

RECEIVED

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHAMAR LATRELL STANLEY,

APPELLANT

APPELLATE CASE NO. 2024-001877

RECORD ON APPEAL

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ATTORNEYS FOR RESPONDENT

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT 1 (SCENE VIDEO (CD)), STATE’S EXHIBIT 137 (PHOTOS
SHOWN TO DEMETRIA), STATE’S EXHIBIT 138 (PHOTOS SHOWN TO
DEMETRIA), STATE’S EXHIBIT 139 (PHOTOS SHOWN TO DEMETRIA), STATE’S
EXHIBIT 142 (CAST ANALYSIS), STATE’S EXHIBIT 162 (ALPR), STATE’S EXHIBIT
177 (PHOTOS, ALLWAY & FLOOD), STATE’S EXHIBIT 178 (PHOTOS, ALLWAY &
FLOOD), STATE’S EXHIBIT 181 (PHOTO ALLWAY & FLOOD CARS), STATE’S
EXHIBIT 189 (CD INTERVIEW CLIP)]**

1 STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT NO. 9
 2 COUNTY OF CHARLESTON) DOCKET NOS: 2023-GS-10-05019;
 3 2023-GS-10-05020;
 4 2023-GS-10-05021;
 5 2023-GS-10-05022;
 6 2023-GS-10-05023;
 7 2023-GS-10-05024.

8 -----
 9 STATE OF SOUTH CAROLINA,)
 10)
 11 Plaintiff,)
 12)
 13 versus)
 14)
 15)
 16 KASSIEM TAIQUON MITCHELL and)
 17 SHAMAR LATRELL STANLEY,)
 18)
 19 Defendants.)
 20 -----

21 J U R Y T R I A L

22 DATES AND TIMES: October 28, 2024, 11:30 a.m. to 5:31 p.m.
 23 October 29, 2024, 9:48 a.m. to 5:44 p.m.
 24 October 30, 2024, 9:50 a.m. to 6:01 p.m.
 25 October 31, 2024, 10:22 a.m. to 6:46 p.m.
 November 1, 2024, 9:37 a.m. to 7:18 p.m.

LOCATION: South Carolina Circuit Court No. 9
 JUDGE: Deadra L. Jefferson
 TRANSCRIBED BY: Sandra J. Early

20

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22 Post Office Box 5682

23 Greenville, South Carolina 29606

24 864-467-1373

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16

17

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8	DAGOBERTO MORALES	395		
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11	WATSON CHARLES BENTON	449	465/467	
12	JOSHUA BURDETTE	493	493	
13	DENNIS WOODS	497		
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15	(10/30/2024)			
16	THOMAS BEAVER	520		
17	KENDRA MOSELEY	548		
18	N'TAALLYA WILDER	583		
19	CHAD SMITH	588		
20	PAUL MCMANIGAL	629		
21	MICHAEL SANCHEZ	645	736	
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23				
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25				

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PLAINTIFF
WITNESSESDIRECTCROSSREDIRECT

(10/31/2024)

MICHAEL SANCHEZ

831

JEROME DESHEERS

838

864

867

BRIAN SALKELD

888

892

893

JOHN SAUNDERS

896

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962

JENNIFER BUTLER

965

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DEMETRIA RAVENELL

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1008

1012

ANTHONY RUSS

1014

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1035

SANTONIO SCOTT

1038

1050

E X H I B I T S

(Admitted)

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1

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2

(Admitted)

3

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4

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Still photo of scene
1:42:20 p.m.

827/828

5

Exhibit 164

Shamar Photos

785/800

6

Exhibit 165

Allway & Flood video

915/922

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Photo outside Teddy
Foster's

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Photo walking in
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/910

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Exhibit 188

NCPD single photo
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/1105

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CD interview clip

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E X H I B I T S

18

(ID only)

19

PLAINTIFF'SDESCRIPTION

20

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9mm S/N EX945653

21

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Santawn Facebook
video

22

23

Exhibit 120

Photo Glock
magazine

24

Exhibit 144

SLED firearms
report

25

E X H I B I T S (Cont'd)

(ID only)

PLAINTIFF'SDESCRIPTION

1		
2		(ID only
3	<u>PLAINTIFF'S</u>	<u>DESCRIPTION</u>
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12	Exhibit 154	Shamar Stanley records
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16	Exhibit 167	Document: Nissan Altimas 2013-2018
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19	Exhibit 169	Blue tags, 2013-2018
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23	Exhibit 172	Possible suspect vehicles
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1 E X H I B I T S (Cont'd)
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4 Exhibit 174 Photo: one cop,
5 one person
6 Exhibit 176 Photo: man with cops
7 Exhibit 187 Booking report

8 DEFENDANT'S DESCRIPTION
9 Exhibit 1 Photo: jeans with
10 red/white seam

11

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21 (Exhibits retained by counsel.)

22

23 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL.

24 SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY

25 THE SPEAKER.)

JURY TRIAL

1 MR. FINCH: Yes, Your Honor.

2 THE COURT: Is the Defense ready to proceed, Ms.
3 Dovell?

4 MS. DOVELL: Yes, Your Honor.

5 THE COURT: Ms. Gay, is the Defense ready to
6 proceed?

7 MS. GAY: Yes, ma'am. Have we decided how many
8 strikes everybody gets?

9 THE COURT: Oh. I'll deal with that in a
10 moment. I need to do voir dire first. Madam Clerk,
11 you may proceed.

12 THE CLERK: In Case No. 2023-GS-10-05019, State
13 of South Carolina versus Shamar Latrell Stanley. If
14 you answer to that name, please raise your right
15 hand. You may put it down. You stand indicted by
16 the name of Shamar Latrell Stanley for the charge of
17 murder that, in Charleston County, South Carolina, on
18 or about September 15th, 2019, the defendant, Shamar
19 Latrell Stanley, while acting alone or in concert
20 with others with malice aforethought, did kill and
21 murder Antonio Kerron Heyward by means of firearm and
22 Antonio Kerron Heyward did die in Charleston County
23 as a proximate result thereof on or about September
24 15th, 2019, in violation of 16-3-10 of South Carolina
25 Code of Laws, as amended. How say you, are you

JURY TRIAL

1 guilty or not guilty?

2 DEFENDANT STANLEY: Not guilty.

3 THE CLERK: How will you be tried?

4 DEFENDANT STANLEY: By God and by country.

5 THE CLERK: May they send you a true delivery.

6 THE COURT: And you can read all three of them
7 and then ask those questions at the end.

8 THE CLERK: Okay. As to another charge of
9 murder, that in Charleston County, South Carolina, on
10 or about September 15th, 2019, the defendant, Shamar
11 Latrell Stanley, while acting alone or in concert
12 with others with malice of aforethought, did kill and
13 murder J'Quan TyReke Brown by means of firearm, and
14 J'Quan TyReke Brown did die in Charleston County as a
15 proximate result thereof on or about September 15th,
16 2019, in violation of 16-3-10 of the South Carolina
17 Code of Laws, as amended. And as to the charge of
18 possession of a weapon during the commission of a
19 violent crime, Case No. 2023-GS-10-05021, that in
20 Charleston County, South Carolina, on or about
21 September 15th, 2019, the defendant, Shamar Latrell
22 Stanley, did possess a firearm or did visibly display
23 what appeared to be a firearm or did visibly display
24 a knife during the commission of or attempted
25 commission of a violent crime, to wit, murder, in

JURY TRIAL

1 violation of Section 15-23-490 code of laws of South
2 Carolina. How say you, are you guilty or not guilty
3 to all of the charges?

4 DEFENDANT STANLEY: Not guilty.

5 THE COURT: How will you be tried?

6 DEFENDANT STANLEY: By God and by country.

7 THE CLERK: May they send you a true delivery.

8 THE COURT: You need do the next individual.

9 Mm-hmm.

10 THE CLERK: Kassiem Taiquon Mitchell, can you
11 please stand? In Case No. 2023-GS-10-05022, State of
12 South Carolina versus Kassiem Taiquon Mitchell, as to
13 the charge of murder, that in Charleston County,
14 South Carolina, on or about September 15th, 2019, the
15 defendant, Kassiem Taiquon Mitchell, with malice
16 aforethought, did kill and murder Antonio Kerron
17 Heyward by means of a firearm, and Antonio Kerron
18 Heyward did die in Charleston County as a proximate
19 result thereof on or about September 15th, 2019, in
20 violation of 16-3- 10 of the South Carolina Code of
21 Laws, as amended. In Case No. 2023-GS-10-05023, as
22 to the charge of murder, the State of Carolina versus
23 Kassiem Taiquon Mitchell, that in Charleston County,
24 South Carolina, on or about September 15th, 2019, the
25 defendant, Kassiem Taiquon Mitchell, with malice

JURY TRIAL

1 aforethought did kill and murder J'Quon TyReke Brown
2 by means of a firearm, and that J'Quan TyReke Brown
3 did die in Charleston County as a proximate result
4 thereof on or about September 15th, 2019, in
5 violation of 16-3-10 of the South Carolina Code of
6 Laws, as amended. In Case No. 2023-GS-10-05024,
7 State of South Carolina versus Kassiem Taiquon
8 Mitchell, possession of a weapon during the
9 commission of a violent crime, that in Charleston
10 County, South Carolina, on or about September 15th,
11 2019, the defendant, Kassiem Taiquon Mitchell, did
12 possess a firearm or did visibly display what
13 appeared to be a firearm or did visibly display
14 during a knife during the commission of or attempted
15 commission of a violent crime, to wit, murder, in
16 violation of Section 15-23-490 code of laws of South
17 Carolina.

18 The State of South Carolina versus Kassiem
19 Taiquon Mitchell, if you answer to the name, please
20 raise your right hand. You may put it down. How say
21 you, are you guilty or not guilty?

22 DEFENDANT MITCHELL: Not guilty.

23 THE CLERK: How will you be tried?

24 DEFENDANT MITCHELL: By God and by country.

25 THE CLERK: May they send you a true delivery.

JURY TRIAL

1 THE COURT: You may take your seat, sir. Ladies
2 and gentlemen, we're going to select a jury for the
3 cases of the State of South Carolina versus Kassiem
4 Taiquon Mitchell and Shamar Latrell Stanley,
5 Indictments 2023-GS-10-5024, 5023 and 5022, two
6 counts of murder and one count of possession of a
7 weapon during the commission of a violent crime. And
8 for Shamar Latrell Stanley, Indictments 2023, 5019,
9 5020, and 5021, two counts of murder and possession
10 of a weapon during the commission of a violent crime.

11 We're going to go through a process called voir
12 dire, where I'm going to ask you some questions so
13 that the attorneys can more effectively exercise their
14 peremptory challenges in jury selection. If a
15 question applies to you, please stand and in a loud
16 clear voice tell us your name, your juror number, and
17 answer to the question, if applicable, and remain
18 standing until you have -- until I have completed
19 questioning you.

20 Before we begin that process, I'm going to have
21 counsel for the State to stand and introduce themselves,
22 anyone who will be assisting him in the trial of the
23 case, and tell us the names of the lawyers in his
24 office; and also have counsel for -- for Mr. Stanley
25 to stand and introduce themselves and tell us the

JURY TRIAL

1 names of the lawyers in their offices, and also have
2 their clients stand and face the panel, and also
3 counsel for Mr. Mitchell to do the same. You may
4 proceed, Mr. Finch.

5 MR. FINCH: Thank you, Your Honor. May it
6 please the Court?

7 THE COURT: Yes, sir.

8 MR. FINCH: Good afternoon -- or good morning.
9 My name is Timmy Finch. I'm an assistant solicitor
10 with the 9th circuit solicitor's office. Assisting
11 me in the trial of this case is another assistant
12 solicitor, Jewel Gearding. You'll also see my
13 investigator, potentially, in and out of the
14 courtroom. His name is Eric Sherdan. The case
15 agents on this case who may be present throughout the
16 duration are Michael Sanchez and Anthony Russ, both
17 of North Charleston Police Department.

18 As far as the other lawyers in my office,
19 Scarlett Wilson is the elected solicitor, Jennifer
20 Shealy, Russell Abrams, Mary Askins, Jessica Baldwin,
21 Kelly Barber, Elliott Barrow, Sarah Bozarth, Cassidy
22 Brewer, Ashley Brown, Ben Cooper, Kelsey Davis, Jason
23 Finley, Lauren Frierson, Catherine Fries, Mallory
24 Haliena, Amy Harrell, James Durham-Hill, Tiffany Izer,
25 Kasey Knox, Leanne Kozak, Stephanie Linder, Marianella

JURY TRIAL

1 Namlick, Angela McAllister, George Lavelle, Anna
2 Alton, John Rivers, Tyra Roberts, Hunt Russell,
3 Benjamin Chad Simpson, Tyler Whitaker, Lemuel Ziegler,
4 Kenneth Murphy, Shawn Barfield, Anne Seymour, and
5 Savannah Moore.

6 THE COURT: Ms. Dovell?

7 MS. DOVELL: Thank you, Judge.

8 THE COURT: You're welcome.

9 MS. DOVELL: Good afternoon, everyone. My full
10 name is Helen Rose Roper Dovell. I go by Helen
11 Dovell. And I'd like to introduce my client, Shamar
12 Stanley. Sitting with me during this trial is
13 cocounsel, Doug Henley. We work for the Ninth
14 Circuit Solicitor's Office. Our circuit chief is
15 Cameron Blazer. The chief public defender for
16 Charleston County is Megan Ehrlich. Our deputy chief
17 public defender is Ted Smith. The rest of our
18 attorneys or as follows: Rachael Arora, Karen
19 Barker, Caroline Bickley, Cameron Blazer, Kaitlin
20 Cornwell-Goulouze, Taylor Currin, Luke Dalton,
21 Nicholas D'Angelo, Rodney Davis, Mary Ford, Patrick
22 Goodwyn, Tamara Green -- or Tammy Green -- Alyssa
23 Hamilton, Christopher Hamilton, Laree Hensley, Jason
24 King, John Kozelski, Lyndsay Luthringer, Benjamin
25 Mack, Katherine Kate Mangan, Karla Martinez, Amanda

JURY TRIAL

1 Monaco, Martha Kent Runey, Kelly Solar, Donna Taylor,
2 Kaitlyn Watson, Cassandra Woosley, and Jeffrey
3 Yungman. And also assisting us this week will be our
4 investigator, Dale Wilson. You might see him coming
5 and going and sitting in the back of the courtroom.

6 MS. GAY: My name is Melisa Gay and I am
7 attorney in the private bar in this tri-county area.
8 This is Sarah Norton. She is sitting cocounsel with
9 me. She is also a private attorney in the tri-county
10 area, and we represent and have the pleasure to
11 represent Kassiem Mitchell. He's the gentleman here
12 with us. And I have at least one other person who
13 might be coming through the courtroom. His name is
14 Graham Hartley. I do have another investigator that
15 works with me. Her name is Grace Peterson. And
16 another person that does some running around for us
17 sometimes. Her name is Amanda Miller. Probably
18 Mr. Hartley will be the only person coming in and out
19 of the courtroom with us, if need be. But we have
20 the pleasure of representing Mr. Mitchell.

21 THE COURT: Ladies and gentlemen, again, if a
22 question applies to you, please stand and in a loud
23 and clear voice tell us your name, your juror number,
24 and answer to the question, if applicable, and remain
25 standing until I have completed questioning you. Is

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1 there any member of the panel related by blood or
2 marriage to Shamar Latrell Stanley, Kassiem Taiquon
3 Mitchell, Antonio Kerron Heyward, or J'Quan -- or
4 J'Quan TyReke Brown? If so, please stand at this
5 time. Does any member of the panel have a close
6 personal or social relationship with Shamar Latrell
7 Stanley, Kassiem Taiquon Mitchell, Antonio Kerron
8 Heyward, J'Quan TyReke Brown? If so, please stand at
9 this time.

10 The following are a list of potential witnesses.
11 I would ask that you listen very carefully: Anaijah
12 Green, N'Taallya Wilder, Christine Dabado. What
13 agency is she with?

14 MR. FINCH: That's SLED, Your Honor.

15 THE COURT: And -- yeah, because it was not
16 designated on the list. Are there -- well, I need to
17 know, is Chad Smith affiliated with --

18 MR. FINCH: SLED.

19 THE COURT: Joshua Burdette?

20 MR. FINCH: NCPD.

21 THE COURT: Brian Salkeld?

22 MR. FINCH: CPD.

23 THE COURT: Demetria Ravenell?

24 MR. FINCH: She's a layperson.

25 THE COURT: Or there any other witnesses that

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1 you listed that do not have a designation next to it
2 that I need to be aware of? What agency is Detective
3 Powitchko with?

4 MR. FINCH: Powitchko is former NCPD.

5 THE COURT: I'll start over: Anaijah Green,
6 N'Taallya Wilder, Demetria Ravenell, John Saunders,
7 Robert Bennett, Ryan DeWane. Who is Paul Schoolfield
8 with?

9 MR. FINCH: Paul Schoolfield is formerly North
10 Charleston Police.

11 THE COURT: George -- who is George Vantine
12 with?

13 MR. FINCH: North Charleston Police.

14 THE COURT: Daboberto Moreles, Kendra Mosley.
15 Who is she with?

16 MR. FINCH: Currently with SLED, formerly North
17 Charleston Police.

18 THE COURT: Thomas Beaver?

19 MR. FINCH: MUSC, Your Honor.

20 THE COURT: In what capacity?

21 MR. FINCH: He is a -- the medical examiner
22 pathologist.

23 THE COURT: Ricky White, Crystal Jones, Crystal
24 Nelson-Watson, Santonio Scott, Sharod Smith,
25 Shaquilla Simmons, Santawn Stanley, Paul McManigal of

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1 the Charleston County Sheriff's Office, Jerome
2 Desheers, Sam Riedel, CST Tyrell, Tiffany Wilcome,
3 Charles Benton, David Pritchard, Michael Sanchez,
4 Anthony Russ, George Vantine, all of the North -- and
5 Joshua Burdette -- all of the North Charleston Police
6 Department. Detective Powitchko, formerly of the
7 North Charleston Police Department, Kendra Mosley,
8 Christine Dabado, Chad Smith, all of the South
9 Carolina Law Enforcement Division. Brian Salkeld,
10 Charleston Police Department; Thomas Beaver --
11 Dr. Thomas Beaver, Medical University Forensic
12 Examiner. Paul Schoolfield, formerly of the North
13 Charleston Police Department, and George Vantine of
14 the North Charleston Police Department. Is there any
15 member of the panel related by blood or marriage or
16 have a close personal or social relationship with any
17 of the individuals that I have just listed? If so, I
18 would ask that you stand at this time.

19 Has any member of the panel ever been
20 represented by any of the attorneys involved in this
21 case or any of the lawyers in their offices? If so,
22 please stand at this time. Yes, ma'am, tell me your
23 name and juror number.

24 JUROR: Maranda Wilber, 290.

25 THE COURT: And which office, ma'am?

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1 JUROR: Cameron Blazer. I'm not sure which
2 office, the Defense office, one of the Defense
3 offices.

4 THE COURT: How long ago was that?

5 JUROR: 2017.

6 THE COURT: As a result of this experience, do
7 you feel that you can be fair and impartial and
8 render a fair and impartial decision in this case
9 based solely on the evidence as it will be presented
10 and on the law as the Court will instruct?

11 JUROR: I do.

12 THE COURT: You may take your seat. Is there
13 any member of the panel related by blood or marriage
14 to, or have a close personal or social relationship
15 with any of the attorneys involved in this case, any
16 of the lawyers in their offices, or any person
17 employed in any capacity whatsoever in their offices?
18 If so, please stand at this time. Yes, ma'am, tell
19 me your name and juror number.

20 JUROR: Denise MacKendrick, 174.

21 THE COURT: And you're employed in --

22 JUROR: The Ninth Circuit Solicitor's Office.

23 THE COURT: Have you had any personal
24 involvement in this case?

25 JUROR: No.

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1 THE COURT: Do you have any personal knowledge
2 of this case.

3 JUROR: No.

4 THE COURT: As a result of this -- as a result
5 of this affiliation, do you feel that you can remain
6 fair and impartial and render a fair and impartial
7 decision in this case based solely on the evidence as
8 it will be presented and on the law as the Court will
9 instruct?

10 JUROR: Yes, ma'am.

11 THE COURT: Thank you. You may take your seat.
12 Is there any member of the panel who has read,
13 watched, or listened to any news accounts regarding
14 this case, whether it be in the newspaper, radio
15 television, or the Internet? If so, please stand at
16 this time. Is there any member of the panel aware of
17 any bias or prejudice toward either the State or the
18 Defense in this case? If so, please stand at this
19 time. Is there any member of the panel who has had
20 what they would characterize as an unpleasant
21 experience with law enforcement such that it would
22 affect your ability to be fair and impartial? If so,
23 please stand at this time.

24 Is there any member of the panel who was a
25 member of the grand jury which issued the indictments

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1 in this case? If so, please stand at this time. Is
2 there any member of the panel who has formed or
3 expressed an opinion about any issue or matter
4 involved in this case? If so, please stand at this
5 time. Is there any member of the panel who is a
6 member of or a contributor to any group which has as
7 its primary concern the promotion of law enforcement
8 or victims' rights? These groups would include, but
9 were not limited to: Mothers Against Drunk Driving,
10 Students Against Drunk Driving, Citizens Against
11 Violent Crime, People Against Rape, Citizens
12 Advocating a Return to Decency and Ethics, Parents
13 Empowered to Save Teens, or any other community watch
14 type group? If so, please stand at this time.

15 Is there any member of the panel who has a
16 moral, philosophical, or religious opposition to the
17 use of firearms? If so, please stand at this time.
18 Is there any member of the panel who has a moral,
19 philosophical, or religious opposition to sitting in
20 judgment of a fellow human being? If so, please stand
21 at this time. Is there any member of the panel or a
22 member of your immediate family ever been the victim
23 of a violent crime? If so, please stand at this time.

24 And this question relates to former employment,
25 not current employment. And if you are retired and in

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1 voir dire you disclose this information, you do not
2 have to stand in response to this question. Is there
3 any member of the panel who was formerly employed in
4 law enforcement? If so, please stand at this time.
5 Is there any member of the panel who has an immediate
6 family member who was employed in law enforcement? If
7 so, please stand at this time. Yes, ma'am, tell us
8 your name and juror number.

9 JUROR: Lauren Hollingsworth, and my juror
10 number is 127.

11 THE COURT: Yes, ma'am?

12 JUROR: And my brother is in Customs and Border
13 Patrol.

14 THE COURT: You said your brother?

15 JUROR: Yes, ma'am.

16 THE COURT: Your cousins?

17 JUROR: Just my brother.

18 THE COURT: Okay. And what agency is he
19 employed with?

20 JUROR: Customs and Border Patrol.

21 THE COURT: I'm sorry. I didn't hear you. I
22 apologize.

23 JUROR: That's okay.

24 THE COURT: If you would remain standing for me.
25 I have a fan over my head and it sounded like

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1 brothers and cousins. I apologize. Yes, ma'am, tell
2 me your name and juror number.

3 JUROR: Laura Middleton, No. 185.

4 THE COURT: And who is it? Is it --

5 JUROR: It's my brother-in-law.

6 THE COURT: -- okay. And what agency?

7 JUROR: Former police officer with Summerville
8 Police Department.

9 THE COURT: If you would remain standing. Yes,
10 sir?

11 JUROR: Shane McInnes, 180. My sister is a
12 police officer.

13 THE COURT: And what agenc?

14 JUROR: In Michigan.

15 THE COURT: Yeah. What is it?

16 JUROR: Ann Arbor.

17 THE COURT: Okay. And yes, sir?

18 JUROR: Sean Carlin, 37.

19 THE COURT: 37?

20 JUROR: 37.

21 THE COURT: Yes, sir.

22 JUROR: My brother-in-law is a police officer in
23 Bristol, Connecticut.

24 THE COURT: In where?

25 JUROR: Bristol, Connecticut.

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1 THE COURT: Thank you. As a result -- yes,
2 ma'am, tell me your name --

3 JUROR: Sorry.

4 THE COURT: -- that's, okay -- name and juror
5 number.

6 JUROR: Maranda Wilber, 290.

7 THE COURT: Yes, ma'am.

8 JUROR: Both my mother-in-law and my
9 father-in-law both work for the Charlotte-Mecklenburg
10 Police Department, and my uncle works for the Lawton
11 County Police Department in Oklahoma.

12 THE COURT: Your mother-in-law and your
13 father-in-law work in Charlotte --

14 JUROR: Yes.

15 THE COURT: -- and then your --

16 JUROR: My uncle and my grandfather both work at
17 Lawton Police Department.

18 THE COURT: -- Oklahoma?

19 JUROR: Yes, in Oklahoma.

20 THE COURT: Thank you. Did I get everyone? As
21 a result of these experiences, do you all feel that
22 you can remain fair and impartial and render a fair
23 and impartial decision in this case based solely on
24 the evidence as it will be presented and on the law
25 as the Court will instruct? If your answer is yes,

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1 please take your seats as an indication of a yes, an
2 affirmative answer. Let the record reflect that all
3 answered yes.

4 Is there any member of the panel who is a member
5 of the National Rifle Association? If so, please
6 stand at this time. Is there any member of the panel
7 who lives in the area of [REDACTED] Street in Dorchester
8 Village? If so, please stand at this time. Does any
9 member of the panel know of any reason whatsoever why
10 he or she should not serve as a juror in this case,
11 with particular emphasis being placed on your ability
12 to be fair and impartial to both the State and the
13 Defense?

14 Does the State have any exception to Ms.
15 Dovell's Question No. 2?

16 MR. FINCH: I beg the Court's indulgence. I
17 didn't see it.

18 THE COURT: Can you please show it to him?

19 MR. FINCH: I don't think it's relevant, Your
20 Honor.

21 THE COURT: I just needed your input. And
22 Ms. Dovell, can I borrow your Sheet No. 2, because I
23 didn't get it?

24 MS. DOVELL: Yes, Your Honor.

25 THE COURT: And I'll give it right back to you.

JURY TRIAL

1 Actually, if you want to stand right there, that's
2 fine, and I'll give it right back to you. Are there
3 any additional questions from the State?

4 MR. FINCH: None from the State, Your Honor.

5 THE COURT: From the Defense?

6 MS. DOVELL: I beg the Court's indulgence.

7 MS. GAY: I've looked at my proposed, Your
8 Honor, and I don't have any objections at this point.

9 THE COURT: Thank you.

10 MS. DOVELL: Your Honor, would you be amenable
11 to asking Questions No. 5 and 6?

12 THE COURT: Those bear on the facts of the case
13 and it would not be appropriate, pursuant to
14 14-7-1020.

15 MS. DOVELL: Thank you, Judge.

16 THE COURT: Mm-hmm. And that would also
17 encompass No. 9. No. 10 is overly broad, and you
18 have that within your ability to determine.

19 MS. DOVELL: Yes, Your Honor. I have no other
20 exceptions.

21 THE COURT: Strikes are 10 and 20, pursuant to
22 14-7-1110.

23 MS. DOVELL: I beg the Court's indulgence, Your
24 Honor. May we approach briefly?

25 THE COURT: Mm-hmm.

JURY TRIAL

1 (Bench conference off the
2 record.)

3 THE COURT: And are two alternates sufficient
4 for the State?

5 MR. FINCH: I think three for the State. I
6 mean, this could go on for a week.

7 MS. GAY: I think we're both entitled to two.

8 THE COURT: No, ma'am, that's not what the
9 statute says. It only applies to your peremptory
10 challenges, not to alternates. The statute is silent
11 on that issue. It remains the same. It does not
12 address multiple defendants.

13 MS. GAY: Okay.

14 THE COURT: Ms. Dovell, do you need two or three
15 alternates?

16 MS. DOVELL: Three, Your Honor.

17 THE COURT: Ms. Gay, two or three alternates?

18 MS. GAY: I would need three.

19 THE COURT: We'll do three alternates. Strikes
20 will be one and one on each. All right. Madam
21 Clerk? Ladies and gentlemen, if your name is called,
22 please stand in place so that you're not stepping
23 over one another. We know it's compact in this
24 courtroom. Either stand until we seat or excuse you
25 as a juror. If you are selected, please come and

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1 bring all of your belongings and be seated in the
2 jury box for us. And if you'd give us just a moment,
3 we need to prepare what are called strike sheets
4 where we randomly list your names. So if you'd bear
5 with us just one moment while we take care of that.
6 We appreciate your patience. I'm trying to get you
7 all in and out of here as quickly as possible because
8 I knew we're approaching lunchtime and, for some,
9 past lunchtime.

10 THE CLERK: Ladies and gentlemen, if I call your
11 juror number, please stand. Juror No. 174. What say
12 you for the State?

13 MR. FINCH: Please present the juror.

14 THE CLERK: What say you for the Defendant?

15 MS. GAY: One moment, please.

16 MS. DOVELL: Your Honor --

17 MS. GAY: I think we have a matter of law to
18 discuss.

19 THE COURT: No, we do not. She is qualified as
20 a juror. You can exercise peremptory challenge if
21 you decide you want to. I did make an inquiry first
22 of whether she had any involvement in this case or
23 any personal knowledge, and she answered negatively.

24 MS. GAY: However, she does work with every
25 single person there.

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1 THE COURT: I have ruled. She's indicated to me
2 should can be fair and impartial. You can exercise a
3 peremptory challenge if you so desire.

4 MS. DOVELL: Your Honor, in light of your --
5 your ruling, I will exercise a peremptory challenge.
6 I do believe there --

7 THE COURT: I did not ask for speaking
8 objections --

9 MS. DOVELL: -- thank you, Judge.

10 THE COURT: -- especially not in the presence of
11 the panel.

12 MS. DOVELL: Thank you, Judge.

13 THE COURT: It's noted and overruled. She
14 struck -- Ms. -- let me get these names correct --
15 Ms. Dovell has struck No. 174.

16 THE CLERK: Ma'am, you can please be seated.
17 Juror No. 65. What say you for the State?

18 MR. FINCH: Please present the juror.

19 THE CLERK: Was say you for the Defendant?

20 MS. DOVELL: Please -- please seat this juror.

21 THE CLERK: Ma'am, you've been selected in the
22 trial of this case. If you'll gather your belongings
23 and head to the jury box.

24 THE COURT: Have you heard from Ms. Gay as well,
25 or have you heard from both?

JURY TRIAL

1 MS. GAY: Oh. She -- I would like to seat the
2 juror.

3 THE COURT: Did I miss her saying that?

4 THE CLERK: They both said it at the same time.

5 THE COURT: Okay. Thank you. Juror No. 257.

6 What say you for the State?

7 MR. FINCH: Please present the juror.

8 THE CLERK: What say you for the Defendant?

9 MS. DOVELL: Please seat this juror.

10 THE CLERK: What say you for the Defendant?

11 MS. GAY: Please seat the juror for the trial of
12 this case.

13 THE CLERK: Sir, you've been selected for the
14 trial of this case. Please grab all of your
15 belongings and have a seat in the jury box. Juror
16 No. 103. What say you for the State?

17 MR. FINCH: I beg the Court's indulgence.
18 Please excuse the juror.

19 THE CLERK: Sir, you've been excused. Juror
20 No. 122. What say you for the State?

21 MR. FINCH: Please present this juror.

22 THE CLERK: What say you for the Defendant?

23 MS. DOVELL: Please excuse this juror.

24 THE CLERK: You have been excused. You can
25 remain seated. Juror No. 277. What say you for the

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1 State?

2 MR. FINCH: Please present this juror.

3 THE CLERK: What say you for the Defendant?

4 MS. DOVELL: Please seat this juror.

5 THE CLERK: What say you for the Defendant?

6 MS. GAY: Please seat this juror for the trial
7 of the case.

8 THE CLERK: Ma'am, you've selected. Please grab
9 all of your belongings and head to the jury box.

10 Juror No. 294. What say you for the State?

11 MR. FINCH: Please present the juror.

12 THE CLERK: What say you for the Defendant?

13 MS. DOVELL: Please excuse this juror.

14 THE CLERK: Ma'am, you've been excused. You can
15 remain seated. Juror No. --

16 THE COURT: That was 294; correct?

17 THE CLERK: -- yes, ma'am.

18 THE COURT: Thank you.

19 THE CLERK: Juror No. 236.

20 MS. GAY: What was that number?

21 THE CLERK: 236. What say you for the State?

22 MR. FINCH: Please present the juror.

23 THE CLERK: What say you for the Defendant?

24 MS. DOVELL: Please excuse this juror.

25 THE CLERK: Ma'am, you've been excused. Juror

JURY TRIAL

1 No. 264. What say you for the State?

2 MR. FINCH: Please present the juror.

3 THE CLERK: What say you for the Defendant?

4 MS. DOVELL: Please seat this juror.

5 THE CLERK: What say you for the Defendant?

6 MS. GAY: Please seat the juror for the trial of
7 this case.

8 THE CLERK: Ma'am, you've been selected. Please
9 grab all of your belongings and have a seat in the
10 jury box. Juror No. 283. What say you for the
11 State?

12 MR. FINCH: Please excuse this juror.

13 THE CLERK: Ma'am, you've been excused. You can
14 remain seated. Juror No. 90. What say you for the
15 State?

16 MR. FINCH: Please present this juror.

17 THE CLERK: What say you for the Defendant?

18 MS. DOVELL: Your Honor, please excuse this
19 juror.

20 THE CLERK: Sir, you've been excused. You can
21 remain seated. Juror No. 47. What say you for the
22 State?

23 MR. FINCH: Please present the juror.

24 THE CLERK: What say you for the Defendant?

25 MS. DOVELL: Please excuse this juror.

JURY TRIAL

1 THE CLERK: Sir, you've been excused. You can
2 remain seated. Juror No. 235. What say you for the
3 State?

4 MR. FINCH: Please present the juror.

5 THE CLERK: What say you for the Defendant?

6 MS. DOVELL: Please excuse this juror.

7 THE CLERK: Ma'am, you've been excused. You can
8 remain seated. Juror No. 162. What say you for the
9 State?

10 MR. FINCH: Please present this juror.

11 THE CLERK: What say you for the Defendant?

12 MS. DOVELL: Please seat the juror.

13 THE CLERK: What say you for the Defendant?

14 MS. GAY: Please seat the juror for the trial of
15 this case.

16 THE CLERK: Sir, you've been selected. Please
17 grab all of your belongings and have a seat in the
18 jury box. Juror No. 241. What say you for the
19 State?

20 MR. FINCH: Please present the juror.

21 THE CLERK: What say you for the Defendant?

22 MS. DOVELL: Please seat this juror.

23 THE CLERK: What say you for the Defendant?

24 MS. GAY: One moment, please. Please excuse the
25 juror from the trial of the case.

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1 THE CLERK: Ma'am, you've been excused. You may
2 have a seat. Juror No. 104. What say you for the
3 State?

4 MR. FINCH: Please present this juror.

5 THE CLERK: What say you for the Defendant?

6 MS. DOVELL: Please seat the jury -- juror.

7 THE CLERK: What say you for the Defendant?

8 MS. GAY: Please excuse the juror from the trial
9 of this case.

10 THE CLERK: Sir, you've been excused. You can
11 have a seat. Juror number 263. What say you for the
12 State?

13 MR. FINCH: Please present the juror.

14 THE CLERK: What say you for the Defendant?

15 MS. DOVELL: Please seat the juror.

16 THE CLERK: What say you for the Defendant?

17 MS. GAY: Please seat the juror for the trial of
18 this case.

19 THE CLERK: Sir, you've selected pleas grab all
20 of your belongings and have a seat in the jury box.
21 Juror No. 55.

22 MS. GAY: Did you say 255?

23 THE CLERK: 55. What say you for the State?

24 MR. FINCH: I beg the Court's indulgence.
25 Please present the juror.

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1 THE CLERK: What say you for the Defendant?

2 MS. DOVELL: Please seat the juror.

3 THE CLERK: What say you for the Defendant?

4 MS. GAY: Please seat the juror for the trial of
5 this case.

6 THE CLERK: Ma'am, you've been selected. Please
7 grab all of your belongings and have a seat in the
8 jury box. Juror No. 213. What say you for the
9 State?

10 MR. FINCH: Please present the juror.

11 THE CLERK: What say you for the Defendant?

12 MS. DOVELL: Please seat the juror.

13 THE CLERK: What say you for the Defendant?

14 MS. GAY: Please seat the juror for the trial of
15 this case.

16 THE CLERK: Sir, you've been selected. Please
17 grab all of your belongings and have a seat in the
18 jury box. Juror No. 206. What say you for the
19 State?

20 MR. FINCH: Please present the juror.

21 THE CLERK: What say you for the Defendant?

22 MS. DOVELL: Please seat the juror.

23 THE CLERK: What say you for the Defendant?

24 MS. GAY: Please excuse the juror for the trial
25 of this case.

JURY TRIAL

1 THE CLERK: Ma'am, you've been excused. You can
2 remain seated. Juror No. 251. What say you for the
3 State?

4 MR. FINCH: Please present this juror.

5 THE CLERK: What say you for the Defendant?

6 MS. DOVELL: Please seat the juror.

7 THE CLERK: What say you for the Defendant?

8 MS. GAY: Please seat the juror for the trial of
9 this case.

10 THE CLERK: Sir, you've been selected. Please
11 have a seat in the jury box. Juror No. 37. What say
12 you for the State?

13 MR. FINCH: Please present the juror.

14 THE CLERK: What say you for the Defendant?

15 MS. DOVELL: Please excuse the juror.

16 THE CLERK: Sir, you've been excused. You can
17 remain seated. Juror No. 160.

18 THE COURT: I'm sorry. What was that?

19 MS. DOVELL: That was my strike, Your Honor,
20 160.

21 THE COURT: 160?

22 MS. DOVELL: Yes.

23 THE COURT: 160.

24 MR. FINCH: Thank you.

25 THE COURT: You're welcome.

JURY TRIAL

1 THE CLERK: What say you for the State?

2 MR. FINCH: Please present the juror.

3 THE CLERK: What say you for the Defendant?

4 MS. DOVELL: Please excuse this juror.

5 THE CLERK: Sir, you've been excused. You can
6 remain seated.

7 THE COURT: You've exhausted nine strikes, Ms.
8 Dovell.

9 MS. DOVELL: Thank you, Judge.

10 THE COURT: You're welcome.

11 THE CLERK: Juror No. 253. What say you for the
12 State?

13 MR. FINCH: Please excuse the juror.

14 THE CLERK: Ma'am, you've been excused. You can
15 remain seated. Juror No. 95. What say you for the
16 State?

17 MR. FINCH: Please present the juror.

18 THE CLERK: What say you for the Defendant?

19 MS. DOVELL: Please seat the juror.

20 THE CLERK: What say you for the Defendant?

21 MS. GAY: Please seat the juror for the trial of
22 this case.

23 THE CLERK: Ma'am, you've been selected. Please
24 grab all of your belongings. Juror No. 178. What
25 say you for the State?

JURY TRIAL

1 MR. FINCH: Please present the juror.

2 THE CLERK: What say you for the Defendant?

3 MS. DOVELL: Please seat the juror.

4 THE CLERK: What say you for the Defendant?

5 MS. GAY: Please excuse the juror for the trial
6 of this case.

7 THE CLERK: Ma'am, you've been excused. You can
8 remain seated. Juror No. 233. What say you for the
9 State?

10 MR. FINCH: Please present the juror.

11 THE CLERK: What say you for the Defendant?

12 MS. DOVELL: Please seat the juror.

13 THE CLERK: What say you for the Defendant?

14 MS. GAY: One moment, please. Please seat the
15 juror for the trial of this case.

16 THE CLERK: Sir, you've been selected in this
17 case. Please grab all of your belongings. Juror
18 No. 255. What say you for the State?

19 MR. FINCH: Please present this juror.

20 THE CLERK: What say you for the Defendant?

21 MS. DOVELL: Seat the juror, please.

22 THE CLERK: What say you for the Defendant?

23 MS. GAY: Please excuse the juror from the trial
24 of this case.

25 THE CLERK: Ma'am, you've been excused. You can

JURY TRIAL

1 remain seated. Juror No. 142. What say you for the
2 State?

3 MR. FINCH: Please present the juror.

4 THE CLERK: What say you for the Defendant?

5 MS. DOVELL: Please excuse the juror.

6 THE CLERK: Ma'am, you've been excused. You can
7 remain seated.

8 THE COURT: The Defendant Stanley has exhausted
9 his strikes.

10 THE CLERK: Juror No. 127. What say you for the
11 State?

12 MR. FINCH: Please present the juror.

13 THE CLERK: Any challenges by the Defendant?

14 MS. DOVELL: I don't have any challenges.

15 THE CLERK: What say you for the Defendant?

16 MS. GAY: One moment. Please excuse the juror
17 from the trial of this case.

18 THE CLERK: Ma'am, you've been excused. You can
19 remain seated. Juror No. 96. What say you for the
20 State?

21 MR. FINCH: Please present the juror.

22 THE CLERK: What say you for the Defendant?

23 MS. GAY: Oh, you're only looking at me now?
24 Sorry. Please seat the juror for the trial of the
25 case.

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1 THE CLERK: Sir, you've been selected for the
2 trial of this case. You can have a seat in the jury
3 box.

4 THE COURT: Three alternates. The strikes are
5 one and two.

6 THE CLERK: Striking for the first alternate,
7 Juror No. 185. What say you for the State?

8 MR. FINCH: Please present the juror.

9 THE CLERK: What say you for the Defendant?

10 MS. DOVELL: Please excuse the juror.

11 THE CLERK: Ma'am, you've been excused. You can
12 remain seated.

13 THE COURT: I'm sorry? Oh. Just keep going.

14 THE CLERK: Juror No. 129. What say you for the
15 State?

16 MR. FINCH: Please excuse the juror.

17 THE CLERK: Sir, you've been excused. You can
18 remain seated. Juror No. 242. What say you for the
19 State?

20 MR. FINCH: Please present the juror.

21 THE CLERK: What say you for the Defendant?

22 MS. DOVELL: Please seat the juror.

23 THE CLERK: What say you for the Defendant?

24 MS. GAY: Please seat the juror for the trial of
25 this case.

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1 THE CLERK: Ma'am, you've been selected. You
2 can grab all of your belongings and have a seat in
3 the jury box. Now striking for the second alternate.
4 Juror number 74. What say you for the State?

5 MR. FINCH: Please present the juror.

6 THE CLERK: What say you for the Defendant?

7 MS. DOVELL: Please seat the juror.

8 THE CLERK: What say you for the Defendant?

9 MS. GAY: Please excuse the juror from the trial
10 this case.

11 THE CLERK: Sir, you've been excused. You can
12 remain seated. Juror No. 180. What say you for the
13 State?

14 MR. FINCH: Please present the juror.

15 THE CLERK: What say you for the Defendant?

16 MS. DOVELL: Please -- please excuse the juror.

17 THE CLERK: Sir, you've been excused. You can
18 remain seated. Juror No. 7. What say you for the
19 State?

20 MS. DOVELL: Could you please repeat the number?

21 THE CLERK: Juror No. 7.

22 MS. DOVELL: Thank you.

23 MR. FINCH: Please present the juror.

24 THE CLERK: What say you for the Defendant?

25 MS. DOVELL: Please seat the juror.

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1 THE CLERK: What say you for the Defendant?

2 MS. GAY: Please seat the juror for the trial of
3 this case.

4 THE CLERK: Sir, you've been selected. You can
5 have a seat in the jury box. Now striking for the
6 third alternate. Juror No. 186. What say you for
7 the State?

8 MR. FINCH: Please present the juror.

9 THE CLERK: What say you for the Defendant?

10 MS. DOVELL: Please seat the juror.

11 THE CLERK: What say you for the Defendant?

12 MS. GAY: Please seat the juror for the trial of
13 this case.

14 THE CLERK: Sir, you've been selected. Please
15 grab your belongings and have a seat in the jury box.

16 THE COURT: Any motions regarding selection of
17 the jury from the State?

18 MR. FINCH: No, Your Honor.

19 THE COURT: From the Defense, Ms. Dovell?

20 MS. DOVELL: None, Your Honor.

21 THE COURT: From the Defense, Ms. Gay?

22 MS. GAY: One moment, please. I have no motions
23 at this time, Your Honor.

24 THE COURT: To the balance of the panel, we
25 thank you for your time and your attention today.

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1 You're excused for the remainder of the day. Please
2 call the juror information line after 6:00 this
3 evening for further instructions. Have a great
4 afternoon.

5 (The balance of the jury panel
6 exited the courtroom.)

7 THE COURT: Let me ask another question before
8 you go downstairs.

9 (Sidebar.)

10 THE COURT: Ladies and gentlemen, I apologize.
11 I'm chief judge for criminal court and sometimes
12 during the day things come up. And I'm trying to
13 wear lot of hats, so I appreciate you all being so
14 accommodating while I dealt with that schedule
15 matter. You've been selected for the case of State
16 of South Carolina versus Stanley and Mitchell. It is
17 well beyond lunch. It's 1:08. We're going to break
18 for lunch. I'm going to give you an hour and a half
19 because there are some matters of law I need to go
20 over with counsel before we begin today. So that I
21 need you to return to the courthouse by 2:30, which
22 gives you just shy of an hour and a half for lunch.
23 I'm going to ask that you go with the bailiffs first
24 though so they can get some information from you, and
25 then they will show you how to gain entrance into the

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1 And I would also remind your that your notes should
2 not be given any more credibility or weight than a
3 juror's memory. Their memory should be considered
4 just as reliable as notes that may have been taken by
5 a fellow juror.

6 It is your added duty, Mr. Foreman, to be the
7 jury spokesperson or scrivener, so to speak, during
8 the deliberative process, as well as to fill out the
9 verdict forms. And I will give you additional
10 instructions regarding that at the conclusion of the
11 case. Ladies and gentlemen, I emphasize that the
12 foreperson is really, as I've indicated, a scrivener.
13 That person does not have any greater vote or voice
14 than any other juror. And the process we employ is
15 completely random. I wish it was scientific. It
16 would probably make my life a whole lot easier. But
17 it is random, and we try to just make sure that a
18 cross-section of the community is represented in that
19 capacity.

20 In order to preserve everyone's rights, I'm
21 going to give counsel for the State to take exception
22 to anything that the Court is said by way of opening
23 instruction.

24 MR. FINCH: No exceptions, Your Honor.

25 THE COURT: Any exceptions from the Defense, Ms

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1 Dovell?

2 MS. DOVELL: No, Your Honor.

3 THE COURT: Any exceptions, Ms. Gay?

4 MS. GAY: No, Your Honor, but I would like to
5 ask Mr. Finch something.

6 THE COURT: Sure.

7 MS. GAY: Nothing, Your Honor.

8 THE COURT: All right. Ladies and gentlemen, I
9 would ask that you give counsel your undivided
10 attention in opening argument. And I will gauge as
11 we get close to the lunch hour and we will take an
12 appropriate recess. You may proceed.

13 MR. FINCH: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 MR. FINCH: May it please it the Court?

16 THE COURT: Yes, sir.

17 MR. FINCH: Good afternoon. I'll reintroduce
18 myself. My name is Timmy Finch. I'm an assistant
19 solicitor with the 9th circuit solicitor's office,
20 and my job is to prosecute cases in Charleston
21 County. And today, and for the rest of the week, you
22 are going to be sitting as the judges of the facts,
23 as you were instructed by Judge Jefferson. Judge
24 Jefferson is the judge of the law. And if I give any
25 indication as to what I think the law is and it

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1 differs from that of the judge, please refer to what
2 the judge says. She is the judge of the law.

3 The defendants are charged with two counts of
4 murder each and one count of possession of a weapon
5 during the commission of a violent crime. And that
6 stems from facts that occurred September 15th, 2019,
7 in North Charleston on [REDACTED] Lane at [REDACTED] 175 where a
8 resident of that -- one of the residents of that
9 location, Antonio Heyward, was residing, and his
10 brother J'Quan Brown, was visiting and had spent the
11 night. Earlier on that day of September 15th, 2019,
12 communication was made between individuals known to
13 Mr. Stanley and then later Mr. Stanley,-- from
14 Mr. Stanley himself to Antonio Heyward. I want to
15 also say that Antonio Heyward's nickname is York or
16 New York. You may hear that in the trial. And his
17 brother, J'Quan Brown, his nickname was Tech. You
18 might hear Tech as well during the trial.

19 Well, Mr. Stanley had communicated with
20 Mr. Heyward and, ostensibly, to buy some drugs. York
21 was a drug dealer. He sold mostly marijuana, and
22 there was a lot of cash in that house. About 1:40 in
23 the afternoon of September 15th, a car appears and
24 parks in front of the house. We know that because
25 it's captured on a video camera from across the

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1 street. Out of that car comes one individual, and
2 then another individual. They encounter Mr. Heyward
3 at the door. He instructs them to move the car. You
4 can see on video you can see the car move. You see
5 these two individuals. They have gotten in the car to
6 move it, then they get back out and they go inside.
7 Less than two minutes later, those same individuals
8 who were captured on camera leaving the car and
9 entering the house are now running out of the house,
10 one before the other, the first with what appears to
11 be a black trash bag. It's weighed down, and you can
12 tell on the video.

13 But as they -- that individual approaches the
14 car, something floats out of the bag and lands on the
15 ground. That individual then gets in the car. And
16 then the other individual is in the doorway, the open
17 doorway, grabbing things, items off the floor and
18 sticking them in their pockets before making their way
19 to the car and then getting in the car and leaves.
20 Again, that's captured on the video camera from across
21 the street. And you'll see some other individuals.
22 Another individual leaves that motor home and stands
23 in front, and a car approaches, and then people are
24 interacting out front. Some people are going in and
25 out of the scene. You'll hear from people at that --

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1 involved in that later today.

2 After this is reported to the police, they do
3 good police work and they chase down the license plate
4 of that car or suspected cars. They started looking
5 for the car. They started trying to identify the
6 individuals who came out of that car and entered the
7 home, because the witnesses that went into that home
8 immediately after those two individuals left and left
9 in that car found Antonio Heyward and J'Quan Brown
10 shot to death in that house, multiple gunshot wounds
11 each, ending their lives within moments of those two
12 individuals entering the home.

13 So the investigation took two paths; one looking
14 for the car and one looking for the people.
15 Eventually, those merged just a few days later when
16 Mr. Stanley is pulled over in the car that was
17 identified as being at the scene. There's other
18 evidence that links this. And I want to point out,
19 there are no eyewitnesses. There's nobody -- I'm not
20 going to put anybody on the stand who was in the house
21 and is going to tell you this is the person who did
22 it. This is a circumstantial case that we built piece
23 by piece, bit of evidence by bit of evidence to show
24 you and prove to you beyond a reasonable doubt that
25 these two defendants committed the murders of Antonio

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1 Heyward and J'Quan Brown.

2 Some of that evidence is going to be testimony
3 from witnesses, some that is going to be videos, some
4 of it's going to be Facebook information, some of it's
5 going to be phone tower information, and some of it is
6 going to be downloads from phones and other
7 communications and timelines that are built. And some
8 of it's going to be testimony from witnesses
9 identifying people after the fact. I want you to pay
10 close attention, as I know we will, taking your jobs
11 very seriously as the judges of the facts, because
12 it's the State's burden, again, to prove these crimes
13 beyond a reasonable doubt. And what that means is
14 what will leave you firmly convinced of the guilt of
15 the defendants. The charge of murder just means the
16 killing of another with malice of aforethought. It
17 sounds confusing, perhaps, but all it means with an
18 evil heart you killed somebody.

19 And the possession of the weapon during the
20 commission of violent crime just means you used a
21 weapon during the commission of a violent crime, a
22 statutory violent crime. And I just want to -- I
23 believe -- and what I believe the evidence will show
24 you at the close of this case is that will be firmly
25 convinced in the guilt of Shamar Stanley and Kassiem

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1 Mitchell in the murders of Antonio Heyward and J'Quan
2 Brown, and that they did so by using and possessing
3 violent -- a weapon during the commission of that
4 violent crime. And you will find them guilty as
5 charged.

6 MR. HENLEY: Thank you, Your Honor. May it
7 please the Court?

8 THE COURT: Yes, sir. You may proceed.

9 MR. HENLEY: The government's entire case is
10 built on a foundation of assumptions, and assumptions
11 are dangerous. The only things we know for certain
12 are that on September 15th, 2019, two black males
13 walked into Antonio Heyward's mobile home. Shortly
14 thereafter, those same two black males left that
15 mobile home, and at some point in time, Antonio
16 Heyward and J'Quan Brown were shot and killed.
17 Everything else is an assumption. No assumptions
18 might be good enough for insignificant matters in our
19 daily lives, but they certainly are not good enough
20 inside this courtroom.

21 Now the government's assumptions are based on
22 the lack of investigation by police. Although Antonio
23 Heyward was known to many to have large sums of cash
24 and large amounts of marijuana inside his mobile home,
25 the police zeroed in on Shamar Stanley and Kassiem

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1 Mitchell and considered nobody else. They focused
2 their efforts on pinning this crime on two black males
3 that they believed to be in proximity to the mobile
4 home. They got tunnel vision, assumed what happened
5 inside that mobile home, closed their case, and moved
6 on to the next one.

7 Now, the government just stood before you and
8 they told you what to expect in this case. They
9 outlined what evidence you are going to hear. But
10 this case is really more about what you won't hear.
11 You won't hear from the government that they have any
12 forensic evidence tying Shamar to this incident,
13 because they don't. You won't to hear that they have
14 Shamar's DNA at the scene, because they don't. You
15 won't hear that they have Shamar's fingerprints at the
16 scene, because they don't. You won't hear that they
17 have the weapons used to commit this crime, because
18 they don't. You won't hear from a single eyewitness
19 that saw Shamar shoot Antonio Heyward and J'Quan
20 Brown, because there isn't one. In fact, this
21 incident takes place in the middle of the day on a
22 Sunday, and you will not hear from a single eyewitness
23 that saw Shamar inside that mobile home park that day.

24 You will not hear that there was any hostility
25 or bad blood between Shamar and Antonio Heyward and

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1 J'Quan Brown, because there wasn't any. You won't
2 hear that the government was able to tie anything
3 taken out of Antonio Heyward's mobile home back to
4 Shamar, because they weren't. The police have no
5 direct evidence that Shamar committed this crime,
6 none, just assumptions. In fact, the police missed
7 opportunities throughout their investigation to obtain
8 evidence that could have excluded Shamar as a suspect,
9 including fingerprint analysis at the scene.

10 The government cannot tell you what exactly
11 happened inside that mobile home. The government
12 cannot tell you exactly when Antonio Heyward and
13 J'Quan Brown were shot. Now, there was somebody else
14 inside the mobile home at the time of the shooting,
15 and that person is Santonio Scott. Santonio Scott
16 claims to be friends with Antonio Heyward and J'Quan
17 Brown. And yet, his behavior at the time of the
18 incident and afterward raises a lot of questions. You
19 see, the government has assumed, and is asking you to
20 assume, that individuals seen on a residential
21 surveillance camera across the street from Antonio
22 Heyward's mobile home committed this crime. The
23 government has assumed, and is asking you to assume,
24 that Shamar is one of the individuals seen on the
25 video. Now, we admit, if you assume things in this

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1 case, the government's theory and some of this
2 evidence raises suspicion. However, suspicion and
3 speculation are not enough. Assumptions or not
4 enough, and you do not have to believe the
5 government's assumptions. In fact, you cannot believe
6 mere assumptions. That's because the government has
7 the burden to prove to you beyond a reasonable doubt
8 what happened inside that mobile home. Shamar doesn't
9 have to prove anything. The Defense, we don't have to
10 ask any questions of witnesses, we don't have to
11 present any evidence, we don't even have to give this
12 opening statement. The government has the burden to
13 prove whatever they assert. Hold them to it.

14 Please remember that this jury box is not a
15 place for your sympathy. We picked each and every one
16 of you because we believed you could be the judge of
17 the facts in accordance with the oath you just took.
18 How each and every one of you interprets the facts
19 matters, and each and every one of your opinions
20 matters. As you sit there now, Shamar is an innocent
21 man, and he remains an innocent man throughout this
22 trial unless you hear evidence that leaves you firmly
23 convinced beyond a reasonable doubt that he committed
24 this crime. But you are not going to hear this
25 evidence, not today, not tomorrow, not ever, because

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1 it does not exist.

2 Murder is the most serious crime under the law.
3 And this is, without a doubt, the most important week
4 in Shamar's life. Make no mistake, what happened to
5 Antonio Heyward and J'Quan Brown on September 15th,
6 2019, is a tragedy, but --

7 THE COURT: Ms. Gay?

8 MR. HENLEY: -- it would also be a tragedy --

9 THE COURT: Oh, I apologize.

10 MR. HENLEY: -- to convict an innocent man based
11 on assumptions. And so, at the end of this trial,
12 after you've heard all of the evidence, we are going
13 to come back before you and we're going to ask you to
14 add this nightmare for Shamar and for his family and
15 find him not guilty.

16 THE COURT: Ms. Gay?

17 MS. GAY: Thank you, Your Honor.

18 THE COURT: You're welcome. Yes, ma'am.

19 MS. GAY: Good day. As the judge said, there's
20 so many things that go on when you all are not in
21 this room and we just -- you know, we're always
22 constantly working to get this case moving forward to
23 get it ready for you all. So what you all should
24 know right this minute is that you all are so
25 significantly important to this process today. You

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1 know from having sat through the jury selection that
2 we sat some people and didn't seat other people, that
3 we chose to talk to you all about your backgrounds
4 and all these things, and that there is -- you all
5 are the most important part of this process, because
6 both of these defendants -- my client, Mr. Mitchell,
7 and Mr. Stanley -- were looking for a jury of their
8 peers. And so, in the selection process, I just want
9 you to know that you're -- you're -- what you bring
10 to the table and what your life circumstances are and
11 the common sense that you all have is what is
12 significantly important to my client. And -- and
13 you're just so important to this process.

14 This is the most important week -- as Mr. Henley
15 said -- this is the most important week for these two
16 men. My client, Mr. Mitchell, has waited for quite
17 some time to get to this point. As you all know from
18 the -- what is discussed, this happened in 2019. And
19 so, we -- the -- the significance of this -- the most
20 important day, important week of his life.

21 Mr. Mitchell is a man who sits before you
22 cloaked in innocence. And cloaked in innocence means
23 that he's not guilty of anything. He's accused of
24 something, but he's not guilty of anything. He's a
25 man that's just as innocent as everyone else in this

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1 room until such time as you, the jury, were to
2 decide -- if you decided -- that he's guilty of this.
3 But so, as a man cloaked in innocence, I want you to
4 know that he is protected by the constitution, he's
5 protected by all the process that we're going to do to
6 make sure that all of the things we present to you
7 today are right and accurate and they're to protect
8 his rights.

9 So the judge told you that it's very important,
10 that you all are the fact finders. You're the people
11 who are ultimately going to decide what the facts of
12 this case are, what happened on that day, whether or
13 not either of these individuals, and my client in
14 particular, is connected to this at all. And so --
15 and she -- because of that, you know, your decisions
16 -- you know, sometimes people think, oh, well, what
17 I'm doing isn't that big of a deal, you know,
18 something might could change in the future, but that
19 isn't true. Things that happen in the future in cases
20 are all about the law and things like that. But the
21 facts are ultimately always determined by you all.
22 The judge also described to you that she's the finder
23 of the law. She's, like, the one who's going to tell
24 you the law. And so, if I do something that's
25 offensive to you, or if any of us in this process do

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1 something that you -- you know, that you think might
2 be not exactly perfect, she's going to correct you all
3 and tell you all in the end what the law is and how
4 we're supposed to look at this.

5 You know, it is very interesting that when --
6 when -- you know, I'm second. So because I'm second,
7 it's like some -- I might repeat some things that are
8 said by the other attorney, and particularly in this
9 closing, because it just really hit me when he said
10 they do not have, they do not have, they do not have,
11 they do not have. And this whole case is about they
12 do not have. Things that are important about cases
13 are the facts and what they call the omissions of the
14 facts. And the omissions of the facts are the things
15 that don't exist. And so, he went on this long list
16 of all these things that they don't have against his
17 client, and I'll tell you that everything is the same
18 with me; no forensics, no DNA, no fingerprints, no
19 weapons, no eyewitnesses, no eyewitnesses saw what
20 happened in the house, no conversations between the
21 two individuals, no direct evidence whatsoever. But
22 specifically with regard to Mr. Mitchell, there is
23 zero -- zero -- connection to him in this incident.

24 The evidence that you're going to see in this
25 trial is about -- the only way to describe it is, is

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1 you know, nothing about him but about a pair of pants.
2 This is the trial of a pair of pants. There is a
3 particular pair of pants that my client is -- that
4 somebody that they think might be my client is wearing
5 in a video that has a red and white stripe down its
6 side. So then, you'll see some testimony that there
7 is some other video about several months before that
8 where my client is also wearing a pair of pants with
9 red and white -- or is wearing pants with a red and
10 white stripe. But there is no connection whatsoever
11 at the time of the incident. There is -- as we
12 discussed, there's, like, a surveillance video where
13 you'll see what -- across the street what these people
14 running back and forth around this spot. There is
15 nothing in that video that shows a pair of pants with
16 a red stripe, nothing. There is an assumption, as
17 Mr. Henley said, about Mr. Finch wants to say that
18 he's a -- he wants you to assume that he's wearing
19 these pants, that these pants are on the individual
20 that's on that video. But I will tell you, that after
21 you look at this and you use your common sense, you're
22 not going to see that. It isn't there. It's a
23 stretch.

24 And it's not only stretch, but it's something
25 that you have to understand as we discuss it that when

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1 you assume, or when an officer gets on the stand and
2 says, well, it may be him, that that is absolutely not
3 enough to come to this Court and charge people with
4 two murders and a gun charge. It is not enough to say
5 that somebody might be him. It's not enough to say,
6 well, we think this might be possible. That is not
7 what's happening here.

8 So at the end of the day, after you look at the
9 evidence against my client, there will be none of
10 anything that you would think -- you know, as we've
11 all watched TV and those things, nothing that you will
12 see that shows that this man was connected at all to
13 this incident at all, and you will find him not
14 guilty.

15 THE COURT: You may call your first witness.

16 MS. GEARDING: The State calls Anaijah Green.

17 THE COURT: Could counsel approach for me right
18 quick? I need to ask you a quick question.

19 MS. GEARDING: No problem.

20 (Bench conference off the
21 record.)

22 THE CLERK: Please raise your right hand and
23 place your left on the Bible.

24 (The witness was sworn in.)

25 THE CLERK: Please be seated. Please state your

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1 full name, spelling your last name directly into the
2 microphone.

3 THE WITNESS: Anaijah Green, G-R-E-E-N.

4 THE COURT: Please spell your first name as
5 well.

6 THE WITNESS: A-N-A-I-J-A-H.

7 THE COURT: You may proceed.

8 MS. GEARDING: Thanks, Your Honor.

9 THE COURT: You're welcome.

10 ANAIJAH GREEN

11 was called as a witness, and having been first duly sworn,
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MS. GEARDING:

15 Q Anaijah, how are you today?

16 A I'm good.

17 Q Good. So what I'm going to do first is just ask you a
18 couple of questions about yourself so the jury here can
19 get to know you a little bit. Is that okay?

20 A Okay.

21 Q All right. So how old are you?

22 A 27.

23 Q Are you --

24 THE COURT: Ma'am, you can adjust that
25 microphone. You can pull it down. Perfect. Thank

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1 you. You may continue.

2 BY MS. GEARDING:

3 Q -- are you from the Charleston area?

4 A Yes.

5 Q How long have you lived here?

6 A All my life.

7 Q Do you have family here as well?

8 A Yes.

9 Q Do you have any children?

10 A Yes, three girls.

11 Q Three girls. How old are they?

12 A 8, 7 and about to be six months.

13 Q About six months. Okay. So I am now going to turn
14 your attention to the reason that we're here today. Okay?

15 Do you remember September 15th of 2019?

16 A Yes.

17 Q I'm going to have you walk us through that day just a
18 little bit. Did you have any plans that day?

19 A No, other than to clean up and just relax because it
20 was Sunday.

21 Q So it was a Sunday. Did you have any plans to meet up
22 with a Santonio Scott?

23 A Yes.

24 Q Can you explain that to me just a little bit?

25 A Earlier that morning, he called and stated that he

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1 needed stuff for his baby, and I told him that I would
2 come once I finished cleaning and doing what I had to do.

3 Q And who is he to you at this time in 2019?

4 A That was my boyfriend.

5 Q He was her boyfriend? How long had you all been
6 together at this point?

7 A About a year.

8 Q So you stated that it was Sunday, so you kind of
9 wanted to get a little bit of cleaning done and Santonio
10 had asked you to bring something for the baby; is that
11 correct?

12 A Yes.

13 Q So after you finished cleaning, did you go straight to
14 Shard, Santonio?

15 A I got a call from my aunt to stop and grab her
16 something. And on the way there, I stopped to a nearby
17 corner store which is in the neighborhood to grab the baby
18 something, and I arrived at Santonio's.

19 Q And when you arrived to meet Santonio, was this on
20 [REDACTED] Street at [REDACTED] 175?

21 A Yes.

22 Q Can you explain that area just a little bit to the
23 jury? Where is that at?

24 A On Dorchester Road. It's a trailer park.

25 Q And what kind of vehicle were you driving that day?

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- 1 A A Kia Soul.
- 2 Q Was that your vehicle?
- 3 A My mom's.
- 4 Q But you were driving it that day?
- 5 A Yes.
- 6 Q Were you alone whenever you went to go meet Santonio?
- 7 A I was with my little sister.
- 8 Q Who is your little sister?
- 9 A Destiny.
- 10 Q Do you remember about what time of day it was that you
- 11 drove over there?
- 12 A I don't remember.
- 13 Q Had you been to [REDACTED] 175 before?
- 14 A Yes.
- 15 Q Can you recall about how many times?
- 16 A Maybe about two -- two or three.
- 17 Q And the previous times that you went over there, why
- 18 did you do that?
- 19 A To pick up Santonio.
- 20 Q And each time that you went over there to pick up
- 21 Santonio, did you ever go inside of the home?
- 22 A No, ma'am.
- 23 Q So would he just meet you outside?
- 24 A Yes.
- 25 Q So you drove by [REDACTED] 175 to meet Santonio. What did

JURY TRIAL

1 you see when you arrived?

2 A Santonio was outside, foaming at the mouth, and he had
3 his son on the side of him, like, barely hanging on.

4 Q How old was this baby at this time?

5 A Maybe a couple of months.

6 Q Maybe a couple of months. Can you describe that
7 baby's clothing at this time?

8 A I think just a T-shirt and Pampers.

9 Q Can you describe what Santonio looked like at this
10 time?

11 A Scared, and he was foaming at the mouth. He looked
12 very upset.

13 Q Was he just standing in the yard when you arrived, was
14 he walking back and forth?

15 A When I bent the corner, he was just standing there.

16 Q Okay. And he was standing there with a baby on his
17 hip?

18 A Yes.

19 Q And when you say he was foaming at the mouth, what
20 does that mean, exactly?

21 A Like, white stuff, I mean, in the cracks of his lips.

22 Q If you could describe his emotional state at that time
23 when you arrived, what would you describe that as?

24 A Frightened, worried.

25 Q So when you pulled up and you saw him standing

JURY TRIAL

1 outside, did you pull over to meet him?

2 A Yes.

3 Q And whenever you pulled over there to meet with him,
4 what did you learn?

5 A That two people were in the house, dead.

6 Q And what did you do after you learned this
7 information?

8 A Once he explained to me that they were dead, and I
9 thought it was a lie, and I went in and saw.

10 Q When you say that you went in and saw, what did you
11 see?

12 A Two bodies.

13 Q You walked into that house and you saw two bodies.
14 Can you describe where those bodies were when you saw
15 them?

16 A One was in the kitchen. The other was on the other
17 side of a wall.

18 Q What did the inside of the home itself look like at
19 this time? Was it clean, was it put together, was it
20 things thrown apart? What did that look like, if you can
21 remember that for me?

22 A I just saw a lot of marijuana on the floor.

23 Q Was it scattered or was it all put together?

24 A It was scattered.

25 Q So you went inside because you didn't believe what

JURY TRIAL

1 Santonio had told you; is that correct?

2 A Correct.

3 Q And what did you do, exactly, while you were inside?

4 A I peeped on the corner and I walked back outside.

5 Q While you were inside, did you move anything while you
6 were there?

7 A No, ma'am.

8 Q Did you touch anything while you were in there?

9 A No, ma'am.

10 Q And did you take anything from the inside of that home
11 out with you?

12 A No, ma'am.

13 Q You said you walked in and you saw the two bodies.

14 When you saw those two bodies, at that time, did you know
15 who either of them were?

16 A I only knew one.

17 Q Who was the one that you knew?

18 A Antonio.

19 Q How long did you know Antonio?

20 A Maybe a year. I met him at the same time I met
21 Santonio.

22 Q Say that one more time.

23 A I met him the same time I met Santonio.

24 Q So were Santonio and Antonio, were they friends?

25 A Yes.

JURY TRIAL

1 Q Did Santonio stay with Antonio often? Did he live
2 there? Did he just visit?

3 A He'd just visit.

4 Q But anytime you went to go pick him up, you picked him
5 up at Antonio's?

6 A Correct.

7 Q Okay. You did not know who that other body was at
8 that time?

9 A No, ma'am.

10 Q Do you remember exactly how long you may have been
11 inside of that home?

12 A Maybe 45 seconds to a minute.

13 Q 45 seconds to a minute. What was the purpose of that?

14 A What do you mean?

15 Q I'll rephrase it for you. So what was the purpose of
16 you going inside of that home for such a short amount of
17 time?

18 A As he stated that people were the house dead, I didn't
19 believe it. When I saw, my first reaction was to get out
20 of here.

21 Q Now, whenever you decided to go inside of that home,
22 was that door shut or was that open, can you remember?

23 A I don't remember.

24 Q You don't remember. Do you remember touching any door
25 handles to get inside of this home?

JURY TRIAL

1 A A screen door.

2 Q A screen door. Now, did you use your hand to touch
3 that, or how did you open that door?

4 A I opened it with my jacket covering my hands.

5 Q So you opened it with your jacket covering your hands.
6 Can you explain why it was that you did that?

7 A Because I knew possibly I could have been entering a
8 crime scene.

9 Q So you knew you'd be entering a crime scene so you
10 opened the door with a jacket. Okay. Did you ever think
11 for a second that you going into that home that you would
12 have left prints on the door if you had not had used your
13 jacket?

14 A Correct.

15 Q Is that correct? I'm sorry.

16 A Yes.

17 Q Okay. Did anyone else that you recall touch the door
18 to get in?

19 A No, ma'am.

20 Q So do you remember whenever you left [REDACTED] 175 entirely
21 do you remember if you ever went back to that door handle?
22 Do you remember if you left that door open? What can you
23 remember?

24 A I don't remember.

25 Q Okay. Who went inside of that home with you?

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1 A My sister was behind me.

2 Q Your sister was behind you. Did Santonio ever go back
3 inside the home?

4 A Yes.

5 Q What did he do that for?

6 A To grab this baby's belongings.

7 Q Okay. And did you see him grab those belongings?

8 A I saw him came out with it.

9 Q Okay. Did you see him -- did he get inside of your
10 car?

11 A Yes.

12 Q And did he put those belongings in your vehicle?

13 A Yes.

14 Q Okay. So when you left the scene, who was in the car
15 with you?

16 A Me, Santonio and Destiny and the baby.

17 Q Whenever you guys were deciding to leave and the
18 entire time you were at the scene, was it -- were you
19 calm, were you in a rush to get out? Can you describe
20 that for me?

21 A I was in a rush to leave.

22 Q How about Santonio, was he ready to get out of there
23 or --

24 A Yes, ma'am.

25 Q -- okay. So he got inside of your vehicle and you

JURY TRIAL

1 guys drove away?

2 A Yes.

3 Q Can you please describe to me how Santonio was acting
4 in the car as you were leaving?

5 A He was on the phone with someone.

6 MR. HENLEY: Objection.

7 THE COURT: Basis?

8 MR. HENLEY: Hearsay.

9 THE COURT: She's not saying what someone said.
10 She's describing what he did.

11 MR. HENLEY: She said he was on the phone.

12 THE COURT: She describing what he did. The
13 objection is overruled. Ma'am, you're instructed not
14 to say what anyone said. You can only saw what you
15 observed and what you did as a result. You may
16 proceed.

17 BY MS. GEARDING:

18 Q So you said he was on the phone; is that correct?

19 A Yes.

20 Q How was his demeanor? Was he calm, was he freaking
21 out?

22 A Freaking out.

23 Q How do you know that he was freaking out?

24 A By the tone of voice.

25 Q By the tone of his voice. Can you describe the tone

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1 of his voice for me?

2 A Loud, shaky.

3 Q Was he speaking fast --

4 A Yeah, speaking fast --

5 Q -- speaking slow?

6 A -- stuttering, kind of couldn't get his words out.

7 Q Now, one more time for me, how soon after you guys had
8 went in there did you leave?

9 A Repeat that.

10 Q How soon after you guys had arrived at that scene do
11 you left that scene?

12 A I don't remember.

13 Q Were you there for a long time or for a short amount
14 time?

15 A A short amount of time.

16 Q And so, as soon as he got in that car, did he
17 immediately get on the phone?

18 A I don't remember.

19 Q You don't remember. But you remember him on the phone
20 and you remember him freaking out and speaking fast and
21 stuttering?

22 A Yes, ma'am.

23 Q Okay. Do you know who he called?

24 A No, ma'am.

25 Q Did you hear him say anything on the phone?

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1 MR. HENLEY: Objection, Your Honor.

2 THE COURT: She can answer yes or no, but she
3 cannot repeat what someone -- what she overheard
4 someone say unless it fits within an exception, which
5 it might well be an excited utterance. I'm not sure.
6 Go ahead.

7 BY MS. GEARDING:

8 Q What did you hear him say on that phone?

9 MR. HENLEY: Your Honor, objection.

10 THE COURT: I didn't say that. Her answer --
11 your question called for a yes or no answer which,
12 technically, it is leading, but I'm going to allow it
13 under the circumstances. Ma'am, do you need the
14 question repeated, the initial question, so that you
15 can answer?

16 THE WITNESS: Yes, ma'am.

17 MS. GEARDING: I'll go back just --

18 THE COURT: Please repeat the initial question.

19 MS. GEARDING: -- a little bit for her. I'll go
20 back just a little bit.

21 BY MS. GEARDING:

22 Q So you said he got in the car and he called somebody
23 on the phone; is that correct?

24 A Yes, ma'am.

25 Q Do you know who he called?

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1 A No.

2 Q Did you hear him say anything while he was on the
3 phone with you -- or with somebody else?

4 A No.

5 Q You didn't hear him say anything?

6 A Yes, ma'am. Sorry.

7 Q What did you hear him say?

8 MR. HENLEY: Objection.

9 THE COURT: I need to hear this *in camera*.

10 Ladies and gentlemen, it's 1:00. We're going to
11 break for lunch. During the break, please do not
12 discuss the case in any manner whatsoever. We'll
13 resume at 2:15. If you would leave your notepads in
14 your seats. And again, please have no interaction
15 with anyone in or about the courthouse, and please do
16 not read, watch, or listen to any media accounts
17 about this case, if there are any. Have a good
18 lunch. We'll see you at 2:15. If you would leave
19 your notepads in your seats for me.

20 (The jury exited the courtroom.)

21 THE COURT: I need quiet in the courtroom.

22 We're in session. You may be seated. Ma'am, you may
23 answer the question.

24 BY MS. GEARDING:

25 Q What did --

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1 THE COURT: There is to be quiet in this
2 courtroom. If there isn't, I'm going to start having
3 the bailiffs and the deputies remove individuals.
4 It's not respectful to the witness or to counsel that
5 there be these loud exchanges. It is interfering
6 with my ability to hear what is being said. You may
7 continue. Ma'am, do you need the question repeated?

8 MS. GEARDING: I'll repeat it anyway, Your
9 Honor.

10 THE COURT: Go right ahead.

11 BY MS. GEARDING:

12 Q What did you hear him say on the phone?

13 A He was explaining to whoever was on the phone what
14 happened.

15 Q And when he was explaining what happened, what did he
16 say?

17 A He stated that Antonio said "No, Trell."

18 THE COURT: I'm sorry. I couldn't hear a word
19 you said, ma'am.

20 THE WITNESS: He stated that Antonio said "No,
21 Trell."

22 THE COURT: What was the last -- I still don't
23 understand what you are saying. You said no --

24 MS. GEARDING: Trell.

25 THE COURT: Trell. Yeah, I didn't hear her say

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1 that. Ma'am, I need you to repeat your answer so
2 there we're clear what you're saying.

3 THE WITNESS: So he was on the phone with
4 someone and he was talking about what happened, and
5 he stated that Antonio stated "No, Trell."

6 THE COURT: Okay. What's the objection,
7 Mr. Henley?

8 MR. HENLEY: Yes, Your Honor.

9 THE COURT: Is that the extent of what you were
10 going to ask?

11 MS. GEARDING: Yes, mm-hmm.

12 MR. HENLEY: So the "Trell" is obviously my
13 client's nickname is -- is Trell. Your Honor, this
14 is hearsay within hearsay. Okay? So what's she
15 saying is Santonio is in that room when the two
16 people go in there and he hears one of the victims,
17 Antonio, say "No Trell, no Trell." I want to be very
18 clear. Santonio is interviewed twice by police, the
19 day of the incident and the day after. On the day of
20 the incident, he is adamant with Detective Russ
21 repeatedly that he -- and Butler -- that he didn't
22 hear a name, that he would tell them if he heard a
23 name. He -- he says "I might have heard a name" in
24 the second interview. He's shown a piece of paper
25 with four names on it by Detective Russ and he still

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1 says "I don't recognize any of those names," even
2 though one of the names is Trell. The State has
3 subpoenaed Santonio Scott, so what they're trying to
4 do is circumvent that and get his statement in
5 instead of, you know, him trying to -- but it is
6 hearsay within hearsay, Your Honor. There's not
7 exception for both of them.

8 MS. GAY: Your Honor, I would like to join in
9 this also.

10 THE COURT: Okay. Mm-hmm. Well, it's not in
11 any reference to your client, is it?

12 MS. GAY: But still, I'm going to, because
13 it's -- I mean, it ultimately leads to my client.

14 THE COURT: I don't know that. I've got to deal
15 with what it is, what's empirical, what was said. I
16 can't deal on what might have been said, maybe said.
17 Ms. Gearing, if you would like to respond.

18 MS. GEARDING: I believe, Your Honor, that this
19 constitutes an excited utterance. She has testified
20 Santonio's state of mind. They were not there for a
21 long time. I the timestamps right in front of me.
22 The car leaves at 1:45. Anaijah arrives to meet
23 Santonio at 1:46. Anaijah pulls up. They leave at
24 1:59 after running around and grabbing things inside
25 and outside of the home, which will be seen on the

JURY TRIAL

1 video that we will play at some point during the
2 duration of this trial. She explained how he was
3 foaming at the mouth, he was stuttering, he was
4 talking fast at this time. He looked very
5 disheveled. The baby looked disheveled. It was
6 barely hanging on his hip. Whenever they left, he
7 was talking loud and fast, stuttering, still foaming
8 at this point in time. I believe that this falls
9 under an excited utterance.

10 THE COURT: The objection is sustained. It is
11 not -- it may well be an excited utterance if
12 Mr. Santonio Singleton was testifying. She cannot
13 testify as to what someone else said that someone
14 else said. It's hearsay within hearsay. The purpose
15 of an excited utterance is that, under the stress of
16 an impending event, it is presumed that what the
17 person is saying is truthful because they have not
18 had the ability to recollect, reflect, and make up a
19 story. And it is also contemplated that the person
20 is subject to cross-examination. He is not here. He
21 can't be cross-examined. If you find him, I think it
22 probably is an excited utterance, because he would
23 have made a statement under the stress of an
24 impending event. However, she cannot testify as to
25 what he said. The objection is sustained. Ma'am,

JURY TRIAL

1 I'm going to allow you to go to lunch. I need you to
2 return by 2:15. During this break, you're not to
3 discuss testimony with anyone. Okay?

4 THE WITNESS: Okay.

5 THE COURT: All right. Anything before we break
6 for lunch from the State?

7 MR. FINCH: Nothing from the State.

8 THE COURT: From the Defense, Ms. Dovell?

9 MS. DOVELL: No, Your Honor.

10 THE COURT: From the Defense, Ms. Gay?

11 MS. GAY: No, ma'am.

12 THE COURT: All right. I need everyone -- I'm
13 going to put it in the hands of security as to how
14 everyone is going to be exiting.

15 MR. FINCH: I'm sorry. I did think of one item
16 that --

17 THE COURT: Yes, sir.

18 MR. FINCH: -- I need to bring up. I just -- we
19 may be seeking a bench warrant for one of our
20 witnesses, and I can take that up real quick.

21 THE COURT: Well, you can't do a bench warrant.
22 If you served them a subpoena, you've got to serve
23 them with a rule to show cause, and you've got to
24 come here and tell me why he didn't show up. You've
25 got to give him notice, because it puts him in the

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1 crosshairs of direct contempt of this Court and six
2 months in jail. A bench warrant ain't going to cut
3 it. Serve him with a rule and we'll go from there.

4 MR. FINCH: Will do, Your Honor.

5 THE COURT: Give him a date and time to be here
6 to be heard, and you need to consult with me about
7 that, though, before you put it in an order. All
8 right. Are we ready -- anything else before we
9 adjourn for lunch from the State?

10 MR. FINCH: Nothing from the State, Your Honor.

11 THE COURT: From the Defense, Ms. Dovell?

12 MS. DOVELL: None, Your Honor.

13 THE COURT: From the Defense, Ms. Gay?

14 MS. GAY: No, Your Honor.

15 THE COURT: All right. I need the entire
16 courtroom cleared with the exception of Ms. Gay, and
17 I need those people from downstairs, please. You all
18 can leave all of your items in the courtroom. This
19 courtroom will be locked and nothing will be
20 disturbed. I need order, please. We're still in
21 session. I need you all to quietly exit the
22 courtroom following the instructions of the security.

23 (The courtroom was cleared with
24 the exception of Ms. Gay.)

25 THE COURT: Ms. Gay, you can go to lunch.

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1 MS. GAY: Did you need to talk to me?

2 THE COURT: At a later time.

3 MS. GAY: May I approach?

4 THE COURT: Yes. There was something else.

5 This just triggered my memory about --

6 MS. GAY: I completely forgot that I was
7 supposed to get my client's clothes this morning. I
8 completely forgot, and his father screaming at me
9 downstairs about it, I just had completely forgotten
10 that I had -- I had to do that this morning. So I
11 would have been minutes -- you know, here by 9:35
12 this morning and -- and then I just completely
13 forgot. And then they had low -- understaffed
14 downstairs, and -- and all of it went into a cluster.
15 But it was -- it was -- I completely forgot that I
16 was supposed to do that. And I'm going to designate
17 that as someone else's job. But I have to get here
18 to hand it to him, so that's the problem. No one
19 else can hand him the clothes.

20 THE COURT: They need to be here at 8:30.

21 MS. GAY: No, I understand, and I will. And I'm
22 very, very sorry. Is there anything else you want to
23 talk to me about at this time?

24 THE COURT: Yeah, there is, but the person that
25 I need to address it with has gone to the doctor, so

JURY TRIAL

1 we'll deal with it later, probably tomorrow sometime.

2 MS. GAY: Something about me? Something about
3 the doctor about me?

4 THE COURT: No, ma'am, not you. No. We'll deal
5 with it.

6 MS. GAY: Okay. All right. Well --

7 THE COURT: Have a good lunch.

8 MS. GAY: -- okay. Thank you.

9 THE COURT: You're welcome.

10 (Off the record.)

11 (Recess.)

12 (On the record.)

13 THE COURT: You may be seated.

14 THE BAILIFF: Make sure all cell phones are
15 turned off the -- for the record.

16 THE COURT: We're going to have to wait a few
17 minutes because we're ordering lunch for the jury
18 tomorrow and they just all got back, and the bailiffs
19 are taking their orders. So as soon as they're done
20 taking their orders, they'll be coming down the hall.

21 MS. GEARDING: Your Honor, may we briefly
22 approach?

23 THE COURT: Uh-huh.

24 (Sidebar off the record.)

25 MS. GEARDING: So as far as the objection that

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1 you just ruled on, what we were trying to get out of
2 that after that was that he said No, Trell, no
3 Trell," and then the gunshots were immediately fired.

4 THE COURT: It's still hearsay within hearsay.

5 MS. GEARDING: You still don't think that is --

6 THE COURT: I'm not -- I'm not revisiting
7 anything once I've ruled on it. I've heard it. I've
8 ruled on it.

9 MS. GEARDING: It's a dying declaration.

10 THE COURT: It's not a dying declaration. She
11 didn't hear it. If you want him to say it, then you
12 need to get your witness who heard it, because they
13 have to be able -- they have to be able to
14 cross-examine that witness and the veracity of the
15 witness.

16 MS. GEARDING: No, I understand. I just figured
17 I'd come up and chat just in case.

18 THE COURT: No worries. What did I do with my
19 books? Okay. I'm talking to myself.

20 MS. GEARDING: We're good. That's all we need.

21 THE BAILIFF: Order in the Court.

22 THE COURT: Just a reminder, anything that you
23 all say to me at the bench is not on the record. So
24 if you want it on the record -- we have a digital
25 court reporter that is not equipped for bench

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1 conferences. When I have a stenographer, I can have
2 the mic -- the bench mic'd, but I just need you all
3 to be clear that if you ask to approach the bench, if
4 it's about something critical, I will try my best to
5 remember to put it on the record. But if not, you
6 need to understand it's lost because it is not been
7 recorded.

8 (Sidebar off the record.)

9 THE COURT: Did you find an answer to your
10 question about the interpreter?

11 MR. FINCH: Yes, Your Honor. It's consecutive,
12 because it's so brief, so he doesn't need any
13 equipment for contemporaneous interpretation. And I
14 spoke to the Defense about truncating, and we're
15 fine. We're ready to go after this witness with the
16 interpreter.

17 MS. GEARDING: Your Honor, should we go ahead
18 and call the witness back up to the stand?

19 THE COURT: No, ma'am. I'll let you know when
20 we're ready.

21 (Sidebar off the record.)

22 THE COURT: Has the jury -- have you all
23 finished getting their orders? Have you already
24 brought them down the hall?

25 THE BAILIFF: Yes. They're waiting outside.

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1 THE COURT: Okay. Go ahead and bring them in
2 for me, please.

3 MR. HENLEY: Your Honor, we're waiting on Ms.
4 Dovell.

5 THE COURT: Oh, wait a minute. Wait a minute.
6 We're waiting on who?

7 MR. HENLEY: Ms. Dovell.

8 THE COURT: Okay.

9 (Sidebar off the record.)

10 THE COURT: All right. Are we ready, Ms.
11 Dovell?

12 MS. DOVELL: Yes, Your Honor.

13 THE COURT: Ms. Gay, are you ready?

14 MS. GAY: Yes, ma'am.

15 THE COURT: Is the State ready to proceed?

16 MR. FINCH: Yes, Your Honor.

17 THE COURT: Please bring in the jury.

18 (The jury entered the courtroom.)

19 THE BAILIFF: All jurors are present, Your
20 Honor.

21 THE COURT: You may be seated. Ladies and
22 gentlemen, I hope you all had a pleasant lunch and
23 recess. If the witness would retake the stand. I'll
24 remind her that she is still under oath. Ma'am, I'll
25 remind you that you're still under oath. Once she's

JURY TRIAL

1 situated, you may resume questioning.

2 BY MS. GEARDING:

3 Q Hi, Anaijah. Where did you guys go when you left the
4 scene?

5 A To Santonio's mom's house.

6 Q Why did you go there?

7 A That's where he asked me to take him.

8 THE COURT: Ma'am, if you could bring the
9 microphone closer.

10 THE WITNESS: That's where he asked me to take
11 him.

12 BY MS. GEARDING:

13 Q Did you stay there with him?

14 A Maybe for a few seconds to talk with his mom, and I
15 left.

16 Q And then you left. Where did you go when you left?

17 A Back to the scene.

18 Q You went back to the scene? Did you talk to anybody
19 while you were at the scene?

20 A Not that I can remember.

21 Q Did you do anything else while you were at the scene?

22 A No, ma'am.

23 MS. GEARDING: I beg the Court's indulgence.

24 BY MS. GEARDING:

25 Q When you went to Santonio's mom's house, did he take

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1 anything inside with him?

2 A The baby's belongings.

3 Q The baby's belongings. Did he take anything else with
4 him inside, any other bags, anything?

5 A I don't remember.

6 Q I have no further questions for you. Please answer
7 any the Defense may have.

8 THE COURT: You may proceed, Ms. Dovell.

9 MR. HENLEY: Thank you, Your Honor. May it
10 please the Court.

11 THE COURT: I'm sorry, Mr. Henley. You may
12 proceed.

13 CROSS-EXAMINATION

14 BY MR. HENLEY:

15 Q Good afternoon.

16 A Hi.

17 Q I want to begin by talking about what happened when
18 you arrived on the scene. Okay?

19 A Okay.

20 Q Santonio was outside; correct?

21 A Yes.

22 Q And then, you go inside that mobile home; correct?

23 A I asked why he was upset, why he was foaming at the
24 mouth, and he stated that they were --

25 THE COURT: Ma'am, be careful how you ask the

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1 question and how it elicits a response.

2 MR. HENLEY: Mm-hmm.

3 THE COURT: Do you need to restate the question?

4 MR. HENLEY: I -- I do not.

5 BY MR. HENLEY:

6 Q So Santonio was already outside when you arrived;
7 correct?

8 A Yes.

9 Q Okay. And you were told that Antonio and J'Quan are
10 inside that mobile home?

11 A That his homeboys got shot.

12 Q Correct. And then, you go inside that home?

13 A Yes.

14 Q All right. And then, eventually, you come back out of
15 that house; correct?

16 A Yes.

17 Q And when you come back out of the house, there is a
18 discussion between you and Santonio about calling the
19 police?

20 A I don't remember.

21 Q Okay. Ms. -- Ms. Green, you were interviewed by
22 Detective Butler and Detective Russ --

23 A Yes.

24 Q -- on September 16th, 2019; correct?

25 A Yes.

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1 Q Okay. I have a transcript of that interview. If I
2 provided you that transcript, do you think that might
3 refresh your recollection?

4 A I don't remember. I mean...

5 Q Do you mind if I hand you the transcript --

6 A That's fine.

7 Q -- and you can -- okay.

8 MR. HENLEY: Your Honor, may I approach?

9 THE COURT: (No audible response.)

10 BY MR. HENLEY:

11 Q Do you have that transcript in your hand, Ms. Green?

12 A Yes.

13 Q And that transcript has your name on it?

14 A Yes.

15 Q And it has Detective Butler and Detective Russ as the
16 interviewees --

17 A Yes.

18 Q -- interviewers? Yeah. It's conducted on September
19 16th, 2019?

20 A Yes.

21 Q Okay. I ask that you turn your attention to page 5,
22 and I want you to read lines 24 through 25.

23 A You said which numbers?

24 Q Yes, ma'am, 24 through 25.

25 A "And I came out. I was, like, Shard, so what --

JURY TRIAL

1 Q No, ma'am, read that yourself. I'm sorry.

2 A -- oh. Okay.

3 Q So when you come out -- out of the house, there's a
4 discussion between you and Santonio about calling the
5 police?

6 A Yes.

7 Q All right. And you tell him that he has to call the
8 police?

9 A Yes.

10 Q And he said "No, I want to leave"?

11 A Yes.

12 Q And you don't call 911 either?

13 A No, sir.

14 Q Okay. Now, when you come out of that mobile home,
15 Sharod Rado Smith arrives. Do you remember him?

16 A Yes.

17 Q Okay. And he was there in the red car; right?

18 A Yes.

19 Q He's friends with Santonio?

20 A I'm not sure.

21 Q Homeboys?

22 A I'm not sure.

23 Q Okay. So you have that transcript again. Could you
24 please turn your attention to page 7 and read lines 17
25 through 25?

JURY TRIAL

1 A Okay.

2 Q And then page 8, lines 3 through 4.

3 A Okay.

4 Q All right. So when you come out of that mobile home,
5 Sharod Smith is there, and he's friends with Santonio?

6 A I'm not sure.

7 Q Okay. Do you remember telling police that he was his
8 homeboy?

9 A That's not what's stated here.

10 Q Okay. So again, page 8, lines 3 and 4.

11 MS. GEARDING: Objection, Your Honor.

12 THE COURT: Basis?

13 MS. GEARDING: Asked and answered.

14 THE COURT: Please approach.

15 (Bench conference off the
16 record.)

17 THE COURT: You may proceed.

18 BY MR. HENLEY:

19 Q You saw Santonio take things out of the house?

20 A Yes.

21 Q You saw him take a baby bag out?

22 A Yes.

23 Q And you saw him take another bag out?

24 A I'm not sure.

25 Q Okay. But he put these bags into your car?

JURY TRIAL

1 A Yes.

2 Q You didn't see what was in the bags?

3 A No.

4 Q Okay. But once those bags were inside your car, you
5 could smell marijuana?

6 A No.

7 Q You could not smell marijuana?

8 A No, sir.

9 Q Okay. Ms. Green, I'd ask that you turn your attention
10 to page 16 of that transcript -- excuse me -- page 31.

11 A Say it again.

12 Q Page 31, please, lines 4 through 7. Does that refresh
13 your recollection?

14 A Yes.

15 Q Okay. So once those bags are in your car, you could
16 now smell marijuana?

17 A No.

18 Q Okay. And you knew that he put a gun in the car?

19 A Yes.

20 Q Okay. And Santonio normally puts that gun in the
21 glove box?

22 A No.

23 Q Okay. Ms. Green, could you please look at that
24 transcript and go to page 33 and read lines 3 through 9?
25 And after reading those lines, does that refresh your

JURY TRIAL

1 recollection of what you told Detective Russ?

2 A Yes.

3 Q And Santonio normally puts his gun in your glove box?

4 A What I see here doesn't make sense.

5 Q How about this, he didn't put his gun in the glove box
6 that day?

7 A No, sir.

8 Q And then, you arrived at Santonio's mother's home;
9 correct?

10 A Yes.

11 Q And you take the baby inside?

12 A Yes.

13 Q And Santonio brought the diaper bag inside; correct?

14 A Yes.

15 Q But you don't know what he did with the other bags?

16 A No, sir.

17 Q But when you got back into your car, those bags were
18 no longer in the car?

19 A Correct.

20 Q All right. And after you leave Santonio's mother's
21 home, you go back to the scene?

22 A Correct.

23 Q Santonio does not go with you?

24 A Correct.

25 Q And the police are on scene when you arrive?

JURY TRIAL

1 A Yes.

2 Q And you didn't tell them that you drove Santonio Scott
3 from the scene?

4 A No, sir.

5 MR. HENLEY: I beg the Court's indulgence.

6 THE COURT: Mm-hmm.

7 MR. HENLEY: Your Honor, I have no further
8 questions.

9 THE COURT: Any questions, Ms. Gay?

10 MS. GAY: The defendant?

11 THE COURT: Yes.

12 CROSS-EXAMINATION

13 BY MS. GAY:

14 Q Hi, Ms. Green. How are you? I'm Meliſa Gay. So
15 everything that you've said to the police or everything
16 that you've said here today, none of that is about Kassiem
17 Mitchell, is it?

18 A Can you repeat that?

19 Q Kassiem Mitchell, who is my client, what you've
20 testified to or said to the police beforehand has nothing
21 to do with him, does it?

22 A Oh, no.

23 Q Is that a yes?

24 A I don't know.

25 Q Okay. So let me ask it this way. Today, to this

JURY TRIAL

1 jury, nothing that you've said or going -- had said before
2 has anything to do with Kassiem Mitchell? That's a yes or
3 no?

4 A I'm not understanding what you're saying, like --

5 Q Okay. Well, back in the day when you talked to them
6 in September and also now, you're not saying anything
7 about Kassiem Mitchell to this jury?

8 A Correct.

9 Q All right. That's all.

10 MS. GAY: That's all I have, Your Honor.

11 THE COURT: Any redirect?

12 MS. GEARDING: I beg Court's indulgence, Your
13 Honor. I have no questions.

14 THE COURT: Any exception to the witness being
15 excused from the State?

16 MS. GEARDING: Not from the State.

17 THE COURT: From the Defense?

18 MS. DOVELL: No, Your Honor.

19 THE COURT: Ms. Gay?

20 MS. GAY: No, ma'am.

21 THE COURT: Ma'am, you're excused. You can call
22 your next witness.

23 MR. FINCH: The State calls Dagoberto Morales.

24 THE COURT: Have you got the oath for the
25 interpreter? Perfect. Yeah, you've got to do him

JURY TRIAL

1 first since he has to interpret.

2 (The interpreter was sworn in.)

3 THE CLERK: Please raise your right hand place
4 your left hand on the Bible.

5 (The witness was sworn in.)

6 THE CLERK: Please be seated. Please state your
7 full name, spelling your last name directly into the
8 microphone.

9 THE WITNESS: Dagoberto Morales.

10 THE COURT: Sir, could you also spell your first
11 name?

12 THE WITNESS: D-A-G-O-B-E-R-T-O.

13 THE COURT: And could you also spell your last
14 name?

15 THE WITNESS: Morales, M-O-R-A-L-E-S.

16 THE COURT: Thank you. You may proceed.

17 MR. FINCH: Thank you, Your Honor. May it
18 please the Court?

19 DAGOBERTO MORALES

20 was called as a witness, and having been first duly sworn,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. FINCH:

24 Q Good afternoon, Mr. Morales. I'm going to ask you
25 some very few questions about some video from your house.

JURY TRIAL

1 But first, I would ask -- first, you don't know anybody in
2 this courtroom, do you?

3 A No.

4 Q You don't know any of the defendants or anybody on the
5 prosecution side, do you?

6 A No.

7 Q And to be fair, although you provided video to police,
8 you don't know what happened on the inside of [REDACTED] 175; is
9 that correct?

10 A No. But can I explain something?

11 Q What?

12 A I didn't see anyone because I was at work. It was a
13 Sunday.

14 Q Okay. You weren't home when whatever events happened;
15 correct?

16 A No.

17 Q But your house at [REDACTED] 306 has a camera outside?

18 A Yes. I have a camera for the protection of my cars.

19 Q And on that day, on that Sunday, the police came to
20 your house to see if they could look at the video; is that
21 correct?

22 A Yes, that was correct.

23 Q And then, you let them look at the video; is that
24 correct?

25 A Yes, after -- after I got home.

JURY TRIAL

1 Q And then, after they looked at it, you let them
2 download it and take a copy; correct?

3 A Yes.

4 Q And -- and you had an opportunity to look at that
5 video in my office; is that correct?

6 A Yes.

7 Q And I showed it to you on a CD, do you recall?

8 A Yes.

9 Q I'm going to show you what's been marked for ID
10 purposes as State's 1. Can you identify that CD?

11 A Yes.

12 Q Is that the CD I showed you in my office of the video
13 from your cameras?

14 A Yes.

15 Q And you know that because of your initials and the
16 date?

17 A Yes.

18 MR. FINCH: At this time State, would move for
19 the admission of State's 1.

20 (Plaintiff's Exhibit 1 was moved
21 for admission into evidence.)

22 THE COURT: Any exception, Ms. Dovell?

23 MS. DOVELL: No exceptions, Your Honor.

24 THE COURT: Any exceptions, Ms. Gay?

25 MS. GAY: No, ma'am.

JURY TRIAL

1 THE COURT: Marked and admitted without
2 objection, State's 1.

3 (Plaintiff's Exhibit 1 was
4 admitted into evidence.)

5 THE COURT: Nevermind. I'll remind you of that
6 later.

7 MR. FINCH: I'm sorry?

8 THE COURT: I'll remind you of what I need
9 later. You may continue.

10 BY MR. FINCH:

11 Q Mr. Morales, nobody forced you to give them the video
12 and they didn't -- they asked and you let them have it; is
13 that correct?

14 A I felt obligated. I felt obligated because when I got
15 home, there were several policemen at my house. So to be
16 honest, I just got home from work and I saw a lot of
17 policemen there, so I felt obligated.

18 Q Obligated to do the right thing?

19 A Yes, obligated to do the correct thing.

20 Q So you gave them access to the video?

21 A Yes, exactly.

22 Q And again, you don't know what happened in the house
23 and you don't know anybody involved in this case; is that
24 correct?

25 A No, nobody.

JURY TRIAL

1 MR. FINCH: I have nothing further for the
2 witness, Your Honor.

3 THE COURT: Any questions, Ms. Dovell?

4 MS. DOVELL: I don't have any questions, Your
5 Honor.

6 THE COURT: Any questions, Ms. Gay?

7 MS. GAY: No, ma'am, I have no questions for
8 this witness.

9 THE COURT: Any exception to the witness being
10 excused from the State?

11 MR. FINCH: None from the State, Your Honor.

12 THE COURT: From the Defense?

13 MS. DOVELL: No, no exceptions, Your Honor.

14 MS. GAY: None on behalf of Mr. Mitchell.

15 THE COURT: Sir, you're excused without
16 objection. You all have a good day.

17 THE INTERPRETER: Your Honor, may the
18 interpreter approach?

19 THE COURT: Yes.

20 (Sidebar off the record.)

21 THE COURT: Go ahead and call your next witness.

22 MR. FINCH: The State calls Tiffany Wilcome.

23 THE COURT: Go ahead and swear the witness.

24 THE CLERK: Please raise your right hand and
25 place your left on the Bible.

JURY TRIAL

1 (The witness was sworn in.)

2 THE CLERK: Please be seated.

3 THE COURT: State your full name for the record,
4 spelling your last name for the court reporter.

5 THE WITNESS: Tiffany Wilcome, W-I-L-C-O-M-E.

6 THE COURT: You may proceed.

7 MR. FINCH: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 TIFFANY WILCOME

10 was called as a witness, and having been first duly sworn,
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. FINCH:

14 Q Good afternoon, Ms. Wilcome.

15 A Hello.

16 Q And, if you would, tell -- tell the jury where it is
17 you're employed?

18 A At the time, I was employed with North Charleston
19 Police Department in the crime scene unit.

20 Q And currently, you are no longer with North
21 Charleston?

22 A Correct.

23 Q And just two weeks post-birth --

24 A Yes.

25 Q -- of your child?

JURY TRIAL

1 A Yes.

2 Q We appreciate you being here. So when you were at
3 North Charleston, if you would, tell the jury what it is
4 you did when you were there.

5 A So I was crime scene investigator. I would respond to
6 various crime scenes. I would document with photographs,
7 collect any evidence that needed to be collected, and then
8 I would go back to city hall and everything would be
9 placed into evidence, and I would write a report on my
10 findings and observations.

11 Q And part of the crime scene role is obviously the
12 photographs and documenting. It's also, as you say,
13 collecting evidence.

14 A Correct.

15 Q What is the general importance of collecting and
16 preserving all that?

17 A Things are bagged individually, and then they are
18 sealed and placed into a secured evidence locker that
19 evidence then takes and puts into their evidence.

20 Q And when you get there, you photograph things as you
21 find them?

22 A Yes.

23 Q And ideally, just to preserve the scene as -- as you
24 find it?

25 A Correct.

JURY TRIAL

1 Q And then, when you make your way through the crime
2 scene, are you also documenting and preserving evidence?

3 A Yes.

4 Q And sometimes using markers?

5 A Yes.

6 Q And is that -- what's that for?

7 A It's just for, like, when you're taking over
8 photographs, it helps to -- especially if they're small
9 evidence -- you can see in a big picture where everything
10 is in relation to other pieces of evidence, and it helps
11 to organize the evidence list later.

12 Q So later you'd know that, for example, Marker No. 5
13 had this piece of evidence --

14 A Correct.

15 Q -- and now we know where that was in the crime scene?

16 A Yes.

17 Q Okay. And did you respond September 15th, 2019, to
18 [REDACTED] Drive, [REDACTED] 175?

19 A Yes, I did.

20 Q And again, that was your role as a crime scene
21 investigator?

22 A Yes, sir.

23 Q And did you take photos of that scene?

24 A I did.

25 Q Did you take photos of outside and inside of the crime

JURY TRIAL

1 scene?

2 A I did.

3 Q I'm going to show you what's been marked for ID
4 purposes as State's 2 through 54. If you could just look
5 at those and tell me if you can identify those.

6 A Just, like, one by -- just one by one?

7 Q No. If you could just sort of thumb through those.

8 Q Okay.

9 A Essentially, are those --

10 A Yeah.

11 Q -- a sampling of the photos you took?

12 A Yes.

13 Q And you took how many? About how many photos did you
14 take of the crime scene?

15 A Around 1,200 photos.

16 Q Okay. So 2 to 54, you have about 54, 53 there?

17 A Mm-hmm.

18 Q Okay. So that is just a sampling?

19 A Yes.

20 Q Okay. And you used that to document the scene as you
21 found it?

22 A Correct.

23 Q And are those a fair and accurate representation of
24 the items --

25 A Yes.

JURY TRIAL

1 Q -- or the photographs that you took of the scene?

2 A Yes, sir.

3 MR. FINCH: Your Honor, at this time, the State
4 would move for the admission of States 2 through 54.

5 (Plaintiff's Exhibits 2 through
6 54 were moved for admission into
7 evidence.)

8 THE COURT: Any exceptions from Ms. Dovell?

9 MS. DOVELL: No, Your Honor.

10 THE COURT: Any exceptions, Ms. Gay?

11 MS. GAY: No, Your Honor.

12 THE COURT: States 2 through 52 marked and
13 admitted without -- 2 through 54 marked and admitted
14 without objection.

15 (Plaintiff's Exhibits 2 through
16 54 were admitted into evidence.)

17 THE COURT: You may proceed.

18 MR. FINCH: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 BY MR. FINCH:

21 Q And when you got into -- after taking the pictures,
22 like, is that the first thing you do, generally, is take
23 some pictures and markers?

24 A Yes.

25 Q Okay. And you put markers down for things you think

JURY TRIAL

1 might be evidence?

2 A Correct.

3 Q Okay. And in that, what are some of the items of
4 evidence that you noted in your report and -- and used
5 markers to identify and photographs?

6 A I know I collected shell casings. There was a blood
7 drop, some clothing items, things like that.

8 Q Do you recall how many shell casings you recovered or
9 collected as evidence?

10 A I believe it was -- one, two, three, four, five, six,
11 seven, eight, nine, 10, 11, 12, 14, 15 -- 17.

12 Q And you collected those and packaged those
13 individually?

14 A Yes.

15 Q I'm going to show you what's been marked as State's 56
16 through 65 and then 66 through 70. So a total of 56
17 through 65, and look at these items and identify them.
18 Some of those you may have to identify specifically by
19 number, but in general.

20 A Okay. So yes, these are my evidence labels.

21 Q And those first -- those -- are those fired shell
22 casings from the scene?

23 A Correct, yes.

24 Q Do they have a specific caliber?

25 A Yes. So I've got a 45-caliber, and then we have some

JURY TRIAL

1 nines, a 40 -- a couple 40s.

2 THE COURT: I'm sorry. Please repeat your
3 answer.

4 THE WITNESS: I've got some nines, 40s, and
5 45-calibers.

6 BY MR. FINCH:

7 Q When you say some nines, you mean 9-millimeter?

8 A Yes.

9 Q Okay. And how about Items 56 through 65? What are
10 those items in the plastic?

11 A These are more fired shell casings.

12 Q And again --

13 A These are the 40 caliber.

14 Q -- are there any 9-millimeters in there?

15 A Exhibit 65 and 64 are 9-millimeter.

16 Q Okay. And then all the others --

17 A The other plastic ones.

18 Q -- are 40 caliber?

19 A Yes, sir.

20 Q I'm going to show you what's marked as State's 71.

21 Can you identify that item?

22 A That is a 45-caliber spent casing.

23 Q Where was that one located? It has a notation on it.

24 A Behind the couch.

25 Q Okay. And then, I'm going to show you what's been

JURY TRIAL

1 marked as State's 72 through 81.

2 A So this is brass --

3 Q If you --

4 A -- oh, go ahead.

5 Q -- if you could just say the exhibit number and say

6 what it is.

7 A Exhibit 72 is a brass jacketing. Exhibit 73 is a

8 projectile from the box spring master bedroom. Exhibit 74

9 is another projectile. Exhibit 75 is another projectile,

10 as well as Exhibit 76, 77. And Exhibit 78 is a brass

11 jacketing. Exhibit 79 is fragment from brain. Exhibit 80

12 is fragment from hair. And Exhibit 81 is another

13 projectile.

14 MR. FINCH: Your Honor, at this time, the State

15 would move for the admission of State's 57 through 81

16 into evidence.

17 (Plaintiff's Exhibits 57 through

18 81 were moved for admission into

19 evidence.)

20 THE COURT: Any objection, Ms. Dovell?

21 MS. DOVELL: No objection.

22 THE COURT: Any objection, Ms. Gay?

23 MS. GAY: No, ma'am.

24 THE COURT: Marked and admitted without

25 objection.

JURY TRIAL

1 (Plaintiff's Exhibits 57 through
2 81 were admitted into evidence.)

3 BY MR. FINCH:

4 Q And then, I want to take you through just a couple
5 these photos, and they'll appear in front of you on the
6 screen. If you need to indicate on them, you can just use
7 the touchscreen.

8 A Okay.

9 Q This is your handwriting in your notebook?

10 A Correct.

11 Q That's just to tell us what scene you're at?

12 A Yes.

13 Q And there's a case number?

14 A Yes, sir.

15 Q And that was State's Exhibit 2. State's 3 here?

16 A That's the exterior of the lot.

17 Q Okay. And then, 4, that's --

18 A The exterior as well.

19 Q And State's No. 9, what are we looking at there?

20 A A \$5 bill that was found on the ground outside of the
21 residence.

22 Q And do you know, does this picture help us understand
23 where outside the residence?

24 A I believe it's that --

25 Q Around the side?

JURY TRIAL

1 A -- yes.

2 Q I'm going to show you what's been marked as State's
3 100. Can you identify this item?

4 A Yes. And that's --

5 Q What is that?

6 A -- this is the \$5 bill, and it's also got my signature
7 sealing it on top.

8 Q And that Marker No. 1 at the side of the house?

9 A Correct. And it says -- yep, from the outside.

10 Q \$5 U.S. currency?

11 A Correct.

12 MR. FINCH: The State would move for the
13 admission of State's 100 into evidence.

14 (Plaintiff's Exhibit 100 was
15 moved for admission into
16 evidence.)

17 THE COURT: Any objection?

18 MS. DOVELL: No objection.

19 THE COURT: Ms. Gay?

20 MS. GAY: No, ma'am.

21 THE COURT: Marked and admitted without
22 objection, State's 100.

23 (Plaintiff's Exhibit 100 was
24 admitted into evidence.)

25 BY MR. FINCH:

JURY TRIAL

1 Q Now, I'm going to turn to some photographs looking at
2 -- this is State's 10. Is this the right inside?

3 A Yes. That's the doorway as soon as you open it up.

4 Q And there's a close-up. Do you know what's in these
5 bag?

6 A There were mostly empty.

7 Q These bags were empty?

8 A Correct.

9 Q And then, I'm indicating the ones that are
10 rectangular, generally, in shape.

11 A Correct.

12 THE COURT: Make sure you're referring to each
13 one.

14 MS. GAY: Mr. Finch, what number was that?

15 MR. FINCH: That was State's 11.

16 MS. GAY: Thank you.

17 BY MR. FINCH:

18 Q And State's 16, more of those markers?

19 A Correct.

20 Q And what are we looking at with these markers?

21 A So we've got a shell casing for No. 4. It looks like
22 another shell casing for 7, and a brass jacketing for
23 No. 6.

24 Q The brass jacketing is what's around the door?

25 A Correct.

JURY TRIAL

1 Q And just so we're clear and the jury is clear, your --
2 markers don't correspond with our exhibit numbers that
3 were --

4 A Correct.

5 Q -- okay. But they correspond to what you collected
6 and put in your report?

7 A Yes.

8 Q Okay. And in State's 17 here?

9 A It's an overall of the living room area.

10 Q And that's more -- more markers --

11 A Correct.

12 Q -- to show evidence you collected?

13 A Yes.

14 Q Okay. And did you also use these markers to help you
15 produce a sketch at all?

16 A I did.

17 Q I'm going to show you what's been marked as State's
18 55. Can you identify this document?

19 A It is hand-drawn sketch of the scene.

20 Q And that was drawn by you?

21 A Yes. And it's from the inside of the residence.

22 Q And that's a fair and accurate copy --

23 A Correct.

24 Q -- of --

25 MR. FINCH: -- Your Honor, at this time, the

JURY TRIAL

1 State would move for the admission of State's 55 into
2 evidence.

3 (Plaintiff's Exhibit 55 was moved
4 for admission into evidence.)

5 THE COURT: Any objection?

6 MS. DOVELL: None, Your Honor.

7 THE COURT: Ms. Gay?

8 MS. GAY: No, ma'am.

9 THE COURT: No. 55 marked and admitted without
10 objection.

11 (Plaintiff's Exhibit 55 was
12 admitted into evidence.)

13 BY MR. FINCH:

14 Q And I'm just going to direct your attention to a few
15 things again I have up on the screen here, State's 55. If
16 you need to refer to anything, again, that's a
17 touchscreen.

18 A Okay.

19 Q Are these numbers down here, are these the exhibit --
20 or, I'm sorry -- the placard numbers that correspond with
21 the evidence we're looking at?

22 A I believe so, yes. Yep.

23 Q And the color-coding, what is that telling us, the
24 orange, that says 45. Is that 45-caliber?

25 A Yes.

JURY TRIAL

- 1 Q Okay. And the yellow is for 40-calibers?
- 2 A Correct.
- 3 Q And the blue, it says 9-millimeters?
- 4 A Correct.
- 5 Q So it's 9-millimeter casings --
- 6 A Yes.
- 7 Q -- that were collected? And these stick figures here,
- 8 are those -- the initials A.H --
- 9 A That's the --
- 10 Q -- does that stand for Antonio Heyward?
- 11 A Yes.
- 12 Q And J.B. for J'Quan Brown?
- 13 A Yes.
- 14 Q And you documented those deceased individuals?
- 15 A Correct.
- 16 Q You documented by taking photographs?
- 17 A I did.
- 18 Q I'm going to show you -- I'm going to show you what's
- 19 been marked but now admitted as State's 24, 48 and 49.
- 20 And these are -- are these the photographs of the
- 21 decedents?
- 22 A Yes, sir.
- 23 Q J'Quan Brown, both men?
- 24 A Yes, sir.
- 25 Q And that's -- I'm sorry. The sequence, 24, 48, and

JURY TRIAL

1 then 49?

2 A Yes.

3 Q Okay. And those -- these are not as you took them.

4 You took color photos?

5 A Yes.

6 Q And these are black-and-white?

7 A Yes.

8 MR. FINCH: Permission to publish, Your Honor.

9 THE COURT: You may proceed.

10 BY MR. FINCH:

11 Q I'm showing the jury what's been marked and admitted
12 as State's 24.

13 THE COURT: You need to do that on the Elmo.

14 It's much more efficient. Do you need help with your
15 property and equipment?

16 (Sidebar off the record.)

17 MR. FINCH: State's 24.

18 (Disruption from the gallery.)

19 THE COURT: Mr. Foreman, ladies and gentlemen, I
20 have a brief matter of law to take up outside of your
21 presence. If you all would step into the hallway for
22 me for a moment. They don't have to go to their jury
23 room, just out in the hallway.

24 (The jury exited the courtroom.)

25 THE COURT: You may be seated. If there is

JURY TRIAL

1 anyone else in the gallery that cannot conform their
2 motions, I ask that you leave the courtroom at this
3 time. Otherwise, I will clear the gallery. If there
4 are any other outbursts, I will -- you will find
5 yourself in direct contempt of Court, which would --
6 I really would hope that I would not have to do that.
7 I understand that this is a very emotional situation.
8 And no one is asking anyone not to be anything other
9 than human in their reaction, but I cannot risk
10 having emotions erupt in the presence of the jury.
11 The jury, as the finders of the facts, are impartial
12 and they cannot be influenced by emotion, passion, or
13 some other visceral reaction that is outside of the
14 evidence.

15 So if there's anyone in the gallery that feels
16 -- and you really should have warned them about this
17 ahead of time.

18 MR. FINCH: I did.

19 MS. GEARDING: We did, Your Honor.

20 THE COURT: If you cannot -- yeah, but they
21 should have -- they should have absented themselves.
22 I don't expect that to ever happen again. So if you
23 feel that you cannot handle the visceral nature of
24 the testimony, I'm going to give you a couple of
25 minutes to go ahead and leave the courtroom. And

JURY TRIAL

1 that's for everybody. That's not directed at any one
2 particular person. I don't expect there to be any
3 tears, any handkerchiefs, anything. It's distracting
4 to the jury, and it -- it really creates a problem
5 for the record. And I know as victims you're
6 entitled to be present in the courtroom, and I would
7 never -- what's the word I'm looking for -- invade
8 that province and not allow you to be present, but
9 it's -- it's a delicate balance. You have to be able
10 to control your emotions. And that may be too much
11 to ask. And if you feel that it is too much to ask,
12 then I would ask that you go stand out in the hall
13 until we finish this portion of the testimony.

14 MR. FINCH: Your Honor, if I may?

15 THE COURT: Why don't you handle that for me.
16 Thank you. And I also need an exhibit list, which I
17 asked for the other day. Have you provided that to
18 the court reporter and to the Court?

19 MR. FINCH: We have a list, but we just --

20 THE COURT: We need it.

21 MR. FINCH: -- we'll get a new one.

22 THE COURT: No, I mean, I need one, like, now,
23 because we need to be able to be documenting when
24 evidence comes into the record.

25 MS. GEARDING: May I approach, Your Honor?

JURY TRIAL

1 THE COURT: Yes.

2 MS. GEARDING: This is just one that I was
3 marking through.

4 THE COURT: I need a clean one.

5 MS. GEARDING: You do?

6 THE COURT: And the court reporter needs one as
7 well. We can't be going back to our notes figuring
8 out when things came in and when they didn't. I
9 appreciate that. All right. Are we ready to
10 proceed?

11 MS. DOVELL: Judge, I have a quick matter and a
12 quick request.

13 THE COURT: Sure.

14 MS. DOVELL: I have some very real concerns
15 about the effect of that emotional outburst on the
16 jurors. Your Honor, will you please instruct the
17 jury that they are not in any way to consider
18 emotional outbursts or any showings from the gallery
19 in --

20 THE COURT: I think that I'm going to --

21 MS. DOVELL: -- in their deliberations?

22 THE COURT: -- instruct them of that at the end
23 and the conclusion of the case. I think now to do
24 that would bring inordinate attention to it. I think
25 that it is unrealistic to believe in a murder case

JURY TRIAL

1 that a gallery might not react. And so, I will
2 instruct them that all of their decisions have to be
3 based on the evidence. And so, I think that will
4 cure anything. And I think that the instructions
5 that I've given are more than enough. And I've also
6 instructed counsel for the State to make sure that's
7 reinforced and that it doesn't happen again.

8 MS. GAY: And I would just join in that motion.

9 THE COURT: Noted. Overruled. Thank you.

10 MS. DOVELL: Thank you, Judge.

11 (The jury entered the courtroom.)

12 THE BAILIFF: All jurors are present, Your
13 Honor.

14 THE COURT: Thank you. You may be seated.
15 Ladies and gentlemen, we appreciate your patience.
16 We'll now resume with the witness's testimony. You
17 may proceed.

18 BY MR. FINCH:

19 Q I'm going to show you what's been marked as State's
20 48. Is that the gentlemen, as well as some other evidence
21 markers?

22 A Correct.

23 Q And this corresponds -- this will appear as this
24 corresponding to this here --

25 A Yes.

JURY TRIAL

1 Q -- on the diagram; is that correct?

2 A Correct.

3 Q So I'm going to show another photograph. This is from
4 the kitchen counter, this area here. That's State's 26.

5 Is that a cell phone?

6 A Yes.

7 Q And then, this is a close-up photograph you took of
8 that same cell phone?

9 A Yes.

10 Q And that's State's 25 I'm showing you there. And you
11 collected that cell phone; is that correct?

12 A Correct.

13 Q I'm going to show you what's been marked for ID as
14 State's 101. Can you identify that item?

15 A It's a black iPhone in a blue-green case with an FCID
16 number.

17 Q And if you take a look on the inside, it's the same
18 phone from the photograph?

19 A Yes.

20 Q (Unintelligible.)

21 A Yes, it is.

22 MR. FINCH: Your Honor, at this time, the State
23 would move for the admission of State's 101.

24 (Plaintiff's Exhibit 101 was
25 moved for admission into

JURY TRIAL

1 evidence.)

2 THE COURT: Any objection?

3 MS. DOVELL: No, Your Honor.

4 MS. GAY: No, ma'am.

5 THE COURT: Marked and admitted without
6 objection, 101.

7 (Plaintiff's Exhibit 101 was
8 admitted into evidence.)

9 BY MR. FINCH:

10 Q Obviously, Ms. Wilcome, you collected other items.
11 This is not an exhaustive list, but this is a sampling.
12 These are the shell casings?

13 A Correct.

14 Q And that's all the shell casings and projectiles?

15 A Yes.

16 Q And you also collected some loose marijuana, some bags
17 that were labeled as marijuana; is that correct?

18 A Correct.

19 Q Did you also collect some currency, some cash?

20 A Yes.

21 Q Do you know about how much? Did you guys count that
22 before you store it?

23 A So we do it like individual because of the different
24 locations. So it's not pooled together, so I don't have,
25 like, a total amount. I just have the different amounts

JURY TRIAL

1 from where I took it.

2 Q Okay. And this appears to be -- so State's 37, a
3 photograph of a bedroom door --

4 A Yes.

5 Q -- and a bag that had cash in it?

6 A Yes.

7 Q And it looks like a quantity of marijuana as well --

8 A Correct.

9 Q -- State's 38? And then 39 is just photograph of that
10 (unintelligible)?

11 A Correct.

12 Q And then, State's 41, photographs of some bags that
13 contained at least some amounts of marijuana?

14 A Correct.

15 Q And then, State's 42, that's a sofa from the living
16 room?

17 A Yes.

18 Q The sofa that you drew in your diagram? I guess it's
19 not in your diagram, but over in this area?

20 A Yes.

21 Q And that's the spent shell casing that was against the
22 -- behind the couch?

23 A Correct.

24 Q So this would be in this area here?

25 A Yes.

JURY TRIAL

1 Q All right. And State's 44, that would be a picture of
2 Detective Bennett -- Benton?

3 A Bennett, yes, Bennett.

4 Q Also at the scene, you -- did you execute a search
5 warrant --

6 A I did.

7 Q -- on a Dodge Charger?

8 A I did.

9 Q And I'm going to show you some pictures that,
10 obviously, have been admitted. State's 51, is that a
11 picture of the Charger?

12 A Yes.

13 Q And 52, for the record, is that the license?

14 A Yes.

15 Q And from that, you took this firearm?

16 A I did.

17 Q And again, we're seeing this --

18 A That would be the --

19 Q -- is that the serial number?

20 A -- yes.

21 Q And what is that serial number? This is on State's
22 54.

23 A It's [REDACTED].

24 Q And that was a Glock 40-caliber?

25 A Correct. It's a Glock 22.

JURY TRIAL

1 Q I'm going to show you what's been marked as State's
2 96. Can you identify that item?

3 A This is the same Glock 22, 40-caliber, with the same
4 serial number.

5 Q And you collected that and put that into evidence as
6 well?

7 A I did.

8 Q And that's what's in that box?

9 A Correct.

10 Q And there's a bunch of stickers on there that say
11 SLED. Does that indicate that someone had tested it?

12 A Right.

13 Q But you're not testifying to that?

14 A Correct.

15 Q Thank you very much.

16 MR. FINCH: Your Honor, at this time, the State
17 would move for the admission of State's 96.

18 (Plaintiff's Exhibit 96 was moved
19 for admission into evidence.)

20 THE COURT: Any objection?

21 MS. DOVELL: No, Your Honor.

22 THE COURT: Marked and admitted -- well, Ms.
23 Gay?

24 MS. GAY: No, ma'am.

25 THE COURT: Marked and admitted, State's 96,

JURY TRIAL

1 without objection.

2 (Plaintiff's Exhibit 96 was
3 admitted into evidence.)

4 BY MR. FINCH:

5 Q And as part of this investigation, you also took --
6 did you also take some photographs at North Charleston
7 Police Department?

8 A I believe I did.

9 Q And those are some -- of a phone?

10 A Correct.

11 Q Okay. And do you know whose phone that was?

12 A I do not.

13 Q Okay. Do you remember why you were taking the photos?

14 A It was in relation to the case.

15 Q Okay. Well, I'm just going to show you these for ID
16 purposes. These are State's 135 and 136.

17 A Yes.

18 Q I'm showing you State's 135.

19 THE COURT: Any objection, Ms. Dovell?

20 MS. DOVELL: Not for purposes of identification.

21 MR. FINCH: These are ID just for now and later
22 to be authenticated.

23 BY MR. FINCH:

24 Q Is 135 and 136 --

25 A They are both pictures of screens from a phone -- a

JURY TRIAL

1 phone number.

2 Q And those -- those are the photographs you took --

3 A Right.

4 Q -- at North Charleston as part of the investigation in
5 this case?

6 A Yes.

7 Q Okay. And aside from that --

8 THE COURT: I need you to approach.

9 (Bench conference off the

10 record.)

11 THE COURT: Proceed.

12 BY MR. FINCH:

13 Q These photographs, State's 135 and 136, those were
14 taken in an interview room at North Charleston, and at the
15 direction of Detective Russ --

16 A Correct.

17 Q -- is that correct? And these are pictures of
18 Demetria Ravenell's phone?

19 A I believe so.

20 Q Okay. And is it a fair and accurate representation of
21 the photographs you would have taken?

22 A Yes.

23 MR. FINCH: Your Honor, at this time, the State
24 would move for the admission of State's 135 and 136.

25 (Plaintiff's Exhibits 135 and 136

JURY TRIAL

1 were moved for admission into
2 evidence.)

3 THE COURT: I need you to approach again.
4 (Bench conference off the
5 record.)

6 BY MR. FINCH:

7 Q And Demetria Ravenell is spelled D-E-M-E-T-R-I-A,
8 Ravenell, R-A-V-E-N-E-L-L; correct?

9 A Correct.

10 Q And was it your understanding at the time that this
11 was a number that was important in the case?

12 A Yes.

13 Q Do you know whose number this was?

14 A I don't.

15 Q Were you asked to do that by Detective Russ?

16 A I was.

17 Q This is the photograph of --

18 A I was asked by Detective Russ, so I photographed it.

19 Q -- this is a photograph of the phone with the number
20 on it that you took?

21 A Yes.

22 MR. FINCH: I renew the admission of State's
23 135.

24 THE COURT: I'll take it under advisement.

25 MR. FINCH: Thank you, Your Honor.

JURY TRIAL

1 THE COURT: You're welcome.

2 MR. FINCH: Your Honor, I may have misspoken. I
3 just want to clarify the record. I think I may have
4 said 57 through 81 for admission. I think it's 56
5 through 81, and if there's any exceptions.

6 THE COURT: Any exceptions, Ms. Dovell?

7 MS. DOVELL: Are we talking about the batch of
8 photos --

9 THE COURT: Mm-hmm.

10 MS. DOVELL: -- that were moved in? No, Your
11 Honor.

12 THE COURT: Ms. Gay?

13 MS. GAY: No, ma'am. I think it's all --

14 THE COURT: Admitted without objection.

15 MR. FINCH: I have no further questions at this
16 time. Please answer any questions the Defense may
17 have.

18 THE COURT: Ms. Dovell, you may proceed.

19 MS. DOVELL: Thank you, Judge.

20 THE COURT: You're welcome.

21 CROSS-EXAMINATION

22 BY MS. DOVELL:

23 Q Good afternoon, Ms. Wilcome.

24 A Hello.

25 MS. DOVELL: I beg the Court's indulgence.

JURY TRIAL

1 BY MS. DOVELL:

2 Q Congratulations on welcoming your little one.

3 A Thank you.

4 Q All right. So you testified just a little bit ago
5 about what you do as a crime scene technician; right?

6 A Correct.

7 Q You go to the scene, collect evidence, document it?

8 A Correct.

9 Q And you write reports?

10 A Correct.

11 Q You testified about collecting shell casings and
12 taking photos.

13 A Yes.

14 Q But that's not really all that you do; right?

15 A I mean, there is more.

16 Q Right. So there is -- there is more, but everything
17 that you do is designed to collect evidence so that you
18 get information about who committed a crime; right?

19 A Correct.

20 Q And just as importantly, the information you collect
21 could exclude somebody as a suspect.

22 A That is true.

23 Q Okay. So some of the other things that you do -- so
24 you have special training; right?

25 A In certain areas.

JURY TRIAL

- 1 Q As a crime scene --
- 2 A Yes, yes.
- 3 Q -- so you are trained on how to collect evidence?
- 4 A Correct.
- 5 Q Like fingerprints?
- 6 A Yes.
- 7 Q And DNA?
- 8 A Yes.
- 9 Q Touched DNA?
- 10 A Correct.
- 11 Q The shell casings, projectiles, unspent rounds?
- 12 A Yes.
- 13 Q So basically, anything that might shed light on what
- 14 happened, you -- you collect it and you're trained to
- 15 collect it?
- 16 A Correct.
- 17 Q Okay. Once you collect this evidence, you are trained
- 18 to preserve it?
- 19 A Yes.
- 20 Q Then you follow certain protocols?
- 21 A Yes.
- 22 Q You take the evidence back to the police station?
- 23 A I do.
- 24 Q And you process the evidence?
- 25 A Yes.

JURY TRIAL

1 Q And sometimes you examine it, not everything, but if
2 it's within your training, you would examine it?

3 A Correct.

4 Q And this is in the hopes that you're finding some sort
5 of identifying piece of evidence; right?

6 A Correct.

7 Q So one of the things we just mentioned was DNA.

8 A Mm-hmm.

9 Q And touch DNA is DNA like skin cells, sweat, oils;
10 correct?

11 A Correct.

12 Q And you collect that by swabbing the surface of an
13 object that you think may have DNA?

14 A Yes.

15 Q And in your training, you kind of know where to look
16 for things that people might touch where they might leave
17 DNA; right?

18 A Correct.

19 Q And as a crime scene tech, you don't actually analyze
20 the DNA that you process?

21 A No.

22 Q And by process, I mean you are trained to -- this is
23 very simplified -- take a swab, collect it, and then
24 preserve it in whatever method you're -- you're trained to
25 do?

JURY TRIAL

1 A Correct.

2 Q And so, you or case agent would then decide whether to
3 send samples to SLED?

4 A Correct.

5 Q Another thing that you are trained to collect would be
6 fingerprints?

7 A Correct.

8 Q And those could be left behind by somebody touching a
9 surface?

10 A Right.

11 Q Like oils from the finger are left behind on a hard
12 surface?

13 A Correct.

14 Q And the type of surface and where it's located, that
15 could determine how long the fingerprint would stay in a
16 location?

17 A Right.

18 Q And there's really no way for you to tell how long the
19 fingerprint has been anywhere?

20 A Correct.

21 Q But you are trained in knowing some locations where
22 you're more likely to find fingerprints than not?

23 A Right.

24 Q So once you find fingerprints, you're trained on how
25 to lift them; right?

JURY TRIAL

1 A Correct.

2 Q And that involves taking a brush with that black
3 powder?

4 A Right.

5 Q And then you take a piece of tape, essentially, over
6 it to lift it?

7 A Yes.

8 Q And then it's placed on a white card?

9 A Yes.

10 Q And that white card, once you placed the tape on it,
11 that's called a latent print card?

12 A Yes.

13 Q Okay. And then you would label the card so you know
14 what it is?

15 A Yes.

16 Q And then you would examine it yourself if you're
17 qualified to examine it?

18 A Right, which I was not.

19 Q Okay. There are others within your department who
20 would have been --

21 A Yes.

22 Q -- qualified to analyze it? And somebody could run it
23 through a database to see if there's a match?

24 A Correct.

25 Q So another thing that you also collect, you're trained

JURY TRIAL

1 to collect gunshot residue; is that right?

2 A Yes.

3 Q And in this case, you collected gunshot residue, also
4 known as GSR; right?

5 A Correct.

6 Q And you collected those samples from Antonio Heyward's
7 hands?

8 A I did.

9 Q And from J'Quan Brown's hands?

10 A I did.

11 Q But these were not packaged for processing at SLED?

12 A I don't believe so.

13 Q And you did not send them for processing?

14 A No. It's usually the case agent that makes that
15 request.

16 Q Okay. So there were some other items that you
17 collected from the scene, like there was a live round that
18 you've found in front of the mobile home?

19 A Right.

20 Q A 40-caliber?

21 A Yes.

22 Q We've already had the \$5 bill admitted into evidence;
23 right?

24 A Correct.

25 Q There was a Canada Dry bottle somewhere near, like,

JURY TRIAL

1 the steps, the back steps?

2 A The back side, yes.

3 Q So the \$5 bill, that was not processed for DNA?

4 A I don't believe so. I don't have it in my evidence
5 list.

6 Q And the Canada Dry bottle was not processed for DNA?

7 A No.

8 Q And in your report, you wrote -- or I guess, like,

9 I'll just move on from that. So you were not the only
10 crime scene tech there on September 15th; correct?

11 A I believe I may have called out another tech.

12 Q Would crime scene tech Tyrell ring a bell?

13 A Yes, yes.

14 Q So he was there with you?

15 A She, yes.

16 Q She -- she was there with you?

17 A Yeah.

18 Q Hard to tell when there's only an initial --

19 A Right.

20 Q -- in the report. So -- so Tyrell did some things to
21 help at the scene; correct?

22 A Correct.

23 Q So Tyrell swabbed the bloodstain on the carpet for
24 DNA; correct?

25 A Correct.

JURY TRIAL

1 Q And she swabbed a bloodstain -- or a suspected
2 bloodstain near the light switch on a wall?

3 A I believe so. That would be in her notes. I -- I
4 wouldn't take notes on what another person did. But I do
5 recall her taking the swabs for me.

6 Q And they're included on your evidence list; right?

7 A Yes, they are.

8 Q She also swabbed the front door exterior knob for DNA?

9 A Yes.

10 Q And she also swabbed the front door interior knob for
11 DNA?

12 A Yes.

13 Q Okay. And then she turned them all over to you;
14 correct?

15 A Correct.

16 Q And so, you were in charge of what evidence was
17 collected at the scene, ultimately?

18 A Yes. I would have taken everything back to city hall
19 in my vehicle.

20 Q Okay. And you would have been in charge of submitting
21 evidence for a forensic analysis?

22 A Potentially. They usually will just go to crime scene
23 and say, hey, I need whatever items sent up. It doesn't
24 necessarily have to go through me.

25 Q Well, whose "they"?

JURY TRIAL

1 A The detective case agent.

2 Q So the detective, or the case agent, makes the
3 decision about what ultimately gets packaged and sent for
4 further analysis?

5 A Yes.

6 Q And so, in this case, you didn't prepare, like, a
7 pre-log or an inventory of any of the DNA samples that you
8 collected from the crime scene?

9 A No.

10 Q One thing. So Crime Scene Tech Tyrell, she also
11 processed the front doors for fingerprints?

12 A Yes.

13 Q Okay. And there was some ridge detail that was
14 revealed?

15 A I believe so. Again, I'm not going to testify to what
16 she did.

17 Q Okay. But you know that she did process for
18 fingerprints --

19 A Yes, I do know she did.

20 Q -- on the front door. And these were the front doors.
21 Like, there were two doors so, like, the screen door, the
22 storm door and the front interior, like the front door?

23 A Yeah.

24 Q And to your knowledge, was analysis of these
25 fingerprints ever done?

JURY TRIAL

1 A I don't know. If -- if there was some collected, they
2 would have been put into the system, but I couldn't tell
3 you from there what happened with them.

4 Q Okay. And these are -- so there were casings from the
5 fired bullets that were collected from the scene?

6 A Correct.

7 Q Because that's what many of these State's Exhibits are
8 up here; correct?

9 A Yes.

10 Q And none of those were processed for fingerprints;
11 right?

12 A No.

13 MS. DOVELL: I beg the Court's indulgence.

14 THE COURT: Mm-hmm.

15 MS. DOVELL: No further questions.

16 THE WITNESS: Thank you.

17 THE COURT: Ms. Gay?

18 CROSS-EXAMINATION

19 BY MS. GAY:

20 Q Hey, I'm Melisa Gay. How are you?

21 A How you doing? Good.

22 Q When you for -- initially on direct, you described to
23 the jury all the different things that you do which led to
24 all these pictures and pieces of evidence that we have.

25 A Correct.

JURY TRIAL

1 Q And certainly, nothing that you're sharing with the
2 jury today is evidence from you that has anything to do
3 with who may have committed this offense or these
4 offenses?

5 MR. FINCH: Objection; speculation.

6 THE COURT: Overruled. Goes to the scope of her
7 employment.

8 BY MS. GAY:

9 Q So you're not --

10 THE COURT: Do you understand the question,
11 ma'am?

12 BY MS. GAY:

13 Q What I'm asking is, to this jury today --

14 A Mm-hmm.

15 Q -- what you're testifying to, none of that has
16 anything to do with who committed the offenses that were
17 about here today?

18 A I just collected evidence.

19 Q Right. And -- and isn't -- you don't have any
20 evidence to support or to say to the jury today that it
21 has anything to do with Kassiem Mitchell specifically, was
22 my point.

23 A That would be -- SLED does that. I just collect.

24 Q Thank you.

25 MS. GAY: I have no further questions, Your

JURY TRIAL

1 Honor.

2 THE COURT: Any redirect?

3 MR. FINCH: Briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. FINCH:

6 Q Regarding fingerprints, if there's -- if there's not
7 sufficient ridge detail can you get any information off
8 that?

9 A No, sir.

10 Q And how about with DNA? If you're pulling a swab from
11 blood that you know came from a person, is that likely to
12 give you the DNA from that person?

13 MS. DOVELL: Objection, Your Honor. This is
14 outside the scope of her knowledge.

15 MS. GAY: And I enjoin in that objection, Your
16 Honor.

17 THE COURT: You need to lay the appropriate
18 foundation to ask that question.

19 BY MR. FINCH:

20 Q Do you have any training in -- do you have any
21 training in how DNA is collected?

22 A Yes.

23 Q And for what purpose?

24 A Yes.

25 Q Do you have an understanding that lays the under --

JURY TRIAL

1 the basis of that --

2 A Yes.

3 Q -- as to how DNA is found?

4 A Yes.

5 Q And sometimes that can be as a result of skin cells
6 that Ms. Dovell talked to you about touch DNA?

7 A Right.

8 Q Or sometimes it could be in blood?

9 A Correct.

10 Q Is there anything in your training or experience that
11 would lead you to believe that somebody else's DNA would
12 be found in the blood of someone?

13 A No.

14 Q Okay. In your experience, would you -- if -- if
15 someone was shot, in your experience, would you be able to
16 tell whether or not -- would you expect to find gunshot
17 residue on that person?

18 A Usually, yes.

19 Q And that's because they're shot, not necessarily
20 because they anybody; correct?

21 A Correct.

22 Q And in this situation, and in your employment, it
23 would be the case agent or the detective in charge who
24 would make the determinations as to what went where based
25 on the probative value of evidence --

JURY TRIAL

1 A Correct.

2 Q -- or the likely probative value?

3 A Yes.

4 Q Thank you so much.

5 MR. FINCH: I don't have any further questions
6 for this witness.

7 THE COURT: Any objection to the witness being
8 excused from the State?

9 MR. FINCH: No, Your Honor.

10 THE COURT: From the Defense, Ms. Dovell?

11 MS. DOVELL: No, Your Honor.

12 THE COURT: Ms. Gay?

13 MS. GAY: No, ma'am.

14 THE COURT: Ma'am, you're excused.

15 THE WITNESS: Thank you.

16 THE COURT: You're welcome. Call your next
17 witness.

18 MR. FINCH: The State calls Crystal
19 Nelson-Watson.

20 THE COURT: Ms. Gearding, could I ask you a
21 quick question?

22 MS. GEARDING: Of course.

23 THE COURT: And what was your witness's last
24 name?

25 MR. FINCH: It's Nelson-Watson. It's a double

JURY TRIAL

1 last name, common spelling.

2 (Sidebar off the record.)

3 THE CLERK: Please raise your right hand and
4 place your left hand on the Bible.

5 (The witness was sworn in.)

6 THE CLERK: Please be seated. Please state your
7 full name, spelling your last name directly into the
8 microphone.

9 THE WITNESS: It's Crystal Nelson-Watson, last
10 name W-A-T-S-O-N.

11 THE COURT: You may proceed.

12 MR. FINCH: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 CRYSTAL NELSON-WATSON

15 was called as a witness, and having been first duly sworn,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. FINCH:

19 Q Good afternoon, Ms. Nelson-Watson. Could you tell the
20 jury where do you work?

21 A Where do I work?

22 Q Yeah, where do you work?

23 A Harris Teeter.

24 Q And are you from Charleston?

25 A Charleston, South Carolina, all my years.

JURY TRIAL

1 Q And -- and so you've lived in Charleston all your
2 life?

3 A Mm-hmm.

4 Q And did you -- did you ever have occasion to live at
5 [REDACTED] 175?

6 A Yes, I did.

7 Q How long did you live there?

8 A For about three years.

9 Q And what years did you live there?

10 A The end of 2016 until mid-August of 2019.

11 Q And when you lived there in 2019, did anyone live with
12 you?

13 A Yes.

14 Q Who was that?

15 A It was my mom before she passed, Antonio, and me.
16 That's about it.

17 Q Antonio Heyward?

18 A Yes, sir.

19 Q Did you also call him York?

20 A Yes, sir.

21 Q And -- but you moved out in mid-August?

22 A Yes, sir.

23 Q And on the date of the -- of this event we're talking
24 about, which was September 15th of 2019, did you receive a
25 phone call?

JURY TRIAL

1 A Yes, I did.

2 Q Okay. Who called you?

3 A Shard.

4 Q And who is that? Is that Santonio Scott?

5 A Yes.

6 Q Okay. And did he talk to you about that something had
7 happened at the house?

8 A Yes, sir.

9 Q Okay. And what did you do after you heard what --
10 what Shard had told you?

11 A I rushed from work and went straight to the trailer
12 park.

13 Q To the -- to the house? Did you get all the way to
14 the trailer?

15 A I couldn't have because there was so much chaos going
16 on, cars and everything, so I ran down the street.

17 Q Okay. Did you talk to anybody at the scene?

18 A An officer, I believe. I don't remember the name of
19 the officer once I got there.

20 Q Okay. And did you -- did you talk to him about --
21 what did you talk to him about?

22 A I was just wondering what was going on because of the
23 phone call I received, and they just told me what
24 happened.

25 MS. DOVELL: Objection, Your Honor.

JURY TRIAL

1 THE COURT: She's saying someone told her. She
2 hasn't repeated it. Ma'am, you can't repeat what
3 someone said to you. You can only say what you did
4 as a result of the conversation.

5 THE WITNESS: Okay.

6 BY MR. FINCH:

7 Q But they told you that something had happened inside,
8 essentially?

9 A Yes, sir.

10 Q Now, going back to when you lived with -- or when York
11 lived in the house with you, or you lived in the house
12 with York, did he still live there after you moved out?

13 A Yes, sir.

14 Q Okay. And -- but you had the lease?

15 A Yes.

16 Q Okay. And that's -- did you get contacted by the
17 landlord as well that day?

18 A Yes, sir, I did.

19 Q Okay. Another reason of why you went down there?

20 A Mm-hmm.

21 Q Okay. What was it like living with -- with York?
22 What was going on? What did he do in the house?

23 A He -- when he would stay there, he would help me with
24 my mom, because my mom took sick and I used to work at
25 certain hours in the morning. So he would help fix her

JURY TRIAL

1 breakfast and things like that while I was at work.

2 Q Okay. And after she passed, you moved out?

3 A Yes.

4 Q Did you ever go back to the house while York was
5 living there?

6 A Just often just to, like, check on him or get money
7 for bills to pay the bills, like light bill, water bill,
8 or something like that.

9 Q Okay. And he'd give you the money --

10 A Mm-hmm.

11 Q -- to pay the bills? And do you know how he made his
12 money?

13 A Yes.

14 Q How was that?

15 A Selling weed.

16 Q I'm sorry, selling weed?

17 A Selling weed. Mm-hmm.

18 Q Did he have large quantities of cash in house?

19 A He probably did. I'm not sure. After I left, I never
20 knew what was really going on after that.

21 Q Okay. Was it his habit to let strangers in the house?

22 A No. The door stayed locked. He only let in who he
23 knew.

24 Q The door stayed locked?

25 A But if you had a key, yeah.

JURY TRIAL

1 Q You had a key?

2 A Mm-hmm.

3 Q And when we're looking at a picture of the house, this
4 is the -- the entryway. Is that really, like, the back of
5 the trailer?

6 A Yes.

7 Q It's oriented so the front is on the other side?

8 A Yes.

9 Q And most people use the --

10 A The back.

11 Q -- the back?

12 A Where you can see it's front yeah.

13 Q This right here? I'm going to show you. That's
14 State's No. 3.

15 A Yeah.

16 Q That would be the --

17 A That's the front, considered to us as the front.

18 Q -- considered the front, and that would kind of go
19 through the laundry room?

20 A Mm-hmm.

21 Q And then into the kitchen?

22 A Yes.

23 Q And then into the living room is straight up?

24 A Yes.

25 Q Okay.

JURY TRIAL

1 MR. FINCH: That's all I have for this witness
2 at this time.

3 THE COURT: Any questions for the witness?

4 MS. DOVELL: No questions for this witness, Your
5 Honor.

6 THE COURT: Ms. Gay?

7 MS. GAY: I have no questions for this witness.

8 THE COURT: Any objection to the witness being
9 excused from the State.

10 MR. FINCH: No, Your Honor.

11 THE COURT: From the Defense?

12 MS. DOVELL: No, Your Honor.

13 MS. GAY: No, ma'am.

14 THE COURT: Ma'am, you're excused. Have a good
15 day.

16 THE WITNESS: You too.

17 THE COURT: Call your next witness.

18 MR. FINCH: The State calls Charlie Benton.

19 THE CLERK: Please raise your right hand and
20 place your left hand on the Bible.

21 (The witness was sworn in.)

22 THE CLERK: Please be seated. Please state your
23 full name, spelling the last name directly into the
24 microphone.

25 THE WITNESS: My name is Charles Earl Benton,

JURY TRIAL

1 Jr. My last name is spelled B-E-N-T-O-N.

2 THE COURT: You may proceed.

3 MR. FINCH: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 CHARLES BENTON

6 was called as a witness, and having been first duly sworn,
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. FINCH:

10 Q Good afternoon, Mr. Benton. If you would, tell the
11 jury where it is you're employed.

12 A I'm currently employed at a company called Field
13 Ethos. It's a men's adventure lifestyle brand.

14 Q And what do you do for them?

15 A I am pretty much the main editor for the entire brand.
16 We do a print journal publication, stories on our website,
17 and put out a whole bunch of media. So I'm the editor
18 over all of that.

19 Q The fact -- and how long have you been doing that?

20 A Since about May of 2022.

21 Q Okay. Before that in 2019, what were you doing?
22 Where were you working?

23 A I was a police detective with the City of North
24 Charleston Police Department.

25 Q And as part of your duties and responsibilities as a

JURY TRIAL

1 detective, you would investigate people's crimes?

2 A Yes, sir.

3 Q Including murder?

4 A Yes, sir.

5 Q And in September 15th of 2019, were you working that
6 day?

7 A I was actually not working. That was a Sunday. And I
8 was part of a call-out team. When you're in the detective
9 bureau, you're divided up into call-out teams. You're
10 on-call every fourth week for the whole week. And so any
11 crime that happens during off hours, whether it's on the
12 weekend or overnight, that call-out team will come out and
13 respond and do the initial response for that incident. So
14 I was called in on the 15th for a double homicide.

15 Q And was that at [REDACTED] 175?

16 A [REDACTED] 175. Yes, sir.

17 Q And that's in Charleston County?

18 A It is.

19 Q In the city of North Charleston?

20 A Correct. Yes, sir.

21 Q And when you say as a call-out team, is that a
22 sergeant literally calls people out and says there's a
23 crime that's happened, I need the detectives to come in?

24 A Correct. So the detective division is divided into
25 different units. You've got a persons crime unit, which

JURY TRIAL

1 specializes in crimes against persons; so homicide,
2 attempted homicide, robbery, things of that nature.
3 You've got a special victims' unit that handles sexual
4 assaults, crimes against children, elder abuse, a
5 white-collar crime that handles white-collar crimes and
6 property crimes, so theft and things like that. And
7 generally, a call-out team will be made up of people from
8 each of those different units. So regardless of what the
9 major incident is when they get called out, there's one
10 person there that's going to generally take the lead,
11 whichever is applicable. So if it's an armed robbery, the
12 person who is prime detective will usually take the lead
13 and then it may be transferred over to another detective
14 for them to be the full lead for the rest of the case.
15 But we would all go out and respond together, depending on
16 the incident.

17 Q And that gets handed over, is that sort of like in
18 rotation?

19 A Yes, sir.

20 Q Okay. So the next person up for their applicable
21 crime to investigate would get it, say, on that Monday?

22 A Yes, sir.

23 Q But you went out and you responded as part of the
24 call-out team to [REDACTED]. And what did you see when you
25 got there?

JURY TRIAL

1 A When I first arrived -- generally, when any crime goes
2 out, the first people who are going to be on scene are
3 patrol. They get dispatched out. So when I arrived, I
4 spoke with a couple of the higher-ups on patrol, some of
5 the supervisors who were there who had already been
6 talking with their initial response patrol officers and
7 gathering information. I spoke with a couple of my
8 superiors in investigations and just kind of tried to
9 figure out what was already known by the time I arrived.

10 Q And did you speak to anybody, any laypeople at the
11 scene, any citizens?

12 A Over the course of my time there -- I arrived
13 probably, I think, about 2:45 in the afternoon, I think,
14 and I was there until -- I was on scene 'til, I believe,
15 about 10:30 that night. And over the course of the time
16 there, I spoke to multiple people. There was the
17 gentleman who actually owns the trailer where this took
18 place. I spoke with him. There's a young lady who was
19 the registered tenant but who was not actually living
20 there at the time. I spoke with her and several other
21 people. Those are the two people that immediately come to
22 mind.

23 Q And then, you turned your focus to the investigation?

24 A I did. You know, so when I first arrived, the scene
25 was -- was secured. Nobody was coming or going from the

JURY TRIAL

1 inside of the -- the residence at that point. We were
2 waiting until we had secured a search so that we could
3 actually going in and gather information and process the
4 scene. And so, I was doing various things trying to get
5 caught up on -- on what was known at the time. And then,
6 the search warrant arrived, and I assisted with the
7 execution of the search warrant.

8 Q And when you were assisting with the execution of the
9 search warrant, walk us through that. What does a
10 detective do that's different than the crime scene
11 technician?

12 A Well, there -- there are number of things that we will
13 do kind of in tandem. So the -- the crime scene
14 technician will go through and take overall photographs of
15 everything as it initially sits. And then after they've
16 done that -- because we want to preserve everything in
17 photograph as close to, you know, how it looked when
18 everything went down as we can -- then the other
19 detectives will come in and will start walking through the
20 scene. And they're -- you know, I'm making notes about
21 things that I think are significant, things that may be
22 significant, sort of documenting what I see. And if
23 there's something that I see that I think may be
24 significant, I may point it out to crime scene and say,
25 hey, could you make sure you get a photograph of that if

JURY TRIAL

1 you haven't already; hey, I found this thing over here,
2 have you seen that, just kind of going back and forth in
3 that manner. So they are the ones that are taking photo
4 evidence. They are, you know, putting out placards that
5 you'll see with, you know, different numbers on them
6 corresponding with all the different items that are found
7 that may have some significance to the case.

8 And then, they are the ones who are actually
9 collecting those items once the scene is -- is finished
10 being processed, whereas you know, detectives, I'm not
11 necessarily going around and physically collecting the
12 evidence. I'm not necessarily taking photographs, but I'm
13 walking through the scene trying to -- to view it from an
14 investigative perspective and figure out anything that I
15 might think could help us solve the case.

16 Q I'm going to show you what's been marked and admitted
17 as State's 16. Is that just an example of one of the
18 placards that the crime scene would be marking things
19 with?

20 A Yes, sir.

21 Q And the same with State's 18 and 19?

22 A Yes, sir. Those are the placards.

23 Q And then, 20?

24 A Yes, sir.

25 Q And that's now 17. Did you also -- and part of that

JURY TRIAL

1 is -- what -- what are some of the things you do to help
2 guide the crime scene tech? Do you look for bullet holes
3 or projectiles?

4 A Yes, I do. In this particular case, I remember
5 walking in and seeing a number of different things. There
6 was a stick of incense that was stuck into, like, an old
7 landline mounted on the side of the wall. That stick of
8 incense was still burning when we walked in there. I
9 mean, it had not been lit for too terribly long. I
10 remember seeing a griddle on the counter in the kitchen.
11 The griddle was on, but it didn't look like it had ever
12 been used. If I remember correctly, I think the box that
13 it came in was still somewhere in the kitchen. There was
14 a Solo cup on the counter that had what looked to be eggs
15 that had been scrambled but not cooked yet. There was a
16 fork sitting in there. There were egg shells in the
17 trashcan, and then a carton of eggs. It was missing some
18 of the eggs that were in there.

19 I remember seeing a bullet hole in the -- in the
20 refrigerator that went in one side of the refrigerator,
21 came out, and I could follow the path as it went through
22 the wall. It then went into the master bedroom, went into
23 and back out of the carpet and ended up going and lodging
24 itself, I believe, in the -- the box springs of the master
25 bed. I pointed that out to crime scene and made sure they

JURY TRIAL

1 documented that. There was another projectile that was
2 lodged in a door in the living room. So in this -- in
3 this particular property, you walked in what was -- I
4 guess, technically, the back door of the trailer was used
5 as the front door. And then the front door was on the
6 backside of the living room, and there was a projectile
7 lodged in that door. I pointed that out to crime scene
8 and they collected that. So just things of that nature.

9 Q And you'll see up there on the screen that is State's
10 13. Is that the griddle you're referring to?

11 A Yes, sir, it is.

12 Q And then, State's 14, that's the -- maybe a better
13 shot of the cup with the eggs and stuff?

14 A Yes, sir, the Solo cup there and the egg carton.

15 Q All right. And State's 43, that's the -- is that the
16 bullet hole from the fridge?

17 A Yes, sir, it is.

18 Q And then you followed that trajectory?

19 A I did.

20 Q Okay. So you were assisting with the execution of
21 that. And after that, the crime scene tech is collecting
22 the evidence and -- and bagging it and taking it back.

23 Are you making determinations, or was it -- well, let me
24 ask you this. Was this your case?

25 A It was not my case.

JURY TRIAL

1 Q So you were just limited to the call-out and then some
2 follow-up?

3 A Correct. I think I was -- I was involved in this case
4 for maybe a total of four days.

5 Q And that's not unusual that you would only be involved
6 with a certain case for a couple of days?

7 A No, sir, it's not unusual.

8 Q Okay. And -- well, you did -- you wrote a pretty
9 extensive and detailed report, for which everyone thinks
10 you. But you documented each room and -- and all the
11 different things you found?

12 A Correct.

13 Q And what's been admitted into evidence here, I'll
14 submit to you, is the shell casings and projectiles from
15 the scene in the photographs, but there were other things
16 collected; is that correct?

17 A Correct.

18 Q And some things have evidentiary value and some don't,
19 in your experience?

20 A That's correct.

21 Q But you don't know until somebody makes that
22 determination; correct?

23 A Correct.

24 Q And that's in every case?

25 A Yes.

JURY TRIAL

1 Q Not every piece of evidence has the same value; is
2 that correct?

3 A Correct.

4 Q So after you said you -- you said you were there 'til
5 about almost 10:30 at night at the scene?

6 A I believe so, something like that.

7 Q And then, did you call it a night after that, or what
8 happened then?

9 A No. We back to the detective bureau. And when I say
10 we, I mean the call-out team. We all went back and
11 debriefed and spoke about what we knew up to that point,
12 the status of the investigation, made a list of things
13 that needed to be done. And I believe it was at that
14 point that I first watched the video that had been
15 obtained from a trailer across the street. It sort of
16 showed [REDACTED] 175 and the goings-on there. And then, at some
17 point during the middle the night, I went home for a
18 little while and came back the following day, the 16th.

19 Q What do you recall seeing on that video?

20 A I remember seeing a gray Nissan Altima pull up out in
21 front of the trailer. I believe, at one point, one of the
22 subjects in the car, at least one of them got out. It
23 looked like they may have had a conversation with someone
24 who came out of the trailer. And I believe they got back
25 in the vehicle. Or one way or another, the vehicle ends

JURY TRIAL

1 up pulling from in front of the trailer around to the side
2 and parking, and two subjects got out and went inside.
3 Approximately two minutes later, I believe, two subjects
4 come out of the trailer. One of them has got a, I want to
5 say, maybe like a big trashbag-looking bag. He goes back
6 to the vehicle. There was another subject. One of the --
7 so two subjects get out and go inside. One subject comes
8 out with the bag. Another subject is standing just over
9 the threshold inside the trailer, kind of grabbing at
10 stuff on the floor -- it looks like maybe stuffing it into
11 their pants -- and then goes with that first subject. The
12 two of them get back in the vehicle, and then the vehicle
13 drives off.

14 Q Did you see anything that appeared to float out of the
15 bag?

16 A Yeah. It did -- it did appear that there was some
17 object that was -- that floated out of the bag as the
18 first gentleman with the large trashbag was getting into
19 the vehicle. Later on, while we were on scene, crime
20 scene recovered a -- some U.S. currency, a dollar bill of
21 some sort in that general area that seems to match what we
22 saw floating.

23 Q Did you ever look at that item?

24 A I don't recall if I did or not.

25 Q Do you remember where it was?

JURY TRIAL

1 A In relation to --

2 Q In relation to the house.

3 A -- the house? If you're -- if we're going by the --
4 the camera's perspective viewing the trailer, this would
5 have been on the left-hand side, the far left-hand side of
6 the trailer on the -- the side of the trailer where that
7 gray Altima was parked.

8 Q I'm going to show you State's 5. Does that show on
9 the side of the house that you're talking about, the
10 corner?

11 A Yes, sir, I believe it is.

12 Q And then, State's 8, is there a placard on the side of
13 the house, then?

14 A Yes, I see that.

15 Q And that's in States 9?

16 A Yes, sir. That's consistent with what I saw.

17 Q Okay. And so, what does that appeared to be?

18 A A \$5 bill.

19 Q I'm going to show you State's 100. Does this look
20 like the same \$5 bill?

21 A Yes, sir.

22 Q All right. So after you got back and you -- did
23 you -- after you got back and you debriefed and looked at
24 some video, is that when you called it a night on the
25 15th?

JURY TRIAL

1 A I believe that -- yeah, I believe at that point that
2 -- that we went home for the evening.

3 Q You said you worked on this for a good couple of days,
4 though. What was the next thing you do? Was that the
5 next day?

6 A The next day, the 16th, which would have been a
7 Monday, I came into the office and began looking at one of
8 the victim's Facebook pages, Mr. Heyward's Facebook page.

9 MS. DOVELL: Objection, Your Honor.

10 THE COURT: Basis?

11 MS. DOVELL: I believe there's about to be
12 testimony for which a foundation has not been layed
13 and it's not relevant.

14 THE COURT: I don't take speaking objections.
15 Is the objection foundation?

16 MS. DOVELL: Relevance.

17 THE COURT: Relevance? Please restate the
18 question.

19 BY MR. FINCH:

20 Q Was the -- was the evidence we just discussed in the
21 photographs the only information you had about the case?

22 A No, sir.

23 Q Had you -- had you heard other things about the case
24 from people you talked to at the scene?

25 A Yes, sir.

JURY TRIAL

1 MS. DOVELL: Objection, Your Honor; hearsay.

2 THE COURT: Please approach.

3 (Bench conference off the
4 record.)

5 THE COURT: The objection is overruled. He's
6 not to repeat what anyone said to him. We do not
7 have investigative hearsay. He can only say what he
8 did within the scope of his employment and within the
9 range of his duties and responsibilities. Please
10 rephrase the question.

11 BY MR. FINCH:

12 Q On the 16th, what investigative steps did you take?
13 What actions did you take when you went back into work?

14 A I looked on Mr. Heyward's Facebook page. I went down
15 his friends list, and I was looking for any friends that
16 were on his list with the name of Trell.

17 Q And did you find any?

18 A I did.

19 Q And was there a screen name that went with that that
20 you saw?

21 A There was. There was a subject that was listed on his
22 friends list with the vanity name of YGG Trell. I clicked
23 on that. And then across the top, the actual URL will
24 contain -- it will say Facebook.com, slash, and then it
25 will have whatever name was used when the account was

JURY TRIAL

1 created. That creates the -- the unique URL for a
2 person's Facebook page. And you can change your vanity
3 name to whatever you want it to be. And in this case, the
4 account with the vanity name of YGG Trell had a name
5 across the top.

6 MS. DOVELL: Objection, Your Honor.

7 THE COURT: What's the basis of your objection?

8 MS. DOVELL: Again, it's relevance.

9 THE COURT: Overruled. It's relevant. It's
10 within the scope of his investigation of the case,
11 leads he was following and what he actually
12 perceived. Overruled. You may proceed.

13 MR. FINCH: Thank you, Your Honor.

14 BY MR. FINCH: -

15 Q What did the name -- the vanity name revealed what
16 name after that, you said?

17 A The name across the top was Latrell Stanley, and there
18 was a birthdate listed on that account of November the
19 22nd. There was no year, I don't believe, but that was
20 the -- the month and the date. I then pulled up the South
21 collateral Department of Motor Vehicles website. As a law
22 enforcement officer, we have members' access to where we
23 can look at records. I attempted to do a search for the
24 name Latrell Stanley and I did not find any results. I
25 then used Latrell as a middle name and did Latrell as a

JURY TRIAL

1 middle name Stanley and came back with one hit, and it was
2 for a Shamar Latrell Stanley with a date of birth of
3 [REDACTED] and an address of the City of
4 Charleston on [REDACTED], I believe.

5 Q After that, on the next -- did you -- what did you do?
6 Did you follow up on anything with that, that [REDACTED]
7 address?

8 A I did. Myself and Detective Desheers rode to that
9 location. Obviously, after viewing the video and seeing
10 the gray Altima, that was the vehicle that we wanted to
11 track down. We did not see it at the [REDACTED] location.
12 We had our crime analysis unit pull a list of the Nissan
13 Ultimas that were roughly the year that we believed were
14 looking at all the video, and all of them were registered
15 in the Tri-County area. And Detective Desheers and I rode
16 around for the next couple of days checking all these
17 different addresses, attempting to locate that vehicle.

18 Q And did you -- did that on the 17th?

19 A We did that on 16th. We did that on 17th. And then
20 on the 18th, which is the final day that I was involved,
21 myself and Lieutenant Keufler drove out to the Tides at
22 Folly Beach and picked up a young lady whose name was on
23 some paperwork inside the trailer when we were conducting
24 the search warrant, a young lady by the name of Crystal
25 Seabrook, and brought her back for an interview. And at

JURY TRIAL

1 that point, that was my final involvement in the
2 investigation.

3 THE COURT: Sir, I need you to speak closer to
4 the microphone. .

5 THE WITNESS: Yes, ma'am. My apologies.

6 THE COURT: No worries. Thank you.

7 BY MR. FINCH:

8 Q And then, you said that was -- that was the -- the
9 close of your portion of the investigation or your
10 participation in this case?

11 A Yes, sir.

12 MR. FINCH: I have no further questions at this
13 time, Your Honor. Please answer any questions the
14 Defense may have:

15 THE COURT: Ms. Dovell?

16 MS. DOVELL: Thank you, Judge.

17 THE COURT: You're welcome.

18 CROSS-EXAMINATION

19 BY MS. DOVELL:

20 Q Good afternoon, Mr. Benton.

21 A Hello.

22 Q I just have a couple of questions for you. It sounds
23 like, from your testimony just now, that you were on scene
24 for a really long time on September 15th.

25 A It just depends on the case. I've been on scenes for

JURY TRIAL

1 longer times or shorter.

2 Q So from about 2:45 'til about 10:30?

3 A I believe that's correct.

4 Q Okay. At any point in time while you were there, do
5 you recall encountering a Santonio Scott?

6 A I know that I saw paperwork with his name on it in the
7 residence, but I don't -- I don't recall if I ever saw him
8 there.

9 Q And you had mentioned in some of the -- some of the
10 things you do in your on-call detective duties is you go
11 through the crime scene with the crime scene technicians;
12 right?

13 A Correct.

14 Q One of the things that you noticed on September
15 15th was that there appeared to be a blood smear with a
16 potential fingerprint in that blood smear on the wall that
17 was close to where Antonio Heyward's body was; correct?

18 A Yes, ma'am.

19 Q And you called the crime scene technician's attention
20 to that?

21 A Yes, ma'am.

22 Q And you requested that it be documented and processed?

23 A Yes, ma'am. I made them aware of it so that they
24 could document it.

25 Q Okay.

JURY TRIAL

1 MS. DOVELL: I beg the Court's indulgence.

2 THE COURT: Yes, ma'am.

3 MS. DOVELL: No further questions. Thank you.

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Anything, Ms. Gay? Anything?

6 MS. GAY: One moment, please.

7 CROSS-EXAMINATION

8 BY MS. GAY:

9 Q Hi, how are you?

10 A Doing well.

11 Q I'm Melisa Gay. How are you doing? So you mentioned
12 a number of things to the jury today about your
13 involvement in this case. You said that you were involved
14 from the 15th all the way through, I believe, the 18th.
15 That's when you said that that's when your participation
16 ended; is that right, September 18th?

17 A Yes, ma'am. Yeah.

18 Q And you did several different things which you
19 discussed in the crime scene and afterwards. Today, with
20 this jury today in this courtroom, no evidence that you're
21 presenting, no testimony that you're presenting has
22 anything to do with Kassiem Mitchell, does it?

23 A Nothing that I've testified about to this point, other
24 than --

25 Q Yes?

JURY TRIAL

1 A -- no, nothing that I've said on the record so far, no
2 ma'am.

3 Q Okay. And I believe that you asked Crystal Nelson
4 some things, and nothing about Mr. Mitchell came up in any
5 conversation with Crystal Nelson. You made a report in
6 this case?

7 A Yes, ma'am. Yeah.

8 Q Would it be helpful if I showed you the notes of your
9 report?

10 A I read them. I'm just trying to be thorough.

11 Q Okay. So you testified earlier that nothing you've
12 testified today has anything to do with Kassiem Mitchell.
13 So not even --

14 A I have not testified and said Kassiem Mitchell's name,
15 per se, but it's -- you know, it was my responsibility
16 when I responded to the scene to note things that may or
17 may not be relevant, and then the case agent would then
18 take all of the things that were collected by myself and
19 by everyone else and determine how that applies to anybody
20 that may become a suspect.

21 Q -- I understand. And you interviewed some people, and
22 one of them was Crystal Nelson?

23 A Yes.

24 Q And I believe that you also interviewed somebody named
25 Ms. Seabrook?

JURY TRIAL

1 A Yes, the one I spoke about a moment ago, Crystal
2 Seabrook. Yes, ma'am.

3 Q Okay. I have no further questions. Thank you.

4 A Yes, ma'am.

5 THE COURT: Any redirect?

6 MR. FINCH: Briefly, Your Honor. And may we
7 approach?

8 THE COURT: Yes.

9 (Bench conference off the
10 record.)

11 THE COURT: Mr. Foreman, ladies and gentlemen of
12 the jury, I need to take up a matter of law with
13 counsel. This is also a convenient time for you all
14 to take a comfort break. During this break, please
15 do not discuss the case and please leave your
16 notepads in your seats. We appreciate your patience.

17 (The jury exited the courtroom.)

18 THE COURT: You may be seated. Go ahead and
19 asked the questions, please, Mr. Finch, so I can
20 create a proffer if I need to.

21 BY MR. FINCH:

22 Q Mr. Benton, Ms. Gay asked you if you had had any
23 conversations with any people, specifically -- well,
24 first, she asked you if you had had any evidence
25 mentioning -- and then mentioned her client, Kassiem

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1 Mitchell, by name, and you responded you did not testify
2 to his name.

3 A Correct.

4 Q And then, she asked you whether you had had any
5 conversations or interviews with individuals, and one of
6 those was Crystal Nelson?

7 A Correct.

8 Q And -- and did you have a conversation with
9 Ms. Nelson?

10 A I believe I spoke to her on scene when she came later
11 that night after she had been formally interviewed.

12 Q And did she tell you anything -- well, what did she
13 tell you she heard while she was -- related to this case?

14 A So I don't recall that Ms. Nelson told me anything
15 related to this case. I recall that Ms. Seabrook told me
16 something that was related to the case.

17 Q Oh, she did also ask you if you spoke to Ms. Seabrook?

18 A Yes.

19 Q And what did Ms. Seabrook tell you related to this
20 case?

21 A Ms. Seabrook told us that she heard that somebody
22 named Trell was involved in the homicide.

23 Q Is that one of the --

24 MR. FINCH: -- no further questions, Your Honor.

25 That was it.

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1 THE COURT: Is there any exception to the
2 testimony, from Ms. Dovell?

3 MS. DOVELL: Yes, Your Honor. This is --

4 THE COURT: What is the basis of the objection?

5 MS. DOVELL: -- this is hearsay.

6 THE COURT: And Ms. Gay, is there any exception
7 to the testimony?

8 MS. GAY: Yes. It's hearsay. Your Honor, I
9 said you spoke to her, he answered yes, but I didn't
10 ask what she said or open any door to what she
11 actually said to him. I said you spoke to
12 Ms. Nelson, you spoke to Ms. Seabrook. That was the
13 answer.

14 THE COURT: But what was your follow-up question
15 after that?

16 MS. GAY: I didn't ask a follow-up question. I
17 said nothing that you're saying here has anything --
18 nothing you said about Mr. Mitchell. So everything
19 that I was saying was about Mr. Mitchell. But I
20 still think it's hearsay because it's hearsay upon
21 hearsay, because she is saying that she heard -- I
22 mean if you take his statement --

23 THE COURT: What was the purpose of asking why
24 he had spoken with her?

25 MS. GAY: Just because in his notes he said that

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1 he had, and I was just asking the questions.

2 THE COURT: I'm sorry. I didn't hear you. Say
3 that one more time.

4 MS. GAY: In his notes, he said that he had done
5 these interviews, and I was asking the jury --

6 THE COURT: So why was it relevant to ask if he
7 interviewed her at all? Why was the -- what was the
8 evidentiary value in her name being mentioned? What
9 actual consequence in this case would it make it more
10 or less probable?

11 MS. GAY: Well, Your Honor, that there wasn't
12 any information that he's provided that he got in his
13 report or put in his report about Mr. Mitchell.

14 THE COURT: But why was it necessary to ask the
15 question about this individual? Why couldn't you
16 simply have asked that question which you did? So
17 I'm trying to figure out what was the probative value
18 of relevance of mentioning her --

19 MS. GAY: Just because --

20 THE COURT: -- and the fact that he talked to
21 her?

22 MS. GAY: -- they're in his report, that's it,
23 that these are people that are in his report that he
24 spoke to. So his direct testimony was all about what
25 he did in follow-up after the 15th through the 18th,

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1 and he did follow up things. And he also testified
2 and my -- you know, answer, well I've done lots of
3 things that -- you know, as part of this case. So it
4 was really just a reference of these are the people
5 you talked to and, once again, they don't have any
6 information about Mr. Mitchell. That was my
7 question. And I think that if he were to answer that
8 -- if he -- if Mr. Finch is able to redirect and say,
9 well, what did she say, I think that she is -- she
10 isn't saying what she knows, she's saying what
11 somebody said to her, which was Ms. Dovell's motion
12 about hearsay. And I think it's firmly hearsay as
13 part of response. He did make a report. He did
14 mention her. He did say that it he was -- she was
15 mentioned in his report. But indicating what she
16 said that somebody told her would be hearsay because
17 she's not here.

18 THE COURT: Mr. Finch?

19 MR. FINCH: Your Honor, Ms. Gay started with a
20 predicate question as to whether or not Mr. Benton
21 had, essentially, implicated or had any evidence to
22 implicate Kassiem Mitchell, specifically, by name.
23 It was clear that that was her question because he
24 answered that he hadn't testified about Kassiem
25 Mitchell by name and he hadn't referenced it in the

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1 report. And then she went on to ask whether he had
2 had conversations with certain individuals, Crystal
3 Nelson and Crystal Seabrook. And the State's
4 position is that she has then opened the door to the
5 content of those conversations by laying this
6 predicate question as to what wasn't discussed,
7 leaving wide open to the jury the jury's curiosity
8 and for the State to fill what was discussed or what
9 was relayed to him during his role as an
10 investigating officer in this case.

11 MS. GAY: Your Honor, I asked him if he created
12 a report, and he said yes. And I said you spoke --
13 so in your report, you spoke to this lady, you spoke
14 to that lady. It is in his report. I never said
15 what did she say to you, or anything like that. And
16 even if he were to have started to say, well, she
17 told me, Ms. Dovell, me, we would both have jumped up
18 and said hearsay. We believe that that's an
19 appropriate objection to (unintelligible). I think
20 him trying to say now that he gets to say what this
21 woman said because I asked him did he create a report
22 and her name is in it, it's -- it's completely beyond
23 the scope of what my question was. My question was,
24 did you create a report, and you spoke to this lady
25 to spoke to that lady. Once he said he created a

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1 report -- because they're in his report. I mean,
2 maybe I could make this a Court's Exhibit, this
3 report right here, that mentions that he spoke to one
4 of these ladies and the other lady. That's it.
5 That's all I said. I confirmed that he had spoken to
6 these ladies, not what they then said, other than I
7 said, well, there's -- you have no evidence today to
8 show the jury of anything about Kassiem Mitchell.

9 MR. FINCH: Your Honor, my reply briefly is
10 that, you know, Ms. -- Ms. Gay started today by
11 talking about what it is for the State's omissions,
12 things that the State didn't do or won't tell you or
13 can't find or, et cetera. And now, she's opened the
14 door to the conversations that this detective had
15 with witnesses, and to leave that wide open. And it
16 started with a predicate question as to, oh, you
17 didn't have anything about Kassiem Mitchell,
18 essentially, leaving us -- again, leaving the jury
19 confused and wondering as to what was said and what
20 was elicited, because it was obviously important
21 enough for a lawyer to bring up in open court.

22 MS. GAY: That -- that's not even real, Your
23 Honor. That -- that -- what we, as Defense
24 attorneys, get to cross-examine the people and argue
25 to the jury the omission of what they did all the

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1 time. For him to say that now somehow the jury is
2 confused because I said that he didn't have any
3 evidence against my client is absurd. This response
4 that he wants in is about Mr. Stanley, not about my
5 client. So ultimately, this -- you know, I could let
6 Helen speak again about this, but this -- she says
7 nothing about my client. She says something about
8 Mr. Stanley, and that is hearsay. And so, he is just
9 manipulating all of this to make it sound like
10 somehow I've explained to the jury that there's no
11 evidence against my client. As of yet, Your Honor,
12 every single witness that we've had there's not been
13 one piece of evidence against any of these guys. But
14 if this is really the hearsay objection as to Helen,
15 that this is significantly different. You know, he
16 can't come in now and open the door because I said
17 did you make a report and you spoke to this lady and
18 you spoke to that lady. And that's -- that's it.
19 And I asked him even if he wanted to refresh his
20 recollection with the report and he said no, he had
21 read it. So everything about my question was about
22 his report, not what the lady actually said, which
23 was a hearsay response.

24 And, Helen, would you like to join in on this
25 anymore?

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1 MS. DOVELL: I would like to be heard, Judge.
2 As Your Honor has already heard and ruled on my
3 objection about the -- the hearsay about what he had
4 heard in the course of the investigation, Your Honor,
5 said there is no investigative hearsay, and I believe
6 State v. King is the case. You can't come into court
7 and say I did this because of what I heard during my
8 investigation. Your Honor did allow him to testify
9 that what he did was -- was look for a Facebook page
10 for YGG Trell. And this was a bench conference. So,
11 Your Honor, I would like to put on the record that I
12 objected to that.

13 THE COURT: It was a bench conference, but I
14 ruled on the record, so that presumes that you have
15 an objection. So once you all stepped away, I ruled.
16 It's been preserved.

17 MS. DOVELL: Thank you very much, Judge.

18 THE COURT: And just for clarity, I don't take
19 speaking objections, so when you all stand and you
20 say I object, I'm going to ask for the basis. I
21 don't expect there to be extraneous speaking in the
22 presence of the jury. It's not appropriate. If I
23 need an argument, I'll send the jury out for that
24 purpose. If not, I will rule contemporaneously. You
25 may continue.

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1 MS. DOVELL: Understood, Judge. And that was my
2 concern with the relevance as well is that there
3 hasn't been any testimony about Trell. Like, there
4 hasn't been any foundation laid. There's been
5 nothing. And that's because the only way the State
6 gets into a comment about the name Trell is through
7 hearsay. Your Honor would not let Anaijah Green
8 testify that Santonio supposedly heard Antonio
9 Heyward say "No, Trell." And what the State is
10 trying to get into now is that Crystal Nelson heard
11 that the name Trell was mentioned. We have no idea
12 who Ms. Seabrook talked to at all, and all she's
13 heard is word on the street that this is the name
14 Trell associated with the case. Your Honor, it's --
15 it is absolute hearsay, and I don't understand how
16 Ms. Gay would have opened the door.

17 And this is one of the things we talked about
18 with the severance motion is, something that another
19 party does could extremely adversely affect another
20 party. I don't think she opened the door to anything,
21 Judge. I don't see how the State could even possibly
22 talk about hearsay that's something that somebody else
23 said without questioning that person first. And I
24 think that what Timmy is getting out at -- or
25 Mr. Finch is getting at is that Crystal Nelson may

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1 have heard from somebody the name -- the name Trell.

2 THE COURT: It was Ms. Seabrook.

3 MS. DOVELL: And again, it's -- it's all -- it's
4 all hearsay. And again, it's hearsay within hearsay
5 to repeat something that somebody else heard.

6 THE COURT: Mr. Finch? Oh, I'm sorry, you're
7 standing. Ms. Gay, is there something else you want
8 to share with me?

9 MS. GAY: Yeah. I think, Your Honor, again,
10 that if we go back, my question is about a report.
11 My report -- he was asking -- answering my questions
12 about a specific piece of paper, that I asked him if
13 he would like to review his report to refresh his
14 recollection and he said no, he knew what was in his
15 report. I asked questions related to what was -- who
16 he spoke to in his report, not what they said, not
17 anything about it. And that do you spoke to this
18 person, yes, you spoke to this person, yes. And on
19 direct, he had already said he had spoken to these
20 people. So there is --

21 THE COURT: I don't recall him on direct
22 mentioning anything about Ms. Seabrook, unless I
23 missed something, which is possible.

24 MS. GAY: Well, I mean, it's in his report.

25 THE COURT: Are you saying in direct he made

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1 mention of this individual?

2 MS. GAY: It's in his report, Your Honor.

3 THE COURT: That's not my question. Are you
4 saying --

5 MS. GAY: I'd have to look back in the record.

6 THE COURT: -- in direct examination that
7 Mr. Finch elicited her name from the witness?

8 MS. GAY: Timmy, did you ask about her
9 specifically? I know she's on your witness list.

10 MR. FINCH: I just asked what he did.

11 MS. GAY: He asked what he did, Your Honor, and
12 what he did was interviewing these people.

13 THE COURT: But that's not an answer to the
14 Court's question.

15 MS. GAY: Well, I don't -- I'd have to look
16 back, Your Honor. I mean, I --

17 THE COURT: Because you just said to me that
18 Mr. Finch elicited her name in direct --

19 MS. GAY: -- again --

20 THE COURT: -- and I don't recall hearing her
21 name in direct --

22 MS. GAY: -- well --

23 THE COURT: -- but I'm not infallible. I miss
24 things, so that's why I'm asking.

25 MS. GAY: -- I -- I think that asking the

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1 witness what did you -- I mean, he said -- we had
2 this whole issue about whether or not he could
3 discuss the information that he had obtained through
4 other peoples, and it was he only can testify to what
5 he did.

6 THE COURT: That's correct.

7 MS. GAY: So he testified to what he did.

8 THE COURT: He can testify after conversations
9 what he as a result. He just can't repeat what
10 someone told him.

11 MS. GAY: Right, which is the exact same thing
12 that we're saying. Now, Mr. Finch wants to go back
13 in and have him testify to what somebody told him.
14 It's the same thing. He did things, and in his
15 investigation, he talked to a certain person that is
16 in his report, but he can't testify to what he -- she
17 told him, which is what he wants to do right now.

18 THE COURT: Mr. Finch, how is this not hearsay,
19 and what is it going to refute? How was the door
20 opened? I'm -- I'm a little lost on that point, if
21 you could provide clarity.

22 MR. FINCH: Yes, Your Honor. It's --

23 THE COURT: How is her questioning the extent of
24 an investigation and who he spoke to and what he did
25 as a result, how does that open the door to him

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1 making and uttering a statement that purportedly
2 someone else made that's not subject to
3 cross-examination that's clearly being offered for
4 its truth?

5 MR. FINCH: Your Honor, Ms. Gay asked if anybody
6 or if he had any evidence, Mr. -- Mr. Benton had any
7 evidence linking or referring to Kassiem Mitchell,
8 specifically, by name. He testified regarding
9 whether he had testified and said and testified today
10 or had written in his report Kassiem Mitchell.

11 THE COURT: Are you calling this witness?

12 MR. FINCH: I'm sorry?

13 THE COURT: Are you calling the witness that's
14 been referred to?

15 MR. FINCH: I may. I didn't -- I didn't plan on
16 it. I wasn't planning on getting into this until --

17 THE COURT: Is she on the list?

18 MR. FINCH: She was on -- she was on a
19 preliminary list. I don't know if she is on the list
20 you have. This is my working list for trial.

21 THE COURT: Her last name is Seabrook; correct?

22 MR. FINCH: Correct.

23 THE COURT: Yeah, she's not on the list.

24 MR. FINCH: But, Your Honor, specifically, Ms.
25 Gay asked about conversations that were had. And so,

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1 she's asking if -- essentially trying to say you
2 talked to these people and nobody said Kassiem
3 Mitchell.

4 MS. GAY: That's the truth. .

5 MR. FINCH: Which -- which might be true, but
6 that's a question she could have asked. But she also
7 just sort of left hanging out there as to you had
8 this conversation and this conversation, leaving it.
9 Now, it's relevant as to what's come -- what was said
10 because now the jury is -- is left wondering what was
11 said and -- because if it wasn't Kassiem Mitchell,
12 who was it?

13 MS. GAY: Your Honor, that is what we do in
14 cross-examining. We just pick our -- our questions.

15 THE COURT: But you have to be very careful.
16 Cross-examination is largely without limitation, but
17 you don't get to hamstring him in rehabilitating his
18 witness or once you open a door.

19 MS. GAY: It's not about my guy.

20 THE COURT: That's why you have to be so very
21 careful how you ask questions.

22 MS. GAY: But I --

23 THE COURT: They're not limited by what --
24 they're not limited. They have the burden of proof.
25 It doesn't shift because you asked a question. And

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1 when you ask a question, the rules provide they can
2 rehabilitate their witness. It's a very sticky line
3 that you walk when you start eliciting certain kinds
4 of information. And I understand that you want to --
5 excuse me guys, my allergies, I apologize -- I
6 understand that you may want to -- and it's
7 appropriate for you to inquire as to the thoroughness
8 of an investigation, steps taken in an investigation.
9 That is appropriate. It is a probative on a person's
10 credibility how they conducted their job. But when
11 you start going into specifics about names and
12 otherwise, and then when you follow that question
13 with, basically, inferring did that person tell you
14 about my client, you put yourself between the
15 proverbial rock and a hard place, because now he's in
16 a position of having to rehabilitate his witness --

17 MS. GAY: -- well --

18 THE COURT: -- because you directly asked him,
19 basically -- and I'm going to go back and listen to
20 the tape in a minute -- did this person mention my
21 client's name? Well, the person did, according to
22 Mr. Finch.

23 MS. GAY: No, he didn't. He talked about
24 Mr. Stanley, not my guy.

25 THE COURT: Yeah, either -- yeah.

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1 MS. GAY: I mean, we're both defendants, Your
2 Honor.

3 THE COURT: And you're right. I need to listen.
4 Give me a moment. I'm going to take it under
5 advisement. I need to listen to the tape. You all
6 go ahead and take a comfort break while we do that.
7 Who's your next witness after this witness,
8 Mr. Finch?

9 MR. FINCH: That would depend on how late you
10 want to go, Your Honor.

11 THE COURT: Who's your next witness?

12 MR. FINCH: Joshua Burdette.

13 THE COURT: How long is he?

14 MR. FINCH: About a minute.

15 THE COURT: Let's try to get him in. But you
16 all go ahead and go to the restroom.

17 MS. DOVELL: Okay. Thank you.

18 THE COURT: You're welcome. What did James
19 need? Did he say -- does he need to talk to me?

20 MR. FINCH: No, Your Honor.

21 THE COURT: I'm going to take care of him in a
22 moment.

23 MR. FINCH: Okay.

24 THE COURT: Yeah. Sir, if you need to go to the
25 restroom, you're welcome to do that. Just don't

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1 discuss your testimony with anyone. And you can
2 stand up if you'd like as well.

3 THE WITNESS: Thank you, Your Honor.

4 THE COURT: You're welcome. Oh, is he taken
5 care of?

6 THE CLERK: Yeah.

7 THE COURT: That's what I -- that's why I --
8 yeah, no worries.

9 (Off the record.)

10 (Recess.)

11 (On the record.)

12 THE COURT: Regarding the State's request to
13 redirect to elicit a name from the witness, Crystal
14 Seabrook, is denied. The door was not opened. I
15 listened very intently to the inquiry. At the end of
16 the direct examination, it was elicited from the
17 witness that they had identified a Crystal Seabrook
18 whose name was on the paperwork and that they had
19 taken a drive out to the Tides and had spoken with
20 her, and that ended his involvement in the case.
21 What Ms. Gay actually asked the witness, she asked
22 him had he ever said the name Trell in this
23 investigation. And -- well, had he ever said her
24 client's name during the investigation, and he said
25 no, I have not. Then she separately questions him

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1 about have you spoken or made inquiry of these two
2 particular individuals, the second being
3 Ms. Seabrook, and that was the end of her inquiry.
4 So I do not perceive that the door was opened. The
5 motion is denied.

6 MR. FINCH: Thank you, Your Honor.

7 THE COURT: All right. So could we -- is there
8 anything further that we need to make inquiry of, of
9 this witness in the presence of the jury?

10 MR. FINCH: No.

11 THE COURT: You don't have any other redirect of
12 the witness?

13 MR. FINCH: No, Your Honor.

14 THE COURT: Get the jury for me, please, so I
15 can excuse, and I'll ask if you have any redirect and
16 we'll go from there. You said your next witness was
17 who?

18 MR. FINCH: Joshua Burdette with North
19 Charleston Police.

20 THE COURT: And how long did you say he was?

21 MR. FINCH: He might be less than two minutes.

22 MS. GEARDING: 30 seconds.

23 MR. FINCH: I mean, we just sort of essentially
24 will --

25 THE COURT: What -- what -- what is he being

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1 called to establish?

2 MR. FINCH: -- that the time differential
3 between the actual time and the time from the
4 recorder -- recording taken from [REDACTED] 306 is the
5 difference off by --

6 THE COURT: You said [REDACTED] 306?

7 MR. FINCH: -- correct. That's the video which
8 we've also titled "Scene video." If you have a copy
9 of it, that might be the title.

10 THE COURT: I'm sure I do somewhere.

11 MR. FINCH: Yeah, and that...

12 THE COURT: Do I need to give this -- I think I
13 need to give something back to you, but I'll remember
14 to do that when we conclude Court. And also, I have
15 not forgotten I need to advise the alternate that
16 they have been seated for the main panel, and I need
17 to make sure that the bailiffs -- well, actually,
18 we've got 14 people in there, so I'll see how the
19 seat -- they'll -- I'll let the bailiffs handle how
20 the seats need to be arranged. And for your planning
21 purposes, we will have one-hour lunches because I've
22 ordered lunch for the jury for both tomorrow and
23 Thursday. So you all should plan accordingly.

24 MR. FINCH: Thank you, Your Honor.

25 THE COURT: You're welcome.

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1 MS. DOVELL: Thank you, Judge.

2 THE COURT: You're welcome.

3 MR. FINCH: Do you know how late you want to go
4 today, or just for planning?

5 THE COURT: I'm going to -- I need to query the
6 jury --

7 MR. FINCH: -- okay.

8 THE COURT: -- and see. And if they will
9 accommodate us, I'd like to do one other person.

10 (The jury entered the courtroom.)

11 THE BAILIFF: All jurors are present, Your
12 Honor.

13 THE COURT: Thank you. You may be seated.
14 Mr. Finch, you may proceed, if there is any redirect.

15 MR. FINCH: There is not, Your Honor. Thank
16 you.

17 THE COURT: Any -- you're welcome -- any
18 objection to the witness being excused, from the
19 State?

20 MR. FINCH: No, Your Honor.

21 THE COURT: From the Defense, Ms. Dovell?

22 MS. DOVELL: No, Your Honor.

23 THE COURT: From the Defense, Ms. Gay?

24 MS. GAY: No, ma'am.

25 THE COURT: Sir, you're excused.

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1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: You're welcome. Have a good day.

3 Ladies and gentlemen, we have one additional witness
4 for today that is brief that we anticipate will take
5 us 'til 5:30. Will that cause any scheduling issues
6 for anyone on the panel? Okay. Good. I just wanted
7 to make inquiry before I -- we called that next
8 witness. We appreciate your patience. You may call
9 you next witness.

10 MS. GEARDING: The State calls Detective Joshua
11 Burdette.

12 THE CLERK: Please raise your right hand and
13 place your left hand on the Bible.

14 (The witness was sworn in.)

15 THE CLERK: Please be seated. Please state your
16 full name, spelling your last name directly into the
17 microphone.

18 THE WITNESS: Yes. My name is Joshua Burdette,
19 last name spelling, B-U-R-D-E-T-T-E.

20 THE COURT: You may proceed.

21 MS. GEARDING: Thank you.

22 THE COURT: You're welcome.

23 JOSHUA BURDETTE

24 was called as a witness, and having been first duly sworn,
25 testified as follows:

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DIRECT EXAMINATION

1

2 BY MS. GEARDING:

3 Q Detective Burdette, where do you currently work?

4 A I'm currently retired now, so --

5 Q Congratulations.

6 A -- I'm retired.

7 Q Where did you work in -- in or around the time of
8 September 15th of 2019?9 A I was working with the City of North Charleston Police
10 Department as a detective.11 Q And as a detective, did you have the opportunity to
12 get any videos from -- from Mr. Dagoberto Morales?

13 A Yes, I did.

14 Q I am now showing you what has already been admitted as
15 State's Exhibit 1. Did you have the opportunity to review
16 the footage that you got from Mr. Morales?

17 A Yes, I did.

18 Q And is that what I'm showing you here?

19 A Yes.

20 Q How do you know that?

21 A I viewed it earlier at an earlier time.

22 Q And everything was an accurate depiction?

23 A Yes.

24 Q Okay. Now, in reviewing this video, was there
25 anything off or wrong in this video?

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1 A The time was off by a few minutes.

2 Q By a few minutes. Can you tell me how you came to
3 realize that?

4 A I did that by checking my watch, compared it to the
5 timestamp on the video. And in looking at the current
6 time on my watch, I noticed it was off. Again, I'm not
7 sure of the approximate time, like, but it was off by --
8 it wasn't on the normal time.

9 MS. GEARDING: I beg the Court's indulgence.

10 THE COURT: Mm-hmm.

11 BY MS. GEARDING:

12 Q Do you recall telling anyone that that time was off by
13 about 50 seconds?

14 MS. DOVELL: Objection, Your Honor.

15 THE COURT: Basis?

16 MS. DOVELL: Leading.

17 THE COURT: Rephrase. Sustained; leading.

18 BY MS. GEARDING:

19 Q Do you recall how long that time was off?

20 A I don't recall.

21 MS. GEARDING: I beg the Court's indulgence.

22 THE COURT: Yes, ma'am.

23 BY MS. GEARDING:

24 Q Would you have provided that information to the case
25 agent when you turned over the video?

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1 A I would have put it into my case notes.

2 Q And they would have been aware of the time difference?

3 A Yes.

4 Q No further questions. Please answer any the Defense
5 may have.

6 THE COURT: Ms. Dovell?

7 MS. DOVELL: Yes, Your Honor, briefly.

8 CROSS-EXAMINATION

9 BY MS. DOVELL:

10 Q Good afternoon, Detective Burdette.

11 A How are you doing?

12 Q So you just said that you wrote case notes for this --
13 for this incident; correct?

14 A Yeah, my --

15 Q Your activities related to the incident?

16 A -- yeah.

17 Q And you don't have a copy of your case notes, do you?

18 A No, I don't have a copy.

19 Q All right. So I am going to hand you a copy of
20 your -- of your case notes.

21 MS. DOVELL: May I approach the witness, Your
22 Honor?

23 THE COURT: You may.

24 BY MS. DOVELL:

25 Q If you could just review quickly. I think this is the

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1 section that deals with the --

2 A Mm-hmm.

3 Q -- the video.

4 A Okay.

5 Q Okay. So when you looked at the video from
6 Mr. Morales' system, did you -- you made a determination
7 about which timeframe you wanted to extract from the
8 surveillance system; right?

9 A I didn't pick a time. I mean -- so when there was
10 time to get the -- when it was time to get the footage, my
11 job as an assistant detective was to collect any type of
12 evidence or any type of footage. So I went there and
13 collected the evidence. And, like I said, I didn't pick a
14 time. The only thing that I noted, at least according to
15 my case notes, was that the time was -- it was off, so.

16 Q Okay. And you did not document that time difference
17 in your report, though, did you?

18 A I did in the first part where it says "On September
19 15th, 2019, timestamp for surveillance here was 22 minutes
20 slow," is what it says right there.

21 Q I believe that that's for a different video.

22 MS. DOVELL: May I approach, Your Honor?

23 THE COURT: You may.

24 BY MS. GEARDING:

25 Q So we're talking about the video for [REDACTED] 306, and that

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1 is going to be this information right here. I believe
2 you're referring to a different lot number. But if you
3 look here in reference to [REDACTED] 306, you did not document
4 any time difference, did you?

5 A Not for -- it doesn't look like for 306.

6 Q Okay. And so, you didn't -- you didn't document any
7 time difference at all, much less what the time difference
8 was?

9 A Not according to this case note, no.

10 MS. DOVELL: I don't have any other questions,
11 Your Honor.

12 THE COURT: Any questions for the witness, Ms.
13 Gay?

14 MS. GAY: No, I have no questions for this
15 witness, Your Honor.

16 THE COURT: Any redirect?

17 MS. GEARDING: None, Your Honor.

18 THE COURT: Any objection to the witness being
19 excused?

20 MS. GEARDING: None from the State.

21 THE COURT: From the Defense?

22 MS. DOVELL: No, Your Honor.

23 MS. GAY: No, ma'am.

24 THE COURT: Sir, you're excused. Have a good
25 day.

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1 THE WITNESS: All right. Thank you.

2 MR. FINCH: Your Honor, may we approach?

3 THE COURT: Sure.

4 (Bench conference off the
5 record.)

6 THE COURT: Ladies and gentlemen, we have two
7 additional witnesses, very short, very brief
8 witnesses. We should still be done as I've
9 indicated. Call your next witness.

10 MR. FINCH: The State calls Dennis Woods.

11 THE CLERK: Please raise your right hand and
12 place your left hand on the Bible.

13 (The witness was sworn in.)

14 THE CLERK: Please be seated. Please state your
15 full name, spelling your last name directly into the
16 microphone.

17 THE WITNESS: My name is Dennis Woods. The last
18 name is W-O-O-D-S.

19 THE COURT: You may proceed.

20 MR. FINCH: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 DENNIS WOODS

23 was called as a witness, and having been first duly sworn,
24 testified as follows:

25 DIRECT EXAMINATION

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1 BY MR. FINCH:

2 Q Good afternoon, Mr. Woods. If you would, tell the
3 jury where it is that you're employed.

4 A I'm currently employed for the Town of Summerville
5 Police Department as a field training officer.

6 Q And back in 2019, where did you work?

7 A I worked for the City of North Charleston Police
8 Department as a violent crimes and homicide detective.

9 Q And as part of the investigation into 2019-02-7892,
10 that being the OCD [ph] number for a homicide at [REDACTED]
11 Drive, did you have any participation in that
12 investigation?

13 A Yes.

14 Q Specifically, did you transport any items of evidence
15 to the county for analysis?

16 A There was a cell phone in reference to the case that I
17 transported to Charleston County, yes, sir.

18 Q And I'm going to show you what's been marked and
19 admitted as State's 101. Is that the cell phone?

20 A I believe so, yes, sir.

21 Q Okay. And while that was in your custody and control,
22 did you do anything to damage, change, molest, or
23 otherwise alter that piece of evidence?

24 A I did not.

25 Q And then, you dropped it off to Paul McManigal?

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1 A Paul McManigal, yes, sir.

2 Q And he works for the county and he does their
3 downloads -- or did their downloads for computers and
4 phones?

5 A Yes.

6 Q Okay. And then after that, did you have any other --

7 A I did not.

8 MR. FINCH: Nothing further for this --

9 THE COURT: Any questions, Ms. Dovell?

10 MS. DOVELL: No questions, Your Honor.

11 THE COURT: Any questions, Ms. Gay?

12 MS. GAY: No, ma'am.

13 THE COURT: Any objection to the witness being
14 excused, from the State?

15 MR. FINCH: None, Your Honor.

16 THE COURT: From the Defense?

17 MS. DOVELL: No, Your Honor.

18 MS. GAY: No, ma'am.

19 THE COURT: Sir, you're excuse.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: You can call your next witness.

22 You're welcome, sir.

23 MR. FINCH: The State calls Michael Powitchko.

24 THE CLERK: Thank you.

25 (The witness was sworn in.)

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1 THE CLERK: Please be seated.

2 THE WITNESS: Thank you.

3 THE CLERK: Please state your full name,
4 spelling your last name directly into the microphone.

5 THE WITNESS: Michael Bryan Powitchko,
6 P-O-W-I-T-C-H-K-O.

7 MICHAEL POWITCHKO

8 was called as a witness, and having been first duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. FINCH:

12 Q Good afternoon, Mr. Powitchko.

13 A Good afternoon.

14 Q Where are you employed currently?

15 A I'm currently employed for D.R. Horton.

16 Q And what do you do for them?

17 A I'm a construction supervisor.

18 Q Back in 2019, did you work at North Charleston?

19 A Yes, sir. I was employed with the North Charleston
20 Police Department as a detective.

21 Q And as part of that, did you have an opportunity to be
22 part of the investigation of 2019-02-7892?

23 A Yes, sir, I did.

24 Q As part of your investigative duties, did you retrieve
25 a cell phone and data from Paul McManigal at the

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1 Charleston County Sheriff's Office?

2 A Yes, sir, I did.

3 Q And what -- I'm going to show you what's State' 101.

4 Is that the cell phone that you picked up?

5 A I'd have to look at the front to see. Yes, it is my
6 initials and my badge number on the back side of it.

7 Q And you also picked up some digital evidence?

8 A Yes, sir, I did.

9 Q And what did you do with it once you picked it up?

10 A The evidence was secured in a vehicle and taken back
11 to the North Charleston Police Department. The cell phone
12 was entered into evidence, and the data was uploaded to
13 our drive that we used for the detectives to review.

14 Q Okay. And while you had the phones and the -- and the
15 data -- is that on a flash drive?

16 A It all depended on it could be on a CD, a thumb drive,
17 depending on the size of it. It would be an external hard
18 drive, depending on however it was.

19 Q And after you got it and uploaded it -- or in the time
20 that you got it to then you uploaded it, did you do
21 anything to change, alter, damage, molest, or otherwise
22 manipulate the data?

23 A No, sir. It was transported straight from the
24 sheriff's office to North Charleston PD. It was on --

25 Q And -- and after that was uploaded to, what, the G

JURY TRIAL

1 drive?

2 A Yes, sir.

3 Q Did you have any -- have any hand in utilizing that
4 data in any way?

5 A No, sir. It -- it wasn't my case, so it would be the
6 case agent's task to -- to go through that information.

7 Q So, essentially, whatever data was on that hardware,
8 that you uploaded it and that was the end of your
9 involvement?

10 A Yes, sir.

11 MR. FINCH: Nothing further for this witness.

12 THE COURT: Any questions for the witness, Ms.
13 Dovell?

14 MS. DOVELL: No questions.

15 THE COURT: Any questions, Ms. Gay?

16 MS. GAY: No, ma'am.

17 THE COURT: Any exception to the witness being
18 excused, from the State?

19 MR. FINCH: None, Your Honor.

20 THE COURT: From the Defense?

21 MS. DOVELL: No, Your Honor.

22 THE COURT: From the Defense?

23 MS. GAY: No, ma'am.

24 THE COURT: Sir, you're excused.

25 THE WITNESS: Thank you, ma'am.

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1 THE COURT: You're welcome. Mr. Foreman, ladies
2 and gentlemen, we're going to take advantage of this
3 break in testimony to take our evening recess.

4 During the break, please do not discuss the case --
5 excuse me -- among yourselves or with anyone else.
6 Please don't have any contact with anyone in or about
7 the courthouse as you return. We'll resume in the
8 morning at 9:30. Please don't read, watch, or listen
9 to any media accounts. Please don't make any
10 postings regarding your jury service on any social
11 networking sites. I believe they've made
12 arrangements for you all to park next door. That
13 situation will continue. We've also ordered lunch
14 for you on tomorrow, thanks to the generosity of the
15 clerk's office. I'll gauge -- we usually get it here
16 around 12:00 so we can get -- you'll still have your
17 full lunch recess, but the least we can do is feed
18 you a little. We're also going to order lunch on
19 Thursday. So I give that to you for your planning
20 purposes. I hope you all have a great evening. If
21 you'll leave your notepads in your seats, we'll
22 secure them during the break. Have a good evening.

23 (The jury exited the courtroom.)

24 THE COURT: You may be seated. Is there
25 anything we need to take up before we break for the

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1 evening, from the State?

2 MR. FINCH: No, Your Honor.

3 THE COURT: From the Defense, Ms. Dovell?

4 MS. DOVELL: Your Honor, I think tomorrow
5 morning do we need to tell the alternate that she's
6 on the panel?

7 THE COURT: I'll take care of that. I've made a
8 note for myself.

9 MS. DOVELL: Thank you, Judge.

10 THE COURT: I need to know what is the basis of
11 the objection to State's 135 and 136?

12 MS. GAY: Are those the pictures, Your Honor?

13 THE COURT: I mean, the Defense. What is the
14 basis of your objection?

15 MS. DOVELL: Oh. Is that the admission of the
16 -- the cell phone photos?

17 THE COURT: Mm-hmm.

18 MS. DOVELL: I think that it was just that there
19 was not a proper foundation laid for why they are
20 relevant. I mean, she took photos as part of an
21 investigation.

22 THE COURT: Well, foundation and relevance are
23 two different concepts. The foundation has been
24 established. Photos are self-authenticating. She
25 took the photos. So they have been authenticated.

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1 And the foundation, in terms of who took them and
2 time and place and otherwise has already been
3 established. So is the basis of the objection
4 relevance?

5 MS. DOVELL: No, Your Honor.

6 THE COURT: Okay. So the basis of your
7 objection is foundation?

8 MS. DOVELL: It was foundation. I think at this
9 point the State laid enough of a foundation as far as
10 where -- like, whose phone it was, why -- why she was
11 there taking a photo of it --

12 THE COURT: Mm-hmm.

13 MS. DOVELL: -- to distinguish, like, why it was
14 important in the investigation instead of you just
15 took photos of this without any context.

16 THE COURT: Well, she's a -- she's a crime scene
17 investigator. She doesn't have a dog in the fight,
18 and her job is to collect evidence, that's it. She
19 doesn't know why she's collecting it, she's just
20 being told to do it. And they direct when she takes
21 photos and what she takes photos of. To her, it's
22 just a photo of anything. It really doesn't have any
23 significance. So that's why I'm trying to get
24 clarity. There are two different concepts. The
25 foundation for the photos is different than

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1 relevance. And if we're talking about foundation,
2 she took the pictures.

3 MS. DOVELL: Mm-hmm.

4 THE COURT: She testified when she took the
5 pictures and at whose direction she took the
6 pictures. And then, in addition to that, photos are
7 self-authenticating. So I don't think there's any
8 good-faith argument that somehow the photos have been
9 hypothecated or that they are not a reflection of,
10 you know, what she took, which is a picture of a
11 phone. However, I do need clarity as to why -- why
12 was it mentioned, like, what -- where -- where does
13 -- where does this -- where does this fit into the
14 puzzle? Why is that phone relevant, why was the
15 picture taken?

16 MR. FINCH: The relevance of -- the picture was
17 taken at the direction of Detective Russ because, in
18 his interview with Demetria Ravenell, who will be
19 testifying later in the trial, he asked Ms. Ravenell
20 what number she called Mr. Stanley on, what number
21 she used to call and asked if she had a contact saved
22 in her phone, and she said she did not. And then she
23 said I just dialed the number and here's my call
24 history and this is the number that I -- I used, and
25 she presented that sort of -- that one picture that

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1 has just a number and, I guess, the call history to
2 that specific number, and then her call history.
3 There were several other pictures that were just not
4 relevant.

5 THE COURT: Why is it relevant though? I
6 understand as to the call history.

7 MR. FINCH: As to the identity of who uses that
8 phone.

9 THE COURT: So she is going to testify that --

10 MR. FINCH: That she called that phone to get to
11 -- to speak to Shamar Stanley, and Shamar Stanley
12 called her from that phone number.

13 THE COURT: Okay. So I'll -- they'll marked as
14 -- the foundation for the admissibility of the
15 pictures, that being their authenticity and why and
16 when they were taken has been established. However,
17 I need to have the dots connected by the next witness
18 to determine if the pictures come in and for what
19 purpose they're coming in. So they'll remain ID at
20 this time until that witness is called. And you are
21 calling that individual as a witness; correct?

22 MR. FINCH: That's correct, Your Honor.

23 THE COURT: Now, I have another quick question
24 for scheduling purposes. I need to know if there's
25 anyone on this list that I have that are not being

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1 called as witnesses.

2 MR. FINCH: Let me consult my list, Your Honor.

3 THE COURT: Why don't I help you --

4 MR. FINCH: Sure, yeah.

5 THE COURT: -- and maybe that will -- I have

6 N'Taallya Wilder.

7 MR. FINCH: Yes, she will, unless Ms. Dovell has
8 changed her mind. She's a chain witness from North
9 Charleston.

10 THE COURT: She's a chain from North Charleston?

11 MR. FINCH: Yes, ma'am.

12 THE COURT: For what piece of evidence?

13 MR. FINCH: It's for shell casings and the guns
14 and items that went up to SLED. So, essentially,
15 non-fungible items that went to SLED.

16 THE COURT: I gotcha. So she should be short.

17 MR. FINCH: Absolutely, Your Honor.

18 THE COURT: And then, Christine Dadabo [sic],
19 Chad Smith, they are all SLED -- SLED chain
20 witnesses?

21 MR. FINCH: Christine Dabado, Ms. Dovell said
22 she's not necessary to call her.

23 THE COURT: So I can eliminate her? What about
24 Chad Smith?

25 MR. FINCH: Chad Smith is testifying, Your

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1 Honor.

2 THE COURT: What is -- what is he testifying to?

3 MR. FINCH: He's testifying to the shell casings
4 that were found.

5 THE COURT: So he -- is he an expert?

6 MR. FINCH: He is.

7 THE COURT: He's firearms?

8 MR. FINCH: Correct.

9 THE COURT: Okay.

10 MR. FINCH: And he's -- he's going to testify
11 that none of the guns found were --

12 THE COURT: Yeah, I just needed to know in what
13 capacity --

14 MR. FINCH: -- yep.

15 THE COURT: -- whether he's a chain witness or
16 otherwise. We've heard from Mr. Burdette. Brian
17 Salkeld?

18 MR. FINCH: Yes. He is a custodian of records
19 for that Allway and Flood video, or the city camera
20 videos.

21 THE COURT: Demetria Ravenell you are calling;
22 correct?

23 MR. FINCH: Yes.

24 THE COURT: We've already heard from John
25 Saunders. Robert Bennett?

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1 MR. FINCH: No, Your Honor.

2 THE COURT: Ryan DeWane?

3 MR. FINCH: No.

4 THE COURT: Paul Schoolfield, I assume you are,
5 or maybe not?

6 MR. FINCH: That is -- that's going to depend on
7 the ruling regarding Mr. Stanley's statements.

8 THE COURT: Mr. Stanley? Oh, okay.

9 MR. FINCH: He --

10 THE COURT: Well, I mean that you're -- is that
11 who you plan to offer the statements through, or who
12 was --

13 MR. FINCH: -- only if I have to do that portion
14 of it because that's for the search warrant
15 affidavit. Mr. Sanchez -- Detective Sanchez --
16 interviewed him and was responsible for the whole
17 interview and monitored that interview. However,
18 Mr. Schoolfield provided the affidavit with the PC
19 that he's reading from, so.

20 THE COURT: On which piece of evidence?

21 MR. FINCH: He's reading -- it's a -- it's a
22 buccal swab search warrant.

23 THE COURT: Okay.

24 MR. FINCH: And it's only to -- to identify that
25 those are the words from that -- that search warrant.

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1 I could probably do that through Mr. Sanchez as well,
2 but --

3 THE COURT: It's up to you.

4 MR. FINCH: -- yeah.

5 THE COURT: George Vantine?

6 MR. FINCH: No, Your Honor.

7 THE COURT: Vantine. I'm sorry.

8 MR. FINCH: Vantine, yes.

9 THE COURT: That's how he usually pronounces his
10 name. Kendra Mosley?

11 MR. FINCH: Yes.

12 THE COURT: Is she a chain witness?

13 MR. FINCH: No. She -- she did --

14 THE COURT: I forget what she does. Yeah.

15 MR. FINCH: -- she did crime scene stuff, a
16 couple different -- collected some guns.

17 THE COURT: Thomas Beaver, he's a forensics
18 examiner so, of course, you're going to call him.

19 MR. FINCH: Yes. I anticipate having him
20 tomorrow morning.

21 THE COURT: Ricky White?

22 MR. FINCH: No. No.

23 THE COURT: Crystal Jones?

24 MR. FINCH: No.

25 THE COURT: Santonio Scott?

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1 MR. FINCH: I would like to have him. We're --
2 we're trying to get him served.

3 THE COURT: So he's a question mark.

4 MR. FINCH: Yes.

5 THE COURT: Sharod Smith?

6 MR. FINCH: No.

7 THE COURT: Shaquilla Simmons?

8 MR. FINCH: Those are -- I'm sorry -- those are
9 their witnesses from -- that's from --

10 MS. DOVELL: I am not planning to call Sharod
11 Smith or Shaquilla Simmons.

12 THE COURT: Santwan [sic] -- and I do a combined
13 list, so I apologize. I should have made that clear.
14 Santwan, Santawn -- S-A-N-T-A-W-N Stanley?

15 MS. DOVELL: I'm not calling him as a witness,
16 Your Honor.

17 THE COURT: Michael Sanchez, I assume you're
18 calling?

19 MR. FINCH: Yes, Your Honor.

20 THE COURT: Jennifer Butler?

21 MR. FINCH: Yes, Your Honor.

22 THE COURT: David Pritchard?

23 MR. FINCH: No, Your Honor.

24 THE COURT: Tyrell, CSTN, North Charleston
25 Police Department.

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1 MR. FINCH: That's a Defense witness.

2 MS. DOVELL: I'm not planning to call her, Your
3 Honor.

4 THE COURT: Sam Riedel?

5 MR. FINCH: I'm going to -- no, that's one of
6 ours -- it's potential. I'll know after our
7 conversation tonight.

8 THE COURT: And I'm only asking for scheduling.
9 Don't feel that --

10 MR. FINCH: Yes.

11 THE COURT: -- you're somehow, like --

12 MR. FINCH: Oh, no. I --

13 THE COURT: -- yeah. I don't want you all --

14 MR. FINCH: -- I'd tell you if I knew.

15 THE COURT: -- to -- I'm purely asking for
16 scheduling --

17 MR. FINCH: Yep.

18 THE COURT: -- for my -- my administrative part
19 of my brain, not the -- I don't want to you feel that
20 somehow you're going to be eclipsed in your
21 presentation. Jerome Desheers?

22 MR. FINCH: Yes, Your Honor.

23 THE COURT: He does the --

24 MR. FINCH: The CAST analysis, yes.

25 THE COURT: Paul McManigal?

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1 MR. FINCH: McManigal? Yes, I anticipate
2 calling him first in the morning.

3 THE COURT: Okay. So I think that leaves us
4 with five, six, seven, eight --

5 MR. FINCH: Oh, and Anthony Russ. I don't -- it
6 should be on your list.

7 THE COURT: -- I do. I might have skipped over
8 him.

9 MR. FINCH: Okay, yes, but also Anthony Russ.

10 THE COURT: Oh, I skipped over him because he
11 testified pretrial, that's why. Yeah.

12 MR. FINCH: And Saunders will testify, but I
13 don't anticipate it being any longer than it was
14 today.

15 THE COURT: I think we're in good shape. Okay.

16 MR. FINCH: Yes.

17 THE COURT: So as I told the jury, we've ordered
18 their lunch for Wednesday and Thursday. I'm still
19 going to give them an hour break for lunch, but I
20 just wanted you all know for planning purposes in
21 case you you're frugal like me and you bring your
22 lunch.

23 MR. FINCH: Yes, ma'am.

24 THE COURT: Because I can't pay \$12 for Subway.
25 It just ain't happening. There's just something in

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1 my brain that can't handle that. All right. Is
2 there anything else we need to take care of before we
3 break for the evening, from the State?

4 MR. FINCH: Nothing from the State, Your Honor.

5 THE COURT: From the Defense, Ms. Dovell?

6 MS. DOVELL: No, Your Honor.

7 THE COURT: Ms. Gay?

8 MS. GAY: Okay. So there was these pictures
9 that he's shown in pretrial with the officer about
10 the Facebook video.

11 THE COURT: Yes, ma'am.

12 MS. GAY: And it has a picture of the policeman
13 in it.

14 THE COURT: Yes, ma'am.

15 MS. GAY: And we -- he and I -- Mr. Finch and I
16 have discussed taking that out and shrinking the
17 picture down and him saying he has knowledge, he has
18 -- knows him because of the community
19 (unintelligible), and this is him, and -- and it
20 removes any inference of anything --

21 THE COURT: If you all agree. I don't have a
22 dog in the fight.

23 MS. GAY: -- well, I've asked him to do that, so
24 that's why I was just --

25 THE COURT: If you all agree.

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1 MR. FINCH: I -- I can do that as long as -- I
2 mean, as long as there's not going to be an objection
3 to some -- I mean, it's going to -- there's not going
4 to be an objection to authentication because, I mean,
5 Saunders is in the video and that helps to
6 authenticate. But still, he can say that's me, and
7 that's it.

8 MS. GAY: I understand.

9 MR. FINCH: But if that's not an objection she's
10 going to make, I'm happy to do it.

11 MS. GAY: I think that she's already ruled that
12 he can do the in-court identification. We've talked
13 about that. I mean, I'm going to obviously
14 contemporaneously make my -- further my objection
15 just for the record. But I don't want a picture of a
16 police officer shown to to the jury.

17 THE COURT: You all work it out.

18 MR. FINCH: We'll work it out.

19 THE COURT: I don't negotiate with stuff like
20 that. I don't have a role in it. If you've got an
21 objection, I'll hear it and make a decision. But if
22 you all -- if you can tweak it and work it out. If
23 you can't, then I get involved.

24 MS. GAY: Okay. Well, just bring something to
25 consider other than that picture that we have as a

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1 Court's Exhibit, please.

2 THE COURT: Now, have you had an opportunity to
3 have access to Ms. Butler, Ms. Gay?

4 MS. GAY: I was trying to find her earlier, but
5 she wasn't in the hall.

6 THE COURT: Can you all make arrangements for
7 Ms. Gay to speak to her and make her available?

8 MR. FINCH: Sure.

9 MS. GEARDING: Yeah.

10 MR. FINCH: I can get a cell phone, or I know
11 her desk phone, but she might not be at her desk.

12 THE COURT: Okay. And you have already had
13 adequate opportunity to speak with her, correct, Ms.
14 Dovell?

15 MS. DOVELL: I have, Judge.

16 THE COURT: Okay. All right. I just wanted to
17 make sure. Coordinate that Ms. Gay so that she has
18 access to her.

19 MR. FINCH: Will do.

20 THE COURT: All right. Thank you, guys. See
21 you in the morning.

22 MS. DOVELL: Thank you, Judge.

23 THE COURT: You all can leave -- we're starting
24 back at 9:30. You can leave whenever you want it
25 here. This room is locked and it's -- and it's

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1 videoed, so you're stuff is safe.

2 MR. FINCH: The guns got to go?

3 THE COURT: I don't know. I've got to ask the
4 clerk's office. No. They take that downstairs. It
5 goes into a locked room.

6 MR. FINCH: Oh, the evidence, but not this?
7 Okay. Thank you.

8 (The proceedings were adjourned
9 until 9:30 a.m., October 30,
10 2024.)

11 October 30, 2024

12 THE COURT: Who's going to be the State's first
13 witness?

14 MR. FINCH: Your Honor, that's Dr. Beaver, the
15 forensic examiner.

16 THE COURT: And I assume you've dealt with that
17 accordingly.

18 MR. FINCH: Yes, Your Honor. And there are
19 barely any family members who are here at the time,
20 but I've also relayed all the information -- we're
21 not showing any pictures, but I went over generally
22 what the testimony would be --

23 THE COURT: Mm-hmm.

24 MR. FINCH: -- so -- and advised the victim
25 advocate to -- to advise anybody who didn't think

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1 they could stomach that or hear that to please not
2 enter during that time. Again, I'll keep it as brief
3 as I can. And we're not using any pictures.

4 THE COURT: Well, you should try your case.

5 MR. FINCH: Yeah, of course. I just -- I just
6 -- but, yes, I did, Your Honor.

7 THE COURT: Okay. I just wanted to make sure.

8 MR. FINCH: Yes.

9 THE COURT: All right. I have a news -- a media
10 request from Channel 5 WCSC. Any exception to that
11 request, from the State?

12 MR. FINCH: No, Your Honor.

13 THE COURT: From Ms. Dovell?

14 MS. DOVELL: No, Your Honor.

15 THE COURT: From Ms. Gay?

16 MS. GAY: No, Your Honor.

17 THE COURT: Okay. Is there anything before we
18 proceed with -- who is your next witness, Mr. Finch?
19 It's the doctor? Is he present?

20 MR. FINCH: He is present, Your Honor.

21 THE COURT: And he's in the courtroom?

22 MR. FINCH: Oh, no. He's in the hallway.

23 THE COURT: He needs to be in the courtroom. I
24 don't have to wait to look for witnesses.

25 MR. FINCH: My investigator is going to get him,

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1 Your Honor.

2 THE COURT: All right. Anything, Ms. Dovell,
3 before we proceed with the State's next witness?

4 MS. DOVELL: No, Your Honor.

5 THE COURT: Ms. Gay?

6 MS. GAY: No, ma'am.

7 THE COURT: All right. Go ahead and get the
8 jury for me, please, and make sure No. 242 is seated
9 with the main panel. Thank you.

10 (The jury entered the courtroom.)

11 THE BAILIFF: All jurors are present, Your
12 Honor.

13 THE COURT: Thank you. You may be seated.
14 Where is No. 242 seated? Perfect: Thank you. I
15 just that the panel is aware, No. 242 has -- is no
16 longer an alternate. She has been seated as a main
17 member of the panel. One of your panel was unable to
18 continue with the trial, and she will be taking that
19 juror's place. The State may call it's next witness.

20 MR. FINCH: Thank you, Your Honor. The State
21 calls Dr. Thomas Beaver.

22 THE COURT: Doctor, if you would come to the
23 stand and be sworn.

24 THE CLERK: Please raise your right hand and
25 place your left on the Bible.

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1 (The witness was sworn in.)

2 THE CLERK: Please be seated. Please state your
3 full name, spelling your last name directly into the
4 microphone.

5 THE WITNESS: My name is Thomas Richard Beaver,
6 B-E-A-V-E-R.

7 THE COURT: You may proceed.

8 MR. FINCH: Thank you, Your Honor.

9 THE COURT: You're welcome.

10 MR. FINCH: May it please the Court?

11 THE COURT: You're welcome -- yes, sir.

12 THOMAS BEAVER

13 was called as a witness, and having been first duly sworn,
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MR. FINCH:

17 Q Good morning, Dr. Beaver. How are you today?

18 A I'm fine. Thank you, sir.

19 Q If you would, tell the jury where it is that you're
20 employed.

21 A I'm employed at the Medical University of South
22 Carolina here in Charleston.

23 Q And what is your role at the -- at MUSC?

24 A I have many -- multiple roles, but my main role is to
25 perform autopsies for the State of South Carolina.

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1 Q And if you would, tell the jury about your training
2 and experience that allows you to perform autopsies.

3 A Yes, sir. So I have an undergraduate degree from the
4 University of California. I have a medical degree from
5 Saint George's University School of Medicine, an MD. I
6 have completed the residency training program for anatomic
7 and clinical pathology at the University of Colorado.
8 That's a five-year program. And then, I completed a
9 fellowship a forensic pathology. And I have taken the
10 certifying examinations given by the American Board of
11 Pathology in anatomic pathology, clinical pathology, and
12 forensic pathology, passing all of those exams on the
13 first attempt.

14 Q And your work history, prior to -- to MUSC, where were
15 you employed?

16 A I have been --

17 Q And you go backwards or forwards from -- from when you
18 started your career.

19 A -- so we'll go backwards. I am like that Johnny Cash
20 song, "I Have Been Everywhere." And so, first, before I
21 came here in 2018, I was in West Virginia for about six
22 months at the office of the chief medical examiner there.
23 Before that, I was in the Florida Keys where I was the
24 district medical examiner, and I was there for almost four
25 years. And before that, I was the chief medical -- chief

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1 forensic pathologist in Alameda County, California.
2 That's Oakland, California, and that's where I was born
3 and raised. Then, before that.

4 I was doing contract work contractor work in
5 Bakersfield, California. And before that, I was at Texas
6 Tech University in Lubbock, Texas, where I was the
7 director for the division of forensic pathology in the
8 medical school there, as well as a professor. Before
9 that, before I went to Texas Tech, I was the chief medical
10 examiner in Daytona Beach, Florida where I was -- for
11 about maybe -- I think it was about almost nine years.
12 And then, prior to that, I was an associate medical
13 examiner in Panama City, Florida. And then, my initial
14 employment right after training was in Modesto,
15 California, where I was a -- I worked for a group
16 pathology group called Yosemite Pathology Medical Group.

17 Q And have you -- have you testified previously as an
18 expert in any courts?

19 A Yes, I have.

20 Q And what were those?

21 A I have testified in state court in California,
22 Florida, Texas, West Virginia, South Carolina, the State
23 of New York. And I've testified in federal court in
24 Atlanta, Georgia.

25 Q And about how many different -- how many times have

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1 you been qualified as an expert in -- in -- in these
2 various courts?

3 A Many times, maybe hundreds.

4 Q And all in forensic pathology; correct?

5 A Yes, sir, all forensic pathology.

6 Q And have you ever been offered as an expert and not
7 qualified?

8 A No, sir.

9 MR. FINCH: At -- at this time, the State would
10 offer Dr. Thomas Beaver as an expert in forensic
11 pathology.

12 THE COURT: Any exceptions or questions?

13 MS. DOVELL: No, Your Honor.

14 MS. GAY: No, ma'am.

15 THE COURT: Admitted without objection.

16 MR. FINCH: Thank you, Your Honor.

17 THE COURT: You're welcome.

18 BY MR. FINCH:

19 Q Dr. Beaver, turning to the reason you're here for this
20 case, did you have an occasion to perform autopsies,
21 specifically FA19-801 and 802?

22 A Yes, sir.

23 Q And those decedents were Anton Heyward and J'Quan
24 Brown, respectively?

25 A Yes, sir.

JURY TRIAL

1 Q If you would, tell us just generally what goes into a
2 forensic autopsy and what the purpose is.

3 A Okay. So the purpose is cause of death and the
4 collection of evidence. So the autopsy begins with an
5 external examination. That involves the clothing,
6 examining the clothing, removing the clothing. The body
7 is photographed. And that should be a point. We
8 photograph every step of the way. The photographs will
9 number in the hundreds. So then, the clothing is removed,
10 the body is examined, cleaned, photographed. Then we'll
11 obtain x-rays. So we'll get x-rays of the head, the
12 chest, the abdomen, the areas of the body that might be
13 affected by any wounds that we see on the skin. Then the
14 wounds are all documented. The clothing is documented.
15 And then, we proceed to the internal examination.

16 So the internal exam involves making an incision on
17 the chest and at abdomen and sequentially and
18 systematically removing all of the organs, biopsying them,
19 examining them. We'll also use the autopsy as an
20 opportunity to collect body fluids and tissues for other
21 tests, like toxicology, DNA, things like that. So we'll
22 make DNA cards, we'll have bloods to send for toxicology
23 testing. So once all the organs are examined in a pretty
24 methodical order, then that brings the autopsy to the end.
25 We'll collect any bullets that we find. And usually,

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1 we'll identify those on x-ray before we even start the
2 internal exam. And then, the x-rays will help us to
3 locate them if we don't find as we do our dissection.

4 Q And in any autopsy if you discover bullets or a
5 foreign body in a decedent, what do you do? You said you
6 remove those. What happens next with that material?

7 A Right. So we'll -- I'll give it a name and then
8 photograph it and place it into an evidence envelope, then
9 we'll seal it evidence tape, then it will be turned over
10 to the police.

11 Q And at that time after you remove it and put it -- and
12 label it, it stays in a secure spot in the -- in your
13 facility?

14 A Yes, sir.

15 Q And -- and you're just, again, collecting that and
16 putting it in -- not damaging it or changing in any way?

17 A No. In fact, we are very careful not to damage the
18 bullets. For us, a bullet never touches metal. So --
19 because we don't want to produce any stray markings on the
20 bullet that might confuse a ballistics expert who is
21 trying to identify it. So bullets never touch metal. We
22 handle them mostly with our hands, and we're careful not
23 to do anything that might be destructive to the evidence.
24 And, as a forensic pathologist, I've received training in
25 ballistics and examining bullets so I know what they're

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1 going to need to look at.

2 Q Yes, sir. Doctor Beaver, I'm going to show you what's
3 been marked for ID purposes as State's 91, 92, 93 -- I'm
4 sorry -- 89, 90, 91, 92, and 93. If you could take a look
5 at these items and see if you can identify them, sir.

6 A Yes. What I see in these envelopes are -- is our
7 envelope that we placed the bullet in, the label that we
8 generate, and the handwritten name for the bullet that I
9 give it at the time of the autopsy. And then, the -- then
10 their inside this evidence envelope with -- sealed with
11 evidence tape. So this is -- this is how we package our
12 bullets, and these look familiar to me.

13 Q And those would have been the evidence you collected
14 from FA 801 -- FA19-801 and FA19-802?

15 A Yes, sir.

16 Q Very good. And those are marked on the envelopes, as
17 you said?

18 A Yes, name and case number is on the envelope.

19 Q And name of that -- that name is of the decedent?

20 A Yes, sir.

21 Q So if one piece of evidence came from one of the
22 decedents, it's labeled as such?

23 A Yes.

24 Q Okay.

25 MR. FINCH: Your Honor, at this time, the State

JURY TRIAL

1 would move for the admission of State's 89 to 92.

2 (Plaintiff's Exhibits 89 to 92
3 were moved for admission into
4 evidence.)

5 THE COURT: Any objection, Ms. Dovell?

6 MS. DOVELL: No, Your Honor.

7 THE COURT: Ms. Gay?

8 MS. GAY: No, ma'am.

9 THE COURT: Marked and admitted without
10 objection.

11 (Plaintiff's Exhibits 89 to 92
12 were admitted into evidence.)

13 MR. FINCH: I'm sorry. It was 93. I apologize.

14 THE COURT: Yes, sir. I was about to ask that.

15 (Plaintiff's Exhibits 89 to 93
16 were moved and admitted into
17 evidence.)

18 BY MR. FINCH:

19 Q Dr. Beaver, after you have gone through the steps you
20 just -- you just enumerated as far as cleaning and
21 photographing and then looking for evidence with x-rays
22 and then removing that, and then you talked about the
23 beginning of the forensic autopsy, is that when you start
24 to make findings?

25 A Yes. From the beginning, I'm looking for -- I'm

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1 focused on the cause of death, naturally, and I'm looking
2 for evidence. So -- so from the very beginning, as we
3 unzip the bag and start our exam, that's -- that's our
4 focus. Then as we go, we'll -- I'll make notes and we'll
5 make descriptions and write things down. And then, at the
6 end, we'll make findings. So when the autopsy is
7 complete, then I'll go through and -- and list the things
8 that we find of significance.

9 Q And do you also take photos that correspond with --
10 that correspond with your -- your evidence collection?

11 A Yes. The bullets are photographed and all the wounds
12 are photographed. And that's the -- that's a very -- our
13 documentation is -- that's one major part of our
14 documentation.

15 Q In this case, did you also produce any sketches?

16 A Yes, sir, I did.

17 Q And those were to -- what were those meant to
18 identify?

19 A The sketches are meant to give an overview of the body
20 and -- and where -- and the wounds. And you asked me to
21 make a sketch, and I made that because -- for you to show
22 if you needed to.

23 Q I'm going to show you what's been marked for ID
24 purposes as State's 87 and 88. If you can identify those
25 items.

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1 A Yes. These are the drawings I made after you asked me
2 if you could have a drawing to show the jury, because you
3 didn't want to show pictures.

4 Q And -- excuse me -- that's the -- an accurate
5 representation what you provided?

6 A Yes, sir.

7 Q Okay.

8 MR. FINCH: Your Honor, at this time, the State
9 would move for the admission of State's 87 and 88
10 into evidence.

11 (Plaintiff's Exhibits 87 and 88
12 were moved for admission into
13 evidence.)

14 THE COURT: Any exception?

15 MS. DOVELL: No, Your Honor.

16 MS. GAY: No.

17 THE COURT: Marked and admitted without
18 objection.

19 (Plaintiff's Exhibits 87 and 88
20 were admitted into evidence.)

21 MR. FINCH: Thank you, Your Honor.

22 THE COURT: You're welcome.

23 BY MR. FINCH:

24 Q Now, 87 is identified as corresponding to FA19-801,
25 Antonio K. Heyward. I'll put this up on the Elmo so that

JURY TRIAL

1 you can -- and perhaps you can just walk through your
2 findings and if there's something that this would indicate
3 then you could -- you could draw the attention to the
4 jury. Yeah. This is State's 87. And if you could let us
5 know what each of marks are -- or let the jury, I'm sorry
6 -- know what all those marks are.

7 A So the basic outline of the human figure was already
8 on the sheet. It's a preprinted form. And, in fact, this
9 is the same preprinted form we use at the autopsy. There
10 are some words at the top like weight and length. Those
11 are all filled out on the one that I have from the
12 autopsy, but we didn't need to fill them out here because
13 we're just looking for the gunshot wounds. So then,
14 sometimes you can get confused looking at the front and
15 the back of the body, so on the back side of the body, I
16 label right and left, so you'll see an R and an L
17 corresponding to the right and left of the decedent as you
18 would be facing them from the back.

19 So then, I went and I made little dots and marks
20 where the gunshot wounds are on the body. And so, now,
21 the caveats here are that this is a two-dimensional
22 representation of three-dimensional space and that people
23 have different proportions to their bodies. So some have
24 a longer torso or a shorter torso, longer arms, shorter
25 arms. And so, this is kind of a stylized picture. So

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1 with those two caveats in mind, this -- these are the
2 approximate locations of the gunshot wounds.

3 Q Now, Dr. Beaver, if you would then explain to the jury
4 what you mean by gunshot wound. Does that mean each dot
5 is -- is an individual bullet, or is that just a wound
6 caused by a bullet?

7 A Sure. So this is a case where there are many wounds,
8 26 wounds, actual holes in the skin that I can identify
9 grossly. So there comes a point where many of the -- some
10 of the wounds, the wounds particular to the arm, they
11 enter the arm, they go through the arm and then they
12 re-enter the body. So now the idea or the concept that we
13 would count the number of wounds and then that would
14 translate to the number of shots fired, which might be an
15 important piece of information, that's all out the window,
16 because these wounds are making multiple injuries.
17 They're coming in one side, going through, coming out the
18 other side, going through. So that because it's really
19 hard to tell.

20 Also, the bullets are breaking apart. So when it
21 goes through the arm, when it comes out the other side,
22 there may be two pieces, and those two pieces may hit the
23 body, the chest, and make two holes when it's really just
24 one shot fired. So it can be very confusing and it can be
25 very misleading. So I will just count -- so at some point

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1 when, in a case like this, where there are just so many
2 wounds, I'll just count up the wounds, describe and locate
3 them on the body, and then not try to make any conclusion
4 about maybe how many shots were fired or which one is an
5 entrance and which one is an exit. And those things are
6 -- with this many wounds, they -- they lack significance.

7 Q Going back to the items recovered from Mr. Heyward's
8 body -- and I can hand you back the evidence if that would
9 help, but -- how many items of bullets or fragments were
10 removed from Mr. Heyward --

11 A So Mr. Heyward --

12 Q -- and their location?

13 A -- all right. So I did not mark sites of recovery on
14 the drawing, and we recovered four projectiles from
15 Mr. Heyward. Two were recovered from the abdominal area.
16 And am going to take a quick look.

17 Q You can use that touch screen. If you -- if you touch
18 on the screen it will --

19 A Oh, okay. Got it. I will do that. So let's see.
20 Let me look at these one second.

21 Q Yeah, that's fine.

22 A Just it will help me remember. So we recovered
23 bullets from here and here and here. So let's see. And I
24 think the last one is, like, up here. So I think that's a
25 -- I think that's pretty close to where we got the four

JURY TRIAL

1 bullets.

2 Q The general area?

3 A Yes.

4 Q And do you know if those recovered items had a
5 corresponding entry wound, or was too -- perhaps too
6 difficult to determine?

7 A That's too difficult to determine. The bullets are
8 coming -- the projectiles predominantly are coming from
9 the left and going to the right, and some of them are
10 exiting, some or not. And the wound paths inside the body
11 are all intersecting, and so it's not possible to trace
12 the path of a wound from an entrance wound on one side of
13 the body to either an exit wound or a site of recovery on
14 the other. So with this many wounds, it might be
15 misleading to try to gain too much information from them.

16 Q Okay. And so, if you would -- maybe if you need to
17 refer to your report, that would be fine. But if you
18 would, just walk us through essentially the -- where the
19 wounds are -- because maybe some of those dots are hard to
20 see -- and -- and if there's any difference between graze
21 wounds or any of that before we finish with Mr. Heyward's
22 case.

23 A Okay. So he has a wound on the neck here that you
24 might not have seen because the dot is small. There's a
25 wound on the chest. I'll make these marks here and here.

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1 And then, there are wounds on the arm where the bullet
2 goes through the arm -- through-and-through -- and then
3 reenters the body, like, here, here, and here. And then
4 here is one as well that kind of grazes along and goes in.
5 Then here are wounds here, here, here, here, here, here,
6 here and here, and then this one is a through-and-through
7 to this wrist. And then there are wounds here, here.
8 This one actually might be two. It might be a fragment
9 and a regular bullet. And then there's that one. And
10 then there's a through-and-through here and here that goes
11 back into the chest there. So -- and then, it might
12 actually be that this one comes out of the chest and goes
13 through the arm and then out somewhere else. So this one
14 -- this one on here, this area here --

15 Q And, Doctor, you're indicating the upper right arm
16 portion?

17 A -- yeah. This one might have actually left -- exited
18 the chest, through the arm, and then -- and then out. So
19 -- so that's -- that's it, I think. Oh, there is another
20 wound up here that's a graze-type wound on the cheek and
21 the chin.

22 Q And, again, I think you said that, generally, the
23 trajectory or their direction of the bullets was from the
24 left side of the body to the right side?

25 A Yes. I think that's -- that's -- most of the injuries

JURY TRIAL

1 are on the left side and I think most -- and the
2 trajectories or trending toward the right.

3 Q So when you say "trending toward," does that mean
4 entering on the left going towards the right?

5 A Yes, sir.

6 Q And perhaps the right side of that abdomen chest wall
7 where you recovered bullets --

8 A Yes.

9 Q -- that would indicate that?

10 A Mm-hmm.

11 Q How about the -- the injuries, the wounds to the back?
12 Were those entry wounds, or were any of them determined to
13 be entry wounds in the back?

14 A Some of them are entry wounds, yes. I don't want to
15 get too detailed by which ones I think are entrance wounds
16 or not unless we want to look at some photos. But
17 otherwise --

18 Q In general, there were --

19 A -- there were some entries on the back at some entries
20 on the front. And it's hard because this is two
21 dimensions. Really -- like, for instance, this wound
22 right here would be the side of the body. So you can't
23 really -- so if some of these --

24 Q It's hard to picture in the --

25 A -- exactly.

JURY TRIAL

1 Q -- and that brings us to a question. With your
2 training and experience, how do you determine what's an
3 entrance wound and an exit wound, in general, not
4 necessarily with this case. But in general, how do -- how
5 do you determine that?

6 A Sure. So the unique identifier for a wound of
7 entrance is what's called a marginal abrasion, and this is
8 an abrasion of the epidermis that's made when the bullet
9 passes through the skin. So as it's passing through from
10 outside to the inside, the nose of the bullet scrapes the
11 skin, and it will take off the epidermis and it gives a
12 round circle. So it's kind of like -- it's kind of like
13 looking at a target. You've got the outer ring and then
14 you've got the actual hole. And so, that's what an
15 entrance wound looks like. An exit wound won't have that
16 marginal abrasion because it's coming -- the bullet is
17 coming from the inside and going out, so it just tears the
18 skin, so you don't see any abrasion of the epidermis.
19 Now, there are some exceptions and -- and there are some
20 difficulties. And the difficulties are when the bullet is
21 destabilized, when there's an intermediate target, it hits
22 something and now the bullet is tumbling and maybe even
23 coming apart. And when it hits the skin, now the nose
24 isn't making that round marginal abrasion that we see
25 because the bullet is maybe hitting on its side or on the

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1 edge, or maybe a fragment of the bullet is hitting. So we
2 don't see the same features as we would want to see for an
3 entrance wound.

4 So now, the other things that we can sometimes use,
5 but we have to be super careful, is size and shape. So
6 the -- everyone knows, I think, that exit wounds tend to
7 be large, gaping things and entrance wounds are small,
8 round things, and that is generally true. But when they
9 occur over bone, they can become large and gaping. When
10 that bullet is destabilized or coming apart, it can be a
11 gaping wound. So there are times when, like, the size of
12 the wound does not really help us and the shape of the
13 wound doesn't help us. So the -- the -- the unique
14 identifier, the one thing that we can rely on is that
15 marginal abrasion, and that -- and that has some -- you
16 know, that can be compromised as well. So it becomes very
17 difficult.

18 Q I want to ask you about other evidence around when
19 this general injury was. What -- what can you tell us
20 about soot or stippling? What does that indicate?

21 A Yes, sir. So in forensic pathology, we determine the
22 range of fire, the -- the distance of the muzzle from the
23 skin by the things that are deposited on the skin and the
24 things that hit the skin besides the bullet. So when the
25 bullet is fired, the powder burns and the -- and the

JURY TRIAL

1 powder in the shell, the cartridge are, like, small little
2 grains of sand, smaller than grains of sand. And as those
3 powder granules burn, they produce the gas and then the
4 pressure to push the bullet out of the muzzle of the gun.
5 So coming out of the muzzle of the gun is going to be the
6 bullet, and it's going to be followed by a cloud of burnt
7 powder, which is soot. We call it soot. And it will
8 deposit soot just like when you have a candle lit, it
9 makes black, sooty material the glass of the -- of the --
10 of the cover. So that soot comes out and will get
11 deposited on the skin.

12 Also coming out of the muzzle of the gun besides the
13 bullet are powder granules that are unburned. So these
14 little granules like sand, they travel -- they can travel
15 to good distance, and it's based on their aerodynamics and
16 their density. And they're not very heavy and they're not
17 very aerodynamic, so they'll travel a few inches and
18 they'll hit the skin and they'll make a mark. You may
19 have heard it called powder tattooing. I don't like that
20 term. It's not really a tattoo, so powder stippling is
21 what we call it, what I think it should be called and it
22 will be called here. So there's powder stippling and
23 soot. Those are deposited on the skin.

24 Now, how does that affect the range of fire? So when
25 a -- when the muzzle is in contact with the skin, that

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1 ball of gas and all of that hot stuff comes out, goes
2 under the skin and it tears the skin open and makes a
3 large, gaping wound. And that we would call a contact
4 wound. Then, if you pull the muzzle a little bit away
5 from the skin, maybe an inch, the soot will get deposited
6 on the skin and -- but you won't really see any powder
7 granules because they've all -- they're all in a tight
8 cluster coming out of the barrel and they follow the
9 bullet into the skin. If you pull that gun away a little
10 bit more, like maybe an inch and a half or so, maybe
11 two inches, you'll see soot will get deposited on the
12 wound, and now you'll start to see little stippling marks
13 around the bullet hole. And then you pull the gun back a
14 little bit farther, and now the soot won't get on the
15 skin. it doesn't get does deposited. But the powder
16 granules will hit the skin and you'll see the powder
17 stippling around the wound. So no soot, but just powder
18 stippling.

19 So the way it works is, we have a contact wound,
20 close range for both powder stippling and soot,
21 intermediate range when you get just powder stippling, and
22 then distant range when nothing hits the skin. So like
23 forensic pathology always has some caveats, and the caveat
24 is no intermediate target. So if you have an intermediate
25 target like, say, a shirt, obviously the powder granules

JURY TRIAL

1 and the soot aren't going to get deposited on the skin
2 where I would see them because they're going to hit the
3 shirt first. So we have that caveat that we always have
4 something like that in forensic pathology.

5 Q In this case, with autopsy FA19-801, was there any
6 soot or stippling on Mr. Heyward's body?

7 A No, sir.

8 Q So any opinion as to the distance that it was
9 definitely further way than, say, a foot or two?

10 A Yes. So we can't make any statement about the
11 distance because there's a shirt in place. So now, the
12 areas of the body that aren't covered by a shirt, yeah, we
13 will say they're all distant range because there's no
14 powder stippling or no soot. So we would classify them as
15 distant range. But where there's clothing, then we'd have
16 to evoke that caveat of intermediate target and say we
17 can't really say anything about that.

18 Q So the wound to the neck that wouldn't be covered by a
19 T-shirt, no soot or stippling?

20 A Correct, so distant range.

21 Q And then, the arms -- any -- any part of that exposed
22 arm also no soot or stippling you --

23 A Distant range.

24 Q -- you classify that as --

25 A Distant range.

JURY TRIAL

1 Q -- at that distance. Okay. Well, let's now move to
2 manner of death, which is the -- the goal of forensic
3 pathology. If you would, for the jury, explain what the
4 manner of death was for Mr. Heyward.

5 A Correct. Mr. Heyward's manner of death is homicide.
6 So in the -- for the purposes of death certification and
7 for forensic pathology, we have five manners of death, and
8 we have to use one of these five words, no modifiers,
9 nothing -- can't make any changes to it, one of these five
10 words. And the five words are homicide, suicide,
11 accident, natural, and undetermined. So we have to pick
12 one of those five words as the manner of death, and they
13 all have very precise and carefully crafted definitions.
14 And the definition for homicide is death at the hands of
15 another. And it's intentionally designed -- it's designed
16 to be intent-neutral. So when we say homicide, that
17 doesn't mean that there was any intent, it just means that
18 one person killed another person; death at the hands of
19 another. So, technically, a car accident, somebody runs
20 their car into me and kills me, that's a homicide.
21 Sometimes we break with our rules -- and I guess rules are
22 made to be broken -- but these -- this rule is broken when
23 we do accidents for traffic accidents. We'll say the
24 person died in a traffic accident when they might have
25 been hit by another driver and really it is a homicide.

JURY TRIAL

1 So intent-neutral.

2 Suicide, death at your own hand. Accident is when
3 you fall off a ladder or run your car into a tree.
4 Natural is natural disease, heart attack. And then,
5 undetermined, we like to leave ourselves some times when
6 we don't know and we're -- we want to say we don't know,
7 and that's undetermined.

8 Q Thank you, Doctor Beaver. Finally, before I move one,
9 were there any other wounds to Mr. Hayward specifically,
10 any sort of, like, rug burn-type wounds that are not
11 covered?

12 A Let me take a quick look. I -- I -- he might have
13 had, like, some scrapes on his knee, but let me look and
14 see if I see anything. I don't -- I don't see anything.
15 No, I don't see any other injuries to him.

16 Q Nothing you've noted?

17 A Nothing I've noted on my --

18 Q But there -- there could have been -- there could have
19 possibly been some -- some rug burns or abrasions that are
20 just not captured?

21 A There could be, and it's -- they're probably
22 documented photographically.

23 Q Thank you. I'll move on to FA19-802 -- and I'll put
24 that up on the -- and I believe this is State's 88. And
25 I'll put that up on the screen for you. Did you generally

JURY TRIAL

1 walk through the same process? Obviously, you've
2 acquainted everyone with how the sketch works, and its
3 limitations and its disadvantages. And just to identify
4 again who this -- what the sketch is representing.

5 A So I wrote at the top of the sketch the number,
6 FA19-802. It's a unique identifier that we give to the
7 cases as they come in. So he is -- 19 refers to the year,
8 and then the 802 is that -- they're sequentially numbered
9 starting January 1st, so he would be the 802nd case of the
10 year. And then, we didn't -- I didn't fill out any weight
11 or height or any of that top part because I'm just making
12 it for our use to see. I put the right -- the R and the L
13 in there. And then he basically has two wounds of
14 significance and then a third wound that's not really very
15 significant, but I'll talk about it in a second. So one
16 wound is on his head, and the -- the entrance wound is
17 actually at the top of the head, and the exit wound is in
18 the front area near between the eyes, and there is a
19 defect in the skull there. So for this wound, it's a
20 complex wound because it's coming in. It's almost a graze
21 at the top of the head, but it does have just enough angle
22 to chip off bone and go into the skull. The thing we have
23 for a -- that helps us with the skull is beveling of the
24 bone. So the bone -- the bone will bevel and that
25 beveling will help identify the entrance and the exit.

JURY TRIAL

1 And that we have in this case as well.

2 No soot or stippling in any of these wounds. The
3 bullet goes in the skull, it goes through the brain, it
4 comes out right at the front of the middle of the face.
5 Then, the second wound is going -- I believe it's in on
6 the right chest and then out -- kind of almost out on the
7 back. So the bullet is going from right to left across
8 the chest, it goes through the lungs, goes through the
9 aorta, goes -- and then, we recover it from the
10 subcutaneous tissues. There's a tiny, tiny hole there.
11 the bullet was about to exit but just didn't quite have
12 enough energy to get out through the skin. So there is a
13 -- there is a what I would call a partial exit wound, and
14 then we recovered the bullet.

15 Q And that's one of the bullets that you then preserved
16 for evidentiary purposes?

17 A Yes, sir.

18 Q I'm going to show you here State's 89. Is that the
19 bullet you're referring to?

20 A Yes, sir. That's it.

21 Q What's that written -- it looks like the right arm.
22 What -- what is that?

23 A Yeah. So on the back of his right arm, he has a
24 linear scratch. It's a very superficial wound and it is
25 -- it just looks like a scratch, like, if your cat

JURY TRIAL

1 scratched you. But it's a graze wound, a graze-type
2 gunshot wound. That's what I believe it is. So it
3 doesn't enter the body in any way. It doesn't really make
4 any effects because it's very, very superficial. But it's
5 a graze wound. The two main wounds, or the significant
6 wounds, are the one to the head and the one to the chest
7 that goes through the lungs and the aorta.

8 Q So the -- and directing your attention to the wound
9 that goes through the chest, I think you just said lungs
10 and aorta --

11 A Yeah.

12 Q -- would that have been a fatal wound?

13 A Yes, sir, it would. And I believe it left a
14 hemothorax, so it did leave hemorrhage in his chest.

15 Q Is it -- would it have been possible to -- to live
16 with that wound for any time?

17 A No, sir.

18 Q Not even 10 or 15 seconds?

19 A Well, maybe a few seconds, yeah, maybe -- maybe 10 or
20 15 seconds.

21 Q Okay. And how about the wound to the head? Would
22 that have been an immediately fatal wound?

23 A Yeah. Well, so if we're talking about -- I'm going to
24 assume that fatal you mean a person's heart stops beating
25 and there's no signs of life. And so --

JURY TRIAL

1 Q And essentially no further movement. I think
2 that's --

3 A -- oh, okay. So if we're talking about an immediate
4 collapse and no further movement, that would happen with
5 the head wound, yes, because I would expect him to have a
6 seizure and an immediate collapse to the ground, maybe
7 some -- maybe a bit of seizure activity, but that -- that
8 would be it. The chest wound, he might have that 15 or 20
9 seconds of purposeful movement before he would collapse
10 and then, subsequently, his heart would stop maybe within
11 a minute or two. So -- and the same thing with the head.
12 He would collapse to the ground and then the heart and
13 blood pressure would fall -- the heart would fall -- the
14 blood pressure would fall to zero and the heart would
15 stop, and then that may take a couple of minutes.

16 Q And again, moving then to manner of death, what were
17 your findings?

18 A So manner of death is homicide, death at the hands of
19 another.

20 MR. FINCH: I beg the Court's indulgence. May
21 we approach, Your Honor?

22 THE COURT: Mm-hmm.

23 (Bench conference off the
24 record.)

25 BY MR. FINCH:

JURY TRIAL

1 Q Dr. Beaver, we spoke previously about just potential
2 injury, maybe a sort of a rug burn-type injury. You said
3 maybe looking at a photo might help. I'm going to show
4 you what's been marked as a Court's Exhibit -- this is
5 Court's Exhibit 17 -- just to see if it refreshes your
6 recollection. If not, if you could just let me know,
7 and -- and you can take your time with that.

8 A Okay. My recollection -- I don't see it here -- but
9 my recollection is -- and my recollection is vague, but I
10 believe on his right knee he had a couple of abrasions.
11 I'm thinking that's -- well, I'm sure that have a
12 photograph of it, but it would be from the autopsy. This
13 is a scene photo.

14 Q Thank you.

15 MR. FINCH: No further questions for this
16 witness at this time. Please answer any questions
17 the Defense has.

18 THE COURT: Ms. Dovell?

19 MS. DOVELL: No questions, Your Honor.

20 THE COURT: Ms. Gay?

21 MS. GAY: I have no questions for this witness.
22 Thank you.

23 THE COURT: Any exception to the witness being
24 excused, from the State?

25 MR. FINCH: No, Your Honor.

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1 THE COURT: From the Defense, Ms. Dovell?

2 MS. GAY: No, ma'am.

3 MS. DOVELL: No, Your Honor.

4 THE COURT: From the Defense, Ms. Gay? Doctor,
5 you're excused.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: You're welcome. Call your next
8 witness.

9 MR. FINCH: The State calls Kendra -- Agent
10 Kendra Moseley.

11 THE CLERK: Please raise your right hand and
12 place your left hand on the Bible.

13 (The witness was sworn in.)

14 THE CLERK: Please be seated. Please state your
15 full name for the record, spelling your last name
16 directly into the microphone.

17 THE WITNESS: Kendra Moseley, M-O-S-E-L-E-Y.

18 THE COURT: You may proceed.

19 MR. FINCH: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 KENDRA MOSELEY

22 was called as a witness, and having been first duly sworn,
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MR. FINCH:

JURY TRIAL

1 Q Good morning, Agent Moseley. How are you this
2 morning?

3 A Doing well. How are you?

4 Q Doing well. Thank you. If you would, tell the jury,
5 please, where it is you're currently employed.

6 A The South Carolina Law Enforcement Division, SLED.

7 Q And what's your role at SLED?

8 A Arson investigator in the counterterrorism unit.

9 Q And back in -- how long have you been with SLED?

10 A A little over a year.

11 Q And before that, where were you working?

12 A North Charleston Police Department.

13 Q And as -- at your time at North Charleston, what were
14 your duties -- or what was -- what was your role?

15 A I was a crime scene investigator.

16 Q And what are the duties and responsibilities that
17 encompassed your role as a crime scene investigator with
18 North Charleston?

19 A Responding to scenes, documenting the scenes through
20 photographs, sketches, collecting evidence, assisting with
21 search warrants, processing evidence.

22 Q And as part of your employment, did you have occasion
23 to be involved in the investigation of 2019-02-7892?

24 A I did.

25 Q And I'm referring to the case number; is that correct?

JURY TRIAL

1 A Yes.

2 Q And what was your -- what was your role in the
3 investigation of that case?

4 A I assisted with some search warrants for that case.

5 Q And when you're assisting with a search warrant in
6 general, what you do in general?

7 A Collected photographs, processing cars or searching
8 houses for evidence, processing evidence.

9 Q And that could be all kinds of different crimes? It
10 could be a drug crime or a violent crime or a property
11 crime?

12 A Yep.

13 Q Okay. And part of that, you're going to photograph
14 the scene?

15 A Yes.

16 Q Okay. And you -- you'll get -- take lots of
17 photographs, some of them are just to kind of set the
18 stage, this is the house we're looking at and this and
19 that. And then, you photograph items that you collect?

20 A Correct.

21 Q Okay. As part of this, did you have occasion to
22 search the house at [REDACTED] Street?

23 A I did.

24 Q And do you recall the purpose or what you were looking
25 for in -- with that search?

JURY TRIAL

1 A Anything related to the crime. Typically, the
2 detectives and detective supervisor will guide us in what
3 we're looking for.

4 Q And I'm going to show you some -- and would you have
5 taken photographs in --

6 A Yes.

7 Q -- in the execution of that search warrant?

8 A Yes.

9 Q All right. I'm going to show you what's been marked
10 for ID purposes as State's 127 through 131. I'm going to
11 show -- again, that's 127 through 131.

12 THE COURT: Are there any exceptions, Ms.

13 Dovell?

14 MS. DOVELL: None, Your Honor.

15 THE COURT: Ms. Gay?

16 MS. GAY: No, ma'am.

17 THE COURT: State's 127 through 131 are marked
18 and admitted without objection.

19 (Plaintiff's Exhibits 127 through

20 131 were admitted into evidence.)

21 MR. FINCH: Thank you, Your Honor.

22 THE COURT: You're welcome.

23 BY MR. FINCH:

24 Q And what are those photos of?

25 A The front of the residence, a Reebok box that

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1 contained a firearm and ammunition.

2 Q And then, photos of the firearm and ammunition?

3 A Yes.

4 Q And those are not all the photographs you took at that
5 scene are they?

6 A No they're not.

7 Q Just a representative sample?

8 A Yes.

9 Q And so, from that house, you took one firearm?

10 A Yes.

11 Q And that's the one that's photographed there?

12 A Yes.

13 MR. FINCH: I beg the Court's indulgence.

14 BY MR. FINCH:

15 Q Did that firearm that you recovered have a serial
16 number of [REDACTED]?

17 A Yes.

18 Q And that's a Glock 40-caliber, I believe?

19 A It was.

20 Q I'm going to show you what's been marked as State's
21 95. Can you identify that, ma'am?

22 A That's the firearm collected during the search
23 warrant, the one in the photographs.

24 THE COURT: I need you to speak directly into
25 the microphone for me and repeat your answer. Thank

JURY TRIAL

1 you.

2 THE WITNESS: That's the firearm collected from
3 the residence from the search warrant.

4 THE COURT: What number is that, please?

5 MR. FINCH: This is State's 95, Your Honor, and
6 I would move for its admission, I believe without
7 exception.

8 (Plaintiff's Exhibit 95 was moved
9 for admission into evidence.)

10 THE COURT: An exception from the Defense?

11 MS. DOVELL: No, Your Honor.

12 MS. GAY: No, ma'am.

13 THE COURT: Marked and admitted, State's 95,
14 without objection.

15 (Plaintiff's Exhibit 95 was
16 admitted into evidence.)

17 BY MR. FINCH:

18 Q And after you collected that evidence, did you -- does
19 that wrap up that scene search warrant and then you -- you
20 leave?

21 A Yes.

22 Q And when you're done with a search warrant, you make
23 an inventory and then you return that to the magistrate?

24 A The detectives do, yes.

25 Q The detectives do, you just keep a list of all the

JURY TRIAL

1 stuff? And that's one of the items you collected?

2 A Yes.

3 Q Did you also have occasion to search any vehicles
4 involved in this case?

5 A Yes, I did.

6 Q Would that have been a 2014 Nissan Altima?

7 A It was.

8 Q I'm going to show you what's been marked previously as
9 State's 133 and 134. And again, you would have taken
10 photographs of that?

11 A Yes.

12 Q And is that the vehicle you would have searched in the
13 photograph?

14 A It is.

15 Q And you took the photograph?

16 A I did.

17 MR. FINCH: Your Honor, at this time, the State
18 would move for the admission of 133 and 134, I
19 believe without exception.

20 (Plaintiff's Exhibits 133 and 134
21 were moved for admission into
22 evidence.)

23 MS. DOVELL: That's correct, Your Honor.

24 THE COURT: Give me one second because these
25 numbers are off on this sheet. What were those

JURY TRIAL

1 numbers?

2 MR. FINCH: These are 133 and 134, pictures of
3 the Nissan.

4 THE COURT: Because you had one -- yeah, you had
5 -- well, let's see. Yeah, these are not identified
6 correctly. So it's 133 and 134?

7 MR. FINCH: Yes, Your Honor.

8 THE COURT: Yeah, because those are identified
9 as a search warrant, not as the pictures. Any
10 exception?

11 MS. DOVELL: No, Your Honor.

12 THE COURT: And I'm sorry if I'm repeating
13 myself. Better to say it twice than not at all. I
14 apologize. Ms. Gay?

15 MS. GAY: No, Your Honor.

16 THE COURT: Marked and admitted without
17 objection.

18 (Plaintiff's Exhibits 133 and 134
19 were admitted into evidence.)

20 BY MR. FINCH:

21 Q And I'm just going to go just very quickly through
22 this Violet Street -- Violet Street photographs. 127,
23 that's just a shot outside just to identify the property?

24 A Yes.

25 Q And then you said 128 is just a box that was searched

JURY TRIAL

1 within the home?

2 A Yes.

3 Q And then the firearms are contained in 129 here?

4 A Correct.

5 Q And then just further?

6 A Mm-hmm.

7 Q And this being the serial number?

8 A (No audible response.)

9 Q And regarding the search warrant you did on the 2014
10 Nissan Altima, we have some pictures here. But what
11 other -- what other searches did you do on that car -- on
12 that car or other evidence you attempted to collect?

13 A Latent prints, possibly DNA, and anything from inside
14 that would pertain to a case.

15 Q Do you recall the date that you performed a search
16 warrant on that car -- or executed it? I'm sorry.

17 A Not off the top of my head, I don't.

18 Q Would this -- the crime occurred September 15th.
19 Would it seem plausible that it was September 19th that
20 you did this?

21 A Yes.

22 Q Okay. That's four days after the crime?

23 A Mm-hmm.

24 Q Do you know -- do you recall how this vehicle came
25 into the possession of North Charleston for the purposes

JURY TRIAL

1 of the search warrant?

2 A It was located and secured by the detectives for a
3 search warrant, and then I was called to execute the
4 search warrant. .

5 Q Okay. And that would have on the 19th of September?

6 A Yes.

7 Q And what are types of things -- you said fingerprints
8 or DNA. Those are swabs or dusting?

9 A Dusting for latent prints and on the inside and
10 outside, and then also swabbing particular areas inside
11 the vehicle for touch DNA.

12 Q And would have been, like, door handles and --

13 A Steering wheel, gearshift.

14 Q -- steering wheel? .

15 A Yes.

16 Q Now, in your training and experience, if somebody is
17 driving the vehicle at the time, would you expect to find
18 their DNA on the steering wheel?

19 A Yes.

20 Q Would you expect to potentially find their
21 fingerprints on the door handle?

22 A Yes.

23 Q And in your training and experience -- the jury has
24 heard about crime scene investigation -- is it best to --
25 to -- closest in time is probably best to preserve

JURY TRIAL

1 evidence?

2 A Yes.

3 Q Because whether it's a house or a car, the longer the
4 days go by, you don't know many people are touching or
5 using that?

6 A Correct.

7 Q So the best evidence would have been is freshest to
8 the incident, whatever the incident is, and that stands
9 true for all kinds of crime scene investigations?

10 A It does.

11 Q Okay. All right. I want it take you to another
12 search warrant that you executed, also on the 19th of
13 September, and this would have been at -- on Woodlawn
14 Drive. Do you recall that?

15 A I do.

16 Q All right. I'm going to show you what's been marked
17 for admission -- or marked for identification as State's
18 -- I just removed a -- I'm going to go through these
19 numbers quickly -- 108, 9, 10, 11, 12, 13, 14, 15, 16, and
20 then 119, 120, 121, 122, 123, 124, 125 and 126. If you
21 could take a look at those. And again, you would have
22 taken photos as part of that search warrant --

23 A Yes.

24 Q -- execution? And if you would just look and those
25 and can identify those.

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1 A These are the ones I took.

2 Q And those are the photos you took during the execution
3 of the search warrant at Woodlawn Drive --

4 A Yes.

5 Q -- around 6:41?

6 MR. FINCH: Your Honor, at this time, the State
7 would move for the admission of 108 through 126.

8 THE COURT: You had 108 through 126. Have you
9 withdrawn some of those?

10 MR. FINCH: I did, Your Honor.

11 THE COURT: So what was the number again, 108
12 through what number?

13 MR. FINCH: I deleted --

14 THE COURT: I don't need to know what you
15 deleted. I just need to know the numbers. Thank
16 you.

17 MR. FINCH: -- yes. It's 108 through 126 -- I'm
18 sorry -- 108 through 116, and then 119 through 126.

19 THE COURT: Any exception?

20 MS. DOVELL: Yes, Your Honor.

21 THE COURT: Okay. Mr. Foreman, ladies and
22 gentlemen, I have a matter of law to take up with
23 counsel. During the break, please do not discuss the
24 case, and please leave your notepads in your seats.

25 (The jury exited the courtroom.)

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1 THE COURT: You may be seated. All right. I
2 guess I'll just take them one at a time. Is there an
3 exception to 108?

4 MS. DOVELL: Your Honor, if I could approach. I
5 don't recall the exact numbers of the ones, but I
6 could tell you.

7 THE COURT: I'll tell you in a nutshell. 108 is
8 a picture of the front of the house; 109 is a picture
9 of the interior of the house; 110 is a picture of the
10 interior of house down the hallway; 111 is a picture
11 of the kitchen with the cabinet doors opened; 112 is
12 a picture of a bedroom; 113 is a picture of that same
13 bedroom closer up; 114 is a picture of the same
14 bedroom; 115 appears to be a picture of that same
15 bedroom, as well as 116.

16 MS. DOVELL: I don't have any exceptions to
17 those photos.

18 THE COURT: Ms. Gay?

19 MS. GAY: I -- I have no exceptions to the --

20 THE COURT: I can't hear you. I need you to
21 speak up.

22 MS. GAY: -- I have no objection to the
23 pictures.

24 THE COURT: So that's 108 -- 108, 109, 110, 111,
25 112, 113, 114, 115, and 116 are marked and admitted

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1 without objection.

2 (Plaintiff's Exhibits 108 through
3 116 were admitted into evidence.)

4 THE COURT: 119 is a picture of rounds of
5 ammunition, Federal ammunition 9-millimeter Luger.
6 Any exception to 119?

7 MS. DOVELL: Yes, Your Honor.

8 THE COURT: And what would be the exception?

9 MS. DOVELL: The exception to the rest of these
10 photos, I believe it is, is going to be relevance,
11 confusion of the issues, and prejudice.

12 THE COURT: Well, the other pictures, one of
13 them is the interior of a closet. I'm trying to
14 figure what would be your objection to that.

15 MS. DOVELL: Because I think this is like the
16 run-up to where a gun and ammunition are found in a
17 backpack in a closet.

18 THE COURT: Yeah, but it's not shown in this
19 photo, so what's your objection?

20 MS. DOVELL: I don't have an objection,
21 actually, to that one. Which one is that?

22 THE COURT: So 121 comes in without objection.

23 (Plaintiff's Exhibit 121 was
24 admitted into evidence.)

25 THE COURT: For the record, 119 is ammunition;

JURY TRIAL

1 120 is a magazine; 122 is a picture of a grip of a
2 black handgun; 123 is a picture of the side view of
3 the identifying markers of a firearm; 124 is a
4 magazine; 125 is, again, the bedroom. What's your
5 exception to that, as well as 126?

6 MS. DOVELL: I don't have an exception to 126.
7 I think with 125 my exception is that those -- I
8 think that could be misleading.

9 THE COURT: How?

10 MS. DOVELL: Those are clothes that were taken
11 at Demetria Ravenell's house where my client was
12 supposed to stay. The State is not seeking to admit
13 either of those items as evidence in the case.

14 THE COURT: But are they seeking -- for what
15 purpose are you seeking to admit 125 and 126?

16 MR. FINCH: 126 is comparison to clothing worn
17 at the --

18 THE COURT: Comparison to whose clothing worn?

19 MR. FINCH: -- Mr. Stanley's clothing worn as
20 captured by the CPD cameras downtown at Allway and
21 Flood.

22 THE COURT: Mm-hmm.

23 MR. FINCH: And then, I think it's 125 is the --
24 the other clothing that was collected pursuant to
25 search warrant. And then it was later tested, but

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1 then we determined by looking at it that it was
2 likely not the clothing -- that the jacket that was
3 worn. So just -- it's just documentation of what was
4 taken, that's all.

5 THE COURT: So you're saying that you're
6 offering 125 and 126 as documentation for what was
7 found at the execution of the search warrant?

8 MR. FINCH: Correct. Well, 126 is for
9 comparison to clothing worn by Mr. Stanley that's
10 captured on --

11 THE COURT: But it was found pursuant to a
12 lawfully executed search warrant.

13 MR. FINCH: -- that's correct.

14 THE COURT: What's the objection again to 126?

15 MS. DOVELL: I don't have an objection to 126.
16 I understand the State's probative value. But
17 there's no probative value for 125, and I think it
18 could be confusing and misleading to the jury that
19 they're looking at a blue hoodie, which is not
20 alleged to have been the hoodie that he --

21 THE COURT: What probative value --

22 MS. DOVELL: -- the person in the video is
23 alleged to have been wearing.

24 THE COURT: -- does this have?

25 MR. FINCH: Well, it does corroborate a

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1 statement made by -- will be --

2 THE COURT: By who?

3 MR. FINCH: -- elicited by Demetria Ravenell
4 about the possessions that -- that Mr. Stanley had
5 that belonged to him that were in that home.

6 THE COURT: How is that relevant to anything?

7 MR. FINCH: Well, just --

8 THE COURT: It's uncontested that they stayed
9 together, right, and that he left his items at her
10 house.

11 MR. FINCH: As far as we -- yes. Well, it will
12 be when she testifies, yes.

13 THE COURT: Yeah, so how does this -- why do
14 you -- the -- the Defense isn't contesting it, so why
15 do you need to corroborate it?

16 MR. FINCH: Just --

17 THE COURT: And for what purpose? I mean, are
18 these supposed --

19 MR. FINCH: -- she --

20 THE COURT: -- to be clothes he wore,
21 purportedly, at the time?

22 MR. FINCH: -- that was -- that was the
23 information that was given to Agent Moseley that
24 turned out to be -- in comparison to the photographs,
25 it turned out to be the gray pants that we see in the

JURY TRIAL

1 last photograph that were not --

2 THE COURT: So why show the jury a picture of
3 something that was taken -- doesn't corroborate
4 anything?

5 MR. FINCH: -- well, my -- it just corroborates
6 with Ms. Ravenell gets a list of clothing that he had
7 that was there.

8 THE COURT: Does she list this?

9 MR. FINCH: She does. She lists it as a navy
10 blue or a dark blue hoodie that zips up.

11 THE COURT: 125 is ID only until I hear the
12 testimony so I can determine whether it's relevant,
13 whether it makes an issue of consequence more or less
14 probable.

15 MR. FINCH: Thank you, Your Honor.

16 THE COURT: Mm-hmm. Now, what's your objection,
17 Ms. Dovell to --

18 MR. FINCH: I'm just going to --

19 THE COURT: -- that's fine, yeah, because that
20 thing is slippery, and I apologize. What is your
21 exception to 119, 120, 122, 123 and 124? And -- and
22 before I jump to that -- I apologize -- what is
23 exception to 121, which is the closet?

24 MS. DOVELL: Your Honor, I don't have an
25 objection to the -- the picture of the closet.

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1 THE COURT: You do not? You do not?

2 MS. DOVELL: No, Your Honor.

3 THE COURT: So that's without objection, 121.

4 (Plaintiff's Exhibit 121 was
5 admitted into evidence.)

6 THE COURT: Okay. What is your exception to
7 119, 120, 122, 123 and 124?

8 MS. DOVELL: Your Honor, these are all photos of
9 a 9-millimeter handgun that was found at the home of
10 Demetria Ravenell in a bedroom that she would testify
11 that her son stayed in and sometimes her nephew
12 stayed in.

13 THE COURT: Mm-hmm.

14 MS. DOVELL: There were belongings related to
15 Demetrius Ravenell, who is her nephew, in that
16 bedroom. That 9-millimeter was taken pursuant to
17 search warrant, along with the ammunition. It was
18 tested by SLED's ballistics analyst, and it came back
19 as having absolutely nothing to do with this case.
20 The test-fired bullets from the 9-millimeter did not
21 match anything at the scene.

22 THE COURT: Let's take this one step at a time.
23 No. 119 his Federal ammunition, 100 rounds,
24 9-millimeter Luger, 115 grain and some brass case.
25 Is there any indication that this ammunition -- or

JURY TRIAL

1 this type of ammunition was used in this purported
2 offense?

3 MR. FINCH: There are shell casings, I believe,
4 that are Federal -- yes, that brand.

5 THE COURT: Simple question.

6 MR. FINCH: Yes.

7 THE COURT: Is there any -- is there -- is there
8 testimony that is going to say that this type of
9 ammunition was used in the perpetration of this
10 crime?

11 MR. FINCH: Yes.

12 THE COURT: And who is going to testify to that?

13 MR. FINCH: That would be -- well, we have --
14 we've already submitted evidence.

15 THE COURT: I understand that we have
16 9-millimeters, but you know, they've all got
17 different markings --

18 MR. FINCH: That's -- that's correct.

19 THE COURT: -- they all have different
20 manufacturers, they all have different
21 characteristics.

22 MR. FINCH: Correct.

23 THE COURT: So without getting into the
24 minutiae --

25 MR. FINCH: Correct.

JURY TRIAL

1 THE COURT: -- is there a witness that is going
2 to testify that this particular ammunition was found
3 at the scene or was located in the body of either of
4 the deceased?

5 MR. FINCH: The shell casings would be
6 identifiable, and I believe that -- that --

7 THE COURT: Sometimes they are, sometimes they
8 aren't.

9 MR. FINCH: -- right. But I believe -- yes. My
10 understanding is that that brand of ammunition and
11 that caliber -- definitely that caliber of ammunition
12 was found at the scene. As the Court is aware --

13 THE COURT: So you have a witness that's going
14 to testify that this brand of ammunition -- not just
15 this caliber of ammunition -- was found at the scene
16 of the crime?

17 MR. FINCH: I am double-checking with --
18 Ms. Gearding is handling that.

19 THE COURT: Yeah, I need a definitive answer.
20 All right. 126 --

21 MR. FINCH: I stand corrected, Your Honor.
22 There's no -- nothing in the things that were tested
23 by Agent Smith that say Federal -- that have that
24 stamp.

25 THE COURT: -- so what is the agent going to

JURY TRIAL

1 testify to regarding the ammunition?

2 MR. FINCH: The agent is going to testify to the
3 calibers of ammunition --

4 THE COURT: Mm-hmm.

5 MR. FINCH: -- the -- strike marks from the --

6 THE COURT: Striations.

7 MR. FINCH: -- hammer, and then the comparison
8 of the fired shell casings --

9 THE COURT: Mm-hmm.

10 MR. FINCH: -- that were recovered at the scene,
11 or a majority of them --

12 THE COURT: Mm-hmm.

13 MR. FINCH: -- as well as some of the
14 projectiles --

15 THE COURT: Mm-hmm.

16 MR. FINCH: -- taken from autopsies. He would
17 testify that those identified items, specifically
18 projectiles, if identifiable, some of them correspond
19 to, say, a 40 or a 45-caliber. He will also testify
20 that these three distinct different weapons were used
21 and fired.

22 THE COURT: Mm-hmm. But are they going to be
23 able to say that this weapon was used, because you
24 and I both know --

25 MR. FINCH: They're going to say that one was --

JURY TRIAL

1 actually, none of the weapons that were taken, tested
2 and compared --

3 THE COURT: -- so why is it relevant to
4 introduce it?

5 MR. FINCH: -- just to show the completeness of
6 the investigation regarding --

7 THE COURT: You and I both know that's not a
8 basis for these to come into the record. And that's
9 -- you have to have some probative value for these
10 photographs to come in. If that's the case, then you
11 would document every cereal box, every cigarette
12 butt, every ashtray, every comforter, that was found
13 during -- you don't -- we don't --

14 MR. FINCH: -- well --

15 THE COURT: -- every bit of minutiae from a
16 crime scene --

17 MR. FINCH: -- I will --

18 THE COURT: -- well, not from a crime scene -- I
19 apologize, that's a misstatement. You don't identify
20 -- lots of things that are not germane to the proof
21 of the case are collected during a search warrant.

22 MR. FINCH: -- absolutely.

23 THE COURT: So for these to be relevant,
24 admissible and probative, they would have to connect
25 the dots in some way to this incident, and that's why

JURY TRIAL

1 my questions have been very specific. Is the
2 firearm -- and we know they can do tests --

3 MR. FINCH: Yes.

4 THE COURT: -- we know they can determine if
5 this weapon is tied to this incident. Are there --
6 is there any testing from your firearms expert that's
7 going to say this weapon was used in the perpetration
8 of this crime?

9 MR. FINCH: No, there isn't.

10 THE COURT: So why would you admit it, other
11 than for the jury to think badly of him because he
12 had a gun in his house?

13 MR. FINCH: Just -- again, Your Honor, that was
14 just -- it was collected, it was evidence, and it was
15 from a lawfully executed search warrant. That was
16 the purpose. Because again, the Defense case seems
17 to be -- or at least from my understanding --
18 omissions, things weren't done things, things weren't
19 (unintelligible) shortcomings.

20 THE COURT: Well, they opened the door.

21 MR. FINCH: Again, that's -- that's the purpose.

22 THE COURT: But I don't know that finding a gun
23 is somehow tied to them being thorough.

24 MR. FINCH: Well, I think finding the gun and
25 then having the comparisons done to either rule it in

JURY TRIAL

1 or rule out is -- is more thorough. It's definitely
2 not an omission.

3 THE COURT: I think it's a stretch.

4 MR. FINCH: But that was my purpose, Your Honor,
5 frankly.

6 THE COURT: Mm-hmm. Ms. Dovell, anything
7 further?

8 MS. DOVELL: No, Your Honor.

9 MS. GAY: I would just join in this objection,
10 because it all -- his existence and all that leads to
11 my client in ways that will be determined later.

12 THE COURT: Yeah, 119, as I've indicated, is
13 going to be marked for ID only because that is --
14 until I hear the testimony that can connect the dots.
15 And 120, 122 -- let's see -- 120, 122, 123 and 124
16 will be marked for ID only. The Court sustains the
17 objection. The State has failed to prove the
18 probative nature of these photographs. 120 is a
19 magazine; 122 is a picture of black butt handle of a
20 gun; 123 is a picture of a -- it appears to be a
21 firearm; and 124 is another magazine. When queried,
22 the State is unable to provide information to the
23 Court that somehow their expert has tested this
24 weapon and it is tied to this event. The only -- and
25 it's any -- and it would have a tendency, as far as

JURY TRIAL

1 the Court can discern, to mislead the jury, because
2 they could believe, you know, without some testimony
3 connecting the dots, that somehow this weapon was
4 involved in the course of these events makes it
5 wholly irrelevant. It does not serve to prove a fact
6 of consequence or make it more or less likely in the
7 trial of this case. In addition to that, it runs the
8 risk of character. In other words, that the jury
9 should think, because he had a weapon, that somehow
10 he -- had a weapon at his House -- that he had a
11 weapon and utilized a weapon on this particular
12 evening. And as we know, that is wholly
13 inappropriate under the rules of evidence. The
14 objection is sustained.

15 MR. FINCH: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 MS. DOVELL: Thank you, Your Honor.

18 THE COURT: You're welcome. All right. Can we
19 move forward with the witness? Please get the jury.

20 MS. GAY: Is it possible for us to take a quick
21 comfort break? It's been an hour and a half.

22 THE COURT: You know you have to ask me because,
23 you know, once I sit, that's it for me. So if you
24 need to go, you need to wave the red flag and tell
25 me. And you know I'm fine. Go ahead. You know I'm

JURY TRIAL

1 never going to deny you the ability to take a comfort
2 break.

3 (Off the record.)

4 (Recess.)

5 (On the record.)

6 THE COURT: Okay. Please bring -- get the jury
7 for me. You all have worked out everything you all
8 needed to, right? I can go ahead and get the jury?

9 MR. FINCH: Yes. I'm just going to clarify
10 which ones are going to be admitted.

11 THE COURT: That's fine. And just so that we're
12 all clear, 108 through 116 came in without objection.
13 121 came in without objection, as well as 126 and
14 121. 119 and 125 are ID only until the appropriate
15 foundation can be laid to establish the connection.

16 MR. FINCH: I apologize, Your Honor.

17 THE COURT: Do you want me to go again?

18 MR. FINCH: Yes, ma'am.

19 THE COURT: 108 through 116, 121 125, and 126 --
20 oh I had 121 twice, I'm sorry -- come in without
21 objection. 119 and 125 are ID only at this time.

22 MR. FINCH: I'm sorry, 119 and 120 --

23 THE COURT: 119 and 125 are ID only.

24 MR. FINCH: -- okay. I had you as 121 and 125.

25 MS. GAY: Yeah, I think you said 125 was

JURY TRIAL

1 admitted.

2 MS. DOVELL: No, 125 is definitely ID only.

3 THE COURT: ID, mm-hmm, and so is 119. So
4 again, 108 through 116, 121, and 126 are without
5 objection.

6 MR. FINCH: Got it.

7 THE COURT: 119 and 125 are ID only, subject to
8 establishing a foundation for the admission of those
9 items.

10 MR. FINCH: Thank you, Your Honor.

11 THE COURT: When I say foundation, I mean
12 connection.

13 MS. DOVELL: He has to have a foundation.

14 MR. FINCH: Understood. That will be my first
15 order of business as -- thank you.

16 THE COURT: You're welcome.

17 THE BAILIFF: All jurors are present.

18 THE COURT: I'm sorry. I apologize. You may be
19 seated. You may proceed.

20 MR. FINCH: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 MR. FINCH: Your Honor, at this time, the State
23 would move to --

24 THE COURT: Why don't I do it a different way to
25 make it easier. State's 108 through 116, 121 and 126

JURY TRIAL

1 are marked and admitted without objection, as well as
2 119 through 126 are marked and admitted without
3 objection.

4 (Plaintiff's Exhibits 108 through
5 116, 119, and 121 through 126
6 were admitted into evidence.)

7 MR. FINCH: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 BY MR. FINCH:

10 Q And, Agent Moseley, I'm just going walk you through
11 just some of these photographs again taken -- this was
12 during the execution of the search warrant on Woodlawn
13 Drive.

14 A Yes.

15 Q And what are we seeing in this one, State's 108?

16 A What did you say?

17 Q What are we seeing in this picture?

18 A This is the front of the residence on Woodlawn.

19 Q And this is exterior shot --

20 A Exterior.

21 Q -- identifying the property?

22 A Yep.

23 Q And then, 109, it looks like the living room?

24 A It's the living room as you walk in from the front
25 door.

JURY TRIAL

1 Q And is that an attic in the back there?

2 A It is.

3 Q Okay. And then, did you search the attic as well?

4 A I believe the detectives did, yes.

5 Q So during these, the detective might be doing some
6 searching and looking around and identify something to
7 you, but you're also doing your own searching and
8 documenting?

9 A Yes. Typically, if they locate something before it's
10 moved, they'll notify me. I'll photograph it and collect
11 it.

12 Q State's 110, hallway to a kitchen and maybe a laundry
13 room?

14 A Yes.

15 Q And 111 is the kitchen?

16 A It is.

17 Q And is it opened from you searching cabinets?

18 A (No audible response.)

19 Q Let's looking at 112, what are we looking at here?

20 A That is one of the bedrooms in the residence.

21 Q And do you know whose bedroom that was?

22 A I'm sorry. I just drew blank. I do not have it in
23 front of me. I apologize.

24 THE COURT: Could you speak directly into the
25 microphone, please?

JURY TRIAL

- 1 BY MR. FINCH:
- 2 Q And that's another view of the same bedroom?
- 3 A It is, yes, from the doorway walking in.
- 4 Q As you walk in?
- 5 A And then the same, just going to the left.
- 6 Q Now, what are we looking at in the bottom left of
- 7 States 114?
- 8 A That is a pile of clothing in the floor between the
- 9 dresser and the foot of the bed.
- 10 Q And then, a little bit -- I guess it's a little bit
- 11 closer?
- 12 A Yes, that's just a different view, further left.
- 13 Q And then another picture --
- 14 A Yes.
- 15 Q -- of that? And then, as we look at State's 126, what
- 16 can you tell us what we're looking in that picture?
- 17 A It's a pile of clothing that was located. It's a pair
- 18 of gray pants, which were turned inside out. Another
- 19 piece of clothing under that, but at the back is a pair of
- 20 red plaid underwear, which is also turned inside out.
- 21 Q And if you could indicate on the screen -- that's a
- 22 touch screen -- if you could just circle what you mean by
- 23 the underwear, the plaid underwear?
- 24 A Right here.
- 25 Q Okay. And then, the gray pants are -- you said are

JURY TRIAL

1 turned inside out?

2 A Yes. That's the ones on top.

3 Q And then, this is State's 121, and that looks like a
4 closet in that bedroom.

5 A It is.

6 Q Again, from your search?

7 A (No audible response.)

8 Q Do you recall if this closet was in that bedroom or
9 not?

10 A It was, yes.

11 Q Agent Moseley, as part of your duties and
12 responsibilities as a crime scene technician, specifically
13 in this case -- well, in any case, would you have occasion
14 to collect items from the medical examiner or the forensic
15 examiner after an autopsy?

16 A Yes. It is a typical thing that we do.

17 Q If you could -- if you could speak right into the mic.
18 I actually had trouble hearing you there. Is that
19 something you do?

20 A It is. It's a routine thing we do.

21 Q Does that include clothing?

22 A It does.

23 Q Projectiles?

24 A Yes.

25 Q Valuables that may be included with somebody's

JURY TRIAL

1 belongings?

2 A Anything that would have been with the person at the
3 time of autopsy.

4 Q And how do you get those items? Do you go to MUSC?

5 A Yes, I do.

6 Q And where are those -- where are those items stored?

7 A They're stored in their facility. And then once we
8 get there, they bring them out. They inventory them with
9 us. We confirm the items that they have documented on the
10 list is there. I sign off on it. They're turned over to
11 me.

12 Q And then, you take them and you put them in evidence?

13 A I do.

14 Q I'm going to show you whats been marked and admitted
15 as State's 89 through 93. Just take a look at those.
16 Those are the items that you would have picked up from the
17 autopsy?

18 A Yes, they are.

19 Q And you said they have their -- they -- they have an
20 inventory and they log them out and kind of sign out --
21 sign them over to you, and you take them in to evidence?

22 A Yes.

23 Q And then you -- at North Charleston, and then you sign
24 them in?

25 A I do.

JURY TRIAL

1 Q And if anybody's going to take them out, they sign
2 them out?

3 A Yes.

4 Q And that creates a chain of custody?

5 A It does.

6 Q And so, while these were in your hands, you didn't do
7 anything -- did you do anything to change or alter or add
8 or subtract to any items from what you picked up before
9 you put them into evidence?

10 A No, I did not.

11 Q And again, those are some projectiles from the
12 autopsies?

13 A Yes.

14 Q Okay.

15 MR. FINCH: I beg the Court's indulgence.

16 BY MR. FINCH:

17 Q And just with regard to the last question for now, in
18 regard to any swabs for DNA or -- or fingerprints the
19 decision as to that further process, is that made by you
20 or detectives?

21 A On the items that I collect and bring back?

22 Q Correct.

23 A It can be both.

24 Q It can be both? Did you order any further testing on
25 any of the items you collected in this case?

JURY TRIAL

1 A No.

2 Q Okay. That would have been -- in this case, that
3 would have been a detective situation?

4 A Yes.

5 Q Okay. And their determination?

6 A Yes.

7 Q Thank you. No further questions at this time. Please
8 answer any questions from the Defense.

9 THE COURT: Ms. Dovell?

10 MS. DOVELL: No questions, Your Honor.

11 THE COURT: Ms. Gay?

12 MS. GAY: I have no questions for this witness.

13 Thank you.

14 THE COURT: You're welcome. Any exception to
15 the witness being excused?

16 MR. FINCH: None from the State, Your Honor.

17 THE COURT: Ms. Dovell?

18 MS. DOVELL: No, Your Honor.

19 THE COURT: Ms. Gay?

20 MS. GAY: No, ma'am.

21 THE COURT: Ma'am, you're excused.

22 THE WITNESS: Thank you.

23 THE COURT: Please call your next witness.

24 MS. GEARDING: The State calls N'Taallya Wilder.

25 THE CLERK: Please raise your right hand and

JURY TRIAL

1 place your left hand on the Bible.

2 (The witness was sworn in.)

3 THE CLERK: Please be seated. Please state your
4 full name, spelling your last name directly into the
5 microphone.

6 THE WITNESS: N'Taallya Wilder.

7 THE COURT: Yeah, and I need you to spell both
8 your first name and your last name, please.

9 THE WITNESS: N-'-T-A-A-L-L-Y-A-H Wilder,
10 W-I-L-D-E-R.

11 THE COURT: Thank you. You may proceed.

12 N'TAALLYAH WILDER

13 was called as a witness, and having been first duly sworn,
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MS. GEARDING:

17 Q Hi, Ms. Wilder.

18 A Hey.

19 Q Where do you currently work?

20 A North Charleston Police Department.

21 Q Where did you work in February 28th? Were you still
22 with North Charleston?

23 A Yes.

24 Q What is your current job title with North Charleston
25 Police Department?

JURY TRIAL

1 A Evidence technician.

2 Q Can you please describe what that entails for the
3 jury?

4 A Anything regarding evidence. We look at the packages,
5 making sure that everything is properly sealed, initialed,
6 dated, and store them in the correct location that we're
7 supposed to place them.

8 Q Do you also transport evidence to SLED?

9 A Yes.

10 Q Is there a procedure that you must follow in
11 transporting evidence that you receive to SLED?

12 A Yes. Just making sure that it's properly sealed and
13 just gets straight to the destination it is that we need
14 to get to.

15 Q And in the course of transporting those items to SLED,
16 how are they stored?

17 A They're stored in a location. So once it is that, you
18 know, I receive everything from crime scene that needs to
19 go to SLED, I just take it out of the location and double
20 package them if I need to and just send it straight to
21 SLED.

22 Q On February 28th of 2024, did you have the opportunity
23 to transport two firearms, six 45-caliber casings, and
24 eight 40-caliber casings to SLED?

25 A Do you have the chain for me to look at?

JURY TRIAL

1 Q Yes.

2 MS. GAY: Jewel, could we look at that real
3 quick?

4 MS. GEARDING: Yes. One second.

5 BY MS. GEARDING:

6 Q All right. I am going to show you what's going to be
7 marked for identification purposes as State's 145, 146,
8 147, and 148.

9 A Mm-hmm.

10 Q If you can take a look at those.

11 A Okay.

12 Q Okay. Now, when you transported those items to SLED,
13 was that on February 28th of 2024?

14 A Which ones am I looking at?

15 Q The two firearms, the six 45-caliber casings, and
16 eight 40-caliber casings.

17 A Yes.

18 Q And all of those items were transported by you?

19 A Yes, ma'am.

20 Q And why do you transfer these items to SLED?

21 A Whenever it is that -- I'm guessing it's the
22 solicitors who want to test it. I'd have to transport it
23 to SLED for it to be analyzed.

24 Q And when you transport these items, is there anyone
25 else with you, or is it just you?

JURY TRIAL

1 A It's just me.

2 Q In the course of transportation, then, would there
3 have been anybody else that would have had the opportunity
4 to tamper with this evidence before SLED received it?

5 A No, ma'am.

6 Q And to your knowledge, did any of the evidence that
7 you transported appear to be tampered with in any way?

8 A Not to my knowledge.

9 Q And what would you have done if they were?

10 A I would have contacted the last person it is that
11 actually placed it in a destination or packaged it
12 themselves.

13 Q And would you have left a note of that anywhere?

14 A Yes, ma'am.

15 MS. GEARDING: I beg the Court's indulgence.

16 THE COURT: Mm-hmm.

17 BY MS. GEARDING:

18 Q And then, when you drop those items off at SLED, then
19 what do you do?

20 A Once I drop them off, I head back to North Charleston.

21 Q And when you say "drop them off," where do they go?

22 A They either go into a locker or I actually see a tech
23 at SLED and they take them.

24 Q And do you know what you did here?

25 A No, ma'am.

JURY TRIAL

1 Q Would that be on your chain of custody?

2 A It would not be on my chain of custody.

3 Q Okay. I have no further questions. Please answer any
4 Defense may have.

5 A Okay.

6 THE COURT: Ms. Dovell?

7 MS. DOVELL: No questions.

8 THE COURT: Ms. Gay?

9 MS. GAY: I have no questions for this witness,
10 Your Honor.

11 THE COURT: Any exception to the witness being
12 excused, from the State?

13 MS. GEARDING: No objection, Your Honor.

14 THE COURT: From the Defense?

15 MS. DOVELL: No, Your Honor.

16 THE COURT: Ms. Gay?

17 MS. GAY: No.

18 THE COURT: Ma'am, you're excused.

19 THE WITNESS: Thank you.

20 THE COURT: You're welcome. Call your next
21 witness.

22 MS. GEARDING: The State calls Chad Smith.

23 (The witness was sworn in.)

24 THE CLERK: Please be seated. Please state your
25 full name, spelling your last name directly into the

JURY TRIAL

1 microphone.

2 THE WITNESS: My name is Chad Morgan Smith,
3 S-M-I-T-H.

4 THE COURT: You may proceed.

5 CHAD SMITH

6 was called as a witness, and having been first duly sworn,
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MS. GEARDING:

10 Q Thank you, Mr. Smith. Where do you currently work?

11 A I'm employed with the South Carolina Law Enforcement
12 Division, which is commonly known as SLED. Specifically,
13 I work in the firearms department at SLED's forensic
14 services laboratory in Columbia.

15 Q And how long have you been there?

16 A This November will be 16 years.

17 Q Can you please tell the jury about your educational
18 background, training, and certifications?

19 A I attended Clemson University, where I earned a
20 bachelor in science degree in biological sciences. And
21 then, upon graduating from Clemson, I worked for Clemson
22 University for several years before beginning my
23 employment with SLED. When I came aboard with SLED, I
24 entered the training program to become a firearms
25 examiner, which is a forensic scientist position in the

JURY TRIAL

1 firearms department. That training lasts several years.
2 It is supervised by court-qualified examiners of the
3 firearms department. It involves extensive reading,
4 studying. There are multiple examinations and tests
5 during given during that time. I also attended various
6 classes and seminars, toured several firearm manufacturing
7 facilities. Later in my training, I helped the other
8 examiners prepare their casework. At the end of my
9 training, I received a comprehensive multipart examination
10 which I successfully completed, and then I began to
11 receive my own casework.

12 Q And are you allowed to conduct firearm analysis?

13 A Yes, ma'am.

14 Q And how long have you been authorized to do that?

15 A Well, my training ended in July of 2012, so a little
16 over 12 years now I've been deemed competent to perform
17 firearms examinations.

18 Q Do you know about how many you've performed?

19 A Well, I've worked many hundreds of cases, so within
20 those, there would be thousands of actual examinations and
21 comparisons and analyses.

22 Q Have you ever testified before?

23 A Yes, ma'am.

24 Q How many times?

25 A 110 times.

JURY TRIAL

1 Q And have you ever been qualified as an expert in the
2 field of firearms identification?

3 A Yes, I have.

4 Q Have you ever been qualified as an expert in the field
5 of -- oh, my apologies -- all right. I'm going to focus
6 your attention now to SLED lab number --

7 MS. GEARDING: -- Your Honor, at this time, the
8 State would move to qualify Chad Smith as an expert
9 in the field of firearms identification and analysis.

10 THE COURT: Any objection or questions,
11 Ms. Dovell?

12 MS. DOVELL: No, Your Honor.

13 THE COURT: Ms. Gay?

14 MS. GAY: No, ma'am.

15 THE COURT: Admitted without objection. You may
16 proceed.

17 BY MS. GEARDING:

18 Q All right. I'm going to focus your attention now to
19 SLED Lab No. L1917859. On May 29th of 2024, did you have
20 the occasion to examine items submitted by North
21 Charleston Police Department?

22 A Yes. May 29th is when it picked up the evidence from
23 our evidence patrol control department, but then I did do
24 analyses on items.

25 Q And when did you do that?

JURY TRIAL

1 A When?

2 Q Mm-hmm.

3 A So June 4th, 2024 is when I started my examinations,
4 and they were completed on June 18th of 2024.

5 Q And when you got this evidence from North Charleston
6 Police Department, did that contained two firearms, a
7 couple 40-caliber casings, and a couple 45-caliber
8 casings?

9 A Just -- there were not 45-caliber cartridge cases,
10 just the -- the other ones that you mentioned.

11 Q Okay. And whenever you observed this evidence for the
12 first time, did they appear to be tampered with in any
13 way?

14 A No, ma'am. All the items were sealed, the outer
15 packaging was sealed, so it did not appear to be tampered
16 with.

17 Q And what would you have done if they were tampered
18 with?

19 A Well, depending on what kind of issues there may be,
20 sometimes we get evidence that is packaged incorrectly or
21 there may be the wrong evidence in the wrong container.
22 So first, we have to do an inventory to make sure that
23 what is supposed to be in there is in there, and then we
24 can -- we can go from there.

25 Q I'm now going to show you what's been marked for

JURY TRIAL

1 identification purposes only as State's 124. Can you tell
2 me what that is?

3 A This is a copy of the report that I issued on June
4 20th of this year.

5 Q And how do you know that you issued that report?

6 A Well, it has my -- my name on it, signed by -- by me,
7 forensic scientist, and it has all of the laboratory
8 information, case number, incident dates, et cetera.

9 Q And does everything on that report seem to be fair and
10 accurate?

11 A Yes, ma'am.

12 Q Okay. I'm now going to show you what's already been
13 admitted as State's Exhibit 90, SLED Item No. 19. Is that
14 an item that you received?

15 A Yes, ma'am. This is one of the fired bullets that I
16 received for examination.

17 Q Are there any notes on that bullet when you received
18 it?

19 A There's notes on the packaging of where it was
20 recovered from.

21 Q And now, I'm going to show you what's already been
22 admitted as State's Exhibit 89, SLED 20. Is that one of
23 the other items that you received?

24 A Yes, ma'am. This is another of the fired bullets that
25 I received.

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1 Q I'm now going to show you what has already been
2 admitted as State's 56 through 63, SLED Item 21 through
3 28. Please take a look at all of those items and tell me
4 if those were items that you also received.

5 A Yes. These are eight 40-Smith & Wesson-caliber
6 cartridge cases that I received for examination.

7 Q And I'm now going to show you State's 91 through 93,
8 SLED 31 through 33. Take a look at those for me. And did
9 you also receive those items?

10 A Yes, ma'am. These are the remainder of the fired
11 bullets, three fired bullets that were submitted for
12 analysis.

13 Q And are there notes on any of those items that I just
14 gave you? -

15 A Yes. They do have -- on the labeling of the packaging
16 itself it has a location of where these bullets were
17 recovered.

18 Q Now, before we get into your analysis in this case,
19 can you explain to the jury the difference between a fired
20 bullet and a cartridge casing, much like the items that
21 you have?

22 A So to start out with, when you have an unfired round
23 of ammunition, it's called a cartridge. A lot of people
24 just call it a bullet but, technically, that's incorrect.
25 So you have a cartridge, which is made of several

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1 components: You have the cartridge case which is the
2 container for all the other components; the cartridge case
3 contains the gunpowder; it contains the -- the projectile,
4 which is the actual bullet itself; and then at the bottom
5 of the cartridge case you have what's called a primer.
6 And the primer is what's struck by the firing pin in the
7 firearm which ignites the gunpowder, and then that
8 creates, basically, a controlled explosion which forces
9 the bullet out of the cartridge case and down the barrel
10 of the firearm. So we're dealing with just various
11 components of a cartridge; the bullet being the
12 projectile, and the cartridge case is what you have left
13 over from a fired cartridge.

14 Q And when you say "cartridge casing," is that commonly
15 referred to as a shell casing?

16 A Yes, ma'am. That's a slang term that -- that we often
17 hear.

18 Q Can you describe for the jury how you begin your work
19 in analyzing these items?

20 A So when we get all the evidence, again, we do an
21 inventory to make sure we have all the items that we're
22 supposed to get for testing. And then, I would go through
23 and open up the packaging, take photographs of the
24 evidence, note any sort of if there's any kind of obvious
25 damage or anything that can hinder my examinations.

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1 Cartridge case-wise, we would look, document the caliber
2 of the cartridge cases. We can start looking at the
3 characteristics of the cartridge case at the time it had
4 been fired by the firearm. And then bullet-wise, we would
5 basically do the same thing. Bullets, we can try to
6 determine what kind of calibers we're dealing with. And
7 basically how we can do that is the diameter of a
8 projectile, if it's in good enough condition, as well as
9 the weight of the projectile. And some other
10 characteristics as well help -- help determine the caliber
11 of a specific bullet.

12 Q Can you explain to the jury what a rifling
13 characteristic is?

14 A "Rifling" is a term -- it's something that
15 manufacturers put in the barrels of their firearms to
16 impart a spin or a rotation on that bullet. And what --
17 what it is, is a series of grooves that are either cut or
18 impressed in the bore, which is the inside portion of the
19 barrel, in a twisting pattern. And what it does is as the
20 barrel -- I mean, as the bullet is traveling down that
21 barrel, it's rotating. And so, when it leaves the barrel,
22 it's still rotating. So it gives it stability and it makes
23 it more accurate. So it's a lot like when a quarterback
24 throws a football and wants a nice, tight spiral of that
25 football, it basically does the same thing. But those

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1 rifling marks can -- can be imparted onto the bullet
2 itself, so we could use those markings to try to
3 potentially determine what sort of firearm we may be
4 looking for.

5 Q But what is the purpose of analyzing these items?

6 A Well, the main goal is to try to determine if a
7 projectile or a cartridge case was fired by a specific
8 firearm. If we have a firearm to compare it to, we can
9 test fire that firearm and compare those test specimens
10 with the evidence cartridge cases or bullets and
11 potentially determine if they were fired by that specific
12 firearm or not.

13 Q I'm now going to show you State's 95, SLED Item 17.
14 Can you take a look at that for me?

15 A And, ladies and gentlemen, if it hasn't been said
16 before, this firearm is safe to handle. It has zip ties
17 running through it so the action can't be closed and it
18 cannot be loaded. Yes, ma'am. This is one of the firearm
19 semiautomatic pistols that I received for examination.

20 Q And that is the item that you, yourself, received?

21 A Yes, ma'am.

22 THE COURT: Which number is that exhibit,
23 please?

24 MS. GEARDING: That is State's 95.

25 THE COURT: Thank you.

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1 MS. GEARDING: You're welcome.

2 BY MS. GEARDING:

3 Q Now, I'm going to show you State's 96, SLED Item 18.

4 Take a look at that one for me. .

5 A And just to reiterate, this one is also safe to
6 handle. This is another firearm that I received for
7 examination.

8 Q Now, are these firearms in the same condition now as
9 they were when you received them?

10 A Yes, ma'am. I did test fire them, but they haven't
11 been -- any sort of tampering or anything like that has
12 not taken place.

13 Q And would you know if they had been?

14 A Well, potentially not. It just depends on what sort
15 of condition we get a fireman in. But in this specific
16 case, this has appeared to be returned or in the same
17 condition as I returned it to -- to the agency.

18 Q Now, once you received these firearms, what did you do
19 with them?

20 A Again, I would photograph, start documenting the
21 information of the specific firearm on worksheets. We
22 have a lot of worksheets that we -- we use for
23 documentation purposes. And then, I would actually test
24 fire these firearms to make sure that they function with
25 ammunition and then, potentially, determine if I needed to

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1 go further and do microscopic comparisons with my test
2 specimens with the evidence that was submitted, the
3 cartridge cases and bullets, to see if they were fired by
4 any of these firearms.

5 Q What's the process for test firing these firearms?

6 A We have a water tank that we shoot into. The water
7 slows down the -- the bullets and doesn't add or take away
8 of the marking created during the firing process. So --
9 so that we retrieve the -- the bullets from the water
10 tank, and that's how we do it.

11 Q So what's the purpose for test firing these?

12 A So we can have test specimens to compare with the
13 evidence, as well as to make sure that the firearm is in
14 proper working function with ammunition.

15 Q I'm going to show you what's been marked for
16 identification purposes as State's 98 and 99. Could you
17 please take a look at that for me?

18 A Yes, ma'am. These are the test fire envelopes
19 containing my test cartridge cases and bullets for the two
20 firearms submitted.

21 Q And how do you know that those were yours?

22 A Well, it has all my information, my handwriting on
23 these envelopes, as well as their -- it has evidence tape
24 sealed with my initials and the seal date.

25 MS. GEARDING: Your Honor, at this time, the

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1 State would move to admit State's 98 and 99.

2 (Plaintiff's Exhibits 98 and 99
3 were moved for admission into
4 evidence.)

5 THE COURT: Any exception?

6 MS. DOVELL: No, your Honor.

7 MS. GAY: No, ma'am.

8 THE COURT: Marked and admitted without
9 objection, State's 98 and 99.

10 (Plaintiff's Exhibits 98 and 99
11 were admitted into evidence.)

12 BY MS. GEARDING:

13 Q What are the conclusions that you could possibly
14 render whenever you're analyzing bullets and casings?

15 A So we have four conclusions that we can render when
16 doing comparison analyses. The first would be an
17 identification which is a match, if you will, for a
18 cartridge case or a bullet that's having been fired by the
19 same firearm or by a specific firearm that -- that was
20 submitted. Then we have a negative conclusion, which
21 means it was not fired by the same firearm or a firearm
22 that was submitted. We have inconclusive, which means
23 that we can't tell. There may be enough markings -- or
24 they there may not be enough markings there to -- to -- to
25 be able to determine if they were fired by or not fired by

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1 the same firearm. But we also have an unsuitable, which
2 means, basically, it's either too damaged or there are not
3 enough markings on there to -- to do anything with.

4 Q And what type of issues can affect your ability to
5 identify a bullet or what type of gun it came from?

6 A Bullets, we see all types of different bullets as
7 coming in contact or hitting various objects. We get
8 bullets recovered from vehicles, bullets recovered from
9 houses, walls, that sort of thing. Anything that a bullet
10 comes into contact with can potentially damage it. So
11 bullets fragment oftentimes when they hit something hard.
12 So you know, a lot of times, we're just dealing with
13 pieces, parts of bullets that -- that we're trying to --
14 to examine.

15 Q Now, if these are damaged, can you still analyze them?

16 A Yes, ma'am. I can still look at them. And -- and
17 just from the naked eye, they may appear too damaged, but
18 when we look under the microscope, we may see that the
19 markings that we need to -- that are important to us to
20 try to determine if we can match to a specific firearm or
21 not.

22 Q Now, were any of the bullets that you received here
23 damaged?

24 A They were, some in various forms of damage. They were
25 mostly intact, but some of them did have some sort of

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1 damage to them.

2 Q Can you identify which one of those?

3 A Well, starting with SLED 19, State's Exhibit 90, it
4 has -- it appears to be a jacketed hollow point-type
5 bullet. It expanded, so when it hit something -- soft
6 tissue -- it's designed to expand, so that is a form of
7 damage. And the same thing with Item 20, State's
8 Exhibit 89, also a jacketed hollow point-type bullet. So
9 it's also expanded some and created a little bit of damage
10 there. Sometimes, depending on what type of bullet it is,
11 some of the jacket material, which is the outer portion of
12 the bullet, may be missing. But there may be enough there
13 to -- to do something with.

14 Q I'm now going to draw your attention to "SLED Items 21
15 through 28 in your report. Were you able to draw any
16 conclusion on whether these were fired from the same
17 firearm?

18 A Yes, ma'am. During my analysis, I was able to
19 conclude that all of those cartridge cases, all eight of
20 the 40-Smith & Wesson-caliber cartridge cases were fired
21 by the same firearm.

22 Q What manufacturer?

23 A Well, we're dealing with cartridge cases here, so I
24 may not -- we don't really give a manufacturer for -- for
25 cartridge cases. Now, with -- with fired bullets, we may

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1 be able to determine, based on the rifling impressions,
2 what sort of firearm may have fired it, but with cartridge
3 cases, we don't.

4 Q Looking at SLED 20 and 31 through 33.

5 A Okay. Those are fired -- fired projectiles, fired
6 bullets.

7 Q Were you able to draw any conclusions on whether these
8 were fired from the same firearm?

9 A No, ma'am. Those were inconclusive with each other
10 due to damage, not enough markings on those bullets. I
11 couldn't determine if they were fired by one firearm or by
12 more than one firearm.

13 Q Could you know what kind of caliber?

14 A They were consistent with being 40 Smith & Wesson or
15 10-millimeter auto.

16 Q All of those items?

17 A If you're talking about 19 separately, 19 is
18 consistent with being 45 auto caliber. So 19 is different
19 than the rest of them.

20 Q And that's also different from the SLED 21 through 28,
21 Item 19?

22 A Right. So 21 through 28 are cartridge cases, 40-Smith
23 & Wesson-caliber, and then 19 would be a projectile. It
24 would be a bullet most consistent with the 45 auto. So it
25 would be inconsistent with having come from those

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1 cartridge cases.

2 Q Now, looking still at SLED Item 19, were you able to
3 draw a conclusion on what manufacturer this was from?

4 A I did generate a list of potential manufacturers that
5 we know of that have those rifling specifications that
6 were on that specific bullet. We generate a list for --
7 basically for investigators to -- if they come across any
8 of these manufacturers, they may want to submit that gun
9 to the laboratory and maybe we can test fire it and then,
10 potentially, compare it to a specific bullet to see if it
11 has been fired by. So there is a list of manufacturers on
12 the report.

13 Q What is on that report that you created, what type of
14 manufacturers?

15 A If you want me to read the -- the list, is that
16 correct?

17 Q Yes.

18 A There's quite a few, so bear with me. The first
19 manufacturer is AMT. There's Auto Mag, Beretta,
20 Czechoslovakia H&R -- which is Harrington and Richardson
21 -- Hi-Point Firearms, Intratec, Llama, Olympic Arms, Rock
22 Island Armory, Ruger, Smith & Wesson, Tanfoglio -- which
23 is EAA -- Volunteer, Folsom, Astra, Auto Ordinance, Siska,
24 Zubergiliska -- excuse me, some of these are foreign --
25 Fabrique Nationale, Haskell, Ingram, MAC, Laser Arms --

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1 Laser Aim Arms, excuse me -- Military Arms, Corporation,
2 Parker, RPB Industries, Savage, Star, US Military Weapons,
3 and Wyoming Arms.

4 Q Now, looking at all the bullets and the cartridge
5 casings that you received, were you be able to draw a
6 conclusion on if any of those came from the two firearms
7 that you received?

8 A I was able to conclude that they were not fired by the
9 firearms that were submitted, based on class
10 characteristics. Those characteristics can be things such
11 as caliber differences in firing pin type for -- for
12 breach face, difference in rifling impressions, whether --
13 depending on what type of rifling it is -- it can be
14 conventional or polygonal -- or the number of lands and
15 grooves, which is what rifling is made up of. So there's
16 a lot of variables that we can use to try to negate
17 certain firearms.

18 Q Now, I've got just a general question for you here.
19 Whenever cartridge casings are being fired, how do they
20 normally exit a gun?

21 A Well, if we're talking about semiautomatic pistols,
22 for example, it -- it can depend on how you hold the
23 firearm. If you're holding it in a regular, normal
24 manner, typically, they eject up and out to the right.
25 Now, that's not a hard fast rule because depending on --

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1 you can -- if you tilt the gun, it may come up a little
2 bit or come out back toward you. But typically, it's kind
3 of up and out to the right.

4 Q Now, one more general question for you here. Whenever
5 you're -- you've analyzed all of these cartridge casings
6 and bullets that you received, were you able to decide if
7 all of those were fired from firearms and not any other
8 item or object?

9 A Right. They -- they had been fired by a firearm,
10 based on the bullets had rifling impressions, you know,
11 from a barrel. The cartridge cases had firing pin
12 impressions. So they had been fired by -- by guns, by
13 firearms.

14 MS. GEARDING: I beg the Court's indulgence."

15 THE COURT: Yes, ma'am.

16 BY MS. GEARDING:

17 Q I have no further questions for you. Please answer
18 any Defense may have.

19 A Yes, ma'am.

20 Q And I'll let you keep those up there with you in case
21 she has any questions.

22 THE COURT: Ms. Dovell?

23 MS. DOVELL: No questions, Your Honor.

24 THE COURT: Ms. Gay?

25 MS. GAY: I have no questions for this witness,

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1 Your Honor.

2 THE COURT: Any exception to the witness being
3 excused, from the State?

4 MS. GEARDING: Not from the State, Your Honor.

5 THE COURT: From the Defense?

6 MS. DOVELL: No, Your Honor.

7 MS. GAY: No, ma'am.

8 THE COURT: Sir, you're excused.

9 THE WITNESS: Thank you.

10 THE COURT: You can leave all that up there.
11 We'll take care of it.

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Does anyone need a comfort break?
14 Everybody good?

15 MR. FINCH: Your Honor?

16 THE COURT: You do? Mr. Foreman -- I'm sorry, I
17 got tickled -- Mr. Foreman, ladies and gentlemen,
18 we're going to take a brief comfort break. During
19 the break, please do not discuss the case and please
20 leave your notepads in your seats. We appreciate
21 your patience.

22 (The jury exited the courtroom.)

23 THE COURT: I need order in the gallery. We're
24 still in session. You may be seated. Who's your
25 next witness, Mr. Finch?

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1 MR. FINCH: That would be Paul McManigal, but I
2 think I need to discuss something with Defense
3 about --

4 THE COURT: Is he here?

5 MR. FINCH: -- he may -- he may be over at our
6 office. I'm going to have my investigator check.
7 And I'll briefly discuss -- and just for education,
8 he sometimes -- this is his first testimony when he's
9 not been employed by the county.

10 THE COURT: Sure.

11 MR. FINCH: So what he would normally do, as
12 your -- as your experience --

13 THE COURT: I don't think so. I think I had him
14 in another case.

15 MR. FINCH: He said it's at least one.

16 THE COURT: I might be wrong.

17 MR. FINCH: At any rate, for this -- when he
18 used to testify, he would have his laptop that
19 already had the stuff loaded on it.

20 THE COURT: Mm-hmm.

21 MR. FINCH: You know, obviously, we have an
22 external hard drive that we -- and Court's Exhibits
23 versus (unintelligible) so we can square that away
24 and get the right exhibit. That way, he can confirm
25 anything that's being asked, that's all.

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1 THE COURT: No worries.

2 MS. GEARDING: Your Honor --

3 THE COURT: Yes, ma'am.

4 MS. GEARDING: -- while he does that, can I go
5 ahead and grab those exhibits?

6 THE COURT: Yes, ma'am, mm-hmm. All right. You
7 all -- if you need to use the restroom, go ahead and
8 do it.

9 (Off the record.)

10 (Recess.)

11 (On the record.)

12 THE COURT: You may be seated. Okay. Did you
13 all get everything straightened with Mr. McManigal
14 and how you all need to proceed with that?

15 MR. FINCH: Yes, Your Honor. We'll prepare that
16 item over a break, I believe.

17 THE COURT: I'm sorry. Say that one more time.

18 MR. FINCH: I said we'll prepare the item we
19 needed properly over the break.

20 THE COURT: What item are you referring to?

21 MR. FINCH: It's a flash drive. We're just
22 reducing it from all the phones, which is a Court's
23 Exhibit, to the one phone so he can access it and...

24 THE COURT: Okay. All right. But you're all on
25 the same page about that?

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1 MR. FINCH: Yes. And we're going to create a
2 very specific phone report. I'm going to prepare two
3 versions, and I believe Ms. Dovell might have some
4 exception regarding --

5 THE COURT: But you're all -- but you're all on
6 the same page about how you're going to --

7 MR. FINCH: Yes.

8 MS. DOVELL: Yes, Your Honor.

9 THE COURT: -- work with that?

10 MR. FINCH: Yes, Your Honor.

11 THE COURT: Okay. So now, let me be clear. All
12 right. You're still calling Mr. Salkeld; correct?

13 MR. FINCH: Yes, Your Honor.

14 THE COURT: Ms. Ravenell?

15 MR. FINCH: Yes.

16 THE COURT: Mr. Schoolfield, or is he not?

17 MR. FINCH: That's really going to depend on
18 what comes in after -- through Mr. Sanchez, as far as
19 his statement.

20 THE COURT: Were you able to locate Santonio
21 Scott?

22 MR. FINCH: I have not yet, but I spoke to his
23 mother yesterday and today about it and there's still
24 no contact.

25 THE COURT: And Michael Sanchez?

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1 MR. FINCH: Michael Sanchez, yes. He'll be
2 called this afternoon.

3 THE COURT: And, Ms. Gay, have you had
4 sufficient time to speak with Jennifer Butler?

5 MS. GAY: Yes, ma'am.

6 THE COURT: And Ms. Dovell, likewise, have you
7 had sufficient time to speak with Ms. Butler?

8 MS. DOVELL: Yes, Your Honor.

9 THE COURT: And you will still be calling her;
10 correct?

11 MR. FINCH: Yes, Your Honor.

12 THE COURT: And I had Sam Riedel.

13 MR. FINCH: I don't think I'll be calling him,
14 no.

15 THE COURT: Jerome Desheers, of course,
16 you'll -- he's the phone person.

17 MR. FINCH: Yes, ma'am.

18 THE COURT: And then, Mr. McManigal. So
19 according to my list, that leaves -- and then
20 Mr. Russ too; correct?

21 MR. FINCH: Mr. Russ, and I don't know if you
22 said Mr. Saunders. He testified pretrial, but he
23 would be testifying.

24 THE COURT: No. I skipped over him because he
25 did testify pretrial. I need to go back and add him

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1 back to my list.

2 MR. FINCH: So, yes --

3 THE COURT: So that leaves -- excuse me -- one,
4 two, three, four, five, six, seven eight -- that .
5 leaves seven to eight witnesses left for the State,
6 correct --

7 MR. FINCH: Correct, Your Honor.

8 THE COURT: -- depending on if you can get in
9 touch with Mr. Scott?

10 MR. FINCH: That's correct.

11 THE COURT: And at this point, are we
12 anticipating the Defense calling any of the
13 witness -- I think you told me, basically, all the
14 people you all have listed. You all don't intend to
15 call anymore; is that correct?

16 MS. DOVELL: That's correct, Your Honor. At
17 this time, I'm not intending to put -- to call any
18 witnesses.

19 THE COURT: Okay. And, Ms. Gay, is that
20 likewise the same?

21 MS. GAY: Yes.

22 THE COURT: And of course, at the appropriate
23 time, I will speak with your clients about their
24 ability to testify and to make an informed decision
25 regarding that. Okay. The jury's lunch has arrived,

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1 and so what I will do is I'm going to bring them in
2 and we'll break. It's 12:43, which we might as well
3 round that out to 12:45. We'll break until 1:45 for
4 lunch and then, hopefully, I'll be able to work
5 through what you're working through, and then we'll
6 resume at that time. If you could get the jury for
7 me, please.

8 MR. FINCH: Thank you, Your Honor.

9 THE COURT: Why don't you all go ahead and put
10 their lunch in the jury room.

11 (The jury entered the courtroom.)

12 THE BAILIFF: All jurors are present, Your
13 Honor.

14 THE COURT: You may be seated. Ladies and
15 gentlemen, we're going to take advantage of this
16 break in testimony to take our lunch recess. Your
17 lunch has arrived. The bailiffs will situate your
18 lunch into the jury room with you. We'll break for
19 an hour, which will take us from 12:45 to 1:45, at
20 which time we will resume testimony. If you would
21 leave your notepads in your seats. Please do not
22 discuss this case during the break. I hope you all
23 have a great lunch. And because we brought in your
24 lunch does not mean you're confined to that room.
25 You can walk around, you know, enjoy your lunch

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1 recess. Just make sure that you're promptly back in
2 the jury room at 1:45. Have a good lunch.

3 (The jury exited the courtroom.)

4 THE COURT: You may be seated. Anything before
5 we break for lunch, from the State?

6 MR. FINCH: No, Your Honor.

7 THE COURT: From the Defense?

8 MS. DOVELL: No, Your Honor.

9 THE COURT: Ms. Gay?

10 MS. GAY: No, Your Honor.

11 THE COURT: You all have a good lunch. I'll see
12 you at 1:45.

13 (Off the record.)

14 (Recess.)

15 (On the record.)

16 THE COURT: Please be seated. Is the State
17 ready to proceed?

18 MR. FINCH: Yes, Your Honor.

19 THE COURT: Is the Defense ready to proceed, Ms.
20 Dovell?

21 MS. DOVELL: Yes, Your Honor.

22 THE COURT: Ms Gay?

23 MS. NORTON: On behalf of Ms. Gay, yes, Your
24 Honor.

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

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1 anything we need to take up before I have them bring
2 in the jury, from the State?

3 MR. FINCH: I -- I believe Ms. Dovell wanted to
4 perhaps proffer testimony from Mr. McManigal
5 regarding --

6 THE COURT: I'm sorry. Say that one more time.

7 MR. FINCH: I believe Ms. Dovell was -- did you
8 want to --

9 MS. DOVELL: Well, I don't -- Your Honor, I'll
10 leave it in your discretion. I don't know if we need
11 to proffer testimony, but Mr. Finch has one version
12 of a report he'd like to admit through Mr. McManigal
13 and I have -- and he's prepared another version with
14 what I think would be admissible. I have objections
15 to the item -- some of the items that he wishes --

16 THE COURT: If he's here to testify, why does
17 his report need to come in at all?

18 MR. FINCH: He's commenting on a report that was
19 generated by NCPD as to whether it's authentic and
20 whether --

21 THE COURT: As to whether what is authentic?

22 MR. FINCH: -- whether it is an authentic
23 extraction report generated by the phone.

24 MS. DOVELL: It's the data from the phone and
25 report for --

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1 THE COURT: But the data doesn't usually come in
2 because the jury can't read or synthesize that data.
3 They wouldn't know what it means.

4 MR. FINCH: There's just going to be these two
5 different extractions reports that were --

6 THE COURT: Okay.

7 MR. FINCH: -- these are clean copies of what
8 was generated by North Charleston. And so, in lieu
9 of bringing in any sort of data or anything like
10 that, Mr. McManigal replicated that and just said,
11 yes, this -- this report came from this phone and it
12 is in this format searched in this manner.

13 THE COURT: Mm-hmm.

14 MR. FINCH: And this is the -- the -- the
15 print-out of the timeline. One version is just under
16 a page long, and the other is less than a half a
17 page.

18 THE COURT: Because I'm trying to figure out
19 what's -- what's the disagreement and why can't you
20 all work it out, because we don't proffer testimony
21 unless there's a valid objection that's been
22 contemporaneously ruled upon that's adverse to your
23 favor where testimony needs to be preserved. So
24 there's no need for a proffer.

25 MR. FINCH: I think it boils down to --

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1 Ms. Dovell, you maybe want to frame it however she's
2 -- there's statements -- or there's call records and
3 an iMessage record from Shamar Stanley's phone or the
4 phone that is later identified to belong to
5 Mr. Stanley to the victim's phone, and then there are
6 also communications from Santawn Stanley's Facebook
7 account that connects the two. And Ms. Dovell, I
8 think, was making a hearsay objection.

9 THE COURT: I don't know. Nobody has testified.

10 MR. FINCH: Okay.

11 THE COURT: So I don't know if they're any
12 objections to be made.

13 MR. FINCH: Okay.

14 THE COURT: Objections have to be
15 contemporaneous --

16 MS. DOVELL: Yes, Your Honor.

17 THE COURT: -- and I'm not going to hear his
18 testimony before it's presented. I would suggest
19 that if you anticipate an objection then you let me
20 know that so I can send the jury out. But I'm -- you
21 know, until I hear something, I really have no point
22 of reference of what either of you is referring to.

23 MS. DOVELL: I understand, Judge. And because,
24 like, he's the first witness when the jury comes back
25 in, I just -- I imagine I'll be objecting pretty

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1 shortly after he starts testifying.

2 THE COURT: Then you've got to do what you've
3 got to do.

4 MS. DOVELL: Sounds good, Judge.

5 THE COURT: Yeah.

6 MR. FINCH: Thank you, Your Honor.

7 THE COURT: And again, my question is you all
8 could not agree on this issue?

9 MS. DOVELL: No, Your Honor. I think there are
10 statements on the -- the report that the State seeks
11 to admit that are hearsay.

12 THE COURT: Which are?

13 MS. DOVELL: Which are from the Bagchaser
14 Sandman Facebook account, which is attributed to
15 Santawn Stanley where Santawn or Bagchaser Sandman
16 messages --

17 THE COURT: So my question is this. What are
18 you all able to agree upon when it comes to what
19 Mr. --

20 MS. DOVELL: Calls and communications between my
21 client and Antonio Heyward.

22 THE COURT: So what can you all agree to?

23 MS. DOVELL: That's what -- I agree to that.
24 Like, I --

25 THE COURT: And so, how many pages of that are

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1 we talking about?

2 MR. FINCH: That's less -- that itself is less
3 than a half page. The entirety of what we're arguing
4 about --

5 THE COURT: Well, why would the entirety of the
6 report come in?

7 MR. FINCH: -- no, it's not. And I could bring
8 it up just to show you.

9 MS. DOVELL: Do want to just -- yeah, let's --

10 THE COURT: That would be wonderful.

11 MR. FINCH: Yeah, one is this document here
12 which has 14 entries, so it's less than a page. And
13 then this one is -- has six items or so. So the
14 first one is -- it gives context to how one becomes
15 known to another and then to make the calls.

16 THE COURT: Yeah, but you can't have somebody
17 that's not subject to cross-examination statements
18 being admitted into evidence.

19 MR. FINCH: Well, that's the -- that would be
20 the position of the State, that that's not a
21 statement we're looking at --

22 THE COURT: Oh, it's a statement.

23 MR. FINCH: -- it's a record.

24 THE COURT: It's a statement, it's not a record.
25 They're different things. There are two different

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1 levels of this inquiry. One is whether -- it does
2 not hold water that these are business records. They
3 are business records to an extent kept in the
4 ordinary course of business. But when you start
5 talking about people making statements, especially
6 that can inculcate someone, they're entitled to
7 cross-examine those statements by the person who made
8 them because you're offering them for their truth.

9 MR. FINCH: I was not. Your Honor, I'm not
10 saying they are business records. That's not what
11 I'm saying.

12 THE COURT: I'm listening.

13 MR. FINCH: What I'm saying is, this is a --
14 what this is a production of is the electronic data
15 that is received by the phone. It is not --

16 THE COURT: That doesn't exclude it from --

17 MR. FINCH: -- it's not a human.

18 THE COURT: -- it doesn't -- oh, it's a human,
19 because somebody had to hit send, somebody had to
20 type it.

21 MR. FINCH: But that's not the testimony of
22 Mr. McManigal that I will elicit. It's just that
23 this is the data produced --

24 THE COURT: You want the jury to believe that
25 somebody who is unidentified or has a handle or a

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1 nickname or a street name or otherwise sent
2 particular messages to her client, and she's entitled
3 to --

4 MR. FINCH: -- somebody using that identity.

5 THE COURT: -- and she's entitled to
6 cross-examine that person and find out what they
7 meant when they sent it and if they, in fact, sent
8 it. It's hearsay. For what purpose would you be
9 seeking to admit it?

10 MR. FINCH: To give context and --

11 THE COURT: Context to what?

12 MR. FINCH: -- to how they -- how they came to
13 know each other and what the purpose is.

14 THE COURT: But if you don't know who it is, how
15 do you know they came to know each other?

16 MR. FINCH: Because he says "Trell is trying to
17 reach you," and then he puts him in touch via the
18 messages, and then -- then Trell picks up the
19 conversation.

20 MS. DOVELL: There's no context exception to the
21 hearsay rule.

22 THE COURT: I'm going to have to hear it outside
23 the jury's presence to see if you can bring it within
24 an exception of some type. But at this point, it's
25 an out-of-court statement offered for its truth by

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1 someone we don't know who it is or when the messages
2 were sent and what they meant. And certainly, the
3 Defenses should have the capacity to cross-examine
4 whomever that is. Who is it that you are contending
5 where he sent these messages to?

6 MR. FINCH: That's the victim. The victim
7 received these messages. The victim's phone received
8 messages.

9 THE COURT: Uh-huh.

10 MR. FINCH: And then, from that -- I'm sorry?

11 THE COURT: Who did the victim's phone receive
12 messages from?

13 MR. FINCH: From a Facebook account attributed
14 to Bagchaser Sandman.

15 THE COURT: Who is that?

16 MR. FINCH: The information from that would be
17 Santawn Stanley, but I don't know if Santawn Stanley
18 specifically sent those, but that would be -- the
19 Facebook account attributed to him.

20 THE COURT: But you should -- Santawn, who is --
21 because this gentleman's name is Shamar. So who is
22 Santawn?

23 MR. FINCH: That's his cousin.

24 THE COURT: So why would -- so why haven't you
25 called on his cousin to testify and say whether he

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1 sent these messages or not?

2 MR. FINCH: Your Honor, that has not been a
3 successful endeavor on our end --

4 THE COURT: Mm-hmm.

5 MR. FINCH: -- as far as cooperation.

6 THE COURT: So -- so I can understand the
7 completeness of your theory --

8 MR. FINCH: Yes, ma'am.

9 THE COURT: -- in case I missed something you
10 were saying to me, are you saying that these are --
11 tell me again in a nutshell why you would be seeking
12 to introduce these and why you think they would be
13 admissible and how they're probative.

14 MR. FINCH: These -- these communications from
15 the day of the homicides set up the initial
16 conversation that then -- and records efforts from
17 the Facebook account to contact Victim Heyward. Then
18 there's a message that sent to explain or to say I
19 mean to -- I mean -- I've been trying to tell you
20 Trell asked for your number. And then subsequent
21 calls from a phone number that's also attributed to
22 Santawn Stanley, and then a call after that about
23 seven minutes after the last call from Santawn
24 Stanley's phone or the phone attributed to him, then
25 there's a missed call from Shamar Stanley, a response

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1 of an iMessage that says "Who dis?" The response
2 from the incoming is Trell, followed by subsequent
3 phone calls, a minute, 57 seconds, 22 seconds and
4 then 12 seconds from the defendant's phone.

5 THE COURT: So there are communications between
6 Mr. Stanley's phone and the victim's phone?

7 MR. FINCH: That's correct.

8 THE COURT: And what do they say?

9 MR. FINCH: They say -- well, the first is the
10 communication is a missed call.

11 THE COURT: Yeah.

12 MR. FINCH: And then it's "Who dis" from the
13 victim --

14 THE COURT: Uh-huh.

15 MR. FINCH: -- the response "Trell" --

16 THE COURT: Uh-huh.

17 MR. FINCH: -- and then there's subsequent phone
18 call records.

19 THE COURT: Subsequent?

20 MR. FINCH: Phone records, just call records.

21 THE COURT: From in between those two
22 telephones?

23 MR. FINCH: Correct. It's -- it's the phone
24 call from the victim's phone to the defendant phone,
25 and then from -- to -- from the victim -- I'm sorry

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1 -- from the defendant to the victim.

2 THE COURT: So let me -- and what date and time
3 was this?

4 MR. FINCH: This -- this spans the date of the
5 incident, 9/15/19, starting at 12:08. All of the --
6 the entirety of these of the full is from 12:08 p.m
7 to 1:42 p.m. Regarding Mr. Stanley, that
8 communication between --

9 THE COURT: And when has is event purported to
10 have taken place?

11 MR. FINCH: At 1:40 -- just past 1:42 p.m., so
12 up until almost the last moment that this phone call
13 was made.

14 THE COURT: So why do you need anything from
15 somebody unrelated that you can't get in touch with?
16 Why -- why do you need that?

17 MR. FINCH: Just to -- just to --

18 THE COURT: It's not it providing any --

19 MR. FINCH: -- to tell the story of the case and
20 give the motive as to what --

21 THE COURT: Then tell the story, they don't know
22 who it is. The point is, they had communication. It
23 doesn't matter how it was facilitated. It really
24 doesn't matter.

25 MR. FINCH: -- Your Honor, again, it's the

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1 State's position that this -- this explains the --
2 the -- the reason for the number to be exchanged.

3 THE COURT: How would they know the reason when
4 you don't have the person there to say what was said?

5 MR. FINCH: Well, it's -- it's -- again. from
6 context --

7 THE COURT: What difference does it make?

8 MR. FINCH: -- from context --

9 THE COURT: What difference -- here's the bottom
10 line. If I ask one of my friends for somebody else's
11 phone number, what difference does it make who I ask
12 for? The point is I got it and I called them. I had
13 contact with them. So what difference does it make
14 how I got it, because Google didn't found [sic] it.
15 I mean, what difference does it make?

16 MR. FINCH: That's correct.

17 THE COURT: The point is, I had -- the point is,
18 at some point, I got your number and I called you and
19 we had some communication. So I don't know that it
20 matters how he got the phone number or that he asked
21 somebody for it or -- I really don't see how that's
22 relevant, how it makes an issue of consequence more
23 or less probable. What is, I think, probative or
24 could be -- well, and based on the State's theory of
25 Mr. Stanley having been the person in close proximity

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1 to this incident, having last contact with
2 Mr. Heyward, is the fact that they had contact,
3 period. That's all that's relevant, that one cell
4 phone talked to another cell phone and there were
5 several conversations.

6 So I need ask Ms. Dovell, what is the basis of
7 the objection on the communication between Mr. Heyward
8 and your client's telephone?

9 MS. DOVELL: There's no objection. My objection
10 is to the hearsay from Bagchaser Sandman to Antonio
11 Heyward and back and forth. I don't have an
12 objection to the communications between Heyward and
13 Stanley.

14 THE COURT: Mm-hmm. Let me see it again.

15 MR. FINCH: I'll bring you both versions.

16 THE COURT: That's fine. Thank you, sir. And
17 you've not been able to contact the gentleman that is
18 identified as Bagchaser Sandman?

19 MS. DOVELL: I have not, Your Honor.

20 THE COURT: I meant Mr.--

21 MR. FINCH: No.

22 THE COURT: -- I'm sorry.

23 MR. FINCH: That's fair.

24 THE COURT: And why haven't you been able to get
25 in touch with him?

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1 MR. FINCH: Just the efforts that -- I don't
2 know. I guess he doesn't want to talk to us.

3 THE COURT: I'm sorry. I didn't hear you.

4 MR. FINCH: I don't think he wants to talk to
5 us. That's not unusual.

6 THE COURT: And that's his prerogative. He
7 doesn't have to.

8 MR. FINCH: That's correct, yeah.

9 THE COURT: Yeah, I just -- I mean -- I -- the
10 challenge that you have is that it's hearsay. It's
11 clearly a statement made by a party that is not
12 present subject to cross-examination, and it's being
13 offered for its truth, that being that Trell asked
14 for this gentleman's -- Mr. Heyward's phone number
15 and that it was provided. I don't know. What is
16 this (843)666-7729?

17 MR. FINCH: That's -- that's the phone number
18 that's attributed to Santawn Stanley. He's also the
19 individual attributed to the ag chaser Sandman
20 Facebook.

21 THE COURT: Mm-hmm. Yeah, I don't -- I'm --
22 I'm -- I'm a little hard-pressed to see -- I can
23 understand why you may want to argue it's relevant.
24 But your greater challenge is the hearsay aspect of
25 it and that you -- that it's not subject to

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1 cross-examination by the Defense. And I'm inclined
2 to agree with them that it's hearsay, and the
3 objection is sustained. But I don't have a problem
4 with the rest of it.

5 MR. FINCH: Thank you, Your Honor.

6 THE COURT: It's really an exchange between the
7 defendant's phone and Mr. Heyward's phone.

8 MR. FINCH: Thank you, Your Honor.

9 THE COURT: You're welcome. If you want to mark
10 the longer one as for ID, you can. All right. Are
11 we ready to proceed?

12 MR. FINCH: Yes, Your Honor.

13 THE COURT: Is the Defense ready to proceed?

14 MS. DOVELL: Yes, Your Honor.

15 MS. GAY: Yes, ma'am.

16 THE COURT: Please bring in the jury. You all
17 might want to sit down 'til they -- so we -- because
18 that's a very long hallway. It might take a -- and
19 they might be in the restroom. I just don't know.
20 So we'll know when the bailiff steps in.

21 (The jury entered the courtroom.)

22 THE BAILIFF: All jurors are present, Your
23 Honor.

24 THE COURT: You may be seated. Ladies and
25 gentlemen, I hope you'll had a pleasant lunch recess.

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1 We're now going to resume testimony. The State may
2 call its next witness. Mr. Finch, call your next
3 witness.

4 MR. FINCH: Thank you, Your Honor.

5 THE COURT: You're welcome.

6 MR. FINCH: The State calls Paul McManigal.

7 (The witness was sworn in.)

8 THE CLERK: Please be seated. Please state your
9 full name, spelling your last directly into the
10 microphone.

11 THE WITNESS: Paul David McManigal,

12 M-C-M-A-N-I-G-A-L.

13 THE COURT: You may proceed.

14 MR. FINCH: Thank you, Your Honor.

15 THE COURT: You're welcome.

16 MR. FINCH: May it please the Court.

17 PAUL MCMANIGAL

18 was called as a witness, and having been first duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. FINCH:

22 Q Good afternoon, Mr. McManigal. How are you today?

23 A I'm doing fine. How are you?

24 Q Doing well. Thank you. Can you tell the jury what it
25 is you -- where you're employed?

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1 A I'm currently employed at MUSC as an instructor of
2 basic life support.

3 Q And prior to that, where were you employed?

4 A I was employed by the Charleston County Sheriff's
5 Office for 36 years.

6 Q And when you were at the sheriff's office, I'm sure
7 you had tons of different duties over that long,
8 distinguished career, but what was the focus your career
9 for the last 10 or 15 years or so?

10 A I was assigned to the United States Secret Service on
11 their computer forensic task force. I was a digital
12 forensic examiner.

13 Q And as a digital forensic examiner, did you have
14 occasion to look at telephones?

15 A I did.

16 Q Laptops?

17 A Yes, sir.

18 Q Sometimes external hard drives?

19 A Yes, sir.

20 Q Okay. And I'm sure you received some specialized
21 training in that field?

22 A A lot, sir, yes.

23 Q And I understand you've been qualified as an expert in
24 that field before, digital forensics?

25 A Many times.

JURY TRIAL

1 MR. FINCH: Just for the -- I'll just offer this
2 witness as an expert in digital forensics. And I
3 believe there's no objection.

4 THE COURT: I need you to make your statement so
5 I can follow procedure for the record. No, I need
6 you to -- are you offering him as an expert?

7 MR. FINCH: Yes, I'm offering him as an expert.

8 THE COURT: In what capacity?

9 MR. FINCH: Digital forensics.

10 THE COURT: Any exceptions or questions from the
11 Defense, Ms. Dovell?

12 MS. DOVELL: No, Your Honor.

13 THE COURT: From the Defense, Ms. Gay?

14 MS. GAY: No, ma'am. Thank you.

15 THE COURT: You're welcome. Admitted without
16 objection.

17 MR. FINCH: Thank you, Your Honor.

18 THE COURT: You may proceed.

19 BY MR. FINCH:

20 Q And in the field of digital forensics, could you just
21 tell the jury briefly what that entails?

22 A Sur. So digital devices, including cell phones,
23 computers, desktops, laptops, digital video recorders, or
24 even vehicle infotainment systems all contain data. And
25 so, my job as a digital forensic examiner was to safely

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1 recover all of that data without changing any of it and
2 then providing it to an investigator in a format that they
3 could read. What I pull off of the digital devices is
4 basically just a binary code, it's zeros and ones. So I
5 have to have special, very special computer forensic
6 equipment that can interpret all of that and place it into
7 a form you can read. For instance, with your cell phone,
8 you'd be able to read your text messages and see your
9 videos and your -- your images, whereas what I would get
10 is zeros and ones.

11 Q And is there program that you use generally for that?
12 Is that the Cellebrite program for that?

13 A For cell phones, I primarily use Cellebrite. It's the
14 industry standard in cell phone extraction software.

15 Q And so, using that, you take the digital information
16 from the phone -- and I'm just confining it to phones --
17 and then run it through the system to then take the data
18 and make it readable in some format?

19 A That's correct. I have a variety of tools I can use
20 to extract the data, but Cellebrite is the tool I would
21 use to convert that data into readable reports.

22 Q And I imagine from cell phones you can get all kinds
23 of data, including GPS locations?

24 A Yes.

25 Q You could get -- you can get messages, call logs?

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1 A We can get all kinds of data; messages, call logs,
2 text messages, multimedia messages, web history, basically
3 your GPS locations, your health activity. There's a lot
4 of data on cell phones.

5 Q A lot of data. And Cellebrite creates a format, and
6 that is -- does it put it in folders that you can search
7 if you're interested in one particular thing, like
8 messages?

9 A So there are several ways I can export a report. The
10 preferred way is in a format called Cellebrite Reader,
11 which is almost as robust as the Cellebrite software that
12 I use. It places it in a kind of a web-based format where
13 you can search through it, you can limit the searches, you
14 can pick a particular timeframe and go through and find
15 the information you're trying to find.

16 Q And sometimes during your employment with the
17 sheriff's office, did you also assist other agencies with
18 their digital forensics?

19 A Part of the agreement with the Secret Service is they
20 would provide us with the training and the equipment. We
21 had to provide services to any agency who requested it,
22 and I routinely served 25 different agencies in South
23 Carolina.

24 Q And as part of the North Charleston Police
25 Department's report -- or incident with Report

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1 No. 2019027892, did you have occasion to analyze some cell
2 phones?

3 A I had six cell phones and one digital video recorder.

4 MR. FINCH: I beg the Court's indulgence.

5 BY MR. FINCH:

6 Q I'd like to show you what has been marked and admitted
7 as State's 101. If you could take a look at that item.

8 A Yes, sir. This is a phone that was brought to me.

9 Q And then, you would have downloaded that among along
10 with the other six or so?

11 A That is correct.

12 Q Okay. And then, again, take us through your process
13 of uploading it and then use the Cellebrite Reader or
14 Cellebrite to then create a report?

15 A That is correct.

16 Q And again, that -- that report itself then -- then you
17 offload that or put it onto a portable drive and it gets
18 delivered to whoever requested it?

19 A That is correct. The most common way to deliver the
20 report to the investigator is to place it on a USB drive,
21 a thumb drive.

22 Q And then they do whatever they do?

23 A That is correct.

24 Q Okay. And in your system -- and the sheriff's office
25 may have one way of doing it and North Charleston has a

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1 different way. But either way, for this case, you
2 offloaded it onto a thumb drive and gave it to officers?

3 A That is correct.

4 Q But you also keep records or you had some records that
5 indicate which things that you had done for this case, and
6 that's how were you able to verify that you indeed did
7 these certain phones?

8 A That is correct.

9 Q And you had occasion, then, to -- and it let me back
10 up. After you created the report using Cellebrite, you
11 verify that it downloaded properly or uploaded properly
12 into the -- properly into Cellebrite system or the
13 application?

14 A That is correct." So we go through and we verify the
15 data. We pick select items to go through that we find in
16 the report. And if we're able to access the actual
17 device, then we will go into the device and see if that
18 information matches up. And if it does, then we consider
19 that to be a verified report.

20 Q And you did that for -- and this would have been --
21 the phone number I'm showing you, is that Item 2 in your
22 -- your listing?

23 A Yes, sir. It's Item 2. It's an Apple iPhone 7 Plus.

24 Q And then -- so then you verify that to that report
25 that you -- it's identified that that does match the

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1 phones --

2 A That's correct.

3 Q -- that you ran through the system? And you did that
4 in this case?

5 A I did.

6 Q And then -- since then -- and then you can -- because
7 that data is stored, unless it's changed -- you can look
8 at it and verify that that is -- later that it uploaded --
9 it's uploaded in North Charleston or even my office, you
10 can look at it and say that's the same data that I pulled
11 off the phone?

12 A Yes, sir. The report does not change.

13 Q And you did verify that that report for that phone,
14 that iPhone 7 Plus?

15 A I did.

16 Q And now, turning to a couple of reports. After
17 verifying that, you were requested then to see if you
18 could replicate a report that somebody else had done. And
19 do you recall working on that?

20 A I do. It was a report that was generated through the
21 UFED Reader, the report that I provided, and I did
22 re-create the report that they created from the UFED
23 Reader.

24 Q I'm going to show you what's marked for ID purposes
25 only as State's 149. Can you identify that?

JURY TRIAL

1 A This is the report that I re-created.

2 Q And on that, this -- it has a timeline there that says
3 there's, like, 14 or something?

4 A That's correct. .

5 Q And then, was it requested to then reduce that number
6 from 14 to six as a more specific report?

7 A That is correct.

8 Q And that limited the contact, or at least the data
9 received, explaining contact between two different phone
10 numbers?

11 A Yes, sir. It was limited to those two numbers.

12 Q And that was the number attributed to Item 2's phone
13 which was in --

14 A Correct. "

15 Q -- Item 2's phone, State's 101, and then a phone
16 number of (843)568-1405?

17 A Correct.

18 Q And you -- you created that report and verified that
19 that report would have been generated by anybody who was
20 looking at this UFED data?

21 A That is correct.

22 Q I'm going to show you what's been marked for ID as
23 State's 150. Can you identify that?

24 A This is the report that was further redacted that I
25 re-created.

JURY TRIAL

1 MR. FINCH: Your Honor, at this time, the State
2 would move for the admission of State's 150, I
3 believe without objection.

4 (Plaintiff's Exhibit 150 was
5 moved for admission into
6 evidence.)

7 THE COURT: Ms. Dovell?

8 MS. DOVELL: No objection, Your Honor.

9 MS. GAY: No objection, Your Honor.

10 THE COURT: Marked and admitted, State's 150,
11 without objection.

12 (Plaintiff's Exhibit 150 was
13 admitted into evidence.)

14 THE COURT: What are you doing with 149?

15 MR. FINCH: That's just ID. It would be a
16 Court's Exhibit.

17 THE COURT: Well, it would be your ID only. It
18 would not be a Court's Exhibit. 149 is ID only. 150
19 is admitted without objection.

20 (Plaintiff's Exhibit 150 was
21 admitted into evidence.)

22 THE COURT: You may proceed.

23 MR. FINCH: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 BY MR. FINCH:

JURY TRIAL

1 Q Now, Mr. McManigal, you have in front of you a screen
2 there. I know you've used it many times. And it's a
3 touchscreen, obviously. If you need to highlight
4 something, you can just go ahead and touch that on the
5 screen. If you would -- and again, it's a pretty --
6 sometimes this thing -- I think on this does this have
7 something like 71 -- 71,000 events in the timeline? Would
8 that be --

9 A That sounds accurate.

10 Q -- and that's because this is over the life of the
11 phone?

12 A That's correct. That's the total number of digital
13 entries in the phone.

14 Q And what parameters did you use to create this report?

15 A I narrowed it down from using the party information
16 and the timestamp.

17 Q And -- okay. So the timestamp seen right there. And
18 that -- that UTC, can you explain that to the jury?

19 A Sure. So UTC is the universal time standard. So with
20 where we're at right now, everybody has their own time
21 zone. So in order to coordinate that worldwide, we are in
22 UTC minus four, so whatever the UTC time, if it was noon,
23 we would subtract four from it to get 8:00 a.m. for our
24 time.

25 Q So on this timestamp, it's reflecting already

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1 corrected to the UTC minus four?

2 A That is correct. There's a lot of complication when
3 you're dealing with digital devices because digital
4 devices typically store all data as UTC, and that would
5 require us to have to go through and do that four hour
6 subtraction in every item. But the program does it
7 automatically for us, and that notation there that says
8 UTC minus four tells us that that has already been done
9 and it doesn't need to be redone.

10 Q All right. Now, looking at just timeline Item No. 1
11 where it says the type of this call log, is that the other
12 database it could have been in, or the folder --

13 A That is correct.

14 Q -- that that would have been pulled from? And I'll
15 just back up. Is the timeline just chronologically tells
16 you everything that that phone did?

17 A Yes. A timeline is everything that's on the phone in
18 chronological order. As long as it has a timestamp, it
19 will be in the timeline. Not all items have a timestamp.

20 Q And then other things might be classified as
21 specifically to be found in the call log or instant
22 messages, et cetera?

23 A Yes. It identifies what type of data it is and places
24 it into that category. In this case, we have a section
25 for the call log, a section for the instant messages.

JURY TRIAL

1 Q Okay. And so, in UTC minus four, or local time here,
2 Eastern Time, 9/15, so September 15th, 2019 on the
3 timestamp, what do we have there?

4 A For September 15th, the first call coming in is at
5 12:37 p.m.

6 Q And -- and that's a call, and then we go into a
7 description -- that's how long the call would have lasted?

8 A That's correct.

9 Q What does that indicate, a missed call or a hang up,
10 do you know?

11 A So what that usually indicates is a missed call.

12 Q Okay. And then after that, an instant message, and do
13 you know if this is -- what do we know about that?

14 A So it is an instant message. It's outgoing from the
15 device that was examined at 12:42 p.m., and it came from
16 phone number [REDACTED]-0243 to the owner of the phone --
17 well, that is the owner of the phone -- to [REDACTED]-1405,
18 and the message is "Who dis?"

19 Q That's about five-and-a-half minutes later. So we're
20 looking at a potentially missed call followed by a text
21 that says "Who dis"?

22 A That's correct.

23 Q And then a response is from [REDACTED]-1405?

24 A That is correct, and the description is "Trell."

25 Q And then the description, would that be the message

JURY TRIAL

1 that's sent?

2 A That is the message.

3 Q Okay. And now, dropping down a little bit further, so
4 we're talking a minute or so later -- less than a minute
5 later, 10 to 15 seconds -- a call to [REDACTED]-1405. And how do
6 you know who is calling?

7 A That came from the device.

8 Q So it won't show that as it's going to a call log, it
9 just shows in or out?

10 A That's correct. And also, in the third column, it
11 mentions that it's outgoing, it's an outgoing call.

12 Q All right. And then followed up by that is at 1:35.
13 And at 1:42, we have incoming calls from [REDACTED]-1405 to
14 the -- to the phone --

15 A That is correct --

16 Q -- that you examined?

17 A -- two incoming calls.

18 Q All right. And then, finally, in those descriptions,
19 we have 57 seconds, 22 seconds, and 12 seconds
20 respectively for 4, 5, and 6. Does that mean that's
21 likely a completed call and that's how long it lasted?

22 A That's correct. It's either a completed call or it
23 was forwarded to voicemail and a message was left.

24 Q Okay. In -- in your -- in your records for Item 2, do
25 you have an owner that's attributed to this phone or the

JURY TRIAL

1 phone where these records came from?

2 A That would be Anthony Heyward.

3 Q Okay. But it could be Antonio Heyward?

4 A Or Antonio Heyward, I apologize.

5 Q That's okay. Thank you. And you don't know -- we
6 don't have -- and on the phone, we're not going to expect
7 to find the content of a phone conversation, it's a voice
8 call?

9 A That's correct. Unless it was recorded, it would not
10 be normally on the phone.

11 Q And that would be found under something like
12 recordings or other media or something?

13 A That is correct.

14 Q And it's not telling us who's using the phone, but
15 just that this phone received and sent certain data?

16 A That's correct.

17 Q Okay.

18 MR. FINCH: That's all the questions I have for
19 this witness. Please answer any questions the
20 Defense may have.

21 THE COURT: Ms Dovell?

22 MS. DOVELL: I don't have any questions for
23 Mr. McManigal.

24 THE COURT: Ms. Gay?

25 MS. GAY: Nor do I, Your Honor. Thank you.

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1 THE COURT: You're welcome. Any exception to
2 the witness being excused, from the State?

3 MR. FINCH: No -- no exception.

4 THE COURT: From the Defense, Ms. Dovell?

5 MS. DOVELL: No, Your Honor.

6 THE COURT: Ms. Gay?

7 MS. GAY: No, ma'am.

8 THE COURT: Sir, you're excused.

9 THE WITNESS: Thank you very much, Your Honor.

10 THE COURT: You're welcome. Have a good day.
11 Call your next witness.

12 MR. FINCH: The State calls Michael Sanchez.

13 (The witness was sworn in.)

14 THE CLERK: Please be seated. Please state your
15 full name, spelling your last name directly into the
16 microphone.

17 THE WITNESS: Michael Alexander Sanchez,
18 S-A-N-C-H-E-Z.

19 THE COURT: You may proceed.

20 MR. FINCH: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 MICHAEL SANCHEZ

23 was called as a witness, and having been first duly sworn,
24 testified as follows:

25 DIRECT EXAMINATION

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1 BY MR. FINCH:

2 Q Good afternoon, Mr. Sanchez. How are you today?

3 A Doing well.

4 Q If you would, tell the jury where it is that you work.

5 A I work currently with the North Charleston Police
6 Department.

7 Q And what's your role with the North Charleston Police
8 Department?

9 A I'm currently a uniformed patrol officer.

10 Q And what are your duties and responsibilities as a
11 uniformed patrol officer?

12 A Respond to calls for service, proactively search for
13 crimes against the community, general community policing,
14 meeting with the public, and -- and those kind of general
15 activities, patrolling.

16 Q In 2019, what was your position with North Charleston
17 Police Department?

18 A I was a persons crime detective at that time.

19 Q And how long -- at that time, how long had you been a
20 persons crime detective in September of 2019?

21 A Approximately six years.

22 Q And you were -- were you assigned to OCA 2019-02-7892?

23 A Yes.

24 Q And how did you come to be assigned to that case?

25 A When I came in Monday morning for our morning briefing

JURY TRIAL

1 after a weekend, the call-out team -- or people who had
2 been called out over the weekend -- basically met with us
3 that morning and started to brief us on what activities
4 took place. At that time, anybody who was up on the
5 rotation for an assignment for a homicide would then be
6 assigned that case. And in this case, I was the person at
7 that time of -- on the rotation.

8 Q So this happened over the weekend when you weren't
9 working?

10 A That's correct.

11 Q And what is the first thing that you would do as a
12 persons crime detective? So when you got assigned a case
13 like this, if you were coming in like this on -- off of
14 your -- got off rotation, but it happened when you weren't
15 there, what's the first thing you do?

16 A The very first thing I would do is meet with the
17 persons crime detective that was assigned to that team.
18 They would have been the lead during the course of the
19 initial investigation. And together we would hash out all
20 of the details as to what happened, getting a very
21 first-person perspective from them as to what it is that
22 they investigated and what they learned. Subsequent to
23 that would be a meeting with the rest of the team, as well
24 as my team who was coming in for our current duty day.
25 And a conference would be held where we would all discuss

JURY TRIAL

1 the particulars of what was learned, what was discovered,
2 kind of getting us up to speed as to where we are thus far
3 in transferring over that -- that investigation at that
4 time.

5 Q And as part of that is your reviewing other officers'
6 supplemental reports?

7 A Yes.

8 Q With their own reports?

9 A Yes, that's correct.

10 Q And does that include crime scene reports?

11 A Yes.

12 Q Would that be looking at photos?

13 A It would be reviewing all of the photos, all of the
14 case notes that had been written up until that point, any
15 videos that had been discovered. Anything that had been
16 collected would have been reviewed during that morning
17 meeting and, subsequently, during that morning.

18 Q And after that, if you become the case agent or even a
19 co-case agent, you are that person, in any case -- the
20 case agent or co-case agent -- those are one of the two
21 people, potentially, or the person that's going to make
22 the decisions about the case going forward?

23 A Yes. From that point on, you're in kind of a
24 management position over the case.

25 Q So you might have assigned other detectives to do some

JURY TRIAL

1 tasks or crime scene to do certain tasks; is that correct?

2 A Right. Once -- once you take on a case as a case
3 agent, you end up more fulfilling the role of a people
4 manager and delegating a lot of different tasks to
5 different people so that they can all be done efficiently.

6 Q You had an opportunity then to -- so you looked at
7 lots of different evidence. Did some of that -- again
8 some of that evidence was crime scene photographs?

9 A Yes, there were.

10 Q And some of that was some phones that you got back
11 from phone dumps?

12 A Yes, that's correct.

13 Q And then, the video that you -- the video collected,
14 you said. And in this case, was there video?

15 A Yes, there was video.

16 Q And the video was from across the street?

17 A Yes, the lot right across the street.

18 Q And you had an opportunity to view that video?

19 A I did.

20 Q I'm going to show you what's been previously marked
21 and admitted as State's 1. Is that your understanding
22 that that contains the video of across the street?

23 A Yes, that's correct.

24 MR. FINCH: Your Honor, may we approach?

25 THE COURT: Mm-hmm.

JURY TRIAL

1 (Bench conference off the
2 record.)

3 BY MR. FINCH:

4 Q Mr. Sanchez, you're aware that that full video was
5 almost two hours long?

6 A Yes.

7 Q And that a shorter version was created with just --
8 with salient parts?

9 A Yes, that's correct.

10 Q And that's been marked as State's 151, do you agree?

11 A Yes, sir.

12 MR. FINCH: Your Honor, at this time, the State
13 would move for the admission of 151 without
14 objection, as I understand.

15 (Plaintiff's Exhibit 151 was
16 moved for admission into
17 evidence.)

18 THE COURT: Ms. Dovell?

19 MS. DOVELL: That's correct.

20 MS. GAY: Yes, ma'am.

21 THE COURT: Marked and admitted without
22 objection.

23 (Plaintiff's Exhibit 151 was
24 admitted into evidence.)

25 MR. FINCH: Permission to publish, Your Honor?

JURY TRIAL

1 THE COURT: Yes, sir. You may proceed.

2 (The video was played.)

3 (The video was stopped.)

4 THE COURT: You may proceed.

5 BY MR. FINCH:

6 Q Mr. Sanchez, again, that is a shortened video of -- of
7 the whole. But does that show in your review the
8 importance and salient parts of the video as included?

9 A Yes, absolutely.

10 Q Including a couple of passes of the suspect vehicle --

11 A Yes.

12 Q -- earlier and then a continuous clip from the arrival
13 of the suspect vehicle, the defendants exiting and
14 entering the home, leaving the home and driving away?

15 A Yes, correct.

16 Q In your review of that video, what -- what do you
17 notice about the video versus realtime --

18 A Well, the --

19 Q -- or actual time?

20 A -- the video was approximately 56 minutes off of its
21 original timeframe. This was reported to us immediately
22 when it was collected, and also verified when we looked
23 over the video and compared it to the arrival time of
24 officers who had arrived on scene.

25 Q And that's a record that you guys keep and you can

JURY TRIAL

1 look through --

2 A Yes.

3 Q -- on the CAD report?

4 A That's correct.

5 Q It tells when everybody showed up and all that?

6 A (No audible response.)

7 Q How about the -- the movement of the car as it went
8 around to the side of the house as you're viewing it on

9 the left-hand side? Did the car move after it was parked?

10 A Yes. It appears to have moved or at least been put
11 maybe into park, as the rear signal lights came on as
12 though it was attempting to back or maybe being placed in
13 park. That happens after the two people had left the
14 vehicle initially, which were originally the driver and
15 the passenger, which left the possibility of another
16 person being in the car.

17 Q Again, you have the video from the time of the event
18 and then for a subsequent time after that. How many --
19 roughly, how many people did you notice in your
20 investigation going in and/or out of the house?

21 A Seven when you include the suspects, I believe.

22 Q And then you had police officers --

23 A And then --

24 Q -- and we know that that are other officers,
25 detectives and others showed up after --

JURY TRIAL

1 A Yes. They get --

2 Q -- this video cuts off?

3 A -- the numbers start to increase rapidly after that.

4 Q Did you notice in that whether anybody, prior to
5 police arrival, were wearing gloves or -- when they
6 entered?

7 A No, nobody appeared to be wearing gloves.

8 Q And including some police officers?

9 A Correct.

10 Q So in your review of the video, lots of people
11 touching the doorknobs inside and outside?

12 A Yes.

13 Q We saw officers in that video kind of go around to the
14 back or create a perimeter around the house. Is that
15 standard?

16 A Yes, that would be. In any kind of a shooting
17 incident where you don't know where the shooter is at this
18 point in time, you would set up a perimeter for security
19 purposes.

20 Q And then, the initial officers are going in to -- is
21 that to clear the house?

22 A To clear the house of any potential threat that might
23 still be lingering.

24 Q And that's just to see if anybody's inside?

25 A Correct.

JURY TRIAL

1 MS. DOVELL: Objection, Your Honor.

2 THE COURT: Basis?

3 MS. DOVELL: He's leading the witness.

4 THE COURT: Sustained; leading. Rephrase.

5 BY MR. FINCH:

6 Q Well, what would be the purpose of that?

7 A It would be what we would call a protective sweep
8 where we go through to make sure that there isn't someone
9 still hiding inside the -- the place or someone harmed or
10 even injured, in this case.

11 Q And again, the officers -- and they're -- do they
12 occupy different areas around the house?

13 A Yes.

14 Q And that's -- is that to create a perimeter?

15 A That is to create a perimeter.

16 Q And so, going back to the investigation and your
17 review, so just in your initial review, was this part of
18 your initial review of the case looking at this video?

19 A Yes, absolutely.

20 Q And then, you reviewed, again, other -- did you review
21 supplemental reports?

22 A Supplemental reports.

23 MS. DOVELL: Objection, Your Honor.

24 THE COURT: Basis?

25 MS. DOVELL: He's leading the witness.

JURY TRIAL

1 THE COURT: Sustained; leading. Rephrase.

2 BY MR. FINCH:

3 Q Did you review supplemental reports?

4 A Yes, I did.

5 Q Did you review crime scene investigator photos?

6 A Yes.

7 Q We know that there are -- well, were -- were swabs
8 taken from the front door, or the door we see you entering
9 on the video?

10 A I believe in the forensic -- the crime scene
11 investigation log was some swabs were taken from the front
12 door.

13 Q Do you know if they were dusted for fingerprints?

14 A I believe -- I believe some fingerprints were
15 recovered from somewhere in the house.

16 Q How about the door that led to the area that we can't
17 see behind house?

18 A The -- what would be the front actual door, but they
19 treated it as the rear door, that one was not examined as
20 it had cobwebs and spiderwebs growing in front of it, and
21 it appeared --

22 MS. DOVELL: Objection, Your Honor; hearsay. He
23 doesn't have --

24 THE COURT: He didn't say what someone said.

25 Make sure your answers [sic] elicit information that

JURY TRIAL

1 is within his personal knowledge.

2 BY MR. FINCH:

3 Q You reviewed photographs of the scene?

4 A I did.

5 Q And -- and written reports?

6 A Yes, I did.

7 Q And spoke to officers --

8 A I did.

9 Q -- who were at the scene?

10 A Yes.

11 Q And what was your understanding of the condition of
12 the back door?

13 MS. DOVELL: Objection, Your Honor; hearsay.

14 THE COURT: Basis? He said he reviewed the
15 photographs. The photographs are
16 self-authenticating. He has the ability to testify
17 based on his rational perception of what he saw on
18 the video. Overruled. You may answer the question,
19 sir. Do you need it restated?

20 THE WITNESS: No, Your Honor. It -- it appeared
21 that the back door had not been used at that time.

22 BY MR. FINCH:

23 Q And what -- what was the -- from your recollection of
24 the photographs, what indicated that?

25 A There was cobwebs in front of the door.

JURY TRIAL

1 Q Do you -- do you know whether or not the storm door or
2 screen door was -- to the back was locked or unlocked?

3 A Yes, it was locked.

4 Q From the inside, or the outside?

5 MS. DOVELL: Objection, Your Honor.

6 THE COURT: Basis?

7 MS. DOVELL: Hearsay.

8 THE COURT: Overruled. It is not hearsay. He's
9 testifying based on his rational perception.

10 Although watch the leading, because that's really the
11 objection. Do you want to restate the question?

12 MR. FINCH: No, Your Honor.

13 BY MR. FINCH:

14 Q Regarding DNA -- and this is a general question -- DNA
15 and fingerprints, at this time, you had been a detective
16 for, did you say six years?

17 A Six years at the time.

18 Q And in your training and experience -- and mostly
19 experience -- when you have an item that's handled by a
20 lot of people, what does that do to -- how does that
21 affect fingerprint analysis or collection?

22 A In previous cases that I've worked, there were
23 situations where items were handled or touched by multiple
24 people, and what would happen would the results would come
25 back with a mix of multiple DNA samples, and the results

JURY TRIAL

1 of those analyses from most laboratories was that it was
2 inconclusive, that there was not enough -- there was not a
3 way to separate out the separate DNAs that were all,
4 essentially, overlapping. Same with fingerprints. If you
5 have multiple overlapping fingerprints, it's hard to sort
6 out one from the other.

7 Q Did you ask other officers to collect other video?

8 A Yes.

9 Q Do you know if other video was collected?

10 A Yes. Multiple videos were collected.

11 Q And can you give examples of the types of places that
12 video would have been collected?

13 A There was some Ring cameras from the neighborhood,
14 there was a veterinary clinic at the corner of the
15 entrance to this neighborhood, to this community. There
16 were some other businesses along Dorchester Road that were
17 also collected from.

18 Q And did you review those videos?

19 A Yes, I did.

20 Q Were you able to see --

21 MS. DOVELL: Objection, Your Honor; best
22 evidence.

23 THE COURT: I haven't heard the whole question.
24 Finish your question.

25 BY MR. FINCH:

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1 Q -- were you able to see anybody's faces in the videos
2 in relation to using the car?

3 A No.

4 THE COURT: Overruled.

5 BY MR. FINCH:

6 Q Mr. Sanchez, were you and Detective Russ co-case
7 agents on this case?

8 A Yes.

9 Q And is that -- why was that?

10 A Mainly because since he had been the one there the
11 night of the incident and had done the initial
12 investigation starting from the moment he was called out
13 on through, it only made sense to keep him kind of as a
14 second chair to what was going on and allow him to advise
15 and continue to assist in the furthering of this
16 investigation.

17 Q Did you each have different roles in the investigation
18 of this case after you became a co-case agent?

19 A Yes. Once -- once we initially briefed and -- and
20 started looking at the evidence, we defined ourselves into
21 two different roles while we had delegated out the other
22 tasks that had to be done. I took on reviewing video and
23 that kind of information while he went to working -- no, I
24 take that back because I didn't initially review the
25 video. But he was to focus on specifically tracking the

JURY TRIAL

1 car, and I went to doing into the phones and what
2 extraction data had been recovered from the victim's phone
3 at that time.

4 Q And did you receive extraction data from Victim
5 Antonio Heyward's phone?

6 A Yes, I did.

7 Q And what format did that come in?

8 A That was already uploaded as a digital file onto the
9 network drive where we access all of our filed digital
10 content that people have either downloaded via flash
11 drives or CDs and whatnot.

12 Q Were you -- what -- what was the application that was
13 used to view that data?

14 A Cellebrite Reader.

15 Q And do you have any experience in Cellebrite Reader?

16 A Yes, I do.

17 Q Tell us a little bit about your experience and how you
18 use Cellebrite Reader.

19 A At that time, I was also a certified mobile phone
20 forensics examiner as well, so I was able to use
21 Cellebrite, the physical analyzer that you would use for
22 extracting phone data. But since the Cellebrite Reader is
23 kind of an almost identical duplicate of that same
24 software, I was able to then kind of use the same training
25 that I had received in doing the initial extraction and

JURY TRIAL

1 analysis to do it with the Cellebrite Reader software.

2 Q And did you create a specialized extraction report
3 from the Cellebrite Reader?

4 A I did.

5 Q What was the purpose of that?

6 A To help with my investigation in narrowing the focus
7 of -- well, items that were of interest or of key value
8 that appeared to have some kind of connection to what
9 actions were taking place so far in our investigation that
10 we had collected.

11 Q I'm going to show you what's been marked as State's
12 152 for identification purposes only. Tell me what that
13 document is in very general terms.

14 A This is a timeline of calls and instant messages.

15 Q But that's -- and that's taken from the day of the
16 incident?

17 A Yes, that's correct.

18 Q Would that be the one that you created?

19 A Yes, it is.

20 MR. FINCH: I beg the Court's indulgence.

21 BY MR. FINCH:

22 Q And so, you created a document to help you -- did you
23 create this document to help you identify, perhaps, other
24 sources of information?

25 A Yes. It would have been part of my investigative

JURY TRIAL

1 process.

2 Q And from that -- from that communication timeline that
3 you developed, was there a -- a phone number that -- that
4 you became interested in?

5 A Yes, that's correct.

6 Q I direct your attention towards the Timeline Items 12,
7 13, 14. What was that number that --

8 A That was [REDACTED]-1405.

9 Q -- and with that information, what kind of information
10 would you have been seeking regarding that phone?

11 A Well, at that point in time, I would like to see what
12 kind of other activity that phone number would have been
13 involved in, specifically location data to relate to that
14 phone as to where it had been around that time.

15 Q And how would you go about getting that information?

16 A At that time, I would seek a search warrant through
17 the provider of these services for that phone number, and
18 a search warrant would be drafted and sent to that
19 provider so they could send me records from their tower
20 data and the call data for that phone history.

21 Q And did you obtain a search warrant?

22 A I did.

23 Q And did you send that -- who did you send that to?

24 A I sent -- I actually don't remember which provider
25 this one was for.

JURY TRIAL

1 Q If I showed you a document to -- to refresh your
2 recollection -- I'm going to show you what's been marked
3 for identification purposes as State's 153. Just look at
4 that document. Does that refresh your recollection as to
5 who you would have sent that search warrant to?

6 A Yes, absolutely. This is -- was sent to T-Mobile.

7 Q And do you recall what information you were requesting
8 of T-Mobile?

9 A I would have been requesting the call detail records
10 and cell site, which is the tower data for which cell
11 phone towers were essentially contacted by the phone.

12 Q And did you have any training in cell phone -- cell
13 site stuff?

14 A Yes. I was a trained examiner of cell phone tower
15 data and call detail records at the time.

16 Q And did T-Mobile respond to your search warrant
17 request?

18 A They did.

19 Q And did they send some records?

20 A They did.

21 Q Did they also send a certification with those records?

22 A They did.

23 Q I'm now going to show you again what's State's 153,
24 and tell me what that document is.

25 A This document is a T-Mobile certification from the

JURY TRIAL

1 custodian of records showing the types of records that
2 they provided and certifying that they were conducted in
3 the course of their regular business activity.

4 Q So those were, at least according to the document, you
5 understand those were from business records?

6 A That's correct.

7 MR. FINCH: Your Honor, at this time, the State
8 would move for the admission of State's 153.

9 (Plaintiff's Exhibit 153 was
10 moved for admission into
11 evidence.)

12 THE COURT: Any exception?

13 MS. DOVELL: No, Your Honor.

14 MS. GAY: No, ma'am.

15 THE COURT: 153 marked and admitted.

16 (Plaintiff's Exhibit 153 was
17 admitted into evidence.)

18 MS. DOVELL: Subject my objections earlier, Your
19 Honor, pretrial.

20 THE COURT: I've already heard those and ruled
21 on them. I need to know if there's any exception to
22 the admission of the document, which is 153 from --
23 which is the certification.

24 MS. DOVELL: Subject to my previous objections,
25 Your Honor.

JURY TRIAL

1 THE COURT: Ms Gay?

2 MS. GAY: I -- I --

3 THE COURT: I need to see it?

4 MS. GAY: I need to see it.

5 THE COURT: Please show it to Ms. Gay.

6 MS. GAY: Your Honor, I don't have any objection
7 to this document. This document --

8 THE COURT: I don't want any speaking. I just
9 need to know.

10 MS. GAY: -- no objection.

11 THE COURT: Marked and admitted No. 153 without
12 objection, subject to earlier matters of law which
13 the Court has already ruled on contemporaneously and
14 overruled.

15 BY MR. FINCH:

16 Q And along with the certification, then they --
17 T-Mobile produced some records?

18 A That's correct.

19 Q I'm going to show you State's 154. It's been marked
20 for identification purposes only. Can you identify those
21 documents?

22 A Yes.

23 Q And what's that?

24 A These are the call detail records for phone
25 number [REDACTED]-1405.

JURY TRIAL

1 Q And that's for a pretty broad date range; is that
2 correct?

3 A It appears to be, yes, 7/17 to 9/15, it appears.

4 Q And that -- that document reports to -- reports the
5 call data you sought?

6 A Yes, that is --

7 Q So anything you asked of T-Mobile -- or what did you
8 ask of T-Mobile regarding the use of the phone entire
9 records is contained in here?

10 A -- yes. That's what I've asked for.

11 Q And based on your review of those records, did you
12 seek some other phone records in this case?

13 A Yes, I did.

14 Q And what phone records were those?

15 A Those would have been the other phone numbers that had
16 also called that phone.

17 Q The [REDACTED] --

18 A Yes.

19 Q -- 1405? And likewise, did you seek a search warrant?

20 A Yes, I did.

21 Q And you also said sent that to T-Mobile?

22 A I would have to see the certification, but I believe
23 that would be correct.

24 Q I'm going to show you what's been marked for ID
25 purposes as State's 155.

JURY TRIAL

1 MS. GAY: Your Honor, at this time, I would
2 renew my objection and object to that document.

3 THE COURT: He hasn't made any attempts to
4 introduce it.

5 MS. GAY: When he does.

6 BY MR. FINCH:

7 Q Does that -- does that refresh your recollection, sir,
8 as to who you would have sent the request to?

9 A Yes. This is, once again, is to T-Mobile.

10 Q And did they respond? Did T-Mobile respond to your
11 search warrant request?

12 A Yes, they did.

13 Q And again, would that be State's 155 I just showed
14 you? Did that come with?

15 A Yes, that's correct. That's the certification that
16 came with it.

17 Q So the same -- essentially the same certification you
18 just described --

19 A Yes.

20 Q -- for the other number?

21 MR. FINCH: And, Your Honor, at this time, the
22 State would move for the admission of State's 155.

23 (Plaintiff's Exhibit 155 was
24 moved for admission into
25 evidence.)

JURY TRIAL

1 THE COURT: It's simply the certification;
2 correct?

3 MR. FINCH: That is correct, Your Honor.

4 THE COURT: Objection noted; overruled.

5 (Plaintiff's Exhibit 155 was
6 admitted into evidence.)

7 MS. GAY: Your Honor, and I also have a
8 relevance motion -- or objection.

9 THE COURT: I've already ruled on that, too, at
10 the pretrial.

11 MS. GAY: Maybe a little different than the last
12 time.

13 THE COURT: Do I need to take it up?

14 MS. GAY: Yes.

15 THE COURT: Mr. Foreman, ladies and gentlemen, I
16 have a brief matter of law to take up outside your
17 presence. During the break, please do not discuss
18 the case and please leave your notepads in your
19 seats. We appreciate your patience.

20 (The jury exited the courtroom.)

21 MS. GAY: Your Honor --

22 THE COURT: Yes, ma'am.

23 MS. GAY: -- earlier --

24 THE COURT: You may be seated. I'm sorry.

25 MS. GAY: -- you had a motion that was settled

JURY TRIAL

1 with Ms. Dovell about relevance and things related to
2 just kind of pulling things out of the air, is maybe
3 the best way to describe it. This -- this
4 certification and this telephone number is about my
5 -- is about a phone that belongs to my client's
6 brother, not at all to him. And I am arguing to you
7 that there is no relevance whatsoever about Kii
8 Mitchell's telephone in this case, and that there's
9 no connection -- that there's not been one witness
10 presented that says that Kii Mitchell has anything to
11 do with this at all, and -- and he doesn't. He's
12 ultimately not charged in this case. And I realize
13 that we did some of that earlier, but this is
14 specifically about relevance, and it bolsters on what
15 was discussed with you and Ms. Dovell about how
16 there's no connection here, that they literally just
17 pulled this -- okay, they did -- there is a
18 connection to Mr. Stanley's telephone, I understand
19 that. The deceased, Mr. Heyward, communicated with
20 him, and then they got his phone. But then they just
21 literally picked a person out of the air to be
22 allegedly connected to this. There's no -- there's
23 no connection whatsoever, there's no probative value
24 whatsoever. It's completely prejudicial to my client
25 to have his brother's phone records pulled and made

JURY TRIAL

1 part of this case. There's -- there's no nexus,
2 there's know probative value, there's -- it's --
3 there's a little buzzword there that I'm missing out
4 on my mind. But what I'm saying is, is that there is
5 no connection whatsoever for why they picked out this
6 phone number to have anything to do with this case.

7 THE COURT: Mr. Finch?

8 MR. FINCH: Thank you, Your Honor. Mr. Sanchez
9 testified that, as part of his investigation, he
10 wanted to know what other numbers were in contact
11 with the suspect number to see if he could -- he
12 wanted to see that, and so he sought that through a
13 lawful search warrant. And then, from that -- and
14 from that -- well, we haven't gotten what he's
15 gotten with it, he just -- but that's what he did.
16 He sought that to find more connect -- any connection
17 to that person temporally with -- with the date of
18 the event, and identified a number and then got --
19 obtained a lawful search warrant and then a return.

20 MS. GAY: So what I'm saying, Your Honor is,
21 okay, that's nice, he did that for a bunch of
22 different people. Ultimately, he did that for a man
23 who is not my client and decided that, somehow, my
24 client was involved and then went off to find
25 different things more about my client. There was no

JURY TRIAL

1 connection whatsoever so there's no relevance.
2 What's relevant in this case only is a pair of pants
3 and whether or not a person wearing a pair of pants
4 in these videos that you saw earlier are -- is the
5 same person who is supposed to be in that video, of
6 which those -- the pants don't even match.

7 But that is it. That's the only connection
8 whatsoever to this. There is no comments made by
9 anybody's telephone or text messages about the event
10 or about anything to do with the incident, the
11 victims, nothing, zero. And so, he is just literally
12 pulling out of the air this -- after he's done some
13 other subpoenas to see if he could get, you know,
14 different phone numbers, and he's deciding that this
15 communication -- this -- these two cell phones talking
16 has something to do with the crime. And that's -- and
17 then what ultimately happens is that he then gets this
18 Teddy Foster video, which is completely irrelevant,
19 it's completely prejudicial the way he wants to argue
20 it. There's absolutely no probative value whatsoever,
21 except my client happened to be at Teddy Foster's
22 several hours before this happened. That is it.
23 There is no other nexus. There is no other
24 information that will connect him to this case at all.
25 And it starts with these phone records, and it starts

JURY TRIAL

1 with the fact that he has -- that he's decided to pull
2 them out and say we believe this has something to do
3 with it, and that's it.

4 And I made the motion earlier that the videos
5 and the records, the subpoena for the records and the
6 calls which led to all the videos which it leads to
7 everything, this is all -- if you want to call it,
8 like, fruit of the poisonous tree. If we allow this
9 to come in, everything -- everything else is -- should
10 not be, you know, it follows, and it should not be --
11 it should all be excluded because it's all irrelevant.
12 There's no relevance to this whatsoever. There's no
13 nexus to a person my client being -- Mr. Mitchell
14 being involved in this incident. There's some nexus
15 to a piece of -- to a pair of pants, and then flipping
16 his -- just to get ahead of ourselves here. This
17 video that they say is of him and about him is --
18 comes from Mr. Stanley's brother's Facebook page. And
19 so it's not even -- the -- that's a hearsay.
20 Mr. Stanley's brother is not a witness. We've talked
21 about that earlier. He's not a witness, he's not --
22 he's not anybody I can cross-examine. They pulled
23 this out of his Facebook because they looked on
24 Mr. Shamar Stanley's Facebook and saw that his brother
25 had some things and decided --

JURY TRIAL

1 THE COURT: Facebook is not testimonial, so
2 that's not an analogous argument regarding
3 confrontation.

4 MS. GAY: -- well, it's -- it's -- it's -- it's
5 not even --

6 THE COURT: Same as a photo, they're all
7 non-testimonial.

8 MS. GAY: -- well, they -- there's no
9 connection. It's not relevant because they're not --
10 it's not -- he's not connected in any way, factually,
11 to this event.

12 THE COURT: I don't know. I would assume that
13 this is a circumstantial case and that, at some
14 point, they're going to braid the hair and tie it all
15 together.

16 MS. GAY: But they're not.

17 THE COURT: But you don't get to eclipse their
18 ability to do that. I need to know why it's
19 relevant, why it's being offered. You need to
20 address her argument.

21 MR. FINCH: I'll address her telephone argument,
22 because I believe that's what's being objected to.

23 THE COURT: Well, no, she's now, I think,
24 expanded it. I don't know. Let's be clear. What,
25 exactly, are you objecting to, Ms. Gay?

JURY TRIAL

1 MS. GAY: Well, Your Honor, I'm objecting to the
2 certification of the telephone records having to do
3 with the telephone number that's not my client's.

4 THE COURT: Well, do you have standing to object
5 to it, which I think we've already covered and I've
6 already ruled on.

7 MS. GAY: Except that I think it's not relevant
8 at this point, not just standing because there's no
9 relevance, because there's no connection to that
10 phone number to any type of crime. There has to --
11 you -- you --

12 THE COURT: I already found there's probable
13 cause for the issuance of the warrant.

14 MS. GAY: -- well, I still think its irrelevant.

15 THE COURT: All right. Address her argument as
16 premised in relevance. Well, bear with me one
17 second. I need that Court's Exhibit, which is --
18 which is the one for Mr. Mitchell's telephone from
19 T-Mobile. You can hand me both of them, yeah. You
20 can just slide them. Thank you, dear. All right.
21 Yes, sir?

22 MR. FINCH: Your Honor, Mr. Sanchez, in the --
23 in the investigation of this case, got phone records
24 pursuant to the search warrant originally from
25 Mr. Stanley's phone, [REDACTED]-1405, and because of

JURY TRIAL

1 contacts made with the -- with the victim -- one of
2 the victim's phones. He had already testified that
3 he reviewed the video, knew that there was at least
4 two people involved, perhaps three or four people
5 involved in this because of the movement of the car,
6 specifically that he referenced from the video. He
7 then identified that he looked through the phone
8 records he received from T-Mobile for Shamar
9 Stanley's phone, [REDACTED]-1405, and looked to see
10 about other communications that would have been
11 potentially relevant or potentially linked to the
12 other individuals involved in this crime.

13 I hadn't gotten to what he saw or when he
14 noticed, but I will proffer this, is that he looked
15 and saw back-to-back communications with a phone
16 number that was identified with Kii Mitchell. And
17 looking at that -- he's already testified that he had
18 training in and experience. I didn't even get to a
19 level of expertise, necessarily, but in the CAST
20 analysis field being able to look at -- and also, in
21 some ways, it doesn't take incredibly specialized
22 knowledge to take the GPS coordinates provided by
23 T-Mobile.

24 THE COURT: But you're not asking him to testify
25 to that?

JURY TRIAL

1 MR. FINCH: No, no. That's for somebody later.

2 THE COURT: Yeah.

3 MR. FINCH: But what he did say is, is that he
4 had experience in that and cell sites. So although
5 he hadn't testified to it yet, I was getting there
6 where he looks at these and he sees these two phones,
7 and then they get to the same -- they have
8 back-to-back phone connection, then they're in the
9 same area, and then that's prior to the crime. So he
10 wanted to see if this individual was involved in the
11 crime. That then led to identification of the owner
12 that phone, which then led to identification of
13 individuals in the videos that were collected, and it
14 all tied together in that way.

15 And that gets us the location. The phone use
16 gets -- gets to Mr. Sanchez in the investigation
17 focusing in the Gadsden Green area as one of the
18 towers is at 170 Lockwood, which puts it right there
19 at the Gadsden Green area.

20 THE COURT: Anything further?

21 MS. GAY: Yes. So that's it. He then tracks
22 the location of these phones, once again having
23 nothing to do, no evidence whatsoever to connect to
24 the incident or the crime or the deaths. There's no
25 messages that talk about that, and that's not --

JURY TRIAL

1 THE COURT: Well, no, that's not completely
2 accurate because what happened was the deceased's
3 girlfriend -- I'm looking at the warrant, the basis
4 of the issuance of the warrant --

5 MS. GAY: Which girlfriend?

6 THE COURT: -- was that they identified the
7 girlfriend of Victim Heyward, who provided his phone
8 number. Once they searched his phone, they found
9 Mr. Kii Mitchell's number.

10 MS. GAY: -- no.

11 THE COURT: Yeah.

12 MS. GAY: They found Mr. Shamar Stanley's
13 number.

14 THE COURT: No. They're two different ones.
15 One deals with Mr. Stanley and one deals with Kii
16 Mitchell's phone, which I assume is what we're
17 talking about right now.

18 MR. FINCH: Yes, Your Honor.

19 THE COURT: It's the second warrant is the one
20 you just referenced.

21 MR. FINCH: That's correct.

22 THE COURT: Yeah. But correct me if I'm
23 inaccurate, because I've been following what you've
24 been saying and that's what I heard you say, but if
25 I'm inaccurate, I need you to correct me.

JURY TRIAL

1 MR. FINCH: No. This first search warrant is
2 for [REDACTED]-1405. That's Mr. Stanley's phone.

3 THE COURT: Yeah, that's -- mm-hmm.

4 MR. FINCH: Right.

5 THE COURT: -- that's when you talked about
6 first.

7 MR. FINCH: That's correct.

8 THE COURT: And that -- that's number 152 that
9 was -- no, I apologize. I'm at the wrong number.

10 MR. FINCH: I believe that was 151.

11 THE COURT: 151, 155. No. One is the records
12 and one is the search warrant, and you didn't seek to
13 admit the search warrant, it's ID only --

14 MR. FINCH: Correct.

15 THE COURT: -- which is 152. 153 is the
16 certification of the T-Mobile records for
17 Mr. Stanley's phone. And then, we move to Mr. Kii
18 Mitchell's phone, which is the second warrant.

19 MS. GAY: But there is no communication between
20 the deceased's phone --

21 THE COURT: That's not what this -- that's not
22 what --

23 MS. GAY: -- there's not.

24 THE COURT: -- all right. Let me -- let me --
25 yeah.

JURY TRIAL

1 MS. GAY: There's no communication --

2 THE COURT: The search of the phone of Victim
3 Heyward shows last iMessage, both received and sent,
4 was [REDACTED]-1405, which is Mr. Stanley's phone number.

5 MS. GAY: -- correct. But then there's no --

6 THE COURT: And then it says --

7 MS. GAY: -- to clarify, Your Honor, it's
8 Mr. Shamar Stanley's phone that has a connection,
9 then to Mr. Kii Mitchell's phone.

10 THE COURT: Yeah, that's the warrant that's
11 marked as 152, ID only --

12 MS. GAY: So --

13 THE COURT: -- or do I have them mixed up?

14 MR. FINCH: No, Your Honor. 152 was the working
15 copy of the download.

16 THE COURT: No.

17 MR. FINCH: That's what I have right here, Your
18 Honor, if I may the approach.

19 THE COURT: Maybe it is.

20 MR. FINCH: Yeah, this is 152. I think all the
21 search warrants are Court Exhibits. So this is 152,
22 for your edification. This is the working --

23 THE COURT: So that's a download, the initial
24 download.

25 MS. GAY: -- so, Your Honor, what they do is

JURY TRIAL

1 they then get a search warrant for Mr. Stanley's
2 phone, Mr. Shamar Stanley.

3 THE COURT: Well, I need to make sure I'm clear
4 about this witness's testimony and the way it's
5 developed, because I apparently got these two items
6 confused. So 153 was the T-Mobile certification of
7 whose records?

8 MR. FINCH: Shamar Stanley's.

9 THE COURT: And then, your questioning then
10 moved to --

11 MR. FINCH: It would then be 154, ID only, which
12 were the records for Shamar Stanley's phone.

13 THE COURT: 154 -- no, 154 was -- oh, you mean
14 the full download?

15 MR. FINCH: The full records.

16 THE COURT: Yes, yes. But that's ID only.

17 MR. FINCH: Correct.

18 THE COURT: The T-Mobile records, yeah, the
19 certification. I thought 153 was certification.

20 MR. FINCH: 153 is the certification for
21 Mr. Stanley's phone.

22 THE COURT: Mm-hmm.

23 MR. FINCH: And then, 155 is the certification
24 for the records for Kii Mitchell's phone.

25 THE COURT: Yeah, but where is that detail you

JURY TRIAL

1 called up for me, what number is that?

2 MR. FINCH: That's 154.

3 THE COURT: Okay.

4 MR. FINCH: And that's ID only.

5 THE COURT: That's where I messed up.

6 MS. GAY: And that's the one I'm objecting to,
7 Your Honor, because I'm objecting to the relevance.

8 THE COURT: He didn't seek -- he didn't seek to
9 admit 154. It's ID only.

10 MS. GAY: But it's the 155, it's the
11 certification.

12 MR. FINCH: 155.

13 THE COURT: Yeah, I'm clear about that. I just
14 need to make sure I have my numbers accurate --

15 MS. GAY: So --

16 THE COURT: -- because mine stops at a certain
17 point and I needed to supplement.

18 MS. GAY: -- yes, Your Honor. So that --

19 THE COURT: So --

20 MS. GAY: -- certification is for a phone number
21 that does not belong to my client.

22 THE COURT: Uh-huh.

23 MS. GAY: It's for a phone number that belongs
24 to -- it is registered and is paid for and all that
25 by his brother, who is not my client.

JURY TRIAL

1 THE COURT: Who is Kii Mitchell; correct?

2 MS. GAY: Who is -- right -- who is not in this
3 case at all, who is not a defendant and is not
4 connected to this incident whatsoever.

5 THE COURT: Are they in the video together?

6 MR. FINCH: Yes, they are.

7 MS. GAY: There -- they're in the video
8 together.

9 THE COURT: Is it in close proximity to when
10 this is alleged to have occurred?

11 MS. GAY: A couple of hours here or there.

12 THE COURT: And does it ping off the towers in
13 that area?

14 MS. GAY: Well, it's pinging because they're in
15 that area. And so what happens is --

16 THE COURT: Then it's -- then it's relevant. It
17 puts them all together.

18 MS. GAY: Well, Your Honor, even if it's
19 relevant --

20 THE COURT: How they braid the hair is their --
21 how they braid the hair is their prerogative. If you
22 want to challenge the sufficiency of how they try to
23 connect the dots, that's your prerogative. I'm only
24 the gatekeeper.

25 MS. GAY: -- well, Your Honor, even though --

JURY TRIAL

1 THE COURT: I don't make decisions about whether
2 it happened or not.

3 MS. GAY: -- I understand.

4 THE COURT: Yeah.

5 MS. GAY: It says even though it's relevant,
6 evidence may be excluded if its probative value is
7 substantially outweighed by the danger --

8 THE COURT: I find that its probative value is
9 not substantially outweighed by its -- any potential
10 prejudice to your client. It is relevant. It --
11 it -- it serves to substantiate circumstantially a
12 fact of consequence in this case, which is the
13 location of your client.

14 MS. GAY: Well, the location of lots of things,
15 but --

16 THE COURT: The location of your client is what
17 is germane. It is overruled. All right. Are we
18 ready to proceed?

19 MS. GAY: And that goes -- that -- my argument
20 in this is it goes, ultimately, to what we did with
21 the videos and everything else that has to do with
22 the ID.

23 THE COURT: All right. We haven't reached
24 identification.

25 MS. GAY: I know.

JURY TRIAL

1 THE COURT: Yeah.

2 MS. GAY: Can we take a break for a restroom
3 break?

4 THE COURT: Sure, mm-hmm. Go right ahead.

5 MS. GAY: All right. Thanks.

6 (Off the record.)

7 (Recess.)

8 (On the record.)

9 MR. FINCH: Phone data (unintelligible).

10 THE COURT: So what -- what number --

11 MR. FINCH: I don't know what number.

12 THE COURT: You need an envelope for it. We
13 can't just -- yeah. We'll find you one.

14 MR. FINCH: Okay.

15 THE COURT: Or if you could find one for us,
16 because that could get very easily lost or mislaid.

17 MR. FINCH: All right.

18 THE COURT: Yeah.

19 MR. FINCH: I can hold onto it until we get one.

20 THE COURT: Well, she can stick something on it,
21 but you just need to get an envelope for it.

22 MR. FINCH: Will do. And I saw your order with
23 regard to what we talked about earlier, so.

24 THE COURT: Well, I had to make an executive
25 decision. They were under a tremendous amount of

JURY TRIAL

1 stress down -- see, we have a two-week med-mal and
2 I've got some other stuff, and we just have to be
3 prepared.

4 MR. FINCH: Thank you. No, of course, Your
5 Honor. I'm not arguing with that.

6 THE COURT: But I think it makes -- it makes it
7 all clear. You've just got to figure out what you're
8 going to do.

9 MR. FINCH: Yes.

10 THE COURT: All right. Are we ready? Is the
11 State ready to proceed? You have the disk, right,
12 the jump disk? Mr. Finch, if you would leave that
13 drive with the court reporter --

14 MR. FINCH: Oh.

15 THE COURT: -- I just need you to bring her --
16 she'll put a sticker, like, stuck to it --

17 MR. FINCH: Will do, yes.

18 THE COURT: -- so she'll remember.

19 MR. FINCH: Mm-hmm.

20 THE COURT: And then, if you could get an
21 envelope --

22 MR. FINCH: Yes.

23 THE COURT: -- then we'll -- we'll -- we'll
24 transfer that sticker to the envelope. All right. I
25 forgot what we were doing you all. I apologize.

JURY TRIAL

1 MR. FINCH: I think we dealt --

2 THE COURT: So we dealt with number --

3 MS. DOVELL: T-Mobile is the -- T-Mobile.

4 THE COURT: I dealt with the relevance issue on
5 Ms. Gay's objection to No. 155, which is the
6 certification of Mr. Kii Mitchell's phone records;
7 correct?

8 MR. FINCH: That's correct, Your Honor.

9 THE COURT: So that's where we are, correct, Ms.
10 Dovell, correct, Ms. Gay?

11 MS. DOVELL: Yes, Your Honor.

12 MS. GAY: Yes, ma'am.

13 THE COURT: All right. Well, you all can take
14 your seats. Oh, you're just standing up because of
15 your leg? That's fine, you can stand. I probably
16 need to stand up more myself. All right. So are we
17 ready to move forward, from the State?

18 MR. FINCH: Yes, Your Honor.

19 THE COURT: From the Defense, Ms. Dovell?

20 MS. DOVELL: Yes, Your Honor.

21 THE COURT: From the Defense, Ms. Gay/

22 MS. GAY: Yes, ma'am.

23 THE COURT: All right. Please get the jury for
24 me, Madam Bailiff. So who is the State's next
25 witness going to be after Mr. Sanchez?

JURY TRIAL

1 MR. FINCH: If we finish with Mr. Sanchez today,
2 it would be Jerome Desheers.

3 THE COURT: And then, so after that, we'll just
4 be left with Ms. Butler, Mr. Russ, Mr. Santonio Scott
5 if you can find him, and John Saunders, Brian
6 Salkeld, and Demetria Ravenell?

7 MR. FINCH: Yes.

8 THE COURT: Okay. Then we're doing good with
9 time.

10 MS. GAY: Your Honor, I have kind of a
11 suggestion -- it's just a suggestion -- because of
12 what's going to happen tomorrow and all this stuff,
13 and the fact that tomorrow is Halloween.

14 THE COURT: Yeah.

15 MS. GAY: It appears to me (unintelligible) that
16 I think that we're going to end probably right around
17 the end of the day or something before that or --

18 THE COURT: We'll have to figure out.

19 MS. GAY: -- hopefully. Because, you know, you
20 had said that you would wouldn't keep the people late
21 on Halloween.

22 THE COURT: I don't close and charge after 3:00.

23 MS. GAY: Right. So we might -- I guess what
24 I'm saying is we might finish it at 2:30 or something
25 and then --

JURY TRIAL

1 THE COURT: I don't know. I have to cross that
2 bridge when I come to it. We've still got to have --
3 we've got a lot to do.

4 MS. GAY: -- right, but --

5 THE COURT: They're finishing their case --

6 MS. GAY: -- it sounded like a good idea to me
7 that people leave for Halloween and come back --

8 THE COURT: -- I don't know.

9 MS. GAY: -- and come back Friday morning.

10 THE COURT: -- I've got to cross that bridge
11 when I come to it, yeah.

12 MS. GAY: I understand.

13 THE COURT: Yeah.

14 MS. GAY: I don't have little kids, so.

15 THE COURT: I don't -- yeah, I stopped buying
16 candy years ago.

17 MR. FINCH: No one comes to my house.

18 THE COURT: Well, I never get home in time to do
19 it, so -- and mostly, everyone has festivals now
20 anyway and churches have trunk whatever, which I
21 think is far safer and -- yeah. And then when candy
22 is left over, and it's around my house, I don't know.

23 MS. GAY: You've got to eat it.

24 THE COURT: You've got to.

25 (The jury entered the courtroom.)

JURY TRIAL

1 THE COURT: You may be seated. Ladies and
2 gentlemen, we appreciate your patience. We're now
3 going to resume the testimony of the witness.
4 Mr. Finch, you may proceed when you're ready.

5 MR. FINCH: Thank you, Your Honor.

6 THE COURT: You're welcome.

7 BY MR. FINCH:

8 Q Just to recap, Mr. Sanchez, you sent off -- did you
9 send off the search warrant for other phone records aside
10 from [REDACTED]-1405 to T-Mobile?

11 A Yes, I did.

12 Q And then, did they respond to your request?

13 A Yes, they did.

14 Q And did they send a certification very similar to the
15 one regarding the previous number I just mentioned?

16 A Yes, that's correct.

17 Q And as part of their response, did they produce call
18 data records?

19 A Yes, they did.

20 Q I'm going to show you what's been marked for ID
21 purposes at this time as State's 156.

22 THE COURT: What is State's 156.

23 MR. FINCH: These are the call data records
24 for --

25 THE COURT: That's ID only; correct?

JURY TRIAL

1 MR. FINCH: -- correct.

2 THE WITNESS: Yes. These are going to be the
3 records for that number.

4 BY MR. FINCH:

5 Q Thank you. And again, are these records similar to
6 the others? It contains information regarding incoming
7 and outgoing calls; is that correct?

8 A Yes.

9 Q And does it -- does it include cell phone tower
10 locations?

11 A Yes, it does.

12 Q And then, azimuth? Is that how you say that?

13 A Azimuth, yes.

14 Q Yes. And that's -- from your experience as a -- as a
15 cell phone data individual, is that -- what is that?

16 A So cell phone towers are divided up into, usually,
17 three directional -- cardinal directions. The antennas
18 basically branch out covering 120 degrees of direction.
19 So when you add that together, that will be 360 degrees.
20 The call detail records will indicate specifically which
21 of the three antennas the call was receiving or
22 transmitting on so that you know not just what -- what
23 tower it was communicating with but also what direction
24 from said tower that communication took place at.

25 Q As you further looked at your -- State's -- I'm going

JURY TRIAL

1 to refer to State's 152, and this is, again, ID only. And
2 just to you refresh your recollection if needed, did that
3 -- did your working report -- would you call that, say, a
4 working report? Is that fair nomenclature?

5 A Yes. That would be a fair way to describe it.

6 Q Okay. So from that, did that lead you to procure
7 other search warrants from other entities aside from
8 T-Mobile?

9 A Yes, it did.

10 Q And what were those entities?

11 A That would have been Facebook at that point.

12 Q And did -- do you recall how many search warrants you
13 sent to Facebook?

14 A I believe there were two primary ones that we went
15 after.

16 Q I'm going to show you what's been marked for ID
17 purposes as State's 157. I'm sorry, let me back up. Did
18 Facebook respond to your request?

19 A Yes, they did.

20 Q And they sent records?

21 A Yes, they did.

22 Q Did those come as well with a certification?

23 A They do.

24 Q I'm going show you what's been marked for ID purposes
25 as State's 157. If you could identify that document.

JURY TRIAL

1 A This is a certificate of authenticity for Facebook
2 received with regards to one of the two Facebook pages.
3 It is a certification stating that these -- this
4 information was conducted -- records kept by Facebook.
5 during the conduct of their regular practice.

6 Q And is that -- does the -- when you -- when you
7 request these, do you request them by a -- a -- a
8 number -- a number that's in use from a Facebook ID?

9 A Yeah. Each individual Facebook account has a very
10 unique number attached to it that would be the account
11 number it. And that account number is what we requested
12 the information from.

13 Q Knowing that I -- you requested several, I erroneously
14 grabbed the wrong one, and I'm correcting that. And
15 again, I'm going to show you what's 157. This is the
16 correct sheet with the identifying number. If you could
17 just read the identifying number that you would have been
18 requesting.

19 A This one was for [REDACTED].

20 Q And -- and that was the certification that came with
21 it --

22 A Yes, this is the --

23 Q -- for those records?

24 A -- yes, that's correct.

25 MR. FINCH: Your Honor, at this time, the State

JURY TRIAL

1 would move for the admission of State's 157.

2 (Plaintiff's Exhibit 157 was
3 moved for admission into
4 evidence.)

5 THE COURT: And that is the certification of
6 which --

7 MR. FINCH: Facebook records.

8 THE COURT: -- Facebook.

9 MS. GAY: Your Honor, I think this would be a
10 time also where I would continue my objection about
11 relevance.

12 THE COURT: Noted; overruled, based on Court's
13 previous ruling.

14 MS. GAY: Yes, ma'am.

15 MS. DOVELL: No objection, Your Honor.

16 THE COURT: So it will be marked as 157 without
17 objection for Mr. Stanley by Ms. Dovell. The
18 objection on Mr. Mitchell was noted by Ms. Gay and
19 overruled based on the Court's previous ruling. That
20 ruling will be incorporated into this portion of the
21 record as I've stated verbatim. You may proceed.

22 (Plaintiff's Exhibit 157 was
23 admitted into evidence.)

24 MR. FINCH: Thank you, Your Honor.

25 THE COURT: You're welcome.

JURY TRIAL

1 BY MR. FINCH:

2 Q Stepping back to the phone records, T-Mobile provides
3 a myriad -- this -- well -- this -- does T-Mobile provide
4 more than just cell tower and call information when you
5 ask for identifying documents?

6 A No. They provide several different records.

7 Q Okay. And I'm going to show you what's been marked
8 for ID as State's 158. Can you identify that document?
9 Yes. This is a T-Mobile record showing the account
10 information in reference to one of the two numbers. In
11 this case, the one ending in 3078.

12 MR. FINCH: Your Honor, at this time the State
13 would move for the admission of --

14 BY MR. FINCH:

15 Q -- and then, that arrived pursuant to your search
16 warrant as part of the certified records?

17 A Yes, that's correct.

18 MR. FINCH: At this time, Your Honor, the State
19 would move for admission of State's 158.

20 (Plaintiff's Exhibit 158 was
21 moved for admission into
22 evidence.)

23 MS. GAY: I'm renewing my objections, Your
24 Honor, to -- through this whole line of questioning.

25 THE COURT: I need to see what --

JURY TRIAL

1 MS. GAY: Relevance.

2 MR. FINCH: Provider data -- I'm sorry, the
3 subscriber.

4 THE COURT: -- this is a -- this is a
5 certification.

6 MR. FINCH: That's a certification as to -- a
7 certification and telling the subscriber information.

8 THE COURT: Yeah. The objection -- and Ms. --
9 do you have any objection, Ms. Dovell?

10 MS. DOVELL: No, Your Honor.

11 THE COURT: Marked and admitted, subject to Ms.
12 Gay's objection, which has been overruled.

13 (Plaintiff's Exhibit 158 was
14 admitted into evidence.)

15 MR. FINCH: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 BY MR. FINCH:

18 Q If you could, tell us, this is the subscriber
19 information; is that correct?

20 A Yes. That's the subscriber account information.

21 Q And who is that -- who is the subscriber of that -- to
22 that phone?

23 A It says Kii Mitchell.

24 Q And that's spelled K-I-I?

25 A K-I-I Mitchell.

JURY TRIAL

1 Q Did you make comparisons between the two records, the
2 two sets of call data records? And I'm specifically
3 asking about the call records between these two sets.

4 A Yes.

5 Q What were you focusing on?

6 A I was looking for any kind of communication between
7 the two. And in this case, since we already knew that
8 there was multiple people involved in the initial video,
9 it would stand to reason that some kind of communication
10 would have taken place between those individuals. So some
11 coordination would have been expected in that kind of
12 situation, people talking, planning, or discussing what's
13 going on. So my natural inclination was to then look into
14 who was that person then talking to most frequently around
15 the time of this incident.

16 Q And what did you deduce from your inquiry?

17 A That the phone number that had initially called the
18 victim was in communication with this phone number from
19 Kii Mitchell very frequently during that time.

20 Q And were you able to get an idea of where these two
21 phones were communicating with one another, just an idea
22 of, roughly, within the Charleston area?

23 A Yes. Initially, those phones appeared to be showing
24 location data together in the area of Gadsden Green in the
25 City of Charleston.

JURY TRIAL

1 Q I'm going to go back to the Facebook information that
2 was provided. Did you review that -- that Facebook -- the
3 Facebook information that was provided?

4 A Yes.

5 Q And were you able to -- tell me what kind of stuff is
6 on that.

7 A Well, Facebook records will contain just about
8 everything that your Facebook account would contain; the
9 posts that you make, the messages you send, comments to
10 your posts, videos that you posted, pictures that you
11 posted. It will also include account information that was
12 given to them during set-up; so e-mail address, phone
13 numbers that have been paired with that account where you
14 have received a two-factor authentication kind of message
15 from -- so those verified phone numbers through that
16 method -- and any names associated with that account
17 set-up.

18 Q And when you reviewed that -- when you reviewed that
19 video -- was there video on the phone? I apologize. Was
20 there video on -- from the Facebook account?

21 A Yes.

22 Q And I'm assuming were any of -- were any videos of
23 interest to the investigation?

24 A There was some videos from the Gadsden Green area that
25 became of interest during our investigation.

JURY TRIAL

1 Q Did you have an opportunity to view that -- that
2 video?

3 A Yes.

4 Q Mr. Sanchez, I'm going to show you what's been marked
5 for ID purposes as State's 159. Do you recognize that
6 image?

7 A Yes, I do.

8 Q And what is that?

9 A That is a still from the video in question that I had
10 located on that Facebook account.

11 MS. GAY: Your Honor, I think there's a matter
12 of law that I need to take up outside the presence of
13 the jury.

14 THE COURT: Madam Foreman -- Mr. Foreman, ladies
15 and gentlemen, I have a brief matter of law for
16 counsel. During the break, please do not discuss the
17 case, and please leave your notepads in your seats.
18 We appreciate your patience.

19 (The jury exited the courtroom.)

20 THE COURT: You may be seated. Yes, Ms. Gay?

21 MS. GAY: Thank you, Your Honor. So, as you
22 recall, I filed a motion about an in-court
23 identification, and I know that that hasn't attempted
24 to be happening yet. But we had a in-camera hearing
25 where the officer that was involved in -- that was

JURY TRIAL

1 the one in the video was saying that he could
2 identify himself and that he was able to say that
3 this was Mr. Mitchell. And he just showed him a
4 picture -- which I just said to him you're not --
5 that's just got to be a Court's Exhibit -- about a
6 video, and it's the same picture, and it's a picture
7 that has a police officer in it. And I have said to
8 him earlier that I don't want any -- any --

9 THE COURT: I thought you all work this out.

10 MS. GAY: -- this -- this may be a Court's
11 Exhibit only, but it can't have a police -- I'm
12 asking for it not have a picture of a police officer
13 in it.

14 THE COURT: I thought you all worked this out
15 already.

16 MS. GAY: No. He won't the police officer out.

17 THE COURT: I know you all told me earlier you
18 did work it out, so did I misunderstand what you
19 said?

20 MS. GAY: At one point --

21 MR. FINCH: We said -- we said we would try to
22 work it out. And I printed off multiple copies. The
23 copies where -- multiple photos or multiple stills,
24 and --

25 THE COURT: I guess I'm trying to figure out

JURY TRIAL

1 what -- what -- you can always ask, you know --

2 MS. GAY: -- well, we could take scissors and
3 just (descriptive sound) --

4 THE COURT: Well, on cross-examination --

5 MS. GAY: -- like that.

6 THE COURT: -- you could always say that your
7 client wasn't involved in it.

8 MS. GAY: Well, I believe that it's prejudicial
9 and there's know probative value of having the
10 officer's picture --

11 THE COURT: How is it prejudicial if you --

12 MS. GAY: -- in there.

13 THE COURT: -- have the opportunity to clarify
14 that it wasn't? You could always ask. They had
15 arrested somebody else and your client was Facebook
16 Living.

17 MS. GAY: Well, it's actually not my client.
18 It's another person who is Facebook Living, not my
19 client.

20 THE COURT: I thought they were all Facebook
21 Living.

22 MS. GAY: No. My client is not -- he doesn't
23 have a telephone. He's 17-years old. Mr. Stanley's
24 brother was Facebook Living it. That's why I was
25 saying that I thought it was hearsay, and you said

JURY TRIAL

1 that it wasn't. It's because it's Facebook Live --

2 THE COURT: The Supreme Court says
3 non-testimony.

4 MS. GAY: -- and I understand that. But what
5 I'm saying is, is that this officer I do not believe
6 should be allowed to identify Kassiem Mitchell in
7 this picture, a picture. This is a picture from a
8 video. What's the point of even asking that question
9 about another officer?

10 THE COURT: How does he know who Kassiem
11 Mitchell is.

12 MR. FINCH: I haven't asked him to identify him.

13 THE COURT: So what's the purpose of asking him
14 that?

15 MR. FINCH: Asking what?

16 MS. GAY: That he recognizes the video picture,
17 because you have another officer --

18 THE COURT: So why are you questioning --

19 MS. GAY: -- who's going to do that.

20 THE COURT: -- him about it?

21 MR. FINCH: He viewed the video.

22 THE COURT: Yeah.

23 MR. FINCH: He was in receipt of the video.

24 THE COURT: Yeah.

25 MR. FINCH: And I'm just asking him if this is a

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1 still from the video, that's it.

2 THE COURT: So why do you need to ask him that
3 at all if he's not the person that you're going to
4 make inquiry of about what's in the still?

5 MS. GAY: Right. And we have an officer who's
6 in the still with him who testified at the in-camera
7 hearing.

8 THE COURT: He doesn't have any personal
9 knowledge of it.

10 MS. GAY: No, he does not.

11 THE COURT: I'm just trying to figure out why
12 make reference to it through him at all.

13 MR. FINCH: All I was doing was -- he was
14 identifying that this was the video -- this is a
15 still from the video. That way, I'm not playing the
16 whole video or playing stills --

17 THE COURT: But you're not seeking --

18 MR. FINCH: -- that's already in evidence for
19 tomorrow.

20 THE COURT: -- to introduce it through him, so
21 what difference does it make? Why not ask the person
22 who's in it who's going to identify the individual
23 purported to be in it? Why not ask him that?

24 MS. GAY: I just see no point.

25 THE COURT: There's no question that it is the

JURY TRIAL

1 Facebook video. I mean, I guess it's superfluous why
2 you're even asking him about it. It just seems to me
3 it creates a nonissue, an issue you don't need to
4 have. If he is -- if he does not -- if this does not
5 aid his testimony in any way, why ask him about it?

6 MR. FINCH: Your Honor --

7 THE COURT: Do you understand what I'm saying?

8 MR. FINCH: -- I do, Your Honor, and I'm happy
9 to respond.

10 THE COURT: I'm listening.

11 MR. FINCH: Mr. Sanchez saw this video. He had
12 also identified to us that he had spoken with a
13 housing officer. So this links him and the housing
14 officer who is pictured right here. I'm not going to
15 ask him about the housing officer.

16 THE COURT: It doesn't matter.

17 MR. FINCH: This is more of --

18 THE COURT: He wasn't there. It just serves no
19 purpose. It doesn't aid his testimony in any way.
20 It doesn't clarify his testimony in any way. There's
21 no need to ask him. Ask the person who did it. Ask
22 the person that's in it. Ask the person for which
23 you made the still of the -- of the photo. Why
24 create an issue when you don't one?

25 MR. FINCH: -- he's just identifying someone.

JURY TRIAL

1 I'm not trying to move it into evidence. I'm just
2 saying is this the -- is this the --

3 THE COURT: He doesn't need to identify it. The
4 purpose of introducing evidence is to aid in a
5 person's testimony, either to clarify or to
6 corroborate it. It doesn't do either of those things
7 for this witness.

8 MS. GAY: He already said that he had videos and
9 he doesn't have to identify one.

10 THE COURT: It doesn't matter. It doesn't help
11 his testimony.

12 MS. GAY: I agree.

13 THE COURT: Ask the witness -- ask the witness
14 who you need to ask about.

15 MS. GAY: Thank you, Your Honor.

16 THE COURT: Which I've already ruled on. So you
17 know, it's a still from Facebook. What purpose does
18 it serve? For what purpose would it be probative?
19 It's probative to establish the identity of one of
20 the individuals that you claim was in close
21 proximity. He wasn't involved in any of that. Why
22 ask him about it? No need to create issues where
23 there don't need to be any. So can we now move on?

24 MR. FINCH: Thank you, Your Honor. Yes.

25 THE COURT: All right. Please get the jury.

JURY TRIAL

1 MR. FINCH: Your Honor, we might as well jump to
2 the next.

3 THE COURT: Sure.

4 MR. FINCH: I'm sure Ms. Gay will have an
5 objection to this as well.

6 THE COURT: I'm listening.

7 MR. FINCH: As part of the business records that
8 that -- that Mr. Sanchez received during the
9 investigation, as he stated previously, you get
10 pictures, videos, posts, comments to posts, I was
11 provided with comments linked to this video.

12 THE COURT: Comments are hearsay unless you can
13 find the people that can be cross-examined who made
14 them.

15 MS. GAY: That was never mentioned to me.

16 MR. FINCH: Well --

17 THE COURT: Because we don't even know who
18 really made it. People make up identities on
19 Facebook, they pretend to be other people, they have
20 handles and names.

21 MR. FINCH: -- understood. But this is -- as a
22 business record --

23 THE COURT: A business record doesn't circumvent
24 the hearsay rule. Business records are things that
25 are inherently reliable that their veracity cannot be

JURY TRIAL

1 questioned, such as compilations and other things,
2 like a cell bill, like --

3 MR. FINCH: -- but the certification --

4 THE COURT: -- the -- the -- the business
5 records exception does not circumvent the right to
6 cross-examine the veracity of statements or
7 believability of statements and otherwise.
8 Statements made to a Facebook post are out-of-state
9 -- out-of-court statements made -- offered for their
10 truth, and they're entitled to cross-examine the
11 person who made them. And I really -- I don't -- I
12 haven't even seen what you're referring to, so I
13 don't even know what the comments were. But he
14 certainly isn't going to be able to repeat somebody's
15 comments, and the jury is not going to be able to
16 read those comments in isolation without those
17 witnesses being called to confirm that they are, in
18 fact, the person that made the statement, the
19 substance of the statement, and give them the
20 opportunity to cross-examine them regarding the
21 substance of the statement.

22 MS. GAY: Just to say, Your Honor, we've never
23 seen these.

24 THE COURT: So why don't you all take a couple
25 of seconds to review them.

JURY TRIAL

1 MR. FINCH: Well, they're --

2 MS. GAY: But they're --

3 MR. FINCH: -- for the record, they're -- for
4 the record, they're included in the discovery --

5 MS. GAY: -- well, they're not.

6 MR. FINCH: -- directly below the video --

7 MS. GAY: But they're not.

8 MR. FINCH: -- that I've shown Ms. Gay.

9 MS. GAY: We were never told where he was going
10 to use them, but there's just --

11 MR. FINCH: I --

12 MS. GAY: -- much prejudicial information in
13 here, Your Honor, lots of comments about police, lots
14 of comments about -- nothing about my comment. It's
15 actually all about this man --

16 THE COURT: Well, why don't you take a few
17 moments to review what it is.

18 MS. GAY: -- well, I'm objecting, she's
19 objecting, we're all objecting.

20 THE COURT: I think you need to read it --

21 MR. FINCH: I'm not objecting.

22 THE COURT: -- so you can know whether you
23 object to it or not.

24 MS. GAY: This side is objecting. I mean, it
25 even has reference to her client. There's just --

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1 THE COURT: I need you to stop talking and read.

2 Thank you.

3 (Reading and discussion among
4 counsel off the record.)

5 MS. GAY: So, Your Honor, we've reviewed this
6 and --

7 THE COURT: I need you to not talk yet. For
8 what purpose are you seeking -- I've got to start at
9 the beginning of my analysis, otherwise it's going to
10 be chaos. For what purpose are you seeking to
11 introduce these records, Mr. Finch?

12 MR. FINCH: Thank you, Your Honor.

13 THE COURT: First of all, identify what they are
14 because I've never seen them. I have no clue what
15 you're referring to.

16 MR. FINCH: These are comments that are below
17 the video, comments from --

18 THE COURT: Comments from who?

19 MR. FINCH: -- various users of Facebook with
20 various different names and users. Sometimes there's
21 a user ID -- well, there's always a user ID right
22 after the name. And then it will have a text, and
23 then the time that that was posted in UTC. What was
24 particularly of interest was, in our discussions with
25 Officer Saunders, who is -- as you'll recall from

JURY TRIAL

1 pretrial, well -- well acquainted with many
2 individuals from that neighborhood, and in that has
3 familiarity with street names, nicknames, things of
4 that nature. Mr.-- this video shows the arrest of
5 Nakiyah Mitchell for trespassing as -- or -- or some
6 aspect of being not allowed on Gadsden Green, as was
7 testified to by Mr. -- Officer Saunders. In this,
8 the -- the -- the video essentially follows Kassiem
9 Mitchell around while he's videoing other -- other
10 individuals, and he's always -- almost always in
11 frame. And throughout that video, which was a mobile
12 upload, and there were comments that occurred during
13 that, and some of them refer to Nakiyah Mitchell's
14 Street name, Kiyah, her nickname, saying,
15 essentially, what's Kiyah doing. And then others
16 that refer to Kassiem Mitchell's street name, which
17 is Siem, and Siem needs to do this or what's Kiyah
18 doing. And that's the -- so it's for identity
19 purposes, Your Honor. And -- and the State's
20 position is that this is a certified business record
21 kept in the ordinary course of business, and it was
22 provided and certified as such, and that these --
23 that there's -- while maybe not every single thing in
24 here is probative, there are certain comments in here
25 that are probative to identity of Mr. -- of the -- of

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1 the -- of Mr. Kassiem Mitchell and -- and confirmed
2 through -- or additionally -- with additional
3 confirmation as people are referring to Nakiyah
4 Mitchell, who is subject to the arrest.

5 THE COURT: What's the basis of the objection?

6 MS. GAY: Your Honor, the basis of the objection
7 is hearsay and also relevance. The -- I -- I was
8 never going to argue that Officer Saunders could not
9 identify him. That was not my intent. He said he
10 knew him, my client recognized himself on the screen.
11 That was not going to be something that I was going
12 to argue. So identity of the pictures of this video
13 were not in question, Your Honor. But in this
14 document that he handed us, there is -- there's
15 several things. One of them is that, as he said, my
16 client's nickname -- who I assume he's going to get
17 out with Officers Sanders [sic] -- is Siem. It says,
18 "Siem bound to get bagged" -- or bag, and that --
19 that is sort of a street way of saying he's about to
20 get arrested. There are -- I'd like you to see this
21 after I finish, Your Honor. I'll pass this up.
22 There are all kinds of references to inappropriate
23 language and lots of things that are just irrelevant
24 in this case and should not -- and you know, could be
25 prejudicial because my client is in a video that has

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1 these types of comments attached.

2 There is also, I believe, a comment that
3 Ms. Dovell and I were talking about that has to do
4 with her client. It says, "Shamar, where the TF is
5 Siem at?" And so, they're just -- there's lots of
6 these people in here. There's this same person named
7 Sandbag who you had maybe said before that there was
8 no connection to anybody named Sandbag and you
9 believed that that was hearsay, and Mr. Heyward's
10 telephone. We would like for you to review this, Your
11 Honor. I know that Helen might want to speak. But we
12 believe that this is irrelevant and hearsay. It's
13 prejudicial because of the things that are said in
14 there, and completely unnecessary, because I was never
15 going to ask Mr. Sanders [sic] well, that isn't him,
16 is it? I -- I accepted the fact that once you made
17 that ruling that he could identify him and knew my
18 client and had enough knowledge about the
19 circumstances to identify him in the video. So
20 identity of who he is or whether or not he's there is
21 not at issue at all.

22 MR. FINCH: Your Honor, I'll respond to that.
23 Ms.-- if Ms. Gay is prepared to stipulate to
24 Mr. Mitchell's identity that video, I'll happily
25 withdraw the effort to have this admitted.

JURY TRIAL

1 MS. GAY: My issue with the video is I don't
2 want the police officer's pictures and it. I knew
3 already that he's told me before that he would take
4 the police officer's picture out. He's still not
5 saying that he will do that, and I will object if
6 they try to put a picture of a police officer in for
7 lots of reasons, Your Honor. But I was not objecting
8 to the -- I mean, I had tried to say that we needed a
9 Biggers hearing to -- to talk about his in-court
10 identification. But how he knows this man and how he
11 knows my client or whether not he can say that's
12 Kassiem Mitchell, that was not an issue. It was
13 whether or not he was going to get to identify him in
14 court and whether there was enough for liability on
15 that. But I don't think I need to stipulate that
16 it's -- that it's him. I was -- the issue that I had
17 was whether or not he could identify him in the
18 courtroom.

19 So this is completely different. This is some
20 excessive amount of bad behavior, bad talk, language
21 is bad, all these things that are about a bunch of
22 people that are unidentified making comments about
23 what was going many years ago, five years ago. And
24 back to the Green. I made a motion about the Facebook
25 video itself and said that I thought that was the

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1 hearsay. You ruled that you believed that that was
2 not and it was self-authenticating. I understand
3 that. But this -- this document right here is not the
4 video. This is about people responding to things.
5 And I don't know who those people are, and I'm not
6 able to question them, and I believe that's a
7 confrontation problem.

8 THE COURT: Ms. Dovell?

9 MS. DOVELL: Thank you very much, Judge.

10 THE COURT: You're welcome.

11 MS. DOVELL: So the video in these comments are
12 completely irrelevant as it pertains to my client.
13 My client is not seen in the video and has really
14 nothing to do with identification of my client or
15 anything to do with my client whatsoever. I think
16 that it's also irrelevant because these comments are
17 from June -- around June 20th, 2019, which is about
18 three months prior to the incident at [REDACTED] 175
19 [REDACTED], which is why we're here today. There is one
20 statement that makes reference to my client. It's
21 not a statement that my client makes. Its a -- it's
22 question by some user that says "Shamar, where TF
23 Siem at," and that really has nothing to do with my
24 client. My client is not commenting on this, and
25 it's somebody else placing my client's name in

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1 relation to somebody being arrested, despite the fact
2 that all of this is hearsay, all of these comments,
3 every single one of them on here, not to mention the
4 emojis with, like, hands flipping off a picture next
5 to police officer. You know, all kinds of bad
6 language, what we would call inappropriate language
7 that has absolutely no relevance to any matter at
8 issue in this case, especially as it pertains to my
9 client. My objections are based on relevance,
10 hearsay, and the extreme prejudicial value this has
11 over its probative value, especially as it pertains
12 to my client. Which, Your Honor, like, would you
13 like to look at this document?

14 THE COURT: I've seen enough Facebook posts that
15 I can surmise. Anything further, Mr. Finch?

16 MR. FINCH: Yes, Your Honor. The State's --
17 again, the State's position is this is -- these are
18 -- these comments -- and again, I'm happy to submit a
19 redacted version but is relevant to the identity of
20 Mr. Mitchell in this video and -- and then, again,
21 builds on the State's case to identify him as one of
22 the perpetrators of this crime. Ms. Dovell stated
23 that these -- or this was hearsay. However, these
24 are -- these comments are being made as the -- as the
25 video is being viewed. So the State's position is

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1 not only is it -- as certified as a business record
2 in the regular -- kept in the course of business of
3 Facebook, but also it would be a present sense
4 impression as folks are looking at this and making
5 comments on what's happening and what's -- what
6 they're seeing and asking questions live so that
7 others may or may not respond. They're -- they're
8 making comments on -- on what's happening. And
9 again, the State -- you know, I'm happy to redact
10 some -- I don't need all of this but, you know, this
11 helps to further to corroborate the identity of
12 Mr. Mitchell.

13 I understand that right now, Ms. Gay is saying
14 that is not an issue. It sure was an issue day or so
15 ago, and I don't expect that she'll back off
16 cross-examination -- rigorous, cross-examination -- or
17 in closing say how do we know that's him, how do we
18 know? You only heard from one -- one cop. And you
19 know, you know -- and make comments about the
20 believability or the prejudicial nature of that, as is
21 her right to present a Defense. However, the State is
22 equally -- has a right to present its case. And if
23 identity is an issue in this case, specifically this
24 defendant relative to the other identifying factors
25 with Mr. Stanley, we would seek to admit that for that

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1 purpose, to further identify Kassiem Mitchell as -- as
2 the subject of the video as we would pull those
3 stills.

4 MS. GAY: Your Honor, I need to look at this
5 again. This video happened three months before the
6 incident that happened here. This -- whatever
7 happened in this video is merely to show that he was
8 wearing a pair of pants on a certain day. So that --
9 there are a bunch of people out there, many people
10 out there, and we're not trying to identify them as
11 saying that, you know, three months later they might
12 have something to do with it. It's just my guy who's
13 wearing a certain pair of pants. So that was -- I
14 accepted the fact that the officers is going to be
15 able to say I recognize him and I am going to be able
16 to identify him in the courtroom. That was your
17 ruling, Your Honor. Specifically -- and -- and I
18 just -- I would ask you -- I'm going to make this a
19 Court's Exhibit and ask you to please review this.

20 THE COURT: No, ma'am, we're not making anything
21 a Court Exhibit right now.

22 MS. GAY: Okay. Can you just listen? This says
23 "Siem about to get bagged." Okay. So that is
24 definitely --

25 THE COURT: I've heard that already, mm-hmm.

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1 MS. GAY: -- yeah, it is definitely a reference
2 to -- we -- I wanted the police officer's picture
3 taken out of anything that we used. And, you know, I
4 knew that the community guy was going to come and say
5 I had knowledge of him through my -- my work there at
6 the community but, you know, whether he's going to be
7 able to say and I was over there to arrest somebody
8 and everybody was all upset and freaking out about it
9 is not beyond the scope of him being able to say --
10 which is what he testified to -- I knew him because I
11 was a community officer.

12 Everything about what I was doing in my motion
13 was to clean up the fact that there was an arrest
14 going on, an arrest that had absolutely nothing to do
15 with him. And including if we, you now, shrink this
16 down to I just want it to be the one text about
17 Mr. Kassiem Mitchell, "Siem about to get bag," I mean,
18 I think that's prejudicial. It's not at all
19 probative. Its hearsay by this person named Samara.
20 It's not even true because he's not even the person
21 that was getting arrested at all. He's just out
22 there. And it's from somebody named Samara Hamilton,
23 and if they want to bring Samara Hamilton in so that
24 we could cross-examine her or him and say, you know,
25 why did you even say that, because he's not even

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1 getting arrested, he's not the person getting
2 arrested.

3 So this is completely misleading to the jury.
4 And just to say that 'that's him when the officer is
5 going to testify, the Officer Sanders is going to --
6 Saunders is going to testify this is him, I recognize
7 him. I accepted that ruling. I accepted the fact
8 that he was going to be able to testify to that and
9 point the finger and say and that's Kassiem Mitchell,
10 you know, here in the courtroom. So this is
11 completely hearsay to start, irrelevant because it
12 happened 90 days or so, almost 90 days before the
13 incident, has absolutely no connection whatsoever to
14 the crime that we're dealing with here at all, and
15 it's heavily prejudicial. There's no way that it's --
16 it's a prejudice -- that it's not outweighed because
17 it talks about him getting arrested and he's not even
18 getting arrested.

19 MR. FINCH: Your Honor, just a final thought.
20 And Ms. Gay has made quite an effort to -- to --
21 to -- to build on this 90-day differential. The
22 State's position is Mr. Mitchell -- Mr. Kassiem
23 Mitchell was Mr. Kassiem Mitchell on September 15th,
24 2019, as much as he was on June 20th, 2019, and that
25 identity is at issue.

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1 THE COURT: The motion to exclude the statements
2 is sustained. The State has argued that this is a
3 business record. To some extent it could be
4 considered a business record, but what is usually
5 contemplated by a business record, which is premised
6 pursuant to Rule 803(6) of the rules of evidence as
7 an exception to the hearsay rule. But exceptions to
8 the hearsay rule are premised in certain legal
9 principles, one of which is that certain information,
10 even though hearsay, is -- has such inherent veracity
11 that it rises to the level of being an exception.
12 Rule 806 -- 803(6) in terms of business records --
13 although we commonly refer to that as a business
14 record exception -- when looking at the rule what --
15 actually what 803(6) says is "records of regularly
16 conducted activity; a memorandum, report, record, or
17 data compilation in any form of acts, events,
18 conditions, or diagnoses made at or near the time by
19 or from information transmitted by a person with
20 knowledge if kept in the course of a regularly
21 conducted business activity, and if it was the
22 regular practice of that business activity to make
23 the memorandum, report, record, or data compilation
24 all as shown by the testimony of the custodian or
25 other qualified witness. Unless a source of the

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1 information or method or circumstance of preparation
2 indicate a lack of trustworthiness provided, however,
3 that subjective opinions and judgments found in
4 business records are not admissible. The term
5 'business' as used in this section includes business,
6 institution, association, profession, occupation and
7 calling of every kind, whether or not conducted for
8 profit."

9 The reason business records are considered
10 inherently reliable and having veracity is that it is
11 basically information that is not subject to being
12 hypothecated, that it is in the form of a memo,
13 report, record, or data compilation, something that a
14 business collects regularly and ordinarily on a daily,
15 monthly, weekly, minute basis such that it eliminates
16 human intervention such that that veracity of that
17 information is hypothecated in some way.

18 I don't think there can be a good faith argument
19 that comments in a thread -- basically my term, not
20 probably the term regular Facebook users would use --
21 under a Facebook post does not fit within the --
22 within the definition of memoranda, report, record, or
23 data compilation. And I think there is a temptation
24 to mix two sort of concepts. While Facebook can
25 certify that these are our records, this is what we

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1 have, it has not been hypothecated, we're providing to
2 you what we have on our servers, that does not make it
3 a record of a regularly conducted activity, except to
4 the extent -- and that's where you get sort of into a
5 gray area. Facebook collects all kinds of
6 information. They collect your IP address, they
7 collect your phone number to the extent -- and I would
8 agree that if we're talking about IP addresses, phone
9 numbers, e-mail addresses, that's a data compilation
10 not subject to hypothecation, and it clearly would
11 fall within the business record exception. However,
12 comments -- and -- and also the rule is likewise very
13 clear as you look further down, and it makes an
14 exception where it says "Unless the source of
15 information or method or circumstance of preparation
16 indicate lack of trustworthiness provided, however,
17 the subjective opinions and judgments found in
18 business records are not admissible." When someone is
19 making a statement in a thread on Facebook, it is a
20 subjective opinion of that person. And the law
21 presumes, even when you look at another exception
22 under 803, which is the admissibility of medical
23 opinions, the rules allow an exception for medical
24 diagnosis and treatment. In other words, if I go to
25 the doctor and I say have a fever of 100 degrees, my

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1 back hurts, my foot hurts, all of those things come
2 in. But it does not allow the subjective opinion of a
3 doctor to come in because it is just that, a
4 subjective opinion that should be subject to
5 cross-examination. And when we're talking about
6 something as -- I don't want to use the word
7 "critical," although it probably is the best word
8 because it is one of the linchpins and point of
9 contention in this case, which is the identity of
10 those individuals that are alleged to have committed
11 this offense. It should be subject to the scrutiny of
12 cross-examination.

13 And frankly, if you all wanted to get those
14 individuals who made those comments, Facebook has that
15 information and they will provide it to you. They
16 tell you which e-mail address is associated with it,
17 they'll tell you what phone is associated with it.
18 They'll tell you what phone number is associated with
19 it. And you could have located those individuals and
20 asked them about their comments, brought them into
21 court. And if, in fact, you wanted to use it to
22 identify these defendants as the individuals, that
23 would have been the better route to have followed
24 because then they could have been cross-examined
25 regarding their veracity, their recollections and

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1 otherwise by Ms. Gay and Ms. Dovell.

2 The rules are also very clear that records --
3 that would be 803(6) -- is not eliminated from the
4 other provisions of the hearsay rule. You're --
5 you're seeking to, through a witness who has no
6 personal knowledge of what's being said on Facebook or
7 the individuals who are saying it -- you want to admit
8 those statements, you want to offer them for their
9 truth, which is that somehow these individuals are
10 being identified in this post or this video --
11 Facebook Live video -- and it's not subject to
12 cross-examination. It's clearly hearsay, and the
13 objection is sustained. Are we ready to move on? Is
14 the State ready?

15 MR. FINCH: (No audible response.)

16 MS. DOVELL: Yes, Your Honor.

17 THE COURT: Ms. Gay, are you ready?

18 MS. GAY: Yes, Your Honor.

19 THE COURT: All right. Let's see if we can
20 finish this witness in a reasonable time. It's 4:56.
21 Please get the jury. If you want to mark your
22 documents as a Court's Exhibit, you're welcome to,
23 Mr. Finch.

24 MR. FINCH: Thank you, Your Honor.

25 (The jury entered the courtroom.)

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1 THE BAILIFF: All jurors are present.

2 THE COURT: You may be seated. Ladies and
3 gentlemen, we appreciate your patience. If you would
4 indulge us -- I know that it is 4:50 -- does anyone
5 have any scheduling conflicts? We would like to try
6 to finish this witness which I think will take, at
7 the most, 15 minutes, 20 minutes.

8 MR. FINCH: Your Honor, may we approach for a
9 minute?

10 THE COURT: Sure.

11 (Bench conference off the
12 record.)

13 THE COURT: All right. Change of plan. We've
14 got some matters of law we still need to work
15 through, so I'm going to let you all go home for the
16 evening. We'll resume in the morning. I'm going to
17 let you all go for the evening. We'll resume in the
18 morning at 9:30. Again, we've ordered your lunch.
19 It usually gets here around 12:00 or 12:30, so if you
20 would prepare accordingly. We'll resume in the
21 morning at 9:30. Please don't have any contact with
22 anyone in or about the courthouse when you return.
23 Please do not discuss this case among yourselves or
24 with anyone else. And please leave your notepads in
25 your seats. We'll secure them during the break.

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1 Have a good evening. You all have been incredibly
2 indulgent with us, and we appreciate it.

3 (The jury exited the courtroom.)

4 THE COURT: You may be seated. All right.
5 Let's deal with that statement.

6 MS. GAY: Your Honor --

7 THE COURT: Yes?

8 MS. GAY: -- I would just like to bring up
9 something that wasn't in your last ruling where you
10 were talking about the business records and all that
11 business about the Facebook video from 803(6).

12 THE COURT: Yeah.

13 MS. GAY: You mentioned that -- that several
14 things, and you said that the -- that the Facebook
15 sends some information but that's not necessarily a
16 business record, particularly the comments and all
17 that. And I would like to reiterate my objection
18 that the video that was taken on -- in June is not --

19 THE COURT: I've already argued that. I'm not
20 revisiting it.

21 MS. GAY: Okay. But it's changed from what you
22 just said.

23 THE COURT: No, it hasn't changed.

24 MS. GAY: All right. We'll, I'll just --

25 THE COURT: There are layers to every issue, and

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1 I'm very specific about which layers I'm addressing.
2 The video is non-testimonial, and I've already ruled
3 that it's coming in, and the stills from it. I don't
4 know that they offered the video, but I stand by my
5 ruling. And the reason I don't revisit things --
6 please don't think I'm being appurtenant, but once I
7 deal with something, I'm done with it, and I'm not
8 going to try to go back and have to go back and read
9 what I did already.

10 MS. GAY: -- I understand. Thank you.

11 THE COURT: And that's why I let you all talk as
12 long as you want to --

13 MS. GAY: And I think that we're on --

14 THE COURT: -- and then I rule on it.

15 MS. GAY: -- the pictures now, is that we're on
16 the pictures now.

17 THE COURT: I've already ruled on that.

18 MS. GAY: And I'll just reiterate my objection,
19 Your Honor.

20 THE COURT: Yes, ma'am.

21 MS. GAY: Thank you very much.

22 THE COURT: And I'll -- and if something
23 changes, we'll take it up. But I'm not going to
24 reinvent the wheel and reargue something I've spent
25 three hours on. You may proceed. Go ahead. You

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1 need to question him regarding the statement. Isn't
2 that the part you all said you had an objection
3 about? They had an objection about a statement and
4 you were trying to elicit that through this witness?

5 MR. FINCH: That's -- that's correct.

6 PROFFERED TESTIMONY

7 BY MR. FINCH:

8 Q Mr. Sanchez, as part of your investigation, did you
9 interview Mr. Stanley?

10 A Yes, I did.

11 Q And at the time of his interview, was he in -- was he
12 in custody?

13 A Yes, he was.

14 Q And was he handcuffed?

15 A Yes, he was.

16 Q And was this -- my understanding is this was following
17 a traffic stop where he was found in the suspect vehicle;
18 is that correct?

19 A Yes.

20 Q And prior to your arrival and interaction with Mr. --
21 with Mr. Stanley, do you know how long Mr. Stanley had
22 been in the interview room in North Charleston?

23 A I don't quite remember how long he had been there.

24 Q If -- if I told you it was 45 or 46 minutes, would
25 that same out of bounds?

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1 A That would seem reasonable.

2 Q Were you aware at that time -- and again, this is
3 September 19th of 2019, is that correct?

4 A Yes, correct.

5 Q And it was in the afternoon. I think it's around
6 3:00. And were you aware that Mr. Stanley had been -- had
7 been asking individuals -- every individual or almost
8 individual that interacted with him while he was in the
9 interview room the purpose of his detention and what --
10 what people wanted to talk to him about?

11 A Yes.

12 Q And he asked probably the question at least a half a
13 dozen times of maybe as many people?

14 A That is correct.

15 Q And each individual was replying something to the
16 effect of, they don't know, it's not their case but
17 somebody would with him soon?

18 A Yes, correct.

19 Q And so, when you encountered Mr. Stanley, what was the
20 -- with your initial encounter with him in interview room,
21 was at the first time you encountered him?

22 A Yes.

23 Q And the first time you were going to speak to him?

24 A Yes, correct.

25 Q And so, what was your -- what was your purpose upon

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1 entering the interview room?

2 A My initial purpose was, first, to identify him
3 correctly and make sure we were talking to the correct
4 person, and then introduce myself and begin the process of
5 explaining why we were in this interview room.

6 Q And was that in response to his questioning as to why
7 he was there?

8 A Yes. I make an effort to be transparent as possible.

9 Q And in that effort, you -- you spoke to him about --
10 did you speak to him about the fact that the vehicle that
11 he was driving at the time of his detention had somehow
12 been involved in a homicide?

13 A Yes. I was very direct on that.

14 Q And -- and that was the reason for your desire to
15 speak to him?

16 A Yes, correct.

17 Q At that point, had you asked -- asked him any
18 questions?

19 A No.

20 Q Then, did he respond with some questions of his own?

21 A He did.

22 Q And what types of questions were those?

23 A He asked me, basically, how I -- how do I mean that he
24 was -- that that car was involved in a -- in a murder.

25 Q And did you ask him any questions in reply?

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1 A No. I -- I attempted to explain once again that it
2 had been seen on video.

3 Q Did you get to a -- did you get to a point of
4 satisfaction where you felt like he understood why you
5 were going to be asking him questions and then you -- and
6 then -- did you get to that point?

7 A No. It felt he continued to ask the same question
8 repetitively.

9 Q Did you try to answer his question as to why you
10 wanted to speak to him?

11 A Yes.

12 Q Is that something you normally do when -- prior to
13 interrogation or questioning of any witness or suspect?

14 A Yes, absolutely.

15 Q You let them know what either the crime or the
16 situation or how they relate to that case and -- and frame
17 the questions?

18 A Yes. I found that, in my experience, that it's best
19 to just be up front with people and tell them exactly
20 what's going on and not try to hide behind any illusion as
21 to what we're going to discuss. And that often breeds an
22 environment of mutual understanding.

23 Q Did you feel throughout the -- at different points
24 throughout the interview -- it was a very long interview
25 -- but that you guys did come to a point of an agreement

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1 and he said that he understood what you were going to ask
2 him, he understands and --

3 A I don't -- I don't know that he ever really accepted
4 the reason we were having that conversation, but -- but we
5 do finally kind of come to a point where we're ready to
6 talk some but he was ultimately resistant, for the most
7 part.

8 Q But in the initial -- in your initial interaction with
9 Mr. Stanley, did you -- when you just present to the --
10 after you presented him with the fact that your
11 understanding was that this car was somehow used in a
12 homicide and he asked you how and then you tried to answer
13 that, what was his response, do you recall?

14 A I think I seem to remember him saying something about
15 how do you mean I was involved in the crime. And he
16 eventually said something about driving the car himself
17 and that he and Demetria were the only people that drove
18 that car.

19 Q And specifically -- if I may for the purposes of just
20 this hearing -- did he say let me -- something akin to or
21 paraphrasing just a little bit "Let me tell you what
22 happened. I was driving the car that day. My girl called
23 me to bring the car back. I brought the car back so she
24 could go to the ' or wherever she went 'to see her
25 girlfriends." I guess before that, he said he was playing

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1 Madden at -- at the house?

2 A Yes, that's correct.

3 Q And that was in response, essentially, to this is what

4 I want to talk to you about, and as soon -- and so as soon

5 as you understand this, that's what -- so I mean, I'm

6 going to ask you questions, and he said that?

7 A Yes, that's correct.

8 Q Okay. Did you -- was that in response to any

9 question, to your recollection?

10 A No. I was only framing what we were going to talk

11 about and explaining -- answering his question as to what

12 we were -- what he was here for.

13 Q If -- if he had said, okay, I understand what you want

14 to talk to me about, what would have been your next step?

15 A I would have immediately proceeded with Miranda.

16 Q And -- but you had not Mirandized him at that point in

17 time?

18 A No, I had not.

19 Q But you weren't asking him any questions?

20 A No, I was not.

21 Q And when you said -- when you were answering his

22 questions, were you doing that in any way to elicit a

23 response or a specific response?

24 A No. I was only trying to get him to understand the

25 purpose of the -- the inquiry.

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1 Q And what was his -- what was his mood or what was he
2 like?

3 A He was very agitated, very -- very nervous, just
4 generally excitable.

5 Q And did you -- did you try to just frame the
6 conversation at that point, or what did you do?

7 A Yes. I was still trying to just calm it back down,
8 bring us to an even mood where we could just have that
9 discussion where we could just talk instead of yell
10 back-and-forth over each other.

11 Q And then eventually, though, you did Mirandize him.
12 You spoke for a while after that and then, eventually,
13 Mirandized him; is that correct?

14 A Yes, correct.

15 Q And again, just for the purposes of this hearing, you
16 went through his rights on a sheet?

17 A Yes, I did.

18 Q He seemed to understand them?

19 A Yes.

20 Q And then, there was another breakdown when you asked
21 him to initial, and you guys went back and forth about
22 what that meant --

23 A Right.

24 Q -- and you saying it just means you understand, it
25 doesn't mean that -- you don't have to do anything, and --

JURY TRIAL

1 and that went on for a while, and then I think it

2 continued even further --

3 A That's correct.

4 Q -- after he refused to sign?

5 A Yes, that's correct.

6 Q Okay. And then further on -- and this is a different

7 event now, close to -- this would have been around 6:00 to

8 7:00 -- I'd to look at my timestamps on that, but around

9 6:56. So starting, you were in there about -- so this is

10 6:56 or so. I guess, at that point, you had already

11 served warrants or you had already placed -- you told Mr.

12 -- somebody told Mr. Stanley he was going to be arrested

13 for two counts of murder and possession of a weapon during

14 the commission of a violent crime.

15 A Yes, that's correct.

16 Q And at that point, you had already prepared a search

17 warrant for his buccal swab?

18 A Yes, correct.

19 Q And then that was executed by Paul Schoolfield?

20 A Yes.

21 Q And also, Kendra Moseley was in the room --

22 A Yes.

23 Q -- at that time? And again, after the -- and did you

24 review that video?

25 A Yes. I would have been also monitoring it live when

JURY TRIAL

1 it was happening.

2 Q That was my next question. You can watch those things
3 live. And so, you were watching that happen. And did you
4 see Mr. Stanley reading from the probable cause affidavit?

5 A Yes.

6 Q And while that -- while Mr. Schoolfield was preparing
7 the buccal swabs?

8 A Yes, correct.

9 Q And also, Kendra Moseley standing by just -- she was
10 there to collect some shoes, I believe?

11 A Yes, I believe so.

12 Q And then, after the procedure was done -- and that was
13 nothing untoward about that. It was just -- and
14 Mr. Stanley was compliant with the buccal swab of his
15 cheek; is that correct?

16 A Yes, that's correct.

17 Q And then he -- then everybody left?

18 A Yes.

19 Q And Mr. Stanley was sitting alone in the interview
20 room, and he was left with the affidavit -- the probable
21 cause affidavit -- as well as the return for the search
22 warrant, is that correct --

23 A Yes, that is correct.

24 Q -- to your recollection?

25 A Yes.

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1 Q And -- and then, at that point, what does Mr. Stanley
2 do?

3 A He begins to read the probable cause statement out
4 loud and then to himself.

5 Q And then, at that point, and after he reads to himself
6 -- you said he reads to himself, so he gets either quiet
7 or no sound, essentially?

8 A Yes.

9 Q And then, after a short time, does he make a
10 statement?

11 A Yes, he does.

12 Q Is that in response to any inquiry by anybody in the
13 room?

14 A No.

15 Q What does he say?

16 A He says something about "I going to hell," or
17 something to that effect.

18 Q Something like "I'm going to hell, bra"?

19 A Yeah, something -- something like that.

20 Q Okay. And again, that wasn't in response to any
21 inquiry?

22 A No.

23 Q No interrogation, no question?

24 A No.

25 Q He was by himself?

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1 A By himself completely.

2 Q And he just said it while he was reading the
3 affidavit?

4 A Right.

5 MR. FINCH: That's all the questions I have for
6 this witness, Your Honor.

7 THE COURT: Ms. Dovell, do you have any
8 questions for the witness?

9 MS. DOVELL: I sure do, Your Honor.

10 THE COURT: You may proceed.

11 MS. DOVELL: Thank you very much, Judge.

12 THE COURT: You're welcome.

13 CROSS-EXAMINATION

14 BY MS. DOVELL:

15 Q Good afternoon, Detective Sanchez.

16 A Hello.

17 Q All right. So a couple of things. So all of these
18 interactions are captured on video; correct?

19 A Yes, that's correct.

20 Q I believe the State has submitted to Judge Jefferson
21 the -- the bulk of the statements they are seeking to
22 admit. Is that your understanding?

23 A That's my understanding, yes.

24 Q Okay. So when you're going into an interrogation,
25 you're the one who is in charge; right?

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1 A Yes.

2 Q At the point you went into the interrogation room with
3 Mr. Stanley, he had already been pulled over during a
4 felony stop; right?

5 A Yes, that's correct.

6 Q That means he was pulled out of a car at gunpoint;
7 correct?

8 A Yes, correct.

9 Q Okay. And he was placed in handcuffs and transported
10 down to the detective bureau?

11 A Yes, correct.

12 Q And when he was placed in the interrogation room, he
13 was still handcuffed; right?

14 A Yes.

15 Q And even though you did not talk to him for about 40
16 minutes or so, you said other officers kept popping in
17 because he kept wondering why am I here?

18 A Right, correct.

19 Q Okay. So none of those officers took the time to get
20 the Miranda for him and to say, hey, Bud, let me just
21 write -- let's just -- let's just take care of this right
22 now, let's get the Miranda form signed? None of them did
23 that?

24 A Nobody did, no.

25 Q Okay. And so, you come in about 40-some-odd minutes

JURY TRIAL

1 and you said you wanted to introduce yourself; right?

2 A Correct.

3 Q And your purpose was not to elicit any statements, is
4 that what you're saying?

5 A Yes, correct.

6 Q You just wanted to frame the -- the conversation?

7 A Absolutely.

8 Q So he was in custody for sure at that point; right?

9 A He absolutely was.

10 Q Okay, absolutely. And in your years of experience as
11 as detective, don't you think that it's possible that you
12 could just say something, whether it's -- that's going to
13 elicit a response, like, you did not think that, yeah, the
14 car that you were driving was involved in a homicide this
15 weekend? You expected no response from that whatsoever?

16 A No. I was just explaining it to him.

17 Q Okay. So you walked in, introduced yourself, started
18 to talk about why he was in there, but you did not
19 Mirandize him prior to saying anything at all about this
20 case?

21 A Right.

22 Q Okay. So at the time you are asking him -- you're
23 telling him about what's going on, he starts making some
24 comments. You could have gone, woah, stop this, listen,
25 let's fill out a Miranda form. You know, you've got

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1 things to say, I've got questions for you, let's go ahead
2 and sign this. You -- you did not stop him, you did not
3 get him to sign a Miranda waiver?

4 A No, I did not stop him.

5 Q Okay. And although you said you were not trying to
6 elicit questions, you were talking about a car that was
7 involved in a homicide; correct?

8 A That is correct.

9 Q Okay. All right. So the next thing that we have is
10 the -- that -- that indiscernible statement, correct, the
11 statement that he makes when he's sitting in the room?

12 A That's correct.

13 Q Okay. Your testimony is that he says something to the
14 effect of; right?

15 A Yes.

16 Q And that's because it's indiscernible what he actually
17 says?

18 A I don't think it was that indiscernible, but it -- you
19 can definitely tell it was "about to go to hell," and then
20 I think "bra" at the end of that.

21 Q Okay. And Judge Jefferson has this video so,
22 obviously, she can --

23 A Yes, absolutely. She would be able to --

24 Q -- weigh in on that herself. But you said that you
25 were monitoring this situation live, like, the -- the --

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1 the entire interrogation when you weren't in there.

2 A Right.

3 Q So you are aware that, earlier, he says something to
4 the effect of "hell, bra," several other times before?

5 A To my recollection, at this point, no, because I
6 refreshed with the bits that we have been looking at.

7 Q Okay. So you looked at the -- the little parts that
8 were targeted for this --

9 A Yes.

10 Q -- hearing? Okay.

11 MS. DOVELL: Judge, I beg the Court's
12 indulgence. I prepared a clip. And then, in my
13 preparation, or lack thereof, I did not -- I don't
14 recall getting the timestamp for it, but I would like
15 the Court to see --

16 THE COURT: Is it one of the timestamps that
17 Mr. Finch has already provided to me?

18 MS. DOVELL: No, Your Honor, it's not. It's
19 another part of the -- the --

20 THE COURT: Do you need time to figure out which
21 one it is?

22 MS. DOVELL: -- yes, Your Honor. I have the
23 clip. I just need to take a second to figure out
24 where it is in the -- in the video, that is.

25 (Pause.)

JURY TRIAL

1 MS. DOVELL: Judge, I think I found, like, an
2 approximate time of when this -- this statement was.

3 THE COURT: Okay.

4 BY MS. DOVELL:

5 Q So, Detective Sanchez, like we've talked about, the
6 whole thing was recorded; correct?

7 A Correct.

8 Q Evidence Reviewer is the -- the player that North
9 Charleston Police Department uses for its interviews;
10 correct?

11 A Yes, that's correct.

12 Q Okay. And Evidence Reviewer doesn't have timestamps
13 such that it keeps the time as the duration of the video,
14 it keeps time in realtime; correct?

15 A Yes, correct.

16 Q Okay. So after you had talked to Mr. Stanley
17 initially, he was alone by himself for another period of
18 time; correct?

19 A Yes.

20 Q Okay.

21 MS. DOVELL: And this statement is taken -- this
22 was not a statement that was taken. This is
23 something that my client says to himself, unprompted,
24 while sitting in the -- the interview room, Judge.
25 My computer is not hooked up with the HDMI, may I

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1 please borrow the State's laptop?

2 MS. GEARDING: Mm-hmm, the roving laptop.

3 MS. DOVELL: Yes. Do you have the external hard
4 drive?

5 MS. GEARDING: Yeah.

6 MS. DOVELL: Awesome. Thank you so much.

7 MS. GEARDING: No problem. There you go.

8 MS. DOVELL: Well, I have a hard drive. I just
9 don't actually --

10 MS. GEARDING: Do you need this to --

11 MS. DOVELL: -- I don't even have, like, a --

12 MS. GEARDING: Do you want this one?

13 MS. DOVELL: -- yes, yes, yes.

14 MS. GEARDING: Here you go.

15 MS. DOVELL: Thank you. And I need an HDMI cord
16 to hook it up.

17 MS. GEARDING: Take them both.

18 MR. FINCH: All right. It's like Best Buy over
19 here.

20 MS. DOVELL: Thank you for your patience, Judge.
21 And this is a very brief clip. If you need me to
22 replay it, I certainly will. But again, this is a
23 statement he's making by himself in the interview
24 room. The picture up here actually is about where he
25 is when the statement is made. It's just a -- it's

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1 just a clip of that. Judge, I need to play -- replay
2 this from the beginning because my computer is muted.
3 Okay. Here's the beginning.

4 (The video clip was played.)

5 MS. DOVELL: And, Your Honor, again, he's by
6 himself. He keeps saying, "Like hell -- hell, boy."

7 THE COURT: That is a part of what the State
8 identified. They indicated -- and in what they sent
9 to me pretrial that that is at 6:56:48 through
10 6:57:30. The State would only seek to play a small
11 portion of Mr. Stanley's statement when he is alone
12 in the room.

13 MS. DOVELL: Right. What their seeking is --

14 THE COURT: This is the same section, is it not?

15 MS. DOVELL: -- no, Your Honor, it's not. It's
16 different. It's before. It's probably about an hour
17 or so before that.

18 THE COURT: Okay.

19 MS. DOVELL: The State believes that Mr. Stanley
20 is saying "I'm going to hell, bra," or something like
21 that.

22 THE COURT: Mm-hmm.

23 MS. DOVELL: I think the only things that are --
24 you could really determine with accuracy what he says
25 might be "bra," because some people might interpret

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1 it "hell" as "jail." Some people might determine it
2 as "hell."

3 THE COURT: I don't know.

4 MS. DOVELL: But what I'm offering this for,
5 Judge --

6 THE COURT: Mm-hmm.

7 MS. DOVELL: -- is just to say, like, he's
8 making these kinds of comments the whole time. And
9 just because he mentions "hell" doesn't mean he's
10 saying "I'm going to hell."

11 THE COURT: I don't know. I have to hear it for
12 myself and see if it's -- you know, you all are
13 advocates. I'm objective.

14 MS. DOVELL: Yes, Your Honor.

15 THE COURT: Yeah, I'll have to listen to it
16 again. All right.

17 MS. DOVELL: Your Honor, would you like me to
18 make this a Court's Exhibit, or maybe wait 'til
19 tomorrow 'till I can --

20 THE COURT: I don't know. Are you seeking to
21 introduce it?

22 MS. DOVELL: -- just a Court's Exhibit for the
23 purposes of this hearing.

24 THE COURT: Why can't you just identify the time
25 and date stamp so that it will be included in what we

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1 already have?

2 MS. DOVELL: Okay. I will --

3 THE COURT: Because the State has been able to
4 time and date stamps, so I'm trying to figure out why
5 you're having a challenge.

6 MS. DOVELL: -- oh, because of the --

7 THE COURT: Or do you need their assistance with
8 it?

9 MS. DOVELL: -- no, Your Honor. It's a long --
10 it's a long interview. I can --

11 THE COURT: It is, but they have timestamps and
12 date. They're able to --

13 MS. DOVELL: -- they do.

14 THE COURT: -- yeah.

15 MS. DOVELL: Judge, this is my lack of
16 preparation. I'm falling on my sword here.

17 THE COURT: That's okay.

18 MS. DOVELL: Like, I found this and I just
19 didn't --

20 THE COURT: It happens.

21 MS. DOVELL: -- write down the timestamp.

22 THE COURT: Oh, well then, why don't you just
23 write down the timestamp and then that eliminates a
24 lot of confusion because then we only have one disc.

25 MS. DOVELL: Well, I don't exactly have the

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1 timestamp. I know right up kind of where it is.

2 THE COURT: I mean, I don't mean right this
3 minute. I mean --

4 MS. DOVELL: Tomorrow? I can get it to you
5 tomorrow, Judge. Thank you very much.

6 THE COURT: You're welcome. Now, the disk that
7 you gave me, Mr. Finch, does that only have these
8 sections you've indicated --

9 MR. FINCH: No. That is --

10 THE COURT: -- does it have the entire --

11 MR. FINCH: -- that is the entirety. So you --
12 you have different timestamps.

13 THE COURT: -- that's what I thought.

14 MR. FINCH: Yeah, you can jump around.

15 THE COURT: Okay. Because the State is only
16 seeking to introduce from 3:46:36 when the Detective
17 Sanchez comes into the room until 3:50:37, which is
18 about four minutes; and then from 6:50 to 6:57:30,
19 which is 7 minutes and 30 seconds.

20 MR. FINCH: And, Your Honor, to clarify that,
21 the second portion, that seven minutes includes just
22 the context for Your Honor to -- to see. So --

23 THE COURT: So tell me exactly what you -- would
24 be seeking what part of it would you be --

25 MR. FINCH: -- it would just be the very end

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1 when Mr. Stanley is by himself.

2 THE COURT: -- so what's the timestamp for that?

3 MR. FINCH: It is -- and that's approximately
4 six -- and this is a -- this is the time on there --
5 so 6:56 and 48 seconds p.m. through 6:57 and 30
6 seconds, so roughly 42 seconds. And --

7 THE COURT: So you're not seeking to introduce
8 any other portion of it?

9 MR. FINCH: Of -- of -- that second statement?

10 THE COURT: No, I need to know in totality --

11 MR. FINCH: Yes.

12 THE COURT: -- what are you trying to introduce?

13 MR. FINCH: It is the first at 3:46:36 --

14 THE COURT: Mm-hmm.

15 MR. FINCH: -- until approximately -- and I can
16 get the exact second, but I remember it was 3:50 and
17 30 seconds or so, 37. I said approximately because
18 of running time.

19 THE COURT: Mm-hmm.

20 MR. FINCH: But anyway, a couple -- within a
21 couple seconds of that.

22 THE COURT: Mm-hmm.

23 MR. FINCH: But just the gist is I got a call,
24 this is what I doing -- this is what I did -- this is
25 what I do with the car, and then she took it to do

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1 whatever she did.

2 THE COURT: But that was before he was
3 Mirandized.

4 MR. FINCH: That is correct.

5 THE COURT: Mm-hmm.

6 MR. FINCH: Yes. And again, the State's
7 position -- or the argument is --

8 THE COURT: I'm not taking arguments right now.

9 MR. FINCH: -- okay.

10 THE COURT: But I can give a heads-up, once he
11 was in handcuffs, he should have been given his
12 advising of rights.

13 MR. FINCH: Your Honor --

14 THE COURT: He wasn't free to go once he was in
15 handcuffs, and they were intended for anything he
16 said to inculcate him. So, yeah --

17 MR. FINCH: I'm just giving you the timestamps.

18 THE COURT: -- I'm just giving you a heads-up.

19 MR. FINCH: I appreciate it.

20 THE COURT: Mm-hmm.

21 MR. FINCH: And then --

22 THE COURT: So then, when -- what else are you
23 --am I correct when you say from 6:50 -- you're
24 seeking to introduce from 6:50 to 6:57:30?

25 MR. FINCH: -- no. That's for your --

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1 THE COURT: So tell me -- that's why -- that's
2 why --

3 MR. FINCH: -- your context if you want it.

4 THE COURT: -- I'm asking. So --

5 MR. FINCH: 6:56:48 --

6 THE COURT: -- you're seeking to introduce
7 3:46:36 through 3:50:37 --

8 MR. FINCH: Correct.

9 THE COURT: -- and 6:56:48 through 6:57:30?

10 MR. FINCH: Correct, within a couple of seconds.
11 I'll fine-tune it, but that should be enough for the
12 Court's edification.

13 THE COURT: And for what purpose are you seeking
14 to admit this statement?

15 MR. FINCH: The first part is his acknowledgment
16 and use of the car and -- and knowledge of -- of
17 certain things not disclosed and not even gone into,
18 not -- not brought up by anybody, so personal
19 knowledge of the events as a spontaneous statement to
20 Mr. -- to Detective Sanchez at the time. And then
21 the second was an admission or a statement against
22 interest. I've -- I've had several people listen to
23 it, and the consensus is from -- from the individuals
24 I've had -- and I've not told them anything about it,
25 just to listen to it -- was that "I'm going to hell,

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1 bra," and one person said "I'm going to jail, bra."

2 Those were the two. But -- but those were the two.

3 THE COURT: Again, my question is, for what
4 purpose are you seeking to introduce this?

5 MR. FINCH: Again, a statement against interest
6 and/or an admission, Your Honor.

7 THE COURT: How is that an admission?

8 MR. FINCH: It's an admission of guilt if you --
9 if you think you're -- if you think you're going to
10 jail, that's an admission of guilt, or it's -- if
11 it's "I'm going to hell," that is a -- an admission
12 against, you know, your moral -- your moral endgame.

13 THE COURT: I'm sorry. I missed your last
14 sentence. I was trying to read something from -- I
15 was trying to multitask and I was not successful.

16 MR. FINCH: I -- I can empathize.

17 THE COURT: So repeat that last sentence to me,
18 and I apologize.

19 MR. FINCH: It would be a statement against --

20 THE COURT: I got that far --

21 MR. FINCH: -- interest as to --

22 THE COURT: -- it's a statement against
23 interest.

24 MR. FINCH: -- right.

25 THE COURT: Mm-hmm.

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1 MR. FINCH: -- and as -- and so, if it's a --
2 clearly, if it's "I'm going to jail" an admission or
3 a statement of consciousness of guilt. If it's "I'm
4 going to hell," it's the same consciousness of guilt,
5 in fact, a moral consciousness of guilt and
6 understanding of, perhaps, the -- the bigger
7 punishment.

8 THE COURT: So that I'm clear --

9 MR. FINCH: Yes.

10 THE COURT: -- the only thing you're seeking to
11 introduce is the first part where you're saying he
12 makes statements before he's Mirandized, and the
13 statements when he is in the room by himself after
14 he's Mirandized?

15 MR. FINCH: That's correct.

16 THE COURT: So why would his statements that he
17 makes after he's Mirandized not be admissible,
18 Ms. Dovell?

19 MS. DOVELL: Well, Your Honor, like, he's just
20 making a statement talking to himself. I think my
21 bigger concern is that it's its open to --

22 THE COURT: But once they put you on notice that
23 anything you say can and will be used against you, it
24 doesn't -- it doesn't have those like conditions,
25 precedent or subsequent that it has to be in the

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1 presence of somebody. And that's why people
2 shouldn't talk when they're in the backseat of a
3 police car, but they do anyway, not recognizing
4 everything they're saying is being recorded. That's
5 when people make the most inculpatory statements,
6 especially when you've got two of them in the back
7 seat together. We all know the police do that to
8 deliberately --

9 MS. DOVELL: I understand, Your Honor.

10 THE COURT: -- because people get paranoid and
11 they start talking about all kinds of things and, you
12 know, once they're in handcuffs. That doesn't make
13 it inadmissible.

14 MS. DOVELL: Right. But I think we also have to
15 talk about relevancy as well. Just because he's in
16 there mumbling things doesn't make it relevant.
17 Doesn't make it probative.

18 THE COURT: Yeah, it tap dances on the line of
19 consciousness of guilt.

20 MS. DOVELL: And if it's --

21 THE COURT: People don't generally say I'm going
22 to jail or hell unless they think they've done
23 something.

24 MS. DOVELL: But that's not what he said.

25 THE COURT: I don't know. I have to listen --

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1 MS. DOVELL: We don't know what he said.

2 THE COURT: -- I have -- well, I don't know.

3 That's for the jury to decide. I'm going to listen
4 to it again and see how clear it is.

5 MS. DOVELL: And that's my concern, Your Honor,
6 is that it could be interpreted one way --

7 THE COURT: Could you play it right now,
8 Mr. Finch?

9 MS. DOVELL: Sure.

10 MR. FINCH: I can use Ms. Dovell's --

11 THE COURT: The 6:56:48 to 6:57:30.

12 MR. FINCH: I apologize, Your Honor. The limits
13 of the system is this little toggle does not like
14 fine-tuning, so I'm going to do it this way. All
15 right. It's playing now, Your Honor.

16 (The video clip was played.)

17 THE COURT: Yeah, I need you to turn up the
18 volume so I can hear.

19 MR. FINCH: I have it up as high as it will go
20 here. I'm just pausing to see if it can go up any
21 higher.

22 (The video clip was paused.)

23 THE COURT: Mm-hmm.

24 MR. FINCH: I found the best way to listen to it
25 when it was on my laptop was to use ear buds. I'll

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1 try playing it now and see how the volume is for you,
2 Your Honor.

3 (The video clip resumed playing.)

4 MR. FINCH: Can you hear it at all? It sounds
5 like it's just coming through the laptop for some
6 reason.

7 (The video clip was paused.0

8 THE COURT: Are you all hooked up to the court
9 system?

10 MS. DOVELL: Yes, Judge.

11 MR. FINCH: Where's the HDMI?

12 MS. DOVELL: It's over here on the table.

13 MR. FINCH: In this moment, I mean, what we
14 could do is bring the laptop up to you and you can
15 listen to it.

16 THE COURT: I mean, you've got to figure this
17 out because if you want to introduce this in the
18 presence of the jury, you can't bring the laptop up
19 to them.

20 MR. FINCH: Oh, no, no, no. Yeah, this is --

21 THE COURT: So we need to figure this out now --

22 MS. DOVELL: And I think that underscores --

23 THE COURT: -- how it's going to be played and
24 how are we going to be able to hear it.

25 MS. DOVELL: Is there anything on the controller

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1 up there?

2 MR. FINCH: Should I try to put in this outlet?

3 MS. DOVELL: Might as well.

4 MR. FINCH: There's no signal. Is there a
5 signal now?

6 THE COURT: Yeah, there's a signal.

7 (The video clip resumed played.)

8 (The video clip was paused.)

9 MR. FINCH: Now, that's at 6:56:48?

10 MS. DOVELL: That's what it says.

11 MR. FINCH: Okay. We went -- somehow we went
12 past it when we were trying to get the sound working.

13 (The video clip resumed played.)

14 THE COURT: Please don't have any -- if there is
15 any reaction from the gallery --

16 (The video clip was stopped.)

17 THE COURT: -- I'm going to empty this
18 courtroom.

19 MR. FINCH: That's it, Your Honor.

20 THE COURT: That's the 6:56:48 through 6:57:30?

21 MR. FINCH: Yes, Your Honor.

22 THE COURT: It sounds pretty clear to me.

23 MS. DOVELL: Judge, I don't think it his reading
24 the search warrant actually has anything to do with
25 this at all.

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1 THE COURT: I don't think it matters what was
2 the catalyst of the statement. The statement was
3 made. He was Mirandized.

4 MS. DOVELL: I still don't think it's
5 discernible.

6 THE COURT: And even more importantly, it's a
7 spontaneous statement that is not in response to any
8 questioning by the police. So I don't even know
9 that -- I think Miranda would apply because he's in
10 custody. He's not free to leave, he's been
11 handcuffed. But once you make a spontaneous
12 statement that's not in response to questioning, I
13 think it's fair game. And it is consciousness -- it
14 does evince consciousness of guilt when someone says
15 "I'm going to hell." And I don't mean to be, you
16 know, profane.

17 MR. FINCH: Understood, Your Honor.

18 MS. DOVELL: Right.

19 THE COURT: I'm just repeating -- well, you
20 know, hell is in the Bible. Hell is common parlance.
21 I don't think hell is profane but, nevertheless, I
22 don't want to offend anyone and I don't want anybody
23 to think I'm being lip. I'm merely repeating what's
24 in the video. But I -- I -- I think that we're in
25 pretty clear territory if somebody says that, that

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1 that could be an inference of consciousness of guilt.

2 MS. DOVELL: Your Honor, I just don't think that
3 it's very clear at all, and I think that it's going
4 to be confusing to the jury.

5 THE COURT: Its clear. I was listening. It was
6 clear as a bell. I didn't here "jail." I heard
7 "hell." If you want to argue he said something else,
8 that's fine.

9 MS. DOVELL: It's not the hell part so much that
10 I -- I'm concerned about, it's the part leading up to
11 it. I don't think he's saying "I'm going to hell,
12 bra."

13 THE COURT: That's what I heard.

14 MS. DOVELL: It's not what I have heard.

15 THE COURT: I'm not debating it.

16 MS. DOVELL: Okay.

17 THE COURT: I've ruled.

18 MS. DOVELL: Thank you, Judge.

19 THE COURT: I'll note your exception for the
20 record. The rest of it, however, is off limits. He
21 was in handcuffs, he should have been Mirandized.
22 It's just that clear. Whenever you put somebody in
23 handcuffs, that means my custody -- that means my
24 freedom of movement is restrained, that means I'm
25 contemplating arresting you, that means I'm going to

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1 question you about things that I want you to
2 inculcate yourself about.

3 MR. FINCH: I understand the Court's ruling, and
4 I'm not arguing with your ruling. If I could just
5 made for the record, the State's position was -- and
6 the reason to seek to introduce this was -- there's
7 no question, there's no doubt, from the State's
8 perspective that he was in custody. That we -- we
9 conceded that point.

10 THE COURT: It's different when you're asking
11 someone's name, they're address, their birth date,
12 things like that. Those things out tend to be
13 inculpatory. But when you know a particular vehicle
14 was involved in an incident and you've been in to ask
15 them about certain things, you initiate
16 conversations, whether the conversation that flows
17 after the initiation is spontaneous, a better course
18 of action.

19 MR. FINCH: Again, I understand and respect the
20 Court's ruling. If I may just --

21 THE COURT: I'll watch it again overnight and
22 see if my opinion changes, but I -- I -- oh, no, not
23 about the other statement. I'm -- I'm done with
24 that. I'm dealing with I'm dealing with 3:46:36
25 through 3:50:37 where he makes other statements about

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1 the vehicle and otherwise where he's handcuffed and
2 he is in -- and, sir, I'm -- I'm going to just say
3 this, and I need you to really take it to hear what
4 I'm saying. It's a very small space, voices carry.
5 Even though you think you're whispering to your
6 attorney, when you make certain comments in the
7 presence of other people, you do what we call you
8 vitiate privilege, which means anybody that overhears
9 it can repeat what you said. So you might want to
10 wait 'til you're in a more confidential environment.
11 And if you need a notepad to write on, you might want
12 to take advantage of that and write down -- you know,
13 I'm the kind of person when I have a thought, I need
14 to write it down because I think I'm going to
15 remember it later, but it might be three days later
16 before I remember it again because I've just got a
17 lot on my plate.

18 So if you feel like it's something, like, really
19 important to you that you want to make sure your
20 lawyers know about, make use of that notebook. You
21 know, write little things to yourself that are going
22 to trigger your memory so that when you're talking to
23 them alone you can then reinforce those concepts or
24 those thoughts or -- and I think the lawyers will tell
25 you that I'm very liberal about things. So if you

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1 feel that you need to take a break, you know, like
2 it's urgent -- it's so urgent you don't think you're
3 going to remember and you want to take a break to talk
4 to your attorneys, you just need to tap one of them
5 and let them know that so that we can take you into an
6 environment where no one can overhear you. Because if
7 you make any statements in here that inculcate you and
8 anybody in here hears it, you open yourself up to
9 somebody else being able to testify about what you
10 said. It becomes what we call an admission against
11 interest. Okay?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: So I need you to -- I just need you
14 to be aware of that. all right? Okey-doke. Now,
15 what were you about to tell me?

16 MR. FINCH: Thank you, Your Honor.

17 THE COURT: Mm-hmm.

18 MR. FINCH: I was just finishing my framing of
19 the argument from the State. Again, respecting and
20 understanding the Court's reasoning to this point,
21 and understanding that you're going take a look at it
22 overnight -- and, of course, we appreciate that --

23 THE COURT: And you know, we're all tired. It's
24 5:47. I recognize when I'm running out of steam and
25 I need to give myself time to renew my mind and look

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1 at things with, you know, a clear head.

2 MR. FINCH: -- fair enough. Thank you.

3 THE COURT: And I get here early in the morning.
4 I'll have enough time to look at it.

5 MR. FINCH: And so just --

6 THE COURT: Actually, I have a pleading in the
7 morning at 9:00. I meant to tell you all that.

8 MR. FINCH: Oh.

9 THE COURT: Isn't tomorrow Thursday?

10 MR. FINCH: Yes.

11 MS. DOVELL: Yes, it is.

12 THE COURT: They promised me that we're going to
13 be done by 9:30. It's a negotiated plea.

14 MR. FINCH: Okay." But just that understanding
15 what -- conceding the point that he is in custody and
16 understanding your -- your statement about that
17 earlier. But -- but, obviously, the State's position
18 -- well, not obviously -- but the State's position is
19 Miranda does apply when somebody's in custody and
20 they're subject to express questioning or it's
21 functional equivalent. And the argument from the
22 point of the State is, Mr. Sanchez's efforts to
23 communicate the reasoning for the questioning and the
24 reason for the eventual questioning and the reason
25 for the detention was to answer Mr. Stanley's

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1 pre-Miranda questioning, which pre-Miranda
2 questioning by a defendant is not subject to -- to
3 the protections of Miranda because it's --

4 THE COURT: It depends. It depends on what the
5 scope of the questioning is.

6 MR. FINCH: -- well, it's -- it's Miranda
7 applying, though, to the interrogations initiated by
8 officers. And I'm -- I'm going -- I believe it's
9 U.S. v Ivy --

10 THE COURT: Yeah, it's just a better practice,
11 and officers just need to get into the practice.
12 Once you put somebody into handcuffs, you need to
13 Mirandize them. It's five sentences.

14 MR. FINCH: -- I understand. And again, just --
15 just giving you the argument for your later
16 consideration is that --

17 THE COURT: Mm-hmm.

18 MR. FINCH: -- and I'm going off my memory. I
19 believe that was U.S. v Ivy. It's a 2022 or '23 U.S.
20 Supreme Court case that discusses that pre-Miranda
21 questioning by a defendant because it is not
22 instigated by law enforcement. That's the -- the end
23 of the argument at this stage, Your Honor. I
24 appreciate you giving us the time.

25 THE COURT: No worries. Yeah. And like I said,

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1 when my mind is rested, I'll-- I'll listen to it
2 again in the morning. Ms. Dovell, is there anything
3 further you wanted to add to the record?

4 MS. DOVELL: Yes, Your Honor, I will send that
5 timestamp to you for the -- and to everybody -- for
6 the purposes of the Court's Exhibit. I'll look that
7 up. I also wanted to ask Judge that, I know you
8 you've ruled, but when the statement is admitted to
9 the jury, would you please allow the jury to hear the
10 statement first without somebody --

11 THE COURT: Well --

12 MS. DOVELL: -- interpreting it?

13 THE COURT: -- well, this is what -- and that
14 raises a legitimate point. Audios, videos, pictures
15 are all self-authenticating. They require no
16 annotation. They say what they say. You don't get
17 to say -- you don't get to play a video and then have
18 somebody else say -- and ask the question, well, what
19 are they say. If it's inaudible, I mean, you get the
20 good with the bad. It is what it is. It doesn't get
21 annotated. So I think that resolves that issue. And
22 I would assume that you're cognizant of that and you
23 would not be seeking to ask him what was said.

24 MR. FINCH: Oh, absolutely, Your Honor. And I
25 think, though, it is- it is ripe for a closing

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1 argument.

2 THE COURT: I think you can say what you think
3 he said.

4 MR. FINCH: Yes.

5 THE COURT: Because that's argument and that's
6 advocacy and --

7 MR. FINCH: Sure.

8 THE COURT: -- you know, the jury knows that
9 you're going to argue what the evidence you believe
10 supports the elements of the offense. I think that's
11 fair game. But I don't think somebody else gets to
12 watch a video and say, well, you know -- and it
13 happens all the time and people let it slide. And I
14 think sometimes people forget I'm just the umpire. I
15 call balls and strikes. If you all let it slide, I
16 assume there's a reason you've done that it
17 strategically that you're not saying anything. But
18 when, you know, you're playing stuff and you stop it
19 and, what was going on right here and what were they
20 saying to you, and people let it go on. I don't
21 insert myself. I feel like if there's some strategic
22 reason you're allowing it to go on, I --

23 MR. FINCH: I can assure you --

24 THE COURT: -- yeah, I don't think I get to say
25 hold on, no, I don't object. Not my job.

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1 MS. GAY: And, Your Honor --

2 THE COURT: Yes, ma'am?

3 MS. GAY: -- this brings -- this is an issue
4 with Mr. Finch and I because, you know, he has these
5 people that are going to be looking at pictures and
6 things and saying -- well, one that we did,
7 Mr. Saunders, in the pretrial, oh, yeah, that could
8 be him. Well, it might not be.

9 THE COURT: Well, that's a little different.

10 MS. GAY: I know.

11 THE COURT: It's not analogous to what we're
12 talking about.

13 MS. GAY: Well, this is. If -- if he tries to
14 ask that witness to look at the video that was from
15 September 15th and say does it look like this is the
16 same person to you --

17 THE COURT: I don't know.

18 MS. GAY: -- that -- I don't think that's
19 appropriate.

20 THE COURT: I think you've got to make a
21 contemporaneous objection and I have to hear what --
22 you know, if I were clairvoyant or if I could look
23 into the future and know what's going to happen and
24 know how people are going to say it, I --

25 MS. GAY: What I'm extrapolating --

JURY TRIAL

1 THE COURT: -- I -- I just have to --

2 MS. GAY: -- is that --

3 THE COURT: -- we'll cross that bridge when we
4 to come to it.

5 MS. GAY: -- well, what I'm extrapolating is, is
6 that the people can't put their opinion into the
7 video.

8 THE COURT: I think you've got to make a
9 contemporaneous objection.

10 MS. GAY: Well, I don't want him to do it.

11 THE COURT: Once people say what they say, and
12 we'll take it from there.

13 MS. GAY: Yes, ma'am, I will.

14 THE COURT: Because in my experience, even when
15 you have an in-camera hearing and it's lengthy and
16 people say this is what they're going to testify to
17 and then we get in front of the jury and they say
18 something totally different, which may sometimes have
19 changed my ruling is -- but, you know, it is what it
20 is. It's human behavior. I mean, I -- I don't think
21 it's something intentional. I just think that's the
22 way it happens lots of times. So I just think we
23 have to cross that bridge when we get to it.

24 MS. GAY: Yes, ma'am.

25 THE COURT: All right?

JURY TRIAL

1 MR. FINCH: Thank you, Your Honor.

2 THE COURT: Okey-doke. Is there anything
3 else -- are there any other issues that are going to
4 come up with this witness tomorrow that we need to
5 address now in terms of testimony so that we don't
6 have to send the jury in and out?

7 MR. FINCH: I'm just going to go through the
8 ALPR and the ID.

9 THE COURT: You all want to huddle to make sure?

10 MR. FINCH: Yeah, that's what we're doing right
11 now.

12 (Discussion among counsel.)

13 MS. GAY: Judge Jefferson, is it okay if we
14 leave or --

15 THE COURT: I thought you all were huddling to
16 see if we needed to ask anything further of this
17 witness.

18 MR. FINCH: I don't think we do. I don't think
19 there's anything that -- that we would have to send
20 the jury out for.

21 THE COURT: Okay. I'm just trying to make sure,
22 because I don't want to have to send them in and out
23 again if we have -- if we can utilize the time to
24 deal with it right now.

25 MR. FINCH: Oh, yeah, understood.

JURY TRIAL

1 MS. DOVELL: And, Judge, I have to think about
2 it overnight. I think that Mr. Finch wants to admit
3 testimony about ALPR camera footage and, you know,
4 I'm always thinking about hearsay and laying the
5 proper --

6 THE COURT: It's not hearsay. It's
7 non-testimonial. When the government takes -- Big
8 Brother records your license plates, it's one of
9 those prices you pay for traveling on the public
10 roads of any state. It's a database that's kept in
11 the ordinary course of business. They delegate their
12 authority to the local authorities to have use of it.
13 I think there's plenty of United States Supreme Court
14 precedent and South Carolina precedent on it. It's
15 non-testimonial. It's probably going to come in.

16 MS. DOVELL: Thank you.

17 THE COURT: And it shows your client traversing
18 certain streets.

19 MS. DOVELL: Well, it's just a car, but not my
20 client.

21 THE COURT: Well, a car still is a car. It's
22 the car the State contends was involved. They've
23 already shown a car, I would assume, of this same
24 make and model in the vicinity of where this took
25 place. I think it's going to be fair game.

JURY TRIAL

1 MS. DOVELL: Thanks, Judge.

2 MR. FINCH: Thank you, Your Honor.

3 THE COURT: You're welcome. But you all chat
4 about it to see if there's an issue because I need to
5 deal with it now before we go home. Now, do I still
6 need 107?

7 MR. FINCH: I'm sorry?

8 THE COURT: Do I still need 107 from you?

9 MR. FINCH: Can I see what it is?

10 THE COURT: Yeah. It's the Santawn Facebook
11 video.

12 MR. FINCH: I sent you this Facebook video. No.
13 I --

14 THE COURT: Wait a minute. We're still in
15 session.

16 MR. FINCH: -- no, you don't need it. I could
17 use it.

18 THE COURT: You can have it back.

19 MR. FINCH: Yes. Thank you.

20 THE COURT: Now, do I need the Ravenell clip?

21 MR. FINCH: That is -- that was for the -- his
22 ID. No, I don't believe we need it anymore. Thank
23 you very much.

24 THE COURT: You're welcome. I'm trying to clean
25 my work space.

JURY TRIAL

1 MR. FINCH: It's funny you say that, because
2 that -- that was a whole other issue with somebody
3 else earlier.

4 THE COURT: All right. Is there anything else
5 we need to take up with this witness that we need to
6 take up *in camera* before we adjourn for the evening,
7 from the State?

8 MR. FINCH: No, Your Honor.

9 THE COURT: From the Defense, Ms. Dovell?

10 MS. DOVELL: No, Your Honor.

11 THE COURT: And from the Defense, Ms. Gay?

12 MS. GAY: Still arguing about cutting the police
13 officer out of those pictures, but I don't --

14 THE COURT: Well --

15 MS. GAY: -- that's something different next
16 witness.

17 THE COURT: -- it's going to be introduced
18 through the officer that was there.

19 MS. GAY: Yeah, not this witness. Exactly. But
20 we've got to bring them up, the picture, correctly.

21 THE COURT: I think you can ask him in cross,
22 was my client being arrested? No. Was he involved
23 in what was going on? No. You know, I was at the --
24 I was at the dollar -- I just think that it is not as
25 big a deal as you think. I was at the dollar store

JURY TRIAL

1 one day, and I saw this mass exodus go out of the
2 store because somebody was being arrested at Publix
3 across the parking lot, and every young person in
4 that store ran out with their phone to Facebook Live
5 it. I was astounded. I thought --

6 MS. GAY: Well, I just would prefer there not to
7 be a picture of a police officer.

8 THE COURT: -- I -- no, but people are -- oh,
9 yeah, yeah, they were -- who do you think was
10 affecting the arrest? The police officer at the
11 Publix, and they all ran across the street to go
12 Facebook Live it like they were, like, mini
13 commentators.

14 MS. GAY: The world is a crazy place. -

15 THE COURT: And I was absolutely -- I thought,
16 well, what in the world was this mass stampede out of
17 the store. Well, then, I go outside to my car and
18 there's something going on. And even more to the
19 point, I was at a business and a murder occurred at a
20 gas station next door. I witnessed a woman pull into
21 a parking space, leave her young children in the car
22 with the car running to go Facebook Live it.

23 MS. GAY: That's crazy.

24 THE COURT: Her teenage child had to get out of
25 the back seat to make sure that the car was not in

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1 gear and to make sure that the other children were
2 secured. And so, this is a sign of our times. This
3 is not, like, something unusual that a young person
4 would be --

5 MS. GAY: No, not at all.

6 THE COURT: -- in the vicinity of the police
7 while they are effecting an arrest of someone else.
8 And I really don't see how that reflects poorly on
9 either of the defendants. It's just a sign of where
10 we are when it comes to -- to social media. You
11 know, it's like we've got these mini folk that are,
12 like, little minor celebrities, Facebook and, you
13 know, they've got their own following and -- I don't
14 know. We'll cross -- I mean, let's look at it and
15 see. If we have to take it up *in camera*, we can.

16 But I guess the whole point of my observation is
17 that -- you know, I really don't use social media, so
18 I'm probably the least person, you know, to be -- to
19 be considered an expert on its use. But it's so
20 pervasive, and people or so used to it, I just don't
21 see anybody holding it against him. He's young,
22 somebody's getting arrested. I mean, they're going to
23 -- you know, they're mesmerized by it, especially
24 since it's his cousin. Now, I don't know that -- I
25 think that you are -- you will be able to neutralize

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1 it if you needed to, because sometimes when you redact
2 things from photos, it has the exact opposite effect,
3 because then the jurors are wondering, well what are
4 they -- what -- what can't I see, why is this blacked
5 out, you know, why is -- and where is he? You know,
6 because those are the questions I get once the jury
7 starts deliberating. You know, we got exhibit number
8 -- well, where was he at? You know because they --
9 sometimes they think they're minor Inspector Gadgets.
10 They ask me all kinds of questions, factual questions
11 that, as lawyers, we don't see because we have a
12 methodology in our thinking that the average layperson
13 does not think like us.

14 So their thought process is, well, where were
15 they, what were they doing, where is this picture at?
16 Oh, I noticed on such-and-such this might be the
17 corner of so-and-so, is that where they're at? And
18 then, we have to then respond by saying we can't
19 answer factual questions. Now, that leaves, like,
20 this sort of a nebulous thought going on in their
21 heads, which really is not appropriate for them to be
22 considering. So its -- it's a delicate balance that,
23 you know, that we need to come to. So you all -- you
24 all look at it again and see if you can figure it out.

25 Sir, you've been indulgent. We appreciate your

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1 patience. You can step down. I need you return in
2 the morning by 9:30. Just please don't discuss your
3 testimony with anyone.

4 THE WITNESS: Yes, Your Honor.

5 MS. DOVELL: Your Honor, may I say one thing?

6 THE COURT: Sure.

7 MS. DOVELL: My understanding is Santawn Stanley
8 is not my client's brother. Santawn Stanley is a
9 cousin.

10 THE COURT: Okay, perfect.

11 MS. DOVELL: I just wanted to make sure
12 everybody understood that.

13 THE COURT: Yeah, we need to get all these
14 familial relationships correct. All right, guys.

15 MS. DOVELL: Just making sure.

16 THE COURT: You all have a good evening. You
17 can leave what you don't need in here. The room will
18 be locked.

19 MS. DOVELL: Thanks, Judge.

20 THE COURT: Get some rest. I'll see you all in
21 the morning.

22 (The proceedings were adjourned
23 until 9:30 a.m. October 31,
24 2024.)

25 October 31, 2024

JURY TRIAL

1 THE COURT: Ms. Dovell, I'll be glad to hear
2 from you. We received your e-mail on last night.

3 MS. DOVELL: Thank you very much.

4 THE COURT: Actually -- yeah, 6:40.

5 MS. DOVELL: Thank you very much, Judge. When I
6 returned to my office last night, I was made aware of
7 media coverage from Live5News regarding this trial.
8 And, first of all, I want to start off by saying I am
9 a firm believer in open courtrooms and media access,
10 but a lot of what was reported was -- was somewhat
11 inaccurate. And what was troubling the most to me
12 was that booking photos of my client and of Kassiem
13 Mitchell was shown along with a scrolling arrest
14 record from the county jail next to their photos. My
15 main concern is not that I think that any of the
16 jurors would ever intentionally seek out this
17 information, but because media is so pervasive -- you
18 can get it on TV, on-line. If you've got one of
19 those Live5 apps, you don't even ask for it, they
20 just send you notification about news and whatever it
21 is.

22 My concern is that, inadvertently, a juror may
23 -- or jurors may have come in contact with this
24 information, and I just don't see how anybody could be
25 fair and impartial after hearing about things that

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1 have been excluded in trial. And I know the reporters
2 are not attorneys, but the -- the reason for the
3 exclusions is not necessarily accurate. Yes, things
4 are prejudicial, but they're prejudicial because
5 they're irrelevant. And I think that that's my -- my
6 main concern, Judge. I would ask Your Honor to please
7 voir dire the jury and let's see if anybody on the
8 jury has had any contact with -- with any of this
9 information. And, if so, I'd ask you -- the Court to
10 please voir dire them individually outside the
11 presence of the whole jury so that they --

12 THE COURT: Not to eclipse what you're telling
13 me, but what I -- I saw the account that I shared
14 with you all at the bench that when -- and I assume
15 you're joining in that motion, Ms. Gay.

16 MS. GAY: Yes, I'm joining in the motion.

17 THE COURT: I -- as parents will do, my father
18 promptly told me I was on the news last night and --
19 because he knows I don't watch the local news. And
20 so, I looked it up myself last night when I got home
21 and I saw it. And I -- I saw what you're referring
22 to, the way they depicted it, and also made reference
23 to bond revocations as well as, basically, chronic
24 record -- my words, not theirs. I think the way they
25 said it was a repeated violations of law, in spite of

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1 their bonding requirements. So the procedure that
2 has been mandated by the Supreme Court is what I will
3 do, is when the jury is brought in, I will ask them,
4 you know, it has come to my attention that there have
5 been media reports regarding this case. You've been
6 instructed not to read, watch, or, listen to any
7 accounts, and I need to ask, has any member of the
8 panel either directly or indirectly -- well, I mean,
9 the better use of words would be, has anybody been
10 exposed to any media coverage regarding this case,
11 whether it be newspaper, radio, television, or
12 Internet.

13 And if nobody raises their hands, that's the end
14 of the inquiry. If someone does, then I would have to
15 individually voir dire each to determine if they can
16 remain fair and impartial as a result of that
17 exposure. If they tell me yes -- because the
18 barometer is not -- the law recognizes that,
19 inadvertently, people will come in contact with the
20 media. They're not isolated. They're not living in a
21 silo where they don't see or hear things. And even
22 inadvertently without you seeking it out, things can
23 come within the ambit of your attention. But the key
24 is, you know, as a result of what you've watched, have
25 you formed a fixed opinion and can you still remain

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1 fair and impartial.

2 So there is there any exception to us proceeding
3 in that way, from the State?

4 MR. FINCH: No, Your Honor.

5 THE COURT: Ms. Dovell?

6 MS. DOVELL: No, Your Honor.

7 THE COURT: Ms. Gay?

8 MS. GAY: No, ma'am.

9 THE COURT: Please bring the jury for me. And
10 who is the State's first witness going to be?

11 MR. FINCH: We're going to resume with Michael
12 Sanchez.

13 THE COURT: And then -- and then, who is after
14 him?

15 MR. FINCH: Jerome Descheers.

16 THE COURT: And is Mr. Sanchez present?

17 MR. FINCH: He is.

18 THE COURT: Bear with me just one second, sir.

19 MR. FINCH: I was just going to ask, have you
20 made a ruling on the admissibility of the statements
21 by the defendant?

22 THE COURT: I don't think we finished hearing
23 the testimony yet, have we?

24 MR. FINCH: What's that?

25 THE COURT: Did we finish -- oh, I've got to

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1 watch that thing again. I'm sorry, guys. For you
2 all who don't know, traffic was horrendous this
3 morning. I left my house at 8:05. I live exactly
4 four miles from here. I did not get to the
5 courthouse 'til 9:25. And so -- and Ms. -- I don't
6 know if you all had a chance to speak with
7 Ms. Chilcote, she had to -- she got here at 9:26.

8 MR. FINCH: Yeah.

9 THE COURT: She got here, like, a minute after
10 me. Some of the jurors had the same challenge. My
11 court reporter had the same challenge. So after we
12 do this, if you all would indulge me, I'll get my
13 secretary to bring the -- well, actually, the only
14 thing I needed to decide about was the statements
15 before he was Mirandized --

16 MS. DOVELL: Yes.

17 MR. FINCH: Correct.

18 THE COURT: -- and the statements after.

19 MR. FINCH: Three or four minutes.

20 THE COURT: And I think I pretty much told you
21 all what I was going to do. But I just need to watch
22 that first one again, and if you all could indulge me
23 to do that, I would appreciate it --

24 MR. FINCH: Yes.

25 THE COURT: -- and then I'll rule on it.

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1 MR. FINCH: Okay. Thank you, Your Honor.

2 THE COURT: You're welcome.

3 MS. DOVELL: Thank you, Judge.

4 THE COURT: Thank you. And you did say you were
5 able to locate Mr. Scott; correct?

6 MR. FINCH: Yes, ma'am. He's my -- I believe
7 he's upstairs in the conference room right now.

8 THE COURT: Okay.

9 (The jury entered the courtroom.)

10 THE BAILIFF: All jurors are present, Your
11 Honor.

12 THE COURT: You may be seated. Good morning,
13 ladies and gentlemen. It has come to my attention
14 that there has been media coverage regarding this
15 case, both potentially -- well on the television,
16 certainly, but probably likewise on the Internet as
17 well. I need to -- as you all know, I've instructed
18 you not to read, watch, or listen to any media
19 accounts about this case, whether it be on the radio,
20 television, Internet or in the newspaper. I need to
21 ask, is there any member of the panel who has been
22 exposed to any media coverage regarding this case?
23 If so, I would ask that you stand. Let the record
24 reflect that there was a negative response from the
25 panel. Is the State ready to proceed?

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1 MR. FINCH: Yes, Your Honor.

2 THE COURT: Is the Defense ready to proceed, Ms.
3 Dovell?

4 MS. GAY: Yes, Your Honor.

5 THE COURT: Ms. Gay?

6 MS. GAY: Yes, ma'am.

7 THE COURT: Officer Sanchez, if you would retake
8 the stand for me, please. I'll remind you that
9 you're still under oath. And, Mr. Finch -- could you
10 all approach for me right quick?

11 (Bench conference off the
12 record.)

13 THE COURT: Mr. Finch, you may proceed.

14 BY MR. FINCH:

15 Q Good morning Mr. Sanchez.

16 A Good morning, sir.

17 Q When we left off yesterday, we were talking about
18 video that you had -- other video that you had collected,
19 some phone records, as well as some Facebook account
20 records. I want to ask you about -- well, you've done
21 some search warrants for some Facebook accounts and based
22 on information you took from Mr. Heyward's phone; is that
23 correct?

24 A Yes, that's correct.

25 Q And then, subsequent to that, your investigation lead

JURY TRIAL

1 you to inquire about other Facebook accounts; is that
2 correct?

3 A Yes, that's correct.

4 Q And I think you said yesterday you had subpoenaed
5 multiple, but then sort of focused in on two?

6 A Yes.

7 Q And, likewise, Facebook returned some records pursuant
8 to your -- there was a certification included?

9 A Yes, they did.

10 Q If you could take a look at State's 160 and let me
11 know if you recognize that document.

12 A This is, again, a Facebook certification of
13 authenticity for domestic records, once again certifying
14 that the account number, [REDACTED], all the content
15 that they turned over, and that it was collected as
16 regular conduct activity -- as a regular practice of
17 Facebook.

18 Q And they sent, then, along with that some -- some
19 various records?

20 A Yes, that's correct.

21 Q That would include the registered information that
22 would have phone numbers or e-mail addresses that are used
23 to set up the account?

24 A Yes, that's correct.

25 Q As well as IP addresses and all that stuff that they

JURY TRIAL

1 need to activate an account?

2 A Correct.

3 Q I'm going to show you what's been marked for ID
4 purposes as State's 161. If you could take a look at that
5 document.

6 A Okay.

7 Q Is that the subscriber information for the account
8 ending in 4570?

9 A Yes, that's correct.

10 Q If you look through that -- oh, pardon me -- is it a
11 fair and an accurate representation of the records
12 provided by Facebook?

13 A It is.

14 MR. FINCH: Your Honor, at this time, the State
15 would move for the admission of State's 161 into
16 evidence.

17 (Plaintiff's Exhibit 161 was
18 moved for admission into
19 evidence.)

20 THE COURT: Any objection?

21 MS. DOVELL: No, Your Honor.

22 THE COURT: Marked and admitted without
23 objection.

24 (Plaintiff's Exhibit 161 was
25 admitted into evidence.)

JURY TRIAL

1 BY MR. FINCH:

2 Q If you -- who is that -- what's the e-mail address
3 that's attached to that?

4 A The -- there are three e-mail addresses that are
5 attached to this, the first one being latrellstanley@
6 --latrell.stanley@yahoo.com. The second one is
7 swagstanley@yahoo.com. And then the third one of
8 latrell.stanley@facebook.com.

9 Q And on the second page of that document, about two
10 thirds of the way down, are there cell phones affiliated
11 with the account?

12 A Yes.

13 Q Is one of those [REDACTED]-1405?

14 A Yes, that's correct.

15 Q And is that a certified phone?

16 A Yes, it is a verified phone.

17 Q Verified as to what date?

18 A It was verified on April 16th, 2019, at 21:49 UTC.

19 Q 4/16/19?

20 A Yes, that's correct -- oh, no, 5/16, I apologize.

21 That was May -- May 16th.

22 Q And Facebook also will include -- it is true they will
23 also include photos and videos and posts as part of their
24 records?

25 A Yes, that's correct.

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1 Q And you received that with this -- directed to this
2 account?

3 A I did.

4 Q I'm going to show you what's been marked as State's
5 164 for identification purposes. Do you recognize that
6 photo?

7 A Yes. This is a photo from the same Facebook profile.

8 MR. FINCH: Your Honor, at this time --

9 BY MR. FINCH:

10 Q -- and is it a fair and accurate representation of the
11 records?

12 A It is.

13 MR. FINCH: Your Honor, at this time, the State
14 would move for the admission of State's 164.

15 (Plaintiff's Exhibit 164 was
16 moved for admission into
17 evidence.)

18 THE COURT: Any objection?

19 MS. DOVELL: Object to relevance. We don't --
20 relevance, Your Honor.

21 THE COURT: It will be marked for ID only until
22 I can hear argument.

23 MS. DOVELL: Foundation, I think, is my
24 objection.

25 THE COURT: If it's foundation, it's overruled.

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1 It's been established by the certification.

2 MS. DOVELL: Then relevance.

3 THE COURT: Then I'll take that under advisement
4 and it will be for ID until I can hear argument on
5 it.

6 BY MR. FINCH:

7 Q Do you know who this -- do you know who's depicted in
8 that picture?

9 A Yes.

10 Q Who is that?

11 A That's Shamar Stanley.

12 Q Thank you. Mr. Sanchez, did you also -- as part of
13 this investigation, you said yesterday -- you testified
14 yesterday that Detective Russ kind of went looking for
15 cars and you focused more on people, that was the division
16 of your roles?

17 A Yes, correct.

18 Q But it wasn't exclusive -- was it exclusive one or the
19 other, or did you --

20 A No, we -- we crossed paths in -- in -- in doing the
21 work together, but he was more focused on that than I was.

22 Q Okay. And as part of that, are there databases that
23 you can search to see activity of license plates in the
24 area?

25 A Yes. There are several databases that we can use for

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1 that.

2 Q It's -- what's one of them? Is it -- is it ALPR?

3 A Yes, the Automated License Plate Reader system held by
4 SLED.

5 Q And is it -- how does that work?

6 A There are cameras that are basically set up on the
7 roadways, and they are specialized cameras that are built
8 to capture license plates at high speeds. So they take a
9 single photo with high contrast and then log that -- that
10 license plate into a database along with a photograph of
11 the vehicle when it's passing by that camera. And that's
12 all logged into a database that is maintained by SLED.

13 Q And did you search license plates in this?

14 A Yes, I did.

15 Q And receive a report?

16 A Yes, I did.

17 Q And was that -- do you recall what license plate that
18 was for?

19 A I don't recall the exact license plate number, but I
20 know that we had one specific one that we went looking
21 after a while.

22 Q And did it -- then it generate a -- does it -- it
23 generates a report of --

24 A It generates a history going back for whatever dates
25 we go back on. So we can set a time from one date to

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1 another as to when we want to look for that. And we would
2 have picked a timeframe for this license plate and then
3 pulled the history on anytime it passed one of the
4 readers.

5 Q I'm going to show you what's been marked for
6 identification purposes as State's 162. If you could take
7 a look at that document and tell me if you recognize it.

8 A Yes, I do recognize this.

9 Q And what is that?

10 A This is going to be that report with the license
11 plates -- license plate reader results for a tag of
12 [REDACTED].

13 Q And just a couple of more questions for you. I'm
14 sorry. Is that a fair and accurate representation of the
15 report you received?

16 A Yes, it is.

17 Q Is it -- if you looked down at the bottom right-hand
18 corner, is that a complete or is that --

19 A No. This is a -- appears to be only a section of it.

20 Q -- and what are the -- if you look at the first and
21 last page, what are the -- what's the date for --

22 A Page 40 through 55.

23 Q -- and on page 40, what's the capture time?

24 A On page 40, the capture time of this one is September
25 15, 2019, at 10:37 a.m.

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1 Q And then the last page?

2 A September 18th, 2019, at 7:12 a.m.

3 Q And that's something you requested from -- from the
4 ALPR system?

5 A Yes, I did.

6 MR. FINCH: Your Honor, at this time, the State
7 would move for the admission of State's 162.

8 (Plaintiff's Exhibit 162 was
9 moved for admission into
10 evidence.)

11 THE COURT: Any objection, Ms. Dovell?

12 MS. DOVELL: No, Your Honor.

13 THE COURT: Ms. Gay?

14 MS. GAY: (No audible response.)

15 THE COURT: Ms. Gay, any objection?

16 MS. GAY: Oh, I have no objection, Your Honor.

17 THE COURT: Marked admitted, States 162, without
18 objection.

19 (Plaintiff's Exhibit 162 was
20 admitted into evidence.)

21 MR. FINCH: Thank you, Your Honor.

22 THE COURT: You're welcome.

23 BY MR. FINCH:

24 Q And going back to yesterday when were talking about a
25 different Facebook account and -- and you had identified

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1 that certain records were supplied, some of those we went
2 over it again today, this Facebook and (unintelligible);
3 is that correct?

4 A Yes, that's correct.

5 Q And one of the things that was supplied from the other
6 Facebook account number -- I'll read that -- so I guess
7 4516 was videos; is that correct?

8 A Yes, that's correct.

9 Q And you reviewed that video?

10 A Yes, I did.

11 MS. GAY: Your Honor, at this time I would --

12 THE COURT: What number is that one?

13 MR. FINCH: Your Honor, this is State's 107.

14 Could we maybe just approach just briefly?

15 THE COURT: Sure.

16 (Bench conference off the
17 record.)

18 THE COURT: Mr. Foreman, ladies and gentlemen, I
19 have a matter of law to take up with counsel. During
20 the break, please do not discuss the case and please
21 leave your notepads in your seats. In advance, we
22 appreciate your patience.

23 (The jury exited the courtroom.)

24 THE COURT: You may be seated. All right.

25 What -- what is No. 107, Mr. Finch?

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1 MR. FINCH: 107 is a video from Santawn
2 Stanley's Facebook page that we discussed yesterday
3 that from that we -- the State is seeking to admit
4 still photographs to be authenticated and identified.

5 THE COURT: Why do we need the whole video?

6 MR. FINCH: Just as a -- I was going to admit it
7 as a Court's Exhibit just so --

8 THE COURT: So why does that need to be in the
9 presence of the jury? You mark things as the Court's
10 Exhibit so that on an appellate review they know what
11 the full video is versus the stills that were taken
12 from it. It's not proper for the jury to consider.
13 That's a legal matter --

14 MR. FINCH: But that's why --

15 THE COURT: -- it's not a factual matter.

16 MR. FINCH: -- that's why we -- I was
17 approaching, because I was talking to Defense counsel
18 and I said we should make this a Court's Exhibit and
19 then we just --

20 THE COURT: Yeah, but you don't do that in the
21 presence of the jury --

22 MR. FINCH: -- I -- well, I didn't want to --

23 THE COURT: -- because then they wonder --

24 MR. FINCH: -- make it a Court's Exhibit.

25 THE COURT: -- yeah.

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1 MR. FINCH: That's why we broke so we could do
2 that.

3 THE COURT: Yeah. Okay. So he's seeking to
4 have this marked as a Court's Exhibit, is that my
5 understanding?

6 MR. FINCH: That's correct, a Court's Exhibit.
7 I was just going to have him authenticate that this
8 is the thing and that --

9 THE COURT: You don't have to do that when you
10 do a Court's Exhibit.

11 MR. FINCH: -- okay. Fair enough.

12 THE COURT: So the whole purpose of having
13 Court's Exhibits is so that an appellate court has a
14 benchmark of -- for example, if I let it in three
15 sentences of a statement, that you make a whole
16 statement an exhibit, or if you only use of portions
17 of a video, you make the whole video a Court's
18 Exhibit.

19 MR. FINCH: That's why we --

20 THE COURT: Those are legal matters within the
21 Court's province. They're not properly presented
22 before a jury.

23 MR. FINCH: -- Your Honor, and then, again,
24 that's why we took the break to do that.

25 MS. GAY: Your Honor, my objection has always

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1 been --

2 THE COURT: He doesn't want to present it to the
3 jury.

4 MS. GAY: -- no, that's not it, though. As he
5 begins to question him about this other video, I am
6 making a relevance --

7 THE COURT: What other? I'm confused. What are
8 you referring to?

9 MS. GAY: Okay. So this -- this man's relative
10 had a -- a Facebook page --

11 THE COURT: Mm-hmm.

12 MS. GAY: -- that's another one that he's
13 talking about this second Facebook page.

14 THE COURT: Mm-hmm.

15 MS. GAY: And that had a video on it, that
16 that's the video that he wants to admit as a Court's
17 Exhibit and pull excerpts out of, including an
18 excerpt he showed me this morning and some still
19 pictures --

20 THE COURT: Were those --

21 MS. GAY: -- that have Officer Saunders --

22 THE COURT: -- did we deal with those before?

23 MR. FINCH: We did yesterday.

24 THE COURT: No, no, no. I'm talking about
25 before we got started at pretrial. Are those the --

JURY TRIAL

1 the stills we're talking about?

2 MR. FINCH: Yes.

3 MS. GAY: -- that --

4 MR. FINCH: Yes.

5 MS. GAY: -- and I think the video that he
6 showed this morning.

7 MR. FINCH: There's an additional piece of video
8 that's just with no sound, it's just --

9 THE COURT: Well, what is it? I need to see --

10 MR. FINCH: -- it's eight seconds of -- eight
11 seconds of Mr. Mitchell walking away from the camera
12 with no sound.

13 MS. GAY: And so, I objected.

14 THE COURT: So what's your objection.

15 MS. GAY: Well, relevance, Your Honor.

16 THE COURT: Well, let me start again. Why would
17 you be seeking to introduce it?

18 MR. FINCH: Because part of the identification
19 process as part of the affidavit for the warrant as
20 well was -- was the attire, the physical build, and
21 the physical gait of the -- the unique physical gait
22 of Mr. Mitchell. This -- the video from the CPD of
23 Allway and Flood captures the gait of Mr. Mitchell.
24 And this nine second --

25 THE COURT: Who's going to be able to

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1 corroborate that it's Mr. Mitchell on this video?

2 MR. FINCH: -- that video, that's Officer
3 Saunders who did the stills, the same video.

4 THE COURT: So why are you talking to this
5 witness about it?

6 MR. FINCH: I wasn't planning to talk to this
7 witness about it.

8 THE COURT: So why are we talking about it?

9 MS. GAY: Because he was about ready to try to
10 to say something about this video.

11 THE COURT: He said he wasn't.

12 MS. GAY: Now he said he wasn't, but when --

13 MR. FINCH: No, it's the first time.

14 MS. GAY: "-- I believe that the existence of the
15 video in this case which led to --

16 THE COURT: I can't talk about that 'til he
17 seeks to introduce it.

18 MS. GAY: -- okay. Well, he's not going to
19 introduce it to the jury, but I just think the line
20 of questioning about these second Facebook --

21 THE COURT: He said he's not talking to this
22 witness about it.

23 MS. GAY: Yes, he is. He's talking to this
24 witness about a second Facebook and his
25 certification, which --

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1 THE COURT: I'm going to --

2 MS. GAY: -- he's about to produce.

3 THE COURT: -- instruct them to disregard that
4 last question --

5 MS. GAY: Okay. I understand.

6 THE COURT: -- because he's talking about now
7 marking this is a Court's Exhibit, so it's not their
8 business, it's mine.

9 MS. GAY: But -- but --

10 THE COURT: So I'm going to strike the question.
11 So now, I'm trying to figure out why are we talking
12 about it.

13 MS. GAY: -- because any line of questioning
14 about a second Facebook is -- is --

15 THE COURT: Do you plan to talk about a second
16 Facebook?

17 MS. GAY: -- is irrelevant and prejudicial.

18 MR. FINCH: The two Facebook things you're
19 talking about is Mr. Stanley's, and we've already
20 completed that --

21 THE COURT: Mm-hmm.

22 MR. FINCH: -- and then this. But this a
23 Court's Exhibit, so I have no more questions for him
24 about it. Later, with Officer Saunders, I will ask
25 him about --

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1 THE COURT: Then we'll deal with it with Officer
2 Saunders, but I'm not expending any more time talking
3 about something that he doesn't plan to introduce
4 through this witness.

5 MS. GAY: I think he has to try to introduce the
6 certification from Facebook through this witness
7 because he got it --

8 THE COURT: And that makes him --

9 MS. GAY: -- and that's why I'm objecting.

10 THE COURT: -- basically a keeper of records.
11 That's an -- that's an authentication issue.

12 MS. GAY: All right.

13 THE COURT: But I don't think you can argue in
14 good faith that this didn't come from Facebook and
15 they didn't authenticate that this was their record
16 that they kept contemporaneously, and that they --
17 because that's the only way you can get -- well, you
18 could look on Facebook. There are ways to save
19 things from Facebook. But the way it's generally
20 done is somebody subpoenas it through a search
21 warrant and Facebook turns it over. So as I
22 understand the line of questioning, it would only be
23 foundational. This witness would not be talking
24 about anything in the video because he wouldn't have
25 the knowledge of it.