search warrants, we
4 typically try to get the number, a photo of
5 the house number; which is [REDACTED] on Jerry
6 Drive, so that's the front of Kyndra's house.

7 Q. Starting with State's Exhibit 8?

8 A. This is another photo of the front
9 of Kyndra's house. This is the front door
10 which leads into a bedroom right here. This
11 is a carport door to the carport. Through
12 this way is a door that leads out.

13 If you look right here -- and it's a
14 little bit dark, so one of the other pictures
15 will show it better, is the video cameras
16 mounted on the front of the house. That is
17 two cameras and there is a third mounted, I
18 believe right in here.

19 Q. Showing you what you're kind of
20 referring to on State's Exhibit 9.

21 A. These are the two cameras. One of
22 them, I believe, is pointed down towards
23 Jerry Drive that way. One is pointed
24 directly out to the front of the house. The
25 third one is pointed up Jerry Drive.

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1 Q. State's Exhibit 10.

2 A. That being the third camera, and
3 that being the trailer that I spoke of
4 earlier, with a bunch of junk on it. Through
5 this way there's like a little storage room
6 right here, and it leads straight through to
7 the back door.

8 Q. And where is the side door in this
9 photograph?

10 A. This is the side door (indicating)
11 that leads into the living room of the
12 residence.

13 Q. State's Exhibit 11?

14 A. This one is one of the bedrooms
15 inside Kyndra Howell's residence. I believe
16 that this is going to be one of the bedrooms
17 on the front side of the residence.

18 A. Okay.

19 Q. Number 12?

20 A. Again another photo taken in one of
21 the bedrooms of the residence. This room in
22 particular was used to store a bunch of -- a
23 bunch of -- whatever. A bunch of knick-
24 knacks.

25 Q. I am going to show you State's

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1 Exhibit 13.

2 A. On the video which you will see
3 later, you will see a silver Cadillac pull up
4 on the video and this would be the silver
5 Cadillac driven by Tiwana Edwards and
6 Jeremiah Johnson.

7 Q. Was there a relationship between
8 Tiwana Edwards and Jeremiah Johnson?

9 A. At the time it was his girlfriend.

10 Q. Now, Detective, if you will please
11 take the stand.

12 A. (Complies).

13 Q. Now, Detective Barton, I am going to
14 show you what has been marked as State's
15 Exhibits 31 and 32. If you will, just
16 identify what Exhibits 31 and 32 are.

17 A. These are DVD disks, video record-
18 ings taken from the DVR system during the
19 period of time that we have been looking at.

20 Q. And do these disks fairly and
21 accurately represent what you observed on the
22 DVR system?

23 A. Yes, sir.

24 Q. Did you change or materially alter
25 them in any shape, manner or form?

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1 A. No, sir, we just backed up to the
2 particular time period on the disk.

3 SOLICITOR CAMPBELL: Your Honor, I
4 would like to move State's Exhibits 31 and 32
5 into evidence.

6 THE COURT: Any objection?

7 MR. ROBINSON: No objection.

8 THE COURT: Admitted without objection.

9 (SO ENTERED AS STATE'S EXHIBIT 31)

10 (SO ENTERED AS STATE'S EXHIBIT 32)

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR CAMPBELL:

13 Q. Now, when you received the DVR
14 system, do you recall approximately how much
15 video or timelapse was on it?

16 A. The entire DVD system?

17 Q. Yes, sir.

18 A. It was quite a lot. I want to say
19 that it was three months. Maybe it was less,
20 but I want to say it was ninety days worth of
21 video.

22 Q. And did you watch the entire video?

23 A. No, no.

24 Q. What did you do?

25 A. The particular time period that I

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1 was interested in was when C.J. Patel was
2 missing. So I started on July 1st when he
3 went missing, around 5:00 o'clock in the
4 afternoon. I actually started several hours
5 before that and watched the video all that
6 afternoon, night and next morning -- all the
7 way up to daylight the next morning.

8 Q. Okay. And did you observe what you
9 described earlier on this?

10 A. Yes.

11 Q. Is this the only portion that you
12 downloaded or put on a disk from the entire
13 DVR system?

14 A. Yes, sir. The DVR system had a --
15 it was a huge DVR system, but this is the
16 amount that we needed. We kept the rest of
17 it, it's all in evidence but this is the
18 amount that we needed.

19 Q This was the amount that pertained
20 to your investigation?

21 A. Yes.

22 SOLICITOR CAMPBELL: Your Honor, at
23 this time I would like to play State's
24 Exhibit 31. If I may I will have Detective
25 Barton come off the stand so that it will be

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1 easier to explain as things are going on.

2 THE COURT: Okay, sir.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR CAMPBELL:

5 Q. (Video playing).

6 A. These are three cameras mounted on
7 the front of the house.

8 This would be the one on the end of the
9 house that points down towards Jerry Drive,
10 straight out the driveway.

11 This is the one where you -- where I
12 showed you the two cameras side by side, this
13 is one and this is the other one.

14 This one points directly up to Roosevelt,
15 which is up here, and the other trailers that
16 are on Jerry Drive.

17 This one points back down into Jerry
18 Drive and of course the trailer park and you
19 can see all the trailers there.

20 Just out of view of the camera right here
21 there is a makeshift hole in the road.

22 People can drive on down there. You can
23 still get down in there but it's kind of --
24 it's kind of to sidetrack people from going
25 down into the trailer park from that area.

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1 Q. Now, Detective Barton, I need you to
2 speak up a little bit louder.

3 Based on this, there are several hours on
4 this first disk. Is that right?

5 A. It is.

6 Q. And for the sake of time we are
7 going to fast-forward and skip forward to the
8 relevant parts we want to discuss in your
9 testimony?

10 A. Yes, sir.

11 Q. That you discussed earlier in your
12 testimony?

13 A. Yes, sir.

14 Q. As we get to those, if you will just
15 please describe for the ladies and gentlemen
16 of the jury what they are observing and what
17 you used in your investigation, what you
18 gleaned from it.

19 A. The first thing you'll see is you'll
20 see a black Honda Accord come down Jerry
21 Drive. It will actually come into view of
22 this camera and it will actually pass the
23 house and then comes back and pulls into the
24 driveway here at [REDACTED] Jerry Drive.

25 Q. (Video playing) -- what are we

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1 seeing here?

2 A. This is C.J. Patel's vehicle.
3 You'll see him drive past, then -- you will
4 see him drive past, then come back and pull
5 into Kyndra Howell's driveway.

6 Once you see the vehicle stop, you will
7 see Kyndra Howell come out of the house --
8 right here -- and get into the vehicle on
9 this camera with C.J.

10 Q. (Video playing).

11 A. Like I said, you will see Kyndra
12 Howell come outside and get in the vehicle.
13 The vehicle stops here.

14 You see Kyndra Howell come outside and
15 get in the vehicle with C.J. Patel. Then
16 they drive off and leave, going toward this
17 area -- back towards Roosevelt Drive. You
18 see the time here at 1738, that's 5:38 p.m.

19 The next part of the video is 1809,
20 which is 6:09 p.m. and what you see is C.J.'s
21 vehicle return from the same direction they
22 left in, he pulls back into the driveway.
23 C.J. and Kyndra both get out and go inside
24 the residence.

25 (Video playing) -- this part has no

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1 relevance to our investigation.

2 (Video playing) -- you see Kyndra in the
3 passenger side.

4 (Video playing) -- that's the last time
5 anyone saw C.J. Patel alive.

6 (Video playing) -- what you see here is
7 the silver Cadillac that you saw the picture
8 of earlier. It comes down Jerry Drive, pulls
9 into the property on the side.

10 (Video playing) -- this is Zach Gantt.
11 It's very clear he was sitting outside a
12 trailer here, to the side here. He walks up
13 and talks to Jeremiah Johnson who is seated
14 in the passenger seat of that Cadillac.

15 (Video playing) -- once Jeremiah gets out
16 of the vehicle, he walks around here. His
17 testimony was that he was coming to feed his
18 dogs and you can see a Purina bag on the
19 backseat of the car.

20 (Video playing) -- he gets out and he and
21 Zach Gantt both walk towards this house.

22 (Video playing) -- Jeremiah walks up to
23 the car briefly and Zach goes this way as if
24 he was leaving, which he said he was going to
25 one of his friend's house and bring a dog

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1 back. You will see him first cross this way
2 and then stop, throw his hand up and then he
3 walks back.

4 (Video playing) -- the silver Cadillac
5 pulls off. That is not the address that she
6 is supposed to be at and she can't park
7 there.

8 MR. ROBINSON: Your Honor, I am going to
9 object to ---

10 THE COURT: I sustain that objection.

11 OFFICER BARTON: (Video playing), the
12 silver Cadillac backed up to that driveway,
13 pulled into this driveway and went up Jerry
14 Drive.

15 (Video playing) -- this is Zach Gantt.

16 The next thing you will see after the
17 silver Cadillac is gone -- (video playing) --
18 at 1858, which is 6:58 p.m., Kyndra Howell
19 comes outside and tells them to move that
20 way, which was out of the scope of the
21 camera. It was between that and another
22 trailer out of sight.

23 (Video playing) -- the next thing you
24 will see, which is an hour or so later, what
25 you will see is they go back and forth.

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1 (Video playing) -- then here at 2135,
2 which is 9:35, you will see a person come out
3 of the house and if you remember Zach Gantt's
4 testimony earlier he said that Ezra Williams
5 showed up ---

6 MR. ROBINSON: Objection. He can't
7 testify as to what somebody else testified
8 to.

9 THE COURT: I'm sorry? State your
10 objection again?

11 MR. ROBINSON: It's hearsay, Your
12 Honor.

13 THE COURT: What was the exact -- the
14 witness? I'm having a difficult time hearing
15 him.

16 OFFICER BARTON: I said they'd heard
17 from Zach Gantt earlier who testified that
18 Ezra showed up a short time later.

19 THE COURT: I overrule that objection.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR CAMPBELL:

22 Q. Please continue.

23 A. Zach Gantt testified earlier that
24 Ezra Williams showed up at a later time that
25 night. (Video playing) -- you can see him

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1 come down here and pull right up here to the
2 side.

3 (Video playing) -- here, pulled to the
4 side of the house.

5 Q. For the sake of the record, we are
6 now going to State's Exhibit 32.

7 A. Yes, sir.

8 Q. (Video playing) --

9 MR. ROBINSON: Your Honor, ---

10 THE COURT: Sir?

11 COURT REPORTER: I'm sorry, I can't
12 hear him.

13 MR. ROBINSON: I have a matter
14 outside the presence of the jury.

15 THE COURT: Okay. Madam Forelady,
16 would you take your jury back and go ahead
17 and take your break, take about ten minutes.

18 (JURY OUT @ 3:48 P.M.)

19 THE COURT: Mr. Robinson?

20 MR. ROBINSON: May it please the
21 Court. Your Honor, my objection to his
22 testimony is that he basically what "he said"
23 and it is vouching ---

24 THE COURT: The way that I am
25 interpreting what he is saying is that this

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1 video corroborates what the witness said,
2 which is different from vouching. I note
3 your objection but that's the way that I
4 interpret what he was saying.

5 MR. ROBINSON: Yes, sir. I have to
6 protect the record for my client.

7 THE COURT: Well, I understand. You've
8 got to do what you've got to do.

9 MR. ROBINSON: Yes, sir.

10 THE COURT: You might want to make sure
11 he (his microphone) is cut on -- is he on?

12 CLERK: Yes.

13 THE COURT: Okay. Well, let's take a
14 couple of minutes, take about a five-minute
15 break and then come back and resume. Okay?
16 Are you about ready to tee that up?

17 SOLICITOR CAMPBELL: It's teed up, Your
18 Honor.

19 THE COURT: You can't talk to anybody
20 during the break.

21 OFFICER BARTON: I understand,
22 (affirmative nod).

23 (BRIEF RECESS 3:50 - 4:00 P.M.)

24 (DEFENDANT PRESENT)

25 THE COURT: Please be seated. Are you

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1 ready?

2 SOLICITOR CAMPBELL: Yes, sir.

3 THE COURT: Mr. Robinson, is the
4 Defense ready?

5 MR. ROBINSON: Yes, Your Honor.

6 THE COURT: Subject to your previously
7 made objection, any other new-found
8 objections?

9 MR. ROBINSON: You ---

10 THE COURT: I shouldn't put it that
11 way. Have you stated the entirety of your
12 objection?

13 MR. ROBINSON: I have, Your Honor.

14 THE COURT: Very good. Bring the jury
15 in.

16 (JURY IN @ 4:09 P.M.)

17 THE COURT: Thank you, ladies and
18 gentlemen. You may continue with your
19 examination.

20 SOLICITOR CAMPBELL: Your Honor, we are
21 ready on State's Exhibit 32. If I could have
22 Detective Barton step off the stand again.

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR CAMPBELL:

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1 Q. Detective?

2 A. We left off at 2135, that vehicle
3 pulled down and backed in beside the house.

4 The next time that I show ---

5 COURT REPORTER: I can't hear him, Your
6 Honor.

7 THE COURT: Ma'am?

8 COURT REPORTER: I can't hear him.

9 THE COURT: You (witness) might want to
10 turn to face -- speak up as loud as you can.

11 OFFICER BARTON: Yes, sir.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. ROBINSON:

14 Q. (Video playing) ---

15 A. The next time that we are going to
16 show on the video is 3:16 a.m., what you are
17 going to see is C.J. Patel's vehicle and the
18 second vehicle pull out and leave the
19 residence.

20 CLERK: Your Honor, I am going to hand
21 him a microphone.

22 THE COURT: Thank you.

23 CLERK: Here, (tendering).

24 DIRECT EXAMINATION CONTINUED

25 SOLICITOR CAMPBELL:

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1 Q. (Video playing) ---

2 A. Like I said, what you're going to
3 see here at 3:16 is two vehicles leave the
4 residence. One is going to be C.J. Patel's
5 vehicle. It is going to back out here.

6 You will see the other vehicle, that was
7 backed in earlier, and it will pull out and
8 go that way.

9 They both leave the residence but C.J.
10 Patel's vehicle does not return.

11 The second vehicle will return during
12 daylight hours.

13 (Video playing) -- the time will be 6:43
14 a.m. and you will see that that same vehicle
15 that pulled out and left earlier will come
16 back down the yard and park here beside the
17 house. That is what we believe is Ezra
18 Williams' vehicle.

19 (Video playing) -- this is the vehicle
20 coming down here, he will drive back through
21 and pull back in beside the house.

22 (Video playing) -- as the vehicle pulls
23 in you can see the similarities between this
24 vehicle and the vehicle that left earlier,
25 that it is the same type vehicle.

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1 At 6:54 a.m. that vehicle is going to
2 pull out and leave, then it will return at
3 a later time.

4 (Video playing) -- this the car backing
5 out and then it heads back up Jerry Drive
6 towards Roosevelt Drive.

7 That same car comes and goes from this
8 house for the next several, several hours.

9 Q. If you will take the stand, sir.

10 A. (Complies).

11 SOLICITOR CAMPBELL: (State's Exhibit)
12 34 has been entered, right?

13 COURT REPORTER: Yes. Uh, 34 and so --
14 it's 35.

15 SOLICITOR CAMPBELL: Okay, we will get
16 together on the exhibits.

17 DIRECT EXAMINATION CONTINUED
18 BY SOLICITOR CAMPBELL:

19 Q. Now, Detective Barton, as a result
20 of this video, did you have any pictures
21 taken from the video, any video stills?

22 A. Yes, sir. We sent the video over to
23 our forensics division and they took several
24 stills of the video that we just saw.

25 Q. Let me show you what has been marked

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1 as State's Exhibits 14, 15, 16, 17, 33 and
2 35, which have been shown to Mr. Robinson.

3 Are these pictures video stills that you
4 took off of the video?

5 A. (Upon review), yes. Yes, sir.

6 THE COURT: Your Honor, I would like to
7 move these into evidence.

8 THE COURT: Any objection?

9 MR. ROBINSON: No objection.

10 THE COURT: So entered.

11 (SO ENTERED AS STATE'S EXHIBIT 14)

12 (SO ENTERED AS STATE'S EXHIBIT 15)

13 (SO ENTERED AS STATE'S EXHIBIT 16)

14 (SO ENTERED AS STATE'S EXHIBIT 17)

15 (SO ENTERED AS STATE'S EXHIBIT 33)

16 (SO ENTERED AS STATE'S EXHIBIT 35)

17 SOLICITOR CAMPBELL: Your Honor, I
18 would like to publish them to the jury if
19 Detective Barton could step off the stand
20 again.

21 THE COURT: Yes, sir.

22 OFFICER BARTON: (Complies).

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR CAMPBELL:

25 Q. Detective, I'm going to hand you the

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1 microphone. Showing you State's Exhibit 14.

2 Can you identify what this shows to you?

3 A. If you remember from the video,
4 Kyndra Howell was seen getting out of C.J.
5 Patel's vehicle and entering the house. This
6 is Kyndra Howell heading back towards her
7 house. The photo has been zoomed in just a
8 shade.

9 Q. Showing you State's Exhibit 15.

10 A. Also from that video during the same
11 period Kyndra had just walked in the house
12 and this is C.J. Patel walking to the house.
13 As I said, that was the last time that C.J.
14 Patel was seen alive.

15 Q. What is the time stamp on that?

16 A. 1809, which is 6:09 p.m. on July 1st,
17 2012.

18 Q. Then State's Exhibit 16?

19 A. This is just a second later. C.J.
20 Patel is still walking inside the carport,
21 same date, same time.

22 Q. And State's Exhibit 17?

23 A. This is a still image of the same
24 shot that you saw earlier where the silver
25 Cadillac pulled into the neighbor's house.

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1 Jeremiah Johnson is reaching into the
2 backseat. Zach Gantt is about to walk around
3 the vehicle and they both walk towards
4 Kyndra's house. The time was 1812, which is
5 6:12 p.m.

6 Q. State's Exhibit 33?

7 A. This is that vehicle that showed up
8 at 9:35 p.m. There is a glare. Can you pull
9 the photo down a little bit to get rid of the
10 glare up there?

11 Q. (Complies).

12 A. Several things about the vehicle
13 here, as well as the video itself showed on
14 the thing. If you look right here, there's
15 a window on the back of that car and a thin
16 narrow post that goes down through here.
17 After looking at several vehicles, I was able
18 to determine that that vehicle was a ---

19 MR. ROBINSON: Your Honor, objection.
20 Not responsive.

21 THE COURT: Go ahead and finish up what
22 you were saying -- subject to your objection.

23 MR. ROBINSON: Yes, sir.

24 OFFICER BARTON: Okay. Like I said,
25 there is a triangular window right here at

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1 the front window. Then this back passenger
2 window, (indicating). So there's three
3 windows and a narrow post of metal right here
4 that separates that third window from that
5 back window. Based on that, as well as how
6 the car looked, we could tell that the
7 vehicle was more than likely a Buick or an
8 Oldsmobile. The photos were compared to both
9 types of vehicles and mid-'90s Buicks have
10 this thin ---

11 MR. ROBINSON: Objection, Your Honor.
12 Speculation.

13 THE COURT: Overruled, and as to the
14 form of the objection as well.

15 MR. ROBINSON: Yes, sir.

16 OFFICER BARTON: Like I said, mid-90's
17 Buicks have a thin post right here separating
18 the back window from this third window. The
19 video earlier showed a better photo of the
20 vehicle where you could see the actual design
21 of the vehicle, which you could see that it
22 does match a mid-90s Buick.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR CAMPBELL:

25 Q. Showing you State's Exhibit 35.

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1 A. This is the same vehicle during the
2 daylight hours, driving away, as you saw on
3 the video. There are several things about
4 the vehicle -- again, this triangular window
5 right here, the thin metal separating those
6 two windows. If you look at this back
7 window down in the right-hand corner here
8 there appears to be some kind of white
9 sticker. That will be important later on in
10 my testimony.

11 Q. Detective, I want to show you what
12 has been marked as State's Exhibit 34. It
13 has already been entered through Zachery
14 Gantt. As you were describing regarding the
15 vehicle, does this picture help show you what
16 you're referring to?

17 A. This window, this window right here,
18 the third window on the side, you can't
19 really see on this -- the thin -- which is
20 common for this type of vehicle, the mid-90's
21 Buicks, everything from the front end to the
22 back end, when I looked at the photos ---

23 MR. ROBINSON: Your Honor, objection
24 under 702, the expert witness objection.

25 THE COURT: Lay some foundation.

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1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR CAMPBELL:

3 Q. Detective, please take the stand.

4 A. (Complies).

5 Q. Detective Barton, at this point in
6 time you'd made three arrests: Kyndra
7 Howell, Zachery Gantt and Jeremiah Johnson.
8 Is that right?

9 A. Yes, sir.

10 Q. They were arrested for kidnaping and
11 armed robbery?

12 A. At the time it was kidnaping.

13 Q. Just kidnaping?

14 A. Yes, sir.

15 Q. Based on what you observed in this
16 vehicle, what steps did you next take in your
17 investigation as a result of this?

18 A. Once the three were arrested, we did
19 another search warrant on [REDACTED] Jerry Drive
20 trying to look for more evidence. This would
21 be the third search warrant that we did
22 there. Again, as I said before, we are still
23 trying to find out what happened because we
24 don't have -- we still don't know, no one has
25 talked to us other than Kyndra, who denied

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1 even seeing him. We hadn't spoken with
2 Zachery Gantt and we hadn't spoken with
3 Jeremiah Johnson at that time.

4 So we did a third search warrant at [REDACTED]
5 Jerry Drive and sprayed Bluestar inside the
6 house, trying to get some kind of evidence
7 from that.

8 Q Did y'all collect any type of
9 evidence from the house at this time?

10 A. Spraying the Bluestar, we did
11 collect several pieces of carpet and, I
12 believe, several other items from the house
13 just in case it could be used as evidence.

14 Q. And were you able to get anything
15 from this?

16 A. No, sir.

17 Q. Now, is it common for law enforce-
18 ment to conduct multiple search warrant on a
19 place?

20 A. This particular kind of case, yes,
21 it is. Like I said, from the very beginning
22 of this case we were working a missing
23 persons. We didn't know what we were looking
24 for. As the case develops, we get more
25 information, more information, more

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1 information. As we got more information,
2 we had to go back and do a search warrant
3 in hopes of gaining evidence before that
4 evidence gets lost.

5 Q. At this point in time had anyone
6 actually had the arrest warrant served on
7 them and they were put in the Anderson
8 detention center?

9 A. At that point in time, I believe
10 that Kyndra had been arrested.

11 Q. After her, who was the next person
12 that was arrested?

13 A. Zachery Gantt.

14 Q. And did y'all have to go find him or
15 did he turn himself in?

16 A. Zach turned himself in.

17 Q. Now, you were present when Zachery
18 Gantt testified earlier today in court?

19 A. Yes, sir.

20 Q. And you spoke to him -- I guess the
21 first time that you spoke to him about this
22 case, his involvement was on July 7th, 2012.

23 A. Yes, sir.

24 Q. And based up what Mr. Robinson had
25 indicated in his cross examination, isn't it

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1 a fact that Zachery Gantt denied being
2 involved?

3 A. He did.

4 Q. And did he tell you that Mr.
5 Williams was not involved in the case?

6 A. He did.

7 Q. And did he indicate to you whether
8 or not he saw C.J. Patel?

9 A. He said that he had not. He denied
10 any involvement whatsoever. He even denied
11 being there, at first.

12 Q. So the only that -- the first
13 statement that he gave to you was a verbal
14 statement.

15 A. Yes, sir. We didn't write anything
16 down.

17 Q. And in the first statement that he
18 gave you, the information that he relayed to
19 you wasn't the truth.

20 A. No, sir.

21 MR. ROBINSON: Objection, Your Honor.
22 He's talking about an oral statement and I'd
23 like to ---

24 THE COURT: Say that again, sir.

25 MR. ROBINSON: I will withdraw the

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1 objection.

2 THE COURT: Okay.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR CAMPBELL:

5 Q. Now, after that, when did --
6 Jeremiah Johnson, when was he arrested?

7 A. I believe that Jeremiah Johnson
8 was arrested two days later, on the 9th.

9 Q. And after that, did you have any
10 more contact with Zachery Gantt?

11 A. Yes, I did.

12 Q. When was that?

13 A. I believe that it was July 10th.

14 Q. How did that come about?

15 A. Kizzie Roebuck had come up to my
16 office and wanted to talk to me about the
17 case and give me various information, uh, ---

18 Q. And Kizzie Roebuck is his mother?

19 A. His mother, (affirmative nod). You
20 heard her testify earlier. She came up to
21 the Sheriff's Office and wanted to talk to me
22 and give me what she had heard on the streets
23 about this incident.

24 MR. ROBINSON: Objection, Your Honor.
25 He's about to get into hearsay.

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1 THE COURT: I denied the Motion. Do
2 not get into specifics.

3 SOLICITOR CAMPBELL: He's not getting
4 into that.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR CAMPBELL:

7 Q. So you spoke to her?

8 A. (Affirmative nod).

9 Q. Was this happening at the Anderson
10 County Sheriff's Office?

11 A. Yes, sir.

12 Q. As a result of your conversation
13 with her, did you have another conversation
14 with Zachery Gantt?

15 A. Yes, sir, I did. While I was
16 talking with Kizzie and her sister, Teresa,
17 they were both very much concerned about Zach
18 since he was arrested and they wanted to see
19 him. So I offered to go pick him up from the
20 jail and bring him to visit a few minutes
21 with his mother. These types of situations
22 are very emotional times for a lot of people,
23 especially people who didn't have anything to
24 do with. So I gave Kizzie an opportunity to
25 see her son for a few minutes.

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1 Q. And where was this? Was this at the
2 detention center or did she have to go to the
3 -- or did this happen at the Sheriff's
4 Office.

5 A. I had Zach brought to the Sheriff's
6 Office and he was placed in an interview room
7 with his mother and Teresa.

8 Q. Now, as a result of that
9 conversation, what was the next step that
10 helped you in this investigation?

11 A. Actually I let them visit for about
12 fifteen minutes and then I told them to start
13 wrapping it up, because I wasn't going to
14 give them all day. Zach requested to talk to
15 me again. He said that he had more
16 information.

17 Q. As a result of him speaking to you
18 what, if anything, did you learn?

19 A. We took a written statement from
20 him. He acknowledged some things that
21 happened that night, but it was more of a
22 self-serving statement.

23 He acknowledged, you know, Mr. Patel
24 being there.

25 He acknowledged the codefendants being

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1 there. But he tried to distance himself from
2 that situation, to keep himself out of
3 trouble.

4 There were some things in the statement
5 that he told he that he didn't do which I
6 already knew that he did.

7 That's the statement that he gave me the
8 second time, it was more self-serving.

9 Q. After that, was that the last
10 involvement that you had with him?

11 A. No, sir.

12 Q. When was the next time that you
13 spoke to him?

14 A. Based on the things that he told me
15 in the second statement, I went back and
16 watched the video again on the DVR system to
17 look for anything that I missed the first
18 time. I did see two individuals that I
19 didn't know or could identify. So the next
20 day, I picked Zach up from the jail and
21 brought him back to my office and asked him
22 if he could identify these two individuals.
23 He did.

24 While we were talking, I did get a phone
25 call from another lady who was a family

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1 member, wanting to see Zach as well. Since I
2 had him in my office, I didn't see an issue
3 with it; so I let her visit with him as well.

4 Q. What was their relationship, do you
5 recall?

6 A. I believe it was his aunt.

7 Q. Was she already at the Sheriff's
8 office?

9 A. I think she was in Anderson already.
10 She had come down to visit him and Ms. Bowers
11 knew that I had him in my office. So,
12 (pause). I didn't see any harm in letting
13 her visit with him.

14 Q. Was she given an opportunity to
15 speak to Mr. Gantt?

16 A. She was.

17 Q. Were you present when she spoke to
18 him or did they do it in private?

19 A. They did it in private.

20 Q. At some point after they were
21 speaking, did you have another conversation
22 with Mr. Gantt?

23 A. I did.

24 Q. As a result of that conversation,
25 what happened next in your investigation?

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1 A. Once Zach had spoken to his aunt for
2 ten or fifteen minutes or so Zach came out
3 and told me that he wanted to get right with
4 me, that he wanted to take me to the place
5 where he thought that Mr. Patel's body may
6 be.

7 So we started and continued. He led us
8 all the way out 29 South to Big Water Road
9 and into the woods to where Mr. Patel's body
10 was.

11 Q. Do you recall what date this was?

12 A. July 11th.

13 Q. This was approximately ten days
14 after the first report came in of Mr. Patel
15 being missing?

16 A. Yes, sir.

17 Q. Where exactly did he take y'all?

18 A. He took us down the 25 ByPass,
19 showed us where to make turns out at. We
20 turned onto 29 South towards Hartwell,
21 Georgia. We went almost to the county line.
22 That's where Big Water Road is, it's not far
23 from the Hartwell Dam.

24 We turned on Big Water Road and he
25 pointed to a wooded area where there was a

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1 dirt drive to enter into the woods. He
2 directed us to park there. Once we parked
3 there, he walked us into the woods.

4 Q. Approximately how far did you have
5 to go in the woods?

6 A. When we first got out, he and
7 Detective Owens walked into the woods. I
8 stayed with the aunt. As part of him showing
9 us where this body was, he wanted a family
10 member with him, so we had his aunt ride in a
11 separate car out there, with another
12 detective.

13 So Detective Owens and Zach walked into
14 the woods. When they came back out, Zach
15 stayed with the other detective while
16 Detective Owens showed me where Zach had
17 taken him to.

18 Q. Approximately how far into the woods
19 did you have to walk before you found the
20 body?

21 A. A hundred to a hundred ten yards.

22 Q. In this area that y'all went to, was
23 it heavily populated? Were there a lot of
24 houses or people around in this location?

25 A. No, there wasn't a house nearby at

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1 all. I don't recall one.

2 Q. Did you, yourself, actually observe
3 Mr. Patel's body back in the woods?

4 A. Yes, sir, I did.

5 Q. And what did you see? Can you
6 describe what you observed?

7 A. Well, as we were walking into the
8 woods, you know, at first -- I didn't see
9 anything when we first walked into the woods.
10 We got a little farther in and I saw the
11 sandals -- looked like fresh sandals that had
12 not been there very long. This was a thick
13 wooded area, so most stuff in there looked
14 like it had been out there for quite some
15 time but here's a pair of sandals sitting
16 here that didn't look like they'd been there
17 very long.

18 So we walked past that and made a couple
19 of turns in the woods. As we started getting
20 close to the body, I started smelling it.
21 I've worked a lot of death cases and they
22 have a particular smell. Once I started
23 smelling that, I knew that we were getting
24 close.

25 Detective Owens walked me around another

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1 little tree and then pointed to the body.
2 It was about half the distance from me to
3 you away from the body and I could see that
4 it appeared to be a male.

5 Q. And what -- how were his hands?

6 A. His hands were behind his back. He
7 was laying on his back, so I couldn't really
8 see that they were tied up. But he was
9 laying on his back. His -- he was wearing
10 nothing but a pair of underwear, I believe,
11 and a t-shirt. It was a badly decomposed
12 body.

13 Q. How far is Big Water Road from Jerry
14 Drive?

15 A. I believe it's around twenty,
16 twenty-two miles.

17 Q. And was it -- in relationship to
18 where the car was found, how close is it?

19 A. Sorry, I don't think it was quite
20 twenty-two miles. I think the car from Jerry
21 Drive was twenty-something miles. But it may
22 have been ten to fifteen miles.

23 Q. From Jerry Drive?

24 A. From Jerry Drive. Now, between the
25 car and the body, I'd say at least fifteen

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1 miles.

2 Q. These weren't in the same part of
3 the county, Anderson County?

4 A. No. One was next to Georgia, about
5 to go into the Georgia line. The other one
6 was about to go into Oconee County.

7 Q. After the body was discovered, did
8 y'all call forensics out there?

9 A. We did.

10 Q. Did y'all have them look for
11 evidence?

12 A. We did.

13 Q. What if any type of evidence did
14 they find?

15 A. Of course they recovered the body of
16 C.J. Patel. Scouring the area, they did
17 collect the sandals that were at the entrance
18 to the woods. Just because they were so new,
19 we thought that they might have something to
20 do with it.

21 The officers also collected one nine
22 millimeter shell casing from the area.

23 Q. Now, regarding this nine millimeter
24 shall case, did you try to process this shell
25 casing for any type of evidence?

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1 A. It was processed for fingerprints at
2 our forensics lab. They didn't get anything.
3 That's not uncommon on a shell casing that
4 had been sitting out in the woods for ten
5 days.

6 Q. There is not much that could have
7 been gotten off of it?

8 A. Yes, sir.

9 Q. But y'all attempted to?

10 A. Yes, sir.

11 Q. As a result of processing the scene,
12 did they also take photographs?

13 A. Yes, sir, they did.

14 Q. And you were present when most of
15 this occurred?

16 A. Not the photographs, no. Once we'd
17 found Mr. Patel's body, I had Zachery Gantt
18 with me, who was a prisoner, so we couldn't
19 stay. I called Forensics, I called my
20 supervisors out. Once all these guys got on
21 scene, I turned the scene over to them and I
22 went back to the Sheriff's Office to
23 interview Zach Gantt.

24 Q. But you observed where the sandal,
25 the shell casing and the body was located out

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1 in the woods?

2 A. Yes. I saw that.

3 Q. I am going to show you what has been
4 marked as State's Exhibits 18, 19, 20, 21,
5 22, 23, 24 and 25. If you could, please,
6 first identify what this group of photographs
7 represent.

8 A. (Upon review), this is the photos
9 taken from the scene where the body was
10 located.

11 Q. Do these photographs fairly and
12 accurately represent what you witnessed and
13 observed out in the woods on or about July
14 11, 2012?

15 A. Yes, sir.

16 SOLICITOR CAMPBELL: Your Honor, I
17 would like to move State's Exhibits 18
18 through 25 into evidence.

19 THE COURT: Any objection?

20 MR. ROBINSON: No objection.

21 THE COURT: Admitted.

22 (SO ENTERED AS STATE'S EXHIBIT 18)

23 (SO ENTERED AS STATE'S EXHIBIT 19)

24 (SO ENTERED AS STATE'S EXHIBIT 20)

25 (SO ENTERED AS STATE'S EXHIBIT 21)

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1 (SO ENTERED AS STATE'S EXHIBIT 22)

2 (SO ENTERED AS STATE'S EXHIBIT 23)

3 (SO ENTERED AS STATE'S EXHIBIT 24)

4 (SO ENTERED AS STATE'S EXHIBIT 25)

5 SOLICITOR CAMPBELL: Your Honor, may
6 the witness step off the stand so that I can
7 publish them to the jury?

8 THE COURT: Yes, sir.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR CAMPBELL:

11 Q. I want to show you what has been
12 marked as State's Exhibit 18.

13 A. In this photo you see the sign here
14 that says Big Water Road. This is Big Water
15 Road that this vehicle is parked on. This is
16 29 South. Like I said, it's maybe a mile,
17 mile and a half, before you get to Hartwell
18 Dam.

19 Q. State's Exhibit 19?

20 A. These photos were taken -- this is
21 the path that was taken to get to C.J.
22 Patel's body. We walked into the path and
23 took photos back towards the entrance.

24 Q. State's Exhibit 20?

25 A. Another photo back towards the

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1 entrance. The last photo was taken around
2 this area right here. We walked on up into
3 the woods, to this area, and took photos back
4 towards this area.

5 Q. State's Exhibit 21?

6 A. This is another one -- in the last
7 photo you saw the corner of this tree, in the
8 last photo, so this photo is taken right near
9 where the body was found, pointing back
10 towards where I took the last photo at.

11 Q. State's Exhibit 22?

12 A. State's Exhibit 22. From around
13 that same location that the last photo was
14 taken, we turned around and took a photo in
15 this direction. This would be the body of
16 C.J. Patel lying on its back. You can see
17 that he's in his t-shirt and underwear. His
18 body is in a state of decomposition.

19 Q. State's Exhibit 23?

20 A. Another photo that shows C.J. Patel
21 lying on his back, deceased.

22 Q. Showing you State's Exhibit 24.

23 A. The very sandals that I spoke of
24 earlier; that's one, there's the other.

25 Q. State's Exhibit 25?

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1 A. This is a nine millimeter shell
2 casing. It is the only shell casing that
3 we recovered from the location.

4 Q. Was this recovered close to the
5 body, near the body?

6 A. Yes, sir, just a few feet away.

7 Q. Detective, if you'll take the stand,
8 please, sir.

9 A. (Complies).

10 Q. Now, at this point in time when the
11 body was recovered, you took Zachery Gantt
12 back to the Sheriff's Office?

13 A. Yes, sir, I did.

14 Q. Did he give you another statement at
15 that point in time?

16 A. He did.

17 Q. Was this a written statement?

18 A. It was a typed statement.

19 Q. And in the statement did he lay out
20 all the events that took place, that he's
21 testified to earlier?

22 A. Yes, sir. He gave us details in the
23 statement, which we knew by the video that
24 was shown earlier. He also gave us details
25 that we didn't know earlier, who was

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1 involved. He identified Ezra Williams from a
2 photo lineup as who he knew as Quavo. Every
3 detail on the torture.

4 Q. Now, the autopsy was conducted by
5 Dr. Woodard on July 12th. Were you present at
6 the autopsy?

7 A. No, sir, I was not.

8 Q. But you got a copy of the results
9 and learned about the manner of death
10 regarding it?

11 A. Yes, sir. One of the other
12 assistant detectives went to the autopsy.
13 I was interviewing Jeremiah Johnson.

14 Q. And did he also give you a
15 statement?

16 A. He did.

17 Q. Now, the statement that Jeremiah
18 Johnson gave you, was that given on the same
19 day as when Zachery Gantt gave you his
20 statement?

21 A. No, sir, it was the next day.

22 Q. During the time that he gave a
23 statement were Zachery Gantt and Jeremiah
24 Johnson housed in the same area of the jail?

25 A. No, they were not. When they were

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1 locked up, I advised the jail myself that
2 they were codefendants and were to be kept
3 separate.

4 Q. Now, was his statement consistent
5 with Mr. Gantt's?

6 MR. ROBINSON: Objection, Your Honor.

7 THE COURT: Sustained.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR CAMPBELL:

10 Q. Now, after you received your state-
11 ment from Mr. Gantt, did you stop your
12 investigation at this point in time?

13 A. No, sir. We continued.

14 Q. Had you taken out additional arrest
15 warrants for homicide, regarding -- for the
16 murder of Mr. Patel?

17 A. Yes, sir. Once we finished with
18 Zachery Gantt's statement and we'd spoke with
19 Jeremiah Johnson, we did take out warrants on
20 each of the parties involved for murder,
21 possession of a weapon during the commission
22 of a violent crime, armed robbery. These
23 charges also included the Defendant, Ezra
24 Williams.

25 Q. Based on the statement that he gave

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1 you regarding -- and the testimony that we
2 heard earlier about them attempting to obtain
3 PIN numbers and use Mr. Patel's ATM cards,
4 did you attempt to follow up on those?

5 A. Yes, sir. Everything that Zach told
6 us in his statement, we went around following
7 up on it, tracking down people.

8 Jonathon Johnson that you heard from
9 earlier, we found him and took a statement
10 from him.

11 We went to various stores because Zach
12 had told us that Jeremiah had left at times
13 to go try the PIN numbers to the cards. He
14 also said that Kyndra had left at times to go
15 try the cards. We went around to the various
16 stores, pulling video which did corroborate
17 what he was telling me in his statement.

18 Q. Now, when did you take out the
19 warrants on Mr. Williams?

20 A. I believe it was right after 7/12.
21 I believe 7/13. I have the actual warrant
22 here if you would like for me to look.

23 Q. Okay.

24 A. (Reviewing).

25 Q. Was it close in time to when the

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1 autopsy was conducted on the 12th?

2 A. Yes, sir.

3 Q. Now, as a result -- let me ask you
4 this, why did you take warrants out on him
5 regarding the murder, armed robbery and the
6 kidnaping and possession of a weapon during
7 the commission of a violent crime if he
8 wasn't present at the inception of this
9 crime?

10 A. Well, though he wasn't present at
11 the inception, he did join in at a later
12 time. He was trying to get the PIN numbers
13 just like everybody was. In this state, the
14 hand of one is the hand of all and, so, he
15 was charged with everything just like
16 everyone else whether he was there at the
17 planning or not.

18 Q. Now, do you recall approximately
19 what date that he was arrested?

20 A. I want to say that it was July 20th
21 or 22nd, some time around there.

22 Q. Was that by the Sheriff's Office?

23 A. It was a couple of weeks later.
24 Yes, sir.

25 Q. Okay. Were you able to determine

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1 what his relationship to Ms. Howell was?

2 A. He was her boyfriend.

3 Q. Based upon your investigation, what
4 evidence do you have that points to that Mr.
5 Williams was present that night and was an
6 active participant in the armed robbery,
7 kidnaping and possession of a weapon and
8 ultimately the murder and death of C.J.
9 Patel?

10 A. Obviously we have Zachery Gantt's
11 statement. We spoke with Jeremiah -- not
12 Jeremiah. We spoke with Jonathon Johnson,
13 who you heard from earlier. We have his
14 statement. While he doesn't know what
15 happened, he did put ---

16 MR. ROBINSON: Your Honor, objection.
17 He's vouching for the witness in this case, a
18 previous witness.

19 THE COURT: Overruled. Go ahead.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR CAMPBELL:

22 Q. Go ahead.

23 A. As Jonathon testified earlier, he
24 didn't know what had happened inside the
25 house. But he did testify and in his

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1 statement that he gave me that night -- or,
2 well, a few days later -- was that he did see
3 Quavo that night and ---

4 MR. ROBINSON: Your Honor, objection.
5 He's asking for hearsay.

6 THE COURT: Sustained.

7 OFFICER BARTON: As we heard from
8 Jonathon Johnson earlier, he did see Ezra
9 Williams at the house that night. So that
10 puts validity in what Zachery Gantt was
11 telling me.

12 MR. ROBINSON: Your Honor, objection.

13 THE COURT: I sustain the objection.
14 Limit your answers to the facts, please, sir.

15 OFFICER BARTON: Yes, sir. We did, uh,
16 -- once Ezra Williams was arrested, we
17 listened to his jail phone calls. He said
18 certain things on those jail phone calls that
19 were interesting to us involving this case.
20 He is talking to ---

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR CAMPBELL:

23 Q. Before we get into that ---

24 MR. ROBINSON: Objection to hearsay.

25 THE COURT: Overruled, go ahead.

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1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR CAMPBELL:

3 Q. Before we get to that, after Mr.
4 Williams was arrested, were you able to --
5 did he have a cell phone?

6 A. Yes sir, he did.

7 Q. Did y'all attempt to get his cell
8 phone records?

9 A. Yes, sir, we did.

10 Q. And what did you learn from his cell
11 phone records?

12 A. The day of the incident, he and
13 Kyndra Howell had had contact about all day
14 long. The contact kind of stopped right
15 around, right before or right around the time
16 that this incident happened.

17 During -- when the incident was
18 occurring, there were a few more texts and
19 phone calls made between Kyndra and Ezra.
20 But like I said earlier, Kyndra had left the
21 house at some point that night to go try the
22 ATM cards.

23 Q. Now, you mentioned that you listened
24 to jail house phone calls.

25 A. Yes, sir.

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1 Q. I want to talk a little bit about
2 phone calls at the detention center and how
3 they are made.

4 SOLICITOR CAMPBELL: Mark that.

5 COURT REPORTER: State's Exhibit 40 for
6 identification.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR CAMPBELL:

9 Q. Now, Detective, you had previously
10 worked at the detention center?

11 A. Yes, years back.

12 Q. And you currently are employed with
13 the Sheriff's Office?

14 A. Yes, sir, I am.

15 Q. Through your employment with the
16 Sheriff's Office you have a lot of contact or
17 information with our detention center here in
18 Anderson County?

19 A. Yes, sir, I do.

20 Q. Do you understand how their phone
21 system works?

22 A. Yes, I do.

23 Q. When a person goes into the
24 detention center, are they allowed to make
25 phone calls from the jail to other people?

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1 A. Yes, sir.

2 Q. How do they do that, how does a
3 person make a phone call from the jail, an
4 inmate?

5 A. When a person is arrested they are
6 set up with a PIN number through Pay Tel,
7 which is the phone system at the detention
8 center. When they make a phone call, they
9 have to enter their PIN number.

10 After the PIN number is entered, it's
11 made just like a collect phone call. They
12 dial the number and it will tell the person
13 that they have a call from an inmate at the
14 Anderson County Detention Center. At some
15 point the inmate will state his name. The
16 person has the opportunity to accept the call
17 or not.

18 Also during this, it tells the person
19 that the phone call is being recorded.

20 Q. Does the person have to actually
21 give their real name?

22 A. No, they don't.

23 Q. And how do y'all track -- you
24 mentioned a PIN number, what are you
25 referring to?

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1 A. It's just a numeric number that is
2 assigned to an inmate. Each inmate has one.
3 It's their Pay Tel PIN number to make phone
4 calls.

5 Q. So any time that they make a phone
6 call, they have to enter in this number?

7 A. Yes, sir.

8 Q. Do you -- as a detective, do you
9 have access to this information?

10 A. Yes, sir.

11 Q. And do you as a detective have the
12 ability to listen in to the phone calls?

13 A. Yes, sir.

14 Q. And they're advised that these phone
15 calls are being recorded?

16 A. Yes, sir.

17 Q. And how are they advised?

18 A. The recording when they first make a
19 phone call, like a collect call recording, it
20 tells them that the phone call is being
21 recorded. Many phones -- at one time all
22 phones until they were started by inmates
23 told them that the phone call was to be
24 recorded, and there is a sign posted right
25 beside it. But ultimately the recording

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1 itself tells them that they are being
2 recorded.

3 Q. So regarding privacy, the inmate
4 doesn't have the right to a private phone
5 call to just another individual, from the
6 phone?

7 MR. ROBINSON: Objection, that calls
8 for a legal conclusion.

9 THE COURT: Overruled.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR CAMPBELL:

12 Q. Now, in this case, did you attempt
13 to listen in to jail calls regarding Mr.
14 Williams?

15 A. Yes, sir, I did.

16 Q. Approximately what timeframe did you
17 listen to?

18 A. It was not long. I actually started
19 listening to them once Zachery Gantt went to
20 jail and when Kyndra Howell went to jail. I
21 listened to all their phone calls, who they
22 contacted. Both Zachery Gantt and Kyndra
23 Howell contacted Ezra Williams when they
24 first went to jail.

25 Q. And these phone calls, do you recall

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1 approximately how many you listened to?

2 A. It was a bunch.

3 Q. And as you listened to them, did you
4 record these phone calls?

5 A. Well, when you go in to pull up a
6 phone call you have an opportunity to save it
7 right then, so the phone calls were saved,
8 all the ones that I listened to.

9 Q. And did you make a copy of these?

10 A. I did.

11 Q. Do these copies actually reflect
12 what you heard being made from the jail?

13 A. Yes, sir.

14 Q. Now, just because an inmate uses a
15 PIN number, that doesn't prohibit him from
16 giving it to somebody else?

17 A. No, sir. In fact, it happens all
18 the time. The program that we use to monitor
19 these phone calls, we're able to look it up
20 by PIN number, we're able to look it up by
21 inmate, by the number they called. We're
22 able to find phone calls.

23 Q. During this time was the system
24 operating correctly and properly?

25 A. Yes, sir, it was.

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1 Q. Now I'm going to show you what has
2 been marked as State's Exhibit 40. Can you
3 please identify what this is?

4 A. This is a copy of the jail phone
5 calls for Ezra Williams.

6 Q. Okay. How many phone calls are
7 actually on this disk?

8 A. There's several. I am not sure of
9 the exact amount but there are numerous.

10 Q. You downloaded numerous calls, did
11 you not?

12 A. Yes, sir.

13 Q. For purposes of this court and for
14 this trial here today, how many calls are we
15 entering into evidence?

16 A. I believe that it is two calls.

17 Q. Okay. And why are we entering in
18 two calls based on what you listened to and
19 observed?

20 MR. ROBINSON: Your Honor, objection.
21 Foundation.

22 THE COURT: Overruled.

23 OFFICER BARTON: These phone calls,
24 Ezra Williams -- he knows that he is being
25 recorded.

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1 MR. ROBINSON: Your Honor, objection
2 on foundation. If he wants to play the video
3 of these ---

4 SOLICITOR CAMPBELL: I am going to
5 rephrase the question.

6 THE COURT: Sustained.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR CAMPBELL:

9 Q. Based on what you listened to and
10 that you observed, did these two recordings
11 you feel pertain to this case itself?

12 A. Yes, they do. As an alibi.

13 Q. As an alibi?

14 A. (Affirmative nod).

15 Q. And as a result, you downloaded
16 these -- you saved them on your system and
17 downloaded them for us?

18 A. Yes, sir.

19 SOLICITOR CAMPBELL: Your Honor, at
20 this time I would like to move State's
21 Exhibit 40 into evidence.

22 THE COURT: Any objection?

23 MR. ROBINSON: Same objection
24 previously made.

25 THE COURT: Noted for the record.

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1 Admitted.

2 (SO ENTERED AS STATE'S EXHIBIT 40)

3 SOLICITOR CAMPBELL: Court's
4 indulgence, please. We are having a little
5 technical difficulty here.

6 THE COURT: Yes, sir.

7 DIRECT EXAMINATION CONTINUED
8 BY SOLICITOR CAMPBELL:

9 Q. Okay, (audio of jail calls playing
10 with technical difficulty).

11 THE COURT: Madam Forelady, we are
12 going to take an equipment break and let them
13 get the equipment to where we can better
14 understand it.

15 If you would, while you are back there
16 query your fellow jurors about -- there may
17 be a potential for us to finish up the
18 testimony today if no one is opposed to
19 working a little later, up to 6:00. If that
20 doesn't work, we will defer to what the jury
21 wants to do. Just let us know.

22 FORELADY: Yes, sir.

23 THE COURT: We will call you back in
24 just a few minutes.

25 (JURY OUT @ 4:56 P.M.)

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1 THE COURT: Take just a few minutes.

2 (BRIEF RECESS 4:56 - 5:15 P.M.)

3 (DEFENDANT PRESENT)

4 THE COURT: Are we ready, Mr. Campbell?

5 SOLICITOR CAMPBELL: Yes, sir.

6 MR. ROBINSON: Ready, Mr. Robinson?

7 MR. ROBINSON: Yes, Your Honor.

8 THE COURT: Bring in our jury. We have
9 a note from the jury as to who is speaking on
10 the recording.

11 (SO ENTERED AS COURT'S EXHIBIT 5)

12 THE COURT: The notes reads, *"Who is*
13 *speaking on the recording that we are being*
14 *asked to listen to? If we have prematurely*
15 *asked a question that the prosecution has not*
16 *had a chance to explain to us, then accept*
17 *our apology."*

18 SOLICITOR CAMPBELL: Your Honor, I
19 actually had already put that down as we
20 started. I was going to go into it before
21 we went into it. I realized that once I sat
22 down.

23 THE COURT: Okay. Are you ready to
24 proceed? Is your equipment working?

25 SOLICITOR CAMPBELL: It is right now.

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1 MR. ROBINSON: Are you ready to
2 proceed?

3 MR. ROBINSON: Yes, Your Honor.

4 THE COURT: I am just going to tell the
5 jury that I think that will become clear.
6 All right?

7 SOLICITOR CAMPBELL: Yes sir.

8 THE COURT: Mr. Robinson, is that okay?

9 MR. ROBINSON: Yes, Your Honor.

10 THE COURT: Bring the jury in, please.

11 (JURY IN @ 5:16 P.M.)

12 THE COURT: Madam Forelady, ladies and
13 gentlemen of the jury, in response to the
14 latest question from the jury, I think that
15 will become clear and evident very shortly.

16 FORELADY: Thank you.

17 THE COURT: That being said, is the
18 Defense ready to proceed?

19 MR. ROBINSON: Yes, Your Honor.

20 THE COURT: Is the State ready?

21 SOLICITOR CAMPBELL: Yes, sir.

22 THE COURT: Have you had a chance
23 before we start to speak with the jury about
24 working a little bit later?

25 FORELADY: We're good to 6:00.

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1 THE COURT: Okay. Thank you.

2 SOLICITOR CAMPBELL: May it please the
3 Court?

4 THE COURT: Yes, sir.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR CAMPBELL:

7 Q. Detective Barton, before we start I
8 think that I need to delve further into the
9 audio recordings. I know that you have
10 downloaded numerous recordings but we are
11 playing just two. Were you able to when you
12 listened to these to determine whether it was
13 Ezra Williams' voice on these recordings?

14 A. Yes, from the information that was
15 put into the computer.

16 MR. ROBINSON: Objection, Your Honor,
17 hearsay.

18 THE COURT: Overruled. Go ahead.

19 OFFICER BARTON: It was Ezra Williams
20 who made the phone calls. You could hear
21 his voice clearly on the tapes. Other
22 detectives who were familiar with him ---

23 MR. ROBINSON: Objection. Hearsay.

24 THE COURT: To the extent that you're
25 talking about somebody else identifying the

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1 voice, I sustain the objection.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR CAMPBELL:

4 Q. From your own knowledge and the
5 review of the recordings.

6 A. The phone calls were made to Martha
7 Everett. When we pull up Ezra Williams'
8 name in the computer and click on a certain
9 phone call it will show who he was calling.
10 The phone calls were made to Martha Everett,
11 who is Mr. Williams' baby's mother at
12 Friendship Court apartments.

13 Q. Were you able to determine that it
14 is his voice on the recordings?

15 A. Yes.

16 Q. The two recordings that we are
17 listening to, one is from July 24th, 2012
18 and the other one is from July 29th, 2012?

19 A. Yes, sir.

20 SOLICITOR CAMPBELL: Your Honor, at
21 this time I would like to go ahead and play
22 those two recordings.

23 MR. ROBINSON: Same objection.

24 THE COURT: Noted for the record.

25 SOLICITOR CAMPBELL: Your Honor, I'd

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1 ask the jury that if the volume is too loud
2 or something that they just let you know and
3 we will try ---

4 THE COURT: He's saying that if you
5 can't hear it, raise your hand and we will
6 try to get it so that you can. Okay?
7 (Affirmative responses from various jurors).
8 Okay. Very good.

9 DIRECT EXAMINATION CONTINUED
10 BY SOLICITOR CAMPBELL:

11 Q. (State's Exhibit 40, audio recording
12 of jail calls played before jury, of phone
13 calls of July 24th, 2012 and July 29th, 2012).

14 SOLICITOR CAMPBELL: Your Honor, may we
15 approach?

16 (OFF RECORD BENCH CONFERENCE)

17 THE COURT: Ladies and gentlemen, it
18 appears that the testimony would take us
19 beyond 6:00 o'clock, so I'm going to go ahead
20 and call it a day.

21 Is there any reason why everybody on the
22 jury could not be here by 9:00 in the
23 morning, start at 9:00? (No response).
24 Okay. All right, I'm going to ask that you
25 be in your jury room by five of 9:00 so that

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1 we can start promptly at 9:00.

2 Let me admonish you to please not read,
3 hear, see or speak with anybody about the
4 case. With that being said, leave your pads
5 in the jury room. It will be locked.

6 I hope you have a nice night. See you in
7 the morning.

8 (JURY OUT @ 5:47 P.M.)

9 THE COURT: Before we get started -- I
10 want to go over some things with you, Mr.
11 Williams. I am going to admonish the folks
12 in the gallery -- I caught your attention
13 (addressing individual in gallery). If I
14 have to say something again, I'm going to
15 remove you from the courtroom and you will
16 not be allowed to come back. Ma'am, you with
17 the red hair with the white dress on, if my
18 officer has to come back again to speak with
19 you again, you won't come back in here. The
20 rest of you are admonished to act correctly.
21 Everybody that I've seen so far has been but
22 you haven't and you'll not be allowed to be
23 disruptive to this courtroom.

24 Mr. Williams, do you mind standing up,
25 please, sir?

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1 DEFENDANT: (Complies).

2 THE COURT: Would you raise your right
3 hand, please, sir?

4 DEFENDANT: (Complies).

5 THE COURT: Do you swear to tell the
6 truth, the whole truth and nothing but the
7 truth?

8 DEFENDANT: Yes, sir.

9 THE COURT: Sir?

10 DEFENDANT: Yes, sir.

11 THE COURT: You can be seated. I am
12 going to go ahead and give you your Fifth
13 Amendment rights. The attorneys tell me that
14 they've got a few more minutes in the State's
15 case, then they do not have any more
16 witnesses.

17 Then your attorney has the right to
18 examine the current witness.

19 Then the State will rest.

20 That means that after they do, you will
21 have that recess stage in the trial where you
22 have the right to present a defense. Every
23 defendant has a Constitutional right to
24 present a defense.

25 One of those also gives you the right to

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1 take the stand and testify. Also, you can
2 claim the privileges afforded you under the
3 United States Constitution, Fifth Amendment,
4 that says in pertinent part that no person
5 shall be compelled to testify against
6 themselves in any criminal proceeding.

7 Has your attorney explained to you your
8 Fifth Amendment and your Constitutional
9 rights?

10 DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that if
12 you want to take the stand that you can but
13 if you don't want to take the stand you don't
14 have to?

15 DEFENDANT: Yes, sir.

16 THE COURT: All right. If you decide
17 that you do want to take the stand, you'll be
18 subject to direct examination just like any
19 other witness, also subject to cross
20 examination just like any other witness.
21 Used to be what we would tell criminal
22 defendants was that if you've had a crime
23 involving deceit or dishonesty or if you've
24 been imprisoned for more than a year and I
25 find that the probative value outweighs the

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1 prejudice, they'll be allowed to cross
2 examine you about your criminal record.
3 The current case law, as I understand exists,
4 is that if you had a crime that would impact
5 on the trustworthiness of your current
6 testimony -- in other words, based on the
7 prior charge involving deceit or dishonesty
8 would show that your testimony may not be
9 trustworthy and I find that the probative
10 value outweighs the prejudice, then they will
11 be allowed, the State would be allowed to
12 cross-examine you. The reason they would
13 want to do that, Mr. Williams, is that they
14 would want to impeach your credibility. Do
15 you understand?

16 DEFENDANT: Yes, sir.

17 THE COURT: Now, ultimately your lawyer
18 can't make you take the stand, the State
19 can't make you take the stand, I can't make
20 you take the stand. Nobody can. That
21 decision is one that you make, to take the
22 stand or not to take the stand. That has to
23 be made personally by you and be made freely,
24 voluntarily, knowingly and intelligently of
25 your Constitutional rights.

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1 You decide whether you do want to take
2 the stand or you don't want to take the
3 stand. Do you understand what I am telling
4 you?

5 DEFENDANT: Yes, sir.

6 THE COURT: Do you have any question
7 about anything that I've told you thus far?

8 DEFENDANT: No, sir.

9 THE COURT: Now, I want to tell you
10 that if you want to converse with any friends
11 or family members who are reasonably close by
12 that you can talk to them or if you want to
13 talk to your attorney any more, but tomorrow
14 at the end of the State's case you're going
15 to have to make a decision as to whether or
16 not you want to, one, present any evidence
17 and, two, if so do you want to take the stand
18 as part of that presentation of evidence. Do
19 you understand?

20 DEFENDANT: Yes, sir.

21 THE COURT: Do you have any questions
22 of me?

23 DEFENDANT: No, sir.

24 THE COURT: Do you have any questions
25 of Mr. Robinson?

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1 DEFENDANT: No, sir.

2 THE COURT: Mr. Robinson, is there
3 anything that you want to add to that on the
4 record?

5 MR. ROBINSON: No, sir.

6 THE COURT: Thank you. We'll see you
7 all in the morning about a few minutes before
8 9:00, please. Have a good evening.

9 (COURT IN RECESS @ 5:55 P.M.)

10 (TRANSCRIPT CONTINUED NEXT PAGE)

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1
2 AUGUST 12, 2012

9:00 A.M.

3
4 (DEFENDANT PRESENT)

5 THE COURT: Any matters that I need to
6 deal with before we get started?

7 SOLICITOR CAMPBELL: Yes, sir.

8 THE COURT: Okay.

9 SOLICITOR CAMPBELL: Just one thing,
10 administrative. Mr. Robinson and I discussed
11 -- I know when you conduct a trial that a lot
12 of times you will give the jury charges prior
13 to us closing.

14 THE COURT: I will give you the option.

15 SOLICITOR CAMPBELL: We both agree that
16 -- I like that method. It kind of cuts my
17 arguments down some with the law. Both of
18 us agree that we would prefer for you to do
19 it that way in this case.

20 THE COURT: Is that correct?

21 MR. ROBINSON: Yes. Anything that
22 would cut down Mr. Campbell's arguments.

23 THE COURT: So I charge first and you
24 guys charge next?

25 SOLICITOR CAMPBELL: Yes, sir.

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1 THE COURT: At this juncture it appears
2 that the defense will have the last argument?

3 SOLICITOR CAMPBELL: That is my
4 understanding unless he is going to put up a
5 case.

6 THE COURT: Unless things change in the
7 next little bit?

8 SOLICITOR CAMPBELL: Yes, sir.

9 THE COURT: Okay. I'm going to go
10 check on the status -- I think that we have
11 one juror that we're waiting on.

12 I'm going to go put my ears on. I came
13 up here without them, let me get those right
14 quick.

15 MR. ROBINSON: Your Honor, you gave
16 my client overnight to think about what he
17 wanted to do.

18 THE COURT: Yes, sir. Do you want to
19 go ahead and deal with that right now?

20 MR. ROBINSON: Yes, sir.

21 THE COURT: Mr. Williams, I gave you
22 your rights -- let's see, I gave you your
23 rights yesterday that under the Fifth
24 Amendment that you have the right to testify
25 or to not testify. We are quickly coming up

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1 on that at this time, at this juncture.

2 DEFENDANT: Yes, sir.

3 THE COURT: I will let you revisit that
4 after the next witness for the State, because
5 that is technically when you make the call.
6 But at this juncture, do you know whether or
7 not you wish to testify in this case?

8 DEFENDANT: I don't.

9 THE COURT: Okay. I am going to give
10 you the option, Mr. Williams, that if you do
11 wish to testify after we finish the direct
12 and cross-examination of Detective Barton,
13 which I understand is the State's last
14 witness, -- whenever the State closes their
15 case, if you change your mind in the interim,
16 let me know what your -- you can tell your
17 lawyer and he can let me know, then I will
18 ask you again. Okay?

19 DEFENDANT: Yes, sir.

20 THE COURT: Have you made that choice
21 freely and voluntarily?

22 DEFENDANT: Yes, sir.

23 THE COURT: Has anybody forced,
24 threatened, or promised you anything to get
25 you to not testify?

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1 DEFENDANT: No, sir.

2 THE COURT: You made this decision of
3 your own free will?

4 DEFENDANT: Yes, sir.

5 THE COURT: Thank you very much.
6 I'm going to step out just one second and be
7 right back.

8 SOLICITOR CAMPBELL: Just one thing.
9 Detective Barton, he was on the stand. Do
10 you want him back on the stand when the jury
11 is here?

12 THE COURT: He can come back around.
13 State ready to proceed?

14 SOLICITOR CAMPBELL: State is ready,
15 Your Honor.

16 THE COURT: Defense ready?

17 MR. ROBINSON: Yes, Your Honor.

18 THE COURT: Bring in our jury.

19 (JURY IN @ 9:10 A.M.)

20 THE COURT: Good morning, ladies and
21 gentlemen. We are about to resume the
22 testimony of Detective Barton.

23 Before we do, let me ask if anyone has
24 read, heard or seen anything about this case
25 during the break? (No response). Or has

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1 anyone spoken to you about the case? (No
2 response). Let the record reflect that all
3 responded negative.

4 THE COURT: State ready to proceed?

5 SOLICITOR CAMPBELL: State is ready,
6 Your Honor.

7 THE COURT: Is the Defense ready, Mr.
8 Robinson?

9 MR. ROBINSON: Yes, sir, Your Honor.

10 THE COURT: Detective Barton, you are
11 still under oath. Would you come around to
12 the stand, please, sir.

13 (WITNESS RESUMES STAND)

14 THE COURT: Mr. Campbell.

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR CAMPBELL:

17 Q. Detective Barton, I am going to pick
18 up where we left off yesterday on the two
19 jailhouse audio, phone call, recordings.

20 You testified earlier yesterday that you
21 were able to identify who those phone calls
22 were made to. Who was that?

23 A. Martha Everett.

24 Q. And were you given an address or
25 were you able to identify an address related

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1 to her?

2 A. Yes, sir. She lived on Friendship
3 Court Apartments in Anderson city.

4 Q. Now, as a result of those phone
5 calls made to her on the phone calls that he
6 was wanting to have an alibi made for him,
7 what did you do regarding that?

8 A. Well, regarding the alibi ---

9 MR. ROBINSON: Your Honor, I am going
10 to object to the characterization by the
11 Solicitor in that case. I think the audio
12 speaks for itself.

13 THE COURT: All right, let's do this.
14 Ladies and gentlemen, you listened to the
15 audio. You make the determination as to
16 anything that it showed to you. You are the
17 sole judges of the facts.

18 If you would, just please rephrase your
19 question.

20 SOLICITOR CAMPBELL: I'll rephrase it.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR CAMPBELL:

23 Q. Detective Barton, what did you take
24 from the two audios that we played yesterday?

25 A. That Martha Everett was going to be

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1 Ezra's alibi.

2 Q. As a result of that, what did you
3 do?

4 A. Myself and Sergeant Rob Gebing went
5 to see Martha Everett.

6 Q. Why were you going to see her, what
7 was the purpose of this?

8 A. Well, if she was going to be Mr.
9 Williams' alibi, then I wanted to get a
10 statement from her. I mean, if he was in
11 Friendship Court Apartments all night, then
12 that's what I needed to know.

13 Q. Do you normally do that as part of
14 your investigation, try to determine if an
15 alibi is good or not.

16 A. Yes, sir.

17 Q. Why do you do that?

18 A. Like I said, if he was in Friendship
19 Court apartments and not in Homeland Park,
20 then that's what I needed to know from Martha
21 Everett.

22 Q. Did you go see her?

23 A. I did.

24 Q. Were you able to meet her?

25 A. Yes, I was.

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1 Q. As a result of meeting her what, if
2 anything, did you learn?

3 A. We spoke with Martha Everett. Like
4 I've said, I already had Ezra Williams' phone
5 records. I knew who he had been contacting
6 that night. His cell phone had been pinging
7 off Homeland Park cell towers all night long
8 the night of the incident. So everything
9 that Martha told us, we were not able to
10 substantiate. She refused to put anything on
11 paper and ultimately asked us to leave her
12 residence.

13 Q. At any point since the time that you
14 met with her has she come back and met with
15 you to give you an alibi?

16 A. No.

17 Q. Has anybody since this investigation
18 has come forward -- since July 1, 2012, has
19 come forward with an alibi on behalf of Mr.
20 Williams?

21 A. No, they have not.

22 Q. And those phone calls were made in
23 July of 2012. Did you continue your
24 investigation or did you stop at this point
25 in time?

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1 A. We continued.

2 Q. Regarding the car in the video that
3 we saw in State's Exhibits 33, 34 and 35,
4 were you able to learn or identify this car?

5 A. Yes, sir, we were.

6 Q. What steps did you take or process
7 did you go through in order to try to deter-
8 mine the ownership or the whereabouts of this
9 car?

10 A. Well, as you heard the previous
11 testimony yesterday, Ezra Williams was
12 driving a gold or silver, light-colored
13 Oldsmobile or Buick. So we tried to find
14 that vehicle. We knew that it had to be
15 around somewhere, so we searched everywhere
16 that we could to try to come up with that.
17 About a year later, we got some information
18 that Ezra Williams had family who lived on
19 Pitts Road in Pendleton. So we went to that
20 location to see if we could find out anything
21 about this car.

22 Q. Were you able to locate the car?

23 A. Yes, sir. As soon as we turned onto
24 Pitts Road, the vehicle was parked in a
25 driveway. It was gold-colored Buick Regal.

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1 Q. Were you also able to get a tag
2 number off of it?

3 A. Yes, sir, I did.

4 Q. With the use of that tag number,
5 were you able to determine the ownership or
6 past history of this car?

7 A. Yes, sir. The vehicle was currently
8 owned by Ezra's aunt, Joyce Johnson.

9 The tag history showed that prior to that
10 it was owned by Annie Williams, who is Ezra's
11 grandmother.

12 Prior to that it was owned by Martha
13 Everett. During the time of this incident --
14 I think Martha Everett had bought it in May
15 of 2012 and transferred it to Annie Williams,
16 his grandmother, like four or five days
17 later. It was registered to her but based on
18 the information that we received it was
19 Ezra's vehicle.

20 Q. Now, Detective Barton, I am going to
21 show you what has been marked as State's
22 Exhibits 36, 37 and 38. Can you please
23 identify what these are, sir?

24 A. These are photographs of the Buick
25 Regal that we located at Joyce Johnson's

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1 house.

2 Q. And those were taken approximately a
3 year after this crime occurred?

4 A. Yes, sir. September 2013.

5 Q. Do these fairly and accurately
6 represent the car that was sitting in the
7 yard that day?

8 A. Yes, sir, it does.

9 SOLICITOR CAMPBELL: Your Honor, I
10 would like to move State's Exhibits 36, 37
11 and 38 into evidence.

12 THE COURT: Any objection?

13 MR. ROBINSON: No objection.

14 THE COURT: So admitted.

15 (SO ENTERED AS STATE'S EXHIBIT 36)

16 (SO ENTERED AS STATE'S EXHIBIT 37)

17 (SO ENTERED AS STATE'S EXHIBIT 38)

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR CAMPBELL:

20 Q. Further, I would like to show you
21 what has been marked as State's Exhibit 39.
22 If you would, please describe what this is,
23 sir?

24 A. When I ran the tag on the Department
25 of Motor Vehicles website, I ran a title

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1 history that shows everybody that has ever
2 owned that vehicle.

3 Q. And is this -- does this show the
4 ownership of all the owners who have ever had
5 possession of this car?

6 A. Yes, sir, it does. It is a printout
7 from the Department of Motor Vehicles.

8 Q. Is Martha Everett on this?

9 A. Yes, sir, she is.

10 Q. And what date is indicated that she
11 was the owner of this vehicle?

12 A. It says here that the purchase date
13 was May 25th, 2012, and Annie Williams'
14 purchase date was May 29th, 2012.

15 Q. That was prior to the disappearance
16 of Mr. Patel?

17 A. Yes, it was. The disappearance was
18 in July.

19 SOLICITOR CAMPBELL: Your Honor, at
20 this time I would like to admit State's
21 Exhibit 39 into evidence.

22 THE COURT: Any objection?

23 MR. ROBINSON: No objection, Your
24 Honor.

25 THE COURT: Admitted.

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1 (SO ENTERED AS STATE'S EXHIBIT 39)

2 THE COURT: Your Honor, I would like to
3 publish State's Exhibits 36, 37, 38 and 39.
4 If I could have Detective Barton step off the
5 stand.

6 THE COURT: Yes, sir.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR CAMPBELL:

9 Q. Now, Detective Barton, I am going
10 to show you what has been marked as State's
11 Exhibit 36

12 A. This is the gold Buick Regal. This
13 is the narrow metal post that separates that
14 third window, the back -- it is very common
15 for this type of vehicle from the mid-90s.

16 MR. ROBINSON: Your Honor, I am going
17 to object to Investigator Barton testifying
18 as an expert as to automobiles without a
19 foundation.

20 THE COURT: I sustain that objection.
21 Lay some foundation.

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR CAMPBELL:

24 Q. Now, Detective Barton, State's
25 Exhibit 36, what is this showing?

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1 A. It is the gold automobile parked
2 outside of Joyce Johnson's residence.

3 Q. And I'll also show you State's
4 Exhibit 37.

5 A. That is another photo of the same
6 vehicle/Buick. Notice down here in the
7 corner that there is a white sticker.

8 Q. And State's Exhibit 38?

9 A. That is a side view of the same
10 vehicle parked at Joyce Johnson's residence
11 on Pitt Road.

12 Q. Now, looking at State's Exhibits 33,
13 34 and 35, which have already been admitted
14 into evidence, did you compare these
15 photographs that you took in September 2013
16 to the photographs off of the house video
17 taken in July of 2012?

18 A. Yes, sir, I did.

19 Q. Were you able to make some
20 comparisons or similarities between the two?

21 A. Yes, sir, I was.

22 Q. I show you State's Exhibit 34, if
23 you will identify this and then what you take
24 from it as compared to the newest State's
25 exhibits.

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1 A. This is one of the stills of the
2 vehicle taken from the video at 3304 Jerry
3 Drive not long after the incident. By
4 comparison, it's the same vehicle that was at
5 Kyndra Howell's during the incident.

6 Q. As well as State's Exhibit 38.

7 A. The only difference that I see
8 between the vehicles are the hubcaps, and
9 this one of the vehicle was a year later.

10 Q. Regarding -- you'd mentioned in
11 State's Exhibit 36 that you saw a sticker
12 that you referred to?

13 A. Yes, there's a white sticker in the
14 bottom right-hand corner.

15 Q. Did you compare that with State's
16 Exhibit 35?

17 A. Yes. As the vehicle was driving
18 away, you can see the white sticker in the
19 bottom right-hand corner.

20 SOLICITOR CAMPBELL: Court's
21 indulgence, please. Detective, would you
22 please take the stand.

23 OFFICER BARTON: (Complies).

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR CAMPBELL:

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1 Q. Now, Detective Barton, you were the
2 detective that took out the warrants on Mr.
3 Williams?

4 A. Yes, sir, I am.

5 Q. After you had taken out -- finished
6 taking photographs of the car, running it
7 through the DMV, did anything else come to
8 light that helped you in this case?

9 MR. ROBINSON: Your Honor, --
10 leading.

11 THE COURT: Overruled.

12 OFFICER BARTON: Just the phone records
13 and whatnot.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR CAMPBELL:

16 Q. So that's what we have as evidence?

17 A. Yes, sir.

18 Q. Now, since you took out the warrant
19 for kidnaping, armed robbery, possession of a
20 weapon during the commission of a violent
21 crime and murder, can you please just
22 summarize why you took out those warrants on
23 Mr. Williams?

24 MR. ROBINSON: Your Honor, that has
25 been asked and answered before.

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1 THE COURT: Let me hear the response.

2 Go ahead.

3 OFFICER BARTON: Based on the
4 codefendant's statement, of Zachery Gantt,
5 that gave us a statement as to his involve-
6 ment; the codefendants' involvement as well
7 as the involvement of Mr. Williams.

8 MR. ROBINSON: Objection, Your Honor.
9 That was not testified to yesterday. I ask
10 that it be stricken in this case.

11 THE COURT: Say that again, please?

12 MR. ROBINSON: May I approach, Your
13 Honor?

14 (OFF RECORD BENCH CONFERENCE)

15 THE COURT: Madam Forelady, would you
16 take the jury back to the jury room, please,
17 ma'am?

18 (JURY OUT @ 9:24 A.M.)

19 THE COURT: All right, let's put this
20 on the record.

21 MR. ROBINSON: Yes, sir.

22 THE COURT: Mr. Robinson?

23 MR. ROBINSON: May it please the
24 Court, yesterday this detective tried to put
25 in, tried to say, to talk about Jeremiah

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1 Johnson, another codefendant, his statement.

2 I objected on the basis of hearsay. You
3 sustained that objection.

4 THE COURT: That's correct.

5 MR. ROBINSON: He's going back into
6 it today saying based on Zachery Gantt and
7 now Jeremiah Johnson ---

8 THE COURT: Let me ask you this, if he
9 does not attempt to get into the substance of
10 what Jeremiah Johnson's statement is but
11 merely recites that the statement is X-Y-Z,
12 that wouldn't run afoul of the hearsay rule,
13 would it? He's just talking about the
14 category of evidence that he considered in
15 issuing warrants.

16 MR. ROBINSON: But, Your Honor, there
17 are a couple of objections to that. One, the
18 Court sustained, yesterday, my objection.

19 THE COURT: Sure.

20 MR. ROBINSON: Now he's bringing it
21 back in. That's one of the problems that I
22 have with it is that the jury might say,
23 'Well, there's another statement out there
24 now. We haven't heard about this statement'
25 -- because you sustained my objection to

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1 having the statement. He's putting in more
2 evidence. That's what they are doing,
3 they're putting in more evidence that wasn't
4 part of this, that's not part of this case.
5 I think it's extremely prejudicial because
6 its not part of this case and he's putting
7 more evidence in through someone who is not
8 even a witness. There's no statement that
9 has been put in. He's just adding more
10 stuff. Just saying 'based on Zach', based on
11 all these other people that have talked about
12 this case, I -- it just makes it worse for my
13 client.

14 THE COURT: Well, evidence is supposed
15 to make it worse from your client's
16 perspective. But -- I mean, that is what the
17 nature of the adversary system is.

18 But I tend to agree with him, Mr.
19 Campbell. Why would that not implicate the
20 confrontation clause when you're indirectly
21 or by innuendo speaking of a statement of
22 somebody who didn't testify and nobody has
23 had a chance to cross examine them?

24 SOLICITOR CAMPBELL: First of all, Your
25 Honor, I didn't hear him say anything about

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1 Jeremiah. I heard his say Zachery Gantt and
2 then, all of a sudden, I heard objections and
3 all this. So I never even heard the name of
4 Jeremiah Johnson come out. So I have a
5 problem with the objection ---

6 OFFICER BARTON: Not today. I said
7 that Zachery Gantt gave a statement as to his
8 involvement and his codefendants' involve-
9 ment, and then he objected.

10 SOLICITOR CAMPBELL: Right, so I
11 thought it was sort of a preemptive
12 objection, so to speak, because I didn't know
13 where he was going. We hadn't even talked
14 about that.

15 THE COURT: Well, let me say this. I
16 will sustain your objection. I think you're
17 correct, not on a hearsay basis but I think
18 you are on a confrontation clause basis.

19 So therefore, I am going to direct you
20 not to mention Jeremiah Johnson's statement.
21 Okay?

22 OFFICER BARTON: Yes, sir.

23 THE COURT: Now, a generic statement as
24 to codefendants, do you have an objection to
25 that? While the jury is out? To save us

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1 another trip out of the courtroom.

2 MR. ROBINSON: If he says -- it's just as
3 bad, to me, -- if he said 'other codefendants
4 also said such and such', ---

5 THE COURT: Well, no, he can't say what
6 they said. I am talking about -- just going
7 back into what we were talking about earlier,
8 just the classification of the type of
9 evidence he would consider cannot get into
10 the substance of that evidence; i.e., 'I had
11 Zachery Gantt's statement and other
12 codefendants' and then I had this other
13 thing.' Do you think that runs afoul of the
14 rules that we are considering?

15 MR. ROBINSON: I would think that --
16 I would ask that he proffer his testimony so
17 that we could listen to it.

18 THE COURT: Okay. All right.

19 SOLICITOR CAMPBELL: Well, first of
20 all, Your Honor, regarding that, Zachery
21 Gantt testified yesterday. He had a full and
22 complete opportunity to cross-examine him.
23 Zachery Gantt did testify to the fact that
24 Ezra Williams, Jeremiah Johnson, and Kyndra
25 Howell were his codefendants in this matter.

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1 So what he is talking about is what the
2 witness testified to yesterday. So I don't
3 know where he is coming from on that part.

4 You know, he was here. He had an
5 opportunity to cross-examine him. He doesn't
6 run afoul of the confrontation clause
7 regarding that matter, so I do not know or
8 understand that objection is regarding what
9 Zachery Gantt stated. The jury was here and
10 listened to it. They can take from it
11 themselves what his credibility is in what he
12 said on the stand.

13 THE COURT: I got you.

14 SOLICITOR CAMPBELL: All we're going
15 into is that he took out the warrants and, in
16 fact, the warrant says that he has statements
17 from more than one codefendant.

18 All he is doing is running through the
19 list of what -- the reason why he brought the
20 charges on Mr. Williams.

21 THE COURT: I'm with you. Again, when
22 you get into classifications of types of
23 evidence he considered, and that's what I
24 understood your question to be. I may be
25 wrong.

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1 SOLICITOR CAMPBELL: No, sir. My
2 question is, 'List the reason why you took it
3 out. We need to know. You took it out, and
4 we need to know why you took it out.' That's
5 all he's showing us.

6 THE COURT: Okay. Well, go ahead and
7 ask him the question so that we hear it all
8 in-camera, to make sure that we don't have to
9 send the jury back out.

IN CAMERA EXAMINATION

10
11 BY SOLICITOR CAMPBELL:

12 Q. Detective Barton, when you took the
13 warrants out in this matter regarding the
14 Defendant in this case, Ezra Williams, can
15 you list the factors why you feel that these
16 arrest warrants were issued on him?

17 A. Based on Zachery's statement, as you
18 heard from him yesterday, he acknowledged his
19 involvement as well as the codefendant's
20 involvement, Ezra Williams being one of those
21 codefendants. We were able to corroborate
22 and substantiate many, many details, just
23 about every detail that he gave us in his
24 statement.

25 That statement coupled with his mother's

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1 statement, what she told us when we heard
2 from her yesterday, uh, that put Ezra at the
3 scene.

4 The statement from Jonathon Johnson, who
5 puts Ezra at the scene during the time of the
6 incident.

7 The vehicle evidence that was found at
8 Joyce Johnson's house, who is Ezra's aunt who
9 had the vehicle or who -- by the DMV records
10 shows that Ezra had access to that vehicle
11 during the time of the incident.

12 The cell phone records showing that his
13 cell phone is pinging off the cell tower in
14 the Homeland Park area.

15 Based on all those facts, I felt like we
16 have a pretty good case to charge him with
17 the murder, armed robbery, kidnaping and
18 possession.

19 SOLICITOR CAMPBELL: That's it, Your
20 Honor.

21 MR. ROBINSON: Your Honor, may it
22 please the Court?

23 THE COURT: Yes, sir.

24 MR. ROBINSON: Your Honor, I -- while
25 I -- you know, first of all, he didn't go and

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1 look at that car until a year later so he had
2 no way of knowing ---

3 THE COURT: It's the weight and not the
4 admissibility.

5 MR. ROBINSON: Yes, Your Honor. But
6 I think that's why he thinks Zachery Gantt's
7 testimony was good.

8 THE COURT: I hear you. I note your
9 objection. I don't think it falls into
10 opinion -- it just explains why he took the
11 actions that he did, which is different from
12 opinion. But I understand and I note your
13 objection.

14 MR. ROBINSON: Another objection,
15 too, as far as the prejudicial value of ---

16 THE COURT: 403?

17 MR. ROBINSON: I think it could be
18 prejudicial because he is a law enforcement
19 officer, he was the investigator in the case.
20 To come in here and say, 'well, this is why
21 I' -- I think it is prejudicial and far
22 outweighs the probative value.

23 THE COURT: Well, let me just say
24 this, I did not hear him say that 'this is
25 why' -- 'I think we had a good case, this is

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1 why we made the case.' That's a difference.
2 "I think we had a good case", that is
3 opinion. So I will ask you to not say that.
4 But what I heard was not offensive as far as
5 the Rules are concerned.

6 MR. ROBINSON: Okay.

7 THE COURT: I do note your objection.

8 MR. ROBINSON: Thank you.

9 THE COURT: Ready?

10 SOLICITOR CAMPBELL: Yes, sir.

11 THE COURT: Ready?

12 MR. ROBINSON: Yes, Your Honor.

13 THE COURT: Bring the jury back in.

14 (JURY IN @ 9:34 A.M.)

15 THE COURT: All right, Mr. Campbell.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR CAMPBELL:

18 Q. Detective Barton, you were the
19 detective that took out the arrest warrants
20 in this matter?

21 A. (Affirmative nod).

22 Q. Can you please tell the ladies and
23 gentlemen of the jury some of the factors or
24 some of the reasons why you took out the
25 warrants against the defendant for armed

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1 robbery, possession of a weapon during the
2 commission of a violent crime, kidnaping and
3 murder?

4 A. Yes, sir. Based on Zachery Gantt's
5 statement acknowledging his involvement as
6 well as the codefendants involvement in this
7 incident, and one of the codefendants being
8 Ezra Williams.

9 We were able to substantiate Mr. Gantt's,
10 most all the details of the statement that he
11 gave us.

12 We also spoke with Kizzie Roebuck, who
13 had spoken with Ezra -- you heard from her
14 yesterday. We had her statement.

15 We had Jonathon Johnson's statement, who
16 put Ezra at the scene during the time of the
17 incident.

18 We had Mr. Williams' cell phone records
19 which showed that he was pinging off cell
20 towers in the Homeland Park during the time
21 of the incident.

22 That coupled with the vehicle found a
23 year later, matching the description of the
24 one that was on the video at Kyndra Howell's
25 residence, we had enough evidence to charge

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1 Mr. Williams with armed robbery, possession
2 of a weapon during the commission of a
3 violent crime, kidnaping and murder of C.J.
4 Patel.

5 Q. Detective Barton, I have no further
6 questions. Please answer any questions that
7 Mr. Robinson may have.

8 A. Yes, sir.

9 THE COURT: Mr. Robinson, cross-
10 examination?

11 MR. ROBINSON: May it please the
12 Court?

13 THE COURT: Yes, sir.

CROSS EXAMINATION

14
15 BY MR. ROBINSON:

16 Q. Detective Barton, based on your
17 investigation, you would agree that Ezra
18 Williams was single at the time. Correct?
19 He was not married.

20 A. He was not married. Yes.

21 Q. And you would agree that Kyndra
22 Howell also was not married at the time.
23 Correct?

24 A. Yes, sir. Not married.

25 Q. Let me ask you this, in terms of the

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1 -- the cell phone that you talked about,
2 where -- you don't have any evidence in this
3 case that Ezra Williams, that his cell phone
4 records established that he was at the scene.
5 Cell phone records don't establish that, do
6 they?

7 A. Not at the scene, just in the
8 Homeland Park area.

9 Q. And --

10 SOLICITOR CAMPBELL: Objection, Your
11 Honor, he needs to be allowed to answer ---

12 MR. ROBINSON: My apologies.

13 THE COURT: That's okay. Go ahead.

14 CROSS EXAMINATION CONTINUED

15 BY MR. ROBINSON:

16 Q. Now, in terms of the video, the
17 audio -- excuse me, the video that you had of
18 the area, that the landlord or owner of the
19 residence had the cameras around the house,
20 that video?

21 A. Yes, sir?

22 Q. The DVR, that video. Right?

23 A. (Affirmative nod).

24 Q. So you got that DVR with those video
25 according to your records on July 5th, is that

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1 right?

2 A. Yes, sir, I believe so.

3 Q. You took those back to your office
4 and viewed them; is that correct?

5 A. Yes, sir.

6 Q. And during the period of time
7 between then and when you were investigating
8 this case, you had control over that. No one
9 else had control. Correct.

10 A. Yes, sir.

11 Q. And you acknowledged too that your
12 department could not get the complete video,
13 the entire DVR video could not be recovered.

14 A. No, sir, I did not acknowledge that.
15 We could recover the video. The entire DVR
16 system is in evidence. The DVR contained, I
17 believe that it was a couple months, three
18 months maybe, of video; which is a huge
19 amount of space. I burned to a disk the
20 portion -- like from 2:00 o'clock on the
21 afternoon of the 1st until the morning hours,
22 daylight hours of the next day, the 2nd. I
23 burned those on two different disks.

24 We did take the video system to Jim Bolt,
25 who is Anderson City's forensic analyst to

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1 ask him to make a copy of the entire system
2 so that we could give the DVR back to the
3 owner, because -- at that time he didn't have
4 a DVR system to replace it. The DVR system
5 held too much memory to be able to make a
6 complete copy of it. So we made the decision
7 to just put the entire DVR system in
8 evidence. So it's there, the entire DVR
9 system has been in evidence for three years.

10 We purchased the owner of that house, the
11 landlord, a new DVR system to replace that
12 since we couldn't copy it and we kept it.

13 No video has been destroyed or lost or
14 anything. It's all there in evidence.

15 Q. Now, the alibi that you were talking
16 about, that was spoken about in this case,
17 talking about Martha Everett.

18 A. Yes.

19 Q. She actually did provide an alibi
20 for him in the sense that she told you or one
21 of your officers that he had been with her
22 that night, that they had gone to Cici's and
23 he had stayed there all night. That's what
24 she said. Correct?

25 A. Yes, sir, that's what she said.

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1 Q. Now, you don't have anything -- you
2 have not brought anyone to court that can
3 actually say 'no, that's not accurate.' Have
4 you?

5 A. I believe the phone records can say
6 that is not accurate.

7 Q. Well, ---

8 A. His phone records ---

9 SOLICITOR CAMPBELL: Objection.

10 THE COURT: Okay.

11 OFFICER BARTON: His phone records
12 doesn't ping in the area of Cici's Pizza or
13 Friendship Court where they lived. His phone
14 records pinged in Homeland Park when the
15 incident was occurring. There was a phone
16 call that was actually made to her when they
17 were supposed to have been together the
18 entire night.

CROSS EXAMINATION

19 BY MR. ROBINSON:

20 Q. But that is coming from the phone
21 records, isn't that correct? The phone
22 records?
23

24 A. The phone records as well as
25 statements that we received.

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1 Q. But you don't have anybody that can
2 say, 'No, he wasn't there all night.'

3 A. We have the codefendant's statement.

4 Q. I'm asking you, you don't have
5 anyone to come to court and say that he was
6 not there with her, that he was not there at
7 home.

8 A. Zachery Gantt said that yesterday.

9 Q. So Zachery Gantt stated that,
10 definitely?

11 A. Well, he was with Ezra, so he knows
12 where Ezra was at.

13 Q. And Zachery Gantt is the codefendant
14 in this case, is that right?

15 A. Yes, sir.

16 Q. And that's coming from Zach Gantt
17 and that is the only person that said that?

18 A. For trial purposes, yes.

19 Q. Just Zachery Gantt said that?

20 A. For trial purposes, yes.

21 Q. Now, isn't it true that your
22 officers kinda of threatened her, threatened
23 Martha Everett to take her kids?

24 A. No, sir, I wouldn't call it a
25 threat. It was a cautioning her.

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1 Q. Cautioned her to such an extent that
2 she started crying, being really upset?

3 A. We confronted Martha about lies.
4 We could prove that he wasn't there at
5 Friendship Court all night long. We could
6 prove that he wasn't with her all night long
7 at Friendship Court.

8 When we confronted her about this stuff,
9 we told her, you know, 'if you get up on the
10 stand and lie, you will go to jail.' At some
11 point I did ask her what did she think would
12 happen to her kids if she went to jail and
13 their father was already in jail.

14 Q. That would be what?

15 A. I cautioned her.

16 Q. That would be that her kids would be
17 taken away and put in foster care, maybe, if
18 that all happened?

19 A. That's the way that I left it.

20 Q. And she was a single parent, isn't
21 that right?

22 A. Well, essentially, since he was ---

23 Q. She wasn't married?

24 A. She wasn't married, no.

25 Q. And you thought it was okay to

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1 threaten her or to "caution" her about losing
2 her children?

3 A. As I said, I was cautioning her as
4 to the well-being of her children.

5 Q. Now, let's go to your file and talk
6 about evidence in this case. You were here
7 yesterday listening to Officer Finley and
8 other officers.

9 A. Yes, sir.

10 Q. You found the car that belonged to
11 C.J. Patel.

12 A. Yes, sir.

13 Q. You take eighteen DNA swabs.

14 A. Yes, sir, ---

15 Q. Now, I ---

16 A. --- I don't remember the exact
17 number but it was ---

18 Q. You've got your report. You can
19 look at your report.

20 A. Give me just a minute, (reviewing
21 report). Do you know whose supplemental that
22 is? The report is about a hundred pages
23 long.

24 Q. Officer Finley.

25 A. Finley's report? (Upon review),

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1 yes, sir.

2 Q. Eighteen DNA swabs were taken, eight
3 trace lifts, ---

4 A. Yes, sir.

5 Q. Now, if I am correct, I ---

6 A. That's what the report says.

7 Q. Eight trace lifts, one latent
8 fingerprint, and then y'all went into the
9 fields -- this is a field, right?

10 A. Where all that stuff was taken at?

11 Q. There was a warrant at some point
12 that you testified about, getting a warrant
13 to look at the field around the victim's
14 body?

15 SOLICITOR CAMPBELL: Your Honor, ---

16 OFFICER BARTON: We didn't need a
17 search warrant to look in the field.

18 CROSS EXAMINATION CONTINUED

19 BY MR. ROBINSON:

20 Q. What it was that you looked in the
21 field to see if there was anything in the
22 field that was related to this, and I think
23 y'all found a bullet casing, sandals, rope,
24 ---

25 A. Right.

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1 Q. And you went to the residence of
2 Kyndra Johnson, which is where she lived?

3 A. Yes.

4 Q. [REDACTED] Jerry Drive?

5 A. Yes.

6 Q. Got a warrant and in there -- there
7 were blood spots, ---

8 A. Yes, sir.

9 Q. --- a towel, ---

10 A. Yes, sir.

11 Q. --- a beer can?

12 A. Possibly. I'm not certain about a
13 beer can.

14 Q. Rope?

15 A. There were several cords taken from
16 the Jerry Drive residence. I believe that
17 was taken in the first search warrant.

18 Q. Was there any sprays taken out
19 there?

20 A. Sprays?

21 Q. Cans of spray?

22 A. No, sir. At the time we didn't know
23 anything about any cans of spray. I assume
24 that you're referring to bug spray?

25 Q. Yes, sir.

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1 A. No.

2 Q. You didn't take any bug spray?

3 A. No.

4 MR. ROBINSON: Beg the Court's
5 indulgence.

6 THE COURT: Yes, sir.

7 CROSS EXAMINATION CONTINUED

8 BY MR. ROBINSON:

9 Q. Now, remember when someone -- I
10 believe that you testified yesterday that you
11 went to Belton at some point, went to a gas
12 station, to see Kyndra. Is that right?

13 A. Yes, sir.

14 Q. And I think that you when you got
15 there that you saw her with Ezra Williams;
16 right?

17 A. Yes, sir.

18 Q. Do you recall the car that he was
19 driving?

20 A. Not that night. That night we
21 didn't even know a car was involved. That
22 was the second day of the investigation and
23 we were looking for a missing person, and I
24 didn't pay any attention to the car.

25 Q. So you didn't pay any attention to

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1 the car?

2 A. No.

3 Q. Would it surprise you is that was a
4 blue Sebring?

5 A. (Negative gesture).

6 Q. You have no idea?

7 A. I have no idea what kind of car it
8 was. Could have been a truck for all I know.

9 Q. All right. Now, going back to the
10 house at [REDACTED] Jerry Drive, did you also
11 collect lift prints from doorknobs -- like
12 Officer Finley said yesterday -- take latent
13 prints?

14 A. They processed the house. As far as
15 how many they took, I don't know exactly the
16 number. We sprayed BlueStar in the house and
17 ---

18 Q. They did a thorough search of the
19 house, taking things; right?

20 A. Yes, sir.

21 Q. Same with the car, C.J.'s car, they
22 were real careful?

23 A. Yes, sir.

24 MR. ROBINSON: That's all that I
25 have.

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1 THE COURT: Any redirect?

2 SOLICITOR CAMPBELL: Yes, Your Honor.

3 REDIRECT EXAMINATION

4 BY SOLICITOR CAMPBELL:

5 Q. Now, Detective Barton, regarding the
6 cross examination that Mr. Robinson brought
7 up dealing with Martha Everett, when you went
8 to her house at Friendship Court, who were
9 you with? Were there any other detectives
10 with you?

11 A. Sergeant Rob Gebing.

12 Q. How was her demeanor?

13 A. When we first walked in, she was
14 fine. We told her that we understood that
15 she was supposed to be Ezra's alibi. She
16 commenced to tell us this story about Cici's
17 Pizza and that he was there all night.

18 Q. After she had told you this, at any
19 point did she agree to put this in writing?

20 A. No. We asked her to and she
21 announced that she didn't want to put it in
22 writing. Then I asked her at that point in
23 time if he didn't do this, why wouldn't she
24 put it in writing to help him.

25 Q. So she never put anything in

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1 writing, on paper?

2 A. No, sir.

3 Q. And when she gave you the story of
4 being at Cici's Pizza and wherever else she
5 said, did she give you specific timeframes?

6 A. I can't remember if she gave me
7 actual specific timeframes but she said that
8 she had already checked Cici's Pizza and they
9 had the video to corroborate this.

10 Q. And at some point while you were
11 speaking to her did she become confronta-
12 tional or hostile to y'all?

13 A. Once we confronted her on the issues
14 that we had as far as her and Kyndra (sic)
15 contacting each other on the phone that
16 night, if they were supposed to be together,
17 why were they contacting one another, as well
18 as the GPS coordinates on the cell phone
19 towers, she became confrontational at that
20 point.

21 Q. So you already had information when
22 you went to her?

23 A. Yes, we already had some evidence
24 when we spoke with Martha.

25 Q. So you were able to determine

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1 whether she was lying or not?

2 A. Yes, sir.

3 Q. Now, since then -- or right after
4 this, -- did she ever call you or want to
5 talk to you about his alibi?

6 A. No, sir.

7 Q. Has she done it in the three years?

8 A. I haven't heard from Martha since
9 that day.

10 Q. And, Mr. Robinson was trying to make
11 some points regarding her children. At any
12 point did you ever threaten to take her
13 children away?

14 A. No, sir.

15 Q. At any point did you threaten to
16 call DSS?

17 A. No, sir.

18 Q. At any point did you threaten to
19 have any other type of child protective
20 agencies come in?

21 A. No, sir.

22 Q. So what were you -- you said that
23 you cautioned her. What do you mean by
24 "cautioned"?

25 A. I cautioned her that the father of

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1 these children were already in jail and that
2 if she perjured herself and goes to jail,
3 what did she think was going to happen to her
4 children.

5 Q. Did you never made any threats to
6 her?

7 A. No, that was the only comment ever
8 made about her children. At that point she
9 told us to get out of her house. I did, and
10 gave her a card as we were leaving.

11 Q. Has she ever called you since then?

12 A. No, sir. As a matter of fact, she
13 ripped our cards up.

14 Q. Now, regarding all this DNA and all
15 these swabs and samples that were taken, --
16 in this investigation you were playing "catch
17 up" most of the time; isn't that right?

18 A. Yes, sir.

19 MR. ROBINSON: Objection. Objection.
20 Leading.

21 THE COURT: Sustained. Rephrase.

22 REDIRECT EXAMINATION CONTINUED

23 BY SOLICITOR CAMPBELL:

24 Q. Now, when you found the black Honda
25 Accord, y'all processed the car?

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1 A. Yes, sir, we did.

2 Q. You did it at the Anderson County
3 Sheriff's Office?

4 A. Yes, sir.

5 Q. When you processed the car, had you
6 already spoken to Jonathon Johnson, Bug?

7 A. I don't think that we had spoken to
8 him at that point.

9 Q. But you spoke to him after the fact?

10 A. Yes, sir.

11 Q. And the car had already been
12 cleaned?

13 A. Yes, sir, it had.

14 Q. The samples that you were able to
15 collect, were you able to get any one of
16 those samples to be analyzed?

17 A. We sent them off to SLED to be
18 analyzed. It didn't come back with any
19 results. As I said, that was to be expected.

20 The, uh, -- the latent prints versus the
21 trace lifts, the DNA swabs. The trace lifts
22 and DNA swabs we collected those in hopes to
23 find something and sent that to SLED to see
24 if there was anything there.

25 The latent prints, we dust the car and we

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1 can see if there is a print or not. There
2 was one print taken off the car. That's the
3 reason there's so many trace lifts.

4 Q. And on the DNA, you were able to get
5 a DNA swab to confirm that he was in the car?

6 A. Yes, sir, we did.

7 Q. Now, regarding the house, the house
8 -- I believe in your direct testimony that
9 you testified that she was in the state of
10 being evicted?

11 A. Yes, sir, she was.

12 Q. Now, on the occasions that you --
13 how many times did y'all go back to the
14 house?

15 A. Four times.

16 Q. And the reason why you had to keep
17 going back to the house that many times?

18 A. Like I said, the first time we went
19 was just to look for any kind of signs based
20 on information that we'd received.

21 We obtained a search warrant and went
22 over there. We didn't find anything.

23 The next day we found out that there was
24 a DVR system, so we got a search warrant and
25 went back to get that.

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1 We didn't do the BlueStar or anything
2 like that until after we'd got the statement
3 from Zachery Gantt. Then we had a story to
4 know what we were looking for inside.

5 Q. But you did attempt to do this?

6 A. Yes, sir.

7 Q. Was the house in the process of
8 being moved out of?

9 A. Yes, sir, it was.

10 Q. Had the landlord been at the house?

11 A. He had been.

12 SOLICITOR CAMPBELL: I have no further
13 questions.

14 MR. ROBINSON: Recross?

15 THE COURT: Yes, sir.

16 RECROSS EXAMINATION

17 BY MR. ROBINSON:

18 Q. So, Officer, you didn't take -- you
19 didn't take -- when you took the statement of
20 Zachery Gantt, the verbal statement on
21 7/2/2012, you took his statement; do you
22 agree?

23 A. Not a written statement, no.

24 Q. And when you talked to Martha, she
25 gave you an alibi in this case and you also

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1 didn't take a written statement; did you?

2 A. I did not get a written statement
3 from her.

4 Q. In terms of the DNA swabs you're
5 talking about, the DNA swab that Mr. Campbell
6 asked you about, the DNA swab of Mr. Patel
7 was in his car; isn't that right?

8 A. Yes, sir, in the backseat.

9 Q. So that is what you're talking
10 about?

11 A. Yes, sir.

12 Q. Now, in terms of Jonathon Johnson
13 cleaning the car, if you recall Jonathon
14 Johnson's testimony from yesterday, he said
15 that he was cleaning the mud off the door;
16 isn't that what he said?

17 A. Yes, sir.

18 MR. ROBINSON: Thank you very much.
19 That's all that I have.

20 THE COURT: Thank you, Officer. You
21 may step down.

22 (WITNESS STEPS DOWN)

23 THE COURT: Call your next witness,
24 please.

25 SOLICITOR CAMPBELL: Your Honor, the

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Defense Motion for Directed Verdict

1 State rests its case.

2 THE COURT: Very well. Madam Forelady,
3 ladies and gentlemen of the jury, the State
4 has now rested. In other words, it has
5 presented its case in chief. I have to take
6 up some administrative matters. So if you
7 will go back to your jury room. Then we will
8 bring you back up here and continue the
9 trial.

10 (JURY OUT @ 9:56 A.M.)

11 THE COURT: Motions?

12 MR. ROBINSON: May it please the
13 Court, at this the Defense would make a
14 Motion for a directed verdict of acquittal
15 on all charges.

16 THE COURT: The Motion is denied.
17 There is certainly sufficient evidence in the
18 record to make it a question of fact for the
19 jury to determine.

20 Mr. Williams, ---

21 DEFENDANT: Yes, sir?

22 THE COURT: --- now we have reached
23 that juncture in the trial where you need to
24 make a decision as to whether or not you wish
25 to testify. Do you still not wish to

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Examination of Defendant re: Right to Testify

1 testify?

2 DEFENDANT: Yes, sir.

3 THE COURT: Very good. Mr. Robinson,
4 does the Defense intend to present any
5 evidence?

6 MR. ROBINSON: No, sir.

7 THE COURT: So we will bring the jury
8 back. Do you want me to bring the jury back
9 in here and let you say that you have no
10 witnesses, or do you just want me to bring
11 them in here and start the final charge?

12 MR. ROBINSON: Your Honor, I can go
13 either way on this way so I'll let the Court
14 decide.

15 THE COURT: Well, no. We've got some
16 pretty big charges here, so I'd rather you
17 make the call.

18 MR. ROBINSON: I'd rather we have
19 them come back in and let me rest on the
20 record, if I could.

21 THE COURT: All right. Bring in the
22 jury.

23 (JURY IN @ 9:59 A.M.)

24 THE COURT: Mr. Robinson. It's the
25 State's (sic) case. Call your first witness?

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1 MR. ROBINSON: May it please the
2 Court, Your Honor, at this time the Defense
3 rests.

4 THE COURT: Defense rests?

5 MR. ROBINSON: Yes, sir.

6 THE COURT: Ladies and gentlemen, what
7 the attorneys are telling me is that all the
8 testimony that is going to be presented, all
9 the exhibits or exhibits that are going to be
10 presented has been presented.

11 What that means is that now I'm going to
12 send you back to your jury room. I am going
13 to go over the law with the attorneys that I
14 intend to charge you, to make sure that we
15 are all on the same page as to the law
16 applicable to this case. We met earlier this
17 morning before we brought you in here.

18 We are going to do it a little bit
19 differently than I told you at the beginning
20 of the case. When you come back, I'll charge
21 you on the law first and then the attorneys
22 will then argue their closing arguments to
23 you. We will have a brief break and then,
24 after that you will be given word to begin
25 your deliberation and the evidence will be

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Examination of Defendant re: Right to Testify

1 provided to you. I'll have more to tell you
2 about that in just a few minutes, but I just
3 wanted to tell you where we are.

4 We are actually passing out of the second
5 phase of the trial that I told you about
6 earlier, and we're going into the charge on
7 the law and then the closing arguments. Just
8 so that you know where we are.

9 Go back to your jury room.

10 (JURY OUT @ 10:01 A.M.)

11 MR. ROBINSON: May it please the
12 Court?

13 THE COURT: Just one second.

14 MR. ROBINSON: Sorry.

15 THE COURT: Yes, sir? Mr. Robinson, do
16 you have something that you want to bring up?

17 MR. ROBINSON: Your Honor, I am great
18 with the -- with the Court's jury charges. I
19 would like a jury charge on him not testify-
20 ing in this case. I didn't see that in the
21 charge.

22 THE COURT: Well, you know, you and I
23 have tried multiple cases together.

24 MR. ROBINSON: We have.

25 THE COURT: I have that in -- I do it

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Examination of Defendant re: Right to Testify

1 in three sections. One, just the general
2 duties. (Reading): *"As to the failure of*
3 *the defendant to testify, I instruct you and*
4 *emphasis that the fact that the defendant did*
5 *not testify is not a factor to be considered*
6 *by you in any way in your deliberations."*

7 Then I will further instruct the forelady
8 that, (reading): *"If anyone attempts to*
9 *bring that up it will be your job to stop it*
10 *because it is not an appropriate fact for*
11 *anyone to consider."*

12 Now, a couple of things that I have in
13 my general charge, there is an issue about
14 identification. I don't know that
15 identification is really appropriate to this
16 because it is more of an eyewitness ongoing
17 identification charge as opposed to after-
18 the-fact. What is your position on that?

19 SOLICITOR CAMPBELL: I agree with
20 that.

21 THE COURT: Do you agree with that?

22 MR. ROBINSON: I agree, Your Honor.

23 THE COURT: Another thought would be,
24 based on cross-examination, I don't believe
25 there is any evidence in the record to

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Examination of Defendant re: Right to Testify

1 sustain a charge on out (phonetic). What
2 would be your position on that?

3 MR. ROBINSON: Your Honor, I agree.
4 I think it's up to the jury to extract the
5 weight. I don't think that we've got the
6 persons here -- I agree.

7 THE COURT: Okay. Have you had a
8 chance to look at the substantive law charge?

9 MR. ROBINSON: The Defense has, yes,
10 sir.

11 THE COURT: Sir?

12 MR. ROBINSON: Yes.

13 THE COURT: Do you have any objections
14 to the proposed charges as given to you?

15 MR. ROBINSON: Your Honor, actually I
16 received from Mr. Haigler their charges on
17 the murder and the hand of one is the hand of
18 all, so I have no problem with them.

19 THE COURT: Have you looked at the
20 proposed verdict form?

21 MR. ROBINSON: I have. Yeah. It's
22 fine.

23 THE COURT: Particularly as to the
24 language under the possession of a weapon
25 during the commission of a violent crime, the

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Examination of Defendant re: Right to Testify

1 note says that the jury must first find the
2 defendant guilty of at least one of the above
3 charges -- murder, kidnaping or armed robbery
4 -- in order to consider the defendant's guilt
5 as to the charge of possession of a weapon
6 during the commission of a violent crime.
7 Do you have a problem with that?

8 MR. ROBINSON: I do not.

9 THE COURT: Mr. Campbell, I know that
10 I've been with you multiple, multiple times
11 as well. Do you have any objection to the
12 proposed charge?

13 SOLICITOR CAMPBELL: No, sir, I do not.

14 THE COURT: How about the proposed verdict
15 form?

16 SOLICITOR CAMPBELL: No, sir.

17 THE COURT: So we're all on the same
18 page. I am going to charge, then we will go
19 to your closings and the Defense gets the
20 final remarks ---

21 SOLICITOR CAMPBELL: That's correct.

22 THE COURT: --- because they did not
23 present any evidence. Right?

24 SOLICITOR CAMPBELL: Yes, sir.

25 THE COURT: Anything further from the

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Examination of Defendant re: Right to Testify

1 State?

2 SOLICITOR CAMPBELL: Nothing from the
3 State.

4 THE COURT: Anything further from the
5 Defense?

6 MR. ROBINSON: No, sir, Your Honor.

7 THE COURT: Let's take about a five-
8 minute break and come back. Then I will
9 break again before y'all do your closings.

10 (BRIEF RECESS 10:08 - 10:14 A.M.)

11 (DEFENDANT PRESENT)

12 THE COURT: Let me ask the attorneys
13 right quick, the Clerk has suggested that
14 after we do the closings and before we send
15 stuff back that we take a quick break for him
16 to take their lunch orders. Does anybody
17 have any problem with that?

18 SOLICITOR CAMPBELL: No, sir.

19 THE COURT: Do you have a problem with
20 that?

21 MR. ROBINSON: No, sir.

22 THE COURT: Are you ready?

23 SOLICITOR CAMPBELL: Yes, sir.

24 THE COURT: Mr. Robinson, are you
25 ready?

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Charge Conference

1 MR. ROBINSON: Ready, Your Honor.

2 THE COURT: State ready to proceed?

3 SOLICITOR CAMPBELL: The State is
4 ready, Your Honor.

5 THE COURT: Defense ready?

6 MR. ROBINSON: Defense is ready, Your
7 Honor.

8 THE COURT: By the way, when it comes
9 to the substantive charges, I am beginning
10 with the charge of murder. Okay.

11 (JURY IN @ 10:14 A.M.)

12 THE COURT: Ladies and gentlemen of the
13 jury, since we have swapped the normal course
14 of things, I'm going to charge you on the law
15 now.

16 Let me point out to you before I do that
17 a lot of these are very technical rules, so
18 they will be read to you. I apologize, I'll
19 try to minimize the reading to you but
20 because each element is very important, I
21 don't want to run the risk of misstating what
22 the technical rules are that you will be
23 applying in this case.

24 Also let me point out to you again that
25 all the testimony, all the exhibits that were

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1 going to be admitted, that were going to be
2 presented, have been. The record is closed.
3 The record that you will make your decisions
4 on will be before you.

5 Now I will give you the law that you will
6 apply to the facts as you find them to be.

7 Now, my instruction will be in three
8 parts:

9 The first part will be the general rules
10 that define and control your duties as
11 jurors.

12 Next, I will give you the substantive law
13 that you must apply; i.e., the law of the
14 charges and related documents to those
15 charges.

16 I will then give you some considerations
17 for your deliberations.

18 Madam Forelady, I will then go over the
19 verdict form with you. If at any time you
20 cannot hear me or if any juror cannot hear
21 me, raise your hand and my law clerk, if I am
22 not watching, will tap me on the back and I
23 will repeat it because I want you all to hear
24 it. Okay?

25 I'll tell you right now that I do not

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1 send the legal charge back with you. The
2 indictments do not go back with the jury,
3 they have been read to you. But I will
4 charge you on the law as much as you'd like.

5 Also, certain evidence was presented to
6 you by way of video. If you want to see that
7 at the end of the day, you can watch it as
8 many times as you want to but we'll bring you
9 out here in the courtroom to watch it. The
10 sole purpose is because the apparatus that we
11 need to play those on has other information
12 on it that is not part of this case. Okay.

13 Now, with that being said, ladies and
14 gentlemen, if you will recall at the
15 beginning of this case I told you that as
16 jurors it is your duty to find the facts from
17 the evidence that has been presented. To
18 those facts you must apply the law as I give
19 it to you now.

20 You must follow the law as I give it to
21 you. You may not be concerned with what you
22 might like for it to be or what you think
23 that it should be, or what it is.

24 You must not be influenced by any
25 personal likes or dislikes or opinions,

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1 prejudice or undue sympathies that you may
2 have for one side or the other. In other
3 words, you have no friends to reward and no
4 enemies to punish.

5 Bottom line, that means that you must
6 decide the case solely on the evidence that
7 has been presented to you in this case and
8 according to the law as I give it to you now.
9 As you recall, at the beginning of this case
10 you took your oath and swore or affirmed that
11 you would do just that.

12 In following my instructions now, you
13 must not pick out part of the instructions
14 that you think that you like and follow
15 those, ignoring others. They are all equally
16 important.

17 Also, I remind you that if I have done
18 anything throughout the course of this trial
19 to indicate to you how you are to find the
20 facts or the verdict that you are to reach,
21 I'm going to ask you and also charge you to
22 disregard that. The South Carolina
23 Constitution does not allow any Judge to have
24 an opinion on the facts or to make a comment
25 on the facts.

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1 You and you alone are the judges of what
2 the facts are in this case. You will
3 determine what those facts are by evaluating
4 and weighing the evidence that you heard
5 during the trial.

6 There is no way for me to hand you back
7 a set of scales for you to weigh the evidence
8 that you've heard during this case. In the
9 literal sense, evaluating and weighing the
10 evidence is a mental process. You will
11 evaluate and weigh the evidence that you
12 heard in this case using your good common
13 sense and your sound judgment that you
14 brought with you to court when you became
15 jurors in this case.

16 Now, what is evidence? There are two
17 types or categories of evidence that you may
18 consider in this case as evidence:

19 You have sworn testimony from this
20 witness stand either by direct examination or
21 cross-examination, from any witness.

22 You also have the exhibits that have
23 been placed in evidence and those will go
24 back to the jury room with you.

25 That is the only true evidence that you

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1 may consider as evidence.

2 Now, what is not evidence? You will
3 recall that at the beginning of this case
4 that arguments and statements by these
5 attorneys is not evidence. Not to minimize
6 the importance of what they are telling you
7 but their opening statements or, in just a
8 minute, their closing statements or their
9 questions during the case is not evidence.
10 They've not been put on the stand, they've
11 not been sworn in or subjected to impeachable
12 cross-examination.

13 So, again, if what they tell you in
14 closing arguments in this case in just a
15 minute differs from what your collective
16 memory is, then your memory will control.

17 Also, let me remind you, Madam Forelady,
18 that just because something may appear in a
19 juror's notes doesn't mean that it trumps
20 somebody's memory of that particular issue or
21 fact. Okay. It will be your job to make
22 sure that you have deliberations about it.

23 Also, questions or objections by lawyers
24 is not evidence. As I told you, in any trial
25 that I've ever been involved there are

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1 objections. This case is no different.
2 Madam Forelady, it is improper subject matter
3 for the jury to consider the fact that an
4 objection is raised or, to the extent that I
5 kept you in the courtroom, my ruling on that
6 objection. Needless to say, that is simply
7 the process that goes on in every single
8 trial that I have ever been involved in.

9 Also, ladies and gentlemen, anything that
10 you may have heard when court is not in
11 session is not evidence in this matter.

12 So that leads me to the types of evidence
13 that you may consider. In South Carolina we
14 recognize two types of evidence. We
15 recognize direct evidence and circumstantial
16 evidence.

17 Direct evidence directly proves the
18 existence of a fact. It does not require
19 deduction or inference.

20 Circumstantial evidence, on the other
21 hand, is proof of a chain of facts and
22 circumstances indicating the existence of a
23 fact.

24 I'll give you examples of both of those
25 in a minute.

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1 Ladies and gentlemen, I charge you that
2 crimes may be proven by circumstantial
3 evidence and direct evidence. The law makes
4 no distinction between the weight and value
5 to be given either to direct or
6 circumstantial evidence. However, to the
7 extent that the State relies on
8 circumstantial evidence, all of the
9 circumstances must be consistent with each
10 other and when taken together point
11 conclusively to the guilt of the accused
12 beyond a reasonable doubt. If these
13 circumstances merely portray the Defendant's
14 behavior as suspicious, the proof has failed.

15 The State has the burden of proving the
16 Defendant guilty beyond a reasonable doubt
17 and this burden rests with the State
18 regardless of whether the State relies on
19 direct evidence or circumstantial evidence or
20 a combination of the two.

21 So let me give you an example of direct
22 evidence. If there was an issue as who ran a
23 stop sign and I was on the corner and I said
24 that "A" ran the stop sign, that's direct
25 evidence because it does not require you to

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1 infer anything. It directly establishes who
2 ran the stop sign.

3 Circumstantial evidence is a little
4 trickier but, again, it requires you to infer
5 or to deduce a fact from what has been
6 presented. For example, if each of you go to
7 bed at night with a fresh sheet of snow in
8 your front yard then wake up in the morning
9 and see tracks through your yard, you may
10 reasonably infer or deduce that someone or
11 some thing walked through your yard while you
12 were sleeping, although you did not directly
13 see it. Now, the only prohibition on
14 circumstantial evidence is that the inference
15 or deduction that you make cannot be
16 conjecture, speculation or surmise.

17 Okay, those are the types of evidence
18 that you may consider.

19 Now, in deciding what the facts are, you
20 must consider all the evidence. In doing
21 this, you have to decide which testimony and
22 evidence you wish to believe and which
23 testimony and evidence that you wish not to
24 believe.

25 You have a right to disbelieve all or

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1 part of any witness' testimony. You have a
2 right to believe all of a witness' testimony.
3 You may believe as much of it or as little of
4 the testimony presented to you. It is your
5 decision as to what you think is appropriate.

6 But in making this determination, you may
7 take into account the following facts:

8 You can ask yourselves was the witness
9 able to hear or see or know about the things
10 which they testified about.

11 How well was the witness able to recall
12 and describe those things?

13 Was the witness -- what was the witness'
14 manner when they were testifying? In other
15 words, what was their demeanor here on the
16 witness stand.

17 You can ask yourself was there some
18 reason that a witness would want to give
19 testimony that would help or hurt one side or
20 the other. Did that witness have an interest
21 in the outcome of this case or any bias or
22 prejudice towards any party or issue or
23 matter involved in the case?

24 Also you can consider how reasonable a
25 witness' testimony was considered in light of

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1 all the other testimony in evidence and
2 whether that witness' testimony had been
3 contradicted by what the witness had said or
4 done at another time or by other testimony in
5 the case or other evidence in the case.

6 Madam Forelady, those are just some of
7 the factors that the jury may consider in
8 determining the credibility or believability
9 of witnesses.

10 Of course when you check in or are sworn
11 in as jurors, you don't check in your common
12 sense. You should use those things in your
13 day to day lives that indicate to you the
14 truthfulness or the lack of truthfulness when
15 you go through the analysis of truthfulness
16 or credibility of the witnesses.

17 However, in making this determination,
18 one thing that you cannot do is add up the
19 number of witnesses who have appeared on one
20 side of the other in making this determi-
21 nation of credibility, because it doesn't
22 matter where it comes from. Your sole
23 interest is to try to find the truth from the
24 evidence that has been presented to you here
25 during this case.

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Court's Jury Charge on the Law

1 Also, ladies and gentlemen, you've heard
2 testimony from a person who has been
3 qualified as an expert. As I told you during
4 the trial, people who because of their
5 education or experience have become experts
6 in a particular field, and that area would
7 be helpful to you the jury in making your
8 determination of what the facts are allowed
9 to give their opinion(s).

10 Again, expert testimony must be judged
11 just like any other testimony that you've
12 heard in this case. You may accept it,
13 reject it or give it as much weight as you
14 think that it deserves considering the
15 witness' education, their experience, the
16 reasons that they give for their opinions, as
17 well as all the other evidence in this case.

18 Also, ladies and gentlemen, I will remind
19 you once again that the fact that the
20 defendant in this case was arrested, charged
21 and indicted is not evidence of his guilt.
22 Nor does it raise any inference or
23 presumption of his guilt. These documents
24 are simply the documents by which the State
25 brings the Defendant here today for trial and

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1 a determination of his guilt or innocence.

2 Also, Madam Forelady, the indictments for
3 murder, armed robbery and kidnaping are free-
4 standing. In other words, you must consider
5 each of those indictments separately from
6 each other and make sure that you make a
7 decision on one before you go to the other.

8 Okay?

9 FORELADY: Yes, sir.

10 THE COURT: Do you understand what I am
11 saying?

12 FORELADY: Yes, sir, but you left out
13 the ---

14 THE COURT: I'm going to tell you about
15 that. Because I told you earlier at the
16 beginning of this case that they were all
17 freestanding. That was an incorrect
18 statement. Only if -- only if you find the
19 defendant guilty of murder, kidnaping or
20 armed robbery may you consider the weapons
21 charge, because it is dependent on a finding
22 of guilt on one of those charges.

23 If you find him not guilty to all three
24 -- murder, kidnaping or armed robbery -- you
25 may not and shall not consider the weapons

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1 charge. Okay. And I have that on the
2 verdict form. Okay.

3 Now, in this case, as I told you, the
4 defendant has pled not guilty to the
5 indictments in this case. Therefore, that
6 puts the burden on the State of South
7 Carolina to prove that he is guilty of these
8 charges.

9 I charge you that persons charged with
10 committing a criminal offense in South
11 Carolina is never required to prove himself
12 innocent.

13 I charge you that it is an important rule
14 of law that a defendant in a criminal trial,
15 no matter what the seriousness of the charges
16 or charge may be will always be presumed to
17 be innocent of the crime or crimes for which
18 the indictment has been issued unless guilt
19 has been proven by evidence satisfying you of
20 that guilt beyond a reasonable doubt.

21 This presumption of innocence does not
22 end when you begin your deliberations but
23 accompanies the defendant throughout the
24 trial until you, the jury, reaches a verdict
25 of guilt based on evidence satisfying you

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1 that there is guilt beyond a reasonable
2 doubt.

3 It is said in the law that the
4 presumption of innocence is like a robe of
5 righteousness that is placed about the
6 shoulders of a defendant, which remains there
7 until it is has been stripped from his
8 shoulders by evidence satisfying you of his
9 guilt beyond a reasonable doubt.

10 I also tell you that the presumption of
11 innocence is not a mere legal theory, it is
12 not just a legal phrase. It is a substantial
13 right to which every defendant is entitled
14 unless you, the jury, are satisfied from the
15 evidence of the defendant's guilt beyond a
16 reasonable doubt.

17 That leads me to the definition of what
18 a reasonable doubt is. A reasonable doubt
19 is the kind of doubt which would make a
20 reasonable, honest, conscientious person to
21 hesitate to act in an important matter in
22 their own affairs.

23 Proof beyond a reasonable doubt is proof
24 that leaves you firmly convinced of the
25 defendant's guilt. There are very few

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1 things that we know in this world with
2 absolute certainty and in criminals cases the
3 law does not require proof that overcomes
4 every possible doubt.

5 If based on your consideration of the
6 evidence you are firmly convinced that the
7 defendant is guilty of the crime charged, you
8 must find the defendant guilty.

9 If, on the other hand, you think that
10 there is a real possibility that the
11 defendant is not guilty, you must give the
12 defendant the benefit of the doubt and find
13 him not guilty.

14 A reasonable doubt may arise from the
15 evidence or a lack of evidence.

16 I further instruct you that the defendant
17 is entitled to every reasonable doubt that
18 may arise in the case. What that means,
19 ladies and gentlemen, is simply that if upon
20 any issue of fact essential to a conviction
21 and a verdict of guilty of the offense or
22 offenses charged, if you have any reasonable
23 doubt as to how that issue should be
24 resolved, it is your duty to resolve that
25 doubt in favor of the defendant.

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Court's Jury Charge on the Law

1 Also, ladies and gentlemen, in order to
2 establish criminal liability, criminal intent
3 is required. For example, the mental state
4 required to be proven by the State for a
5 particular crime might be purpose, intent,
6 knowledge, recklessness or criminal
7 negligence. Criminal intent must be proven
8 by the State beyond a reasonable doubt.

9 Criminal intent is always a matter that
10 must always be determined by the jury from
11 the circumstances surrounding the situation.
12 There is no way to prove intent to a
13 mathematical certainty. There is no way that
14 medical science can dissect a person's mind
15 and determine what the person had in mind, so
16 the law says that criminal intent may be
17 inferred from the circumstances shown to have
18 existed.

19 Ladies and gentlemen, that is how you
20 make a determination of whether or not the
21 element requiring intent was present. It is
22 not necessary to establish intent by direct
23 and positive evidence but intent may be
24 established by inference in the same way as
25 any other fact by taking into consideration

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1 the acts of the parties, the acts of the
2 parties and all the facts and circumstances
3 of the case.

4 Criminal intent is a mental state, a
5 conscious wrongdoing. It is up to you to
6 determine what the defendant intended to do
7 based on the circumstances shown to have
8 existed. Criminal intent can arise from
9 action or a failure to act. It may arise
10 from negligence, recklessness or indifference
11 to duty or to consequences considered by the
12 law to be the equivalent of criminal intent.

13 Finally, ladies and gentlemen, as to the
14 first part of my charge, I instruct you and
15 emphasis that the fact that the defendant did
16 not testify is not a factor to be considered
17 by you in any way in your deliberation.

18 Madam Forelady, I would charge you that
19 it would be improper for any juror to try to
20 insert any comment or discussion about the
21 defendant's failure to testify in any of the
22 deliberations and it will be your job and it
23 is your duty to ensure that is not a topic of
24 your deliberations. Okay?

25 FORELADY: Yes, sir.

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Court's Jury Charge on the Law

1 THE COURT: Now, ladies and gentlemen,
2 that is the first aspect of my charge and
3 probably the longest.

4 I will now charge you on the substantive
5 parts of this case as far as the charges are
6 concerned.

7 Would you like to stand up and move
8 around for a minute or keep on going? If
9 you'd like to check with the jury.

10 FORELADY: (After consulting fellow
11 jurors), we are okay.

12 THE COURT: I knew that was what you
13 were going to say. All right.

14 The first charge is murder. The
15 defendant is charged with murder. The State
16 must prove beyond a reasonable doubt that the
17 defendant killed another person with malice
18 aforethought.

19 Malice is hatred, ill will or hostility
20 toward another person. It is the intentional
21 doing of a wrongful act without just cause or
22 excuse and with an intent to inflict an
23 injury or under circumstances that the law
24 will infer an evil intent.

25 Malice aforethought does not require that

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Court's Jury Charge on the Law

1 malice exist for any particular time before
2 the act is committed, but malice must exist
3 in the mind of the defendant just before and
4 at the time the act is committed. Therefore,
5 there must be a combination of the previous
6 evil intent and the act.

7 Malice aforethought may be expressed or
8 inferred. This terms, "expressed" or
9 "inferred" do not mean different types of
10 malice or kinds of malice but merely the
11 manner in which malice may be shown to exist.
12 That is either by direct evidence or
13 inference by the facts and circumstances
14 which are proven.

15 Express malice is shown when a person
16 speaks words that express hatred or ill will
17 toward another or when a person prepared
18 beforehand to do the act which was later
19 accomplished. For example, laying in wait
20 for a person or any other acts of preparation
21 going to show that the deed was within the
22 defendant's mind could be express malice.

23 Malice may be inferred from conduct
24 showing a total disregard for human life.

25 That is the law of murder.

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Court's Jury Charge on the Law

1 Next we have kidnaping. The defendant is
2 charged with kidnaping. The State must prove
3 beyond a reasonable doubt that the defendant
4 knowingly and unlawfully seized, confined,
5 inveigled, decoyed, kidnaped, abducted or
6 carried away another person without authority
7 of law.

8 To do a thing unlawfully is to do it
9 willful against the law.

10 "Knowingly" means with knowledge,
11 consciously and not accidentally.

12 "To seize" means to take hold of suddenly
13 or forcefully.

14 "Confine" means to limit, restrict,
15 enclose within bounds, imprison, shut in or
16 keep in.

17 "Inveigle" means to lure, entice or lead
18 astray by false representations, promises or
19 other deceitful means.

20 "To decoy" means to lure as if by decoy.
21 A decoy is something to entice a person into
22 a trap.

23 To "kidnap" is to remove a person against
24 his will by unlawful force or by fraud.

25 "Abduct" means to carry off secretly or

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Court's Jury Charge on the Law

1 by force for an illegal purpose.

2 To "carry away" means to remove.

3 The State does not have to prove that the
4 defendant did all of these things. Instead,
5 if you find beyond a reasonable doubt that
6 the defendant did any of these things you may
7 find the defendant guilty of kidnaping.

8 Something that is done without authority
9 of law is something that the law does not
10 sanction or permit, allow, condone or provide
11 justification for.

12 The kidnaping does not have to be for any
13 monetary gain or any illegal purpose but may
14 be for any reason whatsoever.

15 Ladies and gentlemen, next is the law of
16 armed robbery. The defendant is charged with
17 armed robbery. In order to prove this
18 offense, the State must first prove beyond a
19 reasonable doubt that the defendant took
20 personal property from the person or presence
21 of another. Property is in the presence of a
22 person if it is within a person's reach,
23 inspection, observation or control such that
24 the person could, if not overcome with
25 violence or prevented by fear, keep

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1 possession of the property.

2 The State must also prove beyond a
3 reasonable doubt that the defendant carried
4 away the property intending to permanently
5 deprive the owner of the property and to keep
6 the property for the defendant's own use.
7 The slightest removal of the property or the
8 complete possession of the property, even for
9 an instance, by the defendant is sufficient
10 to show a taking and carrying away of the
11 property. The taking and carrying away of
12 the property must have been done with
13 violence or by putting the owner in fear of
14 violence.

15 Finally, the State must prove beyond a
16 reasonable doubt that the defendant was armed
17 with a deadly weapon during the robbery. A
18 deadly weapon is any article, instrument or
19 substance which is likely to cause death or
20 great bodily harm. Whether an instrument has
21 been used as a deadly weapon depends on the
22 facts and circumstances of each case.

23 Ladies and gentlemen, the following are
24 examples of instruments which may be
25 considered deadly weapons: a shotgun, a

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1 rifle, a dirk, dagger, a knife, slingshot,
2 metal knuckles, a razor, gasoline, a fire
3 bomb, Molotov cocktail, or lighter fluid.
4 A gun may be a deadly weapon even if it is
5 not operable.

6 Ladies and gentlemen, those are the three
7 substantive charges in this case before we
8 get to the possession of a weapon during the
9 commission of a violent crime. This is the
10 law on that charge, the defendant is charged
11 with possession of a weapon during the
12 commission of or the attempt to commit a
13 violent crime. The State must prove beyond a
14 reasonable doubt that the defendant was in
15 possession of a firearm or visibly displayed
16 what appeared to be a firearm or visibly
17 displayed a knife during the commission of a
18 violent crime.

19 "Firearm" means any machine gun,
20 automatic rifle, revolver, pistol or any
21 weapon which is designed to or which may be
22 readily converted to expel a projectile.

23 A "knife" means an instrument or tool
24 with a sharp cutting blade, whether or not
25 fastened to a handle, which can be used to

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1 inflict a cut, a slash or a wound.

2 In order to find the defendant guilty of
3 possession of a weapon during the commission
4 of a violent crime, you must first find the
5 defendant guilty of either committing a
6 violent crime or attempting to commit a
7 violent crime. I charge you that murder,
8 kidnaping and armed robbery are all
9 considered violent crimes.

10 The State must prove beyond a reasonable
11 doubt that the weapon further advanced or
12 helped in the commission of the crime.

13 Now, ladies and gentlemen, if a crime is
14 committed by two or more people who are
15 acting together in committing the crime, the
16 act of one is the act of all.

17 A person who joins with another to commit
18 an unlawful act is criminally responsible for
19 everything done by the other person which
20 happens as a probable or natural consequence
21 of the acts done in carrying out the common
22 plan or purpose. For example, two people can
23 be guilty of killing another person when only
24 one of the two had a gun, there was only one
25 bullet and only one of the two fired the shot

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1 that caused the death.

2 If two or more people are together,
3 acting together, assisting each other in
4 committing the offense the act of one is the
5 act of all. Or as it is sometimes said in
6 the law, the hand of one is the hand of all.

7 Prior knowledge that a crime is going to
8 be committed, without more, is not sufficient
9 to make a person guilty of that crime. Mere
10 knowledge that another person is going to
11 commit a crime, even if the defendant is
12 present when the crime is committed, is not
13 sufficient to convict the defendant as a
14 principal.

15 Guilt as a principal is shown by actual
16 or constructive presence at the scene as a
17 result of a prior arrangement. Therefore a
18 finding of a prior arranged plan or common
19 scheme is necessary for a finding of guilt as
20 a principal.

21 The State must prove beyond a reasonable
22 doubt by competent evidence the theory of the
23 hand of one is the hand of all.

24 A "principal" in a crime is one who
25 actually commits the crimes or who was

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1 present aiding, abetting or assisting in
2 committing a crime. When a person does act
3 in the presence of and with the assistance of
4 another, the act is done by both. When two
5 or more acting with a common plan or intent
6 are present at the commission of the crime,
7 it does not matter who actually commits the
8 crime; all are guilty, the hand of one is the
9 hand of all.

10 Presence at the commission of a crime
11 means to be sufficiently near to aid, abet
12 and assist in the commission of the crime.
13 However, mere presence at the scene of a
14 crime is not sufficient to convict one as a
15 principal on the theory of aiding and
16 abetting.

17 Intent is also a necessary element where
18 there must have been a common design or
19 intent to commit the crime and the crime must
20 have been committed pursuant thereto with the
21 person aiding and abetting by some overt act.

22 "Intent" means intending the result which
23 actually occurs, not accidentally or
24 involuntarily. Intent may be shown by acts
25 and conduct of the defendant and of the

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1 circumstances from which you may naturally
2 and reasonably infer intent. The State must
3 prove these elements beyond a reasonable
4 doubt.

5 A person who is present at the scene of
6 the crime who intentionally or through a
7 common scheme or plan aided, abetted or
8 assisted in the commission of that crime
9 through some overt act is guilty as an
10 accomplice. To be liable as an accomplice,
11 the defendant must have knowledge of the
12 principal's conduct. Presence at the scene
13 of a crime is not sufficient to establish
14 guilt as an accomplice.

15 "Intentional" means willfully, intending
16 the result that actually occurs, not
17 accidentally or involuntarily. A person may
18 be constructively present at the commission
19 of a crime even though the person is some
20 distance away from the actual scene if it is
21 shown beyond a reasonable doubt that the
22 person played a role in the commission of the
23 crime as a result of some prior arrangement.

24 Again, mere presence at the scene is not
25 sufficient to prove someone guilty of a

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1 crime. A defendant's presence where a crime
2 is being committed or mere association with a
3 person that commits a crime does not make a
4 person an accomplice, an aider or abettor of
5 the person committing the crime.

6 The burden is on the State of South
7 Carolina to prove every element of the crime
8 charged. If you find after reviewing all the
9 evidence that the State has proved that the
10 defendant was only present at the scene and
11 that they have not proven beyond a reasonable
12 doubt any other participation in the crime,
13 then you must find the defendant not guilty.

14 The law is that the proof (sic) at the
15 scene of a crime is not sufficient to prove
16 someone guilty.

17 Finally, ladies and gentlemen, let me go
18 over a couple of thoughts about your
19 deliberations.

20 Again, I will give you that substantive
21 law on any aspect of it as many times as you
22 need.

23 You were not selected to serve as jurors
24 because you're advocates or parties for one
25 side or the other. In fact, both sides of

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1 this case chose you because they believe your
2 representation to this court that you can be
3 fair and impartial and make a decision based
4 solely on the evidence presented and
5 according to the law as I have given it to
6 you in this matter.

7 When you go back in just a few minutes
8 to begin your deliberations, remember to use
9 your experiences in life, your good common-
10 sense, your sense of logic and reason in
11 reaching the verdicts that you ultimately
12 reach.

13 Let me say something about deliberations.
14 "Deliberation" is defined as a careful
15 consideration and weighing of the evidence to
16 reach a decision.

17 Regardless of what any of you may think
18 about our jury system, I would submit to you
19 that the genius of it is that it allows
20 twelve men and women such as yourselves, who
21 come from different backgrounds, who have
22 different life experiences, who have
23 different perspectives, to consider the
24 evidence, to talk about it and to ultimately
25 reach a verdict.

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1 We call that process deliberations for a
2 reason. You are to consider the evidence in
3 a careful and deliberate manner. You are to
4 discuss it in a calm, thorough and courteous
5 manner.

6 Again, you are not participants or
7 advocates but are the sole judges of the
8 facts and your sole interest is to find the
9 truth from the evidence that you've heard in
10 this courtroom.

11 When you begin your deliberations, you
12 need to listen to everyone's points, their
13 points of view. Talk through the various
14 points thoroughly and discuss all the
15 evidence thoroughly. Remember, you're not to
16 be in a big hurry. This is the State's only
17 day in court and this is the defendant's only
18 day in court. They don't get a second bite
19 of the apple.

20 In order for your verdict to stand, it
21 must be unanimous. In other words, all
22 twelve of you must agree. That being said,
23 each of you must decide this case on your own
24 or by yourself and you can only do that after
25 you have impartially considered all the

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1 evidence, you have discussed it with your
2 fellow jurors, you have listened to
3 everybody's views, points of view, and
4 ultimately come to a decision.

5 Don't be afraid to change your opinion
6 as to the weight of the evidence if the
7 discussion persuades you it is the right
8 thing to do. But do not come to a decision
9 simply because your other jurors think it is
10 the right thing to do.

11 Now, Madam Forelady, if at any point
12 during your deliberations you need any
13 information, write down what it is that you
14 need. Sign it. Knock on the door. The
15 bailiff will bring it to us and we will
16 respond accordingly.

17 One thing you are not to do is to ever
18 let us know the numeric divide, if there is
19 one -- six/six, eight/four, ten/two. That is
20 none of our business, so you don't need to
21 say anything about that. Just tell us what
22 it is that you need and we will respond
23 accordingly.

24 That being said, that is my charge on the
25 law. I need to send you out for a few

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1 minutes to see if I neglected to charge you
2 something that I should have or if I
3 improperly charged you on a matter. Then we
4 will bring you back for closing arguments.
5 Okay.

6 (JURY OUT @ 10:52 A.M.)

7 THE COURT: Under the murder charge, I
8 intentionally didn't charge inference by the
9 use of a deadly weapon and the presumption
10 that arises. Do you disagree with that?

11 MR. ROBINSON: No, sir.

12 THE COURT: Does the State have any
13 -- besides that -- have any additions or
14 exceptions to my charge?

15 SOLICITOR CAMPBELL: No, sir.

16 THE COURT: Does the Defense?

17 MR. ROBINSON: No, Your Honor.

18 THE COURT: Y'all want to take a quick
19 break?

20 SOLICITOR CAMPBELL: Yes, sir.

21 THE COURT: Ten minutes and then we
22 will be right back.

23 (BRIEF RECESS 10:52 - 11:07 A.M.)

24 (DEFENDANT PRESENT)

25 THE COURT: Solicitor, State ready?

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1 SOLICITOR CAMPBELL: Yes, sir.

2 THE COURT: Mr. Robinson, is the
3 defense ready?

4 MR. ROBINSON: Yes, Your Honor.

5 THE COURT: Bring in our jury.

6 (JURY IN @ 11:08 A.M.)

7 SOLICITOR CAMPBELL: Ladies and
8 gentlemen of the jury, I am at a loss for
9 words about what to say about the horrors
10 that Mr. Patel endured that night of July 1st,
11 2012.

12 I don't think words can describe the
13 suffering and the torture that Mr. Patel
14 endured before he was executed.

15 I don't think words can describe the
16 heartlessness of Ezra Williams, Jeremiah
17 Johnson, Kyndra Howell and Zachery Gantt as
18 they committed these crimes.

19 I don't think words can describe this
20 type of evil. That's what this is, plain T-
21 evil.

22 The way that our society handles it,
23 cases like this, people like this, is through
24 the criminal justice system through y'all.
25 This is the system that holds people

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1 accountable and responsible.

2 Y'all have been chosen as judges of the
3 facts in this matter, that is strictly your
4 job, to judge the facts. As the judge said
5 earlier, you have no friends to reward, no
6 enemies to punish. Your responsibility is to
7 judge the facts and come up with a decision.

8 Plain and simple, either guilty or
9 innocent. That's what the beauty of our
10 system is.

11 At the beginning of this case, Mr.
12 Robinson stated to y'all that Mr. Williams
13 is presumed innocent.

14 It is the burden upon the State to prove
15 beyond a reasonable doubt each and every
16 single one of these elements of the
17 indictments that he has been charged with,
18 these crimes. We agreed upon that. I
19 wholeheartedly agree with that. It is our
20 burden and we gladly accept that, not only in
21 this case but in any other case that ever
22 comes in this courthouse. That is how our
23 system works.

24 You have to remember that every criminal
25 defendant that has ever been convicted by a

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Closing Statement by Solicitor Campbell

1 jury starts exactly where he (indicating
2 defendant) is sitting. They start presumed
3 innocent. The only way that innocence is
4 taken away is if y'all return a verdict of
5 guilty.

6 His Honor has already charged you on the
7 charges. We have armed robbery, kidnaping,
8 murder, possession of a weapon during the
9 commission of a violent crime.

10 Armed robbery, you know what the robbery
11 is for. They wanted money. You heard Zach
12 Gantt and Detective Barton's testimony that
13 it was all about money. Seventy bucks and
14 some credit cards.

15 Kidnaping, -- he wasn't free to leave.
16 He had his hands behind his back the whole
17 entire time, hours upon hours his arms were
18 tied behind his back as he was beaten and
19 tortured. He was never at any point free to
20 leave. That's kidnaping.

21 Murder, as the judge told you, is the
22 killing of another person with malice afore-
23 thought.

24 But what you don't hear is motive. We
25 don't have to prove motive, even though in

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1 this case you know what it is.

2 In this case, we contend this man, Ezra
3 Williams, put a nine millimeter gun to his
4 head, several inches away as Dr. Woodard told
5 you, and blew his brains out.

6 For what? What did they gain?

7 Now, we have to prove this to you beyond
8 a reasonable doubt as His Honor instructed
9 you. We accept that. We whole-heartedly
10 agree with that burden.

11 And, you know, the definition of
12 reasonable doubt being doubt that would cause
13 a reasonable person to hesitate to act can be
14 a little confusing. I'll put it to you this
15 way to kind of simplify it. If you feel that
16 we've met our job, we have proved these
17 crimes that he is guilty, you find him
18 guilty.

19 Likewise, if we haven't done that, you
20 find him not guilty.

21 That's your job.

22 What it comes down to in this case is
23 that you have to look at the acts that are
24 defined in the indictments. Did he commit
25 these acts? Were these acts committed

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1 pursuant to a common plan, all four of them
2 together? Is he criminally responsible for
3 this man's death.

4 As the judge told you, each of these
5 charges are separate and independent of one
6 another. While that may be, each of them on
7 their own face, you look at them as a group
8 because that's what this started as. This
9 started as an armed robbery and kidnaping.
10 It accumulated and started rolling and it
11 ended in his murder. One crime, naturally, in
12 this case flows from another.

13 All of this because they wanted money and
14 they thought that he had money. And while
15 Mr. Williams may not have been involved
16 initially, right off the bat from the
17 inception when Kyndra brought it up to
18 Jeremiah Johnson and Zachery Gantt, he came
19 in and he completely embraced the plan. He
20 as an active participant. In fact, as Mr.
21 Gantt told you, it kind of got worse when he
22 came in. That's when the true torture
23 started. He took it to a whole new level.

24 As the judge explained to you, the hand
25 of one is the hand of all fits in this case.

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1 We say that he is directly responsible for
2 the death of Mr. Patel. In the armed robbery
3 and the kidnaping, he agreed. He participat-
4 ed. He conspired. He completely and whole-
5 heartedly embraced their plan for armed
6 robbery and took it to a new level. He is
7 just as equally guilty even though he was not
8 in on it from the git-go.

9 I contend that he was brought in by
10 Kyndra. I mean, at some point she realized
11 things weren't going the way she had planned.
12 Jeremiah and Zach couldn't get the job done,
13 so she brought in her boyfriend. He's the
14 muscle, the enforcer. That's when Zachery
15 told you that things took a turn for the
16 worse.

17 Now, when we discuss the evidence in this
18 case, you have to remember that the State
19 never picks the facts of a case. We never
20 pick the witnesses of a case. We don't even
21 choose our victim. All of that is decided by
22 the defendants, not us. But we deal with
23 what we are given and we present to you what
24 we have.

25 These people, these four defendants were

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1 thinking that they had an easy payday. Think
2 about it, this man, C.J. Patel, was a perfect
3 victim. He runs a gas station here in
4 Anderson, they felt and thought that he
5 should have lots of money on him. Besides,
6 as you heard from Dr. Woodard, the man was
7 5'4", he was small in stature. Easy for them
8 to overpower.

9 And think about it, how embarrassing
10 would it be for him to have to go to law
11 enforcement, to have to go to his wife, to
12 his family and explain to them, 'well, you
13 know, I was trying to hook up with a
14 prostitute.' Do you think he'd have wanted
15 to go and tell that to everybody? No.

16 Granted he was there for an immoral act
17 but did he really deserve to die for that
18 act? For thirty (sic) dollars?

19 I think Zach kind of stated on the stand
20 and it kind of hits home that Mr. Patel kind
21 of accepted his fate. He knew that he was
22 going to die before he left that house. As
23 Mr. Gantt told you, he was quiet, he wouldn't
24 speak any more. On the ride out to where he
25 died, he didn't say anything. On the walk

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1 thru the woods he didn't say nothing. He
2 didn't say anything when they put the gun to
3 his head. He resigned himself to his fate
4 that he was going to die on July 2nd, 2012.

5 Now, while Ms. Howell conceived of the
6 idea, Mr. Williams knew exactly what was
7 going on. There were numerous phone calls
8 and texts, as Officer Barton stated, through
9 the phone records. When he arrived on scene
10 at the house at [REDACTED] Jerry Drive, he didn't
11 go through the front door. He didn't park in
12 the driveway. He drove immediately to the
13 back.

14 As he told Ms. Roebuck, 'I ain't stupid
15 like them. I went to the back. There's
16 cameras. I ain't on them cameras, I went to
17 the back.' He knew that there were cameras
18 at that house. He was smart enough to go to
19 the back.

20 He can't deny, he can't get around the
21 fact that he is all through this. On the
22 night when Detective Barton first met Kyndra
23 Howell at the Belton convenience store, who
24 was there? Mr. Williams.

25 When he drove to that house that night in

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1 the early morning hours, I contend that Ms.
2 Howell was starting to freak out. 'Things
3 are not going the way I wanted them to, let's
4 get somebody in here that knows how to handle
5 it.'

6 As Zach told you, he said 'things would
7 have been worse if I had been here from the
8 git-go.'

9 Now, Mr. Williams was not there to stop
10 what was going on. He wasn't there to render
11 Mr. Patel aid. He wasn't there to comfort
12 him, call for help, seek law enforcement. He
13 was there for none of that. The only thing
14 that he was there for was that he wanted his
15 cut of the money. He wanted in on it and he
16 was an active participant.

17 Now, Mr. Robinson did a lot of talk in
18 his opening and he went after the witnesses,
19 as he should have.

20 You think about the State's case and how
21 we presented it. Who do we have?

22 We have Zachery Gantt. He testified.
23 He's a codefendant. What he was trying to
24 allude to was that this man was just trying
25 to help himself.

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Closing Statement by Solicitor Campbell

1 We have his mother, Kizzie Roebuck, who
2 Mr. Williams spoke to. And, you know, "she
3 lies."

4 We have Jonathon Johnson, "Bug." 'He's
5 a doper. So you don't have a case against my
6 client.'

7 Ladies and gentlemen, I contend that if
8 we were in here today -- if we were trying
9 Satan himself and put him on this stand in
10 this courtroom, who do you think we would use
11 as witnesses? Angels or demons? You would
12 use the people that he is closely associated
13 with. That's him.

14 You can judge for yourself their own
15 credibility. But they are who you have to
16 use. This is who he was comfortable with.
17 Do you think he's going to go tell a
18 preacher, 'hey, let me tell you what I did.'
19 Or do you think he's going to tell somebody
20 that's been convicted of selling drugs, like
21 Ms. Roebuck? That is who he would confide
22 in, that's who he would talk to.

23 He's not going to go to law enforcement
24 and tell them. Of course not.

25 And the thing is that she saw him at the

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1 jail and he's bragging about that, uh, you
2 know, he was smart enough to go in the back
3 and not be on the cameras.

4 Why would he offer -- ask yourself this,
5 why would he offer and tell Ms. Roebuck,
6 'Well, I will get him an attorney. Don't
7 worry about putting money on his books at the
8 jail. I'll take care of that.' Why would he
9 do that? Out of the kindness of his heart?
10 I don't think that we're dealing with the
11 Robin Hood of Jerry Drive here. No. He
12 wasn't even offering that -- I mean, he
13 wasn't even offering that he wasn't involved.
14 That helps to keep them closer, to keep tabs
15 on these individuals.

16 As Zach told you, 'We didn't hang out, we
17 weren't buddies, we weren't pals, we weren't
18 friends.' Yet here he is offering, 'I'm
19 going to get you an attorney.'

20 Mr. Robinson, in his opening, said this
21 case stinks that the State has brought forth.
22 'Bad witnesses, bad everything, nothing that
23 directly links my client. It just stinks.'
24 I think the only thing that stunk in this
25 case was Mr. Patel's body, being out in the

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1 woods in the July heat for ten days.

2 They claim that we don't have direct
3 evidence? Well, you heard from his
4 codefendant, Zachery Gantt. That is direct
5 evidence. Everything that Mr. Gantt told
6 them, they were able to corroborate. Nothing
7 they found contradicted what he stated.

8 Yes, he did lie initially to law
9 enforcement on July 7th, 2012. Wouldn't you,
10 if you had just been hit with the charges
11 that he got hit with? Do you think that he
12 is going to be truthful right off the bat?
13 It took him some time. It took time for his
14 mother to get there. It took time for his
15 aunt to get there. You saw the gradual
16 progression. The more he went, he started
17 telling the truth. He started out with no
18 truth, then half truths, then he came clean.

19 The fact about Ms. Roebuck -- much was
20 made out that, 'well, she is just a liar' but
21 -- well, think about this, her boy -- no
22 matter what deed he did, he is still her son.
23 She had other options. Instead of going with
24 him to the Sheriff's Office to turn him in,
25 she could have gotten him out of town. She

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1 could have took him to Atlanta, got him on a
2 bus, or took him somewhere else. Instead,
3 she took him to the Sheriff's Office. 'You
4 man up, you did this, you pay the price.'
5 She didn't try to hide him and she didn't try
6 to cover for him. Is that talking about a
7 liar?

8 Now, the testimony of Mr. Gantt, no
9 matter what his motive was or could have been
10 to tell law enforcement what had taken place
11 or what had happened, he and he alone is the
12 one that took law enforcement to find that
13 body, to find Mr. Patel. July 11th. Nobody
14 else.

15 Think about one of the other witnesses
16 that we had: Jonathon Johnson, "Bug." Yeah,
17 he's a doper -- he admitted it, he told you,
18 'I was there to buy dope.' How can you
19 verify what he told you? Well, Zach told you
20 that when they got back they smoked a Blunt,
21 marijuana, weed, whatever you want to call
22 it. Yeah, there was dope in the house. He
23 was telling the truth.

24 What else did he say, 'Yeah, they wanted
25 me to clean this car up. That's what I do, I

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1 detail cars.' He went with them to Fair
2 Play. Sure enough, the car was found in Fair
3 Play. He acknowledged that there was a cable
4 across the little roadway that they went in.
5 Sure enough, there was a cable. Zach told
6 you that there was a cable.

7 All the facts are coming together. You
8 apply all of these together.

9 Now, one of the things that you heard
10 yesterday was the jailhouse phone calls made
11 by Mr. Williams. We played just two of them
12 but both of them were significant. It goes
13 to alibi.

14 Now, you don't go out and get you an
15 alibi. I think his exact words were "get me
16 some alibi." You don't do that. You don't
17 need a timeline if you're innocent.

18 When he said the words, 'go call some
19 people', "hint." He's trying to make some
20 things up. He's trying to get Martha
21 Everett, his baby mama on the outside to
22 create him an alibi to explain where he was.
23 Then when law enforcement goes out there
24 after they heard the tapes and confronted her
25 with it, she got all ticked off. She didn't

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1 try to help them. She didn't try to help
2 them. When she talked to them, they were
3 able to discredit, throw it back at her, say
4 'We know you're not telling us the truth,
5 you're lying to us. We can put him
6 elsewhere. Why would he need to be calling
7 you if he was with you? Why is he showing up
8 other places?' Then she got all ticked off
9 and kicked them out of the house. She ain't
10 come forth since.

11 And the second tape, the second tape I
12 think is relevant. He talks about, 'Well,
13 have you got my people?' And what does she
14 tell him? 'Nobody wants to get involved.
15 Nobody but one person will say that they
16 will come and vouch for you, where your
17 whereabouts were.' Nobody else wanted to
18 come in and lie, because they didn't believe
19 him.

20 And the things you heard as you see him
21 sitting here today all dressed up, has his
22 little sweater vest on, looks like he should
23 be in church, but that's not who he is. You
24 heard who he was, what type of personality he
25 has on that audiotape and how quick he

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1 snapped. Oh, he got ticked off. He snapped.
2 He got ticked off, he turned on her. 'You
3 ain't doing what I'm telling you to do. Get
4 out there and find me an alibi.'

5 He was not happy. Yes, it was profanity
6 laced. That is who he is. At one point he
7 even talked about throwing a baby out. Why
8 would he make statements like that? 'I have
9 a target now. People are going to pay when I
10 get out.' Why do you make statements like
11 that if you're supposed to be looking like a
12 choirboy? Because he's not. Because he was
13 heavily involved in this. He was the muscle,
14 the enforcer that was brought in to finish
15 what was started, and he did.

16 Now, these individuals -- these four,
17 each of them are equally guilty. Each of
18 them are liable, responsible and accountable
19 for their actions. This man did not deserve
20 to die in this manner.

21 They all went to great lengths to conceal
22 their crime. Think about it. They cleaned
23 up his car. When they did the crime, they
24 moved the car to the back knowing that they
25 were fixing to take him out of that house.

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1 They didn't want the public to see, anybody
2 else in the neighborhood.

3 They took him to a place far away, a
4 deserted place out in the country where not
5 many people or houses were around. They
6 walked him way out into the woods. I think
7 it was a hundred, a hundred and ten yards
8 into the woods before they killed him.

9 They left him there.

10 No gun was found. They got rid of that.

11 His wallet, his cell phone and all that
12 was taken care of.

13 They tried to clean the car down.

14 That goes to show you that all the
15 evidence that they tried or attempted to
16 collect, they didn't get but one thing.
17 That falls into this. That makes sense.
18 The house. They keep going back and forth,
19 they already know -- they may have had a head
20 start on cleaning things up. Just because it
21 isn't there doesn't mean that it wasn't
22 there.

23 The case against Mr. Williams and all
24 this is the sum of all parts. You don't take
25 the individual parts and look at them

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1 separately. You look at them and start
2 piecing them together, it points in one
3 direction. You combine all of this, what
4 you've heard, the testimony and the witness
5 accounts, the testimony, when you piece it
6 together it points in one direction. That is
7 that Ezra Williams is guilty of these crimes.

8 Now, ladies and gentlemen of the jury,
9 y'all have been chosen as a fair and
10 impartial jury. As the Judge stated, you
11 apply your logic and common sense and your
12 everyday reasoning powers to what you have
13 heard from this stand and the evidence and
14 what the Judge will give you as the law.

15 In this case, under the laws of our state
16 and our nation, Mr. Williams is entitled to
17 have his day in court. He got that.

18 He's also entitled to have and be tried
19 by a fair and impartial jury, a jury of his
20 peers, people in this community. He got
21 that.

22 He got all that he is entitled to. He
23 has been given the kind of trial that Mr.
24 Patel was never offered.

25 When we have cases such as this there is

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Closing Statement by Solicitor Campbell

1 always a remedy, a just remedy, a remedy that
2 speaks the truth.

3 I am fixing to sit down in just a second.
4 I was thinking -- then Mr. Robinson will get
5 up, he has the last word on this. I was
6 thinking about that. He doesn't have the
7 last word. He may have the last closing
8 argument but you all have the last word.
9 That is when you bring back a verdict that
10 speaks the truth and justice demands that
11 be Guilty to murder, to armed robbery, to
12 kidnaping, and Guilty to possession of a
13 weapon during the commission of a violent
14 crime. Thank you.

15 THE COURT: Mr. Robinson.

16 MR. ROBINSON: Judge McIntosh, Mr.
17 Campbell, Mr. Haigler, Mr. Barton.

18 I apologize for my client being a young
19 man in jail making these phone calls to Ms.
20 Everett. I apologize for the verbiage, the
21 language that was used, that we heard. It's
22 uncalled for, but he was a young man -- about
23 nineteen or twenty years old at the time --
24 sitting in jail for a crime that he didn't
25 commit. He used a lot of bad words.

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1 But when you go back and listen to the
2 tape you're going to hear -- and there are
3 two different instances, two different
4 recordings that they have got. But he says
5 each time -- he doesn't say, 'go get me an
6 alibi.' What he says is, 'you're my alibi.'
7 He says that she needs to get as many people
8 as possible that were at the house that
9 night. That's what it says. He doesn't say
10 'go get me an alibi.'

11 And he said again -- in the next record-
12 ing he talks again about the alibi. There is
13 nothing about anyone saying that they don't
14 want to help him, that they don't believe
15 him. There's nothing about that. That is
16 something that the State has put in there,
17 has inserted into the tape. That's not
18 anything that was in the tape. You can
19 listen to it.

20 But, you know, this whole case is this
21 whole idea of the hand of one is the hand of
22 all, that because there were phone calls
23 between Mr. Williams and Kyndra Howell,
24 several phone calls that we never saw or
25 heard, that that must mean that he is part of

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1 this.

2 Then there was the fact that they said
3 his car, that his car was out there. Well,
4 you can see -- in State's Exhibit 34, and you
5 heard testimony from Zachery Gantt that he
6 borrowed the keys to the car. He testified
7 from the stand that it was him.

8 The Judge actually gave you the charges,
9 but just because you make phone calls to
10 somebody or just because you know somebody,
11 or you hook up with somebody, doesn't mean
12 that you're a part of everything. Because if
13 that were true, that would mean every one of
14 us would be able to be brought into something
15 that we had nothing to do with.

16 Just because someone makes phone calls,
17 just because someone knows somebody else,
18 think about it, none of us would be safe.
19 None of us would be safe.

20 He made phone calls to Kyndra Howell.
21 Kyndra Howell made phone calls to him. So
22 what? That doesn't mean anything. All it
23 means is that they made phone calls. People
24 make phone calls to friends, they make phone
25 calls to girlfriends or whatever. It doesn't

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Closing Statement by Mr. Robinson for Defense

1 mean that they're involved in anything that
2 person is involved in. Just imagine if you
3 were to take -- anyone that would be calling
4 you or that you called several different
5 times could get you in some conspiracy that
6 they are involved in. Think about that.

7 That is not what the law is. They have
8 to prove more than that. Mere association,
9 mere presence at the scene, that does not
10 prove anything. That's what the judge said
11 a minute ago, being at the scene is not
12 sufficient. Being at the scene is not
13 sufficient.

14 This whole hand of -- let me tell you
15 about this 'hand of one, hand of all.'
16 You've got to be a part of the hand to be a
17 part of the hand, to be a part of the hand of
18 all. If you're not the hand, if the State
19 hasn't proven to you beyond a reasonable
20 doubt that his hand is the key -- that Mr.
21 Williams is the hand -- they can't prove to
22 you that he was part of this whole, these
23 three people. They can't do it. They've got
24 to show that he is the hand.

25 Let's talk about -- I want to talk about

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1 the physical evidence. The physical
2 evidence. Okay?

3 Now, you heard the detective, Officer
4 Barton, talk about what they did. They went
5 out to the car, Mr. Patel's car. They
6 carefully got swabs, they got prints, they
7 got a lift. Nothing came back to do with
8 Ezra, not his fingerprints, not his DNA,
9 nothing. They presented no evidence that
10 Ezra was ever in that car, period. They have
11 nothing.

12 Then they went to the house at Jerry
13 Drive. They took swabs. They had the
14 opportunity to take several different prints
15 off the doors. They took towels, a towel,
16 linens, pieces of a rug. They had nothing to
17 connect Ezra Williams to this. Nothing.

18 Ask yourself when you go back there, did
19 they have any physical evidence. No, they
20 didn't. They had nothing. No physical
21 evidence.

22 But they did have this, and I want you to
23 think about this. This is really the crux of
24 this case. This is why I described this case
25 as smelly and stinky. Just think about this,

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1 this is what it is. Detective Barton and his
2 group, his group of law enforcement people.
3 Detective Barton and his people got the tape
4 from the DVR on July 5th, 2012. That was two
5 days before Zachery Gantt came to the
6 Sheriff's Department and talked to him.

7 He had the opportunity and he testified
8 a moment ago that he had control over that
9 tape. That there were a lot of things on
10 that tape that he didn't think was a part of
11 this, that he didn't think was part of this.

12 When Zachery Gantt came in he told him,
13 'No, Ezra Williams had nothing to do with it,
14 Ezra Williams was not there.'

15 Then he calls his mother a liar. This
16 was not written down, it was not typed up, it
17 is like this never happened. They didn't
18 type it up. Why? Think about it. Because
19 it didn't help his rendition of what that
20 tape showed as far as the vehicle, as far as
21 the players, it didn't fit that.

22 But then the mother comes back, Ms.
23 Kizzie Roebuck. Then the aunt comes in.
24 This was a nineteen, twenty-year-old kid
25 pretty much. They come to jail and you heard

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1 Officer Barton, Detective Barton, that as
2 soon as they came to the jail these written
3 statements started popping up. You get the
4 one on the 10th, the one on the 11th. Each
5 time. Think about it. No written statement
6 because he says that he was not there and 'my
7 mother is a liar.'

8 The mother comes up and now we have a
9 written statement. It was interesting as you
10 listened to this -- and, you know, and
11 remember that Kizzie Roebuck, his mother, had
12 experience with the criminal system before,
13 the justice system, for drugs. She knew that
14 in order for her to help get her son out of
15 trouble that he had to get in there and
16 cooperate with the State, point the finger at
17 other people to help himself. She knew what
18 he had to do, she did what she had to do to
19 protect her son.

20 Then a day later, the aunt comes back to
21 see him and they talk again. Then he gives
22 another statement. Now we have three
23 statements, two that were typed by law
24 enforcement. You never saw it because
25 Zachery Gantt never wrote this out. It was

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Closing Statement by Mr. Robinson for Defense

1 all typed up by law enforcement.

2 Just like they had a tape, they had the
3 ability to write everything down and type
4 everything up so that it was complete.

5 So I would suggest to you that the
6 statements that he gave, the written
7 statements that he talked about a while ago,
8 yesterday, that was to go along with what
9 the detective wanted him to say. So the
10 detective wrote out each statement and said,
11 'listen, sign this thing.' 'Your mama says
12 to sign it, your aunt says to sign it, you
13 sign this thing.' Well, why the heck did
14 they not type up the verbal statement that
15 he gave Detective Barton in writing, get it
16 signed? Why not?

17 And there's another incidence (sic) of
18 the way that they were doing things. They go
19 to Martha Everett. What does she say? 'Yes,
20 he was with me overnight.' They didn't like
21 that. They didn't write down anything in a
22 statement, they never typed anything out,
23 they never showed her anything. Why didn't
24 they call her in? Because she wasn't going
25 to give them what they want to hear. They

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1 wanted to hear that he was not there. They
2 didn't get that. She said, 'he was here with
3 me.' And they said, 'well, we are going to
4 give a cautionary note to you.' A cautionary
5 note that made her cry, that made her think
6 that she was going to lose her kids or
7 whatever, a single parent. Just imagine a
8 single parent, a mother having someone in law
9 enforcement telling her, 'If you don't do
10 such and such, I'm going to get your kids.
11 I'm going to take your kids away.' What did
12 they think that she was going to say?

13 But I would suggest to you that she did
14 not come into this court because she wasn't
15 going to say what they wanted her to say.
16 Her statement was never written, never typed.

17 That's the mode that the State pursued.
18 'If we don't like it, we don't type it up, we
19 don't get you to sign it. If we like it, we
20 type it up and we get you to sign it.'
21 That's what they did.

22 Because, as you saw, they have no
23 physical evidence in this case. Nothing.
24 They had Zachery Gantt up here but Zach Gantt
25 -- if you remember when I asked Zach Gantt

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1 about his interest in this whole thing, I
2 asked him, 'Do you think that this is going
3 to help you with this thing?' What did he
4 say. He said, 'oh, yeah.' Yeah.

5 So the State is telling you that he just
6 came up here just to help us, he's not
7 getting anything out of the deal, there is no
8 self-interest here. Come on. Y'all have
9 common sense. Y'all can see when people are
10 lying for self interest. He had self-
11 interest, his mother had self-interest.

12 But the State has no physical evidence
13 linking Ezra Williams to this case. They
14 have association, phone calls, but they have
15 no idea what was said. He's a single guy and
16 Kyndra was a single girl. So what? Just
17 because there were phone calls and they
18 talked or just because he may know people,
19 that does not mean that you are guilty under
20 the theory of hand of one, hand of all.

21 It means that you know people -- as I
22 said before, if the State is contending that
23 mere association, mere presence, mere
24 knowledge, mere calling, knowing people is
25 enough it kind of turns everything on its

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1 head and we all have to be careful.

2 But please accept my apologies for the
3 language that you're going to hear. But I
4 want to thank you on behalf of the family for
5 listening to us, for giving us an opportunity
6 to present our side of this case.

7 I ask you to listen to the Judge's
8 instructions, use your common sense --
9 because, you know, when you came here you
10 were chosen for your common sense but also
11 for your life experiences. You know when
12 someone lies, you know when kids aren't good
13 enough -- this is not a question of maybe,
14 could have, should have, possibly, that's not
15 enough. That not part of this case.

16 There is a presumption of innocence here.
17 The State has to prove their case, every
18 single element of their case beyond a
19 reasonable doubt. They can't do it.

20 Ladies and gentlemen, there comes a time
21 when one has to take a position that is
22 neither safe nor politic nor popular but they
23 must do it because conscience tells them that
24 it is right.

25 Ladies and gentlemen, a year from now

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1 you're going to look back on this and think
2 to yourself, 'I did what was right.' And if
3 you do what is right, and you follow your
4 conscience and your common sense, you can
5 find but one verdict -- just one, and that
6 is that Ezra Williams is not guilty.

7 Again, I appreciate you listening, I
8 appreciate your time. Thank you very much.

9 THE COURT: All right, ladies and
10 gentlemen, Madam Forelady, this is the
11 verdict form that will come back to you.

12 I will tell you right now that the order
13 in which the charges occur or the options
14 under each charge is of no consequence. I
15 had to put them in some order, so don't give
16 that any thought.

17 But the options will be that you will
18 consider the charge of Murder and under that
19 it has, "As to the charge of murder..." --
20 and then the Indictment number, --- "We, the
21 jury, unanimously find the Defendant..." -- not
22 guilty. If that is what the jury unanimously
23 agrees to, check the line next to that
24 option. Or as to the charge of murder if you
25 unanimously find the defendant guilty, then

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1 you check the line next to that option.

2 Then you go down to kidnaping. As to
3 the charge of kidnaping, "We, the jury,
4 unanimously find the Defendant on the charge
5 of kidnaping..." -- not guilty or guilty.

6 The same for armed robbery.

7 Then you would go to the charge of
8 possession of a weapon during the commission
9 of a violent crime only if you found the
10 Defendant guilty of armed robbery, kidnaping
11 or murder. If you find the defendant not
12 guilty of those three charges, then you may
13 not consider that charge.

14 If you find the Defendant guilty of one
15 or more of the charges of murder, kidnaping
16 or armed robbery you may, but you're not
17 required to find him guilty of the possession
18 charge.

19 Once you have reached a decision on each
20 charge, sign your name as the forelady on the
21 verdict form. Fold it, crease it. Knock on
22 the door and we will receive your verdict in
23 the courtroom.

24 Our alternate, we are not going to begin
25 our deliberations right away. Our clerk is

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1 going to come back and bring some forms so
2 you can order your lunch. Once you complete
3 that then we will bring you the exhibits and
4 you may begin your deliberations.

5 Ma'am, if you would, get your personal
6 items out of the jury room and bring your
7 notes with you. You may order lunch but once
8 they complete taking your lunch orders, you
9 will come out and I will excuse you. You may
10 stay or leave, whatever you would like to do.

11 With that being said, go back to your
12 jury room. There is no rush, they will take
13 your lunch orders.

14 Once the verdict form and the exhibits
15 are provided, you may start your delibera-
16 tions at that time.

17 (JURY OUT @ 11:53 A.M.)

18 (COUNSEL APPROVAL OF EXHIBITS)

19 (JURY IN DELIBERATIONS @ 11:53 A.M.)

20 (ADVISED OF JURY QUESTION @ 1:46 P.M.)

21 (DEFENDANT PRESENT)

22 THE COURT: We have a note from the
23 jury, requesting to rehear the jail phone
24 calls.

25 (SO ENTERED AS COURT'S EXHIBIT 6)

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1 SOLICITOR CAMPBELL: I need to check
2 the volume.

3 THE COURT: Okay. Let me know when you
4 are ready.

5 SOLICITOR CAMPBELL: (Adjusting
6 volume), ---

7 THE COURT: We've got some feedback.

8 SOLICITOR CAMPBELL: Yes, sir, (adjust-
9 ing).

10 THE COURT: It was louder yesterday.

11 COURT REPORTER: It was clearer
12 yesterday too.

13 SOLICITOR CAMPBELL: (Adjusting volume)
14 -- we're ready, Your Honor.

15 THE COURT: Is that the first call?

16 SOLICITOR CAMPBELL: That is the first
17 call, (affirmative nod).

18 THE COURT: Is the Defense ready, Mr.
19 Robinson?

20 MR. ROBINSON: Yes, sir, Your Honor.

21 THE COURT: Bring in the jury.

22 (JURY IN @ 1:46 P.M.)

23 THE COURT: Madam Forelady, first,
24 thank you for your patience. We -- two
25 things. First, we felt like we need to let

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1 you eat a little bit before we brought you in
2 here. But then we had the returning jury
3 that we needed to deal with for a few minutes
4 and that's why there was some delay.

5 My understanding is that the jury would
6 like to listen to the two recorded jail phone
7 calls that the Defendant supposedly made to
8 Martha Everett. Is that correct?

9 FORELADY: That's correct.

10 THE COURT: Is the State ready to put
11 those up?

12 SOLICITOR CAMPBELL: Yes, Your Honor.

13 THE COURT: If any juror cannot hear,
14 raise your hand. I think that they've got it
15 such that you can. Go ahead if you would,
16 Mr. Campbell.

17 (WHEREUPON STATE'S EXHIBIT 40 REPLAYED)

18 THE COURT: Madam Forelady, does that
19 adequately respond to the jury's request?

20 FORELADY: Yes.

21 THE COURT: I am going to ask that you
22 return to your jury room and resume your
23 deliberations.

24 (JURY OUT @ 2:15 P.M.)

25 THE COURT: Any additions or

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1 exceptions?

2 SOLICITOR CAMPBELL: No, Your Honor.

3 THE COURT: From the Defense?

4 MR. ROBINSON: No, Judge.

5 THE COURT: Y'all be at-ease. We will
6 let you know.

7 (JURY IN DELIBERATIONS)

8 (JURY NOTE RECEIVED @ 3:29 P.M.)

9 (SO ENTERED AS COURT'S EXHIBIT 7)

10 (DEFENDANT PRESENT)

11 THE COURT: Okay, we have another note.
12 This is asking what they should do if they
13 are unable to reach a verdict.

14 COURT REPORTER: Court's Exhibit 7.

15 THE COURT: I am reluctant at this time
16 to give an *Allen* charge because they have not
17 said they cannot reach a verdict. I propose,
18 unless somebody gives me an alternative idea,
19 to question them to see if they feel -- see
20 how if they continue to deliberate and if
21 they feel like they can make continued
22 progress by continuing their deliberations.
23 If she says, 'we feel like we are just
24 hopelessly deadlocked' or something along
25 those lines then I would give them the

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1 charge. If not, I'll send them back prior to
2 giving the charge. Do you disagree with
3 that, Mr. Robinson, or agree?

4 MR. ROBINSON: I agree.

5 THE COURT: Mr. Campbell?

6 SOLICITOR CAMPBELL: Yes, sir.

7 THE COURT: Bring the jury in, please.

8 (JURY IN @ 3:41 P.M.)

9 THE COURT: Madam Forelady, ladies and
10 gentlemen of the jury, I've received the
11 following note from the forelady. It says,
12 (reading): "*Judge McIntosh, we are not*
13 *unanimous on any charge. What should we do?*"
14 Signed by the forelady. Is that the jury's
15 message to the Court?

16 FORELADY: Yes, sir.

17 THE COURT: Well, let me ask you a few
18 questions and that will dictate what I do.
19 Number one, is the jury right now continuing
20 to discuss the case? Again, don't tell me
21 the numerical divisions or where the jury
22 stands. Do you continue to go through the
23 evidence and listen to everybody's views,
24 points of view?

25 FORELADY: We aren't making much

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1 progress at this point. We've all stated how
2 we feel, talked among ourselves.

3 THE COURT: So do you feel like further
4 deliberations -- do you feel like each juror
5 has listened to everybody's point of view
6 thoroughly and gone through the evidence?

7 FORELADY: We have.

8 THE COURT: So at this point do you
9 feel like you are hopelessly deadlocked or
10 do you think that further deliberations may
11 bring a breakthrough so that you can come to
12 some type of unanimous verdict?

13 FORELADY: I really don't know.

14 THE COURT: Well, let me send you back
15 to your jury room and then we will bring you
16 back out here -- just go back for a minute.

17 (JURY OUT @ 3:43 P.M.)

18 THE COURT: I feel like an *Allen* charge
19 is probably appropriate at this point. What
20 is your position?

21 SOLICITOR CAMPBELL: That's the way I
22 see it.

23 THE COURT: What is your position?

24 MR. ROBINSON: I think so. I agree.

25 THE COURT: Tell them to come on back.

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(JURY IN @ 3:45 P.M.)

THE COURT: Ladies and gentlemen, you stated to me in writing and in the courtroom that you have been unable to reach a verdict in this case.

As I told you earlier, in order for your verdict to stand, it will have to be unanimous. I want to go over a few things with you for a minute, please.

When a matter is in dispute, it is not always easy for even two people to agree. So when you get twelve people together it's even that much harder and that much more difficult to come up with a common consensus as to the verdict.

In most cases, I will tell you that absolute certainty cannot be reached nor is it expected. However, you have a sworn duty to make every reasonable effort to reach a unanimous verdict in this case if you can.

In doing this, you should consult with one another. You should express your views to one another. You should listen to each one's opinions and should tell each other what you feel, how you feel and what's the

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1 basis for you feeling that way.

2 You should discuss your differences of
3 opinions with open minds.

4 As I told you, although the verdict must
5 be unanimous that each of you has a right to
6 your own opinion. The verdict you agree on
7 must be your own verdict, a result of your
8 own convictions. You should not give up a
9 firmly-held belief merely to be in agreement
10 with your fellow jurors.

11 That being said, if there is a majority,
12 the majority should consider the minority's
13 position in this case. On the opposite side,
14 the minority should consider the majority's
15 position in this case.

16 You should carefully consider and respect
17 the opinions of each other and reevaluate
18 your position for reasonableness, for
19 correctness and for impartiality.

20 You must lay aside outside matters and
21 you must re-examine the question before you
22 based on the law and evidence in this case.

23 If you do not agree on the verdict, that
24 means that I will have to declare a mistrial.
25 In that case, that doesn't mean that anybody

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1 "wins." It just means that at some future
2 point that I will try this case again with
3 some other jury sitting where you are sitting
4 right now. The same participants will come
5 in, the same lawyers will ask basically the
6 same questions, and they'll get basically the
7 same answers and we will go through the whole
8 process one more time.

9 You were selected in the same manner and
10 from the same source that any future jury
11 will be and there is absolutely no reason for
12 me to suppose that this case will ever be
13 submitted to twelve more intelligent,
14 impartial and conscientious people; or that
15 there are more competent jurors than you; or
16 that clearer evidence would be produced by
17 one side or the other.

18 Therefore, I am going to ask and instruct
19 you to go back and return to your delibera-
20 tions. Please do so. Thank you.

21 (JURY OUT @ 3:49 P.M.)

22 THE COURT: Any additions or exceptions
23 from the State?

24 SOLICITOR CAMPBELL: No, sir.

25 THE COURT: From the Defense?

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1 MR. ROBINSON: No, sir, Your Honor.

2 THE COURT: All right, guys. Y'all
3 hang tight.

4 (JURY IN DELIBERATIONS)

5 (RECEIVED JURY NOTE @ 5:06 P.M.)

6 (SO ENTERED AS COURT'S EXHIBIT 8)

7 (DEFENDANT PRESENT)

8 THE COURT: We have another note from
9 the jury, which reads: *"We are confused as
10 to if it is appropriate to go with our gut
11 feeling, and another explanation on the way
12 that we are to view circumstantial evidence
13 would be helpful."*

14 I am not even sure how to interpret that,
15 so I am going to have to question them
16 further and see what they want. Let me get
17 my charge ready.

18 SOLICITOR CAMPBELL: That's the only
19 thing that I can think of.

20 THE COURT: Sir?

21 SOLICITOR CAMPBELL: About the only
22 thing that I can think of is just to recharge
23 the law.

24 THE COURT: It sounds like that is what
25 they are asking.

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1 SOLICITOR CAMPBELL: That's what it
2 sounds like to me.

3 THE COURT: If that's what they want,
4 that's what we will do. Okay, bring the jury
5 in.

6 (JURY IN @ 5:09 P.M.)

7 THE COURT: Ladies and gentlemen of the
8 jury, Madam Forelady, this is the note that I
9 believe that we received from the jury which
10 says, (reading): *"We would like to be*
11 *charged on the law again, please. We are*
12 *confused as to if it is appropriate to go*
13 *with our gut feeling, and another explanation*
14 *on the way that we are to view circumstantial*
15 *evidence would be helpful."*

16 Is that the message from the jury?

17 FORELADY: Yes, sir.

18 THE COURT: Okay. So that I can under-
19 stand what you are asking me to do, because I
20 will do whatever you want. Are you asking me
21 to charge you on the entire charge that I
22 gave you before or do you want certain
23 aspects of that clarified for you?

24 FORELADY: I guess just certain
25 aspects. We're confused when -- when we feel

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1 evidence is lacking, when can our personal --
2 like you had said, kind of both sides, that
3 he is presumed innocent. We need to decide
4 whether or not they've proven their case
5 otherwise, so we can look at all that
6 evidence and feel one way and then -- then
7 you also said things about, like, our life
8 experiences and our personal feelings.

9 THE COURT: All right.

10 FORELADY: And the demeanor of people.

11 THE COURT: I tell you what, let's do
12 this. Do you feel like you understand the
13 substantive aspects of murder, kidnaping,
14 armed robbery, possession of a weapon, and
15 the ---

16 FORELADY: Yes.

17 THE COURT: --- hand of one is the hand
18 of all?

19 FORELADY: (Affirmative nod).

20 THE COURT: Do you feel like you under-
21 stand that?

22 FORELADY: Yes.

23 THE COURT: Okay. Well, let me go back
24 and just go over my general instructions and
25 my final instructions with you.

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1 Is there an exception to that by either
2 side in this case?

3 SOLICITOR CAMPBELL: No, Your Honor.

4 THE COURT: Mr. Robinson?

5 MR. ROBINSON: No, sir, Judge.

6 THE COURT: That's what we will do.

7 Again, please understand that if that is not
8 answering your question, then I will give you
9 the full charge as often and as many times as
10 you'd like. Okay?

11 FORELADY: Yes, sir.

12 THE COURT: As I told you at the
13 beginning of this case my charge is three
14 parts.

15 The first part of my charge is the charge
16 that defines the general rules that control
17 your duties as jurors.

18 The second part is the substantive law on
19 the charges of kidnaping, armed robbery,
20 possession of a weapon, which we are not
21 going to charge now.

22 Third is the considerations for your
23 deliberations.

24 I am going to do the first and third.
25 Okay? Then, Madam Forelady, I want you to

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1 poll the jury to make sure that that
2 satisfies the group. Okay?

3 As I told you in the beginning, it is
4 your duty to determine the fact and to those
5 facts you must apply the law as I give it to
6 you now.

7 You must follow the law as I give it to
8 you. You may not be concerned with what you
9 might like for it to be or what you think
10 that it should be, or what it is.

11 You must not be influenced by any
12 personal likes or dislikes or opinions,
13 prejudice or undue sympathies that you may
14 have for one side or the other. In other
15 words, you have no friends to reward and no
16 enemies to punish.

17 Bottom line, that means that you must
18 decide the case solely on the evidence that
19 has been presented to you in this case and
20 according to the law as I give it to you now.
21 As you recall, at the beginning of this case
22 you took your oath and swore or affirmed that
23 you would do just that.

24 In following my instructions now, you
25 must not pick out part of the instructions

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1 that you think that you like and follow
2 those, ignoring others. They are all equally
3 important.

4 Also, I remind you that if I have done
5 anything throughout the course of this trial
6 to indicate that to you how you are to find
7 the facts or the verdict that you are to
8 reach, I'm going to ask you and also charge
9 you to disregard that. The South Carolina
10 Constitution does not allow any Judge to have
11 an opinion on the facts or to make a comment
12 on the facts.

13 You and you alone are the judges of what
14 the facts are in this case. You will
15 determine what those facts are by evaluating
16 and weighing the evidence that you heard
17 during the trial.

18 There is no way for me to hand you back a
19 set of scales for you to literally weigh the
20 evidence that you've heard during this case.
21 In the literal sense, evaluating and weighing
22 the evidence is a mental process. You will
23 evaluate and weigh the evidence that you
24 heard in this case using your good common
25 sense and your sound judgment that you

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1 brought with you to court when you became
2 jurors in this case.

3 Now, what is evidence? There are two
4 types or categories of evidence that you may
5 consider in this case. You have sworn
6 testimony from this witness stand either by
7 direct examination or cross-examination, from
8 any witness. You also have the exhibits that
9 have been placed in evidence. That is the
10 only true evidence that you may consider as
11 evidence.

12 Now, what is not evidence? You will
13 recall that at the beginning of this case
14 that arguments and statements by these
15 attorneys is not evidence. The opening
16 statements or closing arguments or objections
17 made by counsel is not evidence.

18 They have a duty to their clients to
19 object when they believe that a certain
20 question is improper under our Rules of
21 Evidence. You should not be influenced by
22 their objections or my rulings on objections.
23 I also told you, Madam Forelady, that you're
24 not to let the jurors engage in discussion on
25 the fact that any objection was made.

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1 Also, anything that you may have heard
2 or seen when court is not in session is not
3 evidence. You're to decide this case solely
4 based on the evidence that has been received
5 during this trial.

6 Now, there are two types of evidence that
7 are generally presented during a trial:
8 direct evidence and circumstantial evidence.

9 Direct evidence directly proves the
10 existence of a fact and does not require
11 deduction.

12 Circumstantial evidence is proof of a
13 chain of facts and circumstances indicating
14 the existence of a fact.

15 Crimes may be proven by circumstantial
16 evidence. The law makes no distinction
17 between the weight or value to be given
18 either direct or circumstantial evidence.

19 However, to the extent that the State
20 relies on circumstantial evidence, all of the
21 circumstances must be consistent with each
22 other and when taken together point
23 conclusively to the guilt of the accused
24 beyond a reasonable doubt. If these
25 circumstances merely portray the defendant's

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1 behavior as suspicious, the proof has failed.

2 The State has the burden of proving the
3 Defendant guilty beyond a reasonable doubt.
4 This burden rests with the State regardless
5 of whether the State relies on direct
6 evidence, circumstantial evidence or a
7 combination of the two.

8 I also gave you an example of direct
9 evidence. If someone ran a stop sign and I
10 testified that Driver A ran the stop sign,
11 that's direct evidence because it immediately
12 establishes the fact. Okay?

13 Next is circumstantial evidence. The
14 example that you were given was if each of
15 you go to bed at night with a fresh sheet of
16 snow in your front yard, then you wake up in
17 the morning and see tracks through your yard
18 you may reasonably infer or deduce that
19 someone or some thing walked through your
20 yard while you were sleeping, although you
21 did not directly see it.

22 Now, the only prohibition about your
23 inference from circumstantial evidence is
24 that the inference or deduction that you make
25 cannot be conjecture, speculation or surmise.

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1 evidence in this case?

2 Also whether the witness' testimony was
3 contradicted by what the witness had said or
4 done at another time, or by the testimony of
5 other witnesses or of the evidence.

6 As I told you, those are some but
7 certainly not all of the factors that you may
8 consider in determining the credibility or
9 the believability of the evidence.

10 Also I told you that you did not check
11 your common sense at the door when you were
12 sworn in as witnesses (sic) -- as jurors.
13 You should not in this case.

14 You should use those things in your day
15 to day lives that you find indicative of
16 truthfulness and indicative of lack of
17 truthfulness when you make this determination
18 of credibility of the witnesses.

19 One thing that you may not do, however,
20 is add up the number of witnesses that appear
21 for one side or the other in making your
22 determination of credibility, because it
23 doesn't matter to you where information comes
24 from. Your sole interest is to try to find
25 the truth based on the evidence presented in

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1 the case.

2 Also, ladies and gentlemen, you've heard
3 testimony from persons described as experts.
4 As I told you, people who by their education
5 and experience have become an expert in a
6 particular field can provide their opinions
7 if that information will be helpful to you in
8 reaching your findings of fact. They may
9 state their opinions on matters within their
10 field of expertise and may state their
11 reason(s) for such opinion(s).

12 Expert testimony should be judged just
13 like any other testimony in this case. You
14 may accept it, reject, give it as much weight
15 as you feel that it deserves. You can
16 consider the witness' education, their
17 experience, their reasons for giving the
18 opinion with all the evidence in this case.

19 I also reminded you, and showed you the
20 indictment, that the fact that the defendant
21 was arrested, charged and indicted is not
22 evidence of guilt. It does not raise an
23 inference of guilt or a presumption of guilt.
24 It is simply the charging mechanism by which
25 the State of South Carolina brings a

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1 defendant before the court for trial and a
2 determination of guilt or innocence.

3 I also charged you, Madam Forelady, that
4 each of the indictments, exclusive of the
5 indictment for possession of a weapon, is
6 separate and distinct and you must decide
7 each indictment separately based on the
8 evidence and the law as to each indictment
9 uninfluenced by your decision as to any other
10 indictment.

11 The defendant may be convicted or
12 acquitted on any or all of the offenses
13 charged, and you are asked to write a
14 separate verdict for each one.

15 Now, unless and until the jury determines
16 that the defendant is guilty of murder and/or
17 kidnaping and/or armed robbery, any
18 combination of those three, you may not
19 consider the weapons charge. If you do find
20 him guilty of one or more of those charges,
21 you may but are not required to find him
22 guilty on the weapons charges. Okay?

23 Now, in this case the defendant has pled
24 not guilty to the indictments and that plea
25 puts the burden on the State to prove the

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1 defendant guilty. A person charged with
2 committing a criminal offense in South
3 Carolina is never required to prove himself
4 innocent.

5 I charge you that it is an important rule
6 of law that a defendant in a criminal trial,
7 no matter what the seriousness of the charge
8 may be, will always be presumed to be
9 innocent of the crime for which the
10 indictment or indictments were issued unless
11 guilt has been proven by evidence satisfying
12 you of that guilt beyond a reasonable doubt.

13 This presumption of innocence does not
14 end when you begin your deliberations but it
15 accompanies the defendant throughout the
16 trial until you reach a verdict of guilty
17 based on evidence satisfying you of his guilt
18 beyond a reasonable doubt.

19 The presumption of innocence is like a
20 robe of righteousness that is placed about
21 the shoulders of a defendant, which remains
22 there until it is has been stripped from his
23 shoulders by evidence satisfying you of his
24 guilt beyond a reasonable doubt.

25 I also tell you that the presumption of

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1 innocence is not a mere legal theory, it is
2 not just a legal phrase. It is a substantial
3 right to which every defendant is entitled
4 unless you, the jury, are satisfied from the
5 evidence of the defendant's guilt beyond a
6 reasonable doubt.

7 That leads me to the definition of what
8 a reasonable doubt is. A reasonable doubt
9 is the kind of doubt which would make a
10 reasonable, honest, conscientious person to
11 hesitate to act in an important matter in
12 their own affairs.

13 Proof beyond a reasonable doubt is proof
14 that leaves you firmly convinced of the
15 defendant's guilt. There are very few
16 things that we know in this world with
17 absolute certainty and in criminal cases the
18 law does not require proof that overcomes
19 every possible doubt.

20 If based on your consideration of the
21 evidence you are firmly convinced that the
22 defendant is guilty of the crime or the
23 crimes charged, you must find the defendant
24 guilty.

25 If, on the other hand, you think that

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1 there is a real possibility that the
2 defendant is not guilty, you must give the
3 defendant the benefit of the doubt and find
4 him not guilty.

5 A reasonable doubt may arise from the
6 evidence or from a lack of evidence.

7 I further instruct you that the defendant
8 is entitled to every reasonable doubt that
9 may arise in the case. What that means,
10 ladies and gentlemen, is simply that if upon
11 any issue of fact essential to a conviction
12 and a verdict of guilty of the offense or
13 offenses charged, if you have any reasonable
14 doubt as to how that issue should be
15 resolved, it is your duty to resolve that
16 doubt in favor of the defendant.

17 Also, ladies and gentlemen, in order to
18 establish criminal liability, criminal intent
19 is required. For example, the mental state
20 required to be proven by the State for a
21 particular crime might be purpose, intent,
22 knowledge, recklessness or criminal
23 negligence. Criminal intent must be proven
24 by the State beyond a reasonable doubt.

25 Criminal intent is always a matter that

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1 must always be determined by the jury from
2 the circumstances surrounding the situation.

3 There is no way to prove intent to a
4 mathematical certainty. There is no way that
5 medical science can dissect a person's mind
6 and determine what the person had in mind,
7 so the law says that criminal intent may be
8 inferred from the circumstances shown to have
9 existed.

10 Ladies and gentlemen, that is how you
11 make a determination of whether or not the
12 element requiring intent was present. It is
13 not necessary to establish intent by direct
14 and positive evidence but intent may be
15 established by inference in the same way as
16 any other fact by taking into consideration
17 the facts of the parties, the acts of the
18 parties and all the facts and circumstances
19 of the case.

20 Criminal intent is a mental state, a
21 conscious wrongdoing. It is up to you to
22 determine what the defendant intended to do
23 based on the circumstances shown to have
24 existed. Criminal intent can arise from
25 action or a failure to act. It may arise

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1 from negligence, recklessness or indifference
2 to duty or to consequences considered by the
3 law to be the equivalent of criminal intent.

4 Now, also, ladies and gentlemen, I
5 instruct you and emphasize that the fact that
6 the defendant did not testify is not a factor
7 to be considered by you in any way in your
8 deliberations.

9 Madame Forelady, as you recall, I also
10 told you that it is your duty to make sure
11 that nobody attempts to engage in any
12 discussion on the defendant's failure to
13 testify. That is his and all defendants'
14 right under the Fifth Amendment of the United
15 States Constitution.

16 That leads me, finally, to a few points
17 that I should consider in your deliberations:

18 One, I pointed out that you don't serve
19 as jurors to be partisans or advocates for
20 one side or the other. You were chosen
21 because you assured the parties that you
22 could be fair and impartial and decide the
23 case solely on the evidence without bias or
24 prejudice. In fact, you represented to the
25 court and to these parties that you could do

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1 just that. That means that when you begin
2 your deliberations that you are to use your
3 experiences in life, your good common sense,
4 your sense of logic and reason in engaging in
5 your deliberations and reaching the findings
6 of fact.

7 I also ask you to let me give you the
8 definition of "deliberation." It is a
9 careful consideration and weighing up with
10 a view to a decision.

11 I point out to you that the genius of our
12 jury system is that it allows twelve good men
13 and women who come from twelve different
14 backgrounds, who have twelve different life
15 experiences and perspectives to consider the
16 evidence, to talk about it and to ultimately
17 reach a verdict.

18 We call them deliberations for a reason.
19 You are to consider the evidence carefully
20 and deliberately and discuss it in a calm,
21 thorough and courteous manner. Again, you
22 are not partisans or advocates for either
23 side. You are the judges of the facts and
24 your sole interest is to try to find the
25 truth from the evidence that you've heard in

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1 this courtroom.

2 You are to listen to your fellow jurors.
3 Listen to other people's points, their points
4 of view and talk through and discuss
5 thoroughly the evidence. Remember that when
6 you are doing so thoroughly that you should
7 not be in a big hurry because, ladies and
8 gentlemen, this is the State's only day in
9 Court and this is the Defendant's only day in
10 court.

11 When you retire to your room, you should
12 endeavor to try to reach an unanimous verdict
13 if you're able to. However, each of you
14 should decide this case for yourself. You
15 should do so only after you've impartially
16 considered all the evidence, you have
17 discussed it fully with the other jurors,
18 you've listened to everyone's views and
19 points of view. Don't be afraid to change
20 your opinion if the discussion persuades you
21 to do so. On the other hand, do not come to
22 a decision simply because other jurors think
23 that it is the right thing to do.

24 Madam Forelady, I remind you that
25 communicating with the court, you need to

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1 write it down as you have been doing but to
2 never give us a numerical divide of the jury.

3 I'll be glad to go over the verdict form
4 with you again if you think that's necessary.

5 FORELADY: No, sir.

6 THE COURT: Do you feel like that
7 answers the jury's question to me?

8 FORELADY: Yes, sir.

9 THE COURT: Do you want to check with
10 them further?

11 FORELADY: No, sir.

12 THE COURT: What I am going to do is to
13 send you back to your jury room. I ask that
14 you stop your deliberations for a brief
15 minute. The reason being that I need to go
16 over with the attorneys to see if I should
17 have told you something that I didn't, if I
18 neglected to tell you something.

19 We will send word back very shortly for
20 you to resume deliberations. Thank you.

21 (JURY OUT @ 5:32 P.M.)

22 THE COURT: Any objection or additions
23 by the State?

24 SOLICITOR CAMPBELL: No, Your Honor.

25 THE COURT: By Defense?

State of South Carolina v Ezra R. Williams

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

Recharge on Law by The Honorable J. Lawton McIntosh

1 MR. ROBINSON: No, sir, Your Honor.

2 THE COURT: Okay, Buck, go ahead and
3 tell them to resume their deliberations.
4 Thank you.

5 All right, guys. We're at-ease until we
6 hear from the jury.

7 (JURY IN DELIBERATIONS)

8 (NOTIFIED VERDICT REACHED @ 6:52 P.M.)

9 (DEFENDANT PRESENT)

10 THE COURT: We have received a note
11 that the jury has reached a verdict. Is the
12 State ready to receive the verdict?

13 SOLICITOR CAMPBELL: State is ready,
14 Your Honor.

15 THE COURT: Is the Defense ready to
16 receive the verdict, Mr. Robinson?

17 MR. ROBINSON: Yes, sir, Defense is
18 ready.

19 THE COURT: Invite the jury to return.

20 (JURY IN @ 6:54 P.M.)

21 THE COURT: All right, Madam Forelady,
22 I am advised that the jury has reached a
23 verdict. Is that correct?

24 FORELADY: Yes, sir.

25 THE COURT: Are the verdicts unanimous?

State of South Carolina v Ezra R. Williams

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

Recharge on Law by The Honorable J. Lawton McIntosh

1 FORELADY: Yes, sir.

2 THE COURT: Please pass the verdict
3 form to the bailiff, please, ma'am.

4 FORELADY: (Complies).

5 THE COURT: (Upon review), you may
6 publish the verdicts.

7 CLERK: May it please the Court?

8 THE COURT: Yes, sir.

9 CLERK: This is in the Court of General
10 Sessions, Tenth Judicial Circuit, State of
11 South Carolina, County of Anderson. Indict-
12 ment Numbers 2012-GS-04-02473, 02474, 02575
13 and 02576.

14 This is the verdict in the case of the
15 State of South Carolina versus Ezra Rysunn
16 Williams as to the charge of Murder,
17 Indictment 12-GS-04-02576, "We, the jury,
18 unanimously find the Defendant not guilty."

19 As to the charge of kidnaping, Indictment
20 12-GS-04-02575, "We, the jury, unanimously
21 find the Defendant guilty."

22 As to the charge of armed robbery,
23 Indictment 12-GS-04-02473, "We, the jury,
24 unanimously find the Defendant guilty."

25 As to the charge of possession of a

State of South Carolina v Ezra R. Williams

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

VERDICT

1 weapon during the commission of a violent
2 crime, noting that the jury must first find
3 the Defendant guilty of at least one of the
4 above charges in order to consider the
5 Defendant's guilt as to the charge of
6 possession of a weapon during the commission
7 of a violent crime, Indictment 12-GS-04-0244,
8 "We, the jury, unanimously find the Defendant
9 guilty."

10 This is signed by the foreperson, dated
11 today, August 12th, 2015, Anderson, South
12 Carolina.

13 THE COURT: Madam Forelady, ladies and
14 gentlemen of the jury, if that was your
15 verdict inside the jury room and if that is
16 your verdict now, would you please raise your
17 right hand? Raise them high. (Unanimous
18 response by jurors).

19 Let the record reflect that all jurors
20 answered in the affirmative.

21 Ladies and gentlemen, the Court is never
22 concerned with what your verdict is but that
23 you engage, watch the trial closely, pay
24 attention and do your job as jurors as is
25 your civic duty. In this case, each and

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

VERDICT

1 every one of you did that. I watched you
2 variously throughout the trial and you
3 performed your duties in an admirable manner.
4 So thank you for your service -- not your
5 verdict but your service -- to Anderson
6 County, the State of South Carolina.

7 Madam Forelady, I need you to sign some
8 paperwork for me.

9 Then I want to talk to you all very
10 briefly. I'll come back and tell you more
11 about what is going to happen. If you'll
12 meet me in the jury room, I'll come back
13 there in just a second.

14 (JURY DISMISSED)

15 THE COURT: I'll be back in just a
16 minute and we will do the sentencing.

17 (BRIEF RECESS)

18 (DEFENDANT PRESENT)

19 THE COURT: All right, are we ready,
20 Solicitor?

21 SOLICITOR CAMPBELL: Yes, sir.

22 THE COURT: Is the Defense ready, Mr.
23 Robinson?

24 MR. ROBINSON: Yes, Your Honor.

25 THE COURT: Mr. Williams, if you will

State of South Carolina v Ezra R. Williams

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

VERDICT

1 come forward.

2 (DEFENDANT BEFORE BENCH)

3 THE COURT: Do you have Mr. Williams'
4 criminal record?

5 SOLICITOR CAMPBELL: Yes, sir. I'll
6 read it into the record.

7 THE COURT: If you would, go slowly so
8 I can write it down; if you would.

9 SOLICITOR CAMPBELL: Yes, sir.

10 THE COURT: Thank you.

11 SOLICITOR CAMPBELL: September of '09.
12 Receiving stolen goods, use of license plates
13 other than vehicle issued, and giving false
14 information.

15 December of '09, shoplifting.

16 February 2011, petit larceny.

17 May 2011, ten counts of breaking and
18 entering into auto tanks or -- breaking into
19 motor vehicles. Also, discharging a firearm
20 into a dwelling. He was given a sentence
21 suspended to two years active and five years
22 probation, so he'd still be on probation on
23 that.

24 That is what I have as his current rap
25 sheet.

State of South Carolina v Ezra R. Williams

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

VERDICT

1 THE COURT: Is he currently on
2 probation?

3 MR. ROBINSON: Yes, sir.

4 THE COURT: Ma'am, would you mind
5 telling me your name?

6 ANNE WILLIAMS: My name is Anne
7 Vandiver Williams.

8 THE COURT: Ms. Vandiver-Williams, I'd
9 be glad to hear what you'd like to say.

10 ANNE WILLIAMS: I am Ezra's grand-
11 mother. I have raised him since 2001, had
12 custody of him. I did the best that I could.
13 He is a good person, basically. Just got
14 caught up with the wrong people, and that's
15 by association. I don't believe for one
16 second that he would hurt anybody, never has
17 that I know of. I need him, (emotional).

18 THE COURT: I'm sorry?

19 ANNE WILLIAMS: I need him.

20 THE COURT: Take your time. Would you
21 like some water?

22 ANNE WILLIAMS: He has a year-old
23 daughter that really needs him, (emotional).
24 He was helping to take care of his child.
25 They were out celebrating birthdays when all

State of South Carolina v Ezra R. Williams

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

VERDICT

1 of this happened. I was in contact with
2 Ezra. They celebrated birthdays from June
3 19th through July 2nd, because that's was his
4 daughter's -- June 19th is his daughter's
5 birthday and the sister of his daughter's was
6 July 2nd. They constantly celebrated their
7 birthdays. They went to Cici's to celebrate
8 their birthdays.

9 He wasn't -- he wasn't there at this --
10 (emotional). I honestly do not believe that
11 he would ever, ever hurt anyone.

12 If you could possibly be merciful so that
13 he could come home and see his daughter and
14 to help raise her in a decent manner. Thank
15 you.

16 THE COURT: Thank you. Do we have
17 anyone else who wants to speak on his behalf?
18 Are there any victim representatives here?

19 SOLICITOR CAMPBELL: No, sir.

20 THE COURT: Your name, sir?

21 DANIEL TALLY: My name is Dan Talley.

22 THE COURT: Sir, what is your last
23 name?

24 DANIEL TALLEY: Daniel Talley, T-a-l-
25 l-e-y.

State of South Carolina v Ezra R. Williams

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

VERDICT

1 THE COURT: Thank you, sir.

2 DANIEL TALLEY: This is my little
3 cousin. I've actually adopted him as my
4 little brother for twenty years ago and I've
5 been knowing him for my entire life. I need
6 him. I need him. He does -- he does, you
7 know, get a bad rap sometimes for the things
8 that he's done before and he gets reported
9 for a lot of things off of his reputation.
10 But I know him and I know where he was. And
11 I know him inside, this is a good man. He
12 does not need to spend the rest of his life
13 in jail for something that he didn't do.

14 I have a business. I have something for
15 him to look forward to. This is my business
16 partner. I've been planning, I've been
17 building for three years for him to come on
18 because I didn't think for a second that he
19 wouldn't come on. I have his whole life set
20 up. All I need is him, I need him back with
21 me, I need my right hand back.

22 I know he didn't do this. I can't get up
23 here and tell you that -- I couldn't tell the
24 jury that but I know it. I still know it.

25 If he comes home, he'll -- you'll never

State of South Carolina v Ezra R. Williams

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Jury Trial of August 10-12, 2015

VERDICT

1 see him again because we've got a whole other
2 -- we've got a better way of life and it
3 doesn't include people like that. I told him
4 a long time ago that 'those people will be
5 your problem', because it's not him -- it's
6 the company that he was keeping. And I don't
7 think that we will have that problem ever
8 again. This right here is enough to know
9 that, you know, you are who you hang with.
10 That -- their hurt is going to be on him.

11 THE COURT: Yes, sir.

12 DANIEL TALLEY: Please be merciful on
13 him, because he's not a bad guy.

14 THE COURT: Thank you so much, I
15 appreciate it.

16 THE COURT: Please state your name for
17 the record.

18 MARTHA EVERETT: My name is Martha
19 Everett. He is my best friend, he is my
20 little girl's dad. We've known each other
21 since I was thirteen. He's been through some
22 things but he's not the person that this
23 whole situation has portrayed him to be.

24 THE COURT: I'm sorry?

25 MARTHA EVERETT: He's not the person

State of South Carolina v Ezra R. Williams

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Jury Trial of August 10-12, 2015

VERDICT

1 that this whole situation has portrayed him
2 to be.

3 I have another daughter that's seven and
4 her daddy has never been there for her. He's
5 always been there for her. She calls him
6 daddy. That's the only thing she knows.

7 He's a good man. When it comes to
8 stepping up, he does that. He's a great
9 father to both of my girls, always has been.
10 Even in jail he's good. He calls, he checks
11 on them. They know nobody else but him.

12 I know for a fact that he's not guilty
13 of this. Like his grandmother said, we
14 celebrated my daughters' birthdays at Cici's.
15 He was with us. He didn't have anything to
16 do with this.

17 THE COURT: Thank you. Yes, ma'am.
18 Please state your name for the record.

19 KAYLA WILLIAMS: Kayla Williams.

20 THE COURT: Williams?

21 KAYLA WILLIAMS: Yes, sir.

22 COURT REPORTER: What was her first
23 name, Your Honor?

24 KAYLA WILLIAMS: Kayla, K-a-y-l-a.

25 COURT REPORTER: Thank you.

State of South Carolina v Ezra R. Williams

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

VERDICT

1 KAYLA WILLIAMS: This is my oldest
2 brother, my only brother, and I want you to
3 know that he is not the monster that they
4 make him out to be.

5 Ezra has been the -- one of the most
6 important persons in my life. My father
7 wasn't there and Ezra has always been there
8 for me, tried to take care of me, showed me
9 how to do the right things in life. For me
10 to come in here and see people trying to
11 portray my brother as somebody -- as a
12 monster, that I know that he is not, I --
13 I can't see it, I cannot. This -- I -- he
14 -- he's not what they're trying to make him
15 out to be.

16 He needs to come home to be with his
17 family. I need my older brother. I need him
18 in my life. This is my brother, my best
19 friend. He's the only thing that I've really
20 had besides my grandmother, is my brother --
21 (emotional).

22 THE COURT: Thank you, ma'am. Mr.
23 Robinson, anything beyond what you have told
24 me already or which you've brought out to the
25 jury.

State of South Carolina v Ezra R. Williams

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

VERDICT

1 MR. ROBINSON: I don't, Your Honor.

2 I think he would like to address the Court.

3 THE COURT: Yes, sir. Mr. Williams,
4 you do understand that you have ten days from
5 today to appeal these verdicts and sentences?

6 DEFENDANT: Yes, sir.

7 THE COURT: All right, I will be glad
8 to hear whatever you have to say.

9 DEFENDANT: I just want to say that I
10 appreciate the Court hearing my case. I
11 apologize for what I've put my family
12 through.

13 THE COURT: I can imagine that -- it's
14 always hard to imagine that anyone that we
15 know and love would do the things that's been
16 described in this courtroom. But, on the
17 other hand, things described in this
18 courtroom -- I've been on the bench for
19 awhile and this is one of the worse, if not
20 the worse but close to the worse I've ever
21 seen. In some prior trials I had to make or
22 encourage the solicitor's office to tone down
23 some of the photographs because they were so
24 heinous that I was afraid that it would cause
25 the jury to make a decision based on an

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Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

SENTENCES

1 inappropriate basis as opposed to the facts
2 of the case.

3 You're only twenty-one years old, or
4 twenty-two, whatever your age is and you've
5 already picked up a number of charges. They
6 are increasingly severe.

7 In this case I am convinced that one of
8 the four of you, or all four of you, murdered
9 that gentleman. The jury hasn't found that
10 and that's fine. But I am convinced that the
11 jury did make the right decision in this case
12 as far as the robbery, the kidnaping and the
13 weapons charge. So under Indictment 12-GS-
14 04-2473, armed robbery, the sentence will be
15 thirty (30) years, credit for time served; on
16 Indictment 12-GS-04-2536, kidnaping, the
17 sentence will be twenty-five (25) years,
18 consecutive; and on Indictment 12-GS-04-2474,
19 possession of a weapon during the commission
20 of a violent crime, the sentence will be five
21 (5) years and that will be concurrent to
22 both. Ten days to appeal.

23 Good luck to you.

24 (TRIAL CONCLUDED)

25

Case No. 12-GS-04-02473 *et. al.*

Jury Trial of August 10-12, 2015

Certificate of Court Reporter

STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF GREENVILLE)

I, the undersigned Deborah Garrison,
Circuit Court Reporter for the 13th Judicial
Circuit, hereby certify that the foregoing is a
complete and accurate transcript of the jury trial
held in the within action heard on August 10-12,
2015 before the Honorable R. Lawton McIntosh as
prepared from the audio note of Vivian Cross,
assigned Circuit Court Reporter;

I further certify that I am neither kin nor
counsel to any of the parties and have no interest
in the outcome of this action.

Abraham Garrison

Deborah Garrison

Anderson, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of General Sessions

Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED
AUG 24 2015
SC Court of Appeals

Case Nos: 2012GS0402575, 2012GS0402576, 2012GS0402473, 2012GS0402474

State of South Carolina.....Respondent,

v.

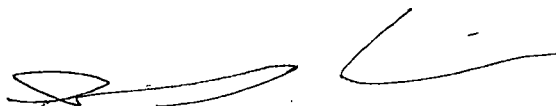
Ezra Rysunn Williams.....Appellant.

NOTICE OF APPEAL

Ezra Rysunn Williams appeals the sentence entered in Anderson County, Court of General Sessions, before and by the Honorable R. Lawton McIntosh, Circuit Court Judge, entered on the 12th day of August, 2015. This Notice of Appeal is timely filed.

Date: August 19, 2015

RESPECTFULLY SUBMITTED,



Scott D. Robinson (SC Bar #65351)
Scott D. Robinson Law Firm
P.O. Box 10042
Greenville, SC 29603
(864) 271-6940

Other Counsel of Record:

Rame L. Campbell, ESQ
Anderson County Solicitor's Office
100 South Main Street
Anderson, SC 29624

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

AUG 24 2015

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of General Sessions

Honorable R. Lawton McIntosh

Indictment #'s: 2012GS0402575, 2012GS0402576, 2012GS0402473, 2012GS0402474

State.....Respondent,

vs.

Ezra Rysunn Williams..... Appellant.

PROOF OF SERVICE

I certify that I have served the NOTICE OF APPEAL FROM THE COURT OF GENERAL SESSIONS on State of South Carolina by United States Postal Service on August 19, 2015 to The Honorable Richard A. Shirley, Clerk of Court, Anderson County Courthouse, 100 South Main Street, Anderson, SC 29624.

Date: August 19, 2015

RESPECTFULLY SUBMITTED,


Scott D. Robinson (SC Bar #65351)
Scott D. Robinson Law Firm
PO Box 10042
Greenville, SC 29603
(864) 271-6940

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of General Sessions

Honorable R. Lawton McIntosh

RECEIVED

AUG 24 2015

SC Court of Appeals

Indictment #'s: 2012GS0402575, 2012GS0402576, 2012GS0402473, 2012GS0402474

State.....Respondent,

vs.

Ezra Rysunn Williams.....Appellant.

PROOF OF SERVICE

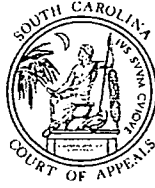
I certify that I have served the NOTICE OF APPEAL FROM THE COURT OF GENERAL SESSIONS on State of South Carolina by United States Postal Service on August 19, 2015 to Rame Campbell, Assistant Solicitor, Anderson County Solicitor's Office, 100 South Main Street, Anderson, SC 29624.

Date: August 19, 2015

RESPECTFULLY SUBMITTED,



Scott D. Robinson (SC Bar #65351)
Scott D. Robinson Law Firm
PO Box 10042
Greenville, SC 29603
(864) 271-6940



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 11, 2015

Mr. Scott David Robinson, Esquire
PO Box 10042
Greenville SC 29603

Re: The State v. Ezra Williams
Appellate Case No. 2015-001904

Dear Counsel:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal may be dismissed:

- The notice of appeal is not accompanied by a copy of the order(s) and/or sentencing sheet(s) challenged on appeal.

Very truly yours,

A handwritten signature in black ink that reads "Jenny Abbott Kitchings". The signature is stylized and cursive.

CLERK

cc: Robert Michael Dudek, Esquire
Rame Lambert Campbell, Esquire
Alan McCrory Wilson, Esquire
Salley W. Elliott, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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FAX: (803) 734-1839
www.sccourts.org

May 06, 2016

Mr. Scott David Robinson, Esquire
PO Box 10042
Greenville SC 29603

Re: The State v. Ezra Williams
Appellate Case No. 2015-001904

Dear Counsel:

Our records indicate that the transcript in the above matter should have been delivered. As of today's date, we have not received any information indicating that the court reporter has been granted an extension. Further, you have not notified us that you have failed to receive the transcript, nor have we received your initial brief.

If you have not yet received the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1015 Sumter Street, Suite 201
Columbia, SC 29201

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal may be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Robert Michael Dudek, Esquire
Rame Lambert Campbell, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire

SCOTT D. ROBINSON LAW FIRM, LLC
ATTORNEY AND COUNSELOR AT LAW

819 EAST NORTH STREET, 29601
P.O. Box 10042, FEDERAL STATION,
GREENVILLE, SC 29603
PHONE: 864.271.6940 • FAX: 864.271.6941
EMAIL: SCOTTDROBINSON@BELLSOUTH.NET

RECEIVED

MAY 18 2016

SC Court of Appeals

May 11, 2016

Ms. Tonisha Fuller
SOUTH CAROLINA COURT OF APPEALS
P.O. Box 11629
Columbia, SC 29211

Re: The State v. Ezra Williams
Appellate Case No. : 2015-001904

Dear Ms. Fuller:

Thank you for speaking with me regarding the above-mentioned case. As I advised, the family of Ezra Williams is getting their monies together to pay the court reporter. I expect this to be achieved shortly. Sorry for any inconvenience.

Very truly yours,



Scott D. Robinson



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 13, 2016

Mr. Scott David Robinson, Esquire
PO Box 10042
Greenville SC 29603

Re: The State v. Ezra Williams
Appellate Case No. 2015-001904

Dear Counsel:

Our records indicate that the transcript in the above matter should have been delivered. As of today's date, we have not received any information indicating that the court reporter has been granted an extension. Further, you have not notified us that you have failed to receive the transcript, nor have we received your initial brief.

If you have not yet received the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 201
Columbia, SC 29201

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter. If we do not receive notification that satisfactory arrangements have been made for payment, this appeal will be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Robert Michael Dudek, Esquire
Rame Lambert Campbell, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire