

VOLUME I of III

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

CERTIORARI TO CHARLESTON COUNTY

Court of Common Pleas

The Honorable Jocelyn Newman, Circuit Court Judge

Case No. 2022-CP-10-00798

RECEIVED

Jan 14 2026

S.C. SUPREME COURT

Gregory K. Green, #299039,

PETITIONER,

v.

State of South Carolina,

RESPONDENT.

Appellate Case No.: 2025-000800

APPENDIX

ASHLEY A. MCMAHAN
McMahan Law, LLC
PO Box 50536
Columbia, SC 29205
(803) 219-1110

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

DANIELLE DIXON
Assistant Attorney General
PO Box 11549
Columbia, S.C. 29211
(803) 734-3737

ATTORNEYS FOR RESPONDENT

INDEX

TRIAL TRANSCRIPT, Nov. 4-7, 2019	1
EXHIBITS FROM TRIAL	801
NOTICE OF APPEAL	816
<u>ANDERS</u> BRIEF OF APPELLANT	820
1 st <i>PRO SE</i> <u>ANDERS</u> BRIEF OF APPELLANT	834
2 nd <i>PRO SE</i> <u>ANDERS</u> BRIEF OF APPELLANT.....	840
MOTION TO SUPPLEMENT	872
ORDER ON MOTION TO SUPPLEMENT	874
SUPPLEMENTAL RECORD ON APPEAL.....	875
OPINION	962
REMITTITUR	964
POST-CONVICTION RELIEF APPLICATION	966
RETURN	975
POST-CONVICTION RELIEF TRANSCRIPT, Dec. 17, 2024.....	985
EXHIBIT ENTERED AT PCR HEARING	1094
ORDER OF DISMISSAL	1198
CLERK'S RECORDS	1223
SCDC RECORDS.....	1280

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2017-GS-10-6993
	)	2017-GS-10-6994
	)	2017-GS-10-6995
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
GREGORY KYLE GREEN	)	
	)	
Defendant	)	
	)	
	)	
	)	
_____	)	TRANSCRIPT OF RECORD

November 4, 2019
Charleston, South Carolina

Volume 1 (of 3)

B E F O R E:

THE HONORABLE PERRY M. BUCKNER, III, JUDGE

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

RICHARD WARING, ESQ.
WHITNEY SOWARDS, ESQ.
Attorneys for the State

TAYLOR STEWART, ESQ.
TERESA NORRIS, ESQ.
Attorneys for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

INDEX TO PROCEEDINGS	PAGE
PROCEEDINGS	10
VOIR DIRE	12
STRIKING OF THE JURY	46
JURY SWORN	57
COURT'S OPENING REMARKS TO JURY	68
OPENING STATEMENTS	
Remarks by Mr. Waring	87
Remarks by Ms. Stewart	95
ROBERT BAILEY	
Direct Examination by Mr. Sowards	101
TERRANCE DOUCET	
Direct Examination by Mr. Waring	111
Cross-Examination by Ms. Stewart	157
Redirect Examination by Mr. Waring	186
Recross-Examination by Ms. Stewart	191
CERTIFICATE OF THE COURT REPORTER	197

INDEX TO EXHIBITS

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	CD (911 call)	104
2	CAD Report	106
3	CD (Bailey Body Cam)	110
4	Photo	115
5	Photo	115
6	Photo	115
7	Photo	115
8	Photo	115
9	Photo	115
10	Photo	115
11	Photo	115
12	Photo	115
13	Photo	115
14	Photo	115
15	Photo	115
16	Photo	115
17	Photo	115
18	Photo	115
19	Photo	115
20	Photo	115
21	Photo	115
22	Photo	115
23	Photo	115
24	Photo	115

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
25	Photo	115
26	Photo	115
27	Photo	115
28	Photo	115
29	Photo	115
30	Photo	115
31	Photo	115
32	Photo	115
33	Photo	119
34	Photo	119
35	Photo	119
36	Photo	119
37	Photo	119
38	Photo	119
39	Photo	119
40	Photo	119
41	Photo	119
42	Photo	119
43	Photo	119
44	Photo	119
45	Photo	119
46	Photo	119
47	CD (Doucet clips)	
48	Photo	123

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
49	Photo	123
50	Photo	123
51	Photo	123
52	Photo	123
53	Photo	123
54	Photo	123
55	Photo	123
56	Photo	123
57	Photo	123
58	Photo	123
59	Photo	127
60	Subscriber info-Doucet's phone	133
61	Call detail records	133
62	PCMD records	133
63	Subscriber info-Doucet's phone	136
64	Call detail records	136
65	Map	141
66	Map	141
67	Map	141
68	Photo lineup	154
69	Photo 1	154
70	Photo 2	154
71	Photo 3	154
72	Photo 4	154

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
73	Photo 5	154
74	Photo 6	154
75	CD	
76	Text messages	
77	Text messages	
78	Text messages	
79	Text messages	
80	Text messages	
81	Photo of Doucet	
82	DNA swab	
83	DNA swab	
84	DNA swab	
85	Photo of receipt	
86	Photo of receipt	
87	Photo of receipt	
88	Cigarette butt	
89	Victim's blood spot	
90	Bullet projectile A	
91	Bullet projectile B	
92	Bullet projective C	
93	Bullet projectile D	
94	Defendant's buccal swab	
95	Doucet's buccal swab	
96	CD-video visit	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
97	CD video visits clipped	
98	Video visit transcript	
99	CD Jail call disc	
100	CD jail call disc	
101	CD jail call disc	
102	CD Clipped jail calls	
103	Jail call transcript	
104	Defendant's housing records	
105	Michael Stevens' housing records	
106	Autopsy diagram	
107	X-ray-victim's skull	
108	X-ray-victim's skull	
109	Photo bullet fragment A	
110	Photo bullet fragment B	
111	Photo bullet fragment C	
112	Photo bullet fragment D	
113	Photo-victim's neck	
114	Subscriber info-victim's phone	
115	Call detail records	
116	Defendant's Facebook records	
117	Defendant's Facebook records	
118	Defendant's Facebook records	
119	Defendant's Facebook records	
120	Defendant's Facebook records	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
121	Defendant's Facebook records	
122	Defendant's Facebook records	
123	Defendant's Facebook records	
124	Defendant's Facebook records	
125	Defendant's Facebook records	
126	Defendant's Facebook records	
127	Defendant's Facebook records	
128	Defendant's phone dump	
129	Defendant's phone dump	
130	Defendant's call detail records	
131	Cell tower mapping report	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

COURT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Defendant's witness list	10
2	Defendant's proposed voir dire	10
3	Defendant's trial brief	10
4	Note from jury-re: Foreperson	63

DEFENDANT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Text message	182 184

PROCEEDINGS

[Whereupon, Court's exhibit numbers 1 through 3 are marked by the court reporter]

[Whereupon, the jury panel enters the courtroom at 12:14 p.m.]

THE COURT: All right. Ladies and gentlemen, I introduced myself to you earlier. My name is Perry Buckner. I am a Circuit Court judge and you're going to be with me in this courtroom this week. We're obviously in General Sessions or criminal court. That means the state of South Carolina is a party to the proceedings that we will be hearing this week.

This young man seated beside me, I introduced you to him earlier as my law clerk Austin McCoy. I'm going to have the lawyers in just a minute stand and turn around and introduce themselves to you that are going to be trying the case that we're going to hear.

You should know that I've got a great staff of experienced bailiffs here in the courtroom. And I also have a representative of the Charleston County Clerk of Court's office here. This is Payton Muller. He's -- you pronounce it Muller, don't you?

CLERK OF COURT: Yes, sir.

THE COURT: Payton is a Citadel graduate. I asked him this morning since he just graduated in May whether

1 or not he'd rather be at the Citadel or be working here
2 and he said he preferred being here. He didn't want to
3 go back and spend any more time at the Citadel. He
4 thinks he spent enough time there after four years and
5 I'm happy to have Payton and his help this morning.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VOIR DIRE

Now ladies and gentlemen the case that we're getting ready to try, and remember that I put each of you under oath this morning in the jury assembly room. You're still under oath because I'm going to be asking you questions about your ability to be fair and impartial as jurors in the trial of this case. These questions will be centered more towards the case all right.

The first thing I'm going to do is I'm going to ask the Solicitor; the Solicitor in South Carolina is the prosecutor ladies and gentlemen. We have all kinds of rules about who goes first in court. Normally the party with the burden of proof goes first. We have certain places that people sit. We have an order of argument and what it can contain. And I'll be enforcing those rules during the trial of this case.

I can assure you that I'm going to get you home this week all right. So, if you're with me this week and you're on my jury I can assure you, I've talked to the lawyers in chambers. This case will not be a multi-week trial ladies and gentlemen. So, you'll be going back to your homes just as I promised you.

All right Solicitor, please call your case.

MR. WARING: Thank you, Your Honor.

THE COURT: Do you need the indictments?

1 MR. WARING: That would be great, Your Honor. May
2 I approach?

3 THE COURT: You may.

4 [Whereupon, Mr. Waring receives documents from the
5 Court]

6 MR. WARING: Would you like me to also introduce
7 myself to the jury?

8 THE COURT: I'm going to have you do that after you
9 call the case.

10 MR. WARING: Okay. Your Honor, the State calls the
11 case verses Gregory Kyle Green. And the charges are
12 murder, indictment number 2017-GS-10-06993. The second
13 charge is for possession of a weapon during the
14 commission of a violent crime, indictment number is 2017-
15 GS-10-06994. And lastly arson in the second degree,
16 indictment number 2017-GS-10-06995, Your Honor.

17 THE COURT: All right. You can hand those back up
18 to me if you would?

19 [Whereupon, Mr. Waring provides documents back to
20 the Court]

21 THE COURT: All right ladies and gentlemen the
22 State has called for trial the state of South Carolina
23 verses Gregory Kyle Green. The Defendant is charged by
24 these pieces of paper I hold in my hand which we call
25 indictments. The indictments are not evidence of any of

1 the allegations contained in the indictment. The
2 indictments are simply the formal written instruments by
3 which the case is brought into this Court, the Court of
4 General Sessions ladies and gentlemen.

5 To these indictments the Defendant has pled not
6 guilty. That places the burden on the state of South
7 Carolina to prove each and every element of the offenses
8 beyond a reasonable doubt. It will be your duty ladies
9 and gentlemen if you are selected as a juror in the trial
10 of this case to determine whether or not the state has
11 met that burden.

12 Now ladies and gentlemen I am going to go into what
13 the elements are of the offenses that are charged. You
14 should know by now the Defendant is charged with the
15 offense of murder, possession of a weapon during the
16 commission of a violent crime, and arson. I'll explain
17 the elements of those offenses in my Charge to you on the
18 law, which will come at the conclusion of the trial.

19 So, don't be worried about whether or not you know
20 the elements of the offenses when I say the burden is on
21 the State to prove the elements of the offenses. I will
22 explain that to you in my Charge on the law.

23 I want you now to meet the parties that are going to
24 be represented. First from the state of South Carolina,
25 I'm going to have them stand. I'm also going to have

1 them in addition to introducing themselves I'm going to
2 have them introduce their chief investigating officer who
3 will be sitting with them during the trial of this case.
4 I'm going to have the defense attorney stand, introduce
5 their client, face my jury panel, themselves, the office
6 they work for as well as their client beginning with
7 counsel for the state of South Carolina. Mr. Waring?

8 MR. WARING: Thank you, Your Honor. Good morning
9 everybody. I'm Richard Waring. I'm an Assistant
10 Solicitor for the state of South Carolina. My co-counsel
11 is Whit Sowards. He is also an Assistant Solicitor and
12 this [indicates] is investigator Jeff Wort. Thank you
13 very much.

14 THE COURT: And your officer? Can you introduce
15 your officer?

16 MR. WARING: Our case agent for this case is
17 Detective Michael Sanchez. Thank you.

18 THE COURT: All right. Counsel for the Defendant?

19 MS. STEWART: Thank you, Your Honor. My name is
20 Taylor Stewart. I represent Mr. Gregory Green along with
21 my co-counsel Teresa Norris.

22 THE COURT: And where is Mr. Green from?

23 MS. STEWART: Mr. Green is from North Charleston.

24 THE COURT: Ladies and gentlemen this is the
25 Defendant Gregory Kyle Green. Mr. Green, turn around so

1 they can see your face.

2 [Whereupon, the Defendant complies]

3 THE COURT: Gregory Kyle Green from North
4 Charleston, South Carolina. Thank you, counsel, you may
5 be seated.

6 [Whereupon, defense counsel and Mr. Green are
7 seated]

8 THE COURT: All right ladies and gentlemen you've
9 now met the lawyers that are going to be trying this
10 case. You've met the Defendant who is charged by the
11 indictments in this case. I need to ask you some
12 questions in order to determine your impartiality to
13 serve as a juror in the trial of this case. I remind you
14 that your answers are under oath that I administered to
15 you earlier this morning in the jury assembly room.

16 Any member of my jury panel here in this courtroom
17 now related by blood, connected by marriage or a close
18 personal friend of the Defendant Gregory Kyle Green of
19 North Charleston South Carolina? If so, please stand at
20 this time.

21 [Whereupon, no one stands]

22 THE COURT: Let the record reflect no one is
23 standing. You've now met the lawyers ladies and
24 gentlemen that are going to be trying this case with the
25 Ninth Judicial Circuit Solicitor's office; Mr. Waring,

1 Richard Waring, who stood and introduced himself to you
2 and also Mr. Sowards that is seated at the table for the
3 State. I ask now is any member of my jury panel related
4 by blood, connected by marriage or a close personal
5 friend of either Assistant Solicitor Richard Waring or
6 Assistant Solicitor Whit Sowards. And that's I hope
7 Sowards S-O-W-A-R-D-S, is that right?

8 MR. SOWARDS: It's Sowards, Your Honor.

9 THE COURT: Sowards excuse me; I'm mispronouncing
10 his name, Sowards S-O-W-A-R-D-S. If you're related by
11 blood, connected by marriage or a close personal friend
12 of the two individuals representing the state of South
13 Carolina in the trial of this case, please stand at this
14 time.

15 [Whereupon, no one stands]

16 THE COURT: Let the record reflect, no one is
17 standing. If you have ever been represented in the past
18 or currently represented by either one of the attorneys
19 for the state of South Carolina in this case please stand
20 at this time.

21 [Whereupon, no one stands]

22 THE COURT: Let the record reflect no one is
23 standing. You have also met counsel for the Defendant,
24 Taylor Stewart; she is with the Public Defender's office
25 here in the Ninth Judicial Circuit. You've also met

1 Teresa Norris who is a chief administrative assistant
2 with the Public Defender's Office here in the Ninth
3 Judicial Circuit. For those of you that are not familiar
4 with -- I told you what the Solicitor did earlier;
5 they're the prosecutor.

6 The Public Defender's office is charged with the
7 responsibility of representing those individuals who are
8 indigent and who are accused of crimes and cannot afford
9 to pay for their attorney. So, both Ms. Stewart and Ms.
10 Norris are members of the Ninth Judicial Circuit of which
11 Charleston is one of the counties in the Ninth. You have
12 Charleston and Berkeley County in the Ninth Judicial
13 Circuit. They are members of the Ninth Judicial Circuit
14 Public Defender's office.

15 Any member of my jury panel related by blood,
16 connected by marriage or a close personal friend of
17 either Taylor Stewart or Teresa Norris of the Ninth
18 Judicial Circuit Public Defender's office representing
19 the Defendant in this case, Mr. Gregory Kyle Green of
20 North Charleston, South Carolina? If so, please stand at
21 this time.

22 [Whereupon, no one stands]

23 THE COURT: Let the record reflect no one is
24 standing. Any member of my jury panel ever been
25 represented in the past or currently represented by

1 either Ms. Stewart, Taylor Stewart or Teresa Norris? If
2 so, please stand at this time.

3 [Whereupon, no one stands]

4 THE COURT: Let the record reflect no one is
5 standing. Now I told you ladies and gentlemen that
6 what's in the indictments is not evidence and that is
7 true. These are just allegations, ladies and gentlemen.

8 But in order to determine your impartiality to serve
9 as a juror in the trial of this case I will tell you that
10 in the first indictment which is 2017 at 6993 here in
11 Charleston it charges the Defendant Gregory Kyle Green
12 with the offense of murder.

13 This indictment alleges that this occurred in
14 Charleston County South Carolina on or about June the
15 8th, 2017. That the Defendant, Gregory Kyle Green
16 feloniously, willfully and with malice aforethought did
17 kill and murder Freeman Rivers by means of inflicting
18 gunshot wounds to the head and that Freeman Rivers did
19 die in Charleston County as a proximate result thereof on
20 or about June the 8th, 2017.

21 In indictment 2017 at 6994 this charges the
22 Defendant Gregory Kyle Green with the offense of
23 possession of a weapon during the commission of a violent
24 crime. This indictment alleges that this occurred in
25 Charleston County South Carolina on or about June the

1 8th, 2017, that the Defendant Gregory Kyle Green did
2 possess a firearm or did visibly display what appeared to
3 be a firearm or did visibly display a knife during the
4 commission of or attempted commission of a violent crime.
5 It is alleged in the indictment that the offense of
6 murder is a violent crime allegedly in the indictment.

7 Finally, I have been handed indictment 2017 at 06995
8 charging the Defendant Gregory Kyle Green with the
9 offense of arson second degree. This indictment alleges
10 that this occurred in Charleston County South Carolina on
11 or about June the 8th, 2017.

12 That the Defendant Gregory Kyle Green did willfully
13 and maliciously cause an explosion, set fire to, burn or
14 cause to be burn or aided counsel or procured a burning
15 that resulted in damage to either a dwelling house,
16 church or place of worship, public or private school
17 facility, manufacturing plant, warehouse, building where
18 business is conducted, an institutional facility or
19 structure designed for human occupancy including local
20 and municipal buildings where the property of the person
21 or another.

22 Now, those are just allegations ladies and
23 gentlemen. I read you those in the indictments in order
24 to ask you this. Is any member of my jury panel read
25 about, heard about or know anything whatsoever about the

1 facts which are alleged in these three indictments? If
2 so, please stand at this time.

3 [Whereupon, no one stands]

4 THE COURT: Let the record reflect no one is
5 standing. All right ladies and gentlemen, I've got a
6 rather lengthy list so I want to tell you what I'm going
7 to do next so you'll know what I'm going to ask you and
8 you'll be prepared to answer me.

9 I'm going to call out potential witnesses. By
10 potential I mean that term potential. This does not mean
11 that all of these people will be testifying but they
12 potentially could testify. I'm going to give you either
13 a location where they live or where they are employed so
14 you'll have some way to identify with the name because
15 these people are not in the courtroom at this time or at
16 least most of them won't be. There may be one or two
17 that are present.

18 When I finish calling out all of the potential names
19 of witnesses, I will ask you if you are related by blood,
20 connected by marriage or a close personal friend of any
21 of the potential witnesses in the trial of this case
22 whose names I have just called.

23 Please be patient with me as I go through this list.
24 I'll remind you this is not necessarily the number of
25 witnesses that will actually be called in the trial of

1 this case; this is just potential witnesses ladies and
2 gentlemen:

3 Sergeant Robert Bailey, North Charleston Police
4 Department; Terrance -- is that Doucet?

5 MR. WARING: Yes, Your Honor.

6 THE COURT: Doucet, D-O-U-C-E-T, North Charleston,
7 South Carolina; Lanica Walker, North Charleston South
8 Carolina; Jonathan Seabrook, North Charleston South
9 Carolina;

10 [Whereupon, a juror stands]

11 THE COURT: Yes ma'am, just hold on. I'm going to
12 ask you at the end if you want to tell me about Jonathan
13 Seabrook but I'm going to wait until I finish all the
14 witnesses and then I'll let you stand. Thank you for
15 doing it. That's what I want you to do but wait until I
16 finish because I've got a lot to call out. So, remember
17 the names.

18 Kendyl Jerome Rice, North Carolina South Carolina;
19 Brandi Dobbins, North Carolina South Carolina; Captain
20 Trey Smith, North Charleston Fire Department; Lisa
21 Kubicsko that's K-U-B-I-E-S-K-O [sic], Kubicsko,
22 Arlington, Virginia; Tiffany Adams, Charleston, South
23 Carolina; Officer Sam Souther S-O-U-T-H-E-R. Is that the
24 correct pronunciation, counsel?

25 MR. WARING: Souther, Your Honor.

1 THE COURT: Souther, S-O-U-T-H-E-R, North
2 Charleston Police Department; Detective Michael
3 Powitchko, Powitchko P-O-W-I-T-C-H-K-O, North Charleston
4 Police Department; Detective David Pritchard, North
5 Charleston Police Department; Donna Money M-O-N-E-Y,
6 South Carolina Law Enforcement Division, SLED; Michael
7 Stevens S-T-E-V-E-N-S, North Charleston South Carolina;
8 James Green, South Carolina Law Enforcement Division,
9 SLED; Lisa Bloodworth, Charleston County Detention
10 Center; Doctor Angelina Phillips P-H-I-L-L-I-P-S, Medical
11 University of South Carolina pathologist; Vivian McNeil,
12 North Charleston South Carolina; Detective Michael
13 Sanchez. If you are present in the courtroom when I call
14 your name please stand and face my jury panel.

15 Detective Michael Sanchez, North Charleston Police
16 Department; Special Agent Clay Simmonds but its spelled
17 S-I-M-M-O-N-D-S, Federal Bureau of Investigation FBI;
18 Yolanda Porter, North Carolina South Carolina; Major
19 Scott Perry P-E-R-R-Y, North Charleston Police
20 Department; Sergeant Sid Lewis, North Charleston Police
21 Department; Officer Christopher Brasseaux B-R-A-S-S-E-A-
22 U-X. Any other pronunciation?

23 MR. WARING: That's close enough, Your Honor.

24 THE COURT: North Charleston Police Department;
25 Detective Paul Schoolfield, North Charleston Police

1 Department; Detective Tiffani Crider, North Charleston
2 Police Department; Captain Cathleen, and it's with a C,
3 C-A-T-H-L-E-E-N Stanley, North Charleston Police
4 Department; Stacey Seabrook, North Carolina South
5 Carolina; Officer Thomas Lawson, North Charleston Police
6 Department; Michael Porter P-O-R-T-E-R, North Charleston
7 South Carolina; Lieutenant Candy Johnson, North
8 Charleston Police Department. What does MPO stand for
9 Solicitor?

10 MR. WARING: Master patrol officer, Your Honor.

11 THE COURT: All right. A patrol officer Michael
12 Cook with the North Charleston Police Department;
13 Detective Simon Andrews, North Charleston Police
14 Department; Detective Jelly [sic] Jellico, North
15 Charleston Police Department; Ashley Wooldridge, W-O-O-L-
16 D-R-I-D-G-E, Charleston, South Carolina; Hannah
17 Wethington, North Charleston Police Department; Sergeant
18 Jeremy Ledford, North Charleston Police Department;
19 Natalie Wilder, W-I-L-D-E-R, North Charleston Police
20 Department; Vanessa Kopp, K-O-P-P, North Charleston
21 Police Department; Verona Herrera, South Carolina Law
22 Enforcement Division, SLED; Doris Yarbrough, South
23 Carolina Law Enforcement Division, SLED; Shawnta
24 Middleton, North Charleston Police Department; Sergeant
25 Joe Niemiec, N-I-E-M-I-E-C, ladies and gentlemen, North

1 Charleston Police Department; Megan Fletcher, South
2 Carolina Law Enforcement Division, SLED; Charlotte Crowe,
3 C-R-O-W-E, North Charleston Police Department; Jackie
4 Davis, North Charleston Police Department; Detective Sean
5 Bernard, North Charleston Police Department; Chief John
6 Cornell, North Charleston Police [sic] Department; Shawn
7 McGee, North Charleston Fire Department; Chief Russel
8 Stanley, North Charleston Fire Department; Captain Jason
9 Judy, North Charleston Fire Department; Captain Charles
10 Springs, North Charleston Fire Department; Engineer J.P.
11 Jones, North Charleston Fire Department; Engineer Khalid
12 Deas D-E-A-S or Deas, North Charleston Fire Department;
13 Tian Griffieth G-R-I-F-F-I-E-T-H, North Charleston Fire
14 Department; Jennifer Stoppe, S-T-O-P-P-E, North
15 Charleston Fire Department; Engineer Ned Patillo, North
16 Charleston Fire Department; Christopher Sutton, North
17 Charleston Fire Department; Peter Smurro S-M-U-R-R-O,
18 North Charleston Fire Department; Thomas Barker, North
19 Charleston Fire Department; Raheim Arthur, North
20 Charleston Fire Department; Kendrick Wright W-R-I-G-H-T,
21 North Charleston Fire Department; Officer Charles Martin,
22 North Charleston Police Department; Charlotte Pitts P-I-
23 T-T-S, South Carolina Law Enforcement Division, SLED; Amy
24 Black, South Carolina Law Enforcement Division, SLED;
25 Anglika Dodwani D-O-D-W-A-N-I, South Carolina Law

1 Enforcement Division, SLED; Bethany Davidson, South
2 Carolina Law Enforcement Division, SLED; Jen Hall --
3 she's with your office Mr. Waring?

4 MR. WARING: Yes, Your Honor.

5 THE COURT: Ninth Judicial Circuit Solicitor's
6 office; Jeff Fort F-O-R-T; Ninth Judicial Circuit
7 Solicitor's office; Daniel -- standing right behind --
8 stand up again for me Mr. Fort so they can see you.

9 [Whereupon, Mr. Fort stands]

10 THE COURT: This is Jeff Fort with the Solicitor's
11 office. Thank you, you may be seated.

12 [Whereupon, Mr. Fort is seated]

13 THE COURT: Daniel Cooper, Ninth Judicial Circuit
14 Solicitor's office; Josephine Lyndsay, North Charleston
15 South Carolina; Tonia Mallette, Consolidated Dispatch;
16 Melissa Roy, South Carolina Department of Motor Vehicles
17 custodian; Art Salimia, North Charleston South Carolina;
18 Captain William Ratliff, North Charleston Fire
19 Department; Detective Jerome Desheers, D-E-S-H-E-E-R-S,
20 North Charleston Police Department; Gregory Kyle Green.
21 Stand up and face my jury panel Mr. Green.

22 [Whereupon, Mr. Green stands]

23 THE COURT: North Charleston -- this is the
24 Defendant Gregory Kyle Green, North Carolina South
25 Carolina. You may be seated.

1 [Whereupon, Mr. Green is seated]

2 THE COURT: Brittley Lewis, Charleston, South
3 Carolina; Christopher Dease, D-E-A-S-E North Charleston
4 South Carolina; Tom Slovenski with Cellular Forensics,
5 LLC.

6 Any additional witnesses from the state of South
7 Carolina?

8 MR. WARING: No, Your Honor.

9 THE COURT: Any additional witnesses from the
10 Defendant?

11 MS. STEWART: No, Your Honor.

12 THE COURT: Any member of my jury panel related by
13 blood, connected by marriage or a close personal friend
14 of any of the potential witnesses in the trial of this
15 case whose names I have just called please stand at this
16 time.

17 [Whereupon, jurors stand]

18 THE COURT: Yes ma'am, if you would give me your
19 name first and juror number.

20 JUROR NUMBER 20: Ramona Bennett, juror number 20.

21 THE COURT: Counsel, this is juror number 20. And
22 it's Ramona Bennett?

23 JUROR NUMBER 20: Yes, sir.

24 THE COURT: Ms. Bennett, just a yes or no for me.
25 Are you related by blood to any of the witnesses?

1 JUROR NUMBER 20: Yes, sir.

2 THE COURT: All right. And which witnesses are you
3 related by blood and how are you related by blood?

4 JUROR NUMBER 20: Jonathan Seabrook and Stacey
5 Seabrook. They are my ---

6 THE COURT: --- Jonathan Seabrook and who else?

7 JUROR NUMBER 20: Stacey Seabrook.

8 THE COURT: Hold on a second and let me make sure
9 I've got the other Seabrook on my list. I've got
10 Jonathan.

11 [Whereupon, the Court reviews documents]

12 THE COURT: I have both Stacey Seabrook with North
13 Charleston, a security guard, and I also have Jonathan
14 Seabrook who is with North Charleston employed at a
15 hotel. Are you related to both of them?

16 JUROR NUMBER 20: Yes.

17 THE COURT: How are you related to them?

18 JUROR NUMBER 20: Jonathan is my cousin, my second
19 cousin, and so is Stacey.

20 THE COURT: Jonathan is your second cousin and so
21 is Stacey?

22 JUROR NUMBER 20: Stacey is my first cousin.

23 THE COURT: Okay. I'm going to excuse you from
24 service in the trial of this case. Take a seat. I'll
25 let you know when you can go. I'm not going to let you

1 sit in this case but I can use you in others.

2 [Whereupon, juror number 20 is seated]

3 THE COURT: Yes sir, your name and juror number
4 please?

5 JUROR NUMBER 31: Jordan Brown.

6 THE COURT: Number?

7 JUROR NUMBER 31: 31.

8 THE COURT: Counsel, this is juror number 31, juror
9 Jordan A. Brown. Mr. Brown, yes or no, are you related
10 by blood to any of the potential witnesses?

11 JUROR NUMBER 31: No, sir.

12 THE COURT: Are you connected by marriage yes or no
13 to any of the potential witnesses?

14 JUROR NUMBER 31: No, sir.

15 THE COURT: Are you a close personal friend of any
16 of the potential witnesses?

17 JUROR NUMBER 31: Yes, sir.

18 THE COURT: What witness?

19 JUROR NUMBER 31: Jonathan Seabrook, Stacey
20 Seabrook, and Michael Stevens.

21 THE COURT: All right. So Michael Stevens,
22 Jonathan Seabrook, and Stacey Seabrook?

23 JUROR NUMBER 31: Yes, sir.

24 THE COURT: How long have you known these three
25 people?

1 JUROR NUMBER 31: Over ten years.

2 THE COURT: The fact that they are potential
3 witnesses in the trial of this case and you've known them
4 for ten years would that in any way affect your ability
5 to give the state of South Carolina or the Defendant
6 Gregory Green a fair and an impartial trial?

7 JUROR NUMBER 31: Possibly.

8 THE COURT: You think it would?

9 JUROR NUMBER 31: Yes, sir.

10 THE COURT: Now this doesn't mean you're getting
11 out of jury duty, you understand that Mr. Brown?

12 JUROR NUMBER 31: Yes sir, I do.

13 THE COURT: Okay. I'll excuse you from service in
14 the trial of this case. Have a seat.

15 [Whereupon, juror number 31 is seated]

16 THE COURT: Anyone else related by blood, connected
17 by marriage or a close personal friend of any of the
18 potential witnesses in the trial of this case whose name
19 I have just called? If so, please stand at this time.

20 [Whereupon, no one stands]

21 THE COURT: Let the record reflect no one else is
22 standing. All right. Has any member of my jury panel, I
23 read you the allegations, formed any opinion whatsoever
24 about the facts which are alleged in this case? If so,
25 please stand at this time?

1 [Whereupon, no one stands]

2 THE COURT: let the record reflect no one is
3 standing. Has any member of my jury panel have any
4 charges currently pending with the Charleston County
5 Solicitor's office or have had criminal charges
6 adjudicated by the Solicitor's office in the past? If
7 so, please stand at this time.

8 [Whereupon, no one stands]

9 THE COURT: Let the record reflect no one is
10 standing. Is any member of my jury panel or a member of
11 their immediate family, and that means your mother, your
12 father, your brother, your sister, or your child, has any
13 member of my jury panel or any member of their immediate
14 family know the Defendant in this case Mr. Gregory Kyle
15 Green or any member of Mr. Green's family? If so, please
16 stand at this time.

17 [Whereupon, no one stands]

18 THE COURT: Let the record reflect no one is
19 standing. Has any member of my jury panel ever been
20 represented by the Public Defender's office in the Ninth
21 Judicial Circuit? If so, please stand at this time.

22 [Whereupon, no one stands]

23 THE COURT: Let the record reflect no one is
24 standing. Any member of my jury panel if you're selected
25 as a juror have any problem in following the law as I

1 charge it to you to be even if you don't agree with the
2 law? If so, please stand at this time.

3 [Whereupon, no one stands]

4 THE COURT: Let the record reflect no one is
5 standing. Any member of my jury panel previously been
6 employed by any type of law enforcement agency or by any
7 penal institution or correctional facility please stand
8 at this time?

9 [Whereupon, no one stands]

10 THE COURT: Any member of my jury panel have any
11 personal, political or religious beliefs or convictions
12 that you feel would make it impossible for you to sit in
13 judgment of another person? If so, please stand at this
14 time.

15 [Whereupon, a juror stands]

16 THE COURT: Yes ma'am, your name please?

17 JUROR NUMBER 215: Sheila Richardson Wright, juror
18 number 215.

19 THE COURT: Number what?

20 JUROR NUMBER 215: 215.

21 THE COURT: Counsel, this is Sheila Richardson
22 Wright, juror number 215. Ms. Wright, what type of
23 beliefs do you have you think would prevent you from
24 sitting as a juror?

25 JUROR NUMBER 215: In 1976 my sister was gunned down

1 and murdered in Philadelphia.

2 THE COURT: Pardon? Please come forward.

3 [Whereupon, juror number 215 comes forward]

4 THE COURT: One representative from the Solicitor
5 office and one representative from the Public Defender's
6 office. Come on forward, ma'am. It's okay, come on
7 forward ma'am. I'm going to take good care of you.

8 You are Ms. Sheila Richardson Wright?

9 JUROR NUMBER 215: Yes.

10 THE COURT: And you're juror number 215?

11 JUROR NUMBER 215: Yes, sir.

12 THE COURT: Okay. Now I asked whether or not you
13 had any religious or political beliefs that would keep
14 you from forming an opinion in this case and you stood up
15 so tell me what that is.

16 JUROR NUMBER 215: In 1976 my sister was --

17 THE COURT: You what now?

18 JUROR NUMBER 215: In 1976 ---

19 THE COURT: --- in 1976?

20 JUROR NUMBER 215: My sister was gunned down by a
21 guy --

22 THE COURT: All right. You had a member, your
23 sister in your family that was shot?

24 JUROR NUMBER 215: Yes.

25 THE COURT: And you feel like that would prevent

1 you from serving on the jury in this case?

2 JUROR NUMBER 215: Yes.

3 THE COURT: Well, Ms. Richardson Wright I know you
4 would make a good juror and I'd like to keep you but I'm
5 not trying to put you through a traumatic experience.
6 I'll use you in other cases that don't involve this type
7 of activity. You're excused from service in this case.
8 You may return to your seat but remain in the courtroom
9 until I excuse you. Thank you.

10 [Whereupon, the juror returns to the audience]

11 THE COURT: Come on forward ma'am.

12 [Whereupon, the juror comes forward]

13 THE COURT: Counsel, come back; I've got another
14 juror. Come on forward ma'am. Come right on up here so
15 she can hear you. Your name and number?

16 JUROR NUMBER 241: Donna Singleton, 241.

17 THE COURT: Counsel, this is juror number 241,
18 Donna Singleton. Ms. Singleton, I asked whether or not
19 you had any religious beliefs that would keep you from
20 sitting as a juror in this case and you stood. Would you
21 tell me why you stood?

22 JUROR NUMBER 241: Religious beliefs.

23 THE COURT: And what is it about your religion that
24 would keep you from doing that because this has nothing
25 to do about your faith, you understand that?

1 JUROR NUMBER 241: Judging someone. I don't feel
2 like that's my job to judge someone.

3 THE COURT: I understand that. And it is difficult
4 for many people. No one is asking you to be the judge;
5 that would be my job. No one is asking you to sentence
6 anybody; that would be my job.

7 We're asking you to use your common sense and listen
8 to the evidence and decide who you believe or don't
9 believe based on witnesses that will testify during the
10 trial of the case. Do you understand that?

11 JUROR NUMBER 241: I understand.

12 THE COURT: Do you think you could do that?

13 JUROR NUMBER 241: I think I could do that.

14 THE COURT: Now if you feel like there's any
15 problem now is the time to tell me because I want you to
16 be objective about listening. But all I need is for you
17 to use just good common sense, you understand that?

18 JUROR NUMBER 241: I understand.

19 THE COURT: You must put aside any kind religious
20 or political beliefs and decide this case solely and only
21 on the evidence that is presented during the trial of
22 this case and no other factor. Do you believe you could
23 do that?

24 JUROR NUMBER 241: I believe I can do that.

25 THE COURT: All right. Thank you for your service.

1 You may return to your seat.

2 [Whereupon, the juror returns to the audience]

3 THE COURT: Anyone else?

4 [Whereupon, no one stands]

5 THE COURT: Let the record reflect no one else has
6 come forward in response to my last question. Is any
7 member of my jury panel or a member of their immediate
8 family ever worked for law enforcement of any type? If
9 so, please stand at this time. And I define immediate
10 family as brother, sister, mother, father, or child.

11 [Whereupon, a juror stands]

12 THE COURT: Let the record -- yes, sir? Stand up
13 and give me your name and juror number.

14 JUROR NUMBER 211: Curtis Rampersant, 211. Curtis
15 Rampersant, juror 211.

16 THE COURT: Hold on and let me get you on my list;
17 I've got to turn a bunch of pages.

18 [Whereupon, the Court reviews documents]

19 THE COURT: Counsel, this is Curtis Rampersant; am
20 I pronouncing it right?

21 JUROR NUMBER 211: Yes, sir.

22 THE COURT: Juror number 211. Mr. Rampersant, did
23 you work for law enforcement or a member of your family?

24 JUROR NUMBER 211: A member of my current family.

25 THE COURT: What member of your family?

1 JUROR NUMBER 211: My wife.

2 THE COURT: Your wife? And what law enforcement
3 did she work with?

4 JUROR NUMBER 211: She is a city of Charleston
5 police officer.

6 THE COURT: City of Charleston? Is she currently
7 working there?

8 JUROR NUMBER 211: Yes, sir.

9 THE COURT: The fact that your wife works for the
10 city of Charleston Police Department would that in any
11 way affect your ability to give the state of South
12 Carolina or the Defendant in this case, Mr. Gregory Kyle
13 Green, a fair and an impartial trial?

14 JUROR NUMBER 211: [No response]

15 THE COURT: Would that affect you to be fair and
16 impartial?

17 JUROR NUMBER 211: I don't think it would.

18 THE COURT: Thank you. You may be seated.

19 [Whereupon, the juror is seated]

20 [Whereupon, a juror stands]

21 THE COURT: Yes sir, your name and juror number
22 please?

23 JUROR NUMBER 260: Eugene Swinton, number 260.

24 THE COURT: Counsel, this is juror number 260,
25 Eugene Swinton. Mr. Swinton, are you employed with law

1 enforcement in the past or currently or was that a member
2 of your immediate family?

3 JUROR NUMBER 260: A member of my immediate family.

4 THE COURT: And who was that?

5 JUROR NUMBER 260: My father.

6 THE COURT: Your father? And is your father still
7 employed?

8 JUROR NUMBER 260: No, he's retired from ---

9 THE COURT: --- and who was he employed with before
10 he retired?

11 JUROR NUMBER 260: A DOD police officer on the
12 Weapon Station.

13 THE COURT: The fact that he was a police officer
14 there would that in any way affect your ability to give
15 the State or the Defendant in this case a fair and an
16 impartial trial?

17 JUROR NUMBER 260: No, sir.

18 THE COURT: Thank you.

19 [Whereupon, the juror is seated]

20 [Whereupon, a juror stands]

21 THE COURT: Yes sir, your name and juror number
22 please?

23 JUROR NUMBER 193: John Myers, juror number 193.

24 THE COURT: Counsel, this is juror number 193 John
25 Myers. Mr. Myers, were you employed by law enforcement

1 or a member of your immediate family in the past?

2 JUROR NUMBER 193: Immediate family.

3 THE COURT: Who was that?

4 JUROR NUMBER 193: My brother Nathan Ray Myers.

5 THE COURT: And where was your brother employed?

6 JUROR NUMBER 193: Lexington County.

7 THE COURT: Lexington County Sheriff's Department?

8 JUROR NUMBER 193: Yes, sir.

9 THE COURT: Is he still employed there?

10 JUROR NUMBER 193: No, sir.

11 THE COURT: The fact that your brother was
12 previously employed with the Sheriff's Department of
13 Lexington County would that in any way affect your
14 ability to give the state of South Carolina in this case
15 or the Defendant Gregory Kyle Green in this case a fair
16 and an impartial trial?

17 JUROR NUMBER 193: No, sir.

18 THE COURT: Thank you sir. You may be seated.

19 [Whereupon, the juror is seated]

20 THE COURT: Let the record reflect no one else is
21 standing in response to my last question. Any member of
22 my jury panel or a member of their immediate family ever
23 been employed by the Solicitor's office? If so, please
24 stand at this time.

25 [Whereupon, no one stands]

1 THE COURT: Let the record reflect no one is
2 standing. Any member of my jury panel or a member of
3 their immediate family ever been the victim of a violent
4 crime? If so, please stand at this time.

5 [Whereupon, no one stands]

6 THE COURT: Let the record reflect no one is
7 standing. Any member of the jury panel formed any
8 opinion whatsoever about the alleged guilt or innocence
9 of the Defendant in this case Gregory Kyle Green? If so,
10 please stand at this time.

11 [Whereupon, no one stands]

12 THE COURT: Let the record reflect no one is
13 standing. Any member of my jury panel a member of or a
14 contributor to any group which has as its primary concern
15 the promotion of law enforcement or victim's rights?
16 These groups would include MADD, SADD, CAVE, or CADRE.
17 If so, please stand at this time?

18 [Whereupon, no one stands]

19 THE COURT: Let the record reflect no one is
20 standing. Now I only had one person who had ever served
21 on a jury in Circuit Court before. Do I have that person
22 in the courtroom? I had one that held their hand up.
23 Has anybody ever served on a jury before in Circuit
24 Court?

25 [Whereupon, no one stands]

1 THE COURT: Let the record reflect no hands are
2 raised. Does any member of my jury panel know of any
3 reason why they can't give both the State or the
4 Defendant a fair and an impartial trial? If so, please
5 stand at this time.

6 [Whereupon, no one stands]

7 THE COURT: Does any member of my jury panel have
8 any particular feeling about the offenses of murder or
9 arson which you feel would make it impossible for you to
10 serve as a juror in this case where the Defendant is
11 charged with the offenses of murder and arson? If so,
12 please stand at this time.

13 [Whereupon, no one stands]

14 THE COURT: Let the record reflect no one is
15 standing. Does any member of my jury panel know of any
16 bias or prejudice they may have about the facts which are
17 alleged in this case, any of the parties involved in this
18 case meaning the Solicitor's office or Public Defender's
19 office or their attorneys or any of the potential
20 witnesses involved in this case? If so, please stand at
21 this time.

22 [Whereupon, no one stands]

23 THE COURT: Any member of my jury panel formerly a
24 member of the Charleston County Grand Jury which found
25 the indictments in this case? If so, please stand at

1 this time.

2 [Whereupon, no one stands]

3 THE COURT: Let the record reflect no one is
4 standing in response to my last questions. Ladies and
5 gentlemen it is alleged in one of the indictments that
6 the person who was the victim of the alleged offense of
7 murder was one Freeman Rivers.

8 Any member of my jury panel related by blood,
9 connected by marriage or a close person friend of Freeman
10 Rivers, North Charleston South Carolina or any member of
11 his family? If so, please stand at this time.

12 [Whereupon, no one stands]

13 THE COURT: Let the record reflect no one is
14 standing. Does any member of my jury panel know of any
15 reason whatsoever why they can't give the state of South
16 Carolina or the Defendant in this case a fair and an
17 impartial trial? If so, please stand at this time.

18 [Whereupon, no one stands]

19 THE COURT: Let the record reflect no one is
20 standing.

21 Any additional voir dire from the State?

22 MR. WARING: No, Your Honor.

23 THE COURT: From the Defendant?

24 MS. STEWART: No, Your Honor.

25 THE COURT: All right counsel, the strikes are ten

1 for the Defendant, five for the State. We will be
2 drawing three alternate jurors. The strikes are two for
3 the Defendant on the alternates, one for the State.
4 Strikes do not carry over Solicitor and Counsel; ten and
5 five on the jury, two and one on each alternate.

6 We will be drawing three alternates for the trial of
7 this case. Is the State ready to proceed and you agree
8 with the number of strikes?

9 MR. WARING: Yes, Your Honor.

10 THE COURT: Is the Defendant ready to proceed and
11 you agree with the number of strikes?

12 MS. STEWART: Yes, Your Honor.

13 THE COURT: Mr. Clerk, are you ready?

14 CLERK OF COURT: Yes, sir.

15 THE COURT: Give us a jury please. Now ladies and
16 gentlemen what is happening right now is the computer is
17 selecting random names. They're not going to show them
18 to the -- they are going to hand one to me and my law
19 clerk and I'm going to give one to the court reporter.

20 We are going to call the names out in random order
21 from the list as chosen at random by the computer. We
22 have taken out those people who I have excused from the
23 trial of this case as potential jurors in the trial of
24 this case. As your name is called where do you want them
25 to go?

1 CLERK OF COURT: They can stand right in front of
2 the podium if that's convenient.

3 THE COURT: If you'll come -- you have to come
4 through one of the gates, we call that the bar and
5 they'll open them for you. Come and stand right and face
6 the direction I'm facing right now so the attorneys can
7 see your face. As your name is called they will be
8 exercising their preemptory strikes. That means the
9 Defendant has ten preemptory strikes; the State has five.

10 Once they have exhausted their strikes we will
11 proceed, if they do exhaust them, until we get a jury.
12 We will then draw three alternate jurors. An alternate
13 juror is just as important as a member of the jury. If
14 for any reason a member of the jury becomes ill or for
15 some valid legal reason cannot continue to serve on the
16 jury the alternate would take their place on the jury.
17 The alternates will be with the jury at all times
18 throughout the trial of the case. All right Payton, are
19 you ready?

20 CLERK OF COURT: I'm getting them all situated now.

21 THE COURT: Bring your belongings with you ladies
22 and gentlemen, if you've got a pocketbook, and your name
23 is called when you come up and stand up here.

24 [Whereupon, the Court confers with the Clerk of
25 Court]

1 THE COURT: Ladies and gentlemen so you know I've
2 been handed a list, so has -- I'm now giving one to the
3 court reporter and I have one for my law clerk. No one
4 has seen that list; the attorneys haven't seen it. Your
5 names were drawn completely at random ladies and
6 gentlemen and in an order.

7 So if you happen to be juror number say 24 and you
8 hear something about -- we have assigned a completely new
9 random number. We do not select jurors by your juror
10 number. So don't think if you hear some number called
11 out you are being assigned a completely new random number
12 by the computer for purposes of jury selection.

13 All right Peyton, you tell me when you're ready.

14 CLERK OF COURT: Yes sir, I'm ready.
15
16
17
18
19
20
21
22
23
24
25

1 STRIKING OF THE JURY

2 CLERK OF COURT: Ladies and gentlemen if your name
3 is called please come forward and stand in front of the
4 podium, turn and face the parties and bring any
5 belongings with you that you have.

6 Juror number 239, Lakayla Sherrod.

7 [Whereupon, the juror comes forward]

8 CLERK OF COURT: What say you for the State?

9 MR. WARING: Please present the juror.

10 CLERK OF COURT: What say you for the Defendant?

11 MS. STEWART: Please seat the juror.

12 CLERK OF COURT: Ma'am, you may have a seat in the
13 jury box.

14 [Whereupon, the juror is seated in the jury box as a
15 juror]

16 CLERK OF COURT: Juror number 105, Agli Goxhaj.

17 JUROR NUMBER 105: Agli Goxhaj.

18 [Whereupon, the juror comes forward]

19 THE COURT: Tell me how you pronounce it?

20 JUROR NUMBER 105: Agli Goxhaj.

21 THE COURT: I'll try to remember, G-O-X-H-A-J; is
22 that right?

23 CLERK OF COURT: What say you for the State?

24 MR. WARING: Please present the juror.

25 CLERK OF COURT: What say you for the Defendant?

1 MS. STEWART: Please seat the juror.
2 CLERK OF COURT: Sir, you can have a seat in the
3 jury box.
4 [Whereupon, the juror is seated in the jury box as a
5 juror]
6 CLERK OF COURT: Juror number 135 Shannon Justice.
7 [Whereupon, the juror comes forward]
8 CLERK OF COURT: What say you for the State?
9 MR. WARING: Please present the juror.
10 CLERK OF COURT: What say you for the Defendant?
11 MS. STEWART: Please seat the juror.
12 CLERK OF COURT: Ma'am, you can have a seat in the
13 jury box.
14 [Whereupon, the juror is seated in the jury box as a
15 juror]
16 CLERK OF COURT: Juror number 193 John Myers.
17 [Whereupon, the juror comes forward]
18 CLERK OF COURT: What say you for the State?
19 MR. WARING: Please present the juror.
20 CLERK OF COURT: What say you for the Defendant?
21 MS. STEWART: Please excuse the juror.
22 CLERK OF COURT: Sir, you are excused. Please have
23 a seat in the audience.
24 [Whereupon, the juror returns to the audience]
25 CLERK OF COURT: Juror number 37 Raymond Burns.

1 [Whereupon, the juror comes forward]
2 CLERK OF COURT: What say you for the State?
3 MR. WARING: Please present the juror.
4 CLERK OF COURT: What say you for the Defendant?
5 MS. STEWART: Please excuse the juror.
6 CLERK OF COURT: Sir, you may have a seat in the
7 audience.
8 [Whereupon, the juror returns to the audience]
9 CLERK OF COURT: Juror number 23 Kamarley Blake.
10 [Whereupon, the juror comes forward]
11 CLERK OF COURT: What say you for the State?
12 MR. WARING: Please present the juror.
13 CLERK OF COURT: What say you for the Defendant?
14 MS. STEWART: Please seat the juror.
15 CLERK OF COURT: Sir, you can have a seat in the
16 jury box.
17 [Whereupon, the juror is seated in the jury box as a
18 juror]
19 CLERK OF COURT: Juror number 44 Timothy Chenault.
20 [Whereupon, the juror comes forward]
21 CLERK OF COURT: What say you for the State?
22 MR. WARING: Please present the juror.
23 CLERK OF COURT: What say you for the Defendant?
24 MS. STEWART: Please seat the juror.
25 CLERK OF COURT: Sir, you can have a seat in the

1 jury box.

2 [Whereupon, the juror is seated in the jury box as a
3 juror]

4 CLERK OF COURT: Juror number 209 Kimberly Pupke.

5 [Whereupon, the juror comes forward]

6 CLERK OF COURT: What say you for the State?

7 MR. WARING: Please present the juror.

8 CLERK OF COURT: What say you for the Defendant?

9 MS. STEWART: Please excuse the juror.

10 CLERK OF COURT: Ma'am, you can have a seat in the
11 audience.

12 [Whereupon, the juror returns to the audience]

13 CLERK OF COURT: Juror number 164 Zaw Lwin.

14 [Whereupon, the juror comes forward]

15 CLERK OF COURT: What say you for the State?

16 MR. WARING: Please present the juror.

17 CLERK OF COURT: What say you for the Defendant?

18 MS. STEWART: Please seat the juror.

19 CLERK OF COURT: Sir, you can have a seat in the
20 jury box.

21 [Whereupon, the juror is seated in the jury box as a
22 juror]

23 CLERK OF COURT: Juror number 40 Michael Carter.

24 [Whereupon, the juror comes forward]

25 CLERK OF COURT: What say you for the State?

1 MR. WARING: Please present the juror.
2 CLERK OF COURT: What say you for the Defendant?
3 MS. STEWART: Please excuse the juror.
4 CLERK OF COURT: Sir, you can have a seat in the
5 audience.
6 [Whereupon, the juror returns to the audience]
7 CLERK OF COURT: Juror number 35 Gregory Buck.
8 [Whereupon, the juror comes forward]
9 CLERK OF COURT: What say you for the State?
10 MR. WARING: Please excuse the juror.
11 CLERK OF COURT: Sir, you can have a seat in the
12 audience.
13 [Whereupon, the juror returns to the audience]
14 CLERK OF COURT: Juror number 189 Melissa Mossman.
15 [Whereupon, the juror comes forward]
16 CLERK OF COURT: What say you for the State?
17 MR. WARING: Please present the juror.
18 CLERK OF COURT: What say you for the Defendant?
19 MS. STEWART: Please seat the juror.
20 CLERK OF COURT: Ma'am, you can have a seat in the
21 jury box.
22 [Whereupon, the juror is seated in the jury box as a
23 juror]
24 CLERK OF COURT: Juror number 111 Kimberly Harris.
25 [Whereupon, the juror comes forward]

1 CLERK OF COURT: What say you for the State?
2 MR. WARING: Please present the juror.
3 CLERK OF COURT: What say you for the Defendant?
4 MS. STEWART: Please excuse the juror.
5 CLERK OF COURT: Ma'am, you can have a seat in the
6 audience.
7 [Whereupon, the juror returns to the audience]
8 CLERK OF COURT: The defense has exhausted five of
9 its ten strikes. Juror number 299 Thomas Zavada.
10 [Whereupon, the juror comes forward]
11 CLERK OF COURT: What say you for the State?
12 MR. WARING: Please present the juror.
13 CLERK OF COURT: What say you for the Defendant?
14 MS. STEWART: Please seat the juror.
15 CLERK OF COURT: Sir, you can have a seat in the
16 jury box.
17 [Whereupon, the juror is seated in the jury box as a
18 juror]
19 CLERK OF COURT: Juror number 208 David Puckhaber.
20 [Whereupon, the juror comes forward]
21 CLERK OF COURT: What say you for the State?
22 MR. WARING: Please present the juror.
23 CLERK OF COURT: What say you for the Defendant?
24 MS. STEWART: Please seat the juror.
25 CLERK OF COURT: Sir, you can have a seat in the

1 jury box.

2 [Whereupon, the juror is seated in the jury box as a
3 juror]

4 CLERK OF COURT: Juror number 70 Rachel Devore.

5 [Whereupon, the juror comes forward]

6 CLERK OF COURT: What say you for the State?

7 MR. WARING: Please present the juror.

8 CLERK OF COURT: What say you for the Defendant?

9 MS. STEWART: Please seat the juror.

10 CLERK OF COURT: Ma'am, you can have a seat in the
11 jury box.

12 [Whereupon, the juror is seated in the jury box as a
13 juror]

14 CLERK OF COURT: Juror number 89 Travis Funnie.

15 [Whereupon, the juror comes forward]

16 CLERK OF COURT: What say you for the State?

17 MR. WARING: Please excuse the juror.

18 CLERK OF COURT: Sir, you can have a seat in the
19 audience.

20 [Whereupon, the juror returns to the audience]

21 CLERK OF COURT: Juror number 244 Susan Snover.

22 [Whereupon, the juror comes forward]

23 CLERK OF COURT: What say you for the State?

24 MR. WARING: Please present the juror.

25 CLERK OF COURT: What say you for the Defendant?

1 MS. STEWART: Please excuse the juror.

2 CLERK OF COURT: Ma'am, you can have a seat in the
3 audience.

4 [Whereupon, the juror returns to the audience]

5 CLERK OF COURT: Juror number 121 Barry Hoffman.

6 [Whereupon, the juror comes forward]

7 CLERK OF COURT: What say you for the State?

8 MR. WARING: Please present the juror.

9 CLERK OF COURT: What say you for the Defendant?

10 MS. STEWART: Please seat the juror.

11 CLERK OF COURT: Sir, you can have a seat in the
12 jury box.

13 [Whereupon, the juror is seated in the jury box as a
14 juror]

15 CLERK OF COURT: Juror number 212 James
16 Redmangress.

17 [Whereupon, the juror comes forward]

18 CLERK OF COURT: What say you for the State?

19 MR. WARING: Please present the juror.

20 CLERK OF COURT: What say you for the Defendant?

21 MS. STEWART: Please seat the juror.

22 CLERK OF COURT: Sir, you can have a seat in the
23 jury box.

24 [Whereupon, the juror is seated in the jury box as a
25 juror]

1 THE COURT: All right counsel, alternate number 1.
2 Strikes are now two and one; two for the Defendant, one
3 for the State. Give us alternate number 1, Mr. Clerk.
4 CLERK OF COURT: Juror number 166 Mitchell Martin.
5 [Whereupon, the juror comes forward]
6 CLERK OF COURT: What say you for the State?
7 MR. WARING: Please excuse the juror.
8 CLERK OF COURT: Sir, you have been excused.
9 [Whereupon, the juror returns to the audience]
10 CLERK OF COURT: Juror number 159 Kathie Livingston.
11 [Whereupon, the juror comes forward]
12 CLERK OF COURT: What say you for the State?
13 MR. WARING: Please present the juror.
14 CLERK OF COURT: What say you for the Defendant?
15 MS. STEWART: Please excuse the juror.
16 CLERK OF COURT: Ma'am, you have been excused.
17 [Whereupon, the juror returns to the audience]
18 CLERK OF COURT: Juror number 49 Linda Cohen.
19 [Whereupon, the juror comes forward]
20 CLERK OF COURT: What say you for the State?
21 MR. WARING: Please present the juror.
22 CLERK OF COURT: What say you for the Defendant ---
23 THE COURT: --- does the State have any strikes for
24 cause?
25 MR. WARING: No, Your Honor.

1 THE COURT: What say you for the Defendant?
2 MS. STEWART: Please seat the juror.
3 THE COURT: Alternate number 1.
4 [Whereupon, the juror is seated in the jury box as
5 an alternate juror]
6 THE COURT: Alternate number 2, Mr. Clerk. Two
7 and one.
8 CLERK OF COURT: Juror number 63 George Davis.
9 [Whereupon, the juror comes forward]
10 CLERK OF COURT: What say you for the State?
11 MR. WARING: Please present the juror.
12 CLERK OF COURT: What say you for the Defendant?
13 MS. STEWART: Please seat the juror.
14 CLERK OF COURT: Sir, you can have a seat in the
15 jury box.
16 [Whereupon, the juror is seated in the jury box as
17 an alternate juror]
18 THE COURT: Alternate number 2 has been seated.
19 Now alternate number 3. Two and one.
20 CLERK OF COURT: Juror number 197 Frank Oakley.
21 [Whereupon, the juror comes forward]
22 CLERK OF COURT: What say you for the State?
23 MR. WARING: Please present the juror.
24 CLERK OF COURT: What say you for the Defendant?
25 MS. STEWART: Please excuse the juror.

1 CLERK OF COURT: Sir, you can have a seat in the
2 audience.

3 [Whereupon, the juror returns to the audience]

4 CLERK OF COURT: Juror number 161 Graham Long.

5 [Whereupon, the juror comes forward]

6 CLERK OF COURT: What say you for the State?

7 MR. WARING: Please present the juror.

8 CLERK OF COURT: What say you for the Defendant?

9 MS. STEWART: Please seat the juror.

10 CLERK OF COURT: Sir, you can have a seat in the
11 jury box.

12 [Whereupon, the juror is seated in the jury box as
13 an alternate juror]

14 THE COURT: Alternate number 3. Are there any
15 matters of law pertaining to the selection of the jury
16 that need to be decided before the jury is sworn from the
17 state of South Carolina?

18 MR. WARING: No, Your Honor.

19 THE COURT: From the Defendant?

20 MS. STEWART: No, Your Honor.

21 THE COURT: Counsel approach.

22 [Whereupon, an off the record bench conference is
23 held]

24

25

1 THE COURT: Mr. Clerk, would you please swear the
2 jury.

3 CLERK OF COURT: Would the Defendant please stand?
4 [Whereupon, the Defendant stands]

5 CLERK OF COURT: Ladies and gentlemen of the jury
6 would you please stand and raise your right hands to be
7 sworn?

8 [Whereupon, all jurors stand]

9 CLERK OF COURT: Do you swear or affirm that you
10 shall well and truly try and a true deliverance make
11 between the state of South Carolina and the Defendant at
12 the bar whom you shall have in charge and a true verdict
13 render according to the evidence and the laws so help you
14 God? If you have accepted this oath please say I do.

15 [Whereupon, all jurors respond affirmatively]

16 CLERK OF COURT: You may be seated.

17 [Whereupon, all jurors are seated]

18 THE COURT: All right ladies and gentlemen, I met
19 with the lawyers and you're going to see me do that a lot
20 in the trial. We're not trying to hide anything from you
21 and I'm going to explain to you when we start later on
22 this afternoon our roles.

23 I'm the sole judge of the law; you're the sole judge
24 of the facts. Sometimes when I'm meeting with the
25 lawyers I have to make a comment to them about the facts

1 as to whether or not a particular piece of law applies to
2 the case. So the custom in this state rather than make
3 you go to your jury room and come back and make you go to
4 your jury room and come back I first try to take up
5 matters at the bench outside of your hearing so you won't
6 be influenced by anything that I might say or do in
7 discussing with the lawyers whether a particular piece of
8 law applies to this case or not. So don't think we're
9 trying to hide anything from you. We're trying to keep
10 you from being influenced by how I might rule.

11 And that is also true during any objection in the
12 trial of this case. I will discuss that with you.
13 Regardless of how I rule on any objection doesn't mean I
14 favor one side or the other; I'm just enforcing the rules
15 of evidence in the case. That's the judge's role.

16 Your role is to take the facts based on evidence
17 introduced during the trial of the case and apply the law
18 as I give it to you at the conclusion of the case and
19 render your verdict at the conclusion of the case.

20 Now I want you to do a little bit of work for me and
21 I'm going to let you have a break. Out of the 12 of you,
22 not my three alternates, now you've just as important as
23 a member of the jury. If some member of the jury becomes
24 ill or for reason cannot validly continue to serve you
25 would take their place. But I want you to select a

1 Foreperson. Let me tell you about the duties of a
2 Foreperson. The Foreperson presides in the jury room and
3 only one of the 12 of you can be selected Foreperson; not
4 an alternate.

5 The jury Foreperson presides in the jury room just
6 like the chairperson of a committee presides at a
7 committee meeting. It is the Foreperson's job to see
8 that each and every member of the jury has a full and
9 fair opportunity to voice their opinions in the jury room
10 once deliberations begin.

11 The Foreperson also writes the jury's verdict for
12 the jury, for the entire jury. I will be giving you a
13 verdict form. The Foreperson will certify by the
14 Foreperson's signature the verdict form. The Foreperson
15 also is the jury's spokesperson. Should that need arise
16 during the trial of the case the Foreperson speaks for
17 the entire jury. Any of the 12 of you are eligible to be
18 Foreperson.

19 Now, I'm going to send you because I want you to
20 know, and your alternates will go with you, but they're
21 not eligible to be Foreperson because they are not on the
22 jury yet. But they will be with you throughout the trial
23 of this case. I want you to -- they're going to give you
24 a pad and a pen. I want you to select a Foreperson.
25 Write the person's name and number down and give it to

1 bailiff who will bring it out to me. Once I have that
2 I'm going to excuse you for lunch and I'm going to ask
3 you not to come back until 3:15 this afternoon because we
4 have some work to do that does not involve you. That's
5 what I met with the lawyers about. So you'll get a long
6 time for lunch, 3:15.

7 When you come back I want you to come back to your
8 jury which you're about to go to. The bailiffs will show
9 you how to get in and out of the courtroom. So when you
10 come back don't come to the courtroom; come to your jury
11 room. That's all of you, alternates and juror, by 3:15.
12 Hopefully we will be finished. We're estimating how long
13 it will take us to get our work done. But as soon as we
14 get it done I'm going to start ladies and gentlemen.

15 Now during the lunch break I ask that you at any
16 time not discuss this case. You have not heard any
17 evidence in this case. It would be improper for you to
18 discuss it amongst yourselves or with anybody else. You
19 must decide this case solely and only on the evidence as
20 it is presented during the trial of this case.

21 If someone -- people can be curious; I understand
22 that. You go home tonight and somebody in your family
23 says tell me what happened in court today. You on the
24 jury; tell me what it's about. Please don't discuss it
25 even with a family member. If someone approaches you and

1 tries to talk to you about this case for the jury all I
2 ask is that you get their name and give it to me. I'll
3 handle that problem for you ladies and gentlemen. That
4 person ain't going to bother you anymore; I can assure
5 you of that. So if you get a person's name that tries to
6 talk to you about this case and you don't want -- and
7 it's not somebody that you think is innocent, you give
8 that name to me. I can assure you I can handle that for
9 you.

10 Now, I don't know whether there will be anything on
11 radio, television, or in the newspaper about this case.
12 I'm instructing you now not to read such, listen to such
13 or watch such. Please don't try to do any research about
14 this case on your computer or your smart phone.

15 It's improper for you to try to research any lawyer
16 or any witness or anything about this case. You must
17 decide this case only and solely on the evidence as it is
18 presented during the trial of this case when both sides
19 are present with the right of cross-examination.
20 Everybody understand that?

21 [Whereupon, the jury nods affirmatively]

22 THE COURT: All right. I want you to go to your
23 jury room, select a Foreperson, knock on your jury room
24 door give the piece of paper with the Foreperson. When I
25 get that, I'm going to send the bailiff back and tell you

1 that you may go to lunch. Be back in your jury room by
2 3:15. Hopefully, we can start at 3:15. Thank you for
3 your patience and your service. You may retire to the
4 jury room at this time. The bailiff will take you.
5 We're going to take good care of you.

6 [Whereupon, the jury exits at 1:32 p.m.]

7 THE COURT: Now I see that smile on your face out
8 there ladies and gentlemen; those of you that were not
9 selected as jurors in the trial of this case. All of
10 you should have been given a card like this [indicates]
11 that has a callback number. The number in Charleston is
12 843-958-5084. If you don't have a card with that number
13 please raise your hand at this time.

14 [Whereupon, no one responds]

15 THE COURT: Everybody has got one? Call the number
16 after 6 o'clock tonight. Do not call the number prior to
17 6 o'clock. There will be a taped message on that number
18 telling you when, if at all, I might need you to return
19 to the courthouse. It may tell you to call back tomorrow
20 night. It may tell you thank you for your service.

21 It may tell you to report to the courtroom or jury
22 assembly room at 9 or 10 o'clock in the morning; I don't
23 know. We will be working and until I know that's why I
24 don't want you to call before 6 o'clock. Wait until we
25 finish the work day so I can give you the most updated

1 information. I want to thank you for your patience
2 during roll call, jury qualification and jury selection.
3 I hope it has been an educational experience for you.
4 You are now excused for the balance of the day. You may
5 leave the courtroom at this time. Thank you very much.

6 [Whereupon, the panel exits the courtroom at 1:34
7 p.m.]

8 [Off the record momentarily]

9 [Whereupon, the Bailiff proffers document to the
10 Court]

11 THE COURT: Counsel, I've been handed a note from
12 the bailiff that the jury has chosen juror number 299,
13 Thomas Zavada Z-A-V-A-D-A as Foreperson of the jury. Any
14 objection from the State to making the jury's note a
15 Court's exhibit?

16 MR. WARING: No, Your Honor.

17 THE COURT: From the Defendant?

18 MS. STEWART: No, Your Honor.

19 THE COURT: Court's exhibit number 1 [sic] without
20 objection.

21 [Whereupon, Court's exhibit number 4 is marked by
22 the court reporter]

23 THE COURT: Tell the jury they may now leave and be
24 back in the jury room at 3:15 after lunch.

25 THE BAILIFF: Yes, sir.

1 THE COURT: Thank you, sir. Anything on the
2 record at this time? I want y'all to get some lunch.
3 Y'all tell me y'all need 30 minutes and it's 1:35. So,
4 I'm figuring y'all can go to lunch and be back at 2:30,
5 2:35 and we can use the 30 minutes that y'all need for
6 what you couldn't agree on in that time, is that correct
7 Solicitor?

8 MR. WARING: Yes, Your Honor.

9 THE COURT: Is that your understanding as well, Ms.
10 Stewart?

11 MS. STEWART: Yes, Your Honor.

12 THE COURT: All right. I've got the indictments up
13 here. I'm handing them to the Clerk.

14 [Whereupon, the Court proffers documents to the
15 Clerk of Court]

16 THE COURT: I don't keep them up here during breaks
17 but I'll need those when we charge the jury but not
18 before. Thank you very much for your patience. Please
19 go get some lunch. Please be back in the courtroom at
20 2:35. That gives y'all an hour for lunch so we can go to
21 work. Thank you very much.

22 MR. WARING: Thank you, Your Honor.

23 MS. STEWART: Thank you.

24 [Whereupon, Court is in recess from 1:38 p.m. until
25 3:08 p.m.]

1 [Whereupon, the Court holds an in chambers
2 conference with the attorneys]

3 THE COURT: Thank you. Please be seated.

4 [Off the record momentarily]

5 THE COURT: Counsel approach; one Solicitor and one
6 Public Defender.

7 [Whereupon, an off the record bench conference is
8 held]

9 THE COURT: I've got all my jury, right?

10 THE BAILIFF: Yes, sir.

11 THE COURT: Is the State ready to proceed?

12 MR. WARING: Yes, Your Honor. Are we doing
13 openings or are we...

14 THE COURT: I understand y'all are both ready to do
15 your openings now, is that correct?

16 MS. STEWART: Yes, sir.

17 THE COURT: Is the Defendant ready to proceed?

18 MS. STEWART: Yes, sir.

19 THE COURT: Very good. Bring us the jury.

20 MR. WARING: Your Honor, do you have any
21 preference? Are we allowed to walk around or should we
22 stay at the podium?

23 THE COURT: Is there a microphone in that podium?
24 There is not one?

25 MR. WARING: I don't see one, Your Honor.

1 THE COURT: If you walk around then you're going to
2 put your back to the court reporter and that's the only
3 problem. She's got to be able to hear when you're
4 walking around and when you do that it muffles your
5 voice.

6 Normally, we have a microphone at a podium where you
7 can pull it over if you want to address the jury. So
8 you're going to have to be aware of that so she can pick
9 up what you say because she's got to make a record. Do
10 you understand that?

11 MR. WARING: Yes, Your Honor.

12 THE COURT: Joy?

13 THE COURT REPORTER: Yes, sir.

14 THE COURT: If you can't hear anything all you've
15 got to do is look at me and I'll stop them.

16 THE COURT REPORTER: I'll wave at you.

17 THE COURT: If y'all think you're going to start --
18 if I think you're doing it where she can't hear you you
19 can pull the podium over there. But first I'm going to
20 give a preliminary charge before you do that. Y'all used
21 to have a microphone in that rostrum in here. I don't
22 know what happened to it.

23 [Whereupon, the Clerk provides a microphone]

24 THE COURT: Ah, we've got a portable mic. Tap it
25 and see if it...

1 [Whereupon, the Clerk complies]

2 THE COURT: Have you got a holder for it? Yeah,
3 that's great. Use the rostrum.

4 [Off the record momentarily]

5 THE COURT: Is everybody ready?

6 MR. WARING: Yes, Your Honor.

7 MS. STEWART: Yes, Your Honor.

8 THE COURT: Bring us the jury.

9 [Whereupon, the jury enters at 3:14 p.m.]

10 THE COURT: Congratulations on your election, Mr.
11 Zavada. As Foreperson that will be your seat throughout
12 the trial of the case. Ladies and gentlemen first of all
13 I want to thank you for being on time. You did exactly
14 what I asked you to do and we're actually starting if
15 this clock is right, and I'm not sure -- is that clock
16 right now Payton?

17 CLERK OF COURT: It should be, yes sir.

18 THE COURT: As you pointed out to me in the jury
19 assembly room they hadn't set the clocks back in
20 Charleston County. But I think this clock is close to
21 3:15. I can't -- is it? Oh, it is? So you're on time.

22

23

24

25

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 COURT'S OPENING REMARKS TO THE JURY

2 THE COURT: Let me go over a couple of things with
3 you before we start with the hope that this will give you
4 a better idea of how we're going to proceed during the
5 trial of this case.

6 First of all as you heard me tell you before you
7 went to lunch you've been sworn now. While you are
8 selected as a juror and while you're on the jury, and
9 until I excuse you, I'm going to ask you not to discuss
10 this case with anybody else including your fellow jurors.

11 And when I do tell you to discuss it I want you to
12 discuss it only in your jury room with your fellow jurors
13 after I've authorized you to do it. One of the things
14 that many people don't understand is that you haven't
15 heard any evidence in this case. You hadn't heard the
16 closing arguments of the attorneys. You hadn't gotten my
17 charge on the law. We don't want you engaging you in
18 what we call premature deliberations.

19 So please do not discuss this case until I instruct
20 you to do so, and when I do please just discuss it with
21 your fellow jurors in your jury room. Please don't read
22 or listen or watch any news reports about this case. I
23 don't know whether there will be any. But whether there
24 are or not I ask you not to watch, listen or read any
25 such news reports because you need to base your decision

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 on the evidence introduced during the trial of the case
2 when both sides are present with the right of cross-
3 examination. Please don't use a computer or a cell phone
4 or any other electronic device with communication
5 capability while you are on the jury.

6 Everybody has a cell phone now. Everybody feels
7 like that they can't live without it. I understand that
8 but you are not to use the cell phone or any electronic
9 device to try to obtain or disclose information about the
10 case even when you aren't in court. And that would
11 include information about a party or information about an
12 attorney or a witness or a court officer or any news
13 account of the case or any information collected through
14 any juror research on any topic that might be raised by
15 testimony during the trial of the case.

16 Even if you think it would help you in deciding the
17 case it is forbidden for you to engage in any type of
18 research like that. You must decide the case solely on
19 the evidence that is presented during the trial of this
20 case and not on some outside source through any research
21 on your own.

22 So I'm going to ask you please, I can't tell you how
23 dangerous this has become in our court system. Please
24 don't communicate with anyone about this case on your
25 cell phone, through email, on your blackberry or your

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 iPhone or text messaging or on Twitter or through any
2 blog or website through any Internet chat room or by way
3 of any other social networking websites, which would
4 include Facebook, My Space, LinkedIn, YouTube; all of
5 that is strictly forbidden while you're serving on the
6 jury ladies and gentlemen.

7 Now I told you this morning and I want to emphasize
8 it. Before we begin this trial I want to tell you that
9 this trial probably will be different from what many of
10 you expect. As I told you this morning most people don't
11 have the chance to attend an actual court session as each
12 of you are doing now.

13 And many people think from going to a movie or
14 reading a book or watching television that trials are
15 always full of this high drama and all these entertaining
16 stories. And while all those things may be true at times
17 for an actual trial a trial is not for entertainment. It
18 is a fundamental part of our democracy.

19 It is an effort to make sure that justice is done
20 between the parties before the Court and it is often
21 slow. It is often deliberate. It is often repetitive;
22 the exact opposite of what you may have seen on
23 television or in a movie or read in a book. This
24 courtroom ladies and gentlemen is a place of honor. It
25 is dedicated to the protection and the preservation of

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 citizen's rights through what many people have called the
2 greatest justice system in the entire world. The
3 attorneys that are going to be appearing before you are
4 advocates for the parties they represent; either the
5 state of South Carolina or the Defendant. As advocates
6 they are going to be advocates for the parties that they
7 represent.

8 But first and foremost the attorneys are officers of
9 this Court. And as officers of this Court they took an
10 oath just like you took an oath a little while ago. In
11 that oath they swore they would uphold the integrity and
12 fairness of our judicial system. And because they took
13 that oath their first obligation is to fulfill that oath.

14 So you should expect the attorneys to be
15 professional. You should expect the attorneys to be
16 competent, and you should expect the attorneys to be
17 ethical in the representation of their client's interest.

18 Now I'll remind each of you now that all of you on
19 this jury, including my alternate jurors, each of you
20 have taken an oath to pay close attention to the
21 testimony and evidence that is going to be presented
22 during the trial of this case and to consider all of the
23 evidence in this case appropriately.

24 So you also as jurors are expected just like the
25 attorneys to be professional, to be reasonable and to be

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 ethical in the discharge of your duties as jurors.
2 Before we even begin this trial I want to thank each and
3 every one of you for accepting this very important
4 responsibility for jury service. Without you ladies and
5 gentlemen of the jury justice cannot be accomplished in a
6 courtroom.

7 So I want to thank you in advance before we start
8 for your contribution as jurors today to our justice
9 system. We need you ladies and gentlemen in order that
10 justice can be accomplished in the courtroom and we
11 appreciate very much that service.

12 All right, now let me go over a little bit about
13 this case. Mr. Foreman and ladies and gentlemen of the
14 jury as you know the case we are about to try is the case
15 of the state of South Carolina verses Gregory Kyle Green.
16 Mr. Green is seated at defense table with his lawyers.
17 He's the Defendant.

18 The Defendant was charged by three indictments;
19 murder, arson, possession of a weapon during the
20 commission of a violent crime. I'll be charging you
21 about that later on in the trial of this case and the
22 elements of it. So you don't need to be concerned about
23 what the elements are of murder or what the elements are
24 of the other offenses because they will be explained to
25 you later. You should understand that the indictments

1 are simply the charges by which the case is brought into
2 this Court. And the indictments are not in any sense
3 evidence of any of the allegations contained in the
4 indictment.

5 Now to the indictments the Defendant has pled not
6 guilty. The state of South Carolina therefore has the
7 burden of proving each of the essential elements of the
8 indictments beyond a reasonable doubt. And it will be
9 your duty ladies and gentlemen as jurors to decide
10 whether or not the state has met that burden.

11 It is your solemn responsibility to determine the
12 guilt or the innocence of the Defendant. And your
13 verdict as I've told you repeatedly must be based solely
14 on the evidence as it is presented to you during this
15 trial and on the law as I instruct it to you to be during
16 the trial and in my charge to you on the law at the
17 conclusion of the trial.

18 Now in just a minute the Assistant Solicitor will
19 make what is called an opening statement. We have rules
20 about who goes first in which he will explain to you the
21 issues in this case or at least what he contends to be
22 the issues in this case as an advocate for the state of
23 South Carolina.

24 Following the opening statement by the Assistant
25 Solicitor the attorney for the Defendant will make an

1 opening statement. Now I want to tell you that the
2 attorneys have worked hard to prepare the case. Austin
3 and I have worked hard. I just went over with the
4 attorneys that we spend Saturday and Sunday getting
5 ready.

6 In case you don't know this is how -- I'm proud of
7 my law clerk -- I have a complete trial notebook right
8 here [indicates] for just this case. And he and I have
9 been through every page of it in preparation for you
10 today. So don't think that the attorneys weren't working
11 this weekend or that we weren't working.

12 Now, the attorneys are advocates. I told you that.
13 So I want you to listen to the attorneys in opening
14 statement and then you'll hear them do an argument. And
15 I'll explain the difference between opening statement and
16 argument. Opening statement is when they try to outline
17 the uncontroverted evidence.

18 Why do I say uncontroverted, undisputed? Because
19 they know if I rule something out of evidence they're not
20 allowed for you to hear it and that could create a
21 problem of whether we continue in the trial of the case.

22 They're going to outline undisputed evidence in this
23 case in their opening statement. In a closing argument
24 all the evidence has been presented. I haven't heard any
25 of the evidence in this case and you haven't either. I

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 asked you does anybody on this jury know anything, heard
2 anything, talked to anybody about the facts of this case.
3 And each of you under oath did not respond in the
4 affirmative.

5 I don't know anything about the evidence in this
6 case and you don't know anything about the evidence. And
7 that's exactly what the law intends; that you would have
8 an open mind about this case and I would have an open
9 mind about this case.

10 So although I want you to listen to the attorneys
11 what the attorneys say in opening statement, what the
12 attorneys argue to you in closing argument after the
13 evidence is they will try to persuade you in closing
14 argument to agree with their version of the facts in the
15 case based on evidence that has been introduced during
16 the trial of the case in their closing argument.

17 What they argue to you in closing argument, what
18 they tell you in opening statement, even what they
19 suggest to you with a question is not evidence in this
20 case. It's only their contention as an advocate for
21 their clients as to what the issues are in this case.

22 Now I told you that you have to as jurors decide
23 this case based upon the evidence. So what is the
24 evidence in this case? Well, ladies and gentlemen the
25 evidence in this case is going to be presented to you by

1 testimony from the witness stand, sworn testimony. A
2 witness will get on that witness stand and take an oath
3 just like you took an oath, I took an oath and they are
4 going to swear to you and testify before you.

5 Evidence may also take the form of an exhibit such
6 as a photograph or a model. But the attorneys know and I
7 want you to know you're not going to see any exhibit
8 until first they go through me. I'm the gatekeeper.
9 They can't present an exhibit without showing it to me
10 first and letting me see whether there is any objection
11 before you see it.

12 Once you see it you will know that I've allowed it
13 into evidence. Whether or not you believe any exhibit or
14 believe any witness is solely a matter for you to
15 determine ladies and gentlemen as members of the jury.
16 Evidence may also take the form of a stipulation. The
17 attorneys may agree that a fact is true and therefore
18 they would agree that they don't have to prove that fact.
19 We call that a stipulation, an understanding; an
20 agreement that a fact is true.

21 So evidence can be sworn testimony from the witness
22 stand, it could be an exhibit like a photograph if I
23 allow it into evidence, it can be a stipulation. You
24 should consider all the evidence in this case. In the
25 consideration of the evidence in this case you should

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 remember that under the Constitution of the state of
2 South Carolina you and you the members of this jury alone
3 are the sole judges of the facts in this case based on
4 the evidence which is going to be introduced during the
5 trial of this case.

6 And the same law that makes you, the jury, the sole
7 judges of the facts makes me as the presiding Judge the
8 sole judge of the law. I cannot invade your province
9 ladies and gentlemen and tell you what the facts are.
10 And you should not invade my province ladies and
11 gentlemen and differ with me about what the law is.

12 Everything that I say during the course of this
13 trial is being taken down by my court reporter over here
14 [indicates]. Joy's got that mask up to her face and
15 she's talking into just as hard as she can go right now
16 as I speak to you. Everything that I say she takes down
17 and if I make a mistake as to the law to the detriment of
18 either side they can appeal the case to an appellate
19 court. And if the appellate court agrees that I've made
20 a mistake on the law they will reverse the case and send
21 it back for a new trial.

22 So don't any of you on this jury worry about whether
23 or not I told you the law correctly. That is somebody
24 else's worry. That is not your concern. Your job is to
25 take the law as I give it to you and apply it to the

1 facts as you find them to be based on evidence introduced
2 during the trial of the case and that means based on
3 testimony from the witness stand, any exhibit that may be
4 introduced into evidence or any stipulation that might
5 occur during the trial of this case. After doing that
6 you will render your verdict under that oath which each
7 of you just took as jurors.

8 Now from time to time you might hear one of the
9 lawyers say something like Your Honor, I believe we have
10 a question of law that we need to discuss with you or a
11 matter of law to discuss with you or Your Honor may we
12 approach the bench. Or you might hear me say, as you
13 already have seen, counsel approach the bench.

14 Sometimes I might find it necessary that you be
15 excused from the courtroom for a little while while the
16 attorneys and I depending on how long I think it's going
17 to take discuss a matter of law. Now the reason for this
18 is because as I've told you you're the sole judges of the
19 facts in this case.

20 And sometimes when I'm discussing a matter of law
21 with the attorneys it may be necessary for me to make
22 some comment on the facts in connection with ruling about
23 whether or not a particular piece of law applies to this
24 case. I'm not supposed to tell you what I think the
25 facts are in this case. So the practice in this state is

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 to try to take it up outside of your earshot and you will
2 hear this -- Payton, give them some static.

3 [Whereupon, the Clerk turns on the white noise]

4 THE COURT: Can y'all hear the static over there in
5 the jury box?

6 [Whereupon, the jury nods affirmatively]

7 THE COURT: Okay. In all my other courtrooms it's
8 louder than that. I hope it's sufficient. The idea is
9 so that you can't listen so then you won't be influenced.
10 Or I might ask you to step to your jury room. If I feel
11 like you need a break I'll do that if I can possibly
12 handle it that way so you won't be influenced by anything
13 that I might say or do in connection with the facts and
14 ruling on a particular piece of law.

15 And in that connection let me emphasize to each of
16 you before we begin that you ladies and gentlemen of the
17 jury you and you alone are the sole judges of the facts
18 in this case. And if you should gather from anything
19 that I might say or do during the course of this trial
20 that I have any opinion whatsoever as to the facts in
21 this case please erase that from your mind because you
22 are the sole judges of the facts, not me. And I'm not
23 going to make any comment to you about the facts in this
24 case. Now, I'm asked this frequently. Well, Judge
25 Buckner you tell me I've got to base my decision on the

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 evidence. How will I be able to determine what evidence
2 to believe? What facts are true facts? Well, ladies and
3 gentlemen part of your job as jurors in determining what
4 the facts are in the case you out of necessity will also
5 be responsible from passing upon the creditability or the
6 believability of the witnesses who are going to testify
7 during the trial of this case. It will be my
8 responsibility to rule as a matter of law as to whether
9 any testimony is to be admitted into evidence or not as
10 the presiding Judge.

11 So I determine whether certain testimony is
12 admissible at all or not. But once I have allowed the
13 testimony to be admitted into evidence whether or not you
14 as a jury believe the testimony that's solely a matter
15 for you, the jury, to determine.

16 And in passing upon the creditability or
17 believability of the witnesses you have the right as a
18 jury to take into consideration the interest of any
19 witness, the bias, if any, of any witness. You may take
20 into consideration the opportunity of the witness to have
21 observed the matters or things about which the witness
22 might testify.

23 You may even take into consideration the demeanor,
24 the appearance of the witness while the witness is on the
25 witness stand. Anything that is in evidence ladies and

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 gentlemen of the jury you, as a jury, have the right to
2 consider in passing upon the creditability or
3 believability of the witnesses who will testify from the
4 witness stand.

5 And that means Mr. Foreman and that means ladies and
6 gentlemen of the jury and my alternate jurors that it is
7 your duty under that oath which each of you took a while
8 ago to pay close attention to the witnesses, to listen to
9 the witnesses.

10 Don't let your thoughts wander but give strict
11 attention to the testimony and the exhibits and the
12 evidence during the trial of this case. Why? So that at
13 the conclusion of all the testimony after the final
14 arguments of the attorneys and my charge to you on the
15 law that applies to the case you will have put yourself
16 in a position by listening, by observing, by giving
17 strict attention to the testimony you will have put
18 yourself in a position to determine what the true facts
19 are in determining the creditability or believability of
20 the witnesses and to apply the law to the facts as you
21 find them to be and thus render a verdict.

22 Now you must not consider anything that you may have
23 read, anything that you may have heard about this case
24 outside of the courtroom whether before or during this
25 trial. And until I submit this case to you you must not

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 discuss it with anyone, not even your fellow jurors or
2 members of your own family. And after I submit the case
3 to you you must discuss it as I told you before lunch
4 only in your jury room with your fellow jurors.

5 It's very important that each of you on the jury
6 keep an open mind and not decide the case until the
7 entire matter has been submitted to you under my
8 instructions. Why? Because it may be the very last
9 thing that happens in this trial or very near the end of
10 the trial that changes your mind.

11 So please don't engage in any type of premature
12 deliberations and not discuss the case amongst yourselves
13 until I instruct you to do so. And it will be your added
14 duty Mr. Foreman to preside in the jury room. You will
15 also be the jury's spokesperson out here in the
16 courtroom.

17 I will prepare a verdict form for you and I will go
18 over that in my charge to you on the law. Now Austin's
19 job is whatever you write on that verdict form he's going
20 to get the original indictments from the Clerk of Court
21 who is holding them right now and I don't want you to
22 leave this courtroom until whatever you wrote on that
23 verdict form you also write on those indictments and sign
24 your name and date it. So Austin is going to be looking
25 for you after you publish your verdict. I've actually

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 had a law clerk go tackle a Foreperson one time on the
2 lawn of the courthouse and I don't want him to have to do
3 that so please stay right here with us until you've been
4 able to sign the indictments as well as the verdict form.

5 Now, the acoustics in Charleston in the courtrooms
6 are pretty good. If you can't hear or you can't even
7 more importantly understand what a person is saying
8 whether it be one of the lawyers, me, a witness raise
9 your hand. That's all you got to do. I'll be watching
10 all 15 of you throughout the trial of the case. If you
11 can't hear, raise your hand.

12 Now, they know they can't show you an exhibit until
13 I've seen it and ruled on it. If an exhibit is admitted
14 into evidence during the trial of this case and you can't
15 see it because the attorneys like to walk around
16 sometimes. Court reporters don't like that because they
17 put their back to them.

18 Court reporters, the reason I'm sitting here and the
19 witness stand is where it is she can look at my mouth and
20 she can tell what I'm saying. She can turn her chair and
21 she can look at the witness's mouth. She can face her
22 chair and if the attorneys are speaking there she can see
23 the attorney's mouths. If she can't hear she will let me
24 know. If you can't see or hear during the trial of this
25 case raise your hand for me. I want my jurors to be able

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 to hear and to see at all times throughout the trial of
2 the case. Now Mr. Foreman and ladies and gentlemen of
3 the jury normally we do not allow jurors to ask questions
4 here in the courtroom. If at any time a member of the
5 jury has a question here is the procedure we have to
6 follow.

7 If you are not already in your jury room you will
8 retire to your jury room. You as the Foreman of the jury
9 will write the question on a piece of paper like they did
10 when you were elected. You will give it to the bailiff
11 and he will bring it out to me. I will then have to rule
12 as a matter of law whether or not the question can or
13 cannot be answered just as I would any question asked by
14 either one of the attorneys during the trial of the case.

15 I've tried it both ways ladies and gentlemen. I
16 ask, I've got a pen and I've got a notebook up here but
17 I'm going to ask you not to take written notes. Why?
18 Because I've found that if the written note taker makes
19 an error in the written notes the notes can be harmful
20 rather than helpful in your jury room once deliberations
21 begin.

22 The time tested system is for each of you to listen
23 and listen carefully. Now if you're worried about
24 remembering don't because we're making an audio recording
25 of the witness's testimony. And if you want to hear an

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 entire witness's testimony again, we'll play it for you.
2 So don't worry about remembering. Just listen. Please
3 do not use a cell phone or bring a beeper to Court. I've
4 already gone over that with you. I ask that you do not
5 do that.

6 Now I do not intend by what I've just said to you
7 that you should construe these remarks that I'm making to
8 you now as a charge on the law in this case because it's
9 not that. It's just to give you some idea of how we're
10 going to proceed.

11 I don't know what law I'm going to charge you yet.
12 I'm going to be working on that throughout this trial.
13 Just as you're listening I'm going to be listening. So I
14 don't know what law applies to this case. That's the
15 reason I charge you the law at the conclusion of the
16 trial.

17 This has been merely an attempt on my part to
18 briefly explain to you some of the procedure that we will
19 follow in the trial of the case so that you will have a
20 better understanding as to what may be happening from
21 time to time.

22 Nevertheless, in order to preserve everyone's rights
23 I always give the parties an opportunity to object to
24 anything I've said if there are any objections or
25 exceptions. Any objections or exceptions to the Court's

State v Gregory Green
Court's Opening Remarks to the Jury
November 4, 2019

1 comments from the state of South Carolina?

2 MR. WARING: No, Your Honor.

3 THE COURT: From the Defendant?

4 MS. STEWART: No, Your Honor.

5 THE COURT: Ladies and gentlemen we will now begin
6 the trial of this case. Please give the attorneys your
7 careful consideration. Solicitor, opening statements.

8 MR. WARING: Thank you, Your Honor. May it please
9 the Court?

10 THE COURT: Proceed.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

OPENING STATEMENTS

BY MR. WARING:

Disrespect, a subsequent act of unspeakable cruelty, and a plan to cover it all up. That's what this case is about.

On June 8th, 2017 early in the morning after midnight the Defendant, Gregory Green, and the co-defendant, Terrance Doucet, were hanging out at a fish fry. There was a party that night. Terrance Doucet, he is a party promoter. He was an event planner at that time and so he hosted this party; fish fry. The venue was in North Charleston. It was at a location called the Bistro at Rivers.

So they're hanging out there having a good time. Closing time is around 2 a.m. Now Terrance has to stay and clean up and settle up, etcetera; all the things that go into being a successful party promoter at the fish fry.

The Defendant leaves to go to his house. At that time there is going to be house party, an after party, at the Defendant's house. So Terrance stays and cleans up and settles up and then he heads over to the Defendant's house. At that time the Defendant lived on Azalea Drive in North Charleston. When Terrance gets there the Defendant is gone but some people that Terrance knows are

1 there including a lady friend of his, the Defendant's
2 wife and some other folks. People were hanging out,
3 playing cards, having a good time.

4 A phone call comes. Terrance is tasked with picking
5 up the Defendant down the street on Bailey Drive. Now
6 Azalea and Bailey are very close, walking distance from
7 one another; both in North Charleston. Terrance at that
8 time was driving a Chrysler 200.

9 So he gets in that vehicle and he drives down to
10 Bailey Drive. He drives down the street; he drives back
11 the way he came, circling around trying to find the
12 Defendant and couldn't find him. He sees two guys on the
13 side of the street. These are two neighbors of the
14 victim's. The victim lived on Bailey Drive. The
15 victim's name is Freeman Rivers and he and the Defendant
16 were cousins.

17 So Terrance sees these two guys and rolls down the
18 window as he's driving by in his Chrysler 200, rolls the
19 window down. Hey, y'all seen Kone? The Defendant's
20 nickname is Kone. They either hadn't seen him or didn't
21 know what he was talking about so Terrance kept driving
22 around and then went back to the Defendant's house on
23 Azalea in North Charleston a few blocks away.

24 At that point another phone call comes. This time
25 the Defendant speaks with Terrance. Hey man, come pick

1 me back up. Come back to Bailey Drive. So Terrance
2 drives back again in the Chrysler 200. But this time
3 he's got directions; first house on the left. And
4 Freeman Rivers, the victim, he lived in the first house
5 on the left on Bailey Drive.

6 So Terrance goes back, pulls in the driveway. And
7 it's at that time that the Defendant comes flying out of
8 Freeman's house, out of his cousin's house. He's got
9 blood on him, he's got a gun, and he forces his way into
10 the passenger seat, the passenger side of the Terrance's
11 Chrysler 200.

12 Now at that point they look at each other and
13 Terrance knows something has happened. Words are
14 conveyed to Terrance about what had happened and then
15 Terrance takes the Defendant back to the Defendant's
16 house. Somewhere along the way and during this whole
17 process these two individuals are communicating over the
18 phone. Phone records you're going to see all that.

19 Now at some point they determine that the Defendant
20 needs to go back to the victim's house because he needs
21 to get whatever evidence he might have left at that
22 house. So Terrance takes him back to the Defendant's
23 cousin's house. The Defendant goes in and gets back in
24 the Chrysler 200 and they go back to the Defendant's
25 house. Now meanwhile remember those two guys I talked

1 about, the two guys that Terrance had asked hey, y'all
2 seen Kone. These two guys are out there, they're the
3 victim's neighbors. They're perceiving this event as
4 it's going down.

5 Now of course they don't know what happened inside
6 the house but they are seeing this Chrysler 200 coming
7 and going down the street and the passenger coming and
8 going out of the house. They're texting during this time
9 too; you're going to hear all about that.

10 So at the point that Terrance and the Defendant get
11 back to the Defendant's house that final time at that
12 point Terrance has had enough. His involvement in this
13 situation as far as he is concerned he is through with
14 it. He gets some bleach from the Defendant's wife and
15 cleans the car. The Defendant goes to the house and
16 changes his shirt.

17 At that point the party is over. Everybody is
18 kicked out of the house including Terrance's lady friend
19 who he was hanging out with. She had stayed at the
20 Defendant's house while he went and was coming and going
21 from the victim's house. You're going to hear testimony
22 from her.

23 Now she and Terrance leave in that Chrysler 200.
24 And again the two guys that were on the street they're
25 texting back and forth. They're perceiving this event.

1 They notice that there is a fire at Freeman's house, the
2 victim's house. And Terrance had actually come up with
3 the genius idea of burning the victim's house down and he
4 gave that idea to the Defendant. So this is all taking
5 place inbetween 3:20 in the morning and 4:46 a.m. when
6 911 was called.

7 The house is totally engulfed in flames at the time
8 911 is called. You will hear that call. North
9 Charleston Fire Department shows up, North Charleston
10 Police Department shows up. Total chaos. This house is
11 completely engulfed in flames. They go inside. The
12 victim is inside. He's in his bathroom and he's in the
13 tub. Headfirst down in the tub legs up in the air draped
14 up and over the side of the tub. Maybe it was just
15 carbon dioxide poisoning, maybe it was just injuries and
16 he succumbed to the fire.

17 So they took him out of the house and looked at him
18 a little closer. And that's when things got really out
19 of hand because they noticed that there was a cord around
20 his neck and that he had four gunshot wounds to his head.
21 The victim was dead. He also had burns to him. As I
22 mentioned the house was just totally engulfed in flames.
23 You're going to see photos of all that.

24 Now at that time Terrance after he had dropped off
25 his lady friend later that night he had gone to a

1 different girl's house, his ex-girlfriend. You're going
2 to hear from her. And he spilled the beans to his ex-
3 girlfriend. He told her what happened.

4 North Charleston Police Department started
5 investigating this case. They pulled surveillance video
6 from a nearby gas station, the El Cheapo, and they saw
7 that Terrance Doucet, the co-defendant, had gone there
8 around 3 in the morning giving you a time window of these
9 events.

10 And Terrance shakes hands and daps up one of the two
11 guys that was one of the victim's neighbors who was on
12 the side of the street where he had asked hey, y'all seen
13 Kone giving you little bit of timeline.

14 North Charleston Police Department brought in
15 Terrance and he gets charged with accessory. Soon after
16 that the Defendant is charged with three crimes; murder,
17 possession of a weapon during the commission of a violent
18 crime, and arson second degree.

19 Now it's our job to prove the Defendant guilty
20 beyond a reasonable doubt. And what that means is we
21 must leave you firmly convinced of his guilt. For murder
22 we've got to prove that he unlawfully killed the victim
23 with malice aforethought.

24 Maybe you've heard that term before. Malice is ill
25 will, intent to injure and it's got to be aforethought

1 meaning it must have happened just prior to and at the
2 moment that the bullets were fired into the victim's
3 head.

4 Regarding the gun charge possession of a weapon
5 during the commission of a violent crime we've got to
6 prove that he possessed a deadly weapon such as a gun
7 during the commission of a violent crime such as murder.
8 Lastly for arson second degree we've got to prove that
9 the victim -- excuse me, the Defendant set fire to or
10 burned the victim's house.

11 Now I mentioned to you Terrance and what he saw and
12 what you're going to hear about in that regard. You're
13 going to hear a lot of witness testimony. It's going to
14 be up to you to decide who is full of it and whose story
15 can be corroborated by other evidence in the case. Pay
16 close attention to the testimony out of these witness's
17 mouths. See if it meshes and blends with the other
18 testimony from the other witnesses. I think you will
19 find that it does.

20 So you're going to hear witness testimony. You're
21 going to hear about DNA evidence. You're going to hear
22 all about that it ties the Defendant to these crimes.
23 You're going to see Facebook posts. You're going to hear
24 jail calls the Defendant had made which contained highly
25 incriminating statements. And I mentioned in the

1 beginning the word disrespect. The Defendant admits that
2 the victim owed him money. You're going to hear video
3 visit videos at the jail where the Defendant is making
4 more incriminating statements.

5 All this evidence if you look at it as a whole
6 connects. And I'm going to challenge you right now to
7 see the connection in all of this evidence. Look for the
8 meaning, look for the connection, look for the
9 corroboration. Can these witnesses be trusted? Are they
10 credible? Look at everything as a whole. I'm confident
11 if you do that you will determine that we have carried
12 our burden and find the Defendant guilty.

13 THE COURT: Counsel?

14 MS. STEWART: Thank you, Your Honor. May it please
15 the Court?

16 THE COURT: Proceed.
17
18
19
20
21
22
23
24
25

OPENING STATEMENTS

BY MS. STEWART:

Members of the jury, this case is a self-fulfilling prophesy. We agree with a lot of the facts that Mr. Waring just told you with a lot of the facts that brought us here today. We disagree though on several important things. Most importantly who did it.

So what really happened on June 8th, 2017? What really happened the night that Mr. Rivers was killed? On June 8th, 2017 at about 2 in the morning a guy named Jerome Wright got off work. He works at Buffalo Wild Wings as a cook and a friend picked him up from his job. They decided that they were going to stop at the Cheap Way gas station on the way home for a beer and they saw Terrance Doucet.

Mr. Waring mentioned Mr. Doucet in his opening. And Mr. Doucet as Mr. Waring said is a well-known party promoter. He does a couple of different things. He does house parties and he also promoted parties at that club, the Bistro at Rivers. His face is on flyers and everybody knows this guy and everybody knows his car; a 2017 Chrysler 200.

After the gas station after seeing Mr. Doucet Mr. Wright and his friend went home to Mr. Wright's home on Bailey Drive. And that house is directly across the

1 street from where Mr. Rivers lived. And they sat in the
2 car and they were driving and talking. It was raining
3 outside. And all of a sudden they start to notice a
4 suspicious car driving up and down the street. And it
5 was weird for a car to be doing that at that point in the
6 night. And it was suspicious because they didn't
7 recognize the car. And again, the car kept driving up
8 and down the street.

9 And at one point the driver even asked them if they
10 had seen somebody. They told him they hadn't seen the
11 guy he was talking about and he went on his way. After
12 seeing that suspicious car they also noticed a guy over
13 at Mr. Rivers' house going in and out of the house. Mr.
14 Wright knew that he wasn't from the area but he had seen
15 him in the four days or so before the victim's death.

16 And so Mr. Wright and his friend they watched the
17 guy for a while and kind of thought it was strange but
18 eventually they decided to split up. His friend went
19 back to his house which was on the street and Mr. Wright
20 stayed at his own house, again directly across the street
21 from where Mr. Rivers lived.

22 So Mr. Wright went inside, I think he made some
23 food, and came back to smoke a cigarette and what do you
24 know? He sees that same guy going in and out of the
25 house. Shortly after that he sees the same car as

1 before, the same one that was driving up and down the
2 street, the same one that asked if they had seen that guy
3 pick up the guy. He even was texting his friend about
4 this as it was happening.

5 The car left and then it came back. And in the next
6 several minutes Mr. Wright noticed the car and the guy
7 over there and finally Mr. Wright sees a flicker of
8 light. And that is the beginning of the fire. His phone
9 was dead so he told his step-father to call 911 and he
10 did.

11 And by the time that officers responded that fire
12 was blazing. And when responding the fire department
13 found Mr. Rivers in the bathroom. The autopsy revealed
14 that he had been shot four times in the head. So
15 Detective Sanchez who is the case agent in this case he
16 started investigating. He started talking to witnesses.
17 He started with the 911 callers I think and then he
18 started talking to some neighbors as well.

19 And eventually he got to Mr. Wright and his friend.
20 And they gave him a physical description and a clothing
21 description of the person that they saw that night going
22 in and out of Mr. Rivers' house. Everything though was
23 kind of at a standstill until a couple of weeks later
24 when a woman named Lanica Walker walked into the North
25 Charleston Police Department. She said she had

1 information about a murder. And she told Detective
2 Sanchez that her ex-boyfriend Terrance Doucet, the same
3 guy that Mr. Wright saw at the gas station, was involved
4 in this murder. She told Detective Sanchez that he had
5 even hired somebody to get rid of his car, that 2017
6 Chrysler 200; and of course any of the evidence inside.

7 So Detective Sanchez tried to talk to Mr. Doucet.
8 He called him and left some messages. No response. A
9 couple of weeks go by and finally Mr. Doucet came in to
10 talk about the stolen car. He was interviewed then of
11 course about the murder. He told Detective Sanchez he
12 was not involved but he was arrested and charged with
13 accessory based mostly on the testimony of Ms. Walker.

14 You see all the arrows in this case have pointed in
15 one direction since the very beginning and that's at
16 Terrance Doucet. But, a few weeks later Detective
17 Sanchez arrested Gregory Green mostly based on a
18 nickname, Kone. You see Mr. Rice's friend, that guy that
19 was hanging out with Mr. Rice across the street said that
20 that guy driving up and down the street asked about a guy
21 named Kone or Corn. He wasn't sure; something like that,
22 and Mr. Green's nickname is Kone.

23 So here comes the self-fulfilling prophecy part.
24 After Mr. Green's arrest somehow all of these arrows
25 magically started pointing at him and started pointing

1 away from Mr. Doucet. The main cause of that shift
2 although it didn't come for months and months and months
3 was Mr. Doucet himself. Now Doucet his car is seen at
4 the scene. His girlfriend said he confessed to her his
5 involvement. He was arrested for accessory.

6 After he was arrested says he [indicates] did it.
7 We ask that you pay close attention and scrutinize,
8 analyze, and challenge the testimony that you will hear
9 this week, especially the testimony of Terrance Doucet.

10 We hope that you will focus on especially three
11 different things. Number one, what motive does Terrance
12 Doucet have to lie? What reason might he have for not
13 telling the truth? What reason might he have to point an
14 arrow at this man [indicates]?

15 Number two, does Mr. Green match witness description
16 of the person they saw at Mr. Rivers' house? Does he
17 look like the guy that they talk about? Number three,
18 what's the motive? What reason would Mr. Green have to
19 kill Mr. Rivers?

20 The evidence will show you that the State has been
21 loyal to Terrance Doucet since the beginning of this
22 case. He was charged with accessory after the fact. Not
23 murder or accessory before the fact. And we'll talk
24 about how those charges are all different. Even when Mr.
25 Doucet lied and the State knows he lied they still stuck

1 with him. The evidence will show you members of the jury
2 that he has been lying since he initially met with
3 Detective Sanchez in July of 2017. And his own words
4 will ultimately convince you that you shouldn't believe a
5 word he says and that all the arrows should remain where
6 they were in the first place; pointing straight at him.

7 As Mr. Waring told you the State has the burden of
8 proof beyond a reasonable doubt. They have to show you
9 evidence that leaves you firmly convinced of Mr. Green's
10 guilt. The Judge will even tell you that we as a defense
11 don't have to prove anything. Mr. Green does not have to
12 testify. And right now we haven't decided whether he
13 will.

14 We are confident that by the end of this trial the
15 only thing you will be firmly convinced of is the guilt
16 of Terrance Doucet. And he's not on trial. This is a
17 big week for Mr. Green. He's been waiting over two years
18 for this; 847 days. It's his time for justice. He is
19 innocent of the murder of Freeman Angelo Rivers.

20 And we are confident that after considering the
21 evidence in this case and the law as Judge Buckner
22 instructs you that you will find Mr. Green not guilty and
23 you will put that self-fulfilling prophesy to rest.

24 THE COURT: Call your first witness, counsel.
25

1 MR. SOWARDS: Thank you, Your Honor. May it please
2 the Court? The State calls Sergeant Robert Bailey.

3 THE COURT: Counsel approach; one for each.

4 [Whereupon, an off the record bench conference is
5 held]

6 [Whereupon, Sergeant Bailey comes forward]

7 [Whereupon, the witness is duly sworn by the Clerk
8 of Court]

9 CLERK OF COURT: For the record please state your
10 full name spelling your last.

11 THE WITNESS: It's Robert Bailey B-A-I-L-E-Y.

12 THE COURT: Speak up for me Mr. Bailey if you would
13 please. Your witness, counsel. Direct examination.

14 MR. SOWARDS: Thank you, Your Honor.

15 - - - - -

16 ROBERT BAILEY,

17 Having been first duly sworn,

18 Was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. SOWARDS:

21 Q. Good afternoon Sergeant Bailey, where do you
22 currently work?

23 A. North Charleston Police Department.

24 Q. And what do you do with the North Charleston Police
25 Department?

1 A. Currently I'm assigned to the Office of Professional
2 Standards, which is like the Internal Affairs unit with
3 the department.

4 Q. And how long have you been with the North Charleston
5 Police Department?

6 A. Fourteen years.

7 Q. And were you on duty back on June 8th of 2017?

8 A. I was. I was the midnight sergeant for the south
9 end of the city.

10 Q. And could you tell the jury what that entails, the
11 midnight sergeant?

12 A. Our city is split up into three different
13 geographical areas; north, central, and south. I was
14 currently assigned as a supervisor of the south end of
15 the city working the midnight shift with several officers
16 under me.

17 Q. And on that date June 8th, 2017 -- 2017 did you
18 become involved in this case the State verses Gregory
19 Green?

20 A. I did.

21 Q. And how did you become involved in this case?

22 A. I responded approximately 4:50 in the morning to a
23 residence on Bailey Drive in reference to a fully
24 engulfed residential fire.

25 Q. That residence on Bailey Drive was that location in

1 Charleston County?

2 A. It is.

3 MR. SOWARDS: May I approach the witness, Your
4 Honor?

5 THE COURT: Is there any objection?

6 MS. NORRIS: No objection to those, Your Honor.

7 THE COURT: You may approach.

8 Q. [Mr. Sowards] Sergeant Bailey, I'll hand you first
9 what has been marked as State's exhibit 1.

10 [Whereupon, the witness is shown exhibit]

11 Q. Do you recognize State's 1?

12 A. I do.

13 Q. And how do you recognize it?

14 A. It has got my initials with NCPD beside it as the
15 911 call.

16 Q. And have you had an opportunity to review that ---

17 A. --- I have ---

18 Q. --- before your testimony?

19 A. I have.

20 Q. Is that a fair an accurate copy of a 911 call that
21 was received in this case?

22 A. It is.

23 MR. SOWARDS: Your Honor, at this time the State
24 would seek to admit exhibit 1 into evidence.

25 THE COURT: As to State's exhibit 1 counsel?

1 MS. NORRIS: No objection.

2 THE COURT: Ladies and gentlemen of the jury
3 State's exhibit number 1 will be admitted into evidence
4 in the trial of this case without objection. State's 1
5 in evidence; you may now publish to the jury.

6 [Whereupon, State's exhibit number 1 is entered into
7 evidence by the Court]

8 MR. SOWARDS: Thank you, Your Honor. Your Honor,
9 may I approach the witness?

10 THE COURT: You may. And when you finish State's 1
11 goes to Joy.

12 MR. SOWARDS: Yes, sir.

13 [Whereupon, the 911 call, State's exhibit 1, plays
14 for the jury]

15 [Not taken down]

16 [Whereupon, State's exhibit 1 returned to the court
17 reporter]

18 MR. SOWARDS: Your Honor, may I approach the
19 witness and show the witness State's 2?

20 THE COURT: Have you shown it to counsel?

21 MR. SOWARDS: I have, Your Honor.

22 THE COURT: Is there any objection?

23 MS. NORRIS: No objection, Your Honor.

24 THE COURT: You may approach.

25 MR. SOWARDS: Thank you, Your Honor.

1 Q. [Mr. Sowards] I'm now showing you what has been
2 marked for identification as State's exhibit 2.

3 [Whereupon, the witness is shown exhibit]

4 Q. I'll ask you to take a look at that please and tell
5 me whether you recognize it.

6 A. This is a CAD report, which is a computer aided
7 dispatch report.

8 Q. And what does a CAD entail?

9 A. The CAD report details everything from the moment
10 that the call came in to who responded, what fire
11 department units responded, what officers responded, what
12 may have been transmitted through the radio in short-hand
13 writing.

14 Q. Do you know who compiles a CAD report?

15 A. The dispatcher doing the call taking.

16 Q. And have you had an opportunity to review that
17 particular CAD report prior to your testimony today?

18 A. I have.

19 Q. Is that a fair and accurate copy of the CAD report
20 that was used in this case State versus Gregory Green?

21 A. It is.

22 MR. SOWARDS: Your Honor, at this time the State
23 would seek to introduce exhibit 2 into evidence.

24 THE COURT: As to State's exhibit 2?

25 MS. NORRIS: No objection.

1 THE COURT: Ladies and gentlemen of the jury
2 State's exhibit number 2 will be admitted into evidence
3 in the trial of this case without objection.

4 [Whereupon, State's exhibit number 2 is entered into
5 evidence by the Court]

6 THE COURT: State's exhibit 2 is in evidence; you
7 may publish.

8 MR. SOWARDS: Thank you, Your Honor.

9 Q. [Mr. Sowards] Sergeant Bailey, are you able to
10 determine based on that report what time the first call
11 came in in this case?

12 [Whereupon, the witness reviews document]

13 A. The phone was picked up at 4:46 a.m. in the morning.

14 Q. And are you able to determine what time you
15 responded to that incident location?

16 A. I checked in route to the call at 4:49 a.m. that
17 morning.

18 Q. And what was the specific address of the incident
19 location?

20 A. Bear with me; it takes me a while to read through
21 this.

22 [Whereupon, the witness reviews document]

23 A. 2278 Bailey Drive.

24 Q. So your testimony is that you arrived at the
25 residence at approximately 4:50 a.m. What did you

1 observe when you arrived at 2278 Bailey Drive?

2 A. When I arrived at the residence I came in off of
3 Azalea Drive, which is the front coming off of Cosgrove,
4 I observed the front portion of the residence to be fully
5 engulfed. And what I mean by fully engulfed is I could
6 not see the residence due to the flames.

7 Q. Were there any other officers on the scene when you
8 arrived?

9 A. There was one other officer, Officer Brasseaux, was
10 on scene.

11 Q. And what did you do when you arrived on the scene?

12 A. I immediately went to the right side of the
13 residence as you're facing the house and knocked on a
14 neighboring door to try to get someone to answer the door
15 to make sure they could evacuate so the fire would not
16 jump on their residence.

17 Q. Were you wearing a body-worn camera at that time?

18 A. I was.

19 Q. Could you describe for the jury exactly what a body-
20 worn camera is?

21 Q. A body-worn camera is a camera that all police
22 officers with the North Charleston Police Department now
23 wear.

24 It fixes either two ways on your chest area and we
25 are mandated by policy to turn it on in the action of

1 police force or police force action with the public or
2 anything that we do. It is a manual record button. It's
3 basically like a small go-pro type camera.

4 Q. And who issued the body-worn camera to you?

5 A. The city of North Charleston Police Department.

6 Q. And I think your testimony was that it has a manual
7 record button. Once it is activated how does video that
8 is captured by body-worn camera become stored?

9 A. It stores it just a regular -- it has like a memory
10 card inside of the camera that cannot be altered or
11 tampered with by us.

12 Once we turn the camera off we take it back to a
13 docking station at one of our three bureaus and you dock
14 it and it automatically downloads the videos and goes
15 into a server that we have no access to.

16 Q. And did you do that with the video that was captured
17 by your body-worn camera for this particular incident?

18 A. I did.

19 THE COURT: Have you shown it to her?

20 MR. SOWARDS: I have, Your Honor.

21 THE COURT: Any objection?

22 MS. NORRIS: No objection.

23 THE COURT: You may approach.

24 MR. SOWARDS: Thank you, Your Honor.

25 Q. [Mr. Sowards] Sergeant Bailey, I will hand you what

1 has been marked for I.D. as State's 3.

2 [Whereupon, the witness is shown exhibit]

3 Q. Do you recognize State's exhibit 3?

4 A. I do.

5 Q. And how do you recognize it?

6 A. With my same initials and NCPD in parenthesis on it.

7 Q. And what is State's exhibit 3?

8 A. It is a clip of my body-worn camera the night of the
9 incident.

10 Q. And have you had an opportunity to review that clip
11 prior to your testimony today?

12 A. I have.

13 Q. Aside from being edited for length has it been
14 altered or amended in any way?

15 A. No, it has not.

16 Q. It's a fair and accurate copy of your body-worn
17 camera video?

18 A. It is.

19 MR. SOWARDS: Your Honor, at this time the State
20 would seek to admit exhibit 3 into evidence.

21 THE COURT: As to State's 3?

22 MS. NORRIS: No objection.

23 THE COURT: Ladies and gentlemen of the jury
24 State's exhibit number 3 will be admitted into evidence
25 in the trial of this case without objection.

1 [Whereupon, State's exhibit number 3 is entered into
2 evidence by the Court]

3 THE COURT: State's 3 in evidence. You may
4 publish.

5 MR. SOWARDS: Thank you, Your Honor.

6 [Whereupon, the video of the body-worn camera,
7 State's exhibit 3, plays for the jury]

8 [Not taken down]

9 MR. SOWARDS: Your Honor, the State has no further
10 questions for this witness.

11 MS. NORRIS: No questions, Your Honor. Thank you
12 Detective Bailey.

13 THE COURT: As to this witness Solicitor may he be
14 excused?

15 MR. SOWARDS: Yes, Your Honor. The State ---

16 THE COURT: --- any objection counsel?

17 MS. NORRIS: None.

18 THE COURT: You may step down Sergeant Bailey and
19 you are excused from the trial of this case. You may
20 leave the courtroom.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: Thank you.

23 [Whereupon, the witness is excused and exits the
24 witness stand]

25 THE COURT: Call your next witness.

1 MR. WARING: Your Honor, the State calls Terrance
2 Doucet.

3 [Whereupon, Mr. Doucet comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: For the record please state your
7 full name spelling your last.

8 THE WITNESS: Terrance Doucet, D-O-U-C-E-T.

9 THE COURT: Mr. Doucet, that microphone is going to
10 amplify your voice. You don't have to get right on top
11 of it. I've got two right in front of me but speak up
12 like I'm doing now so the jury can hear you.

13 THE WITNESS: Yes, sir.

14 THE COURT: Very good. Your witness, counsel.
15 Direct Examination.

16 MR. WARING: Thank you, Your Honor. Your Honor, at
17 this time the State would seek to move into evidence a
18 few stipulated items.

19 THE COURT: Is that right, counsel?

20 MS. STEWART: That's my understanding, Your Honor.
21 We have no objection to the...

22 MR. WARING: Crime scene photos, photos of Mr.
23 Doucet's car ---

24 THE COURT: --- hold on a second. Don't announce
25 what it is until I know. Is there any objection to this?

1 He says it's stipulated.

2 MS. STEWART: Yes, Your Honor, it's a stipulation.

3 THE COURT: All right, ladies and gentlemen.

4 Proceed counsel.

5 MR. WARING: Thank you, Your Honor.

6 - - - - -

7 TERRANCE DOUCET,

8 Having been first duly sworn,

9 Was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. WARING:

12 Q. Mr. Doucet, do you work?

13 A. Yes, sir.

14 Q. Okay. And can you tell the jury what you do?

15 A. I own a restaurant.

16 Q. You own a restaurant?

17 A. Uh Huh.

18 Q. Now, do you deal with events and party planning?

19 A. I used to own an event planning company, yes sir.

20 Q. Back in June of 2017 is that what you did back then?

21 A. Yes, sir.

22 Q. All right. Now did you have an event on the night
23 of June 7th, 2017 leading into the early morning of June
24 8th?

25 A. Yes, sir.

1 Q. All right. Can you tell the jury where that was?
2 A. At the Bistro, which was Reynolds Avenue.
3 Q. Okay. Now Mr. Doucet do you know the Defendant here
4 Gregory Green?
5 A. Yes, sir.
6 Q. How do you know him?
7 A. Through his wife.
8 Q. All right. How long would you say you've known him?
9 A. Maybe like two or three months.
10 Q. At that time back then you had known him two or
11 three months, is that what you mean?
12 A. Yes, sir.
13 Q. All right. And did you know him by his given name
14 or did you know him by a nickname?
15 A. A nickname.
16 Q. And what was that nickname?
17 A. Kone.
18 Q. Was he indeed at that party that night?
19 A. Yes, sir.
20 Q. And did you see him at the party?
21 A. Yes, sir.
22 Q. And when I say a party I mean the fish fry?
23 A. Uh Huh.
24 THE COURT REPORTER: Was that yes?
25 THE COURT: You have to say yes or no. Don't say

1 Uh Huh ---
2 A. --- oh, I'm sorry ---
3 THE COURT: --- don't say Uh Huh. Yes or no ---
4 A. --- yes sir, I'm sorry.
5 Q. [Mr. Waring] Okay. Now Mr. Doucet, do you mind if I
6 call you Terrance?
7 A. That's fine, yes sir.
8 Q. All right Terrance, what time would you say or what
9 time do you recall leaving the party?
10 A. Around maybe 1:30 because I've got to stay until the
11 end to clean up and all that stuff.
12 Q. Okay. Would it surprise you if it were around 2
13 a.m.?
14 A. Actually; my apologies. The party is over around
15 1:30. We leave a little bit after 2.
16 Q. Okay. And is that because you stick around and
17 settle up and clean up?
18 A. Yeah, I got to collect the door money and make sure
19 the place is cleaned up the way we got it when we
20 started.
21 Q. Do you remember what you did after you left the fish
22 fry at the Bistro?
23 A. I went to the gas station.
24 Q. All right. Tell the jury which gas station you're
25 referring to?

1 A. The El Cheapo across from the Greyhound Bus Station.

2 Q. All right. Now during this time did you have a
3 vehicle?

4 A. Yes, sir.

5 Q. And were you driving that night?

6 A. Yes, sir.

7 Q. What kind of car were you driving at that time?

8 A. A Chrysler 200.

9 MR. WARING: Your Honor, regarding the stipulated
10 two items did you want me to publish the ---

11 THE COURT: --- just show her what you're going to
12 show him.

13 [Whereupon, Mr. Waring and Ms. Stewart confer over
14 photographs]

15 MR. WARING: Your Honor, items 4 through 46 have
16 been stipulated to by the defense.

17 THE COURT: State's 4 through what?

18 MR. WARING: 46, Your Honor.

19 THE COURT: Is that correct, counsel?

20 MS. STEWART: Yes, Your Honor.

21 THE COURT: Have him identify as we go and offer
22 into evidence. I understand there is no objection.

23 [Whereupon, State's exhibit numbers 4 through 46 are
24 entered into evidence by stipulation of the parties]

25 Q. [Mr. Waring] All right Terrance, I'm going to show

1 you a couple of photos and I'd like you to tell the jury
2 what we're looking at. I'm showing you State's exhibits
3 --

4 MR. WARING: -- may I approach the witness, Your
5 Honor?

6 THE COURT: You may.

7 Q. [Mr. Waring] State's exhibits 33-46.

8 [Whereupon, the witness is shown photographs]

9 Q. Do you recognize those?

10 A. Yes, sir ---

11 THE COURT: --- for the record we need you to have
12 them identify what each one was for the record. I
13 understand there is no objection.

14 MR. WARING: Yes, Your Honor.

15 THE COURT: So start with 33.

16 Q. [Mr. Waring] Mr. Doucet, for each one can you go
17 through each one of those photos and just say what you're
18 looking at?

19 A. These are all pictures of the car that I had at the
20 time.

21 THE COURT: You've got to start with the exhibit
22 number on the bottom. Where have you got them bottom
23 left?

24 MR. WARING: Your Honor, bottom right on some.

25 THE COURT: Bottom right; use that number and say

1 what number you're looking at and tell us what it
2 illustrates.

3 THE WITNESS: Yes, sir.

4 A. Exhibit 33 is a picture of my vehicle that I owned
5 at the time. Exhibit 34 is -- can I just say the same or
6 no?

7 THE COURT: He's asking the questions.

8 A. Okay.

9 Q. [Mr. Waring] I'm going to ask you each one, just
10 through each one just like you did for 33 ---

11 A. --- you want me just to look at them and then you're
12 going to ask me?

13 Q. I'm going to ask you right now what is 33?

14 A. My car.

15 Q. Okay. What's 34?

16 A. My car.

17 Q. What is 35?

18 A. My car.

19 Q. 36?

20 A. My car.

21 Q. 37?

22 A. My car.

23 Q. 38?

24 A. My car.

25 Q. 39?

1 A. My car.
2 Q. 40?
3 A. My car.
4 Q. 41?
5 A. My vehicle.
6 Q. 42?
7 A. My vehicle.
8 Q. 43?
9 A. My vehicle -- yeah, yeah, my car; I'm sorry.
10 Q. 44?
11 A. My car.
12 Q. 45?
13 A. My car.
14 Q. And 46?
15 A. My car.
16 Q. And do those photos fairly and accurately depict
17 your vehicle at the time of this incident?
18 A. Yes, sir.
19 THE COURT: You moving 34 through 46 inclusive into
20 evidence counsel?
21 MR. WARING: Yes, Your Honor.
22 THE COURT: Any objection?
23 MS. STEWART: No, Your Honor.
24 THE COURT: Ladies and gentlemen of the jury
25 State's exhibit 34, 35, 36, 37, 38, 39, 40, 41, 42, 43,

1 44, 45, and 46 will be admitted into evidence in the
2 trial of this case without objection. You may now
3 publish to the jury.

4 MR. WARING: Thank you, Your Honor. And
5 accidentally I missed 33 which we already showed to him,
6 Your Honor. We would move that into evidence too.

7 THE COURT: I'm sorry; 33 through 46 inclusive have
8 been admitted into evidence without objection. I
9 thought I said 33 but I might have started at 34; 33
10 through 46 inclusive.

11 [Whereupon, State's exhibit numbers 33 through 46
12 are entered into evidence by the Court]

13 MR. WARING: Thank you, Your Honor.

14 THE COURT: If you look right behind you, you will
15 be able to see the screen behind you.

16 Q. [Mr. Waring] Okay Terrance, I'm showing you State's
17 exhibit 33.

18 [Whereupon, photograph is shown to the jury]

19 Q. Is this the vehicle that you were talking about?

20 A. Yes, sir.

21 Q. All right. And what is the make and model again?

22 A. It's a Chrysler 200.

23 Q. All right. And I'm just going to show another shot.
24 This is 34, State's exhibit 34.

25 [Whereupon, photograph is shown to the jury]

1 Q. And that's the same car?

2 A. Yes, sir.

3 Q. And that's the car you were driving that night?

4 A. Yes, sir.

5 Q. Now at El Cheapo what did you do there?

6 A. I probably went to get some -- I went to get some
7 cigarettes.

8 Q. Okay. And do you recall approximately what time of
9 day this was?

10 A. It would have been after 2:30.

11 MR. WARING: Your Honor, may I approach the
12 witness?

13 THE COURT: You may.

14 Q. [Mr. Waring] All right Terrance, I'm now going to
15 show you State's exhibit 48 through 58. And I want you
16 to tell the jury in each one what we're looking at here.
17 Exhibit 48.

18 [Whereupon, the witness is shown photograph]

19 A. I don't know who that is.

20 Q. Okay. You don't know who that is but do you recall
21 going up to this witness [sic] on exhibit 53 and shaking
22 hands?

23 [Whereupon, the witness is shown photograph]

24 A. Well, yeah; I mean I'm popular so.

25 Q. So when you say you don't know him you don't know

1 his name but have you seen him before?

2 A. Not really.

3 Q. Well, you saw him that night right?

4 A. I mean I see people a lot. I throw parties so you
5 know. I vaguely remember people sometimes. People might
6 know me because I throw parties.

7 Q. Do you remember that night seeing this individual
8 and shaking his hand?

9 A. Yes.

10 Q. Okay. So is exhibit 48 a picture of that
11 individual?

12 A. Yes.

13 Q. Okay. And is exhibit 49 the same individual?

14 [Whereupon, the witness is shown photograph]

15 A. Yes.

16 Q. What are we looking at in exhibit 50?

17 [Whereupon, the witness is shown photograph]

18 A. My vehicle pulling up or pulling in; I can't tell
19 the motion.

20 Q. At El Cheapo?

21 A. Yes, sir.

22 Q. Okay. How about exhibit 51?

23 [Whereupon, the witness is shown photograph]

24 A. The same.

25 Q. Okay. Exhibit 52?

1 [Whereupon, the witness is shown photograph]
2 A. Me getting out.
3 Q. Exhibit 53?
4 [Whereupon, the witness is shown photograph]
5 A. Me shaking somebody's hand.
6 Q. Is that the same guy that we just talked about?
7 A. Yes.
8 Q. Exhibit 54?
9 [Whereupon, the witness is shown photograph]
10 A. Yes.
11 Q. All right. Exhibit 55?
12 [Whereupon, the witness is shown photograph]
13 A. Uh Huh. Yes, sir.
14 THE COURT: Ask a question, counsel. Don't have
15 him say Uh Huh so it's clear what you're asking him.
16 Q. [Mr. Waring] What is taking place in exhibit 55?
17 A. Me walking into the store shaking somebody else's
18 hand.
19 Q. How about what is taking place in exhibit 56?
20 A. Me going to the counter, the register at the store.
21 Q. Okay. And I want to show you State's exhibit 57.
22 [Whereupon, the witness is shown photograph]
23 Q. What's going on in that photo?
24 A. Me getting back in the vehicle.
25 Q. And then lastly State's exhibit 58?

1 [Whereupon, the witness is shown photograph]
2 A. Me pulling off.
3 Q. And do those photos fairly and accurately depict
4 your visit to El Cheapo?
5 A. Yes, sir.
6 Q. On the day of the incident?
7 A. Yes, sir.
8 MR. WARING: Your Honor, at this time the State
9 seeks to move exhibits 48 through 58 into evidence.
10 THE COURT: Inclusive? Because I don't believe
11 I've got a 47. You're not moving 47 in at this time, is
12 that right?
13 MR. WARING: Correct.
14 THE COURT: 48 through 58 inclusive?
15 MR. WARING: Yes, Your Honor.
16 THE COURT: Counsel as to 48 through 58?
17 MS. STEWART: No objection.
18 THE COURT: Ladies and gentlemen of the jury
19 State's exhibits 48, 49, 50, 51, 52, 53, 54, 55, 56, 57,
20 and 58 will be admitted into evidence in the trial of
21 this case without objection.
22 [Whereupon, State's exhibit numbers 48 through 58
23 are entered into evidence by the Court]
24 THE COURT: You may now publish to the jury.
25 MR. WARING: Thank you, Your Honor.

1 Q. [Mr. Waring] All right Terrance, I'm putting up what
2 we just talked about for the jury's benefit. I'm showing
3 you State's exhibit 48.

4 [Whereupon, photograph is shown to the jury]

5 Q. Is that the same guy that you talked about that you
6 said you kind of knew him a little bit and that's the guy
7 that you shook hands with that night at El Cheapo?

8 A. Yes, sir.

9 Q. And here's State's exhibit 49.

10 [Whereupon, photograph is shown to the jury]

11 Q. Same guy?

12 A. Yes, sir.

13 Q. All right. I want you to tell the jury on exhibit
14 50 if you look down at the bottom what time is all this
15 taking place?

16 [Whereupon, photograph is shown to the jury]

17 A. 3:04.

18 Q. And that's June 8th, 2017?

19 A. Yes, sir.

20 Q. And is that your car pulling in with the headlights
21 on?

22 A. Yes, sir.

23 Q. All right. Now I want to show you State's exhibit
24 52.

25 [Whereupon, photograph is shown to the jury]

1 Q. Is that you getting out of the car?
2 A. Yes, sir.
3 Q. All right. And now State's exhibit 54.
4 [Whereupon, photograph is shown to the jury]
5 Q. Is that you saying hello to the same guy we already
6 talked about?
7 A. Yes, sir.
8 Q. Then I want to show you State's exhibit 55.
9 [Whereupon, photograph is shown to the jury]
10 Q. Is that a more clear shot of yourself?
11 A. Yes, sir.
12 Q. All right. State's exhibit 56?
13 [Whereupon, photograph is shown to the jury]
14 Q. Is that you?
15 A. Yes, sir.
16 Q. And then State's exhibit 57?
17 [Whereupon, photograph is shown to the jury]
18 Q. I want to zoom in to the bottom here and can you
19 tell the jury what time all this is taking place?
20 A. 3:07 a.m.
21 Q. All right, same night?
22 A. Yes, sir.
23 Q. And what are you doing at that time? Are you
24 leaving?
25 A. Yes, sir.

1 Q. Okay. State's exhibit 58?
2 [Whereupon, photograph is shown to the jury]
3 Q. That's you leaving as well?
4 A. Yes, sir.
5 Q. What did you do after you left El Cheapo?
6 A. I went to his house.
7 Q. Who is his?
8 A. Kone.
9 THE COURT REPORTER: Are you saying Cone, C-O-N-E?
10 THE WITNESS: Cone, Kahn.
11 THE COURT REPORTER: Is that what you were saying?
12 THE WITNESS: Yes, ma'am.
13 Q. [Mr. Waring] Tell the jury where you recall the
14 Defendant's house is?
15 A. Off of Azalea.
16 Q. All right. Is that North Charleston?
17 A. Yes, sir.
18 Q. Had you ever been there before?
19 A. Yes, sir.
20 Q. About how many times had you been there before?
21 A. Maybe like three or four.
22 MR. WARING: Your Honor, may I approach the
23 witness?
24 THE COURT: You may.
25 Q. [Mr. Waring] All right Terrance, I'm showing you

1 what has already been marked for identification purposes
2 as State's exhibit 59.

3 [Whereupon, the witness is shown photograph]

4 Q. Is that the house that you knew as the Defendant's
5 house?

6 A. Yes, sir.

7 Q. And does that fairly and accurately depict that
8 house?

9 A. Yes, sir.

10 MR. WARING: Your Honor, at this time the State
11 seeks to admit exhibit 59 into evidence.

12 THE COURT: Any objection as to 59?

13 MS. STEWART: None.

14 THE COURT: Ladies and gentlemen of the jury
15 State's exhibit number 59 will be admitted into evidence
16 in the trial of this case without objection.

17 [Whereupon, State's exhibit number 59 is entered
18 into evidence by the Court]

19 THE COURT: 59 in evidence; you may publish.

20 MR. WARING: Thank you, Your Honor.

21 [Whereupon, photograph is shown to the jury]

22 Q. [Mr. Waring] All right Terrance, I'm showing you
23 State's exhibit 59 on the overhead. Is this the same
24 house that you just talked about?

25 A. Yes, sir.

1 Q. That was the Defendant's at that time?
2 A. Yes, sir.
3 Q. And that's on Azalea?
4 A. Yes, sir.
5 Q. Okay. Tell the jury who all was at the Defendant's
6 house at that time?
7 A. A lot of people that I don't necessarily remember.
8 I mean I was there and I had a female friend with me.
9 Q. Can you tell the jury, what was her name or what is
10 her name?
11 A. Brandi.
12 Q. Brandi what?
13 A. Dobson.
14 Q. Does Dobbins ring a bell?
15 A. Dobbins, yes.
16 Q. Brandi Dobbins?
17 A. Dobbins.
18 Q. Now what was y'all's relationship back then?
19 A. That was like a female friend of mine.
20 Q. Okay. When you got there was the Defendant there?
21 A. No.
22 Q. When you got there though what's going on? People
23 hanging out or what are they doing?
24 A. Yeah, eating you know, playing cards, drinking.
25 Q. Okay. Do you remember what happened next?

1 A. His wife got a phone call.

2 Q. All right. And when this phone call came what was
3 supposed to happen? Were you supposed to do anything?

4 A. He was somewhere and he needed a ride. He needed to
5 be picked up.

6 Q. At that time did you know the Defendant to have a
7 vehicle of his own?

8 A. No.

9 Q. So at that time did it seem odd that you had to come
10 pick him up?

11 A. No.

12 Q. And did you go pick up the Defendant?

13 A. Yes.

14 Q. Now tell the jury where you went.

15 A. Well, I was told that there was a house on Bailey
16 Drive, a pink house on Bailey Drive.

17 Q. Okay.

18 A. And at that time I went but I couldn't find the
19 house at first so I pulled up in front of another house
20 across the street.

21 I guess I was under the assumption that that was the
22 house but some gentleman were outside and you know they
23 pretty much said that wasn't the house.

24 Q. Okay. Now these gentlemen you're talking about did
25 you ask them?

1 A. I asked them if he was there, yeah.
2 Q. Now, did you say is he there or did you use a name?
3 A. I said if Kone was there.
4 Q. Okay. So the name you asked if that person was
5 there was Kone?
6 A. Uh Huh.
7 THE COURT REPORTER: Is that yes?
8 A. I mean yes; I'm sorry.
9 Q. [Mr. Waring] At that time I think you said you
10 couldn't find the Defendant, is that right?
11 A. Yes, at the time I couldn't.
12 Q. Okay. So what happened next?
13 A. I went back to the house on Azalea.
14 Q. And whose house is that? Is that the same house on
15 the overhead?
16 A. Yes.
17 Q. And that's the Defendant's house?
18 A. Yes.
19 Q. Tell the jury about what time this is taking place?
20 A. Maybe 4 in the morning.
21 Q. Now I want to put back on the overhead if it will
22 refresh your memory with the El Cheapo gas station still
23 shot where it's around 3:04 in the morning.
24 [Whereupon, photograph is shown to the jury]
25 Q. Do you recall that?

1 A. Yes.

2 Q. So, if that's around 3:04 in the morning about how
3 long were you at the Defendant's house before you went to
4 go pick him up?

5 A. Actually not that long.

6 Q. Okay so ---

7 A. --- maybe 10 minutes, 15 minutes tops.

8 Q. All right. So earlier you said 4 but more
9 realistically was it closer to 3:30, 3:20?

10 A. It could have been, yes.

11 Q. All right. During this time were you and the
12 Defendant communicating via phone, over the phone?

13 A. At first no, but when I came back after not being
14 able to locate him then yes.

15 Q. At that time how many different phones did you have?

16 A. I had two phones.

17 Q. Okay. Now do the numbers 843-640-9680 and 843-200-
18 7909 sound familiar as being your numbers?

19 A. Yes.

20 MR. WARING: Your Honor, may I approach the
21 witness?

22 THE COURT: You may.

23 Q. [Mr. Waring] I'm now showing you what has been
24 marked for --

25 MR. WARING: Court's indulgence, Your Honor.

1 [Whereupon, Mr. Waring and Ms. Stewart confer]

2 Q. [Mr. Waring] I'm showing you what has been marked
3 for identification purposes only as State's exhibits 60
4 through 62.

5 [Whereupon, the witness is shown exhibit]

6 Q. But starting with exhibit 60 can you tell us what
7 that is?

8 THE COURT: This is what exhibit, counsel?

9 MR. WARING: 60, Your Honor.

10 A. That's my phone number.

11 Q. [Mr. Waring] Okay. And is this the subscriber
12 information for your phone?

13 A. Yes. That was my entertainment company at the time.

14 Q. You say that was your entertainment company. Are
15 you referring to this Bezzle ---

16 A. --- Bezzle Entertainment, yes.

17 Q. Okay. Now, I'm going to show you State's exhibit
18 61.

19 [Whereupon, the witness is shown exhibit]

20 Q. Do you recognize this as well?

21 A. That's my call log.

22 Q. Okay. So are these your phone records?

23 A. Yes, sir.

24 Q. And how about exhibit 62?

25 [Whereupon, the witness is shown exhibit]

1 Q. Do you recognize those as well as being your phone
2 records?

3 A. Yes, sir.

4 MR. WARING: Your Honor, at this time the State
5 moves to have exhibits 60 through 62 admitted into
6 evidence.

7 THE COURT: No objection?

8 MS. STEWART: No objection.

9 THE COURT: Ladies and gentlemen of the jury
10 State's exhibit 60, 61, and 62 will be admitted into
11 evidence in the trial of this case without objection.

12 [Whereupon, State's exhibit numbers 60 through 62
13 are entered into evidence by the Court]

14 THE COURT: You may now publish to the jury 60, 61,
15 and 62 into evidence.

16 MR. WARING: Thank you, Your Honor.

17 THE COURT: Ladies and gentlemen let me know if
18 anybody can't see the screen.

19 Q. [Mr. Waring] All right Terrance, I'm putting up
20 State's exhibit 60.

21 [Whereupon, the exhibit is shown to the jury]

22 Q. And I'd like you to point out a couple of things for
23 the jury. Can you tell us what the highlighted
24 information is?

25 A. At the top is my phone number.

1 Q. Okay. Is that the 843-640-9680?

2 A. Yes, sir.

3 Q. Now you mentioned earlier Bezzle Entertainment. Is
4 that what this phone is registered to?

5 A. Yes, sir.

6 Q. All right. I'm going to show you a portion of
7 State's exhibit 61.

8 [Whereupon, the exhibit is shown to the jury]

9 Q. And I want you to focus on the highlighted portions.
10 Can you tell the jury where my pen is at 843-640-9680 is
11 that your number right there [indicates]?

12 A. Yes, sir.

13 Q. All right. Now I want you to focus on the date.
14 What date are we looking at here?

15 A. 6/8/2017.

16 Q. And what time?

17 A. 3:22.

18 Q. All right. Now earlier you mentioned that during
19 this whole time when you're looking for the Defendant and
20 you're driving back and forth that that was around about
21 3:20 right?

22 A. Yes, sir.

23 Q. Okay. Now you said that you were communicating with
24 the Defendant during that time.

25 A. Yes, sir.

1 Q. Now I don't expect you to remember digit for digit
2 the Defendant's number but do you remember him having a
3 702 number?

4 A. Yes, sir.

5 Q. All right. So at 3:24:24 through -- excuse me
6 3:22:06 through let's say 4:54:30 who are you
7 communicating with?

8 A. Him.

9 Q. The Defendant?

10 A. Yes, sir.

11 Q. And what are y'all talking about?

12 A. It's just me trying to locate where he's at to you
13 know pick him up.

14 MR. WARING: Your Honor, may I approach the
15 witness?

16 THE COURT: Have you shown it to counsel?

17 MR. WARING: I'm about to, Your Honor.

18 THE COURT: Show it to her and you may approach.

19 [Whereupon, Mr. Waring shows documents to Ms.
20 Stewart]

21 Q. [Mr. Waring] All right Terrance, we just looked at
22 that number 640-9680.

23 A. Uh Huh.

24 Q. Now I'm going to show you what has been marked for
25 identification purposes as State's exhibit 63 and 64.

1 [Whereupon, the witness is shown exhibit]

2 Q. Please tell the jury what we are looking at in
3 exhibit 63?

4 A. The same thing; it's my other phone.

5 Q. So is that your subscriber information for your
6 other phone number?

7 A. Yes, sir.

8 Q. And is that the number of 843-200-7909?

9 A. Yes, sir.

10 Q. Exhibit 64, do you recognize those?

11 [Whereupon, the witness is shown exhibit]

12 A. That's my call log.

13 Q. Okay. Your call log, your phone records for 843-
14 200-7909.

15 A. Yes, sir.

16 MR. WARING: Your Honor, at this point the State
17 seeks to move exhibits 63 and 64 into evidence.

18 THE COURT: As to 63 and 64?

19 MS. STEWART: No objection.

20 THE COURT: Ladies and gentlemen of the jury
21 State's exhibit 63 and 64 will be admitted into evidence
22 in the trial of this case without objection.

23 [Whereupon, State's exhibit numbers 63 and 64 are
24 entered into evidence by the Court]

25 THE COURT: In evidence; you may publish.

1 MR. WARING: Thank you, Your Honor.

2 Q. [Mr. Waring] Okay Terrance, we just looked at one
3 set of phone records and you said you had two phone,
4 correct?

5 A. Yes, sir.

6 Q. I'm putting on State's exhibit 63.

7 [Whereupon, the exhibit is shown to the jury]

8 Q. Can you tell the jury what the highlighted portion
9 of this says?

10 A. That's my phone number.

11 Q. 843-200-7909?

12 A. Yes, sir.

13 Q. And similarly as your other phone is it registered
14 to your entertainment company, Bezzle Entertainment?

15 A. Yes, sir.

16 Q. I'm going to show you State's exhibit 64 now.

17 [Whereupon, the exhibit is shown to the jury]

18 Q. And just like before with the other set of records I
19 want you to focus on the highlighted portions and tell
20 the jury for starters is that your other phone number?

21 A. Yes, sir.

22 Q. That we just talked about?

23 A. Uh Huh.

24 Q. Now, I want you to scroll over here [indicates] and
25 tell the jury what the date of these calls are.

1 A. 06/08/2017.

2 Q. Okay. Is that June 8th, 2017?

3 A. Yes, sir.

4 Q. And is that call specifically at 3:37 a.m.?

5 A. Yes, sir.

6 Q. Okay. Now are we talking about the same timeframe

7 as when you are looking for the Defendant?

8 A. Yes, sir.

9 Q. And you mentioned it before but did you remember

10 that the Defendant had a 702 number?

11 A. Yes, sir.

12 Q. So during this timeframe 3:37 through on this page

13 3:44 a.m. on June 8th, 2017 who are you communicating

14 with over this phone?

15 A. Him.

16 Q. The Defendant?

17 A. Yes.

18 Q. All right. So are you using not only the other

19 phone but this too more or less interchangeably trying to

20 get in touch with the Defendant?

21 A. Yes.

22 Q. And/or is he calling you and are you calling him and

23 that kind of thing?

24 A. I mean I'm calling him clearly.

25 Q. Okay. So in this one you're calling him. Now how

1 about this is another page of the same exhibit we've got
2 some more calls. So starting with say 3:45 a.m. on June
3 8th, 2017 who are you interacting with?

4 A. Him.

5 Q. The Defendant?

6 A. Uh Huh.

7 THE COURT REPORTER: Is that yes?

8 THE COURT: You have to say yes or no.

9 A. Yes, yes, sorry, sorry.

10 Q. [Mr. Waring] All right. Now how about this call
11 right here [indicates] June 8th 2017 at 3:46 a.m. who is
12 calling you? That one right there [indicates] where my
13 pen is?

14 A. Oh, the Defendant.

15 Q. All right. So is it a fair assessment that y'all
16 are both contacting each other ---

17 A. --- back and forth, yes.

18 Q. All right. Now from -- on this page 3:45 a.m. to
19 say approximately 4:05 a.m. who is pretty much the main
20 person you are contacting and/or being contacted by?

21 A. The Defendant.

22 Q. All right. Did you go back to the Defendant's
23 house?

24 A. Yes.

25 Q. Okay. And did you end up speaking with the

1 Defendant at that time?

2 A. Yes.

3 Q. How so? Can you tell the jury what happened?

4 A. Well, kind of like a communication between me, him,
5 and his wife to try to figure out where he was at and
6 then once I figured it out this time then I went next and
7 got him.

8 Q. Okay. So the first time was unsuccessful. The
9 second time ---

10 A. --- the second time I had a little more information
11 like it was a pink house you know what I'm saying. So I
12 found the pink house.

13 I was looking on the wrong side of the street which
14 happened the first time. But looking on the opposite
15 side of the street I figured out where the house was at.

16 Q. Terrance, I'm showing you what has been marked for
17 identification purposes now as State's exhibit 65 through
18 67.

19 [Whereupon, the witness is shown exhibit]

20 Q. You were talking about a pink house. Can you tell
21 us what exhibit 65 is?

22 A. Um --

23 THE COURT REPORTER: I'm sorry; I didn't hear your
24 answer.

25 A. Bailey Drive.

1 Q. [Mr. Waring] And is the victim's house contained in
2 that picture?

3 A. Yes.

4 Q. I'm showing you now exhibit 66.

5 [Whereupon, the witness is shown exhibit]

6 Q. Can you tell us what we're looking at there?

7 A. The drive from the Defendant's house to the victim's
8 house.

9 Q. And now exhibit 67.

10 [Whereupon, the witness is shown exhibit]

11 Q. Can you tell us what we're looking at there?

12 A. It looks like the address from the club to the
13 Defendant's house and the victim's house.

14 MR. WARING: Your Honor, the State seeks to move
15 exhibits 65 through 67 into evidence.

16 THE COURT: As to 65, 66, and 67?

17 MS. STEWART: No objection.

18 THE COURT: Ladies and gentlemen of the jury
19 State's exhibits 65, 66, and 67 will be admitted into
20 evidence in the trial of this case without objection.

21 [Whereupon, State's exhibit numbers 65 through 67
22 are entered into evidence by the Court]

23 THE COURT: You may publish.

24 MR. WARING: Thank you, Your Honor.

25 Q. [Mr. Waring] All right Terrance, for the jury's

1 benefit I'm showing you State's exhibit 65.

2 [Whereupon, photograph is shown to the jury]

3 Q. What street are we looking at right here?

4 A. Bailey Drive.

5 Q. Okay. And which house do you remember as being the
6 victim's ---

7 A. --- the first house to the left.

8 Q. Okay. This one right here [indicates]?

9 A. Yes, sir.

10 Q. I'm showing you State's exhibit 66.

11 [Whereupon, photograph is shown to the jury]

12 Q. Now, do you see on there both the Defendant's house
13 and the victim's house?

14 A. Yes, sir.

15 Q. All right. Is that the route that you took to go to
16 the victim's house and vice versa?

17 A. Yes, sir.

18 Q. Now lastly, State's exhibit 67.

19 [Whereupon, photograph is shown to the jury]

20 Q. This is an overhead shot. Is this [indicates] the
21 victim's house?

22 A. Yes, sir.

23 Q. And is that [indicates] the Defendant's house right
24 there on Azalea?

25 A. Yes, sir.

1 Q. And is that [indicates] the Bistro over here
2 [indicates]?

3 A. Yes, sir.

4 Q. Did you locate the house?

5 A. Yes, sir.

6 Q. Tell us ---

7 THE COURT: --- are you finished with these
8 exhibits?

9 MR. WARING: Yes, Your Honor.

10 THE COURT: To the court reporter; not left in the
11 machine.

12 MR. WARING: Yes, Your Honor.

13 [Whereupon, Mr. Waring returns exhibits to the court
14 reporter]

15 Q. [Mr. Waring] Tell the jury please what happened once
16 you got back that second time to Bailey Drive.

17 A. Well, I sat in the parking lot, I mean I sat in the
18 driveway for a little bit and I could see that the door
19 was kind of cracked.

20 So I didn't -- you know I didn't want to get out or
21 nothing like that so I was kind of deciding if I was
22 going to leave or stay. And eventually I decided to
23 stay. So while I was backing out he came out and pretty
24 much just got in the car.

25 Q. Now, I want to break that down a little bit. You

1 said he came out and pretty much just got in the car?

2 A. Uh Huh.

3 THE COURT REPORTER: Is that yes?

4 A. Yes, yes.

5 Q. [Mr. Waring] Tell us, is there anything of note
6 about his appearance when he came out of the victim's
7 house?

8 A. Yes.

9 Q. Tell the jury.

10 A. He had some blood on his shirt.

11 Q. All right. He had some blood on his shirt. What
12 about weapons?

13 A. And a firearm in his hand.

14 Q. Prior to him coming out of the house did you hear
15 anything at all coming from the victim's house?

16 A. No.

17 Q. Did you know the victim at that time?

18 A. No, and I still don't.

19 Q. All right Terrance, I want you to tell the jury at
20 that time did he get back in the car?

21 A. Who?

22 THE COURT: Identify for the record who he is?

23 Q. [Mr. Waring] The Defendant; did he get back in the
24 car?

25 A. Yes.

1 Q. Did the Defendant say anything to you?

2 A. It was it was an eerie kind of feeling going on.

3 And I asked him like pretty much what was going on and it
4 was mumbled words mixed with like you know I don't know
5 if somebody had got shot or something along those lines.

6 Q. Now Terrance for the record you can say curse words
7 if you need to. Tell the jury what he told you?

8 A. I don't know what the nigga did.

9 Q. Up until that point did you know what he had done or
10 what he had been planning to do?

11 A. No.

12 Q. Tell the jury please why you let somebody who had
13 blood all over him and a gun get in your car?

14 A. I didn't have a choice. As I was backing out my
15 passenger door was already unlocked so he just opened it
16 and got in.

17 Q. Was it a -- do you remember if it was a long gun or
18 was it a handgun?

19 A. A handgun.

20 Q. Do you remember whether or not the Defendant gave
21 you any particular kinds of looks?

22 A. I mean at that point I was kind of like tunnel-
23 vision looking ahead and focusing on the road so to say
24 and not really trying to like you know engage too deep
25 into the scenario because I didn't know what could

1 possibly happen at that point.

2 Q. Did y'all go somewhere after that point?

3 A. We went back to his house.

4 Q. Okay. And just so we're clear was the Defendant in
5 the passenger front seat?

6 A. Yes.

7 Q. All right. Y'all go back to the Defendant's house.
8 What happens at that point?

9 A. I mean it's like an eerie feeling going on but at
10 the same time I'm trying to stay cool in the scenario
11 because I didn't want the situation to turn against me so
12 I was trying to be a supportive friend I guess you know
13 in the moment.

14 So, I asked him if you know he had left anything in
15 the house just to kind of appear that I was on his side
16 so to say and he had mentioned he had left like a blunt
17 lit or something like that.

18 So I took him back to get the stuff that he had left
19 behind that would have led to him like maybe leaving some
20 DNA behind.

21 Q. All right. So it was your idea for him to go back
22 and get whatever evidence?

23 A. I suggested it, yes.

24 Q. So he had just got in your car with blood and a gun.

25 A. Uh Huh.

1 Q. And rather than running you suggested ---

2 A. --- well, here's the thing. There are two different
3 things that could possibly happen in my mind. I mean I
4 could either play along with it or I could appear to not
5 be cool with it.

6 And then the next thing -- I mean it doesn't really
7 take that much effort for somebody to turn a gun on you
8 in the moment maybe considering that you would tell on
9 them.

10 Q. Okay.

11 A. So at the end of the day I was trying to play both
12 sides of the fence so to say. I knew what I was doing
13 was wrong but at the end of the day I was trying to leave
14 out of that scenario with my life in tact as well.

15 Q. Did you take him back to the victim's house ---

16 A. --- yes, yes I did.

17 Q. All right. After that what did y'all do?

18 A. We went back to his house.

19 Q. Okay. Now, was there any further advice ---

20 A. --- yep ---

21 Q. --- on your part ---

22 A. --- yep ---

23 Q. --- to the Defendant?

24 A. At that point I knew when I took him back I was
25 involved at that point. So, I suggested him to burn the

1 house down.

2 Q. All right. When y'all got back to his house, the

3 Defendant's house ---

4 A. --- uh huh ---

5 Q. --- did he do anything in particular?

6 A. He went in the house.

7 Q. Do you remember if he did anything with his

8 clothing?

9 A. I don't know.

10 Q. Do you remember if he changed shirts?

11 A. I don't know. Right now I can't remember.

12 Q. Okay. Do you not recall telling myself and

13 investigators from the Solicitor's ---

14 A. --- yes ---

15 Q. --- office and the detective that ---

16 A. --- yes ---

17 Q. --- at our office back in 2018 that he changed his

18 shirt when you went back?

19 A. Yes, yes.

20 Q. Okay. Now meanwhile what did you do?

21 A. I was given bleach to you know try to -- I would

22 assume that he had blood in my passenger seat so I

23 bleached my seat at that point.

24 Q. Did the Defendant help you clean your car?

25 A. No.

1 Q. All right. Now, this had just happened and he
2 bloodied your car up and you didn't ask him ---

3 A. --- I'm not saying he bloodied the car up. I'm
4 saying it may have been, yes.

5 Q. Okay. But he didn't help you?

6 A. No.

7 Q. You elected to do it yourself?

8 A. Yes, yes.

9 Q. Who did you get the bleach from?

10 A. His wife.

11 Q. All right. After you gave him this idea to go back
12 did you tell him to set the house on fire?

13 A. I did.

14 Q. Did you go back with him to do that?

15 A. No, at that point I was just -- at this point that
16 was about as far as I could have went with it. I had to
17 go at that point.

18 I couldn't be involved anymore at that point. That
19 would have been a little -- even suggesting it that would
20 have been a little too far for me.

21 Q. Okay. So you're saying you didn't go back. What
22 did you do next?

23 A. I got -- I can't curse; I got up out of there.

24 Q. Okay. Did you leave with anybody?

25 A. The person I came with, the female, yes Brandi.

1 Q. Brandi Dobbins?
2 A. Uh Huh.
3 Q. Did she leave with you in your Chrysler 200?
4 A. Yes.
5 Q. All right. So that's one girl that you were hanging
6 out with. Did you later on in the morning go to somebody
7 else's house?
8 A. Well, yeah. That was the girl I was cheating on my
9 ex with. So yes, I went to my girlfriend's house at that
10 time after I dropped her off.
11 Q. And who was that?
12 A. Lanica.
13 Q. Lanica what? Walker?
14 A. Walker.
15 Q. Do you remember where that was, I mean the general
16 area?
17 A. In Ladson.
18 Q. In Ladson?
19 A. Uh Huh.
20 THE COURT REPORTER: Was that yes?
21 A. Yes.
22 Q. [Mr. Waring] Now, there's been some mention of your
23 car. Did anything happen to your car?
24 A. It got stolen maybe a week or two afterwards.
25 Q. All right. So you're telling the jury that soon

1 after you participated in this situation ---

2 A. --- unwillingly participated, yes.

3 Q. Okay. However it might be your car was stolen you
4 said?

5 A. Yes.

6 Q. Now, you admit that that looks pretty suspicious
7 right?

8 A. Yes.

9 Q. But you maintain that it was not your idea or your
10 plot to have somebody steal it?

11 A. No. I went to the same gas station that I always go
12 to and it's in a bad area. Those things happen at that
13 gas station. Me not thinking like you know it would
14 happen to me but yeah.

15 Q. At some point in time Terrance were you shown a
16 photographic lineup by North Charleston Police
17 Department?

18 A. Yes.

19 THE COURT: Counsel approach.

20 [Whereupon, an off the record bench conference is
21 held]

22 [Whereupon, Ms. Stewart and Ms. Norris confer with
23 the Defendant]

24 MS. STEWART: Your Honor, we don't object and we do
25 not require an in-camera hearing for this.

1 THE COURT: Let the record reflect that I've
2 offered an in-camera hearing to counsel for the Defendant
3 concerning any out of court identification that may have
4 been made in this case and she declines the invitation to
5 have any hearing out of court as to an out of court
6 identification. Is that correct, counsel?

7 MS. STEWART: Yes, Your Honor.

8 THE COURT: You may proceed. She tells me without
9 objection.

10 MR. WARING: Thank you, Judge. Your Honor, may I
11 approach the witness?

12 THE COURT: You may.

13 Q. [Mr. Waring] Terrance, I'm showing you State's
14 exhibit 68 through 74 and I'm going to go through these
15 briefly one by one. This is State's exhibit 68 for
16 identification purposes.

17 [Whereupon, the witness is shown photograph]

18 Q. Can you tell the jury what that is?

19 A. A photographic lineup sheet? I don't know what
20 you're talking about.

21 Q. Okay. And is that the sheet that you signed
22 acknowledging that ---

23 A. --- oh, yes ---

24 Q. --- you were being read information about a
25 photographic lineup?

1 A. Yes.

2 Q. State's exhibit 69?

3 [Whereupon, the witness is shown photograph]

4 Q. Do you recognize that or can you tell me what that

5 is?

6 A. A picture of somebody I don't know.

7 Q. Okay. And can you tell us what 70 is?

8 [Whereupon, the witness is shown photograph]

9 A. Same thing; a picture of somebody I don't know.

10 Q. Okay. State's exhibit 71?

11 [Whereupon, the witness is shown photograph]

12 Q. Can you tell us what that is?

13 A. A picture of somebody I don't know.

14 Q. All right. State's exhibit 72?

15 [Whereupon, the witness is shown photograph]

16 A. A picture of the Defendant.

17 Q. All right. And tell us what State's exhibit 73 is.

18 [Whereupon, the witness is shown photograph]

19 A. A picture of somebody I don't know.

20 Q. And tell us lastly what State's exhibit 74 is.

21 [Whereupon, the witness is shown photograph]

22 A. A picture of somebody I don't know.

23 MR. WARING: Your Honor, the State seeks to move 68

24 through 74 into evidence.

25 MS. STEWART: No objection.

1 THE COURT: Ladies and gentlemen of the jury
2 State's exhibit 68, 69, 70, 71, 72, 73, and 74 will be
3 admitted into evidence in the trial of this case without
4 objection.

5 [Whereupon, State's exhibit numbers 68 through 74
6 are entered into evidence by the Court]

7 THE COURT: You may publish to the jury.

8 MR. WARING: Thank you, Your Honor.

9 Q. [Mr. Waring] Okay Terrance, I want to put up on the
10 overhead what we just talked about. State's exhibit 68.

11 [Whereupon, photograph is shown to the jury]

12 Q. Are these your initials over here [indicates]?

13 A. Yes.

14 Q. Okay. And are these the advisements that were read
15 to you prior to ---

16 A. --- yes ---

17 Q. --- being shown the lineup, okay. And is that your
18 signature that little squiggly mark right there
19 [indicates]?

20 A. Yes.

21 Q. Now, I want to do this one more time. I'm putting
22 up State's exhibit 69.

23 [Whereupon, photograph is shown to the jury]

24 Q. Is that one of the people you said you didn't know?

25 A. Yes.

1 Q. This is State's exhibit 70.
2 [Whereupon, photograph is shown to the jury]
3 Q. Is that the same thing, you don't recognize ---
4 A. --- yeah, I don't know him either.
5 Q. State's exhibit 71?
6 [Whereupon, photograph is shown to the jury]
7 A. I don't know him.
8 Q. All right. How about State's exhibit 72?
9 [Whereupon, photograph is shown to the jury]
10 A. The Defendant.
11 Q. All right. Is that [indicates] your signature below
12 that?
13 A. Yes.
14 Q. Did anybody suggest to you that you should pick out
15 his photo?
16 A. No.
17 Q. At any point in time prior to or during nobody said
18 hey, you need to pick this photo?
19 A. No.
20 Q. And then State's exhibit 73?
21 [Whereupon, photograph is shown to the jury]
22 A. I don't know him.
23 Q. And then State's exhibit 74?
24 [Whereupon, photograph is shown to the jury]
25 A. I don't know him either.

1 Q. All right Terrance, do you see the Defendant in the
2 courtroom today?

3 A. Yes.

4 Q. And can you point him out to the jury?

5 [Whereupon, the witness indicates]

6 Q. Can you be a little more specific who you are
7 pointing at?

8 A. The gentleman sitting right there [indicates].

9 Q. Okay.

10 MR. WARING: Your Honor, let the record reflect the
11 witness has identified the Defendant.

12 THE COURT: Proceed.

13 MR. WARING: Court's indulgence, Your Honor.

14 [Whereupon, Mr. Waring and Mr. Sowards confer]

15 Q. [Mr. Waring] Please answer any questions the defense
16 has.

17 THE COURT: Cross-Examination.

18 MS. STEWART: Thank you, Your Honor. May it please
19 the Court?

20

21

22

23

24

25

1 CROSS-EXAMINATION

2 BY MS. STEWART:

3 Q. Good afternoon, Mr. Doucet.

4 A. How you doing.

5 Q. Mr. Doucet, you've had a little trouble telling the

6 truth in this case, isn't that true?

7 A. Yes.

8 Q. You've lied.

9 A. Yes ---

10 Q. --- to the police and to the Solicitors.

11 A. Yes.

12 Q. At least twice.

13 A. Yes.

14 Q. Each time that you met with them your story changed.

15 A. Yes.

16 Q. Even inside your meetings your story would change.

17 A. Yes.

18 Q. In big ways.

19 A. I wouldn't say that.

20 Q. You disagree?

21 A. I disagree, yes.

22 Q. Okay. Well, we'll talk about some of those

23 differences in just a minute. But again you've

24 definitely lied before we got to this point?

25 A. Yes.

1 Q. Okay. You lied during your first meeting with this
2 [indicates] gentleman Detective Sanchez isn't that true?

3 A. I don't -- I'm not actually -- I can't answer that
4 because I don't know what you're saying like as far as
5 what I lied about so I don't want to just say yes to
6 that.

7 Q. Okay. So you're not sure whether you lied during
8 your first meeting with Detective Sanchez?

9 A. No.

10 Q. Okay. So let's talk about that.

11 A. Uh Huh.

12 Q. So your first meeting was on July 7th, 2017 isn't
13 that true?

14 A. Yes.

15 Q. You voluntarily came in.

16 A. Uh Huh, yes.

17 Q. You were advised of your Miranda rights.

18 A. Yes.

19 Q. You waived those rights meaning you gave those up.

20 THE COURT: Explain counsel waiver to the witness.

21 MS. STEWART: Yes sir, Your Honor.

22 Q. [Ms. Stewart] So Detective Sanchez told you that
23 you had the right not to speak to him, right?

24 A. You're talking about when I turned myself in at City
25 Hall?

1 Q. I'm talking when you first met with Detective
2 Sanchez.

3 A. I didn't speak to him.

4 Q. You never spoke to Detective Sanchez about ---

5 A. --- I didn't speak to him about this. When I first
6 turned myself in it was something about my car being
7 stolen when I turned myself in to City Hall.

8 Q. Okay. During that meeting you spoke to Detective
9 Sanchez. And I'm happy to remind you of that. But you
10 came in to have an interview about your car being stolen.

11 A. Right.

12 Q. Right?

13 A. Uh Huh.

14 Q. That's what you're talking about.

15 A. Yes.

16 Q. And Detective Sanchez, the officer who interviewed
17 you, talked to you about your car being reported stolen.

18 A. Uh Huh. Yes.

19 Q. And then he started asking you about giving somebody
20 a ride that morning.

21 A. Yeah. He said it was the biggest thing that
22 happened in that month of July or something like that.

23 Q. And you told him you couldn't remember anything.

24 A. Right.

25 Q. You told him you were probably high.

1 A. Right.

2 Q. Said you had not given anyone a ride that night.

3 A. Right.

4 Q. In fact, you said no one unusual had ridden in your
5 car for the past month.

6 A. Right.

7 Q. You mentioned two guys that normally got rides with
8 you but you definitely didn't mention Mr. Green.

9 A. Right.

10 Q. You completely denied any involvement in this.

11 A. Yes, at first, yes.

12 Q. You said you definitely didn't drive anyone
13 anywhere.

14 A. Yes.

15 Q. Said you did pick someone up.

16 A. Uh Huh.

17 THE COURT: You have to say yes or no.

18 A. Yes. I got you, sorry.

19 Q. [Ms. Stewart] But you said you didn't know the name
20 of the person you picked up.

21 A. Right. Yes.

22 Q. So to recap you told the officer in your first
23 meeting that you picked someone up.

24 A. Yes.

25 Q. Did not name the person.

1 A. Yes.

2 Q. Denied any further involvement.

3 A. Yes.

4 Q. Then you came in for what's called a proffer
5 interview, isn't that true; an interview with Mr. Waring.

6 A. Yes.

7 Q. That was in January of 2018.

8 A. Yes.

9 Q. That was about six months later.

10 A. Yes.

11 Q. And that was a special kind of interview with the
12 Solicitor and law enforcement and your lawyer.

13 A. Yes.

14 Q. And that was recorded.

15 A. Uh Huh. Yes.

16 Q. And you still in the beginning of that interview
17 said you didn't know the guy's name.

18 A. Yes.

19 Q. And Mr. Green had been arrested at that point and in
20 jail for about six months, right?

21 A. I don't know.

22 Q. You didn't know his name though, you called him
23 Richard.

24 A. Who?

25 Q. You called the man's name Richard.

1 A. Yeah, I don't remember but I guess -- I don't know.
2 Q. And during that interview you told them that you
3 picked up Mr. Green on Bailey Drive, right?
4 A. Yes.
5 Q. You told them you drove him back to his house.
6 A. Yes.
7 Q. Thirty seconds away.
8 A. Yes.
9 Q. You told Mr. Waring though that you never gave him a
10 ride to that house.
11 A. Yes.
12 Q. You said that was God's truth.
13 A. Yes.
14 Q. And when Mr. Waring told you that witnesses saw you
15 drop him off you said that was false.
16 A. Right.
17 Q. You said you had a bad feeling about the situation.
18 A. Yes.
19 Q. But he got in your car, right?
20 A. Yes.
21 Q. You said he didn't say anything; it was just normal
22 conversation.
23 A. Correct.
24 Q. You said you were freaked out so you played some
25 music.

1 A. Yes.

2 Q. You told Mr. Waring he didn't look strange.

3 A. Yes.

4 Q. You told Mr. Waring he didn't have blood on him.

5 A. Yes.

6 Q. You told Mr. Waring you didn't notice any blood in

7 your car.

8 A. Yes.

9 Q. Said you didn't clean blood.

10 A. Yes.

11 Q. Said you didn't clean your car with bleach.

12 A. Yes.

13 Q. You cleaned it but just as normal, right?

14 A. Yes.

15 Q. You stuck to that story for a while didn't you?

16 A. Yes, I did.

17 Q. About an hour and 20 minutes or so, right.

18 A. Yes, I did.

19 Q. And when you were questioned about these

20 inconsistencies between the evidence and your story you

21 continued to tell them you were telling the truth.

22 A. Yes.

23 Q. You said you were telling what you knew.

24 A. Yes.

25 Q. Even told them you could pass a polygraph about all

1 these things.

2 A. Yes.

3 Q. You said you could pass a polygraph about never
4 taking Mr. Green to Bailey Drive.

5 A. Yes.

6 Q. You said you could pass a polygraph about never
7 seeing blood and never seeing a gun.

8 A. Yes.

9 Q. You're saying today that's not true.

10 A. No, it's not true.

11 Q. After telling Mr. Waring for almost an hour and half
12 you changed that story.

13 A. Yes.

14 Q. Now suddenly he's all bloody, right?

15 A. Yes.

16 Q. You said you could see that blood.

17 A. Yes.

18 Q. You specifically said he was wearing a white shirt.

19 A. Yes.

20 Q. Even though you had just told Mr. Waring that you
21 could pass a polygraph about that.

22 A. Yes.

23 Q. Now you say you saw a gun.

24 A. Yes.

25 Q. Now you're saying he did talk to you in the car.

1 A. Yes.

2 Q. Now you're saying you told him to burn the house
3 down to destroy evidence.

4 A. Yes.

5 Q. Now you say you did bleach your seats.

6 A. Yes.

7 Q. You also said you never communicated with him again.

8 A. Yes.

9 Q. But that's not true either is it?

10 A. No, that is true.

11 Q. You said he was blowing you up but you didn't
12 answer.

13 A. No, the morning of he tried to contact me a little
14 bit later yes and I didn't answer. And it was only one
15 phone call actually.

16 Q. To this day you say your car was really stolen.

17 A. Yes.

18 Q. And you would agree that it's pretty convenient that
19 your car got stolen.

20 A. No, I don't agree that it was convenient, no.

21 Q. You agree that it's suspicious?

22 A. No.

23 Q. You did tell Lanica Walker that you hired somebody
24 to steal your car, didn't you?

25 A. No.

1 Q. Mr. Doucet, you've been in trouble before haven't
2 you?
3 A. Yes.
4 Q. In fact in 2017 when you were arrested for this
5 you'd been charged with trafficking drugs.
6 A. Yes.
7 Q. You're facing a mandatory minimum prison sentence.
8 A. Well, I mean yes.
9 Q. You pled down to possession, right?
10 A. Yes.
11 Q. And that was after you went in for your first
12 interview with law enforcement, right ---
13 A. --- yes.
14 Q. Got probation.
15 A. Yes.
16 Q. No prison.
17 A. No, I haven't been in trouble since.
18 Q. I want to talk to you about those changes in your
19 story.
20 A. Yes.
21 Q. You're trying to save your skin aren't you?
22 A. Huh?
23 Q. You're trying to save yourself.
24 A. Yes.
25 Q. To protect yourself.

1 A. Yes.

2 Q. You're hoping for a benefit in exchange for
3 testifying.

4 A. No.

5 Q. You're not hoping for a benefit?

6 A. No. Listen. Can I say something since you're
7 asking me a lot of questions? Can I ask a question?

8 THE COURT: You can explain your answer but answer
9 the questions you're asked.

10 A. There was a change in my story because I spoke to my
11 lawyer, which is my representative and he suggested that
12 either I had one of two choices which is tell the truth
13 now and maybe we can get ahead of this thing and make it
14 right or you can continue to lie and it's going to look
15 bad on you in the future.

16 So at that point I stopped lying and I told the
17 truth because my representative told me to and I agreed
18 with what he was saying at that time. So at first I did
19 lie. I mean at the end of the day who wouldn't.

20 I was not a stand up person at that time in my life;
21 I wasn't. I had done bad things and I was around the
22 wrong type of people. So yes, I did lie at first. But
23 after speaking to my lawyer I did change my story into
24 the truth.

25 Q. [Ms. Stewart] Your testimony today is that you're

1 not looking for any benefit from the State?

2 A. Yes. I hope by telling the truth that people would
3 look at me and not commit me to crazy, yes.

4 Q. Okay. You're hoping for leniency isn't that right?

5 A. Yes.

6 Q. From the State, right?

7 A. Yes.

8 Q. From the Judge?

9 A. Yes.

10 Q. You don't want to go to jail.

11 A. No.

12 Q. So let's talk about what you're facing. The State
13 has already given you a benefit by how they charged you
14 didn't they?

15 A. No.

16 Q. But you've been charged with accessory after the
17 fact of murder, isn't that correct?

18 A. Yes.

19 Q. And you know about this charge and what it means.

20 A. Yes. I thought it was accessory before the fact.

21 Q. You were charged with accessory before the fact in
22 the beginning.

23 A. Right.

24 Q. And now it's accessory after, isn't that correct?

25 A. Oh, I had no idea. I thought it was still before

1 the fact.

2 Q. Okay. Well, you talked with your lawyer about the
3 penalty for that crime, isn't that true?

4 A. Yes.

5 Q. You know it carries up to 15 years in jail ---

6 A. --- fifteen to life, yes.

7 Q. If you got any prison sentence at all you'd only
8 serve 65 percent of that sentence, isn't that correct.

9 MR. WARING: Objection, Your Honor. May we
10 approach?

11 THE COURT: Sustained. Counsel, there has been no
12 foundation to ask legal conclusions. The objection is
13 sustained. Move along.

14 MS. STEWART: Yes, sir.

15 Q. [Ms. Stewart] You know that you're facing a lot less
16 than Mr. Green.

17 A. Yes.

18 Q. You understand that he is facing a murder charge.

19 A. Yes.

20 Q. And the penalty for a murder charge is quite
21 different from an accessory after the fact charge, isn't
22 that correct?

23 A. Yes.

24 Q. Thirty years to life.

25 A. Yes ---

1 MR. WARING: --- objection, Your Honor.

2 THE COURT: Sustained. Counsel, I've warned you
3 now. Don't ask any more legal conclusions.

4 MS. STEWART: Yes, Your Honor.

5 THE COURT: Unless you can qualify the witness in
6 the law.

7 Q. [Ms. Stewart] It's not only on this case though that
8 you're hoping for a benefit is it?

9 A. What?

10 Q. You have some other pending charges.

11 A. Yes.

12 Q. You're facing an unlawful carry of a pistol.

13 A. Yes.

14 Q. And you've talked to your lawyer about that charge.

15 A. Yes.

16 MR. WARING: Objection, Your Honor. May we
17 approach?

18 THE COURT: Counsel approach.

19 [Whereupon, an off the record bench conference is
20 held]

21 THE COURT: Objection sustained. Move along.

22 Q. [Ms. Stewart] And I'm not asking you about the
23 penalty but you're also facing a financial identify fraud
24 charge isn't that true.

25 A. Yes.

1 Q. And you really don't want to go to jail, right?

2 A. No.

3 Q. And you and the State you don't have a deal yet,
4 right?

5 A. No.

6 Q. They didn't tell you what they would do for you.

7 A. No.

8 Q. And what they do for you depends on what you do for
9 them.

10 A. I would assume.

11 Q. Because you are hoping for a deal you want to make
12 them happy.

13 A. No, I want to tell the truth.

14 Q. You told them that though in your proffer interview
15 though didn't you?

16 A. Listen ma'am, I get what you're trying to do but
17 that's not where we're at right now. We're past that.
18 It's documented that I've lied. I'm telling you I did.

19 And I'm not really going to be cool with allowing
20 you to try to make me look like a bad guy here. I
21 identify with me lying and I do have other charges that
22 have nothing to do with the case that we're dealing with
23 at this point.

24 So I don't understand what you're trying to get at.

25 I don't get it. What do you -- you're making me a little

1 like nervous here.

2 THE COURT: You don't ask the questions here.

3 THE WITNESS: I'm sorry.

4 THE COURT: Just answer them.

5 THE WITNESS: I'm sorry.

6 THE COURT: Proceed. Cross-Examination.

7 Q. [Ms. Stewart] You told Mr. Waring in your proffer
8 interview you said I'm trying to tell you what I think
9 you wanted me to tell you.

10 A. At that point before I spoke to my lawyer, yes.

11 Q. You said after you spoke to your lawyer I'm going to
12 hit the three key points that they want?

13 A. I said that.

14 Q. Would you like to see a transcript of your
15 testimony?

16 A. No, I'm telling you that I said that. That's at the
17 time I was still lying, yes.

18 Q. You told them that you were talking to them because
19 it was what your lawyer wanted you to do.

20 A. Yes.

21 Q. Because you want to serve as little time as
22 possible.

23 A. Yes.

24 Q. You definitely didn't go to the police and report
25 this crime.

1 A. No.

2 Q. And when you came in for an interview you understood
3 that there was a lot of evidence against you.

4 A. Yes.

5 Q. First, you know that somebody recognized you, right?

6 A. Yes.

7 Q. Because you are a recognizable person ---

8 A. --- I'm a very popular person ---

9 Q. --- with a recognizable car ---

10 THE COURT: --- hold it, one at a time. Ask a
11 question and let him finish it. Don't interrupt him when
12 he's answering. You don't interrupt her when she's
13 asking the questions. Proceed.

14 A. Sorry.

15 MS. STEWART: Yes, sir.

16 Q. [Ms. Stewart] You're a recognizable person.

17 A. Yes.

18 Q. With a recognizable car.

19 A. Yes.

20 Q. You said you're popular.

21 A. Yes, I am, very.

22 Q. People know you.

23 A. Yes.

24 Q. Your face was on flyers.

25 A. Yes. I threw parties for ten years, ma'am.

1 Q. And those flyers are so social media.

2 A. Yes.

3 Q. You also knew that Lanica Walker had talked to the
4 police, right.

5 A. Yes.

6 Q. She told you she was going to.

7 A. That was my girlfriend at the time; of course.

8 Q. You also knew that there was a lot of evidence
9 against you because police and prosecutors kept telling
10 you there was.

11 A. Yes.

12 Q. In your first interview the officers were telling
13 you they could charge you with murder.

14 A. Yes, they sure did.

15 Q. They charged you with accessory but they kept saying
16 we could charge you with murder.

17 A. Yes. The sergeant said he could charge me with
18 capital murder, yes.

19 Q. And Detective Sanchez repeatedly talked to you about
20 the difference between a witness and a suspect, do you
21 remember that?

22 MR. WARING: Objection, Your Honor.

23 THE COURT: Is there an objection?

24 MR. WARING: Yes, Your Honor.

25 THE COURT: Counsel approach.

1 [Whereupon, an off the record bench conference is
2 held]

3 THE COURT: Objection sustained.

4 Q. [Ms. Stewart] By the time that you went in and
5 talked with Mr. Waring Mr. Green had already been
6 arrested, right?

7 A. I'm not sure.

8 Q. You don't know whether Mr. Green was arrested?

9 A. No.

10 Q. You would agree that on the night of June 8th, 2017
11 you were using drugs?

12 A. Yes.

13 Q. You were under the influence of alcohol.

14 A. Yes.

15 Q. And marijuana?

16 A. No.

17 Q. You deny being under the influence of marijuana?

18 A. No, I used a different drug, ma'am.

19 Q. Okay. Would it refresh your memory if you looked at
20 a transcript of what you told Mr. Waring in your proffer
21 interview?

22 A. No.

23 Q. It wouldn't refresh your memory?

24 A. I mean yes, yes. I'm sorry, yes.

25 THE COURT: Show it to counsel.

1 MS. STEWART: Yes, sir.

2 [Whereupon, Ms. Stewart shows document to Mr.
3 Waring]

4 THE COURT: Give him page and line counsel.

5 MS. STEWART: Yes, sir. Your Honor, may I approach
6 the witness?

7 THE COURT: You may.

8 Q. [Ms. Stewart] Mr. Doucet, I'm showing you a
9 transcript of your testimony of your proffer interview
10 with Mr. Waring.

11 [Whereupon, the witness is shown document]

12 Q. I'd ask you to look at page 65.

13 THE COURT: You tell us when you're there.

14 [Whereupon, the witness reviews document]

15 A. Yes, I'm there.

16 Q. Starting at line 20 and then going into the next
17 page.

18 [Whereupon, the witness reviews document]

19 A. Okay. I just went and did some more drugs and then
20 I was waiting on my turn to get on the card game.

21 Q. Okay. And then a few more lines down Mr. Smiley
22 asked had you smoked a blunt in there. And then he said
23 all right so you smoked several blunts and did some
24 cocaine ---

25 A. --- yeah, I hit the blunt a little bit. But I was

1 addicted to cocaine. I am a recovering addict yes ma'am
2 do I did do cocaine. I would hit marijuana sometime.

3 So when you asked me if I had smoked a blunt I would
4 not naturally assume -- I would say no because I might
5 have hit the blunt but I don't really smoke. I did
6 cocaine ma'am. I was addicted to cocaine. I'm a
7 recovering addict.

8 Q. Okay. And even in your proffer interview you told
9 Mr. Waring that you didn't remember being at the Cheap
10 Way gas station, right?

11 A. Yes. Is that the time when I was still lying or at
12 the time of the truth at this point? You got to clarify
13 that because I had two different stories. I spoke to him
14 the first time and then I spoke to my lawyer and then I
15 told the truth.

16 That's the story that we're going off at this point
17 ma'am. I get what you're trying to do here. You're
18 trying to make me look like a liar. At that point I was
19 a liar.

20 You're asking me the same questions over and over.
21 I think they get what you're trying to do at this point
22 ma'am.

23 Q. When you talked with Detective Sanchez the first
24 time you made it very clear that the guy you were talking
25 about was not a friend of yours, right?

1 A. Yes.

2 Q. You said several times to Detective Sanchez that you
3 wouldn't have even reported anything if it had been a
4 friend of yours.

5 A. Yes, I would have.

6 Q. You wouldn't have even talked to him.

7 A. No. If it was a friend of mine I would have went to
8 war with him. I would have went to bat with him. Yes, I
9 would have went to bat for my friends. This gentleman;
10 not the same.

11 Q. When Ms. Walker found out and you and she ended
12 things you threatened her.

13 A. Yes.

14 Q. You didn't want her to tell anyone.

15 A. Now when you say threaten her you mean like in which
16 way? Like threaten her about this case?

17 Q. Did you threaten Ms. Walker?

18 A. No, no, no, no, no. Sorry for answering that a
19 little too fast. I had to think about what you were
20 saying.

21 Q. Ms. Walker only knows what you told her.

22 A. Yes. She -- when I walked in the house she accused
23 me of cheating as she always did and I explained to her
24 that it was a little more deeper than that tonight. And
25 that's how we got into the point of me telling her what

1 happened.

2 Q. You never told Lanica the name of the person you
3 picked up that night.

4 A. I don't know if I did at the time or not. I'm
5 pretty sure I did though because she knew -- I spoke to
6 her that night and she told me to come home.

7 And that was one of the biggest mistakes I ever made
8 in my life. When she told me to come home I should have
9 went home and I didn't and that's how I got into this
10 scenario right here.

11 Q. You did tell Lanica Walker that you had a gun that
12 night.

13 A. Yes, I did tell her that.

14 Q. You did tell her that you heard gunshots.

15 A. I did tell her that at one point, yes.

16 Q. You did tell her that you went inside that house.

17 A. No, I didn't.

18 Q. You did tell her you shot Mr. Rivers.

19 A. No, I didn't.

20 Q. This story that you are telling us today you've told
21 other people before that it's not right haven't you?

22 A. What do you mean by that? You mean the story that
23 -- the latest story?

24 Q. Yes, sir.

25 A. No, I didn't actually, no.

1 Q. Okay. You told Ms. Brittley Lewis that you were
2 going to take back your statement, isn't that correct?

3 A. Okay. What happened there was I had just out of
4 county and at that point I was still into my lie. At
5 that point I was contacting a mutual friend because I'm
6 still trying to be cool, calm, and collected with this
7 gentleman because I am under the assumption that he
8 killed somebody.

9 So I don't want to be the next person dead. So yes,
10 I contacted her because she was a mutual party. At that
11 point if she had told me what she had -- if she had said
12 something a little bit different I would have been on
13 this stand lying for him, yes. But it didn't work out
14 like that.

15 She told me that he was never there. At that point
16 basically I took that as F.U. do your own thing. So if
17 she would have said like okay let's come up with a story
18 to defend him I would have defended him at that point.
19 But when she said that this is why we got to the point
20 that we were at, yes.

21 Q. You told her you felt pressured by prosecutors to
22 tell a false story ---

23 A. --- I did, yes. I did feel, yes.

24 Q. You said you were forced to come up with a story.

25 A. No.

1 Q. You deny saying that?

2 A. No, and if I did say that it's still me playing
3 cool, calm, and collected. You got to understand the
4 psychological thing that is going on here as far as me
5 not trying to look like a rat or a snitch because at the
6 end of the day if you look like a rat or a snitch people
7 get killed doing that.

8 So I'm trying to play both sides of the fence. I'm
9 trying to win favor over there with him and I'm trying to
10 be cool myself if you understand what I'm saying. You
11 probably don't understand what I'm saying but I think
12 some of the jury may understand what I'm saying.

13 Q. You said you were doing a friendly favor for
14 somebody else.

15 A. A friendly favor for his wife yes because her
16 husband needed a ride, yes ma'am.

17 Q. You said you would take a charge for lying and the
18 case would be dropped.

19 A. What's that?

20 Q. You said you would take a charge ---

21 A. --- I was at that point, yes if I was playing on his
22 side it would have been obstruction of justice for me
23 lying. But if we were in favor with each other then yes
24 I would have, yes ma'am.

25 Q. And you told Brittley Lewis on April 7th, 2018 ---

1 A. --- yes, through her inbox in Facebook, yes.

2 Q. That Kone wasn't there.

3 A. I told her that he wasn't there?

4 Q. Correct.

5 A. No.

6 Q. You deny saying that?

7 A. Yes. She told me that he wasn't there, that he was
8 going to say that he wasn't there.

9 MS. STEWART: Your Honor, may I approach the
10 witness?

11 THE COURT: You may.

12 Q. Mr. Doucet, I'm showing you what is going to be
13 marked as defense exhibit 1 ---

14 A. --- oh yeah, okay listen. This is ---

15 THE COURT: --- hold on.

16 A. --- I'm sorry, I'm sorry ---

17 THE COURT: --- step back so you don't block my
18 jury's view with your next question. You want to mark
19 it?

20 MS. STEWART: Yes, sir.

21 [Whereupon, Defendant's exhibit number 1 is marked
22 by the court reporter]

23 THE COURT: You got a copy?

24 MR. WARING: Yes, Your Honor.

25 A. I know exactly what this is, okay.

1 Q. [Ms. Stewart] Mr. Doucet, I'm showing you defense
2 exhibit 1.

3 A. Uh Huh.

4 [Whereupon, the witness is shown document]

5 Q. And in that exhibit you're talking with Brittley
6 Lewis, isn't that correct?

7 A. Yes, ma'am.

8 Q. Okay. And you're right she does say to you we know
9 Kone wasn't there, right?

10 MR. WARING: Objection, Your Honor.

11 A. Uh Uh.

12 THE COURT: Counsel approach.

13 [Whereupon, an off the record bench conference is
14 held]

15 Q. [Ms. Stewart] Mr. Doucet, you identified those as
16 messages you exchanged with Ms. Lewis?

17 A. Yes, ma'am.

18 Q. On April 7th, 2018?

19 A. Yes, ma'am. Would you like me to explain?

20 Q. In just a moment.

21 MS. STEWART: Judge, we would offer at this time
22 defense exhibit 1.

23 THE COURT: As to defendant's number 1, Solicitor?

24 MR. WARING: No objection, Your Honor.

25 THE COURT: Ladies and gentlemen of the jury

1 defendant's exhibit number 1 will be admitted into
2 evidence in the trial of this case without objection.

3 [Whereupon, Defendant's exhibit number 1 is entered
4 into evidence by the Court]

5 THE COURT: Defendant's 1 in evidence. You may now
6 publish to the jury.

7 MS. STEWART: Thank you, Your Honor. Actually, I'm
8 going to borrow this from you and put it up on the
9 overhead. Thank you very much.

10 [Whereupon, Ms. Stewart retrieves document from the
11 witness]

12 [Whereupon, the exhibit is shown to the jury]

13 Q. [Ms. Stewart] Again Mr. Doucet, these are messages
14 you exchanged with Brittley Lewis ---

15 A. --- yes ma'am ---

16 Q. --- is that correct?

17 A. Yes, ma'am.

18 Q. And in response to her saying we know Kone wasn't
19 there you said that's what I'm saying.

20 A. Uh Huh. Yes, I said that. Would you like me to
21 explain?

22 MS. STEWART: Beg the court's indulgence.

23 [Whereupon, Ms. Stewart and Ms. Norris confer]

24 THE COURT: Have you finished your answer?

25 THE WITNESS: Now, can I explain?

1 THE COURT: You may.

2 A. Okay. What you're looking at is me thinking for
3 them all over again. I've thought them through a bunch
4 of situations where I say I want to take you to get your
5 DNA out of the house or I'm suggesting that you burn the
6 house down. This is me suggesting them another way to
7 get out.

8 At this point what I was attempting to do was get
9 our story straight. I was going to lie, yes I was. I
10 was going to come up with the story that okay, let them
11 know that you were at the house because you were at the
12 house. I came and got you and I dropped you at the home
13 and that's what happened.

14 When we both left there everybody was still alive
15 and well. You went your way and I went my way and that's
16 the story that I would have gave if they were who was
17 giving that story because at the end of the day I'm still
18 trying to clear myself with them. So it was me trying to
19 think their way through the situation all over again and
20 then she responded oh no, he just wasn't there. So
21 basically they said F me so now we are what we are.

22 MS. STEWART: I beg the Court's indulgence.

23 [Whereupon, Ms. Stewart and Ms. Norris confer]

24 MS. STEWART: No further questions.

25 THE COURT: Redirect?

1 MR. WARING: Yes, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. WARING:

4 Q. Terrance?

5 A. Yes, sir.

6 Q. Have we promised you anything ---

7 A. --- no ---

8 Q. --- for your testimony today?

9 A. No.

10 Q. Have you done and signed a proffer agreement?

11 A. Yes, sir.

12 Q. Now the defense attorney mentioned that proffer
13 agreement. Tell the jury in your own words what that
14 means to you?

15 A. Well, what I was told or what I think it is is I was
16 given the chance to tell the truth you know without it
17 being you know backfired on me in the long run as far as
18 like being used against me.

19 What I was told was if I tell them the truth then
20 they couldn't take my truth and use it against me. It's
21 very hard to admit to telling somebody to burn a house
22 down.

23 But with the proffer in place I knew I could tell
24 them that without them using that against me because that
25 was my truth.

1 Q. All right. So prior to that proffer agreement being
2 placed before you ---

3 A. --- I was lying.

4 Q. Okay. You admit you were lying.

5 A. I lied before the proffer, yes.

6 Q. Prior to the proffer did you mention anything about
7 how you were actually involved in this thing?

8 A. No.

9 Q. All right. So only after you were extended with
10 this agreement that you said if you tell the truth it
11 can't be used against you ---

12 A. --- yes ---

13 Q. --- is that you implicated yourself in this crime?

14 A. Yes, because at that time I talked to my lawyer and
15 my lawyer suggested that I don't know verbatim but pretty
16 much he said the people that I have represented and lied
17 it did not turn out favorable for them.

18 But everybody that I represented that told the truth
19 it turned out in a good way for them. So at that time I
20 decided to tell the truth.

21 Q. Okay. Now she went through a bunch of different
22 lies that you told.

23 A. Yes.

24 Q. Is your testimony today would you -- is that damning
25 for you?

1 A. To say it was it hard for me to say it? That's what
2 you're asking me?

3 Q. I'm saying is are you incriminating yourself by
4 testifying today?

5 A. Unfortunately, yes.

6 Q. Okay. But is it your understanding that if you tell
7 the truth that we can't use that against you?

8 A. Yes.

9 Q. Okay. And do you want to do the right thing here
10 today?

11 A. That's what I'm trying to do. This has been for two
12 years since I got out of jail this has been something
13 that was on my mind. I was ready for this day to happen
14 so I can move forward and get on with my life.

15 I mean side note, I'm opening a restaurant this
16 Friday. I just feel like this is the devil coming back
17 around and closing that final chapter in my life so I can
18 move forward and do the right thing with my life.

19 I have been out of county for two years. I haven't
20 had a police run-in, I haven't got arrested, in trouble;
21 nothing since. I been doing the right thing.

22 Q. Terrance, she mentioned that when you first came
23 into our office at the Solicitor's office and we extended
24 this proffer agreement to you that you still couldn't let
25 go completely.

1 A. Right.

2 Q. You told the story but not the full story.

3 A. Right.

4 Q. And is that because perhaps you didn't fully realize
5 what a proffer agreement meant?

6 A. Yes, at that time, yes. And then you know just to
7 be honest I'm black. I grew up like not necessarily
8 being in favor for police and stuff like that. So I was
9 a little hesitant to give the truth right away.

10 Q. Okay. Today is this what happened what you're
11 telling us?

12 A. Yes. And the statement that I grew up with my
13 entire life is no longer there anymore. So I think this
14 is a step for me moving in the right direction so I can
15 be a better person.

16 I really don't care for like if me telling the truth
17 is going to be damning to me or is it going to come back
18 to me. I just want to tell the truth and get it over
19 with it so I can move on.

20 Q. If you came in here today and you lied and you
21 changed your story could I use everything you're saying
22 and come ---

23 A. --- you damn right -- yes you can.

24 MR. WARING: No further questions, Your Honor.

25 THE COURT: Be seated counsel. Are you done?

1 MR. WARING: Yes, Your Honor.
2 THE COURT: Recross limited to redirect.
3 MS. STEWART: Thank you, Your Honor.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 RECCROSS EXAMINATION

2 BY MS. STEWART:

3 Q. Mr. Doucet, you talked to Mr. Waring about your
4 proffer agreement, right?

5 A. Yes.

6 Q. That agreement where if you tell the truth you can't
7 be prosecuted for anything you tell them.

8 A. Yes.

9 Q. But they determine what the truth is, right?

10 A. No, I tell them what the truth is.

11 Q. But if they think you're lying then the deal is off.

12 A. If they think I'm lying that would be on them at
13 that point because I told my truth and that's what I'm
14 here to do.

15 I'm not here to convince them if the thing that I'm
16 saying is true. I'm telling them the truth and that's up
17 to them to make the decision after that, ma'am.

18 MS. STEWART: No further questions.

19 THE COURT: As to this witness Solicitor, may he be
20 excused?

21 MR. WARING: Yes, Your Honor.

22 THE COURT: Any objection counsel?

23 MS. STEWART: No, Your Honor.

24 THE COURT: Very well. You may step down and you
25 are excused from the trial of this case and you may leave

1 the courtroom Mr. Doucet.

2 [Whereupon, the witness is excused and exits the
3 witness stand]

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE COURT: All right Mr. Foreman and ladies and
2 gentlemen of the jury we're going to stop at this point
3 for the evening. I'm not going to ask you to be back in
4 your jury room until 10 o'clock in the morning because
5 traffic is so heavy and tomorrow is voter day and I want
6 people to get a chance if they want to to be able to vote
7 before they come. The polls open at 7 a.m. in the
8 morning for those people who want to vote.

9 Over the overnight recess please do not discuss this
10 case with anyone. And as I instruct you if somebody
11 tries to talk to you about it tell them I'm on the jury
12 and I can't discuss it. If they persist get their name
13 and bring it to me; I'll handle that problem for you
14 ladies and gentlemen.

15 Please don't read, watch, or listen to any news
16 account about the case. Please don't try to do any
17 research on your computer about any issue in the case,
18 any party, witness or otherwise. You must decide this
19 case only and solely on the evidence presented during the
20 trial of the case.

21 I want to thank you for your patience. Please
22 report in the morning to your jury room. These bailiffs
23 take good care of you. They'll have something for you to
24 snack on in the morning and something for you to drink.
25 So if you want to come a little early before 10 we'll

1 take good care of you. Report to your jury room and not
2 the courtroom but be here before 10 a.m. in the morning.
3 You may leave the courtroom at this time. Thank you very
4 much. Everyone else remain seated while the jury is
5 leaving. Remain seated.

6 [Whereupon, the jury exits at 5:51 p.m.]

7 THE COURT: All right counsel I'll expect y'all at
8 10 a.m. in the morning. I want to put two things on the
9 record before we adjourn tonight.

10 We had two objections that were in bench conferences
11 where I just said objection sustained. The first was
12 counsel elicited on cross-examination attorney client
13 privilege information. That privilege belongs to the
14 client.

15 Obviously, the State objected in elicited that
16 information and I sustained that objection. I didn't
17 think it was proper to go into discussions with the
18 attorney unless he had had an opportunity to confer with
19 his client and decide knowingly to waive the privilege.

20 The second objection was counsel elicited hearsay
21 information in a question from the detective in North
22 Charleston. I also sustained that objection on the basis
23 that I didn't want her to elicit hearsay but she could
24 ask the question in a different manner without doing it.
25 And I wanted there to be a record of what occurred at the

1 bench in the conferences in the nature of the objection.
2 I will see you in the morning at 10 a.m. Please be on
3 time. I will expect -- I don't know exactly how long
4 because of the number of witnesses, I assume you're still
5 talking about at least 18 more witnesses, is that
6 correct?

7 MR. WARING: Yes, Your Honor, although the majority
8 of them will not be nearly as long as that witness was.
9 Most of them will be pretty quick.

10 THE COURT: Well, if you can agree on anything that
11 won't require us having to stop and start I would
12 appreciate y'all attempting to do so as you did earlier
13 today which I appreciate so there won't be as much
14 stopping and starting.

15 We'll start back at 10 a.m. in the morning. This
16 Court is adjourned until 10 a.m. Thank you very much.

17 MS. STEWART: And Judge are we going to address the
18 matter of the Defendant's bond?

19 THE COURT: We are. Are you willing to consent?

20 MR. WARING: Your Honor, the stakes are pretty high
21 in this case. I would not consent at this time.

22 THE COURT: The Defendant is in custody, Solicitor.
23 I'm sorry, but I have no choice in the matter if the
24 State won't consent. Please take the Defendant into
25 custody. I'll let your lawyers speak to me about

1 anything but be careful what you say.

2 [Whereupon, Ms. Stewart and Ms. Norris confer with
3 their client]

4 MR. GREEN: Today is my daughter's birthday.

5 THE COURT: Hold on one second. Counsel approach.

6 MS. STEWART: Thank you, Your Honor.

7 [Whereupon, an off the record bench conference is
8 held]

9 THE COURT: We're in recess until 10 a.m. tomorrow
10 morning.

11 [Whereupon, court adjourns at 6:00 p.m.]

12

13

14

15

16

17

18

19

20

21

22

23

24

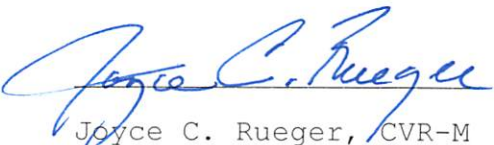
25

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 4th day of November, 2019.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

January 19, 2020



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2017-GS-10-6993
	)	2017-GS-10-6994
	)	2017-GS-10-6995
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
GREGORY KYLE GREEN	)	
	)	
Defendant	)	
	)	
	)	
	)	
_____	)	TRANSCRIPT OF RECORD
		November 5, 2019
		Charleston, South Carolina

Volume 2 (of 3)

B E F O R E:

THE HONORABLE PERRY M. BUCKNER, III, JUDGE

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

RICHARD WARING, ESQ.
 WHITNEY SOWARDS, ESQ.
 Attorneys for the State

TAYLOR STEWART, ESQ.
 TERESA NORRIS, ESQ.
 Attorneys for the Defendant

JOYCE C. RUEGER, CVR-M
 Circuit Court Reporter

INDEX TO PROCEEDINGS	PAGE
PROCEEDINGS	209
MICHAEL POWITCHKO	
Direct Examination by Mr. Waring	217
Cross-Examination by Ms. Stewart	224
JONATHAN SEABROOK	
Direct Examination by Mr. Waring	227
Cross-Examination by Ms. Stewart	243
Redirect Examination by Mr. Waring	249
LANICA WALKER	
Direct Examination by Mr. Sowards	251
Cross-Examination by Ms. Stewart	260
KENDYL RICE	
Direct Examination by Mr. Sowards	267
Cross-Examination by Ms. Stewart	276
Redirect Examination by Mr. Sowards	281
BRANDI DOBBINS	
Direct Examination by Mr. Waring	285
Cross-Examination by Ms. Stewart	294
Redirect Examination by Mr. Waring	297
TREY SMITH	
Direct Examination by Mr. Waring	299

INDEX TO PROCEEDINGS (continued)

	PAGE
LISA KUBICKO	
Direct Examination by Mr. Waring	303
Cross-Examination by Ms. Norris	319
Redirect Examination by Mr. Waring	325
TIFFANY ADAMS	
Direct Examination by Mr. Sowards	326
Cross-Examination by Ms. Norris	335
Redirect Examination by Mr. Sowards	337
SAM SOUTHER	
Direct Examination by Mr. Sowards	341
Cross-Examination by Ms. Norris	345
DAVID PRITCHARD	
Direct Examination by Mr. Sowards	347
Cross-Examination by Ms. Norris	353
Redirect Examination by Mr. Sowards	355
LISA BLOODWORTH	
Direct Examination by Mr. Waring	356
LISA BLOODWORTH (In Camera)	
Direct Examination by Mr. Waring	366
MICHAEL SANCHEZ (In Camera)	
Direct Examination by Mr. Waring	393
Cross-Examination by Ms. Norris	396

INDEX TO PROCEEDINGS (continued)

	PAGE
ARGUMENT OF COUNSEL	
Remarks by Mr. Waring	399
Remarks by Ms. Norris	400
Ruling by the Court	402
 LISA BLOODWORTH	
Direct Examination by Mr. Waring (resumes)	406
Cross-Examination by Ms. Norris	416
 DONNA MONEY (In Camera)	
Direct Examination by Mr. Waring	422
Cross-Examination by Ms. Stewart	437
 DONNA MONEY	
Direct Examination by Mr. Waring	443
Cross-Examination by Ms. Stewart	469
Redirect Examination by Mr. Waring	479
 CERTIFICATE OF THE COURT REPORTER	483

INDEX TO EXHIBITS

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	CD (911 call)	
2	CAD Report	
3	CD (Bailey Body Cam)	
4	Photo	
5	Photo	
6	Photo	
7	Photo	
8	Photo	
9	Photo	
10	Photo	
11	Photo	
12	Photo	
13	Photo	
14	Photo	
15	Photo	
16	Photo	
17	Photo	
18	Photo	
19	Photo	
20	Photo	
21	Photo	
22	Photo	
23	Photo	
24	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
25	Photo	
26	Photo	
27	Photo	
28	Photo	
29	Photo	
30	Photo	
31	Photo	
32	Photo	
33	Photo	
34	Photo	
35	Photo	
36	Photo	
37	Photo	
38	Photo	
39	Photo	
40	Photo	
41	Photo	
42	Photo	
43	Photo	
44	Photo	
45	Photo	
46	Photo	
47	CD (Doucet clips)	
48	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
49	Photo	
50	Photo	
51	Photo	
52	Photo	
53	Photo	
54	Photo	
55	Photo	
56	Photo	
57	Photo	
58	Photo	
59	Photo	
60	Subscriber info-Doucet's phone	
61	Call detail records	
62	PCMD records	
63	Subscriber info-Doucet's phone	
64	Call detail records	
65	Map	
66	Map	
67	Map	
68	Photo lineup	
69	Photo 1	
70	Photo 2	
71	Photo 3	
72	Photo 4	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
73	Photo 500	
74	Photo 6	
75	CD	
76	Text messages	238
77	Text messages	238
78	Text messages	238
79	Text messages	238
80	Text messages	238
81	Photo of Doucet	
82	DNA swab	461
83	DNA swab	461
84	DNA swab	461
85	Photo of receipt	317
86	Photo of receipt	317
87	Photo of receipt	317
88	Cigarette butt	331
89	Victim's blood spot	337
90	Bullet projectile A	
91	Bullet projectile B	
92	Bullet projective C	
93	Bullet projectile D	
94	Defendant's buccal swab	222
95	Doucet's buccal swab	351
96	CD-video visit	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
97	CD video visits clipped	405
98	Video visit transcript	
99	CD Jail call disc	
100	CD jail call disc	
101	CD jail call disc	
102	CD Clipped jail calls	
103	Jail call transcript	
104	Defendant's housing records	415
105	Michael Stevens' housing records	415
106	Autopsy diagram	
107	X-ray-victim's skull	
108	X-ray-victim's skull	
109	Photo bullet fragment A	
110	Photo bullet fragment B	
111	Photo bullet fragment C	
112	Photo bullet fragment D	
113	Photo-victim's neck	
114	Subscriber info-victim's phone	
115	Call detail records	
116	Defendant's Facebook records	
117	Defendant's Facebook records	
118	Defendant's Facebook records	
119	Defendant's Facebook records	
120	Defendant's Facebook records	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
121	Defendant's Facebook records	
122	Defendant's Facebook records	
123	Defendant's Facebook records	
124	Defendant's Facebook records	
125	Defendant's Facebook records	
126	Defendant's Facebook records	
127	Defendant's Facebook records	
128	Defendant's phone dump	
129	Defendant's phone dump	
130	Defendant's call detail records	
131	Cell tower mapping report	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

COURT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Defendant's witness list	
2	Defendant's proposed voir dire	
3	Defendant's trial brief	
4	Note from jury-re: Foreperson	
5	Transcript-Video jail visit	374
6	Transcript-Jail calls	481

DEFENDANT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Text message	

PROCEEDINGS

THE COURT: Good morning, Solicitor. Good morning, defense counsel. How is everybody this morning?

MR. WARING: Good, Your Honor.

MS. STEWART: Good, sir.

THE COURT: We're actually early. I've got all the jury here. Y'all both ready to proceed?

MR. WARING: Yes, Your Honor. There was one matter that I guess maybe could be good to get on the record; the matter of the Defendant rejecting the offer. I don't think we ever put that on the record.

THE COURT: No, we haven't. And I also didn't put on the record that counsel for the Defendant requested an order for sequestration, which I granted. I informed the attorneys. I actually called them to the bench earlier in the trial and I granted it for both the State and the defense witnesses. And I told the lawyers they were responsible for their own witnesses.

At the start of each day or each time we came into court they had to look out in the courtroom and make sure the people that were in the courtroom had been advised of my sequestration order that they couldn't discuss their testimony with others until the Court released them. And the attorneys were responsible each for their own witnesses and having a location where when the witnesses

1 are presented we don't have to go looking for them. In
2 addition to that when I met with the attorneys, well I
3 think it started actually when we did a telephone
4 conference last week I asked about what the status of the
5 case was.

6 At that time Mr. Waring wasn't quite about the
7 offer. But since then has confirmed to me that what I
8 had been told by defense counsel was an offer was placed
9 on the record and Ms. Taylor [sic] my understanding was
10 the offer was 20 years negotiated to voluntary
11 manslaughter sentences to run concurrent to that. Is
12 that correct?

13 MS. STEWART: Yes, Your Honor.

14 THE COURT: Is that correct, Solicitor?

15 MR. WARING: Yes, Your Honor.

16 THE COURT: And it's my understanding that offer
17 was communicated by you to your client and rejected by
18 your client, is that correct?

19 MS. STEWART: Yes, sir.

20 THE COURT: All right. So it's now on the record
21 Solicitor. Anything further before we start?

22 MR. WARING: Nothing further, Your Honor.

23 THE COURT: Very well. Would you bring us the jury
24 please, sir.

25 MR. WARING: Your Honor, there was one other issue.

1 THE COURT: I've got a jury coming in now. Does
2 this need to be outside the presence of the jury?

3 MR. WARING: Yes, Your Honor.

4 THE COURT: Come on to the bench then.

5 MR. WARING: I apologize for that.

6 [Whereupon, a bench conference on the record is held
7 as follows:

8 MR. WARING: Exhibits 4 through 32 were ---

9 THE COURT: --- hold on a second ---

10 MR. WARING: --- crime scene photos.

11 THE COURT: 4 through 32?

12 MR. WARING: Yes, Your Honor.

13 THE COURT: We put in -- you put in and it was
14 stipulated to begin with during the testimony of Mr.
15 Doucet you put in State's exhibits 4 through 46 that were
16 stipulated.

17 MR. WARING: Okay.

18 THE COURT: It wasn't just through 32. That's what
19 you have Madame Court Reporter?

20 THE COURT REPORTER: Yes, sir.

21 MR. WARING: Okay.

22 THE COURT: My understanding now -- and you didn't
23 -- remember this. I don't know why y'all think this is
24 so difficult. But you can't just take a wad of
25 photographs and go up there and say -- because if the

1 witness never identifies them the appellate court has no
2 way to know what you're talking about.

3 MR. WARING: Yes, Your Honor.

4 THE COURT: The first thing you've got to do is
5 make a record of what it is. I understand that 34
6 through 46 basically were my car, my car, my car, my car.
7 Then all of a sudden Mr. Doucet said my vehicle. I don't
8 know whether or not that changed it or not but of course
9 nobody bothered to ask that question.

10 MR. WARING: Right.

11 THE COURT: Y'all got to make the record clear for
12 them. Y'all forget about that sometimes. The reason
13 that I make y'all go through that is make the witness
14 identify the exhibit, make sure it has been shown to
15 opposing counsel, same applies to you if you're offering
16 it, and now you've lost closing argument because you
17 entered an exhibit.

18 MS. STEWART: Yes, sir.

19 THE COURT: Then I'll ask whether there is any
20 objection and then if there is some way to identify it
21 because the appellate court gets really confused about
22 exhibits if y'all don't take the time to do that.

23 MR. WARING: Yes, Your Honor.

24 THE COURT: But they're all in. She's got them in,
25 I've got them in, they've been marked.

1 MR. WARING: Okay.

2 THE COURT: So you started your first exhibits were
3 4 -- well, actually your first were State's 1, State's 2,
4 and State's 3; they're all in; that's the 911 tape. Then
5 you had a log I think from 4:46 a.m. okay, and then you
6 had the body cam which was State's 3.

7 After that you offered -- you first wanted to
8 stipulate 4 through 46; don't ever do that. And I didn't
9 see anything wrong with you stipulating to the exhibits;
10 I want you to. But I want you first to have the witness
11 for the record identify what it is. Nobody knows what
12 the heck y'all are talking about and the appellate
13 court's got no idea; particularly when you've got
14 duplication like that, all right.

15 MR. WARING: Okay.

16 THE COURT: I'm not sure if it's necessary to put
17 in but I'm sure you've got a reason. And Lord knows I'm
18 sure you know more about trying your case than I do.
19 Putting in 12 photographs of the car in various stages
20 I'm sure he's real proud of his Chrysler 200.

21 MR. WARING: Yes, Your Honor.

22 THE COURT: You ever driven a Chrysler 200?

23 MR. WARING: No, Your Honor.

24 THE COURT: Neither have I. Have you?

25 MS. STEWART: No.

1 THE COURT: Okay. Basically one photograph, this
2 was the car I was driving that night and then a
3 photograph with the time probably would have sufficed but
4 you got them all in. Then you put in 48 through 59.
5 Then you put in 60, 61, 62. Then you put in 63, 64, 65,
6 66, and 67. You with me?

7 MR. WARING: Yes, Your Honor.

8 THE COURT: Then you put in 68, 69, 70, 71, 72, 73,
9 and 74. And then the Defendant put in defense exhibit
10 number 1. Is that what you've got Joy?

11 THE COURT REPORTER: Yes, sir.

12 THE COURT: Isn't that amazing. Now, does that
13 clarify that matter for you?

14 MR. WARING: That does, Your Honor. Thank you.

15 THE COURT: You got another 15 photographs of the
16 Chrysler 200 you want to put in the trial of this case?

17 MR. WARING: Luckily not today, Your Honor.

18 THE COURT: You sure about that now Mr. Waring?

19 MR. WARING: Yes, Your Honor.

20 THE COURT: All right.

21 MS. STEWART: Thank you.

22 MR. WARING: Thank you, Judge]

23 [Whereupon, the bench conference ends]

24 THE COURT: Bring us the jury.

25 [Whereupon, the jury enters at 10:06 a.m.]

1 THE COURT: Good morning. Did y'all get wet coming
2 in the morning? So did I. I actually voted in the rain
3 this morning. I hope everybody got a chance to vote this
4 morning. But it was pouring rain when I got to the poll
5 at 7 o'clock this morning.

6 Thank you ladies and gentlemen for being on time
7 this morning. Hope everybody got a chance to vote this
8 morning. Wouldn't you know as soon as the polls opened
9 in my home over in Colleton it started pouring rain this
10 morning as soon as the polls opened? But still I was
11 amazed, I got to the polls about 7:05 this morning and I
12 was the 40th person to vote in my poll. So at least 39
13 people got in ahead of me at 7 o'clock so there were
14 people still trying to vote.

15 The polls are open till 7 o'clock today and I
16 encourage people to exercise their right to vote if you
17 can. I'll see to it that you get home hopefully in time
18 to get to your poll if you weren't able to get there this
19 morning. Hopefully, the weather will cooperate a little
20 better this afternoon than it did last night.

21 Anybody have any problems overnight? Anybody try to
22 talk to you? Anybody exposed to any type of publicity
23 about this trial? Just raise your hand and let me know.

24 [Whereupon, no jurors respond]

25 THE COURT: Seeing none Solicitor and defense

1 counsel it appears the jury is all present and on time.
2 We will now continue with the testimony in the trial of
3 this case. Solicitor, call your next witness.

4 MR. WARING: Thank you, Your Honor.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 MR. WARING: The State calls Detective Michael
2 Powitchko.

3 [Whereupon, Detective Powitchko comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: For the record please state your
7 full name spelling your last.

8 THE WITNESS: Michael Brian Powitchko, P-O-W-I-T-C-
9 H-K-O.

10 THE COURT: All right Mr. Powitchko, that
11 microphone in front of you is going to amplify your
12 voice. You don't have to get right on top of it. Just
13 speak up so the jury can hear you.

14 THE WITNESS: Yes, sir.

15 THE COURT: No Uh Huh or Uh Uh; yes or no please.
16 It's hard for the court reporter to take down a nod of
17 the head or a U-H hyphen U-H, you understand?

18 THE WITNESS: Yes sir, I do.

19 THE COURT: Very good. Speak up. Your witness
20 counsel; direct examination.

21 MR. WARING: Thank you, Your Honor.

22 - - - - -

23 MICHAEL POWITCHKO,

24 Having been first duly sworn,

25 Was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WARING:

Q. Good morning, Detective.

A. Good morning, sir.

Q. Detective, please tell the jury where you work?

A. I'm currently employed by the North Charleston Police Department.

Q. And what's your role there?

A. I'm assigned to the detective bay.

Q. Now for those that maybe don't watch CSI can you tell the jury what a detective does?

A. Yes, we investigate all manners of crimes within the city of North Charleston. We speak with victims, witnesses, defendants. We review physical evidence; we review video evidence, canvas neighborhoods and things of that nature.

Q. All right. Now were you involved with the Gregory Green case back in June of 2017?

A. Yes, I was.

Q. Please tell the jury how you initially got brought into this case.

A. I was assigned as a co-case agent with Detective Sanchez in reference to this case.

Q. Okay. And did you respond to the scene at some point?

1 A. Yes, I did.

2 Q. And what did you do once you got there?

3 A. When detectives arrived we observed the residence
4 had been damaged by what appeared to be a structure fire.
5 Upon entering the residence we looked for physical
6 evidence, any kind of projectiles; anything of that
7 nature.

8 We used a shovel and a screen sifter to sift through
9 the debris from the fire.

10 Q. All right. Did y'all see any witnesses on scene or
11 did you canvas the area and talk to anybody and that kind
12 of thing?

13 A. Yes. Myself and Lieutenant Candy Johnson spoke with
14 a neighbor across the street. He was the individual that
15 called 911.

16 Q. Okay. Did you see anything interesting inside the
17 house that you recall?

18 A. There was a deceased canine in the back left
19 bedroom.

20 MS. STEWART: Objection, Your Honor.

21 THE COURT: Counsel approach.

22 [Whereupon, an off the record bench conference is
23 held]

24 THE COURT: Question withdrawn.

25 Q. [Mr. Waring] Now Detective can you tell us in what

1 other capacity you were involved in this case? You said
2 you responded to the scene. Did you investigate any
3 nearby businesses or anything like that to see if there
4 was any surveillance video?

5 A. Yes. We canvassed the area for several businesses.
6 We collected video from the Cheap Way gas station, I
7 believe a pawn show and --

8 THE COURT REPORTER: And?

9 A. Andrews Mart.

10 Q. [Mr. Waring] Now where is the El Cheapo located do
11 you remember?

12 A. Dorchester and South Allen. It's within the city of
13 North Charleston.

14 Q. Is it currently -- do you know if it's called
15 something else today?

16 A. It's called the Cheap Way gas station.

17 Q. All right. Now I want to move on a little bit
18 Detective. Were you involved at all in the collection of
19 a buccal swab from the Defendant?

20 A. Yes, I was.

21 Q. Can you tell the jury what a buccal swab is?

22 A. The easiest way to explain it is it's a very long Q-
23 tip. It has a wooden stem much like a Q-tip does but
24 it's only -- it has a cotton ball on one end. That's
25 housed within a sealed package.

1 Q. Okay. So what is the purpose of taking this sample?

2 A. We use that as a comparison, a known standard.

3 We'll rub the inside of the subject's cheek to collect
4 cells from inside the mouth and then package it.

5 Q. Okay. Now you mentioned known standard. Is that
6 something that an organization can compare a DNA sample
7 to?

8 A. Yes. A known standard is if I were to collect
9 something from an actual individual to be known that's
10 what is a known standard. We can use that to compare
11 against other items.

12 Q. All right. And in this case did you in fact take
13 the Defendant's buccal swab?

14 A. Yes, I did.

15 Q. What did you do with that swab once you collected
16 it?

17 A. It was placed in an evidence bag sealed and then
18 submitted to the North Charleston Police Department's
19 evidence room.

20 Q. Was it done through North Charleston Police
21 Department protocol?

22 A. Yes, it was.

23 Q. To your knowledge did anybody ever tamper with that
24 sample?

25 A. No, not to my knowledge.

1 MR. WARING: Your Honor, may I approach the
2 witness?

3 THE COURT: You may.

4 Q. [Mr. Waring] All right Detective, I'm showing you
5 what has been marked for identification purposes as
6 State's exhibit 94.

7 [Whereupon, the witness is shown exhibit]

8 Q. Do you recognize that?

9 A. Yes, I do.

10 Q. And can you tell the jury what that is?

11 A. This is the evidence envelope that I placed the
12 buccal swab within. My initials are on top on the
13 evidence label.

14 Q. And does that fairly and accurately depict the
15 Defendant's buccal swab?

16 A. Yes sir, it does.

17 MR. WARING: Your Honor, at this point the State
18 seeks to admit State's exhibit 94.

19 THE COURT: 94?

20 MS. STEWART: No objection, Your Honor.

21 THE COURT: Ladies and gentlemen of the jury
22 State's exhibit 94 will be admitted into evidence without
23 objection.

24 [Whereupon, State's exhibit number 94 is entered
25 into evidence by the Court]

1 THE COURT: You may publish to the jury. 94 is in
2 evidence.

3 MR. WARING: Thank you, Your Honor. Beg the
4 court's indulgence, Your Honor.

5 [Whereupon, Mr. Waring and Mr. Sowards confer]

6 MR. WARING: No further questions, Your Honor.

7 THE COURT: Cross-Examination?

8 MS. STEWART: Thank you, Your Honor.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CROSS-EXAMINATION

2 BY MS. STEWART:

3 Q. Detective Powitchko; did I get that right?

4 A. Yes ma'am, you did.

5 Q. Okay. I just have a few questions for you. You

6 were the affiant on Mr. Green's arrest warrant, is that

7 correct?

8 A. I believe so, yes ma'am. But I'd have to look at it

9 for...

10 Q. Would it help you to see a copy of that arrest

11 warrant?

12 A. Yes ma'am, it would.

13 MS. STEWART: May I approach?

14 THE COURT: You may approach.

15 [Whereupon, the witness is shown document]

16 Q. [Ms. Stewart] Detective Powitchko, I have shown you

17 a copy of Mr. Green's arrest warrant, is that right?

18 A. Yes ma'am, you have.

19 Q. And your name is on the top of that?

20 A. Yes, ma'am.

21 Q. And your signature is at the bottom.

22 A. Yes, ma'am.

23 Q. And can you tell us what an arrest warrant is?

24 A. The warrant is issued by a judge once the detectives

25 or officer is able to provide probable cause to actuate

1 an arrest. Warrants are generated during the course of
2 an investigation. It's not necessarily always done at
3 the time of the arrest.

4 And by time of the arrest I mean if I stop you for
5 speeding I'm not going to draft an arrest warrant. We'll
6 do that later on as the investigation goes on.

7 Q. And then you would take that arrest warrant and you
8 would go before a judge, right?

9 A. Yes.

10 Q. And you would swear to the facts of that warrant
11 under oath?

12 A. Yes, we would.

13 Q. And that's what actually allows you to arrest
14 someone for that, right?

15 A. Yes.

16 Q. And in this case you were the affiant but Detective
17 Sanchez actually wrote the warrant, is that correct?

18 A. Yes. Its common practice within our office that if
19 the detective that drafted the arrest warrant and/or
20 search warrant is currently busy the assisting detective
21 or one of the other detectives within the Person's Unit
22 would go get the warrant signed.

23 Q. And that's why his name is at the top of those
24 papers?

25 A. Yes, that is correct.

1 MS. STEWART: No further questions, Your Honor.

2 THE COURT: Redirect?

3 MR. WARING: No further questions, Your Honor.

4 THE COURT: As to this witness may he be excused,
5 Solicitor?

6 MR. WARING: Yes, Your Honor.

7 THE COURT: Any objection?

8 MS. STEWART: No, Your Honor.

9 THE COURT: Come and get your copy of the document
10 from the witness.

11 [Whereupon, Ms. Stewart retrieves document from the
12 witness]

13 THE COURT: You are excused from the trial of this
14 case and you may leave the courtroom.

15 THE WITNESS: Thank you, Your Honor.

16 THE COURT: Thank you. Call your next witness.

17

18

19

20

21

22

23

24

25

1 MR. WARING: Thank you, Your Honor. The State
2 calls Brandi Dobbins -- pardon me, Your Honor -- the
3 State calls Jonathan Seabrook.

4 THE COURT: Jonathan Seabrook?

5 MR. WARING: Yes, Your Honor.

6 THE COURT: Counsel approach.

7 [Whereupon, an off the record bench conference is
8 held]

9 THE COURT: Let the record reflect that my order
10 that I put on the record earlier has been complied with
11 per the Solicitor and defense counsel.

12 [Whereupon, Mr. Seabrook comes forward]

13 [Whereupon, the witness is duly sworn by the Clerk
14 of Court]

15 CLERK OF COURT: For the record please state your
16 full name spelling your last.

17 THE WITNESS: Jonathan Seabrook, S-E-A-B-R-O-O-K.

18 THE COURT: Can everybody hear him all right on the
19 jury? Mr. Seabrook that microphone is going to amplify
20 your voice. You don't have to get right on top of it.
21 Just speak up like I'm doing right here. I want to make
22 sure this young lady on the back row back here
23 [indicates] can hear you. Speak up and give me a verbal
24 answer that is a yes or no. No Uh Uh, Uh Huh, no shaking
25 of the head; yes or no so the court reporter can take

1 down your testimony. Do you understand?

2 THE WITNESS: Yes, sir.

3 THE COURT: Very good. Your witness counsel.

4 Direct examination.

5 MR. WARING: Thank you, Your Honor.

6 - - - - -

7 JONATHAN SEABROOK,

8 Having been first duly sworn,

9 Was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. WARING:

12 Q. Good morning, Mr. Seabrook.

13 A. Good morning.

14 Q. Mr. Seabrook, can you tell the jury did you know the
15 victim Freeman Rivers?

16 A. The victim?

17 Q. The victim.

18 A. Yes.

19 Q. Okay. Now did you know him by his full given name
20 or did you know him by a nickname?

21 A. A nickname.

22 Q. And what was that nickname?

23 A. Midget --

24 THE COURT REPORTER: I'm sorry; what was it?

25 A. Midget.

1 Q. [Mr. Waring] So why Midget? Why was his nickname
2 Midget?

3 A. He was a short guy.

4 Q. Okay. You said he was a short guy. When we're
5 talking short what are we talking about; five feet?

6 A. About that tall, yeah.

7 Q. Okay. Did he in June of 2017 did he live near your
8 house?

9 A. Yes.

10 Q. How close?

11 A. Like two houses down.

12 Q. All right. And was that on Bailey Drive?

13 A. Yes.

14 MR. WARING: Court's indulgence, Your Honor.

15 [Whereupon, Mr. Waring views photographs]

16 MR. WARING: Your Honor, permission to publish
17 already admitted State's exhibit 65?

18 THE COURT: 65 is in evidence. Counsel, you may
19 publish it.

20 MR. WARING: Thank you, Your Honor.

21 Q. [Mr. Waring] All right Mr. Seabrook, I'm showing you
22 what already been admitted as State's exhibit 65.

23 [Whereupon, photograph is shown to the jury]

24 Q. Can you tell us which house was the victim's? You
25 can actually touch the screen.

1 A. Oh okay. It's this one [indicates] right here.

2 Q. Can you maybe draw a circle on it?

3 [Whereupon, the witness complies]

4 Q. Okay. Is that the first house on the left on Bailey
5 Drive?

6 A. Yes.

7 Q. Now in the early morning hours of June 8th, 2017
8 please tell the jury what you were doing?

9 A. That morning I was just getting off from work. I
10 came home and had a beer and I was sitting outside. And
11 I was sitting with one of my neighbors down the street.
12 And that was it.

13 Q. Who was the neighbor you were sitting with?

14 A. Kendyl. Kendyl Rice.

15 Q. Kendyl Rice?

16 A. Uh Huh.

17 Q. What time did you get off work?

18 A. 2 o'clock.

19 Q. Around 2 o'clock? Did your job at that time have
20 you working late through the night?

21 A. Yes, it was a late night job.

22 THE COURT REPORTER: A late night?

23 A. Yes.

24 Q. [Mr. Waring] And Mr. Seabrook, if you don't mind
25 speaking up a little bit please for the jury and for

1 Madame Court Reporter. So you got off around 2:00. What
2 time approximately do you recall getting home?

3 A. It probably was like around 3 o'clock.

4 Q. All right, 3 o'clock. What were you and Kendyl Rice
5 doing at that time?

6 A. He was just getting off from work. I picked him up,
7 we stopped to the store, we got our beer and we went back
8 to the house. And we sat in the yard for a little bit
9 and that was it.

10 Q. So, you said you went to the store. Are you
11 referring to the El Cheapo?

12 A. No, we didn't went to that store first.

13 Q. Okay. But did you go to the El Cheapo at some
14 point?

15 A. Yeah.

16 Q. Now when y'all got back to the neighborhood on
17 Bailey Drive at any point did you see any suspicious
18 vehicles driving by?

19 A. At first no.

20 Q. But at some point did you?

21 A. Yes.

22 Q. Can you tell the jury what that car looked like?

23 A. It was a Chrysler 200 that was going up and down the
24 street.

25 MR. WARING: Beg the Court's indulgence, Your

1 Honor.

2 [Whereupon, Mr. Waring reviews photographs]

3 MR. WARING: Your Honor, permission to publish
4 already admitted State's exhibit 33?

5 THE COURT: 33 is in evidence. You may publish.

6 MR. WARING: Thank you, Your Honor.

7 [Whereupon, photograph is shown to the jury]

8 Q. [Mr. Waring] This is exhibit 33 already admitted
9 into evidence, Mr. Seabrook. The car that you
10 referenced, the Chrysler 200, does that appear to be
11 similar to this vehicle shown here?

12 A. Yes.

13 Q. Now, this individual driving this Chrysler 200 down
14 Bailey Drive did that person at any point drive nearby
15 you and ask y'all a question?

16 A. Yes.

17 Q. Okay. Please tell the jury what that individual
18 asked you?

19 A. Have we seen --

20 THE COURT REPORTER: Had you seen?

21 A. Kwan.

22 Q. [Mr. Waring] Now, you said Kwan.

23 A. Uh Huh.

24 Q. Do you remember telling detectives at North
25 Charleston Police Department soon after the incident in

1 2017 that you weren't sure if they said Kone or Corn?

2 A. Yeah.

3 Q. But that you thought maybe the guy had said y'all
4 seen Kone?

5 A. Right.

6 Q. Okay. I'm sorry ---

7 A. --- it sounds similar to saying Kwan and Kone.

8 Q. Okay. During that time was there anything
9 suspicious happening at the victim's house?

10 A. Nothing unusual at that point in time.

11 Q. Okay. But at some point was there something unusual
12 that appeared to be going on at the victim's house?

13 A. Yes.

14 Q. And please tell the jury what you saw?

15 A. It was a lot of back and forth inside the house. I
16 saw him came out the house. I saw Midget came out the
17 house and went back in the house.

18 And I saw someone else went in behind him. I don't
19 know who it was. I just saw somebody else went in behind
20 him.

21 Q. Okay. So you're saying a guy was going into
22 Midget's house, the victim's house?

23 A. Yes.

24 Q. Now was this individual coming in and out of the
25 house?

1 A. Yes.

2 Q. Was the guy who was coming in and out of the house
3 was he a white man or a black man?

4 A. He was a black man.

5 Q. At that time did you get a good look at him?

6 A. No. It was raining that day.

7 Q. Okay. Was it also night time?

8 A. Yes.

9 Q. But you did get a good enough look to see that he
10 was an African American man?

11 A. Yes.

12 Q. Did you get a good look at the driver of the
13 Chrysler 200?

14 A. No.

15 Q. All right. So you didn't get a good look at either
16 one of these guys?

17 A. No.

18 Q. But at any point did you see the driver of the
19 Chrysler 200 go into the victim's house?

20 A. No.

21 Q. So was there any point where the guy who was coming
22 in and out of the victim's house and the driver of the
23 Chrysler 200 linked up?

24 A. No, not until the end.

25 Q. But they did eventually link up?

1 A. Yes.

2 Q. And tell the jury what you mean by that.

3 A. At first the driver was just going up and down the
4 street. And I guess after they did what they did you
5 know they went down the street and I guess they linked up
6 then.

7 Q. And when you say linked up did the individual who
8 was coming and going out of the victim's house did he get
9 into the Chrysler 200 at some point?

10 A. Not really. I didn't see him get inside the car
11 right in front of me, no. They probably down the street
12 or something.

13 Q. All right. Do you remember there being a fire at
14 Midget's house?

15 A. Yes.

16 Q. And prior to the fire did you ever see again the guy
17 who was coming and going outside the victim's house; did
18 you see that individual again?

19 A. I saw him left from out the house one last time.
20 And after that that was it.

21 Q. So that last time that that person who was coming
22 and going out of the victim's house when he left that one
23 last time did he leave in a vehicle or did he leave on
24 foot?

25 A. He left on foot.

1 Q. All right. Now I want to be clear. Did you ever
2 see the driver of the Chrysler 200 go in the victim's
3 house?

4 A. No.

5 Q. You mentioned Kendyl Rice. Is his full name Kendyl
6 Jerome Rice?

7 A. Yes.

8 Q. Were y'all at some point during that time texting?

9 A. Yes.

10 Q. And were you texting about what was going on?

11 A. Yes.

12 MR. WARING: Your Honor, may I approach the
13 witness?

14 THE COURT: You may.

15 MR. WARING: Thank you, Your Honor.

16 Q. [Mr. Waring] Mr. Seabrook, I'm showing you State's
17 exhibit 76 through 80 but I'm going to show you them one
18 by one. This is exhibit 76.

19 [Whereupon, the witness is shown exhibit]

20 Q. Can you tell the jury what this is?

21 A. Text messages from me and Kendyl.

22 Q. All right. Here's State's exhibit 77.

23 [Whereupon, the witness is shown exhibit]

24 Q. Can you tell us what we're looking at there?

25 A. More text messages.

1 Q. Between you and Kendyl?

2 A. Yes.

3 Q. I'm showing you State's exhibit 78.

4 [Whereupon, the witness is shown exhibit]

5 Q. Can you tell us what we're looking at there?

6 A. More text messages.

7 Q. I'm showing you State's exhibit 79.

8 [Whereupon, the witness is shown exhibit]

9 Q. Can you tell us what we're looking at there?

10 A. More text messages.

11 Q. And then lastly I'd like you to take a look at
12 State's exhibit 80.

13 [Whereupon, the witness is shown exhibit]

14 Q. Can you tell us what that is?

15 A. That was our last text.

16 Q. Do these exhibits, exhibits 76 through 80 fairly and
17 accurately depict the text messages between you and
18 Kendyl Jerome Rice on June 8th 2017 as you were
19 perceiving this incident?

20 A. Yes.

21 MR. WARING: Your Honor, at this point State seeks
22 to admit 76 through 80 into evidence.

23 THE COURT: As to 76 through 80 inclusive, counsel?

24 MS. STEWART: No objection.

25 THE COURT: Ladies and gentlemen of the jury

1 State's exhibits 76, 77, 78, 79, and 80 will be admitted
2 into evidence in the trial of this case without
3 objection.

4 [Whereupon, State's exhibit numbers 76 through 80
5 are entered into evidence by the Court]

6 THE COURT: In evidence; you may publish to the
7 jury, Solicitor.

8 MR. WARING: Thank you, Your Honor.

9 Q. [Mr. Waring] I'm putting on the overhead State's
10 exhibit 76, Mr. Seabrook.

11 [Whereupon, the exhibit is shown to the jury]

12 Q. I'd like you to point out a couple of things for the
13 jury please. This up here [indicates] says Jerome, is
14 that correct?

15 A. Yes.

16 Q. And is that the same person who you're referring to
17 as Kendyl Rice who you were texting with?

18 A. Yes.

19 Q. Now, I want to go through kind of line by line
20 starting actually with State's exhibit 77.

21 [Whereupon, the exhibit is shown to the jury]

22 Q. Can you tell us up here at the top who is speaking
23 here? Is this you or is this Kendyl?

24 A. That's Kendyl.

25 Q. Okay. Can you tell the jury what he's saying?

1 A. That car back and forth.
2 Q. Can you actually read exactly what it says please?
3 A. That car came back and picked Bra up and he came
4 running out then.
5 Q. Please tell us what time this is taking place and
6 date?
7 A. 4:09 a.m. on June 8th.
8 Q. All right. And what did you say next?
9 A. Oh shit. We should that fired that up.
10 Q. Just so we're clear can you tell us what that means?
11 A. We were smoking marijuana then.
12 Q. Okay. So he's talking about what's actually going
13 on and you're talking about smoking weed, is that right?
14 A. Yes, yes.
15 Q. Okay. And then at 4:10 a.m. can you tell us what
16 Kendyl says?
17 A. They back again.
18 Q. And then at 4:10 a.m. you say what?
19 A. Do that shit.
20 Q. Are you still talking about smoking?
21 A. Yes.
22 Q. Okay. Now June 8th at 4:12 a.m. down here
23 [indicates] can you tell us what Kendyl is saying here?
24 A. They been in and out.
25 Q. And then 4:13.

1 A. I think he dead or knocked out Bra.
2 Q. Okay. Now he said they been in and out. But did
3 you see anybody other than the one guy who is coming in
4 and out of the victim's house go in the house?
5 A. No, just that one.
6 Q. I'm showing you State's exhibit 78.
7 [Whereupon, the exhibit is shown to the jury]
8 Q. All right. Tell us the date and time and what is
9 being said on this one, please?
10 A. That had been 4:14 a.m. June 8th. He was like word;
11 they cut the porch light off.
12 Q. All right. And what did you say in response?
13 A. I just sent three emojis.
14 Q. Are there guns on those emojis?
15 A. Yes, yes.
16 Q. What prompted you to put that on there?
17 A. Thinking either they saw him or he was just dead.
18 Q. Okay. And when you say they earlier you said you
19 only saw one guy coming in and out of the house.
20 A. Yeah, yeah.
21 Q. And you had said that it wasn't the driver, correct?
22 A. No.
23 Q. All right. Now here what are you saying?
24 A. I was like fuck man. Check on him.
25 Q. Okay. And what did he say?

1 A. No fingerprints nigga.
2 Q. All right. And then your response was what here at
3 4:19 a.m.?
4 A. Right.
5 Q. Okay. Is it safe to say that you didn't want to get
6 involved?
7 A. Yes.
8 Q. I'm showing you State's exhibit 79.
9 [Whereupon, the exhibit is shown to the jury]
10 Q. June 8th at 4:32 a.m. can you tell us what you're
11 saying?
12 A. Damn, Midget fucking up.
13 Q. What did you mean by that?
14 A. At that time we didn't know what was going on so the
15 only thing I could do is assume the worst.
16 Q. Okay. Now what did Kendyl say in response?
17 A. Too late. He done fuck up. One Bra came back in.
18 He back on the bike.
19 Q. And what time was that?
20 A. At 4:33 a.m.
21 Q. All right. Now I'm going to put on State's exhibit
22 80.
23 [Whereupon, the exhibit is shown to the jury]
24 Q. Down here [indicates] at 4:39 what is going on here?
25 What do you mean by all that?

1 A. Its M-D-H. It's shaking my damn head.

2 Q. Now at that point had you noticed the fire yet?

3 A. No.

4 Q. Okay. At what point did you notice there was a fire
5 at the victim's house?

6 A. When I was about to go inside of my house.

7 Q. Can you tell us based on those text messages and
8 time stamps on those and your experience about what time
9 was it that the guy who was coming in and out of the
10 victim's house left for the final time?

11 A. He left before like the fire got big.

12 Q. All right. So are we talking closer to 4:45 in the
13 morning; somewhere around then?

14 A. Yes.

15 Q. Now did you or Kendyl call 911?

16 A. No.

17 Q. To your knowledge did anybody call 911?

18 A. His stepdad called.

19 Q. Kendyl's stepdad?

20 A. Yeah.

21 MR. WARING: Court's indulgence, Your Honor.

22 [Whereupon, Mr. Waring and Mr. Sowards confer]

23 Q. [Mr. Waring] Please answer any questions the defense
24 has.

25 THE COURT: Cross-Examination.

1 MS. STEWART: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. STEWART:

4 Q. Good morning, Mr. Seabrook.

5 A. Good morning.

6 Q. You were first interviewed by police the day after
7 this happened, is that right?

8 A. Yes.

9 Q. And that day you mentioned seeing that car that you
10 just spoke about with Mr. Waring, is that right?

11 A. Yes.

12 Q. And you said the car kept driving up and down the
13 street.

14 A. Yes.

15 Q. But it was noticeable?

16 A. Yes.

17 Q. And you could definitely identify the type of car.

18 A. Yes.

19 Q. You said it was new model Chrysler 200.

20 A. Yes.

21 Q. You didn't recognize the guy in the driver's seat.

22 A. No.

23 Q. And you couldn't really see him anyway because there
24 were tinted windows.

25 A. Right.

1 Q. But you tell what the car was.

2 A. Yes.

3 Q. And when the car drove away it drove towards Accabee
4 not towards Azalea, is that right?

5 A. Yes.

6 MS. STEWART: Your Honor, permission to retrieve an
7 exhibit?

8 [Whereupon, Ms. Stewart reviews exhibits]

9 MS. STEWART: Permission to publish State's exhibit
10 65 which has already been admitted into evidence.

11 THE COURT: 65 is in evidence. You may publish.

12 [Whereupon, the exhibit is shown to the jury]

13 Q. [Ms. Stewart] Okay, Mr. Seabrook, so I'm showing
14 you State's exhibit 65. And you already identified Mr.
15 Rivers' house earlier. Can you draw an arrow for me on
16 State's 65 of the direction of Accabee?

17 A. Going back this way [indicates].

18 Q. Okay. Thank you. And after you hung out with
19 Jerome that night you went back to your house, right?

20 A. Yes.

21 Q. So that's when you and him started texting.

22 A. Yes.

23 Q. You couldn't see what was going on at Mr. Rivers'
24 house at that point, right?

25 A. No.

1 Q. Because that's why he was texting you.
2 A. Yes.
3 Q. He said they been in and out, right?
4 A. We both were sitting outside at that time when he
5 was going in and out.
6 Q. You were both sitting outside of your house?
7 A. Yes.
8 Q. Jerome lives right across the street though, right?
9 A. Yes.
10 Q. And you lived farther away?
11 A. Not too far, like two houses down.
12 Q. As you just told Mr. Waring you also told Detective
13 Sanchez that you heard that man in the car say a name,
14 right?
15 A. Yes.
16 Q. But when you told them the name you weren't certain
17 what it was, right?
18 A. No.
19 Q. You said it could have been Kone, right?
20 A. Yes.
21 Q. Could have been Kwan?
22 A. Yes.
23 Q. Could have been Corn?
24 A. Yes.
25 Q. You didn't know which one of those it was?

1 A. No.

2 Q. And your first interview was the day after this
3 happened, right?

4 A. No.

5 Q. On June 9th, 2017?

6 A. I know it was like a couple of days after.

7 Q. Okay. So you didn't know what name it was then and
8 you definitely don't know now?

9 A. No.

10 Q. You also gave the detective you talked to a
11 description of that person you saw, right?

12 A. Huh?

13 Q. A physical description ---

14 A. --- yes, yes.

15 Q. You said his face was covered right, but you could
16 see parts of him.

17 A. Yes.

18 Q. You wouldn't have been able to identify the guy
19 certainly.

20 A. No.

21 Q. But you could say kind of generally what he looked
22 like.

23 Q. You said he was five foot eight.

24 A. Yes.

25 Q. You said he was a thick person.

1 A. Yes.

2 Q. Not a slender person.

3 A. No.

4 Q. You said he had pretty dark skin, right?

5 A. He had his skin covered up. Like he had his face

6 covered so I couldn't see his face or nothing.

7 Q. You also described the clothes that he was wearing,

8 right?

9 A. Yes.

10 Q. You said he was wearing all dark clothes.

11 A. Yes.

12 Q. And a dark t-shirt.

13 A. Uh Huh.

14 THE COURT REPORTER: Is that ---

15 A. --- yes.

16 Q. [Ms. Stewart] A short sleeved t-shirt, right?

17 A. Yes.

18 Q. You definitely didn't see a white t-shirt.

19 A. That's what he had covering his face.

20 Q. Okay. That's not my question. I'm asking you about

21 what he was wearing. Did you see -- you saw him wearing

22 dark clothing, right?

23 A. Yes.

24 Q. And you didn't hear any screaming or yelling, right?

25 A. No.

1 Q. You didn't hear a gunshot?

2 A. No.

3 Q. You didn't hear tussling?

4 A. No.

5 Q. You didn't hear a horn honking?

6 A. No.

7 Q. And you don't know Mr. Green, is that right?

8 A. No --

9 THE COURT REPORTER: I didn't hear your answer?

10 THE COURT: Your answer?

11 A. No.

12 MS. STEWART: Beg the court's indulgence.

13 [Whereupon, Ms. Stewart and Ms. Norris confer]

14 MS. STEWART: No further questions, Your Honor.

15 THE COURT: Redirect?

16 MR. WARING: Thank you, Your Honor. Just briefly.

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REDIRECT EXAMINATION

BY MR. WARING:

Q. Mr. Seabrook, how many people did you see coming and going out of the victim's house while this was transpiring other than the victim himself?

A. One other person.

Q. One other person. And is that the same person that you referenced earlier who was coming in and out?

A. Yes.

Q. And is that the same person that you said got in further down the street into the Chrysler 200 passenger seat?

A. Yes.

Q. Did the driver of the Chrysler 200 ever go into the house that you saw?

A. No.

Q. Now Ms. Stewart referenced a white t-shirt. Now you said that this individual was wearing all black but that he did have a white t-shirt, correct?

A. Yes.

MR. WARING: No further questions, Your Honor.

THE COURT: Recross limited to redirect?

MS. STEWART: None, Your Honor.

THE COURT: As to this witness, Solicitor?

MR. WARING: No objection with him being excused

1 Your Honor.

2 THE COURT: Any objection, counsel?

3 MS. STEWART: No, sir.

4 THE COURT: All right. Mr. Seabrook, you may step
5 down. And you are excused from the trial of this case
6 and you may leave the courtroom.

7 [Whereupon, the witness is excused and exits the
8 witness stand]

9 THE COURT: Call your next witness.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MR. SOWARDS: Thank you, Your Honor. The State
2 calls Lanica Walker.

3 [Whereupon, Ms. Walker comes forward]

4 THE COURT: Counsel approach.

5 [Whereupon, an off the record bench conference is
6 held]

7 THE COURT: Swear the witness.

8 [Whereupon, the witness is duly sworn by the Clerk
9 of Court]

10 CLERK OF COURT: For the record please state your
11 full name spelling your last.

12 THE WITNESS: Lanica Nicole Walker, W-A-L-K-E-R.

13 THE COURT: Speak up for me Ms. Walker so everybody
14 on the jury can hear you.

15 THE WITNESS: Lanica Walker -- Lanica Nicole
16 Walker, W-A-L-K-E-R.

17 THE COURT: Very good. Now give me verbal answers.
18 Say yes or no. Don't shake your head or nod your head so
19 the court reporter can take it down.

20 THE WITNESS: Yes, sir.

21 THE COURT: No Uh Huh, Uh Uh; yes or no. Do you
22 understand?

23 THE WITNESS: Yes, sir.

24 THE COURT: Your witness counsel. Direct
25 Examination.

1 MR. SOWARDS: Thank you, Your Honor.

2 - - - - -

3 LANICA WALKER,

4 Having been first duly sworn,

5 Was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SOWARDS:

8 Q. Good morning, Ms. Walker. Do you know Terrance
9 Doucet?

10 A. Yes, sir.

11 Q. How do you know Terrance?

12 A. He was my ex-boyfriend.

13 Q. How long have you known Terrance?

14 A. About five years.

15 Q. Were you and Terrance together back in June of 2017?

16 A. Going through a separation.

17 Q. And I want to take you back to June 8th of 2017. Do
18 you recall that day?

19 A. Yes, sir.

20 Q. And did you speak with Terrance on that day?

21 A. Yes, sir.

22 Q. When did you first speak with Terrance or
23 communicate with him?

24 A. It was about 3:20, 3:45 in the a.m.

25 Q. And what was your communication with him at that

1 point?

2 A. That he was about to leave the club.

3 Q. Do you know which club?

4 A. Bistro on Rivers Avenue.

5 Q. And do you know where Terrance went after he left
6 the club?

7 A. I don't ---

8 MS. STEWART: --- objection.

9 THE COURT: Counsel approach.

10 [Whereupon, an off the record bench conference is
11 held]

12 THE COURT: That objection is overruled.

13 Q. [Mr. Sowards] Ms. Walker, you testified that you
14 first heard from Terrance around 3:45 a.m., 3:20, 3:45
15 a.m. the morning of June 8th, 2017. Did you speak with
16 him again that day?

17 A. At approximately 8 -- between 8 and 9 a.m.

18 Q. And how did you speak with him at 8?

19 A. I text him and then he called my phone.

20 Q. And did you speak with him again after that
21 communication when you texted him?

22 A. He came to my house.

23 Q. Where were you living at that point in time?

24 A. Ladson.

25 Q. And what time roughly did he arrive at your house?

1 A. Approximately 8:45 or 9:20; somewhere in about that
2 time.

3 Q. And what was Terrance's demeanor when he arrived at
4 your house?

5 A. Antsy, real fidgety.

6 Q. Did he tell you about his night?

7 A. Yes, sir.

8 Q. Did he tell you where he had been?

9 A. He said that he was at some people's house that he
10 was at the club with.

11 Q. Did he tell you who was at that house?

12 A. He didn't name in specifics who was there but he
13 just said a couple of friends or whatever they were
14 playing cards and drinking.

15 Q. And did he tell you when he spoke -- when he came to
16 your house and spoke with you whether he stayed at that
17 house all morning?

18 A. Someone gave him -- someone called the girlfriend,
19 wife or whatever the case may be and they needed a ride.

20 Q. Did Terrance tell you whether he gave that person a
21 ride?

22 A. Yes, sir.

23 Q. Where did he pick that person up from? Did he tell
24 you?

25 A. I don't know the exact location but he said it was

1 not far from where the house that he was hanging out at.

2 Q. So he was -- he told you that the guy's wife or
3 girlfriend told him he needed to go pick this guy up?

4 A. Uh Huh.

5 Q. And he went and picked the guy up ---

6 THE COURT: --- don't say Uh Huh. Give me a yes or
7 no.

8 A. Yes, sir.

9 Q. [Mr. Sowards] Did he have to go more than once to
10 pick this person up?

11 A. Yes, sir.

12 Q. What happened -- did he tell you what happened the
13 first time he went to pick this person up?

14 A. He said that he went there and nobody was outside so
15 he proceeded to go back to the house. Once he got back
16 to the house he said that the person called back to the
17 wife girlfriend or whoever the case may be and they said
18 that they needed a ride.

19 He said that he had already been there; that he
20 wasn't going to go back. So the person said that they
21 would be outside when he comes back.

22 So he said if the person was going to be out there
23 then he would go back and pick him up so he proceeded to
24 go back to pick him up.

25 Q. And was he able to pick him up?

1 A. He said once he went back to pick them up he said he
2 saw the door crack. He said when he pulled up nobody was
3 outside so he saw the door cracked so he proceeded to go
4 up.

5 He said as he proceeded to the steps he said he
6 heard some commotion and then he said that he heard two
7 gunshots. So he turned around and he ran to his car.

8 And as he was proceeding to back out he said a young
9 man came out with a gun and he was bloody and he jumped
10 in the car.

11 Q. Did he tell you where they went after the guy jumped
12 in his car?

13 A. He said he took him back to the house.

14 Q. And did he tell you what happened after he took this
15 person who jumped in his car with blood on his clothes
16 and a gun did he tell you what happened when he went back
17 to the house?

18 A. The guy's female helped him change his clothes and
19 he said they bleached out the car.

20 Q. Did he tell you what happened after he bleached out
21 the car?

22 A. He said he left. He said he told the guy to burn
23 the house down. And then he said that he left.

24 Q. Did he tell you who this person was?

25 A. No, I don't know who the person was.

1 Q. Did he tell you who the victim was?

2 A. He said that it was a relative; maybe his cousin or
3 uncle.

4 Q. Did he tell you whether he suggested anything to
5 this person after they arrived back at the house ---

6 A. --- only thing he ---

7 Q. --- and he was getting ready to leave did he tell
8 you whether he suggested anything to this person?

9 A. The only thing he suggested is that the guy burn the
10 house down.

11 Q. Do you know whether the guy did burn the house down?

12 A. Only thing -- I don't know -- he said he didn't take
13 him back or anything. The only thing I know that I saw
14 something on the news.

15 Q. Did Terrance tell you that he shot the victim?

16 A. I remember in the statement that I said he did but I
17 was angry and upset. However, he never told me that he
18 shot the victim.

19 Q. Why were you angry and upset?

20 A. We were going through a break-up.

21 Q. Would it be fair to say that he gave you this
22 information regarding what had happened that morning and
23 you used it as leverage over him?

24 A. Yes, sir.

25 Q. Why?

1 A. I was upset, angry, frustrated.

2 Q. So you told Detective Sanchez when he interviewed
3 you on June 21st of 2017 that Terrance -- after the guy
4 shot the victim that Terrance had also shot him. Your
5 testimony here today is Terrance did not actually tell
6 you that.

7 A. No sir, he did not.

8 Q. During this timeframe June of 2017 I believe you've
9 already testified that you texted with him did Terrance
10 have more than one phone?

11 A. Yes, sir. He had two phones in his name.

12 Q. Do you remember telling Detective Sanchez what his
13 phone numbers were at that point in time?

14 A. It was 843-200 maybe 7909; something of that nature.

15 Q. And do you remember telling him some of the digits
16 of the other telephone number?

17 A. I just remember 843-640 --

18 THE COURT REPORTER: Tell me that last number you
19 said.

20 A. 843-640.

21 MR. SOWARDS: Beg the court's indulgence.

22 [Whereupon, Mr. Waring and Mr. Sowards confer]

23 Q. [Mr. Sowards] Just one quick question ---

24 THE COURT: --- just a moment. Counsel approach.

25 [Whereupon, an off the record bench conference is

1 held]

2 THE COURT: Proceed.

3 Q. [Mr. Sowards] Just one last question, Ms. Walker.

4 You earlier testified that back in June of 2017 you were
5 living in Ladson. What street did you live on then?

6 A. Miami Street.

7 MR. SOWARDS: No further questions from the State,
8 Your Honor.

9 THE COURT: Cross-Examination?

10 MS. STEWART: Thank you, Your Honor.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	CROSS-EXAMINATION
2	BY MS. STEWART:
3	Q. Good morning, Ms. Walker.
4	A. Good morning.
5	Q. Is it safe to say you have known Terrance Doucet for
6	a while?
7	A. Yes, ma'am.
8	Q. You said you dated him for five years?
9	A. I said I've known him for about five years.
10	Q. Okay. So you've known him for five years?
11	A. Correct.
12	Q. And you dated him for a while too?
13	A. Yes, ma'am.
14	Q. How long did you date him for?
15	A. About two and a half.
16	Q. So obviously you would spend a lot of time together.
17	A. Yes, ma'am.
18	Q. And you know him.
19	A. Yes, ma'am.
20	Q. You know what he's like.
21	A. Yes, ma'am.
22	Q. You know whether he is a truthful person or not.
23	A. Yes, ma'am.
24	Q. And you have an opinion on that.
25	A. Yes, ma'am.

1 Q. And in your opinion he is a liar?

2 MR. SOWARDS: Objection, Your Honor.

3 THE COURT: Sustained.

4 MS. STEWART: Judge?

5 THE COURT: Counsel approach.

6 [Whereupon, an off the record bench conference is
7 held]

8 THE COURT: The objection is sustained. Rephrase
9 the question.

10 Q. [Ms. Stewart] So you -- do you have an opinion on
11 whether he is a truthful person?

12 A. No, ma'am.

13 Q. You don't have an opinion on whether he's a truthful
14 person.

15 A. No, ma'am.

16 Q. So you have never said that he is a compulsive liar.

17 A. Yes, ma'am.

18 Q. So you did say it?

19 A. Yes, ma'am.

20 Q. And in fact you said that about seven times in your
21 interview with the Detective, isn't that true? That he
22 was a liar.

23 A. I don't remember.

24 Q. Well, would you like to see a copy of a transcript
25 of your interview? Would that help ---

1 A. --- no, I would not.
2 Q. That wouldn't help refresh your memory?
3 A. No.
4 Q. You are scared of Terrance Doucet, isn't that true?
5 A. Not currently.
6 Q. Well, you were pretty scared when you talked to
7 Detective Sanchez, isn't that true?
8 A. Correct.
9 Q. You wanted him to be locked up right away because
10 you were concerned for your safety?
11 A. I wouldn't say right away.
12 Q. So you never told Detective Sanchez that you wanted
13 him to be locked up right away?
14 A. If...
15 Q. Would seeing a copy of your interview ---
16 A. --- no, it would not ---
17 Q. --- transcript help you remember ---
18 A. --- no, it wouldn't.
19 Q. Because he had tried to blackmail you, right?
20 A. Correct.
21 Q. He threatened to rat on you for things you had done
22 in the past.
23 A. Correct.
24 Q. And he threatened your physical safety.
25 A. Correct.

1 Q. Everything you know about this case came from
2 Terrance Doucet.
3 A. Correct.
4 Q. Because you weren't there.
5 A. No, I was not.
6 Q. You don't know anyone that might have been involved.
7 A. I don't know no one.
8 Q. You are not a witness.
9 A. A witness?
10 Q. You only know what Terrance told you happened.
11 A. Correct.
12 Q. You said he talked to you that morning, right?
13 A. Correct.
14 Q. And he definitely didn't give you a name.
15 A. No.
16 Q. But he did tell you that he shot Mr. Rivers.
17 A. Like I stated I said that in previous talking to the
18 detective. However, he did not tell me that.
19 Q. So you told Detective Sanchez that at least twice.
20 A. I know it was once.
21 Q. Okay. Well, would seeing a copy of your interview
22 transcript help you remember what you told Detective
23 Sanchez?
24 A. No, ma'am. I said once.
25 Q. You talked to detectives a couple of weeks after

1 this happened, right?

2 A. Correct.

3 Q. And I understand you are now coming in here and
4 saying that you would lie about whether Terrance Doucet
5 was actually involved in the murder of Mr. Rivers?

6 A. I said that I would lie?

7 Q. Right. You were saying that you told Detective
8 Sanchez that Terrance shot him.

9 A. Right. Like I just stated we were going through a
10 breakup and everybody is upset and angry. You say things
11 that you don't mean.

12 Q. So you're saying you would lie.

13 A. Correct.

14 Q. About a murder.

15 A. Correct.

16 Q. So we're supposed to believe everything else you're
17 saying but not that.

18 A. Correct.

19 MS. STEWART: Beg the Court's indulgence.

20 [Whereupon, Ms. Stewart and Ms. Norris confer]

21 Q. [Ms. Stewart] Ms. Walker, you told Terrance Doucet
22 that you were going to the police, right?

23 A. I don't remember.

24 Q. You don't remember telling him whether you -- that
25 you were going to go to the police?

1 A. I don't remember.

2 Q. Would seeing a copy of your interview help you
3 remember?

4 A. No, ma'am.

5 Q. You told him his belongings were at NCPD. Do you
6 remember telling him that?

7 A. No ma'am, I don't remember. What belongings?

8 Q. You told them or you told Terrance Doucet in a
9 message ---

10 A. --- oh, a text message ---

11 Q. --- that his belongings were at NCPD, right?

12 A. Uh Huh.

13 Q. Did you tell him that?

14 A. If you said it's on a message then I did.

15 Q. And after you told him that his car was stolen,
16 right?

17 A. Uh Huh.

18 THE COURT REPORTER: Is that yes ---

19 THE COURT: --- you have to say ---

20 A. --- yes, ma'am.

21 Q. [Ms. Stewart] And you told the detectives that he
22 got rid of the car?

23 A. I didn't -- no ma'am. He could have. I don't know
24 for sure.

25 Q. So you deny telling detectives that he got rid of

1 the car?

2 A. I said he could have. I don't know for sure.

3 Q. Would seeing a copy of your interview transcript
4 help you ---

5 A. --- no ma'am ---

6 Q. --- remember what you told detectives ---

7 A. --- I don't -- I don't know anything. Me and him
8 never had a conversation about him getting rid of the
9 car.

10 MS. STEWART: I have no further questions.

11 THE COURT: Redirect?

12 MR. SOWARDS: None, Your Honor.

13 THE COURT: As to this witness?

14 MR. SOWARDS: May she be excused, Your Honor?

15 THE COURT: Any objection?

16 MS. STEWART: No, Your Honor.

17 THE COURT: Ms. Walker, you may step down and you
18 are excused from the trial of this case. You may leave
19 the courtroom.

20 [Whereupon, the witness is excused and exits the
21 witness stand]

22 THE COURT: Call your next witness.

23

24

25

1 MR. SOWARDS: Your Honor, the State calls Kendyl
2 Jerome Rice.

3 [Whereupon, Mr. Rice comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: For the record could you please
7 state your full name spelling your last.

8 THE WITNESS: Kendyl Rice.

9 THE COURT: Spell your last name.

10 THE WITNESS: Spell my last name? R-I-C-E.

11 THE COURT: Speak up for Mr. Rice so everybody on
12 the jury can hear you. Don't shake your head or nod your
13 head so the court reporter can take it down. Please
14 don't say Uh Huh or Uh Uh. Yes or no so the court
15 reporter will make an accurate transcript, do you
16 understand?

17 THE WITNESS: I understand.

18 THE COURT: Very good. Your witness, counsel.
19 Direct Examination.

20 MR. SOWARDS: Thank you, Your Honor.

21 - - - - -

22 KENDYL RICE,

23 Having been first duly sworn,

24 Was examined and testified as follows:

25 DIRECT EXAMINATION

1 BY MR. SOWARDS:
2 Q. Mr. Rice, do you know or did you know Raymond
3 Rivers?
4 A. No.
5 Q. Where do you live currently, sir?
6 A. Bailey Drive.
7 Q. And did you back in June of 2017 live across the
8 street from a man you knew as Midget?
9 A. Correct.
10 Q. How long had you known Midget?
11 A. A while.
12 Q. I want to take you back to June 8th of 2017 the
13 night of the fire or the morning of the fire. Do you
14 remember that morning, sir?
15 A. Yeah.
16 Q. Where were you early that morning?
17 A. Getting off work.
18 Q. Where did you work at that time?
19 A. Buffalo Wild Wings.
20 Q. And where did you go when you left work?
21 A. El Cheapo.
22 Q. Do you recall about what time that was?
23 A. About 2, 3.
24 Q. And where is the El Cheapo located?
25 A. Dorchester Road.

- 1 Q. And what was your reason for going to the El Cheapo?
- 2 A. To get some beers.
- 3 Q. Did you get some beers there?
- 4 A. Yeah.
- 5 Q. Did you see anybody there that you knew?
- 6 A. No.
- 7 Q. When you arrived at the El Cheapo after leaving work
- 8 as you were entering that convenience store did you shake
- 9 somebody's hand?
- 10 A. Yes.
- 11 Q. And did you at least recognize that person?
- 12 A. I acknowledged him.
- 13 Q. How did you recognize him?
- 14 A. Just a what's up.
- 15 Q. Where did you go after you left the El Cheapo?
- 16 A. Home.
- 17 Q. And do you recall about what time you arrived home?
- 18 A. No.
- 19 Q. Were you by yourself?
- 20 A. No.
- 21 Q. Who were you with?
- 22 A. Jonathan Seabrook.
- 23 Q. Who is Jonathan Seabrook?
- 24 A. The guy who you had in here.
- 25 Q. Aside from being the guy that we had in here how do

1 you know Jonathan Seabrook?
2 A. I grew up with him.
3 Q. Is he your neighbor?
4 A. Yeah.
5 Q. What were you and Jonathan Seabrook doing when you
6 arrived home?
7 A. Drinking beers.
8 Q. And were you at your house or his?
9 A. My house.
10 Q. Were you inside or outside?
11 A. Outside.
12 Q. The entire time?
13 A. No.
14 Q. Did you notice anything while the two of you were
15 standing outside drinking beers?
16 A. No.
17 Q. Did you see any car driving up and down Bailey
18 Drive?
19 A. Not driving up and down. There was a car that did
20 pull up but.
21 Q. Did you speak with that person, the driver of that
22 car?
23 A. No.
24 Q. Did the driver of that car speak with you?
25 A. He spoke with Jonathan Seabrook.

1 Q. And did you overhear their conversation?

2 A. No.

3 Q. Did -- do you recall interviewing with Detective
4 Sanchez back in June of 2017 you interviewed on June the
5 12th and June 15? Do you recall that?

6 A. Yeah, I talked to a detective.

7 Q. Do you recall telling Detective Sanchez that the
8 gentleman in the car was looking for someone?

9 A. I might have told him that.

10 Q. Do you remember what kind of car it was?

11 A. No.

12 Q. Again, do you remember interviewing with or being
13 interviewed by Detective Sanchez on June 12th and June
14 15th do you recall telling him that it was a Chrysler
15 200?

16 A. No.

17 Q. Do you recall telling him that that vehicle was
18 similar to the one you had seen at the El Cheapo?

19 A. I told him maybe.

20 Q. What happened after that car drove by?

21 A. That car drove by.

22 Q. Do you remember seeing any activity at your
23 neighbor's house across the street you knew as Midget?

24 A. Not at that time.

25 Q. At any point on June 8th, 2017 that morning did you

1 see any activity at your neighbor's house across the
2 street?

3 A. A fire.

4 Q. Okay. Did you see anything happen prior to the
5 fire?

6 A. [No response]

7 THE COURT: You got to say yes or no.

8 A. No, sir.

9 Q. [Mr. Sowards] Did you see anyone at your neighbor's
10 house that night?

11 A. No, sir.

12 Q. Again, I'll refer you back to your interview with
13 Detective Sanchez on the 12th and the 15th. Do you
14 recall interviewing with him on two separate occasions?

15 A. Yeah.

16 Q. Do you remember telling Detective Sanchez that a man
17 went up to your neighbor's house turn the porch light off
18 and then you saw some flickering and then saw that man
19 hurry away on his bike towards Azalea Avenue?

20 A. No, I ain't say all that.

21 Q. Well, what did you say?

22 A. I said I saw a fire.

23 Q. Your testimony here today is that you did not see
24 someone ride away on a bike ---

25 A. --- I did see somebody ride away on his bike.

1 Q. When did you see that person ride away?

2 A. After the fire.

3 Q. So you saw a fire and then that person ran or rode
4 away on a bike?

5 A. Yeah.

6 Q. Which direction did he ride towards?

7 A. Towards Azalea.

8 Q. Is that also towards Accabee or is that away from
9 Accabee?

10 A. That's towards Azalea.

11 Q. I'm asking if that's towards Accabee or -- like are
12 Azalea and Accabee in the same direction if I were
13 leaving your house?

14 A. You sound like you already know. So you tell me if
15 Azalea and Accabee the same way. I tell you he riding
16 off to Azalea.

17 MR. SOWARDS: Your Honor, the State would request
18 permission to publish what has previously been admitted
19 as State's exhibit 65.

20 THE COURT: It's in evidence. You may publish.

21 [Whereupon, the exhibit is shown to the jury]

22 Q. [Mr. Sowards] Looking at this map is this
23 [indicates] Azalea Drive?

24 A. Correct.

25 Q. And is Accabee that direction [indicates]?

1 A. Yes.

2 Q. Between the time when you saw this car driving up
3 and down or on the street ---

4 A. --- I never saw a car driving up and down.

5 Q. My apologies. You saw a car on Bailey Drive and
6 then a few minutes later you saw a fire at your
7 neighbor's house?

8 A. Correct.

9 Q. Inbetween those times did you hear any commotion at
10 your neighbor's house?

11 A. No. I heard commotion going on in the street. I
12 was already in the house at the time.

13 Q. What did you hear?

14 A. A car door open and a car door shut. Some mischief,
15 normal mischief going on outside.

16 Q. Did you hear a person scream?

17 A. I thought I heard something once I got out of the
18 car after drinking beers. That's what I told the
19 detective.

20 Q. What did you think you heard?

21 A. Something. Like I told him I think I heard somebody
22 say help. I don't know; I been drinking.

23 Q. Do you recall how much time passed between when you
24 saw the car on Bailey and you saw the fire?

25 A. No, sir.

1 Q. Do you recall in your interview with the detective
2 telling him that it was about 30 minutes?

3 A. That don't mean the time was accurate.

4 Q. Do you recall telling him that?

5 A. No I don't, but probably.

6 Q. Was Jonathan Seabrook present with you the entire
7 time?

8 A. Up until the time we was done drinking the beers.

9 MR. SOWARDS: Beg the court's indulgence.

10 [Whereupon, Mr. Waring and Mr. Sowards confer]

11 Q. [Mr. Sowards] Just one last question for you Mr.
12 Rice. Did you ever see the driver of that vehicle go
13 inside your neighbor's house?

14 A. No, sir.

15 MR. SOWARDS: No further questions from the State,
16 Your Honor.

17 THE COURT: Cross-Examination.

18 MS. STEWART: Thank you, Your Honor. Beg the
19 court's indulgence.

20 [Whereupon, Ms. Stewart and Ms. Norris confer]

21

22

23

24

25

1 CROSS-EXAMINATION

2 BY MS. STEWART:

3 Q. Good morning, Mr. Rice.

4 A. Good morning.

5 Q. When you met with detectives about this case you

6 described the person you saw across the street.

7 A. I described the person who I thought it was.

8 Q. Okay. I know you didn't get a good look at his

9 face, right?

10 A. I never saw the person.

11 Q. But you were able to say a few things about what he

12 looked like.

13 A. I was describing somebody.

14 Q. And you even told officers that you recognized the

15 guy.

16 A. I was describing somebody.

17 Q. You said that you had seen him at Mr. Rivers' house

18 for the past four days before Mr. Rivers was killed.

19 A. Not the guy who we trying today.

20 Q. I'm sorry?

21 A. Not the guy who we're trying today. The guy who I

22 thought it was was a whole different guy.

23 Q. Because you said he was dark skinned, right?

24 A. Right.

25 Q. Three shades darker than you.

1 A. Right.

2 Q. He was a little bit bigger.

3 A. Little bit shorter --

4 THE COURT REPORTER: Shorter you said?

5 A. Yeah, a little bit shorter.

6 Q. [Ms. Stewart] He was an older guy.

7 A. Right.

8 Q. In his late 40's or early 50's.

9 A. Correct.

10 Q. And the night this happened that guy was wearing all

11 black.

12 A. [No response]

13 THE COURT: You got to say yes or no ---

14 A. --- no ma'am, I never said that.

15 Q. [Ms. Stewart] Okay. Would it help you to see a

16 transcript of what you told officers before?

17 A. Yes, ma'am.

18 MS. STEWART: Beg the court's indulgence.

19 [Whereupon, Ms. Stewart reviews documents]

20 MS. STEWART: Your Honor, may I approach the

21 witness?

22 THE COURT: You may. Give him page and line

23 number.

24 MS. STEWART: I shall.

25 [Whereupon, the witness is shown document]

1 Q. [Ms. Stewart] Okay Mr. Rice, I've just handed you a
2 transcript of your first conversation with officers. And
3 I'd ask you to turn to page 13 and I'd ask you to look at
4 lines 23 to 25.

5 [Whereupon, the witness reviews document]

6 A. See what I said. I think now, at the time I think
7 he was wearing all black. It doesn't say that he was
8 wearing all black.

9 Q. Okay. But you did tell detectives that at the time
10 you think he was wearing all black.

11 A. Okay.

12 Q. Right?

13 A. Okay, yeah.

14 Q. You said he was wearing a short sleeve shirt. You
15 remember that?

16 A. No.

17 Q. Okay. Well, then I'd ask you to turn to page 36.

18 [Whereupon, the witness complies]

19 Q. I'd ask you to look at lines 2 through 4.

20 [Whereupon, the witness reviews document]

21 A. I'm not describing at this time what clothes he had
22 on that night. I'm describing that dude who I saw the
23 type of clothes that he had on that day when I saw him.
24 That's still not the dude we're talking about today.

25 Q. Okay. That night you did send some text messages to

1 Jonathan Seabrook, right?
2 A. Correct.
3 Q. He's your friend.
4 A. Yep.
5 Q. You said you grew up with him, right?
6 A. Yep.
7 Q. And those texts, in those texts you're kind of
8 giving a play by play of what you're seeing.
9 A. Of what I think that I'm hearing. I'm in the house
10 at the time.
11 Q. Okay. And in those texts which have already been
12 entered into evidence you said they back again, right?
13 A. Right.
14 Q. You said they in and out.
15 A. Figurative language.
16 Q. Okay. What do you mean by that?
17 A. I mean like they and it could have just been one
18 person. Him and it could have been just one person.
19 Q. And as far as that conversation the man in that car
20 had with Mr. Seabrook you said you didn't hear any of
21 that, right?
22 A. I mean we just went over that. They said that I did
23 hear that.
24 Q. Did you hear the name that the driver of that car
25 said?

1 A. No, ma'am.

2 Q. And that's what you said in all your interviews,

3 right?

4 A. Yes, ma'am.

5 Q. And even though you don't know that name ---

6 A. --- no ma'am ---

7 Q. --- Detective Sanchez brought up some names to you,

8 right?

9 A. Right.

10 Q. He asked you about a guy named Kone.

11 A. Right.

12 Q. He asked you about Gregory?

13 A. Right.

14 Q. He brought those names up.

15 A. Correct.

16 Q. You didn't mention them.

17 A. No, ma'am.

18 Q. You told him you didn't know anyone by those names.

19 A. No, ma'am.

20 Q. You said you had never heard the name of Kone.

21 A. No, ma'am.

22 MS. STEWART: Beg the court's indulgence.

23 [Whereupon, Ms. Stewart and Ms. Norris confer]

24 MS. STEWART: I have no further questions.

25 THE COURT: Redirect?

1 MR. SOWARDS: Just a few, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. SOWARDS:

4 Q. Mr. Rice, do you recall telling Detective Sanchez
5 that you never got a good look at the guy who was at your
6 neighbor's house?

7 A. Correct.

8 Q. And you told him back when you interviewed with him
9 that you could not identify that person.

10 A. Correct.

11 Q. And your story now is that you can or at least can
12 say it's not somebody.

13 A. Huh?

14 Q. You told Detective Sanchez that you never got a good
15 enough look at the person if he was wearing a hat,
16 etcetera to be able to identify him, right?

17 A. Say that one more time.

18 Q. Do you recall interviewing with Detective Sanchez
19 and telling him that you never got a good enough look at
20 the man who was at your neighbor's house to identify him?

21 A. Correct.

22 Q. That person who was at your neighbor's house did he
23 ever arrive there in a car?

24 A. I don't know.

25 Q. Did you see him on a bike?

1 A. After he ride off.

2 MR. SOWARDS: No further questions from the State,
3 Your Honor.

4 THE COURT: Recross limited to redirect?

5 MS. STEWART: None, Your Honor.

6 THE COURT: As to this witness, Solicitor?

7 MR. SOWARDS: He may be excused, Your Honor.

8 THE COURT: Any objection, counsel?

9 MS. STEWART: No, Your Honor.

10 THE COURT: Very well. Mr. Rice, you may step down
11 from the witness stand. You are excused from the trial
12 of this case. You may leave the courtroom.

13 [Whereupon, the witness is excused and exits the
14 witness stand]

15

16

17

18

19

20

21

22

23

24

25

1 MS. STEWART: Your Honor, may we approach?

2 THE COURT: Counsel approach -- just a moment. Mr.
3 Foreman and ladies and gentlemen of the jury I'm going to
4 take my mid-morning break at this point. You can stretch
5 your legs, use the restroom. They'll have something for
6 you to drink and eat back there.

7 Please do not discuss the case. You have not heard
8 all of the evidence in the case. I'll let you know when
9 that time arrives. You may retire to your jury room at
10 this time.

11 [Whereupon, the jury exits at 11:32 a.m.]

12 THE COURT: Counsel approach.

13 [Whereupon, an off the record bench conference is
14 held]

15 THE COURT: Counsel, we'll be at ease while we take
16 a break.

17 MR. WARING: Thank you, Your Honor.

18 [Whereupon, Court is in recess from 11:35 a.m. until
19 11:54 a.m.]

20 THE COURT: Thank you. Please be seated. Is the
21 State ready to proceed?

22 MR. WARING: Yes, Your Honor.

23 THE COURT: Is the Defendant ready to proceed?

24 MS. STEWART: We're just waiting on the Defendant,
25 Judge but as soon as he's here, yes.

1 THE COURT: I understand all the jury had a chance
2 to use the restroom?

3 THE BAILIFF: Yes sir, they did.

4 THE COURT: If you'll bring us the jury, please?
5 [Whereupon, the jury enters at 11:56 a.m.]

6 THE COURT: Did everybody get a chance to get a
7 break to use the restroom and get something to drink?

8 [Whereupon, the jury responds affirmatively]

9 THE COURT: We'll now continue with the testimony
10 in the trial of this case. Solicitor, you may call your
11 next witness.

12 MR. WARING: Thank you, Your Honor.

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MR. WARING: The State calls Brandi Dobbins.

2 [Whereupon, Ms. Dobbins comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Now for the record please state
6 your full name spelling your last.

7 THE WITNESS: You want me to spell my name?

8 CLERK OF COURT: Yes, ma'am. Spell your last name.

9 THE WITNESS: My name is Brandi Dobbins. My last
10 name is spelled D-O-B-B-I-N-S.

11 THE COURT: Ms. Dobbins, you've got a meek voice.
12 I need you to speak up. That microphone is going to
13 amplify it.

14 THE WITNESS: I'm a little sick. I'm sorry.

15 THE COURT: I understand.

16 THE WITNESS: My name is Brandi Dobbins.

17 THE COURT: There we go.

18 THE WITNESS: And my last name is spelled D-O-B-B-
19 I-N-S.

20 THE COURT: Very good. Use that voice so everybody
21 on my jury can hear you. Give me a verbal answer; say
22 yes or no. Don't say Uh Uh or Uh Huh or shake your head
23 so the court reporter beside you can accurately take down
24 what you say. Do you understand?

25 THE WITNESS: I understand.

1 THE COURT: Thank you. Your witness, counsel.
2 Direct Examination.

3 MR. WARING: Thank you, Your Honor.

4 - - - - -

5 BRANDI DOBBINS,

6 Having been first duly sworn,

7 Was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. WARING:

10 Q. Good morning, Brandi.

11 A. Good morning.

12 Q. Brandi, please tell the jury do you know the co-
13 defendant Terrance Doucet?

14 A. Yes, I do.

15 Q. All right. Now back on the day of the incident June
16 8th, 2017 were you acquainted with Terrance?

17 A. Yes.

18 Q. In what capacity?

19 A. You can say as more than friends I guess.

20 Q. Okay. So y'all were hanging out?

21 A. Yeah.

22 Q. Now what had you been doing earlier in the night on
23 June 8th, 2017 inbetween midnight and 2 a.m.

24 A. Well, I know that we were all at the Bistro before
25 they closed. There was a party there. And I did not

1 arrive with Terrance. I was with my cousin and a couple
2 other friends when we arrived to the destination that we
3 were going to at the Bistro.

4 Q. And just to connect the dots the Bistro is that the
5 venue where the fish fry was being held?

6 A. It was -- well, Bistro is kind of like a bar and
7 grill. And it was -- I don't know -- I don't remember
8 what type of party it was but I remember that we had some
9 kind of event there.

10 Q. Okay. Now about what time did the fish fry end? Do
11 you remember?

12 A. When it was open they normally stay open from I
13 believe 9 to 2 a.m. at night. So the time that I went it
14 was most of like 10 or 11 so...

15 Q. And when you would have left it would have been
16 what; around 2 a.m.?

17 A. Yes.

18 Q. Okay. What did you do after the fish fry? Can you
19 tell the jury please?

20 A. Yeah. Well after the, well I guess it was a fish
21 fry, we went to one of the friends of Terrance. We was
22 all supposed to just go chill and play some cards and
23 that was it.

24 Q. Who was this friend that you're referring to that
25 was a friend of Terrance's?

1 A. Well, I don't know his real name but I know that
2 they call him Kahn. So that's the friend that owned the
3 house that we went to.

4 MR. WARING: Beg the Court's indulgence, Your
5 Honor.

6 [Whereupon, Mr. Waring reviews photographs]

7 MR. WARING: Your Honor, permission to publish what
8 has already been admitted as State's exhibit 59?

9 THE COURT: 59 is in evidence. You may publish.

10 [Whereupon, photograph is shown to the jury]

11 Q. [Mr. Waring] Okay Brandi, I'm showing you what has
12 been marked and admitted as State's exhibit 59. Is this
13 the house that you're referring to?

14 A. Yes.

15 Q. And is that the house that you knew belonged to Kwan
16 or Kone?

17 A. Yes.

18 Q. All right. Please tell the jury what's going on
19 once you get to the Defendant's house?

20 A. Well, we all got there and we were all -- well, I
21 knew we went up the stairs and we waited for a little
22 while because someone had to open the door.

23 And we went inside and we were all just basically
24 chilling and talking. I had a couple of drinks and that
25 was pretty much it.

1 Q. So who was at the Defendant's house?

2 A. I don't know everyone by name but I know that I was
3 there with Terrance and I was there with my cousin and a
4 couple of other people that I knew but I don't remember
5 their names.

6 Q. Was the Defendant's wife there?

7 A. Yes.

8 Q. What about the Defendant?

9 A. I saw him like one or two times. We were all
10 chilling.

11 Q. Was he there when you initially got there?

12 A. Yes.

13 Q. All right. At some point did he leave?

14 A. I assume that he did. I didn't see him after that.

15 Q. Okay. So there was a time where you no longer saw
16 the Defendant?

17 A. Yes.

18 Q. And was this after 2 a.m.?

19 A. I believe so.

20 Q. So did you say Terrance was there as well?

21 A. Yes.

22 Q. Now, once Terrance got there what were y'all doing?

23 A. Once again we were all chilling, talking, and I had
24 a couple of drinks.

25 Q. Okay. You say once again. I mean what does that

1 mean; were you playing cards?

2 A. Yes, we were just talking. Just chilling means like
3 we're just sitting just enjoying each other's company
4 basically.

5 Q. Okay. Did anything happen after you say y'all were
6 chilling?

7 A. Well, we were sitting there and I know that Terrance
8 got a phone call and he was on the phone. And I guess
9 they were arguing on the phone and the person wanted him
10 to pick them up ---

11 MS. STEWART: --- objection.

12 THE COURT: Don't refer to what someone else said;
13 just what you know of your own knowledge. The objection
14 is sustained. Rephrase the question.

15 MR. WARING: Your Honor, may we approach?

16 THE COURT: You may.

17 [Whereupon, an off the record bench conference is
18 held]

19 Q. [Mr. Waring] After Terrance received a phone call
20 did he leave the house?

21 A. Not right after but maybe like five or ten minutes
22 after. And I was looking for him and everyone told me
23 that he went to the store.

24 Q. Okay. So after 2 a.m. there is a time when not only
25 you no longer saw the Defendant but there was a time when

1 Terrance had gone too?

2 A. Yes.

3 Q. Did these two individuals come back at some point?

4 A. Yes, they did. But I did -- but they had to come
5 back at some point but I never saw the Defendant; I saw
6 Terrance.

7 Q. Okay. And what makes you think the Defendant came
8 back too?

9 A. Well, at this point when they both came back we were
10 downstairs. But I knew that there was a lot of -- there
11 was arguing there and I heard someone say put your
12 clothes in the washer ---

13 MS. STEWART: --- objection.

14 THE COURT: Don't refer to what someone else said.
15 Objection is sustained. Rephrase your question, counsel.

16 Q. [Mr. Waring] Did you -- okay, so you're saying that
17 at some point Terrance came back and did you hear the
18 Defendant's voice in the house at a later point again?

19 A. Yes, they were arguing.

20 Q. Okay. Now, did Terrance and the Defendant leave the
21 house again at some point?

22 A. Yes.

23 Q. All right. And did they ever come back again after
24 that?

25 A. I believe so, yes.

1 Q. Now when they came back that final time what's going
2 on? What happens?

3 A. Once again there is more arguing then. At this
4 point there was a lot of yelling for us to leave the
5 home.

6 Q. Okay. So at that point when they come back for the
7 final time is everybody kicked out of the house?

8 A. Yes.

9 Q. Did you see Terrance at that point?

10 A. Yes. He's the one that took me home.

11 Q. All right. Do you remember what kind of car he was
12 driving at that time?

13 A. I remember that it was a silver vehicle. I don't
14 know what kind of car it was but I just knew the car was
15 silver.

16 Q. All right. Do you remember anything distinct about
17 that vehicle once you got inside?

18 A. I know that when I got inside he had black leather
19 seats and I sat in the passenger side. And he told me
20 that he bleached the car and I had on a peach dress.

21 And we argued because I wanted to know why he
22 bleached the car and I'm like sitting in bleach. And
23 that was it.

24 Q. Now, I'd like you to take a minute and tell the jury
25 did Terrance have any particular demeanor or did he look

1 a specific way?

2 A. When I got in the vehicle with Terrance he looked
3 very anxious. He was distraught and he was nervous and
4 he was very shaky.

5 Q. Again, all this is taking place after 2 a.m.?

6 A. Yes.

7 Q. And you're sure that both the Defendant and Terrance
8 left the house multiple times during that time frame,
9 correct?

10 A. Yes.

11 Q. Do you see the Defendant in the courtroom today?

12 A. Yes.

13 Q. Can you point him out for the jury?

14 A. He's sitting over there [indicates].

15 MR. WARING: Your Honor, let the record reflect the
16 witness has identified the Defendant.

17 THE COURT: Proceed.

18 MR. WARING: Court's indulgence, Your Honor.

19 [Whereupon, Mr. Waring and Mr. Sowards confer]

20 Q. [Mr. Waring] Please answer any questions the defense
21 has.

22 THE COURT: Cross-Examination.

23 MS. STEWART: Thank you, Your Honor.

24

25

1 CROSS-EXAMINATION

2 BY MS. STEWART:

3 Q. Good afternoon, Ms. Dobbins.

4 A. Good afternoon.

5 Q. So you just said that you could see that Mr. Doucet

6 was anxious.

7 A. Yes.

8 Q. Shaky?

9 A. Yes.

10 Q. And this was a long time ago.

11 A. Yes.

12 Q. About two and half years ago?

13 A. Yes.

14 Q. And you only recently spoke to Mr. Waring, right?

15 A. Yes.

16 Q. So it would be hard to give anybody an exact date of

17 when this happened.

18 A. Yes.

19 Q. And how would you and Mr. Doucet communicate with

20 each other?

21 A. How would we communicate? Are you talking about at

22 the time or are you talking about any time after?

23 Q. At the time.

24 A. At the time we communicated through Facebook. And

25 we mostly saw each other in person as well.

1 Q. Okay. So you would message each other on Facebook?
2 A. Yes.
3 Q. And you would call each other on Facebook?
4 A. Yes.
5 Q. And is that how you got in touch with him that night
6 too?
7 A. Well, we were in person. We all met at the same
8 club which was Bistro.
9 Q. So you didn't communicate with him on Facebook that
10 day?
11 A. Probably I did. But I know for a fact that I had in
12 person contact with him at the Bistro.
13 Q. Okay. So sorry to ask again but did you communicate
14 with him on Facebook the same day that this happened?
15 A. Are you talking about before or after it?
16 Q. Before or after?
17 A. Like I said we were in person when we had any other
18 kind of communication.
19 Q. Did you talk to him on Facebook beforehand?
20 A. I don't -- I probably did but I really don't -- I'm
21 not sure because it has been years ago. But I know for a
22 fact that I talked to him in person.
23 Q. Okay. And that night you said you didn't see the
24 Defendant come into the house, right?
25 A. Yes.

1 Q. And you said in fact you didn't know for sure that
2 he left, right?

3 A. I said I didn't see him. I didn't say that I knew
4 he left or anything.

5 Q. Right because you said that you stopped seeing him
6 at one point.

7 A. Yes.

8 Q. So you assumed that he left?

9 A. I didn't assume anything; I just didn't see him.

10 Q. Okay.

11 MS. STEWART: Beg the Court's indulgence.

12 [Whereupon, Ms. Stewart and Ms. Norris confer]

13 MS. STEWART: No further questions.

14 THE COURT: Redirect.

15 MR. WARING: Thank you, Your Honor.

16

17

18

19

20

21

22

23

24

25

REDIRECT EXAMINATION

BY MR. WARING:

Q. Brandi, did you see both the Defendant and Terrance leave the house multiple times after 2 a.m.?

A. Did I see with my physical eyes leave?

Q. Did you see them or know that they left the house in one regard or another?

A. I didn't see physically but I knew that they left.

Q. Okay. Now the defense attorney was asking you about recalling dates and times and things like that. This incident this sticks out in your mind doesn't it?

A. Yes.

Q. Okay. And Terrance he bleached his car, right?

A. Yes.

Q. Do you remember the smell, anything about the smell?

MS. STEWART: Objection to the leading.

THE COURT: Sustained. It's redirect examination.

Rephrase the question.

MR. WARING: No further questions, Your Honor.

THE COURT: Recross limited to redirect.

MS. STEWART: I have nothing further, Judge.

THE COURT: As to this witness, Solicitor?

MR. WARING: Please excuse, Your Honor.

THE COURT: Any objection?

MS. STEWART: No, Your Honor.

1 THE COURT: Very well. You may step down Ms.
2 Dobbins from the witness stand. You are excused from the
3 trial of this case. You may leave the courtroom.

4 [Whereupon, the witness is excused and exits the
5 witness stand]

6 THE COURT: Call your next witness.

7 MR. WARING: Thank you, Your Honor.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 MR. WARING: The State calls Captain Trey Smith.

2 [Whereupon, Captain Smith comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: For the record please state your
6 full name spelling your last.

7 THE WITNESS: John T. Smith, III, S-M-I-T-H.

8 THE COURT: Speak up for me if you would Mr. Smith.
9 Give me a yes or no answer and don't shake your head or
10 nod your head like you would in normal conversation. No
11 Uh Huh or Uh Uh so the court reporter can get it down.

12 THE WITNESS: Yes, sir.

13 THE COURT: Thank you. Your witness, counsel.

14 MR. WARING: Thank you, Your Honor.

15 - - - - -

16 TREY SMITH,

17 Having been first duly sworn,

18 Was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. WARING:

21 Q. Good morning, Captain. How are you?

22 A. Doing good.

23 Q. Please tell the jury where you work?

24 A. At North Charleston Fire Department.

25 Q. And did you work there back in June of 2017?

1 A. Yes, sir.

2 Q. Back at that time what was your role?

3 A. I was a Captain.

4 Q. And can you explain what that means?

5 A. I'm pretty much in charge of a truck over at a fire
6 station.

7 Q. And so if there is a call-out for a fire what in
8 particular would your role be in that capacity?

9 A. Getting on scene, securing the scene, making sure
10 everybody knows what their job titles or duties are
11 supposed to be on the call.

12 Q. Do you recall responding on June 8th, 2017 to 2278
13 Bailey Drive?

14 A. Yes, sir.

15 Q. And how did you get brought into that situation, do
16 you remember?

17 A. I was sleeping at the station. Got toned out for a
18 structure fire on Bailey Drive and responded over there.

19 Q. Can you paint a picture for the jury what the house
20 looked like when you got there?

21 A. We pulled on scene and had heavy fire and smoke
22 coming from the residence. Basically we pulled up and
23 our scene sized up when we got on scene and started to do
24 our job.

25 Q. Did you go into the house at any point?

1 A. Yes, sir. We pulled a line off the truck, started
2 knocking fire down on the front porch. We made entry
3 into the residence and started knocking the fire inside
4 down. My fireman kept on hitting hot spots and I started
5 to do a primary search of the residence.

6 And once I did my search I searched the bedroom and
7 then I ended up going into the bathroom where there was
8 an individual in the bathtub face down where I grabbed
9 him and then removed him from the house and passed him
10 along to a crew that was outside.

11 MR. WARING: Your Honor, permission to publish
12 already admitted State's exhibit 25?

13 THE COURT: In evidence. You may publish.

14 MR. WARING: Thank you, Your Honor.

15 Q. [Mr. Waring] Okay Captain Smith, I'm showing you
16 what has been admitted as State's exhibit 25.

17 [Whereupon, photograph is shown to the jury]

18 Q. Can you tell us what we're looking at here?

19 A. That's the bathroom inside the residence.

20 Q. All right. You said that you found an individual.
21 Can you describe to the jury what the orientation of the
22 victim was?

23 A. He was face down inside the tub. Half his body, his
24 lower part of his body was out the bathtub. His upper
25 portion of his body was in the bathtub.

1 Q. Okay. So his legs were up and over the side of the
2 tub?

3 A. Yes, sir.

4 Q. At that time did anything scream out as being
5 suspicious necessarily?

6 A. No, sir. With the smoke you really couldn't see
7 nothing. I seen a silhouette of the individual in there
8 and just went and grabbed him and picked him up and
9 proceeded to take him outside.

10 MR. WARING: Court's indulgence, Your Honor.

11 [Whereupon, Mr. Waring and Mr. Sowards confer]

12 MR. WARING: No further questions, Your Honor.

13 THE COURT: Cross-Examination?

14 MS. NORRIS: No questions, Your Honor.

15 THE COURT: As to this witness, Solicitor?

16 MR. WARING: Please excuse him, Your Honor.

17 THE COURT: Any objection, counsel?

18 MS. NORRIS: None.

19 THE COURT: Captain Smith, you may step down.

20 You're excused from the trial of this case. You may
21 leave the courtroom.

22 THE WITNESS: Thank you.

23 [Whereupon, the witness is excused and exits the
24 witness stand]

25 THE COURT: Call your next witness.

1 MR. WARING: Thank you, Your Honor. The State
2 calls Lisa Kubicsko.

3 [Whereupon, Ms. Kubicsko comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: For the record please state your
7 full name spelling your last name.

8 THE WITNESS: Lisa Kubicsko, K-U-B-I-C-S-K-O.

9 THE COURT: Speak up for me please if you would so
10 everybody on the jury can hear you.

11 THE WITNESS: Yes, sir.

12 THE COURT: I know it's hard in conversation like
13 you're doing with me right now. Don't nod your head.
14 Say yes or no so the court reporter can take it down.

15 THE WITNESS: Yes, sir.

16 THE COURT: No Uh Huh, Uh Uh; yes or no. All right
17 counsel, your witness.

18 MR. WARING: Thank you, Your Honor.

19 - - - - -

20 LISA KUBICKSKO,

21 Having been first duly sworn,

22 Was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. WARING:

25 Q. Good morning, Lisa.

1 A. Good morning.

2 Q. Please tell the jury where you work?

3 A. I currently work for the Arlington County Police
4 Department in Arlington, Virginia. And I am also part-
5 time with the Annapolis Police Department.

6 Q. Back in June of 2017 where did you work at that
7 time?

8 A. I worked for the North Charleston Police Department.

9 Q. And what was your role at that time?

10 A. I was a crime scene technician and latent print
11 examiner.

12 Q. Please explain to the jury what some of your duties
13 and responsibilities would have been as a crime scene
14 technician at that time?

15 A. My duties were to respond to a variety of crime
16 scenes that could have included anything from vehicle
17 break-in, burglary, robbery, homicide or any other type
18 of death investigation.

19 Once I responded to those scenes I was responsible
20 for documenting it with photographs, searching and
21 collecting for pertinent evidence, processing for DNA and
22 fingerprints.

23 In the lab I was responsible for processing those
24 items collected for fingerprints and DNA. I was also
25 responsible for creating proper paperwork for those items

1 to be sent to SLED for further analysis and also writing
2 detailed reports.

3 Q. Okay. And were you involved in this case?

4 A. Yes.

5 Q. How did you get brought into this case?

6 A. At this time I was working midnight shift and I
7 received a call to respond to 2278 Bailey Drive for a
8 report of a fire.

9 Q. Is that address in Charleston County?

10 A. Yes.

11 Q. What happened once you got on scene?

12 A. Once I got on scene I met with the responding
13 officers and I was informed that they located a deceased
14 male inside the residence in the bathroom and that they
15 had pulled him from the fire and he was placed on the
16 front yard and a sheet was placed over him.

17 Q. Did you see the victim when you got there?

18 A. Yes.

19 Q. And was there anything suspicious about his state at
20 that time?

21 A. The first thing I did on scene is I placed a tent
22 over him for privacy and also because it began to rain.
23 Initially I did not look at the victim. I started taking
24 some overall photographs at the house. But then I did
25 yes, go and lift the sheet to take a look at the victim.

1 Q. Did anything seem suspicious?

2 A. Yes.

3 Q. Can you tell the jury?

4 A. I observed -- it appeared that he had two swollen
5 eyes, blood on his head and what appeared to be a type of
6 clear cord loosely tied around his neck.

7 Q. What about gunshot wounds?

8 A. At this time I did not observe a gunshot wound. It
9 wasn't until later when the Coroner arrived and we were
10 doing a closer examination that we observed it.

11 MR. WARING: Your Honor, permission to publish
12 already admitted State's exhibit 4 through 30, Your
13 Honor?

14 THE COURT: Counsel, you agree they are in
15 evidence?

16 MS. STEWART: Yes, Your Honor.

17 THE COURT: You may publish.

18 MR. WARING: Thank you, Your Honor.

19 THE COURT: Identify the exhibit number for the
20 record.

21 MR. WARING: Yes, sir.

22 [Whereupon, photograph is shown to the jury]

23 Q. [Mr. Waring] Okay Lisa, this is State's exhibit 4
24 already admitted into evidence. Can you tell the jury
25 what we're looking at here?

1 A. This is a picture of the residence looking at the
2 front door and a tent to your right with the victim lying
3 inside.

4 [Whereupon, photograph is shown to the jury]

5 Q. I'm now showing you State's exhibit 5 already
6 admitted into evidence. Please tell the jury what we're
7 looking at here.

8 A. Again, a picture of the front of the residence the
9 viewpoint from the right corner.

10 [Whereupon, photograph is shown to the jury]

11 Q. State's exhibit 6 can you tell us what we're looking
12 at here?

13 A. Again, a picture of the residence taken from the
14 right corner panning to the rear of the residence.

15 [Whereupon, photograph is shown to the jury]

16 Q. I'm showing you State's exhibit 7.

17 A. Again, this is a picture of the residence on the
18 right side looking at the window which went into the
19 living room of the residence.

20 Q. All right. I'm going to skip ahead to State's
21 exhibit 15.

22 [Whereupon, photograph is shown to the jury]

23 Q. Can you tell us what we're looking at here?

24 A. Yes. This is the front porch of the residence and
25 showing the front door, which is currently not there

1 anymore. Can I touch the screen?
2 Q. Yes.
3 A. This [indicates] is where the front door would be.
4 Q. I'm showing you already admitted State's exhibit 16.
5 [Whereupon, photograph is shown to the jury]
6 Q. Can you tell us what we're looking at here?
7 A. This was taken inside the living room from the right
8 side of the residence. Right here [indicates] is the
9 front door and this doorway pointed in towards what
10 appeared to be a dining room.
11 Q. I'm showing you State's exhibit 17.
12 [Whereupon, photograph is shown to the jury]
13 Q. Can you tell us what we're looking at here?
14 A. Again, this is in the living room and the doorway
15 looking into the dining room.
16 Q. And I'm going to skip ahead. State's exhibit 21.
17 [Whereupon, photograph is shown to the jury]
18 Q. Can you tell us what we're looking at here?
19 A. This is a photo looking into the bathroom.
20 Q. And this is State's exhibit 23.
21 [Whereupon, photograph is shown to the jury]
22 Q. Can you tell us what that is?
23 A. Again, this is a photo of the bathroom.
24 Q. Did you find anything in the bathroom?
25 A. Yes. When I went inside to take overall photographs

1 of the interior of the residence in the tub I located
2 what appeared to be a white towel with blood stains on it
3 and also a cord that appeared similar to the one that was
4 observed around the victim's neck.

5 Q. I'm going to skip ahead. This is State's exhibit
6 29.

7 [Whereupon, photograph is shown to the jury]

8 Q. Can you tell us what we're looking at here?

9 A. Yes. This is the white towel and the cord that was
10 observed in the tub.

11 Q. Can you tell us what else you did other than take
12 photographs at the house?

13 A. Other than take photographs I assisted the Coroner
14 with reviewing the injuries and burns of the victim and
15 taking photographs of that. I also searched the exterior
16 of the house for any pertinent evidence.

17 Q. Now, at some point were you relieved by another
18 crime scene technician?

19 A. Yes.

20 Q. Okay. Do you remember who that was?

21 A. That was crime scene technician -- Adams.

22 THE COURT REPORTER: Tell me the name again.

23 A. Tiffany Adams.

24 Q. [Mr. Waring] And did you have anything to do with
25 the subsequent processing of the co-defendant Terrance

1 Doucet's vehicle for evidence?

2 A. Yes.

3 Q. Can you tell us in what regard you were involved in
4 that?

5 A. Yes. On June 22nd I was requested by the detectives
6 to respond to the NCPD warehouse to assist them in
7 processing the vehicle.

8 Q. Do you recall what kind of vehicle it was?

9 A. It was a silver Chrysler 200.

10 Q. Okay. Now did you conduct any presumptive blood
11 tests?

12 A. Yes.

13 Q. Can you tell the jury what a presumptive blood test
14 is?

15 A. The product we used in this case was called Blue
16 Star and it allows us to detect trace amounts of blood
17 even after it has been cleaned up. How this product
18 works; it has a chemical called Luminol in it which will
19 react with the iron and hemoglobin found in blood.

20 The product is applied by spraying it onto an area
21 and in dim or no lighting you will be able to see the
22 chemiluminescence that will appear from the reaction and
23 its blue in color.

24 Q. In this instance were you able to determine whether
25 or not there was any presumptive blood inside this

1 Chrysler 200?

2 A. Yes.

3 Q. Now do you recall where specifically in the vehicle
4 you determined that there was presumptive blood?

5 A. Yes.

6 Q. And can you tell the jury where that was?

7 A. May I refer to my notes?

8 MR. WARING: May she?

9 THE COURT: Pardon?

10 MR. WARING: I didn't know if you wanted us to
11 approach, Your Honor?

12 THE COURT: Pardon?

13 MR. WARING: May she refer to her notes?

14 THE COURT: She may.

15 MR. WARING: Thank you, Your Honor.

16 [Whereupon, the witness reviews her notes]

17 A. I observed what appeared to be presumptive blood
18 from the driver's side arm rest, passenger side front
19 door panel, interior dome light, passenger side rear view
20 mirror, passenger door rear top frame, passenger side B
21 post, passenger seat belt buckle retainer, passenger side
22 dashboard, passenger side head rest, passenger side
23 interior door sill, passenger front seat, and also on two
24 items located on the passenger front floor board.

25 Q. Now did you do anything else with those blood spots?

1 A. Yes.

2 Q. What did you do?

3 A. Blue Star can produce false positives. For example,
4 it may react with bleach. Due to this you can usually see
5 the difference between it reacting with bleach and a true
6 reaction with blood.

7 A reaction with bleach will dissipate very fast.
8 Blue Star is also not specific to human blood. So
9 because of this it is best practice that we swab any
10 areas that fluoresce so that those spots can be tested
11 for DNA.

12 Q. What goes into actually swabbing something?

13 A. To swab we use a sterile cotton tip swab. It looks
14 just like one side of a Q-tip. We will remove it from
15 the package, swab the area that fluoresced and then place
16 it back in the packaging.

17 Q. So in this instance did you in fact go in and
18 perform this swabbing for these blood spots?

19 A. Yes.

20 Q. What did you do with those samples once you
21 collected them?

22 A. Once I collected them they were all packaged
23 individually into an envelope. The package is sealed and
24 initialed by me and dated. And they also receive a bar
25 code that is generated from our recording -- records

1 management system.

2 Q. Okay. So you did that with all these swabs?

3 A. Yes.

4 Q. Did you ultimately turn them into the evidence
5 department per North Charleston Police Department policy?

6 A. Yes.

7 Q. Now between your touching these samples as you're
8 collecting them and the subsequent sending them off to a
9 testing facility do you know who touched those samples?

10 A. Yes. These items were submitted to the evidence
11 unit in which they would have been intake by a member of
12 the evidence unit and then they would have been
13 transferred to SLED by another member.

14 Q. Do you know specifically the names of the
15 individuals from North Charleston Police Department who
16 would have handled these samples prior to them going to
17 SLED?

18 A. Yes. Intake was conducted by Hannah Wethington, and
19 then the transfer to SLED was done by Sergeant --

20 THE COURT REPORTER: Sergeant?

21 A. Ledford.

22 Q. [Mr. Waring] To your knowledge have any of these
23 samples been tampered with in any way?

24 A. No.

25 [Whereupon, Mr. Waring and Ms. Stewart confer]

1 MR. WARING: Your Honor, may I approach the
2 witness?

3 THE COURT: You may.

4 Q. [Mr. Waring] Lisa, I'm showing you what has been
5 marked for identification purposes only as State's
6 exhibit 82, 83, and 84. Starting with exhibit 82 can you
7 tell us what that is?

8 [Whereupon, the witness is shown exhibit]

9 A. Sure. State's exhibit 82 is a possible blood Blue
10 Star swab from the passenger side front door panel.

11 Q. And can you tell us what exhibit 83 is?

12 [Whereupon, the witness is shown exhibit]

13 A. Exhibit 83 is a possible blood Blue Star swab from
14 the passenger door rear top frame.

15 Q. How about exhibit 84?

16 [Whereupon, the witness is shown exhibit]

17 A. 84 is a possible blood Blue Star swab from the
18 passenger side B post.

19 Q. And for those who may not know can you tell the jury
20 what a B post is on a vehicle?

21 A. A B post also called a B pillar is located between
22 the front door and rear door of a vehicle. It is where
23 the front door can close on and the rear door hinges on.

24 Q. And so would that sample have been collected from
25 the interior or the exterior of the B post of the co-

1 defendant's vehicle?

2 A. Interior.

3 Q. Now does exhibit 82 fairly and accurately depict the
4 presumptive blood spot swab from the passenger side front
5 door panel, exhibit 83 the blood spot from passenger door
6 rear top frame, and exhibit 84 a presumptive blood spot
7 from the B post from the co-defendant's vehicle?

8 A. Yes.

9 Q. In addition to these presumptive blood spots, DNA
10 swabs that were collected from the co-defendant's vehicle
11 did you collect anything else?

12 A. Yes.

13 Q. And can you tell the jury what that was?

14 A. Yes. We searched the vehicle for any pertinent
15 evidence relating to this case. We located a grey gun
16 box in the trunk that had a receipt from ATV inside of
17 it.

18 MR. WARING: Your Honor, may I approach the
19 witness?

20 THE COURT: You may.

21 MR. WARING: Thank you.

22 Q. [Mr. Waring] Lisa, I'm now showing you what has been
23 marked for identification purposes only as State's
24 exhibit 85 through 87. Starting with exhibit 85 can you
25 tell us what this is?

1 [Whereupon, the witness is shown exhibit]

2 A. This is a photo of the receipt from ATV guns and
3 range.

4 Q. Does that correspond with the empty gun box you
5 referred to?

6 A. Yes.

7 Q. How about State's exhibit 86?

8 [Whereupon, the witness is shown exhibit]

9 A. This is a photo of the same receipt just a close up
10 photo showing exactly what was purchased.

11 Q. And lastly State's exhibit 87 can you tell the jury
12 what that is?

13 [Whereupon, the witness is shown exhibit]

14 A. This is a photo of the bottom of the receipt which
15 shows which date the purchase was made.

16 Q. And do these fairly and accurately depict the
17 receipt that was found in the co-defendant's vehicle?

18 A. Yes.

19 MR. WARING: Your Honor, at this point the State
20 seeks to move 85 through 87 into evidence.

21 THE COURT: Counsel approach.

22 [Whereupon, an off the record bench conference is
23 held]

24 THE COURT: As to 85, 86, and 87 counsel any
25 objection?

1 MS. NORRIS: None, Your Honor.

2 THE COURT: Ladies and gentlemen of the jury
3 State's exhibits 85, 86, and 87 will be admitted into
4 evidence without objection.

5 [Whereupon, State's exhibit numbers 85 through 87
6 are entered into evidence by the Court]

7 THE COURT: You may publish 85 through 87 for the
8 jury.

9 MR. WARING: Thank you, Your Honor.

10 Q. [Mr. Waring] All right Lisa, this is State's exhibit
11 85.

12 [Whereupon, the exhibit is shown to the jury]

13 Q. Can you tell us whose name this purchase is for?

14 A. Terrance Brian Doucet.

15 Q. All right. And let's see if we can get a clearer
16 shot. I'm showing you State's exhibit 86.

17 [Whereupon, the exhibit is shown to the jury]

18 Q. Does it say on there what type of gun was purchased?

19 A. A Ruger SP-101 357 Mag.

20 Q. All right. Now I'd like to show you State's exhibit
21 87.

22 [Whereupon, the exhibit is shown to the jury]

23 Q. Can you tell us the date that is stamped on there
24 for when this was purchased?

25 A. Monday, July 11th, 2016.

1 MR. WARING: Court's indulgence, Your Honor.
2 [Whereupon, Mr. Waring and Mr. Sowards confer]
3 Q. [Mr. Waring] Please answer any questions the defense
4 has.
5 THE COURT: Cross-Examination?
6 MS. NORRIS: May it please the Court?
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CROSS-EXAMINATION

2 BY MS. NORRIS:

3 Q. Are you actually an agent or do you just go by Ms.

4 or what is your title?

5 A. When I worked for North Charleston, ma'am?

6 Q. Yes.

7 A. I was a crime scene technician.

8 Q. Okay. So they just called you a technician?

9 A. Correct.

10 Q. Okay. And as a crime scene technician in this

11 particular case did you also assist fire inspectors in

12 collecting samples of debris from the house?

13 A. Yes, ma'am.

14 Q. And what was the purpose of that?

15 A. The purpose of that is to detect any flammables that

16 could have been used in an arson situation.

17 Q. And to your knowledge nothing was detected, right?

18 A. I'm not aware of the results to that, no.

19 Q. Okay. Now this Blue Star that you talked about used

20 in processing the car I think you acknowledged that it

21 can have a false positive with certain household cleaners

22 including bleach, right?

23 A. Correct.

24 Q. And it can also react to animal blood I assume?

25 A. Some animals, correct.

1 Q. And the way to determine whether it actually is
2 blood is to send that off to the laboratory at SLED,
3 right?

4 A. Correct.

5 Q. And in this particular case no serology testing was
6 asked for, right?

7 A. I do not know that for sure.

8 Q. Okay. So what the State admitted or showed you
9 those 82 through 84 for identification said possible
10 blood samples.

11 A. Correct.

12 Q. But we don't know whether it's blood or not, right?

13 A. They had to be sent to SLED for further analysis.

14 Q. Okay. Now in processing a scene or processing a car
15 is it correct that it's very important as a crime scene
16 tech to document what you're doing.

17 A. Correct.

18 Q. So for example when you pick up evidence at a crime
19 scene you carefully place it into an evidence bag and
20 seal it up, correct?

21 A. Correct.

22 Q. And you make sure that it goes to the evidence
23 locker where nobody can tamper with it, right?

24 A. Correct.

25 Q. So if those things are later sent off to SLED you

1 have an accurate documentation of what is going, right?

2 A. The accurate documentation remains with the items of
3 evidence so the chain of custody would have been with the
4 evidence unit.

5 Q. Okay. Now when you processed the Chrysler 200 was
6 that pursuant to a search warrant?

7 A. To my knowledge, yes.

8 Q. And did you actually document what items were taken?

9 A. Correct.

10 Q. For example you took a leather clipping from the
11 driver's side door, right?

12 A. Yes. It was a leather cutting from the door panel
13 on the driver's side.

14 Q. And why did you do a cutting on that as opposed to
15 just swabbing it?

16 A. I determined it was an area that I could cut out
17 easily.

18 Q. Okay. And then you took a number of swabs, right?

19 A. Correct.

20 Q. And you took the Ruger gun box, right?

21 A. Correct.

22 Q. And a gun grip?

23 A. Correct.

24 Q. And I assume that you took the receipts that we were
25 shown.

1 A. Yes.

2 Q. And do you have a copy of the search warrant return
3 up there with you?

4 A. I do not.

5 MS. NORRIS: Your Honor, may I approach?

6 THE COURT: You may. Show it to counsel.

7 [Whereupon, Ms. Norris shows document to Mr. Waring]

8 [Whereupon, the witness is shown document]

9 Q. [Ms. Norris] Is that the return on the search
10 warrant for that vehicle?

11 A. Yes.

12 Q. And is that your handwriting documenting each item
13 that was seized from the vehicle?

14 A. No.

15 Q. Okay. Whose handwriting is that?

16 A. I do not know. There is a signature at the bottom.
17 I do not recognize whose signature it is.

18 Q. Okay. And is there also several places on there
19 where what was originally written as a swab was crossed
20 out and initialed later on like a day later?

21 A. This is completed upon the search warrant. It is
22 signed when it is completed so nothing would have been
23 changed afterwards.

24 Q. Okay. Can you look on there --

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

1 THE COURT: You may. Now the jury can't see so
2 you're going to have to turn your back away from them so
3 they can see what you're pointing to.

4 [Whereupon, Ms. Norris approaches witness]

5 Q. [Ms. Norris] What I'm talking about is on line 2
6 where swab is written and crossed out and then napkin is
7 written, right?

8 A. Yes.

9 Q. And further on that same line where it says where it
10 came from what did it initially say?

11 A. Passenger side interior arm rest.

12 Q. And that's the arm rest is crossed out, right?

13 A. Yes, ma'am.

14 Q. All right. And do you see initials by that crossing
15 out?

16 A. Yes.

17 Q. And that's M-S?

18 A. Yes.

19 Q. And the date is June 23rd of 2017, correct?

20 A. Correct.

21 Q. And the rest of it was filled out on June 22nd,
22 correct?

23 A. Correct.

24 Q. So you don't know who did the crossing out but it
25 wasn't you?

1 A. It was not me, no.

2 Q. Okay. Let me get that back from you ma'am.

3 [Whereupon, Ms. Norris retrieves document from the
4 witness]

5 MS. NORRIS: Give me just a second please.

6 [Whereupon, Ms. Stewart and Ms. Norris confer with
7 the Defendant]

8 MS. NORRIS: No further questions, Your Honor.

9 THE COURT: Redirect?

10 MR. WARING: Thank you, Your Honor. Court's
11 indulgence.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

REDIRECT EXAMINATION

BY MR. WARING:

Q. Lisa, does crossing out or the not crossing out of XYZ items on the search warrant have anything to do with your actual collection of the three DNA presumptive blood spots that I showed you earlier?

A. No.

MR. WARING: No further questions, Your Honor.

THE COURT: Recross limited to redirect?

MS. NORRIS: None, Your Honor.

THE COURT: As to this witness, Solicitor?

MR. WARING: Please excuse her, Your Honor.

THE COURT: Ma'am, you may step down from the witness stand. You are excused from the trial of this case. You may leave the courtroom.

THE WITNESS: Thank you.

THE COURT: Leave my exhibits here.

[Whereupon, the witness is excused and exits the witness stand]

THE COURT: Counsel approach.

[Whereupon, an off the record bench conference is held]

THE COURT: Call your next witness.

1 MR. SOWARDS: Thank you, Your Honor. The State
2 calls Tiffany Adams.

3 [Whereupon, Ms. Adams comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: For the record please state your
7 full name spelling your last name.

8 THE WITNESS: Tiffany Adams, A-D-A-M-S.

9 THE COURT: Very good, Ms. Adams. Use that clear
10 voice so the jury can hear you. Don't shake your head or
11 nod your head. No Uh Uh or Uh Huh. Yes or no for the
12 court reporter, okay?

13 THE WITNESS: Yes, sir.

14 THE COURT: Your witness, counsel. Direct
15 examination subject to our bench conference.

16 MR. SOWARDS: Yes, Your Honor. Thank you.

17 - - - - -

18 TIFFANY ADAMS,

19 Having been first duly sworn,

20 Was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. SOWARDS:

23 Q. Ms. Adams, where do you currently work?

24 A. Currently I work with We Are Sharing Hope. It is an
25 organ procurement company.

1 Q. And what did you do prior to your position with
2 Sharing Hope?

3 A. I used to be a crime scene investigator for the City
4 of North Charleston Police Department.

5 Q. And how long were you a crime scene investigator for
6 the City of North Charleston Police Department?

7 A. For five years.

8 Q. Were you working in that capacity in June of 2017?

9 A. I was.

10 Q. And did you become involved in the investigation of
11 this case State verses Gregory Green during that time
12 period?

13 A. I was.

14 Q. And how did you become involved in this case?

15 A. I was called to relieve Lisa Kubicsko because she
16 was out on this case. And I arrived on the scene and
17 picked up where she left off.

18 Q. And where was the scene?

19 A. The scene was on -- can I refer to my notes?

20 MR. SOWARDS: Your Honor, may the witness refer ---

21 THE COURT: --- you may refer to your notes.

22 A. 2278 Bailey Avenue [sic].

23 Q. [Mr. Sowards] And upon arrival what did you do at
24 the scene?

25 A. I did a walk through with the fire investigator and

1 I started -- I did a walkthrough of the scene and then
2 took additional photographs and collected evidence.

3 Q. What evidence did you collect from the scene?

4 A. With the fire investigator anything that he pointed
5 out that he wanted collected. The detective wanted some
6 cigarette butts from a trash can and a cord from a trash
7 can to be collected.

8 Q. Where was that trash can located?

9 A. On Bailey Drive on the side of the house.

10 Q. So it was on the exterior of the house?

11 A. Yes.

12 MR. SOWARDS: Your Honor, may I approach the
13 witness?

14 THE COURT: You may.

15 Q. [Mr. Sowards] I'll first hand you what has been
16 marked for I.D. as State's exhibit 31.

17 [Whereupon, the witness is shown photograph]

18 Q. Can you take a look at that and tell me what it is?

19 A. This is the trash can.

20 Q. And how do you recognize it as a trash can?

21 A. It's next to the recycle bin and it has a cord that
22 I collected as evidence hanging from it.

23 Q. And is that a fair and accurate copy of the --

24 photograph of the trash can that you processed on Bailey
25 Drive?

1 A. Yes.

2 Q. I'll hand you now what has been marked for I.D. as
3 State's exhibit 32.

4 [Whereupon, the witness is shown photograph]

5 Q. What are we looking at in State's exhibit 32?

6 A. This is now the trash can with the lid open and a
7 more close-up picture of the cord.

8 Q. And how do you recognize it as such?

9 A. I photographed it.

10 Q. And is that a fair and accurate copy of the
11 photograph that you took on Bailey Drive?

12 A. Yes.

13 MR. SOWARDS: Your Honor, at this time the State
14 would seek to admit exhibits 31 and 32.

15 THE COURT: As to 31 and 32?

16 MS. NORRIS: No objection, Your Honor. I believe
17 they are already in evidence.

18 THE COURT: I think they are too, counsel. Let me
19 go back and look.

20 MR. SOWARDS: I apologize, Your Honor.

21 THE COURT: My notes reflect they are in. You can
22 publish 31 and 32 already in evidence.

23 MR. SOWARDS: Thank you, Your Honor.

24 [Whereupon, photograph is shown to the jury]

25 Q. [Mr. Sowards] So for the jury Ms. Adams could you

1 describe State's exhibit 31?

2 A. This is the trash can as discussed with the piece of
3 cord hanging from the inside out.

4 Q. And State's exhibit 32?

5 [Whereupon, photograph is shown to the jury]

6 A. The same trash can with the lid open; more close-up
7 picture of the cord that is hanging.

8 Q. Is there anything else visible in State's 32?

9 A. There are cigarette butts pointed out by the
10 detective that he wanted to be collected.

11 Q. And did you in fact collect those cigarette butts?

12 A. I did.

13 Q. What did you do with those cigarette butts after you
14 collected them?

15 A. After collecting the cigarette butts and any
16 evidence from the scene headed back to the office and
17 packaged them into evidence.

18 Q. Did you conduct a further examination on that trash
19 can aside from collecting things from it and
20 photographing it?

21 A. Processed any items that were collected from the
22 trash can.

23 Q. Did you process anything on the scene for
24 fingerprints?

25 A. Yes. No latent fingerprints were --

1 THE COURT REPORTER: No latent fingerprints?

2 A. Were obtained.

3 MR. SOWARDS: Your Honor, may I approach the
4 witness?

5 THE COURT: You may.

6 Q. [Mr. Sowards] Ms. Adams, I will hand you now what
7 has been marked as State's exhibit 88.

8 [Whereupon, the witness is shown exhibit]

9 Q. Do you recognize that?

10 A. Yes. This is the evidence where the cigarette butts
11 when they were removed from the trash can were packaged.

12 Q. And how do you recognize it as such?

13 A. It's my handwriting evidence recovered by Tiffany
14 Adams which is myself and on the tape it's my initials
15 and date.

16 MR. SOWARDS: Your Honor, at this time the State
17 would seek to admit exhibit 88 into evidence.

18 THE COURT: As to 88?

19 MS. NORRIS: No objection.

20 THE COURT: Ladies and gentlemen of the jury
21 State's exhibit number 88 will be admitted into evidence
22 in the trial of this case without objection.

23 [Whereupon, State's exhibit number 88 is entered
24 into evidence by the Court]

25 THE COURT: State's 88 in evidence; you may

1 publish.

2 Q. [Mr. Sowards] Ms. Adams, did you have any further
3 involvement in this case after you processed the scene at
4 2278 Bailey Drive?

5 A. Yes. I went to the Medical University of South
6 Carolina to autopsy and picked up the victim's
7 belongings.

8 Q. Did you collect any other items from the autopsy?

9 A. His clothes, any projectiles that was removed from
10 him and his personal items.

11 [Whereupon, Mr. Waring and Mr. Sowards confer]

12 MR. SOWARDS: Your Honor, may I approach the
13 witness?

14 THE COURT: You may.

15 Q. [Mr. Sowards] Ms. Adams, I'll first hand you what
16 has been marked for identification only as State's
17 exhibit 89.

18 [Whereupon, the witness is shown exhibit]

19 Q. Take a look at that and tell me whether you
20 recognize it.

21 A. I do.

22 Q. And what is State's 89?

23 A. This is an evidence envelope from the blood spot
24 from Freeman Rivers from the autopsy room which was
25 recovered by myself and it has my initials and date.

1 Q. And could you describe for the jury how you packaged
2 that item for evidence?

3 A. I receive it from the autopsy room in a brown
4 envelope and it is placed in a white evidence envelope
5 and it is sealed and taped with the initials and date.

6 Q. And does that appear to be in the same or
7 substantially the same condition as it was when you
8 submitted it into evidence?

9 A. Yes.

10 Q. Does it appear to have been tampered with or
11 altered?

12 A. Other than just opened on the opposite end by SLED
13 which we send for testing.

14 Q. I'll hand you now an envelope marked as State's
15 exhibit 90 through 93; 91, 92, and 93.

16 [Whereupon, the witness is shown exhibits]

17 Q. I'll ask if you recognize those items?

18 A. Yes.

19 Q. What are State's 90, 91, 92, and 93?

20 A. These are the projectiles that were removed from the
21 victim.

22 Q. Did you collect those exhibits?

23 A. Yes, when I picked up the items from the autopsy
24 room.

25 Q. And what did you do with those after they were

1 collected?

2 A. When I received them I packaged them in the
3 envelopes and placed them in the evidence locker.

4 MR. SOWARDS: Beg the court's indulgence.

5 [Whereupon, Mr. Waring and Mr. Sowards confer]

6 THE COURT: All right counsel, let's move along.

7 MR. SOWARDS: Thank you, Your Honor. No further
8 questions from the State.

9 THE COURT: Cross-Examination?

10 MS. NORRIS: May it please the Court?

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CROSS-EXAMINATION

2 BY MS. NORRIS:

3 Q. Ms. Adams, I believe you mentioned you attempted to

4 get fingerprints at the scene?

5 A. Yes.

6 Q. Did you do that all over the house?

7 A. The house was burnt so any areas that were pointed

8 out by the detective I would process the scene using

9 black fingerprint powder to obtain latent fingerprints.

10 Q. But you couldn't obtain any?

11 A. Couldn't obtain any.

12 Q. Did you try to do any DNA swabs in the house?

13 A. No, sir we didn't -- no ma'am, I'm sorry; we didn't

14 do any swabs.

15 Q. And did you sift through the debris to try to find

16 any shell casings ---

17 A. --- yes ---

18 Q. --- that might have been left by a weapon?

19 A. Yes ma'am, we did and negative was obtained.

20 Q. Okay. So you didn't find any shell casings?

21 A. Not on scene, no ma'am.

22 MS. NORRIS: Your Honor, may I approach?

23 THE COURT: [No response]

24 MS. NORRIS: May I approach?

25 THE COURT: You may.

1 [Whereupon, Ms. Norris retrieves exhibit]
2 Q. [Ms. Norris] And I'm showing you State's exhibit 88
3 again.
4 [Whereupon, the witness is shown exhibit]
5 Q. I believe you told us that those were the cigarette
6 butts that you collected?
7 A. From the trash can, yes ma'am.
8 Q. Do you recall how many cigarette butts?
9 A. No, ma'am. It just says cigarette butts removed
10 from the trash can.
11 Q. So more than one anyway?
12 A. Yes.
13 Q. And are they packaged all together?
14 A. Yes, because they are from the same location.
15 Q. Okay. So whether it's two cigarette butts or four
16 they're all in one envelope touching each other
17 presumably.
18 A. From the trash can, yes; from the location.
19 Q. Okay. Let me get that back from you.
20 [Whereupon, Ms. Norris retrieves exhibit from
21 witness]
22 MS. NORRIS: No further questions, Your Honor.
23 THE COURT: Redirect?
24 MR. SOWARDS: Just one brief item, Your Honor.
25

1 REDIRECT EXAMINATION

2 BY MR. SOWARDS:

3 Q. Ms. Adams, I showed you State's exhibit 89 which was
4 a blood spot collected by you from MUSC.

5 MR. SOWARDS: Your Honor, at this time the State
6 would seek to admit exhibit 89 into evidence.

7 THE COURT: As to 89?

8 MS. NORRIS: No objection.

9 THE COURT: Ladies and gentlemen of the jury
10 State's exhibit number 89 will be admitted into evidence
11 in the trial of this case without objection.

12 [Whereupon, State's exhibit number 89 is entered
13 into evidence by the Court]

14 THE COURT: 89 is now in evidence. Anything else,
15 counsel?

16 MR. SOWARDS: No, sir.

17 THE COURT: Recross?

18 MS. NORRIS: Nothing, Your Honor.

19 THE COURT: As to this witness, Solicitor?

20 MR. SOWARDS: May she be excused, Your Honor?

21 THE COURT: Any objection?

22 MS. NORRIS: None.

23 THE COURT: Very well. Ms. Adams, you may step
24 down from the witness stand. Leave my exhibits here if
25 you got any up on the witness stand. You're excused from

1 the trial of this case and you may leave the courtroom.

2 THE WITNESS: Thank you.

3 [Whereupon, the witness is excused and exits the
4 witness stand]

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE COURT: Mr. Foreman and ladies and gentlemen of
2 the jury I'm going to stop at this point for our lunch
3 break. I'm going to give you time enough to get lunch
4 and get back. Please report back to your jury room.

5 Please do not discuss the case during the lunch
6 break with anyone or amongst yourselves. I appreciate
7 very much your patience. It's 1 o'clock or just a little
8 bit after 1 o'clock. Please be back in your jury room at
9 2:30. Thank you very much. You may leave the courtroom
10 at this time.

11 [Whereupon, the jury exits at 1:01 p.m.]

12 THE COURT: All right counsel I want you to get
13 lunch also. We'll be at ease until 2:30. I want to see
14 my lawyers right in chambers when we come back. Be in my
15 chambers please about 2:25. Thank you.

16 MR. WARING: Thank you, Judge.

17 [Whereupon, Court is in recess from 1:01 p.m. until
18 2:55 p.m.]

19 THE COURT: The bailiff tells me we've got all the
20 jurors. Is the State ready to proceed?

21 MR. WARING: Yes, Your Honor.

22 THE COURT: Is the Defendant ready to proceed as
23 soon as the Defendant gets here?

24 MS. STEWART: Yes, sir.

25 THE COURT: Bring us the jury.

1 [Whereupon, the jury enters at 2:57 p.m.]

2 THE BAILIFF: The jury is all present, Your Honor.

3 THE COURT: Thank you, sir. All right. Mr.

4 Foreman, ladies and gentlemen of the jury we're going to
5 continue with testimony. I've been -- the reason I'm
6 running behind is I had a meeting with the lawyers about
7 the timing of this so that you can adjust your schedules.

8 We probably will not complete this trial until
9 Thursday. There are a lot of reasons for that; matters
10 that I have to take up of law which I'm going to do as
11 the need arises. So I wanted you to understand that.

12 But I'm planning on you being in a position to
13 consider this case on Thursday so I want you to
14 understand that. And I haven't forgotten what I told you
15 when I qualified you either. All right Solicitor, call
16 your next witness.

17

18

19

20

21

22

23

24

25

1 MR. SOWARDS: Thank you, Your Honor. The State
2 calls Sam Souther.

3 [Whereupon, Mr. Souther comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: For the record please state your
7 full name and spell your last.

8 THE WITNESS: Samuel Souther, S-O-U-T-H-E-R.

9 THE COURT: Counsel approach.

10 [Whereupon, an off the record bench conference is
11 held]

12 THE COURT: Speak up for me and give me a verbal
13 answer. Say yes or no; don't shake your head or nod your
14 head. For the court reporter's sake no Uh Uh or Uh Huh;
15 yes or not. And you see this nice lady sitting on the
16 second row back here at the end of the jury [indicates] I
17 want her to be able to hear every word you say.

18 THE WITNESS: Yes, sir.

19 THE COURT: There you go. Your witness, counsel.
20 Direct Examination.

21 - - - - -

22 SAMUEL SOUTHER,

23 Having been first duly sworn,

24 Was examined and testified as follows:

25 DIRECT EXAMINATION

1 BY MR. SOWARDS:

2 Q. I apologize for mispronouncing your name. Where do
3 you currently work?

4 A. North Charleston Police Department.

5 Q. And what do you do for the North Charleston Police
6 Department?

7 A. I'm assigned to the U.S. Marshals Fugitive Task
8 Force.

9 Q. And could you tell the jury a little bit about your
10 training and experience in law enforcement.

11 A. I've had over the years various intelligence
12 training courses that were provided by North Charleston
13 Police and also the U.S. Marshals as well as tactical
14 training through the police department and the Marshals
15 service.

16 Q. With respect to this case and this Defendant did you
17 participate in the arrest of this Defendant in July of
18 2017?

19 A. Yes.

20 Q. And where was the Defendant located?

21 A. The Defendant was located at a residence in
22 Charleston city. I believe it was the corner of Congress
23 and Benson.

24 Q. Could you describe for the jury the process of
25 arresting this Defendant on that date?

1 A. On that date throughout the course of the
2 investigation it led us to that residence. We conducted
3 surveillance on the residence.

4 Once we determined that we wanted to surround the
5 residence and verify whether he was there or not we
6 showed up. We spoke to someone that was out on the
7 street.

8 They confirmed that they saw him on the porch
9 recently. We surrounded the residence and then began
10 giving verbal commands for that subject to step on
11 outside through our P.A. system, which is a loud speaker
12 on our vehicles.

13 Q. And were you able to make contact with the
14 Defendant?

15 A. Yes.

16 Q. Did he immediately surrender himself to your
17 custody?

18 A. No. No, he did not.

19 Q. But eventually he was arrested on that date?

20 A. Correct, yes.

21 Q. Did you enter the house at that point?

22 A. Yes. Once we took him into custody we did conduct a
23 security sweep of the residence just to make sure there
24 was no other victims or anyone hurt inside or any threats
25 that could hurt us while we were outside.

1 Q. Did you locate anything of note when you conducted
2 the security sweep?

3 A. Yes. There was a cell phone that looked as if it
4 was recently snapped in half and thrown down under the
5 hallway that it looked like it was under construction; a
6 small opening in the wall.

7 MR. WARING: Beg the court's indulgence.

8 [Whereupon, Mr. Waring and Mr. Sowards confer]

9 Q. [Mr. Sowards] Just one final question. You stated,
10 testified earlier that the Defendant did not immediately
11 surrender himself into your custody. How long did it
12 take to apprehend the Defendant?

13 A. I would say approximately 20 to 30 minutes. Once we
14 surrounded the house I took the position of the front
15 left corner behind my vehicle and began giving the verbal
16 commands to him to come outside.

17 Other units that were on scene advised that somebody
18 tried to escape through a window on the right side of the
19 residence. Other officers could hear somebody running
20 around inside. But I would say between 20 or 30 minutes
21 he did finally come outside.

22 MR. SOWARDS: Thank you. No further questions
23 from the State, Your Honor.

24 MS. NORRIS: May it please the Court?

25 THE COURT: Cross-Examination?

1 CROSS-EXAMINATION

2 BY MS. NORRIS:

3 Q. Officer, were there other people present in the
4 house?

5 A. I believe there was someone on the porch initially
6 but not inside the house.

7 Q. And the cell phone you described did you take that
8 into evidence?

9 A. Yes. Another officer on scene processed it into
10 evidence, yes.

11 Q. And do you know where it went to, whether it is in
12 the courtroom or not? You don't have anything to do with
13 that?

14 A. No, ma'am.

15 Q. All right.

16 MS. NORRIS: No further questions.

17 THE COURT: Redirect?

18 MR. SOWARDS: No, Your Honor.

19 THE COURT: As to the witness, counsel?

20 MR. SOWARDS: May he be excused, Your Honor?

21 THE COURT: Any objection?

22 MS. NORRIS: None, Your Honor.

23 THE COURT: Mr. Souther, you may step down. You're
24 excused from the trial of this case. You may leave the
25 courtroom.

1 [Whereupon, the witness is excused and exits the
2 witness stand]

3 THE COURT: Call your next witness.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. SOWARDS: Thank you, Your Honor. The State
calls David Pritchard.
[Whereupon, Mr. Pritchard comes forward]
[Whereupon, the witness is duly sworn by the Clerk
of Court]
CLERK OF COURT: For the record please state your
full name spelling your last.
THE WITNESS: David Pritchard, P-R-I-T-C-H-A-R-D.
THE COURT: Your witness, counsel. Direct
examination.
THE COURT: Mr. Pritchard, you have a good voice.
Speak up; you don't have to get right on top of the
microphone. Give me a yes or no; don't shake your head
or nod your head for the court reporter. And don't say
Uh Uh or Uh Huh; yes or no for me.
THE WITNESS: I've got it, Your Honor.
THE COURT: Your witness, counsel.
MR. WARING: Thank you, Your Honor.
- - - - -
DAVID PRITCHARD,
Having been first duly sworn,
Was examined and testified as follows:
DIRECT EXAMINATION
BY MR. SOWARDS:

1 Q. Where do you currently work?

2 A. North Charleston Police Department.

3 Q. And could you tell the jury what you do at the North
4 Charleston Police Department?

5 A. I'm currently a detective in our Person's Crime
6 Unit.

7 Q. And what does that involve?

8 A. We investigate anything from a felony assault all
9 the way up to homicides.

10 Q. And could you describe for the jury your training
11 and experience in law enforcement?

12 A. Yes. I've been in law enforcement for 13 years.

13 I've been a detective for four of those. Criminal
14 Justice Academy and then from there several advanced
15 classes involving homicide investigations, armed robbery,
16 interview interrogation and stuff like that.

17 Q. Did you have the occasion to become involved in this
18 case the State verses Gregory Green?

19 A. I did.

20 Q. And how did you become involved in this case?

21 A. I attended a proffer of Terrance Doucet. And at
22 that proffer I conducted a lineup with him and also
23 obtained his DNA via a buccal swab.

24 Q. And where did this proffer take place?

25 A. Solicitor's office.

1 Q. And what is a proffer?

2 A. From my understanding it is contract between a
3 Defendant and the Solicitor. It's the opportunity for a
4 Defendant to come in and tell the truth and nothing he
5 says in that meeting can be used against him.

6 Q. And on the flip side of that you said a proffer
7 guarantees or not guarantees but it encourages the
8 Defendant or the subject of it to tell the truth. What
9 happens if that person lies?

10 A. Anything he said during the proffer could be used
11 against him at that point.

12 Q. You also testified that you conducted a photographic
13 lineup during that proffer with Mr. Doucet. Could you
14 describe for the jury your process of conducting a
15 lineup?

16 A. Yes. The lineup is six photographs of individuals.
17 We have a -- it's called a report of photographic lineup.
18 It's just basically an instruction sheet that we read to
19 the witness.

20 As he reads it I have him initial each instruction
21 saying that he understands it and from there I will get
22 into the photographic portion of it.

23 Like I said six photographs. They are sequentially
24 one through six showing one at a time. It's yes or no
25 for a picture. If it's a no I flip the picture so there

1 is no comparison between two pictures at one time.

2 Q. Did you compile the photo array?

3 A. I did not.

4 Q. But you administered it?

5 A. I did.

6 Q. Did you suggest anyone for Mr. Doucet to pick?

7 A. No, sir.

8 Q. Did he ultimately pick a subject?

9 A. Yes. He picked up picture number four as being
10 Gregory Green.

11 Q. And you also testified previously that you conducted
12 or administered a buccal swab ---

13 A. --- correct ---

14 Q. --- from Mr. Doucet. Tell the jury what that means.

15 A. A buccal swab is a Q-tip that you place into the
16 inside of a person's mouth just to obtain saliva for DNA.
17 It's a kit that we get.

18 The Q-tip goes into a cardboard box sealed into an
19 envelope with evidence tape that is submitted into
20 evidence.

21 Q. Did Mr. Doucet consent to that?

22 A. He did.

23 MR. SOWARDS: Your Honor, may I approach the
24 witness?

25 THE COURT: You may.

1 Q. [Mr. Sowards] I'll hand you now what has been marked
2 for identification as State's exhibit 95.

3 [Whereupon, the witness is shown exhibit]

4 Q. Do you recognize that?

5 A. Yes, sir.

6 Q. And what is that?

7 A. This is the buccal swab I obtained from Terrance
8 Doucet.

9 Q. Is that in the same or substantially the same
10 condition as it was when you obtained it?

11 A. Yes, it is.

12 MR. SOWARDS: Your Honor, at this time the State
13 would seek to admit exhibit 95 into evidence.

14 THE COURT: As to 95?

15 MS. NORRIS: No objection.

16 THE COURT: Ladies and gentlemen of the jury
17 State's exhibit 95 will be admitted into evidence in the
18 trial of this case without objection. You may publish to
19 the jury.

20 [Whereupon, State's exhibit number 95 is entered
21 into evidence by the Court]

22 MR. SOWARDS: Thank you, Your Honor.

23 [Whereupon, Mr. Waring and Mr. Sowards confer]

24 MR. SOWARDS: The State has no further questions
25 for this witness, Your Honor.

1	THE COURT: Cross-Examination?
2	MS. NORRIS: May it please the Court?
3	THE COURT: Proceed.
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CROSS-EXAMINATION

BY MS. NORRIS:

Q. Detective Pritchard, the proffer that you were talking about that's something that the Solicitor's office prepares, correct?

A. Yes, ma'am.

Q. And the people that sign onto that were Terrance Doucet and this gentleman right here [indicates] Assistant Solicitor Waring.

A. I believe so, yes ma'am.

Q. Along with Mr. Doucet's lawyer.

A. Correct.

Q. And when you talked about the consequences if they tell the truth verses if they lie he's the one that decides whether it is the truth or the lie, right?

A. Yes, based on that and evidence and stuff like that.

Q. He decides whether he's going to prosecute Mr. Doucet because he believes it a lie, right?

A. Correct.

Q. And he decides whether he's not going to prosecute Mr. Doucet because he believes it's the truth, right ---

A. ---

THE COURT REPORTER: What was your answer?

A. Correct.

MS. NORRIS: No further questions, Your Honor.

1	THE COURT: Redirect?
2	MR. SOWARDS: Just one question, Your Honor.
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

1 REDIRECT EXAMINATION

2 BY MR. SOWARDS:

3 Q. During that proffer did you suggest a story to Mr.

4 Doucet?

5 A. I did not.

6 MR. SOWARDS: No further questions, Your Honor.

7 THE COURT: Recross limited to redirect.

8 MS. NORRIS: Nothing, Your Honor.

9 THE COURT: As to this witness?

10 MR. SOWARDS: May this witness be excused, Your

11 Honor?

12 THE COURT: Any objection?

13 MS. NORRIS: None.

14 THE COURT: You may step down Mr. Pritchard.

15 You're excused from the trial of this case. You may

16 leave the courtroom.

17 [Whereupon, the witness is excused and exits the

18 witness stand]

19 THE COURT: Call your next witness.

20

21

22

23

24

25

1 MR. WARING: Thank you, Your Honor. The State
2 calls Lisa Bloodworth.

3 [Whereupon, Ms. Bloodworth comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: For the record please state your
7 full name spelling your last.

8 THE WITNESS: My name is Lisa Bloodworth, B-L-O-O-
9 D-W-O-R-T-H.

10 THE COURT: Very good, Ms. Bloodworth. Speak up
11 for me. Give me a verbal answer. Say yes or no. Don't
12 shake your head or nod your head. No Uh Huh or Uh Uh.
13 Yes or no for the court reporter's sake and for the
14 Court.

15 THE WITNESS: Yes, sir.

16 THE COURT: Thank you. Your witness. Direct
17 examination.

18 MR. WARING: Thank you, Your Honor.

19 - - - - -

20 LISA BLOODWORTH,

21 Having been first duly sworn,

22 Was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. WARING:

25 Q. Good afternoon, Lisa.

1 A. Good afternoon.

2 Q. Lisa, please tell the jury where you work?

3 A. I work down at the Sheriff Al Cannon Detention
4 Center.

5 Q. What do you do at the detention center?

6 A. I am part of the security threat crew.

7 Q. Okay. And can you tell us what some of your duties
8 and responsibilities are?

9 A. Yes. We do in house investigation. We are in
10 charge of all the subpoenas that come to the jail,
11 maintaining records of different various things that come
12 through the jail, gathering information through Intel.

13 Q. Now I want to talk about video visitation. Can you
14 tell the jury what that is?

15 A. Video visitation is when somebody is incarcerated
16 and somebody would like to come and visit them. So they
17 will register within our system. Once they are
18 registered they just have to register the one time and
19 then they have to schedule a visit.

20 Then they come into the jail. We have two different
21 ways. You can come to the jail or we also have -- which
22 are free, or you can purchase one online.

23 It's like a face time but you do it from home for
24 your inmate. I think it's like 7 dollars and 35 cents
25 for the 30 minutes. Then you come in and you check in

1 and then we call the unit and the inmate comes to the
2 video and so it's all done by video monitor.

3 Q. All right. And are those videos recorded?

4 A. Yes, they are.

5 Q. Are inmates told that they are being recorded?

6 A. Yes.

7 Q. Now, do you deal with these videos on a regular
8 basis?

9 A. Yes, I do.

10 Q. And can you describe to the jury what you do when
11 you get a subpoena for these videos?

12 A. Generally, if we get a subpoena for videos they will
13 tell us what they are looking for, the inmate, a
14 timeframe. And then we will go into the system that we
15 use, which is the -- system.

16 THE COURT REPORTER: What is the name of the
17 system?

18 A. Renovo. And then we will download all of the
19 videos. It will download a log for that timeframe that
20 we put in.

21 It will give us a log of who the inmate is, who is
22 visiting, the times, what monitor they were on. And then
23 we will download all of the visits as well and put them
24 on a disk.

25 Q. [Mr. Waring] All right. So you mentioned this

1 Renovo system; is that how all these videos are stored?

2 A. Yes, it is.

3 Q. Can they be altered by anybody?

4 A. No, they cannot.

5 Q. Are these videos generated at or near the time of
6 the real time of the video visit?

7 A. Yes, it is.

8 Q. Okay. And are they generated in the normal course
9 of business?

10 A. Yes.

11 Q. And is it a regularly conducted business activity to
12 generate such videos?

13 A. Yes, it is.

14 [Whereupon, Mr. Waring confers with Ms. Stewart and
15 Ms. Norris]

16 MR. WARING: Your Honor, may I approach the
17 witness?

18 THE COURT: You may.

19 Q. [Mr. Waring] Okay Lisa, I'm showing you State's
20 exhibits 96 through 98 for identification purposes only.
21 Starting with exhibit 96 can you tell the jury what that
22 is?

23 [Whereupon, the witness is shown exhibit]

24 A. That is a video visit.

25 Q. And is that the video visit disk for the Defendant's

1 video visits?

2 A. Yes, it is.

3 Q. Now exhibit 97?

4 [Whereupon, the witness is shown exhibit]

5 Q. Can you tell the jury what that is?

6 A. It's the same thing as well; it's another video
7 visit for Mr. Green.

8 Q. In preparation for trial have you listened to
9 specific video visits from exhibit 96?

10 A. Yes, I have.

11 Q. Okay. And have you also listened to the same
12 recordings from exhibit 97?

13 A. Yes.

14 Q. And did you indicate on those disks that you had
15 watched them by signing your name?

16 A. Yes, I did.

17 Q. Now does exhibit 96 fairly and accurately depict the
18 Defendant's original video visit videos?

19 A. Yes, it does.

20 Q. And do the recordings, the clipped disk; exhibit 97,
21 fairly and accurately depict the same recordings from the
22 original disk exhibit 96?

23 A. Yes, it does.

24 Q. Now, when you were doing that did you have a chance
25 to follow along with a transcript?

1 A. Yes, I did.

2 Q. And I'm showing you for identification purposes
3 State's exhibit 98.

4 [Whereupon, the witness is shown exhibit]

5 Q. Can you tell us what that is?

6 A. This is the transcript that goes -- that corresponds
7 with these disks.

8 Q. Okay. So is that the same set of transcripts that
9 you used and followed along with when you were going
10 through all the jail calls on -- excuse me, video visits
11 on both exhibit 96 and 97?

12 A. Yes, it is.

13 Q. And again, these are the Defendant's video visits,
14 correct?

15 A. Correct.

16 MR. WARING: Your Honor, at this point the State
17 moves to have just exhibit 97 admitted into evidence.

18 THE COURT: Just 97?

19 MR. WARING: Yes, Your Honor.

20 THE COURT: Counsel approach.

21 [Whereupon, an off the record bench conference is
22 held]

23 THE COURT: Mr. Foreman and ladies and gentlemen of
24 the jury I need to take up a matter of law. Please step
25 to your jury room. Do not discuss the case. I'll be

1 back with you just as quickly as I can.

2 [Whereupon, the jury exits at 3:19 p.m.]

3 THE COURT: You sit tight, ma'am.

4 THE WITNESS: Yes, sir.

5 THE COURT: Yes ma'am, counsel indicated she wished
6 to be heard concerning -- the State is moving just the
7 admission of 98, is that right?

8 MR. WARING: 97, Your Honor.

9 THE COURT: I'm sorry, 97; excuse me. 98 is the
10 transcript. There are two different videos 96 and 97 and
11 just moving 98 [sic]. Now is there an objection as to 98
12 or is there an objection concerning the transcript?

13 MS. NORRIS: All of the above, Your Honor.

14 THE COURT: All right.

15 MS. NORRIS: And I believe this witness is also
16 going to address the jail calls so I can go ahead and
17 make that ---

18 THE COURT: --- well, I don't know anything about
19 what is going to be admitted as the jail calls so let's
20 deal with just this right now. The video -- what I'm
21 dealing with right now, and I'm not sure because I don't
22 know what's on 98 other than it's a video. Solicitor,
23 what is on 98?

24 MR. WARING: Your Honor, 96 is the original disk.
25 97 is the clipped disk which we're seeking to introduce.

1 98 is the transcript.

2 THE COURT: The transcript that I have that I was
3 given by the Solicitor's office, which is 98 is that
4 right?

5 MR. WARING: Correct, Your Honor.

6 THE COURT: Is a transcript of 97?

7 MR. WARING: Correct, Your Honor.

8 THE COURT: All right. I'm dealing now with the
9 video visit video. I was given a transcript. It's got
10 numbers on it. The numbers are 3-5-6-7-2-1, July 14th
11 1917 -- 2017.

12 MS. NORRIS: Your Honor, we object for several
13 reasons. First of all I don't think that we heard
14 anything about a search warrant for this; it was just a
15 subpoena. The Defendant is locked up. And yes, there is
16 a recording that says if you visit anybody it's going to
17 be recorded. But we submit that that is improper. The
18 jail can do it for security purposes. They're not here
19 because of security purposes.

20 They're trying to use this in evidence against him.
21 He is talking in general with family members. In large
22 part he's discussing, in the larger sense what he has
23 told to his attorneys so it also invades essentially his
24 ability to talk with his family about what he is telling
25 us. So we object in general to the video. We have more

1 specific objections to other things that we can address
2 now or we can wait ---

3 THE COURT: --- Solicitor, let me hear from you
4 first of all on the video.

5 MR. WARING: Your Honor, with regard to the search
6 warrant he's in jail; there is no expectation of privacy.
7 And he's told the calls are being recorded. He ---

8 THE COURT: --- he's told that any visit or calls
9 would be recorded.

10 MR. WARING: Correct. Yes, Your Honor. Regarding
11 the actual content Your Honor this is just a classic
12 textbook admission by a party opponent. Anything
13 incriminating he says comes in as a standard admission by
14 a party opponent ---

15 THE COURT: --- now on the video transcript that I
16 reviewed there is no interrogation by any law enforcement
17 officer, is that correct?

18 MR. WARING: That's correct, Your Honor.

19 THE COURT: And who are the people that are
20 participating on the video?

21 MR. WARING: Your Honor, the people who are
22 participating are non-attorneys. They are his family and
23 friends. It's not privileged communications. Anything
24 that he is talking about if he is relaying anything that
25 he talks about with his attorney has clearly been waived

1 that privilege because he's talking to third parties and
2 not his attorney. We're not trying to move in any
3 privileged communication between him and his attorneys.

4 THE COURT: And who were the people? All I've got
5 is I've got D for Defendant on the transcript, G for guy
6 the Defendant speaks with, and W for wife. Will you
7 identify who is G?

8 MR. WARING: Your Honor, you mean right now you
9 want me to identify these people in court or ---

10 THE COURT: --- no, I mean identify the person.
11 You tell me they are non-law enforcement people. Tell me
12 who they were other than guy.

13 MR. WARING: Your Honor, I don't -- I'm not -- I
14 don't know the guy's name. I don't know his name.

15 THE COURT: Have you asked this witness?

16 MR. WARING: Right now, Your Honor?

17

18

19

20

21

22

23

24

25

1 IN CAMERA DIRECT EXAMINATION

2 BY MR. WARING:

3 Q. Ms. Bloodworth, would you mind telling us for
4 specific video visit videos 3-5-6-7-2-1 who is speaking
5 on that video visit?

6 A. I am not going to say this name right sorry; it's
7 Ormekia Shabrell Pelzer.

8 THE COURT: Would you spell that for the court
9 reporter?

10 THE WITNESS: Ormekia O-R-M-E-K-I-A and middle name
11 Shabrell S-H-A-B-R-E-L-L and Pelzer P-E-L-Z-E-R.

12 THE COURT: Who else?

13 THE WITNESS: I believe that one is the spouse.
14 That -- the second -- the other guy I do not know who
15 that lady was with. When I went back and pulled the logs
16 she was the only one that was scheduled for that visit
17 and he must have just kind of worked his way back there.

18 THE COURT: Was this person who is identified as
19 Guy a law enforcement officer?

20 THE WITNESS: No, because I've seen him in other
21 videos so I know who it is. I just don't know exactly
22 who -- I mean it's not exactly on this one but I do know
23 who it is.

24 THE COURT: All right. You considered him a family
25 member visitor?

1 THE WITNESS: Yes.

2 THE COURT: Or a friend?

3 THE WITNESS: A family member.

4 THE COURT: I see. All right Solicitor.

5 Q. [Mr. Waring] Okay Ms. Bloodworth, now regarding
6 video visit 3-5-5-9-9-8 can you inform the Court who was
7 speaking on that video?

8 A. Yes. They were listed as siblings or half siblings.
9 It is a Stacey McCoy and Timothy McCoy.

10 THE COURT: And that's on the 3-5-5-9-9-8?

11 THE WITNESS: Yes, sir.

12 THE COURT: So L is Stacey and G is Timothy per the
13 transcript? That's what I have for identification.

14 THE WITNESS: Yes. Yes.

15 THE COURT: And these were family members or law
16 enforcement personnel?

17 THE WITNESS: Family members.

18 THE COURT: All right. Go ahead, Solicitor.

19 MR. WARING: Thank you, Your Honor.

20 Q. [Mr. Waring] Lastly Ms. Bloodworth, can you tell us
21 with regard to video visit video 3-6-0-6-5-8 please
22 inform the Court who is speaking on that video?

23 A. On that video is Stacey McCoy.

24 THE COURT: And that's the person identified on 3-
25 6-0-6-5-8 as L for Lady?

1 THE WITNESS: Yes. Yes, sir.

2 THE COURT: On the transcript?

3 THE WITNESS: Yes, sir.

4 THE COURT: All right. Solicitor?

5 MR. WARING: So these are not law enforcement
6 agents. These are not attorneys. They're not
7 representatives of the State. They are merely -- either
8 family members or friends of the Defendant. They're
9 having a discussion.

10 They know it's being recorded. They're told its
11 being recorded. He says incriminating things at one
12 point or another and Your Honor we would ask that they
13 come in just as a basic admission by a party opponent.

14 THE COURT: Very well. Your objection as to the
15 grounds that you've stated insofar as the admission --
16 and we're dealing at this point as I understand it from
17 -- Solicitor, we're dealing with just the admission of 97
18 at this point, is that correct?

19 MR. WARING: Yes, Your Honor.

20 THE COURT: Your objection is respectfully
21 overruled insofar as the need for a search warrant or for
22 any type of custodial interrogation or an interference
23 with attorney client privilege. I've ruled on that
24 matter. Now I'm willing to hear you on another matter.

25 MS. NORRIS: Your Honor, I have a separate

1 objection to this. I understand ---

2 THE COURT: --- that you haven't stated grounds
3 for?

4 MS. NORRIS: That is correct. I mentioned the
5 search warrant. Now my objection is that there wasn't
6 probable cause for the initial arrest to put him in jail.
7 The arrest warrant in this case says specifically that
8 part of the arrest basis was that my client's cell phone
9 records had been obtained and put him on Bailey Drive
10 when in fact his cell phone records that weren't even
11 subpoenaed until the end of August 2017.

12 So that is a flat-out falsehood in the arrest
13 warrant therefore his detention at that time was a fruit
14 of that improper arrest ---

15 THE COURT: --- let me hear you on probable cause,
16 Solicitor.

17 MR. WARING: Thank you, Your Honor. At this point
18 in the game Judge I think probable cause is not exactly
19 the right terminology we're looking for. Beyond a
20 reasonable doubt ---

21 THE COURT: --- well she argues there wasn't
22 sufficient probable cause to issue an arrest warrant and
23 that this is the fruit of the poisonous tree as a result
24 of the issuance of the arrest warrant without probable
25 cause I believe that's her argument.

1 MR. WARING: Judge ---

2 MS. NORRIS: --- it is, Your Honor.

3 MR. WARING: This case went before a preliminary
4 hearing Judge. It was rubber-stamped ---

5 THE COURT: --- where there was a determination as
6 to probable cause?

7 MR. WARING: It was indicted by a Grand Jury. They
8 determined there was probable cause. I think now is a
9 little stale for that issue, Judge and we should proceed.

10 THE COURT: Very well. Counsel, your objection at
11 this point on probable cause after a preliminary hearing
12 indictment is respectfully overruled.

13 MS. NORRIS: Yes, sir.

14 THE COURT: Do you wish to be heard on any other
15 matter now because you wanted to jump ahead a while ago
16 and I stopped you because I wanted to make sure I
17 understood first your objections as to the transcript.

18 MS. NORRIS: That is ---

19 THE COURT: --- that is not being admitted into
20 evidence. And I told you in chambers I'm not going to
21 admit a transcript into evidence but I'm certainly
22 willing to hear you about the use of the transcript even
23 though at this point the Solicitor doesn't intend to
24 introduce, which is exhibit 98, the transcript of the
25 video visits at the jail.

1 MS. NORRIS: Yes, sir. It is my understanding that
2 he wants to when that is played to pass the transcript
3 out to the jury.

4 THE COURT: Pass the transcripts out. Do you agree
5 that it is completely discretionary with the Court?

6 MS. NORRIS: I agree that it is when there is a
7 question of whether you can -- whether the audio is --
8 you can understand it or not. I don't think there is
9 anything wrong with ---

10 THE COURT: --- well, let me tell you what I did,
11 so you will know, this weekend. I first tried to play
12 the videos that you have and the Solicitor has on my
13 phone. I was unable to open them on my phone. I had to
14 go to my laptop in my office on a Saturday and Sunday and
15 play them. I could not understand I would say something
16 in the neighborhood of 85 to 90 percent of ---

17 MS. NORRIS: --- I don't think it was a volume
18 problem though, Judge.

19 THE COURT: It wasn't a volume problem. It was
20 understanding the words because of the way it expressed
21 itself. I think there is a real need -- now if you feel
22 at any point, and I told you I'm willing to hear you on
23 this, that the transcript that he has obtained in any way
24 is different from -- but I understood y'all worked that
25 out so I want to make -- you're nodding your head ---

1 MS. NORRIS: --- that has been worked out, Your
2 Honor.

3 THE COURT: All right. And I believe whether or
4 not to allow the use of a transcript not in the jury room
5 as evidence okay but to allow the use of the transcript
6 to aid in the presentation of a tape recorded event; a
7 video recorded event in this case is within the Court's
8 discretion.

9 I don't think allowing the use of the transcript
10 when you have not identified any errors in the transcript
11 because y'all have worked that out. I will give the jury
12 however the following limited instruction which I told
13 you in chambers that I would say to the jury.

14 At the time that the transcripts are passed out I
15 will say this. If there is any doubt in your mind about
16 what the transcript shows and what you hear on the tape
17 you go by the tape because it is the evidence, not the
18 transcript. The transcript is merely an aid because of
19 the difficulty in understanding the words on the tape.
20 Do you understand?

21 MS. NORRIS: I do, sir.

22 THE COURT: So your objection to the use of the
23 transcript because I've tried to listen to it and frankly
24 I want you to understand I had tremendous difficulty
25 understanding. Now there are a lot of curse words on

1 this video and there are curse words I could understand.
2 But the content of the video to understand expressions
3 that was played I think the jury needs some assistance
4 where you have not been able to show me that there is no
5 error in the transcript I think it's within my discretion
6 to allow the jury to have that to assist them. And so I
7 respectfully overrule your objection on that ground.

8 MS. NORRIS: Yes, sir. Thank you, Your Honor.

9 THE COURT: Thank you very much. All right
10 Solicitor, you ready to proceed now?

11 MR. WARING: Yes, Your Honor.

12 THE COURT: Counsel approach. Let me have two of
13 you right now --

14 [Whereupon, an off the record bench conference is
15 held]

16 THE COURT: Lay a foundation for me. But before you
17 do that though I understand you've got 20 copies of what
18 we've already gone over. I want the court reporter to
19 have one all right.

20 I want each member of the jury; there is 12 plus the
21 3 alternates are 15. So that's 15 of your copies to have
22 one. I want to make sure both the lawyers for the
23 Defendant has one and both members of the State have one
24 and my law clerk and I have one that's being used.

25 MR. WARING: Your Honor, it is okay if I want to

1 pass it out to the jury until the actual ---

2 THE COURT: --- oh, absolutely. I just want to
3 make sure you got enough to accommodate the entire jury
4 when we do it.

5 MR. WARING: Yes, Your Honor.

6 THE COURT: Mark it for identification only. This
7 will be what number?

8 THE COURT REPORTER: This will be Court's 5.

9 THE COURT: It will be Court's exhibit number 5 for
10 identification only.

11 [Whereupon, Court's exhibit number 5 is marked by
12 the court reporter]

13 THE COURT: And counsel for the Defendant each of
14 you now have a copy of Court's exhibit number 5?

15 MS. NORRIS: We do, Your Honor.

16 THE COURT: The Court Reporter also has a copy and
17 is marking it for the record. All right Solicitor, you
18 want to lay a foundation with this witness concerning
19 other matters other than what we've already taken up?

20 MR. WARING: Yes, Your Honor.

21 IN-CAMERA DIRECT EXAMINATION (resumes)

22 BY MR. WARING:

23 Q. Okay Lisa, do you deal with jail calls?

24 A. Yes, I do.

25 Q. All right. To what extent?

1 A. We monitor them. We listen to them. They are all
2 recorded; whatever we need to do with them.

3 Q. Are different inmates do they use different PIN
4 numbers?

5 A. All the time.

6 Q. Can you explain what the PIN number system is all
7 about?

8 A. When they first come into jail once they are booked
9 and they get their photos and prints done they are issued
10 a PIN number. And that PIN number is indigenous to each
11 inmate; they have their own.

12 And then when they need to make phone calls, do like
13 work on the kiosk different things within the jail they
14 have to use that PIN number. So the person, the inmate,
15 who is actually going to use the phone has to put in the
16 phone number and has to put in their PIN number to get
17 the phone call to go through.

18 But they will share them. If somebody doesn't have
19 money they will have canteen or something; they'll share
20 them. But they give out PIN numbers all the time.

21 Q. Okay. Now like the video visits are the jail calls
22 recorded?

23 A. Yes, they are.

24 Q. And are the jail calls generated in the normal
25 course of business?

1 A. Yes, they are.

2 Q. And are they recorded at or near real time?

3 A. Yes, they are.

4 Q. Is it a regularly conducted business activity to
5 generate and store these jail calls?

6 A. Yes, it is.

7 Q. Now can you describe to the Court what you do when
8 you get a subpoena for jail calls?

9 A. Again, it's the same kind of idea. They generally
10 will give us what they're looking for. We can do it a
11 couple of different ways.

12 We can do it if they're looking for inmate or if
13 they're looking for a target number. But just whatever
14 they're looking for we will put that into our program and
15 I will pull...

16 THE COURT: Hold on one second. Are the inmates
17 told that their calls will be recorded?

18 THE WITNESS: Yes, numerous times.

19 THE COURT: All right. Number two, does an inmate
20 have an express number of minutes that he can make a call
21 with the inmate's own PIN number?

22 THE WITNESS: It's a 15 -- well, it's a 20 minute
23 call; they just moved it to 20 minutes. Once that 20
24 minutes is up they can hang up and call right back.

25 THE COURT: So they can repeat the call but after

1 20 minutes the call is going to be terminated and they
2 have to initiate it?

3 THE WITNESS: Right.

4 THE COURT: Is there any limit on the number of
5 calls an inmate can make?

6 THE WITNESS: No, there is not.

7 THE COURT: Can an inmate use another inmate's PIN
8 number in order to make a call if the inmate's friend
9 shared the PIN number?

10 THE WITNESS: Yes, they can.

11 THE COURT: And how do you identify if other than
12 the inmate's PIN number has been used if that particular
13 inmate was on the call if another PIN number was being
14 used?

15 THE WITNESS: Generally we will go to the phone
16 number. So if they have like a particular phone number
17 that they are -- because generally the inmates would call
18 pretty much the same phone numbers all the time.

19 And so if you have a specific phone number I can put
20 the phone number in and it will tell me everybody who is
21 calling that phone number. So if they're using somebody
22 else's and they're in the same unit they're calling on
23 that other inmate's PIN number to their families and
24 stuff.

25 THE COURT: But how do you identify the person who

1 is actually participating in the call other than by the
2 PIN number?

3 THE WITNESS: If you listen to them long enough you
4 can generally tell. But usually you just -- they'll say
5 Momma or something and you know that that's not their Mom
6 but there is no specific ---

7 THE COURT: --- all right. Go ahead Solicitor.

8 MR. WARING: Your Honor, may I approach the
9 witness?

10 THE COURT: You may.

11 Q. [Mr. Waring] Lisa, I'm showing you what has been
12 marked for identification purposes as State's exhibit 99.

13 [Whereupon, the witness is shown exhibit]

14 Q. Can you tell the Court what that is?

15 A. This is an audio. So this will be the phone calls.

16 Q. And does that fairly and accurately depict the
17 Defendant's original jail call disk that includes and is
18 comprised of calls with his PIN number?

19 A. Yes, it does.

20 THE COURT: What number, Solicitor?

21 MR. WARING: Your Honor that is 99.

22 THE COURT: 99? I need to know a little bit about
23 99 in light of the questions the Court asked this
24 witness, inquired of the witness as to what is on 99.

25 Q. [Mr. Waring] Lisa, have you listened to jail calls

1 that are on that disk exhibit 99?

2 A. Yes, I have.

3 Q. Okay. And have you listened to other disks that I'm
4 going to get to in a minute and reference back to that
5 exhibit 99 to make sure that they're all the same calls?

6 A. Yes.

7 Q. And are the calls on exhibit 99 calls from the
8 Defendant's unique PIN number?

9 A. Yes, they are.

10 Q. And again, that is generated in the normal course of
11 business and is a regularly conducted activity to
12 generate that disk?

13 A. Yes, it is.

14 MR. WARING: Your Honor at this point we would seek
15 to -- would not seek to admit that but then I would move
16 ---

17 THE COURT: --- you want to do it now because
18 counsel wanted to go ahead and take this issue up. But
19 as to 99 the only calls on 99 are the Defendant's PIN
20 number, is that correct?

21 MR. WARING: Yes, Your Honor.

22 THE COURT: I'll hear from you now. I assume --
23 wait a minute; let me make sure he's done. Are you done?

24 MR. WARING: Your Honor, there is still -- I've
25 still got to go through a few other disks.

1 THE COURT: I know but as to 99?

2 MR. WARING: Yes.

3 THE COURT: All right. You want to be heard now or
4 you want to wait until he's finished with everything?

5 MS. NORRIS: Why don't we wait, Judge.

6 THE COURT: All right. Go ahead.

7 Q. [Mr. Waring] And we briefly talked about it. In
8 your experience have you seen inmates use other inmate's
9 PIN numbers?

10 A. Yes.

11 Q. And I think you've already touched on it. There is
12 a specific way that you can isolate all inmate PIN
13 numbers going to a specific phone number; can you do
14 that?

15 A. Yes, we can.

16 Q. Now when you do that would the jail call disk and
17 the call log show all the different PIN numbers that are
18 going to that number?

19 A. Yes, it does.

20 MR. WARING: Your Honor, may I approach the witness
21 again?

22 THE COURT: You may.

23 MR. WARING: Thank you.

24 Q. [Mr. Waring] Lisa, I'm now showing you what has been
25 marked for identification purposes as State's exhibit

1 100.

2 [Whereupon, the witness is shown exhibit]

3 Q. Do you recognize that?

4 A. Yes, I do.

5 Q. And can you tell the Court what that is?

6 A. This is a disk that we use for a target number.

7 Q. Okay. And can you tell us what the target number
8 is?

9 A. 843-735-2332.

10 Q. Have you had a chance to set calls and listen to
11 calls on that disk and making sure that they are the same
12 calls from the original disk that I showed you?

13 A. Yes, I have.

14 THE COURT: What do you mean the original disk?

15 MR. WARING: Exhibit I think 99 ---

16 THE COURT: --- 99?

17 MR. WARING: Yes, Your Honor.

18 THE COURT: You compared exhibit number 100 to
19 exhibit 99?

20 THE WITNESS: Yes.

21 THE COURT: Go ahead, Solicitor.

22 Q. [Mr. Waring] And those were the same calls, correct?

23 A. Yes, they are.

24 Q. Now on exhibit 100, which is for all PIN numbers
25 going to 843-735-2332 are there calls on there using PIN

1 numbers other than the Defendant's PIN number?

2 A. I believe there are, yes.

3 Q. All right. And again, you verified that the calls
4 of interest on exhibit 100 are the same ones that we
5 talked about in exhibit 99, correct?

6 A. Correct.

7 Q. Now, I'm going to show you State's exhibit 101 for
8 identification purposes.

9 [Whereupon, the witness is shown exhibit]

10 Q. Can you tell us what that is?

11 A. Yes. That's another target number disk.

12 Q. And what's the number that's the target number for
13 that?

14 A. It's 843-743-4976.

15 Q. And similarly have you had a chance to set specific
16 calls on that disk side by side to exhibit 99, the
17 original jail call disk and listen to make sure that the
18 calls are all the same?

19 A. Yes, I have.

20 Q. And just as I asked for exhibit 100 are there calls
21 on that disk, exhibit 101, that include PIN numbers other
22 than the Defendant's that you recall?

23 A. Yes, there is.

24 MR. WARING: Your Honor, may I approach one more
25 time?

1 THE COURT: You may.

2 Q. [Mr. Waring] All right Lisa, this time I want to
3 show you what has been marked for identification purposes
4 as State's exhibit 102.

5 [Whereupon, the witness is shown exhibit]

6 Q. Can you tell the Court what that is?

7 A. Yes, these are the actual just the clips of the jail
8 calls; the original calls.

9 Q. Okay. And when you say from the original calls are
10 you saying that exhibit 102 contains calls using other
11 PIN numbers that were calls of interest from both the
12 original jail call disk, exhibit 99, and exhibits 100 and
13 101?

14 A. Yes, it is.

15 Q. Now I'm showing you what has been marked for
16 identification purposes as State's exhibit 103.

17 [Whereupon, the witness is shown exhibit]

18 Q. Can you tell us what that is?

19 A. Yes. This is the transcript for the clipped calls
20 that are on this disk [indicates].

21 Q. Okay ---

22 THE COURT: --- on what disk?

23 THE WITNESS: On 102.

24 Q. [Mr. Waring] Now Lisa, have you actually had a
25 chance to listen to the full calls on that exhibit,

1 exhibit 103 as you follow along with -- excuse me 102, as
2 you follow along with exhibit 103, which is the
3 transcript?

4 A. Yes, I have.

5 Q. And did you find that what was portrayed in the
6 transcript was a fair and accurate depiction of what was
7 on the actual disk?

8 A. Yes, it did.

9 MR. WARING: Your Honor, that's all I have for this
10 witness.

11 THE COURT: I'll be happy to hear from you,
12 counsel.

13 MS. NORRIS: Your Honor, to start with I have the
14 exact same objection I made about the video visit
15 concerning the probable cause and the search warrant also
16 goes to the jail clips -- the phone calls as well.

17 THE COURT: All right. And that being that you
18 don't think -- there's a lack of probable cause and
19 therefore you think this is fruit of the poisonous tree.

20 MS. NORRIS: And also there wasn't a search warrant
21 for the jail calls.

22 THE COURT: All right.

23 MS. NORRIS: And I'm happy to repeat it. But I
24 assume ---

25 THE COURT: --- no, I understand that objection.

1 Move along.

2 MS. NORRIS: Yes, sir. I also object to
3 authentication. The witness has said that she knows that
4 it's common for inmates to use each other's PIN numbers.
5 The ones that are on Mr. Green's PIN number somebody else
6 could have been making those calls. But even if we
7 assume ---

8 THE COURT: --- and you certainly are free to bring
9 that out on cross-examination aren't you counsel?

10 MS. NORRIS: I am but I object to authenticity
11 particularly to the ones on other people's PIN numbers.
12 Just because they went to a phone number related to that
13 Mr. Green called doesn't mean that other people at the
14 jail aren't calling the same number.

15 I have many clients that have cousins, brothers,
16 uncles also in the jail with them. So, I think that is a
17 problem as well. And I also have specific content
18 objections to some of the calls. I don't know if you
19 want me to ---

20 THE COURT: --- I don't have that transcript so I
21 need a copy of that transcript. My law clerk's got it.
22 All right, go ahead. This is jail call 7-13-17, 14:55?

23 MS. NORRIS: What I have is ---

24 THE COURT: --- that's my first page. That's what
25 I want...

1 MS. NORRIS: What I have are the clipped numbers.
2 Jail call number 6 I think is what the Solicitor
3 designated when he sent them to us before.

4 THE COURT: Hold on a second. Let me get to jail
5 call 6.

6 [Whereupon, the Court reviews documents]

7 THE COURT: All right. I'm with you at jail call
8 6, which is September the 4th, '17 not July in light of
9 your earlier argument, and its 23:04:42. And it begins
10 with the parenthesis using Deontra Murphy's PIN number.

11 MS. NORRIS: That is if Your Honor on the third
12 page of that...

13 THE COURT: All right. Let me get to the third
14 page.

15 [Whereupon, the Court reviews documents]

16 MS. NORRIS: About a third of the way down just
17 before there is a blank line where D says: Damn man, if
18 man, if that the case man, if I -- if this shit can't be
19 done I'll just go ahead and plead and take.

20 I object to that.

21 THE COURT: Wait a minute, wait a minute. I'm
22 still trying to find where you are.

23 MS. NORRIS: May I approach, Your Honor?

24 THE COURT: Yes. Let me look at your transcript
25 because mine about a third of the way down doesn't say

1 that.

2 [Whereupon, Ms. Norris provides documents to the
3 Court]

4 MS. NORRIS: It's just before this [indicates]
5 blank line.

6 THE COURT: All right, I'm with you.

7 MS. NORRIS: I object to that portion Your Honor
8 where he is saying that if this doesn't happen he needs
9 to plea. I think that is a direct denigration of this
10 man's right to try to put in the jury's mind that he was
11 talking about pleading guilty at one point. So I object
12 on that basis.

13 On the fourth page around the middle there is more
14 of that where he is essentially saying -- he is
15 essentially saying, and this is a paraphrase; I don't
16 want to use the exact language. But: I'll see y'all in
17 the next life man.

18 I think again that is a reference to if something
19 doesn't happen that he's just going to plead guilty and
20 go on to prison.

21 THE COURT: I don't see any reference on the fourth
22 page to him saying I'll plead.

23 MS. NORRIS: He doesn't say he'll plead but he says
24 I'll see y'all in the next life man. May I approach,
25 Your Honor?

1 THE COURT: Please.

2 MS. NORRIS: I'm talking about this section in
3 here.

4 [Whereupon, Ms. Norris indicates to the Court the
5 section in the document]

6 [Whereupon, the Court reviews documents]

7 THE COURT: You're referring to where it says D: I
8 mean there are only two options; either lay down or get
9 that shit situated. You dig what I'm saying. If that
10 shit don't get situated I'll see y'all niggas in the next
11 life man.

12 MS. NORRIS: I think that that's a reference and
13 it's the same call to if this doesn't happen I'll just
14 plead guilty and go on to prison. I have the same ---

15 THE COURT: --- that's your inference from it.

16 MS. NORRIS: Well, I ---

17 THE COURT: --- it's not -- there is no reference
18 on page 4 of number 6 to pleading as there is on page 3.

19 MS. NORRIS: I agree, Your Honor. But I object on
20 the same basis. I think the inference is there. And
21 specifically on jail call number 7 which should be on the
22 next page using Jerry Washington's PIN.

23 That entire clip is just: Everybody good. Kone
24 gonna lay down or Kone gonna do what Kone gotta do.

25 Again, I infer from that that he's talking about

1 he's going to have to plea. So I object on the same
2 basis there. And I believe those were the only specific
3 content objections I had because it is my understanding
4 that all the references to drugs and other things have
5 been taken out.

6 THE COURT: All right. Let me hear from you,
7 Solicitor. Thank you.

8 MR. WARING: Judge, we're talking about highly
9 incriminating statements here. He's saying that if he
10 can't get the co-defendant bumped off that he will just
11 go ahead and lay down and plead ---

12 THE COURT: --- now Solicitor, that's not exactly
13 what the language says. That's your interpretation of
14 it. That might be argument but we're talking about --
15 let's go back to page 3 of call 6 which is where she
16 objects to content.

17 MR. WARING: Okay.

18 THE COURT: She's complaining about it starts with:
19 Damn man, if man, if that case man if I -- if this shit
20 can't be done I'll just go ahead and plead.

21 MR. WARING: Judge, he says that very soon after he
22 talks about telling this guy that he needs to get him to
23 oft the co-defendant. So I think it's very rational and
24 logical that he is talking about if he can't get him
25 bumped off that he needs to go ahead and plead. We're

1 not talking about plea negotiation here that came up
2 between attorneys and private discussions. We're not
3 talking about discussions that came up in Court. We're
4 talking about him talking to somebody that he's trying to
5 get to kill the co-defendant. I think it's highly
6 probative of his guilt and his guilty conscience. And I
7 think it's certainly relevant and it's an admission by a
8 party opponent, Your Honor.

9 THE COURT: Anything else?

10 MR. WARING: With that one? No, Your Honor.

11 THE COURT: All right. Anything else you want to
12 tell me on any of them. The other references she gave me
13 are inferences she believes see you in the next life she
14 thinks is an inference to pleading. And then she refers
15 to jail call 7 that: Kone gonna lay down or Kone gonna
16 do what Kone gonna do -- is an inference to pleading.

17 MR. WARING: I think my same argument applies to
18 all of them, Your Honor.

19 THE COURT: I don't feel the same way about this as
20 I did on page 3 where he actually says I'm going to
21 plead. But I understand this is not first of all isn't
22 custodial interrogation and it isn't him talking to his
23 attorney where I have an issue of attorney-client
24 privilege. She also objects on authenticity. Let me
25 hear from you on that, Solicitor.

1 MR. WARING: Unless there are no further questions
2 I'd like to put up the case agent who can identify the
3 voice on those calls, Your Honor.

4 THE COURT: You have a witness here?

5 MR. WARING: Yes, Your Honor.

6 THE COURT: But not this witness?

7 MR. WARING: Correct.

8 THE COURT: You understand that counsel that he's
9 got a witness that can do the voice identification?

10 MS. NORRIS: I understand, Your Honor.

11 THE COURT: All right.

12 MS. NORRIS: Although I believe we have an
13 objection to that as well.

14 THE COURT: On the qualifications of the expert?
15 It's hard for me to piece it. That's why I didn't want
16 to do this like this ---

17 MS. NORRIS: --- I believe ---

18 THE COURT: --- but I'm accommodating defense
19 counsel.

20 MS. NORRIS: I believe that the person that they're
21 going to say can identify my client's voice is the case
22 agent Detective Sanchez.

23 THE COURT: Is that correct?

24 MR. WARING: That's correct, Your Honor.

25 THE COURT: Put him up and let me hear what he's

1 got to say. [To the witness on the stand] You just stay
2 right there. He can come up -- come up and be sworn
3 Detective Sanchez.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 [Whereupon, Detective Sanchez comes forward]
2 THE COURT: Get him a chair so he can sit right
3 there [indicates].
4 CLERK OF COURT: Yes, sir.
5 THE COURT: And get him the portable mic off the
6 rostrum.
7 CLERK OF COURT: Yes, sir.
8 [Whereupon, the witness is duly sworn by the Clerk
9 of Court]
10 CLERK OF COURT: You may be seated. For the record
11 if you could please state your full name spelling your
12 last.
13 THE WITNESS: Michael Sanchez, S-A-N-C-H-E-Z.
14 THE COURT: Go ahead, Solicitor.
15 MR. WARING: May I approach the witness, Your
16 Honor?
17 THE COURT: You may.
18 - - - - -
19 MICHAEL SANCHEZ,
20 Having been first duly sworn,
21 Was examined and testified as follows:
22 DIRECT EXAMINATION
23 BY MR. WARING:
24 Q. Detective Sanchez, I'm showing you what has been
25 marked for identification purposes only as State's

1 exhibit 102.

2 [Whereupon, the witness is shown exhibit]

3 Q. Can you tell the Court what that is?

4 A. These are clips of the calls from the Defendant, the
5 jail calls from the Defendant.

6 Q. Have you had a chance to listen to the content of
7 each one of those jails calls that's on there?

8 A. Yes, I have.

9 Q. Were you able to identify who the person was
10 speaking on those jail calls?

11 A. Yes, I have.

12 Q. Prior to your listening to those jail calls had you
13 ever had an opportunity to hear the Defendant's voice?

14 A. Yes.

15 Q. And outside the presence of the jury can you tell us
16 what those circumstances were that you had heard his
17 voice before?

18 A. My first time was speaking to him on the phone when
19 I called his phone number inadvertently during the
20 initial start of the investigation where he positively
21 identified himself as Gregory Green. We had a short
22 conversation during that time.

23 Subsequently, I spent time during the interview with
24 him, a custodial interview, where I spoke to him at great
25 length over the course of this investigation and another

1 one. And then systematically through reviewing jail
2 phone calls I had again listened to many calls where I
3 had become very familiar with his voice from all the
4 other times of interacting with him and again where he
5 self-identifies and been known to use his own name or
6 reference people he knew.

7 MR. WARING: No further questions, Your Honor.

1 IN-CAMERA CROSS-EXAMINATION

2 BY MS. NORRIS:

3 Q. Detective, the phone call that you're talking about

4 was that in June 2017?

5 A. Yes ma'am, that was.

6 Q. And you said it was short. Can you estimate how

7 many minutes that call was?

8 A. Maybe five or ten minutes.

9 Q. And the custodial interrogation about this case and

10 another are those two separate interrogations or one

11 time?

12 A. There was one rolling interrogation.

13 Q. And was that in July 2017?

14 A. Yes, ma'am.

15 Q. And how many jail calls have you listened to that

16 you believe are Mr. Green?

17 A. Countless. There were many that I listened to over

18 the course of that investigation and others.

19 Q. Well, they're not countless; they got to have some

20 number.

21 A. I couldn't give you an approximation. I know that

22 they number well over 20 to 30.

23 Q. Twenty to 30?

24 A. Maybe more.

25 Q. And when you listened to those calls do you recall

1 the date or approximately the date that you listened to
2 these calls?

3 A. No, ma'am.

4 Q. Was it within the last couple months? Was it July
5 2017? You got any timeframe?

6 A. As Mr. Green has been involved in various different
7 cases I couldn't tell you all of them. I know that these
8 specific ones were within the last few months as I re-
9 reviewed the case.

10 THE COURT: I'm going to warn you officer. I
11 understand that and it was elicited outside the presence
12 of the jury but we're not going into Mr. Green's
13 involvement in any other cases in the presence of the
14 jury. Do you understand?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: Proceed counsel.

17 Q. [Ms. Norris] And during that timeframe from June
18 2017 up to today how many interrogations do you think
19 you've been involved in?

20 A. That would be very hard to estimate.

21 THE COURT: With the Defendant.

22 Q. [Ms. Norris] Not -- I'm not asking just about this
23 Defendant. How many suspects, Defendants interrogations
24 do you think you've done since June 2017?

25 A. Hundreds.

1 Q. And I assume you've had hundreds if not thousands of
2 phone calls during that timeframe?

3 A. Absolutely.

4 MS. NORRIS: Your Honor, I don't believe that he
5 can ---

6 THE COURT: --- I'm going to get argument from you.
7 Are you finished with the examination?

8 MS. NORRIS: I am, Your Honor. I apologize.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 THE COURT: All right, Solicitor. Let me hear from
2 you on authentication.

3 MR. WARING: Your Honor, despite where defense
4 counsel is going the standard is very low here. All he
5 has to have done is heard the Defendant's voice one time
6 before prior to today. And he's surpassed that burden
7 substantially.

8 He's interviewed him. That lasted a few hours.
9 He's heard multiple jail calls. He can identify his
10 voice and he testified under oath that he can identify
11 his voice. And that's all that is needed, Your Honor.

12 THE COURT: All right. I'm happy to hear from you
13 now on the authentication.

14
15
16
17
18
19
20
21
22
23
24
25

1 MS. NORRIS: Your Honor, I don't believe that you
2 can identify a voice based on one phone call and maybe a
3 couple of hours before and then listen to jail calls.

4 I've been in this courtroom Your Honor essentially for
5 the most part the last day and a half and I would not
6 even deem to try to identify your voice on a phone call.

7 THE COURT: It's funny you would say that Mr.
8 Norris because members of my family think my voice is so
9 distinctive they all think they can identify my voice on
10 the phone.

11 MS. NORRIS: Well, they're your family members,
12 Your Honor ---

13 THE COURT: --- well I understand that ---

14 MS. NORRIS: --- they've seen you daily for years
15 and years ---

16 THE COURT: --- and I'm certainly not analogizing
17 this witness to your client's family but I'm just saying
18 that people do gain some familiarity depending on
19 frequency of contact with people's voices. I understand
20 your argument as to authentication and I have some
21 concern but I also believe you can protect the interest
22 of your client here with cross-examination.

23 So your objection on authentication is respectfully
24 overruled. I think it goes to the weight of the
25 testimony and I expect you to bring that out as you just

1 did when you had him under oath in camera. Do you
2 understand?

3 MS. NORRIS: Yes, sir. Although I believe Ms.
4 Stewart will be doing his cross-examination.

5 THE COURT: Well, that's up to y'all. If you
6 choose to let Ms. Stewart do it rather than you, fine.
7 Just so long as the Defendant's interests are protected
8 by way of cross-examination regardless of which lawyer
9 does it. All right. Thank you very much.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE COURT: Counsel, I've thought about it pretty
2 hard and I've listened to the objections and I've
3 overruled the objection so I'm going to allow the video
4 visits and I'm going to allow -- now I did make a
5 difference in the ones that, although counsel will argue
6 that she infers that that was pleading. But I also
7 understand that she has the opportunity to cross-examine
8 these witnesses. So I'm going to overrule the objection
9 and allow it into evidence in the trial of this case.

10 Now, I can see and this is -- I told my lawyers
11 because this happens so frequently I use this all the
12 time so I'm going to call it to your attention. I have
13 in the Rules we have some Rules concerning once the Court
14 has ruled there is no more argument; and they're in the
15 Rules of Criminal Procedure. And so I'm going to ask you
16 please once I rule on something that's it. I'm not
17 asking for any further argument.

18 Its Rule 18 so you'll know and it states: Counsel
19 should not attempt to further argue any matter after it
20 has been heard and the ruling of the Court has been
21 pronounced.

22 And I enforce Rule 18 in my courtroom. Now, I've
23 got two witnesses up here. Mr. Sanchez, I'm going to let
24 you step down. My bailiff can -- but I want you to bring
25 the microphone back to the rostrum for my lawyers.

1 THE WITNESS: Yes, Your Honor.

2 [Whereupon, witness Michael Sanchez is excused and
3 exits the witness stand]

4 THE COURT: I know y'all need a break. It's after
5 4:00 and the jury has had a long break but y'all haven't
6 and the court reporter needs a break. Let's take 10
7 minutes right now before we bring the jury back.

8 [To the witness] And ma'am you take a break too but
9 do not discuss your testimony with either side during the
10 break. Even though you were called Mr. Sanchez I don't
11 want you discussing your testimony that you just gave
12 during the break either. Do you understand?

13 MR. SANCHEZ: Yes, Your Honor.

14 THE COURT: Thank y'all very much. We'll take 10
15 minutes.

16 [Whereupon, Court is in recess from 4:06 p.m. until
17 4:25 p.m.]

18

19

20

21

22

23

24

25

1 [Whereupon, an off the record bench conference is
2 held]

3 THE COURT: Is the State ready to proceed?

4 MR. WARING: Yes, Your Honor.

5 THE COURT: The Defendant ready to proceed?

6 MS. STEWART: Yes, Your Honor.

7 THE COURT: Bring us the jury please. They
8 probably think we forgot about them.

9 [Whereupon, the jury enters at 4:26 p.m.]

10 THE BAILIFF: The jury is all present, Your Honor.

11 THE COURT: Thank you. Mr. Foreman, I know y'all
12 all think -- back there thinking now what in the world,
13 Judge Buckner has kept me back here like this.

14 Let me explain to you very often in a trial matters
15 come up that I have to hear testimony ahead of time
16 before you hear any testimony to determine whether or not
17 the testimony may or may not be admissible. And that's
18 why I tell you that actual trials are often slow, they
19 are often repetitive, and they're often very deliberate.

20 But we do that on purpose to make sure that people
21 have an opportunity to be heard on matters that they
22 think is necessary for me to rule on as a matter of law.
23 That's my province. It's up to you now to judge the
24 facts in the case. I can't invade your province as I
25 told you and tell you what the facts are or what the true

1 facts are. And you should not invade my province and
2 differ with me about what the law is. I had to take up a
3 matter of law and it involved having to take testimony.
4 So I don't want you to think I wasn't thinking about you
5 back there. I was.

6 I knew you were waiting and getting impatient and
7 saying how long is that Judge going to take. But I can
8 assure you we take enough time to make sure that I can
9 make an informed ruling. Thank you for your patience.
10 Your witness counsel, direct examination. The witness
11 has previously been sworn in the presence of the jury.

12 MR. WARING: Thank you, Your Honor. At this point
13 State seeks to admit exhibit 97 into evidence.

14 THE COURT: As to 97?

15 MS. NORRIS: Objection renewed.

16 THE COURT: Very well. Objection overruled.

17 Ladies and gentlemen of the jury State's exhibit number
18 97 will be admitted into evidence in the trial of this
19 case over objection.

20 [Whereupon, State's exhibit number 97 is entered
21 into evidence by the Court]

22 THE COURT: You may proceed, counsel.

23 MR. WARING: Thank you, Your Honor.

24

25

1 DIRECT EXAMINATION (resumes)

2 BY MR. WARING:

3 Q. All right Lisa, now when we left off at the break we
4 were talking about video visits, is that right?

5 A. Correct.

6 Q. Do you also deal with jail calls?

7 A. Yes, I do.

8 Q. To what extent?

9 A. The same type of thing. We listen to them, if
10 somebody has a subpoena or a search warrant we put
11 together what they're looking for.

12 Q. Now, can you tell the jury how you maintain these
13 jail calls? Do you use PIN numbers?

14 A. They do. Once an inmate or somebody comes into jail
15 to be booked once they're booked through the booking
16 process they go over to our processing area and they are
17 fingerprinted and photographed.

18 And at that point in time they are issued a PIN
19 number that is just indigenous to them. That PIN number
20 they use for like to make phone calls, to get onto the
21 kiosk to do different things but they all have a PIN
22 number.

23 Q. All right. And are these calls stored on a server?

24 A. Yes, they are.

25 Q. Okay. And are they recorded?

1 A. Yes, they are.

2 Q. Are inmates told that they are being recorded?

3 A. Yes.

4 Q. Can these jail calls be altered after the fact by
5 anybody?

6 A. No, they cannot.

7 Q. Are they generated in the normal course of business?

8 A. Yes, they are.

9 Q. And are they generated at or near the time of the
10 call?

11 A. Yes, they are.

12 Q. Is it a regularly conducted business activity to
13 generate these calls?

14 A. Yes, it is.

15 Q. Can you describe what happens when you get a
16 subpoena for jail calls?

17 A. Once we get a subpoena for jail calls generally they
18 will give us the inmate's name, and generally they will
19 give us the date range. And we will go in and we through
20 my program and I will put in the inmate number and the
21 date range.

22 And then I will find and I will search and it will
23 give me you know a specific amount or however many calls
24 between that period of time that that inmate has made. I
25 will download the log so there is a log for everyone. It

1 tells you the number, inmate, the time and then we will
2 download all of the calls onto a disk. So we'll print the
3 log and download the calls.

4 MR. WARING: Your Honor, may I approach the
5 witness?

6 THE COURT: You may.

7 Q. [Mr. Waring] I'm now going to show you what has been
8 marked for identification purposes only as State's
9 exhibit 99.

10 [Whereupon, the witness is shown exhibit]

11 Q. Can you tell the jury what that is?

12 A. That is an audio disk for Green.

13 Q. Is that Gregory Green?

14 A. Yes, it is.

15 Q. Have you had a chance to listen to specific calls on
16 there?

17 A. Yes, I have.

18 Q. And have you had a chance to listen to other disks
19 that I'm going to get to in a little bit and put them
20 side by side to determine if they're the same calls from
21 the original exhibit?

22 A. Yes, I have.

23 THE COURT: When you say the original exhibit state
24 the number for the record.

25 Q. [Mr. Waring] Lisa?

1 A. Yes?

2 Q. The calls that I'm going to show you that are from
3 different exhibits namely exhibits 100 and 101, do those
4 fairly and accurately depict the same calls that you
5 listened to on the original jail call disk which is 99?

6 A. Yes.

7 Q. So does exhibit 99 fairly and accurately depict the
8 Defendant's jail calls using his own PIN number?

9 A. Yes.

10 Q. In your experience have you seen inmates use other
11 people, other inmates PIN numbers?

12 A. Yes, I have.

13 Q. Is there a specific -- if there is a specific phone
14 number of interest are you at the jail able to isolate
15 all PIN numbers that go to that specific phone number?

16 A. Yes. We use it as a target number.

17 Q. So when you do that would the jail call disk log
18 show all PIN numbers that are going to that specific
19 phone call?

20 A. Yes, it would ---

21 Q. --- phone number; excuse me.

22 MR. WARING: Your Honor, may I approach the
23 witness?

24 THE COURT: You may.

25 Q. [Mr. Waring] All right. Now I'm going to show you

1 what has been marked for identification purposes as
2 State's exhibit 100.

3 [Whereupon, the witness is shown exhibit]

4 Q. Do you recognize that?

5 A. Yes, I do.

6 Q. And can you tell the jury what it is?

7 A. This is a phone call disk that was made for a target
8 number.

9 Q. Okay. Have you had an opportunity to listen to
10 specific calls on that disk?

11 A. Yes, I have.

12 Q. Which is exhibit 100?

13 A. Yes.

14 Q. And have you had the opportunity to put those calls
15 from exhibit 100 next to the original calls from exhibit
16 99 and determine that they are the same calls?

17 A. Yes, I have.

18 Q. Are the calls that are on that exhibit that I just
19 handed you, exhibit 100, are those using PIN numbers
20 other than the Defendant's?

21 A. Yes, this one is.

22 Q. All right. Now I'm handing you what has been marked
23 for identification purposes as State's exhibit 101.

24 [Whereupon, the witness is shown exhibit]

25 Q. Can you tell the jury what that is?

1 A. This is another phone call disk with a different
2 target number on it.

3 Q. Okay. And same as the disk that I showed you for
4 exhibit 101 have you listened to specific jail calls on
5 exhibit 102 that fairly and accurately depict the same
6 calls from the original disk which is 99?

7 A. Yes.

8 MR. WARING: Your Honor, may I approach the
9 witness?

10 THE COURT: You may.

11 Q. [Mr. Waring] Lisa, I'm showing you what has been
12 marked for identification purposes as State's exhibit
13 102.

14 [Whereupon, the witness is shown exhibit]

15 A. Yes.

16 Q. Do you recognize that?

17 A. Yes, I do.

18 Q. And can you tell the jury what that is?

19 A. This is a disk of all of the calls together but they
20 are just the clips of those calls.

21 Q. So condensed versions of the originals?

22 A. Correct.

23 Q. And does that exhibit 102 contain the same original
24 calls as exhibits 101 and 100 and 99 but just clipped and
25 condensed?

1 A. Correct. Yes, it does.

2 Q. I'm now showing you what has been marked for
3 identification purposes as State's exhibit 103.

4 [Whereupon, the witness is shown exhibit]

5 Q. Can you tell the jury what that is?

6 A. Yes. This is a transcript of all of the clipped
7 calls that are on disk 102.

8 Q. All right. Have you had a chance to follow along
9 with that transcript as you listen to the jail calls on
10 exhibit 102?

11 A. Yes, I have.

12 Q. And have you been able to determine whether or not
13 the transcript is a fair and accurate depiction of the
14 calls that are on exhibit 102?

15 A. Yes, it is.

16 Q. Did you indicate that you had listened to those
17 disks by signing your name on them?

18 A. Yes, I have my initials on it.

19 Q. All right. Lisa, I want to switch gears briefly.
20 Can you tell the jury what housing records are?

21 A. Housing records are the records of once an inmate
22 comes in we keep I guess for a lack of a better word we
23 keep track of where they're at so we go where they're at.

24 So when they start in one area they will be in
25 processing. If they're going to stay then we will cell

1 change them and when they go to a unit then we will cell
2 change them to that particular unit; so again we know
3 where they're at.

4 Q. Do these records show dates?

5 A. Yes, it does.

6 Q. Do they show that particular location as well in
7 addition to the date?

8 A. Yes.

9 Q. All right. And similarly what I asked you before
10 with the jail calls are these records generated in the
11 normal course of business?

12 A. Yes, they are.

13 Q. And is it a regularly conducted business activity
14 for Charleston County Detention Center to generate such
15 records?

16 A. Yes, it is.

17 Q. And are they generated at or near the time by
18 somebody who works there and is familiar with those
19 records?

20 A. Yes.

21 Q. In preparation for trial have you had a chance to
22 look at housing records for both the Defendant Gregory
23 Green and a man named Michael Stevens?

24 A. Yes, I have.

25 [Whereupon, Mr. Waring confers with Ms. Norris]

1 MR. WARING: Your Honor, may I approach the
2 witness?

3 THE COURT: You may.

4 Q. [Mr. Waring] Lisa, I'm showing you what has been
5 marked for identification purposes only as State's
6 exhibit 104.

7 [Whereupon, the witness is shown exhibit]

8 Q. Please tell the jury what that is?

9 A. This is a subpoena that was requested to find the
10 housing unit for Gregory Green for a certain amount of
11 time.

12 Q. All right. And I'm now showing you State's exhibit
13 105.

14 [Whereupon, the witness is shown exhibit]

15 Q. Can you tell me what that is?

16 A. Yes. It is a subpoena for Michael Stevens for the
17 same -- for the housing unit for where he was for a
18 particular amount of time.

19 Q. Okay. And does exhibit 104 fairly and accurately
20 depict the housing records for the Defendant
21 Gregory Green and does exhibit 105 fairly and accurately
22 depict the housing records for Michael Stevens?

23 A. Yes, they do.

24 MR. WARING: Your Honor, at this point the State
25 moves to admit exhibits 104 and 105.

1 THE COURT: As to 104 and 105?

2 MS. NORRIS: No objection.

3 THE COURT: Ladies and gentlemen of the jury
4 State's exhibits 104 and 105 will be admitted into
5 evidence in the trial of this case without objection.

6 [Whereupon, State's exhibit numbers 104 and 105 are
7 entered into evidence by the Court]

8 THE COURT: 104 and 105 now in evidence. You may
9 publish, Solicitor.

10 MR. WARING: Thank you, Your Honor.

11 Q. [Mr. Waring] Lisa, looking at those records are you
12 able to tell the jury was there any time when these two
13 individuals were in the same unit?

14 A. Yes.

15 Q. And can you tell them when that was?

16 A. Yes. They were in one of our larger areas. The
17 unit was A3L, Alpha 3 Lima and they were in there
18 together from 11/14/17 to 1/24/18.

19 MR. WARING: Court's indulgence, Your Honor.

20 [Whereupon, Mr. Waring and Mr. Sowards confer]

21 MR. WARING: No further questions, Your Honor.

22 THE COURT: Cross-Examination.

23 MS. NORRIS: May it please the Court?

24 THE COURT: Proceed.

25

1 CROSS-EXAMINATION

2 BY MS. NORRIS:

3 Q. Is it Officer Bloodworth, Sergeant; what is your
4 rank?

5 A. Its Master Detention Deputy but you can just call me
6 Lisa; Lisa is fine.

7 Q. All right. You mentioned the booking process at the
8 jail. As part of the booking do you take down a person's
9 height and weight?

10 A. Yes. It's on the -- yes, they do.

11 Q. And you list their date of birth, right?

12 A. Correct.

13 Q. And you do that every time somebody is booked into
14 the jail.

15 A. Correct.

16 Q. So booking actually means they are checking in.

17 A. Correct.

18 Q. And in this particular case do you happen to have
19 the booking information for Mr. Green?

20 A. I do not.

21 Q. And you are aware that you can pull that up on the
22 Internet, the booking information?

23 A. I know you can pull it up. I don't know how much of
24 it you can pull up but yes, I know some of it can be
25 pulled up.

1 Q. And would you recognize a printout of the Sheriff's
2 Office webpage with that booking information?

3 A. Yes.

4 MS. NORRIS: Your Honor, may I approach the
5 witness?

6 THE COURT: You may. Show it to counsel.

7 [Whereupon, Ms. Norris and Mr. Waring review
8 document]

9 Q. [Ms. Norris] Do you also keep the records of
10 information -- I know you said that you have access and
11 maintain the cell assignments, right?

12 A. Yes.

13 Q. Do you also have access and maintain as part of your
14 duties the booking information?

15 A. I have access to it.

16 Q. Okay.

17 A. But I don't -- I mean I just have access to it; I
18 can just see it.

19 Q. And you routinely access that?

20 A. I do.

21 MS. NORRIS: Your Honor, may I approach the
22 witness?

23 THE COURT: You may.

24 [Whereupon, the witness is shown document]

25 Q. [Ms. Norris] Do you recognize that as a printout

1 that would come from the Sheriff's Office website with
2 booking information?

3 A. Yes.

4 Q. All right. And on that it indicates that Mr. Green
5 was booked into the jail meaning he checked in on July
6 11th of 2017?

7 A. Correct.

8 Q. And he was released from the jail March 9th, 2018?

9 A. Correct.

10 Q. And his height on July 11th, '17 was five eleven?

11 A. Correct.

12 Q. And his weight was 153 pounds?

13 A. Correct.

14 Q. All right. Let me retrieve that back.

15 [Whereupon, Ms. Norris retrieves document from
16 witness]

17 MS. NORRIS: No further questions, Your Honor.

18 THE COURT: Redirect?

19 MR. WARING: Nothing further, Your Honor.

20 THE COURT: As to the witness?

21 MR. WARING: Please excuse her, Your Honor.

22 THE COURT: Any objection?

23 MS. NORRIS: None, Your Honor.

24 THE COURT: Very well. Ms. Bloodworth, you may
25 step down. You're excused from the trial of this case.

1 Leave my exhibits here now. You got any more documents
2 up on the witness stand?

3 THE WITNESS: Yes there is -- none -- those are the
4 exhibits; I have my own.

5 THE COURT: Counsel, both of y'all come up. I've
6 got two marked exhibits up on the witness stand. Make
7 sure they go back to the court reporter and see if they
8 are in evidence. Just one minute before you leave. I
9 want to make sure I've got mine.

10 MS. NORRIS: I collected the only paper I handed
11 her.

12 [Whereupon, Mr. Waring reviews exhibits]

13 THE COURT: Are they both in evidence or not yet?

14 MR. WARING: Just one is in evidence, Your Honor.

15 THE COURT: Which was?

16 MR. WARING: 102 -- I'm sorry; neither are in
17 evidence right now.

18 THE COURT: 102 isn't in evidence yet. You've got
19 97 in evidence. You got that?

20 MR. WARING: Yes, Your Honor.

21 THE COURT: And you have 104 and 105 in evidence
22 now.

23 MR. WARING: Yes, Your Honor.

24 THE COURT: All right. So we got everything?

25 MR. WARING: Yes, Your Honor.

1 THE COURT: Thank you, ma'am. You're excused from
2 the trial of this case.

3 [Whereupon, the witness is excused and exits the
4 witness stand]

5 THE COURT: Call your next witness.

6 MR. WARING: Thank you, Your Honor. The State
7 calls Donna Money.

8 MS. STEWART: Your Honor, we have a matter of law.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 THE COURT: Mr. Foreman and ladies and gentlemen of
2 the jury I have to take up another matter of law. I'll
3 be with you as quick as I can. Please go to your jury
4 room. I'll get with you just as quickly as I can. Do
5 not discuss the case. Thank you.

6 [Whereupon, the jury exits at 4:46 p.m.]

7 THE COURT: Your next witness is?

8 MR. WARING: Donna Money, Your Honor.

9 THE COURT: All right, Ms. Money. Have her come on
10 and swear her.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Whereupon, Ms. Money comes forward]

2 [Whereupon, the witness is duly sworn by the Clerk
3 of Court]

4 THE COURT: Ms. Money, there is a matter of law
5 that needs to be taken up in regards to your testimony.
6 The defense counsel has notified me. Let the record
7 reflect the jury is not present in the courtroom.

8 Counsel asked if they would be allowed to take this
9 up in camera. I'm granting that request. If you would
10 abbreviate a little bit. I need to know a little bit
11 about her role and what she used. I know basically what
12 the objection is from the pretrial exhibit, a trial brief
13 that I was given.

14 And I don't know to the extent how it was used so I
15 need to hear a little bit more. I told counsel that. I
16 know the objection deals with CPI, the combined
17 probability of inclusion and whether or not it's
18 reliable. And there is a Rule 702 objection. But I
19 don't know anything other than that and that was
20 expressed to me in the exhibit.

21 Solicitor, the witness has been sworn. We're
22 outside the presence of the jury as requested by defense
23 counsel. Your witness, direct examination.

24 MR. WARING: Thank you, Your Honor.
25

1 DONNA MONEY,
2 Having been first duly sworn,
3 Was examined and testified as follows:
4 IN-CAMERA DIRECT EXAMINATION
5 BY MR. WARING:
6 Q. Good afternoon, Ms. Money.
7 A. Good afternoon.
8 Q. Please tell us where you work?
9 A. I'm employed at the South Carolina Law Enforcement
10 Division also known as SLED.
11 Q. All right. And what do you do there?
12 A. I am a DNA analyst in the DNA case work department.
13 Q. How long have you been worked at that department at
14 SLED?
15 A. About seven years.
16 Q. And are you an analyst?
17 A. Yes.
18 Q. Can you describe what the DNA process is like?
19 A. In the DNA casework department as an analyst I will
20 perform forensic DNA analysis on submitted evidence items
21 and known standards.
22 The DNA analysis process is a four step process. We
23 first extract DNA from say a swab or a cutting that is
24 submitted. From there we will quant or determine how
25 much DNA is present. After that we will amplify or make

1 copies of the DNA to have more to work with. And then
2 the sample is run through an instrument that will
3 separate the DNA based on size. And then that
4 information is translated into an image also known as a
5 DNA profile.

6 Q. Can you tell the Court what a known standard is?

7 A. A known standard is something that is collected
8 directly from an individual. It's used for comparison
9 purposes.

10 Q. Can it be for example either a buccal swab or a
11 blood spot?

12 A. Yes, blood spot because blood and buccal swab which
13 is just collecting the saliva and cheek cells from an
14 individual.

15 Q. All right. And I'm assuming you guys have
16 procedures to make sure things don't contaminated?

17 A. Yes.

18 Q. Can you describe briefly what that is?

19 A. We have procedures in place to ensure that the
20 instruments that we use are sterile, that the surfaces
21 that we work on are sterile, and that we wear our proper
22 PPE -- when we conduct our analysis.

23 THE COURT REPORTER: Wear your proper?

24 THE WITNESS: P-P-E.

25 THE COURT: Tell the court reporter what PPE stands

1 for.

2 THE WITNESS: Personal protective equipment.

3 Q. [Mr. Waring] Do you used sealed bags to keep these
4 samples from getting contaminated and things like that?

5 A. Yes. Most evidence when it is submitted to SLED
6 would be placed into a SLED heat-sealed pouch or a proper
7 box.

8 Q. Would you test something if the heat-sealed pouch
9 had been opened or tampered with?

10 A. If the pouch appeared to be tampered with we would
11 make note of it. We would not proceed with analysis
12 until we further investigated why the pouch appeared to
13 be tampered with.

14 Q. Have you testified before Ms. Money?

15 A. Yes.

16 Q. Approximately how many times?

17 A. 31.

18 Q. And have you ever been declared an expert?

19 A. Yes.

20 Q. How many times about?

21 A. 31.

22 Q. At SLED have you participated in any type of
23 training?

24 A. Yes.

25 Q. Can you describe that?

1 A. Prior to being signed off to perform case work I
2 underwent a year and half long training program under a
3 qualified DNA analyst. This training included doing
4 practice training in competency samples.

5 I also did a mock court, I did a written exam, an
6 oral exam, report writing exam and then I underwent
7 supervised case work before being signed off for
8 independent.

9 Q. And what is your educational background?

10 A. I have a bachelor's degree in forensic science from
11 the Pennsylvania State University.

12 Q. Do you have to undergo any yearly certifications or
13 recertification?

14 A. Yes. Per the FBI we are required to have a minimum
15 of eight hours of continuing education every year to
16 maintain our certification. That could be attending
17 conferences, reading journal articles, or participating
18 in training programs.

19 MR. WARING: Your Honor, at this point the State
20 would seek to declare the expert...

21 THE COURT: The jury is not here and I'll give
22 y'all a chance. Is there an objection as to
23 qualifications?

24 MS. STEWART: No, Your Honor.

25 THE COURT: They concede qualifications so go ahead

1 and let me hear -- the objection concerns as you know
2 Solicitor the CPI.

3 MR. WARING: Yes, Your Honor.

4 THE COURT: So I want to know about combined
5 probability of inclusion. It is the argument that they
6 believe that she used the combined probability of
7 inclusion statistics to calculate the probability of
8 selecting an individual who contributed to a mixture from
9 I think it's from a cigarette butt, is that correct?

10 MS. STEWART: Yes, Your Honor.

11 THE COURT: All right. Let me hear from you.

12 MR. WARING: Certainly, Judge.

13 Q. [Mr. Waring] Okay Ms. Money, jumping right in can
14 you tell us, tell the Court what is CPI or combined
15 probability of inclusion?

16 A. Combined probability of inclusion also known as CPI
17 is a statistical calculation that can be performed on
18 mixtures where one cannot distinguish major and minor
19 contributors.

20 The process is by taking the allele frequencies from
21 each allele or a DNA type present in that profile and
22 using that to determine the probability of selecting an
23 unrelated individual in a population to being a possible
24 contributor to that mixture.

25 Q. How long has SLED used this type of statistical

1 calculation?

2 A. For over 20 years.

3 THE COURT: How long?

4 THE WITNESS: Over 20 years.

5 Q. [Mr. Waring] Does this process include a peer review
6 protocol?

7 A. Yes. Whenever a statistic is calculated in a case
8 it becomes part of the case file that is generated for
9 that case.

10 Before the case file or report is approved it has to
11 undergo two rounds of peer review, which the first round
12 is a technical review which is performed by another
13 analyst in the department that goes over every technical
14 aspect of the case file.

15 And then an administrative review where they go over
16 the report and any other administrative details that may
17 be found in the case file.

18 Q. All right. And we may have touched on it briefly
19 before but are there other procedures that ensure quality
20 control and reliability with this form of testing?

21 A. So with statistical calculations we have protocols
22 in place on how to properly calculate it. We have a
23 formula for the calculation. And these protocols are
24 reviewed every year when we undergo our FBI QAS audit.

25 Q. Can you give us an idea of how many times you have

1 testified about CPI in Court before?

2 A. Of the 31 cases that I have testified to six of
3 those cases had a report that included at least one
4 result that mentioned CPI.

5 Q. All right. Now looked at in the bigger picture can
6 you give me an idea roughly about how many times SLED has
7 testified in Court before about CPI?

8 A. Well over 1,000 times throughout the 20 years.

9 Q. Ms. Money, have you ever heard of the President's
10 Council of Advisors on Science and Technology aka PCAST
11 that was a President Obama era organization?

12 A. Yes.

13 Q. And are you familiar with a report that the defense
14 is relying on as the basis for their argument which is
15 PCAST 2016 report on forensic science in criminal courts?

16 A. Yes.

17 Q. Did this report, this 2016 report provide
18 recommendations on how forensic science should be handled
19 from then on?

20 A. The PCAST report focused on essentially two things.
21 The first thing is that there needs to be clarity with
22 scientific standards regarding the validity and
23 reliability of several forensic methods.

24 The second thing is that several forensic methods
25 need to be evaluated to determine whether or not they are

1 valid and reliable by scientific means.

2 Q. Now were these recommendations that were passed down
3 by this PCAST 2016 report or were they mandates?

4 A. They were recommendations.

5 Q. Okay. Do you know whether the FBI -- excuse me, I'm
6 getting ahead of myself. Was this report directly
7 focused on a specific community that you are aware of?

8 A. Several organizations were mentioned in the report
9 as to the organizations that need to make changes per the
10 PCAST recommendations.

11 Q. And are the main ones the FBI, the Attorney
12 General's office and the Judiciary?

13 A. They are some of the organizations that were
14 mentioned.

15 Q. Can you tell us whether or not the FBI has agreed to
16 honor these recommendations?

17 A. The FBI issued a statement saying that they agreed
18 with the fact that forensic science needed to be held to
19 a higher standard.

20 However, they disagreed with much of the different
21 points that were brought up in the PCAST report and did
22 not decide to follow the recommendations mentioned in
23 PCAST.

24 Q. How about the Attorney General's office? Did they
25 honor these recommendations that were brought forth by

1 the PCAST?

2 A. The Attorney General at the time Loretta Lynch
3 stated that the Department of Justice would not be
4 following the recommendations listed on the PCAST report.

5 Q. Have South Carolina courts to your knowledge been
6 allowing testimony dealing with CPI since this report
7 came out in 2016?

8 A. Yes.

9 Q. Have you testified about CPI in court since that
10 report came out in 2016?

11 A. Yes, recently as last month.

12 Q. Were you involved in this case, the Gregory Green
13 case?

14 A. Yes.

15 Q. Did anything that you tested in this case involve
16 CPI?

17 A. There was one item where a CPI statistic was
18 calculated.

19 Q. And can you tell us what that item was?

20 A. It was a cigarette butt.

21 Q. Okay.

22 MR. WARING: Your Honor ---

23 THE COURT: --- I need to know what she concluded
24 from that analysis.

25 MR. WARING: Yes, Your Honor.

1 Q. [Mr. Waring] Now Ms. Money, with that testing did
2 you receive known standards from the victim, Defendant,
3 and co-defendant?

4 A. Yes.

5 Q. And do you recall whether those were in the form of
6 buccal swabs or blood spots?

7 A. A blood spot was submitted for the victim and then
8 the two Defendants were they had a buccal swab submitted
9 for each one.

10 MR. WARING: Your Honor, may I approach the
11 witness?

12 THE COURT: You may.

13 Q. [Mr. Waring] Ms. Money, I'm showing you what has
14 already been admitted as State's exhibits 89, 94 and 95.

15 [Whereupon, the witness is shown exhibits]

16 Q. For exhibit 89 blood spot can you tell us is this
17 what was used as the victim's known standard to compare
18 the samples to?

19 A. Yes.

20 Q. Now I'm showing you State's exhibit 94 already
21 admitted DNA buccal swab from Gregory Green.

22 [Whereupon, the witness is shown exhibit]

23 Q. Is that the known standard for the Defendant that
24 you used?

25 A. Yes.

1 Q. Lastly, I'm showing you what has already been
2 admitted as State's exhibit 95 which is buccal swab
3 Terrance Doucet.

4 [Whereupon, the witness is shown exhibit]

5 Q. Is that that what you used to compare the samples to
6 for Terrance Doucet?

7 A. Yes.

8 Q. Now I'm going to show you what has already been
9 admitted as State's exhibit 88 which are cigarette butts.

10 [Whereupon, the witness is shown exhibit]

11 Q. Is that what you compared the known standards to?

12 A. Yes, the one cigarette butt that I was referring to
13 is present in this pouch.

14 Q. And is that SLED item 23.2?

15 A. Yes.

16 Q. Now did you do DNA testing on those items ---

17 A. --- yes ---

18 Q. --- on the cigarette butts?

19 A. Yes.

20 Q. Were you able to make any conclusions specifically
21 about SLED item 23.2 which is the already admitted
22 State's exhibit 88?

23 A. Yes.

24 Q. What did you conclude?

25 A. May I read from my report?

1 MR. WARING: Your Honor, may she read from her
2 report?

3 THE COURT: Absolutely.

4 [Whereupon, the witness reviews document]

5 A. The DNA profile developed from item 23.2 is a
6 mixture of at least two individuals. Rivers Freeman and
7 Gregory Green are included as possible contributors to
8 this mixture.

9 The probability of randomly selecting an unrelated
10 individual who could have contributed to this mixture is
11 approximately one in 130 trillion. Terrance Doucet is
12 excluded as a contributor to this mixture.

13 Q. All right. So just to make sure we've got it right.
14 On that swab from the cigarette butt both the victim and
15 Defendant are included as possible contributors to the
16 mixture with a statistic of one in 130 trillion?

17 A. Yes, the statistic for the item is one in 130
18 trillion. And Rivers Freeman and Gregory Green are
19 included as possible contributors.

20 Q. What does that mean? What does that statistic mean?
21 Can you explain that to the Court?

22 A. So the CPI which is different than if we were
23 calculating a direct match a single source to one
24 individual. With CPI you are calculating a statistic for
25 the evidence profile because it is a mixture. And that

1 means there is DNA from more than one individual present.
2 Because this was a mixture where you could not
3 differentiate between a major and minor contributor the
4 statistic is putting weight to that evidence profile.

5 And if you get an individual who has a DNA profile
6 or they have DNA types that are present throughout the
7 mixture then they would have a statistic of one in 130
8 trillion.

9 If you get an individual who has DNA types that are
10 not present in the mixture they would be excluded.

11 THE COURT: But you cannot make a determination as
12 to who was a major or minor contributor where you have
13 combined CPI?

14 THE WITNESS: Correct because not every mixture is a
15 major and a minor. Sometimes you get a 50/50; you get
16 equal contributions from both parties.

17 THE COURT: The objection that has been made by
18 counsel is that the PCAST report which you say you're
19 familiar with which you've been asked questions about
20 that this report concludes that CPI is inherently
21 unreliable and should not be used in DNA analysis. Do
22 you agree with that statement?

23 THE WITNESS: The PCAST report refers to CPI when
24 dealing with mixtures of three or more individuals. This
25 is a two person mixture. The other thing in the PCAST

1 report is they refer to two person mixtures as simple
2 mixtures and they do not have any issue with the validity
3 or reliability of two person mixture interpretation.

4 THE COURT: So you think under the facts of this
5 case the report doesn't really suggest when you have a
6 two person mixture anything as to reliability?

7 THE WITNESS: Correct. Like I said PCAST refers to
8 complex mixtures as three or more individuals and that's
9 where they bring up the CPI issue ---

10 THE COURT: --- which we do not have in this case
11 allegedly.

12 THE WITNESS: Correct.

13 THE COURT: From your findings. Very well. You
14 wish to cross-examine on this issue?

15 MS. STEWART: Yes, Your Honor; briefly.
16
17
18
19
20
21
22
23
24
25

1 IN-CAMERA CROSS-EXAMINATION

2 BY MS. STEWART:

3 Q. Good afternoon, Ms. Money.

4 A. Good afternoon.

5 Q. As far as the determination of the number of

6 contributors who makes that determination?

7 A. The analyst.

8 Q. Okay. So you, right?

9 A. Yes.

10 Q. So each person right can have up to two alleles at

11 any given location, right?

12 A. Yes.

13 Q. One from their Mom and one from their Dad?

14 A. Yes.

15 THE COURT: One question at a time now.

16 MS. STEWART: Yes, sir.

17 THE COURT: I know I got a jury out there and I

18 want to get them back in here ---

19 MS. STEWART: --- yes sir ---

20 THE COURT: --- and I realize the hour but don't

21 staccato three questions at her and say right.

22 MS. STEWART: Yes, sir.

23 Q. [Ms. Stewart] Alleles can be the same at a specific

24 location though, right?

25 A. I'm unclear what you're asking.

1 Q. So at a particular loci point an allele can be the
2 same for one person. So instead of having an allele from
3 Mom and an allele from Dad which is different they can be
4 the same sometimes, right?

5 A. They can get the same allele from both parents but
6 it would only show up as one.

7 Q. Right. So my point is if there are three or more
8 alleles at a particular locus that means that there is
9 more than one contributor, right?

10 A. Correct.

11 Q. But it doesn't necessarily mean that there is only
12 two contributors, right?

13 A. When we look at mixtures we have to look at it as a
14 whole and we have to see what the proportions are from
15 each piece.

16 If there is a significant difference between say
17 instead of it being a 50/50 mixture if it is a 90/10 that
18 can raise some questions as to is there a possibility of
19 additional contributors present.

20 The way that we have our mixture interpretations
21 laid out and our protocols have been validated that if
22 you look at a mixture profile and see that it is a mostly
23 50/50 mixture there is not an expectation of an
24 additional contributor to be present.

25 THE COURT: At what point does that occur? You

1 used 90/10 and 50/50. What do your protocols tell you at
2 what point that occurs where there could be additional
3 contributors.

4 THE WITNESS: You have to look at the profile as a
5 whole because another thing that we have in place is
6 something called a stochastic threshold which is if the
7 peak height falls below that threshold that means that
8 there is the possibility additional contributors present
9 because their peaks may have dropped out because they
10 were so low.

11 If the peaks for the entire profile fall above the
12 stochastic threshold then there is not an expectation for
13 there to be dropout of an additional contributor.

14 THE COURT: I see. Anything else?

15 MS. STEWART: Just a few other questions, Your
16 Honor. I'll be brief.

17 Q. [Ms. Stewart] So as you said you determine the
18 number of contributors right as the analyst?

19 A. Yes.

20 Q. And so in order to get that one in 130 trillion
21 statistic you have to assume that there is two?

22 A. The number of contributors does not factor in the
23 actual calculation of the statistic. That is just from a
24 reporting standpoint. If we say -- if its showing that
25 it is a mixture of two individuals then we look at the

1 profiles to ensure okay, two individuals are being
2 represented at this location, this location and so forth.
3 And then every location that meets the criteria then gets
4 put in the calculation.

5 Q. Okay. And as far as how you're actually able to
6 obtain that statistic, that one in 130 trillion that
7 we're talking about you said that you multiply the
8 frequency of each allele and each locus is that right?

9 A. The frequency -- so at one location they sum up the
10 allele frequencies for the alleles that are present at
11 that location. Then that value will be squared.

12 Then the value that is calculated at every location
13 will be multiplied together and then that creates your
14 statistic of one in X number.

15 Q. And are you aware of the criticism of CPI that says
16 that that multiplication can overstate the rarity of a
17 person's profile.

18 A. I'm not sure where that reference is coming from.

19 Q. From the PCAST report.

20 Q. Again, that is being mentioned in a section dealing
21 with three person mixtures.

22 Q. And SLED has moved to a different way of analyzing
23 mixtures, isn't that right?

24 A. Yes. We have now brought on line a computer program
25 known as --

1 Q. And that's probabilistic genotyping, right?

2 A. Yes.

3 Q. And can you explain ---

4 THE COURT REPORTER: --- what's the name of the
5 program?

6 THE WITNESS: That is the name S-T-R-M-I-X.

7 THE COURT: You finished? You got it, Joy.

8 THE COURT REPORTER: Yes; I'm sorry.

9 THE COURT: Proceed.

10 Q. [Ms. Stewart] And can you explain what that is?

11 A. STRMIX is a computer software program that is a tool
12 that can aid in the interpretation of complex mixtures.
13 And at SLED we have validated it for two, three, and four
14 person mixtures.

15 Q. So now if a new item were to be submitted to SLED
16 and it was determined to be a two person mixture it would
17 be analyzed using the STRMIX program?

18 A. Yes.

19 Q. And you did not analyze this item, the cigarette
20 butt, using that STRMIX program?

21 A. Correct.

22 Q. And that STRMIX program has been determined to be
23 more reliable than the previous ways that y'all analyze
24 mixtures, is that correct?

25 A. The previous ways were not incorrect; they were just

1 restrictive because when you're dealing with mixtures
2 that may have low level amounts of DNA you can't do
3 anything with it because you can't calculate a statistic
4 to that because there is that uncertainty.

5 STRMIX now allows because they use a different type
6 of statistic called likelihood ratio and that can factor
7 in that uncertainty in the calculation.

8 MS. STEWART: I don't think I have any other
9 questions, Your Honor.

10 THE COURT: All right. I think I completely now
11 understand your objection.

12 MS. STEWART: Thank you.

13 THE COURT: I've read the report. Your objection
14 is respectfully overruled.

15 MS. STEWART: Yes, sir.

16 THE COURT: Bring me the jury please.

17 [Whereupon, the jury enters at 5:12 p.m.]

18 THE BAILIFF: The jury is all present, Your Honor.

19

20

21

22

23

24

25

1 THE COURT: Thank you. Call the witness again in
2 the presence of the jury.

3 MR. WARING: Certainly, Your Honor. The State
4 calls Donna Money.

5 THE COURT: Swear the witness please.

6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]

8 CLERK OF COURT: For the record please state your
9 full name spelling your last.

10 THE WITNESS: Donna Money, M-O-N-E-Y.

11 THE COURT: Your witness, counsel. Direct
12 examination.

13 MR. WARING: Thank you, Your Honor.

14 - - - - -

15 DONNA MONEY,

16 Having been first duly sworn,

17 Was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. WARING:

20 Q. Good afternoon, Ms. Money.

21 A. Good afternoon.

22 Q. Please tell the jury where you work?

23 A. I'm employed at the South Carolina Law Enforcement
24 Division also known as SLED.

25 Q. Please tell them what your educational background

1 is.

2 A. I have a Bachelor's degree -- a Bachelor of Science
3 degree in forensic science from the Pennsylvania State
4 University.

5 Q. And how long have you worked at SLED?

6 A. Seven years.

7 Q. What's your job there?

8 A. I am a DNA analyst in the DNA case work department.

9 Q. Please describe some of your duties and
10 responsibilities?

11 A. I perform forensic DNA analysis of submitted
12 evidence items and submitted known standards; I write up
13 reports and testify in Court.

14 Q. Now can you give them a brief synopsis of what a DNA
15 analysis process looks like at SLED?

16 A. A DNA analysis process at SLED is a four step
17 process. The first step is extracting or pulling the DNA
18 away from the item; for instance a swab or a cutting from
19 a piece of clothing.

20 From there I will determine how much DNA is present.
21 From there I will then make copies of the DNA to have
22 more to work with. And then that sample will be run
23 through an instrument where the DNA is separated based on
24 size. And that data is then translated into an image
25 known as a DNA profile.

1 Q. Can you tell the jury what a known standard is?

2 A. A known standard is something collected directly
3 from an individual.

4 Q. Now can it be for example either a blood spot or a
5 buccal swab?

6 A. Yes, a person's blood or if somebody rubs a cotton
7 swab on the inside of your cheek to get the saliva and
8 skin cells that is a buccal swab.

9 Q. Does SLED have a way or a protocol in which they
10 ensure items don't get contaminated?

11 A. Yes. When evidence -- when items of evidence are
12 submitted to SLED if the size allows they will be placed
13 into a SLED heat-sealed pouch.

14 If it's a much larger item they would be placed in a
15 cardboard box and then those items will be sealed and the
16 initials and date would go across the seal.

17 Q. Would you test something if this pouch this heat-
18 sealed pouch were tampered with?

19 A. If there is an indication that someone may have
20 tampered with the pouch it would be noted, analysis would
21 not be started and an investigation would be put into
22 effect to determine why the pouch was open.

23 Q. Have you ever testified in court before?

24 A. Yes.

25 Q. And about how many times?

1 A. 31 times.

2 Q. Have you ever testified as an expert before?

3 A. Yes.

4 Q. And about how many times would that have been?

5 A. 31.

6 Q. Have you had to undergo any specific training while
7 at SLED?

8 A. Yes. Prior to being signed off to do case work I
9 underwent a year and a half long training program under a
10 qualified analyst in the department.

11 This program included running practice training in
12 competency samples, a written exam, an oral exam, a
13 report writing exam and a mock court.

14 Q. Did you have to do any kind of yearly
15 recertification?

16 A. Yes. Per the FBI I am required to have a minimum of
17 eight hours of continuing education each year. That
18 could be attending conferences, reading journal articles,
19 or attending various training workshops.

20 MR. WARING: Your Honor, at this point the State
21 seeks to have the witness declared an expert in the field
22 of forensic DNA analysis.

23 THE COURT: Any objection as to qualifications?

24 MS. STEWART: No, Your Honor.

25 THE COURT: Ladies and gentlemen normally the law

1 does not permit witnesses to get on the witness stand and
2 testify to opinions or conclusions. An exception to that
3 rule is to those witnesses who are qualified by the Court
4 are able to give an opinion as to based on their
5 knowledge, skill, experience, training or education.

6 This witness is qualified without objection in the
7 field of DNA analysis and will be permitted to give an
8 opinion as an expert in the matters in which she claims
9 to be so skilled.

10 In determining the weight to be given to such
11 opinion you should consider the qualifications and the
12 creditability or believability of the expert and the
13 reasons given for her opinion. You are not bound by such
14 opinion. You give it the weight, if any, to which you
15 deem it should be entitled.

16 Qualified without objection. You may proceed,
17 Solicitor. Direct examination.

18 Q. [Mr. Waring] Ms. Money, were you involved in the
19 Gregory Green case?

20 A. Yes.

21 Q. How did you get brought into this case?

22 A. I was the DNA analyst assigned to work the evidence
23 and known standards in this case.

24 Q. All right. Now what kind of work did you do in this
25 case?

1 A. I performed forensic DNA analysis on several items
2 of evidence and three known standards.

3 Q. So when you mention known standards did you receive
4 known standards for the victim, the Defendant and co-
5 defendant Terrance Doucet?

6 A. Yes, I received three.

7 Q. And were those in the form of blood spots or buccal
8 swabs?

9 A. I received a blood spot from the victim and then
10 buccal swabs from the two -- the Defendant and the co-
11 defendant.

12 Q. And is that what you compared whatever samples you
13 received to?

14 A. Yes.

15 MR. WARING: Your Honor, may I approach the witness?

16 THE COURT: You may.

17 Q. [Mr. Waring] All right Ms. Money, I'm showing you
18 what has already been admitted as State's exhibit 89
19 which is labeled a blood spot.

20 [Whereupon, the witness is shown exhibit]

21 Q. Is that what you used to compare the samples to for
22 the victim's known standard?

23 A. Yes.

24 Q. I'm now showing you what has already been admitted
25 as State's exhibit 94 labeled DNA buccal swab from

1 Gregory Green.

2 [Whereupon, the witness is shown exhibit]

3 Q. Is that the Defendant's known standard that you used
4 to compare it to the items you received?

5 A. Yes.

6 Q. Lastly, I'm showing you what has already been
7 admitted as State's exhibit 95 labeled buccal swab
8 Terrance Doucet.

9 [Whereupon, the witness is shown exhibit]

10 Q. Is this what you used as a known standard for co-
11 defendant Terrance Doucet to compare the items you
12 received?

13 A. Yes.

14 Q. All right Ms. Money, I'm now going to show you --
15 pardon me.

16 MR. WARING: Your Honor, may I approach the
17 witness?

18 THE COURT: You may.

19 Q. [Mr. Waring] I'm showing you what has been marked
20 for identification purposes as State's exhibits 82
21 through 84.

22 [Whereupon, the witness is shown exhibit]

23 Q. Starting with State's exhibit 82 can you tell the
24 jury what you're looking at there?

25 A. State's exhibit 82 is in SLED container D, which is

1 swab from passenger side front door panel.

2 Q. All right. And now State's exhibit 83 can you tell
3 me what that is?

4 [Whereupon, the witness is shown exhibit]

5 A. State's exhibit 83 is also contained in SLED
6 container D and it is a swab from passenger door rear top
7 frame.

8 Q. Lastly, I'm showing you State's exhibit 84 for
9 identification purposes.

10 [Whereupon, the witness is shown exhibit]

11 Q. Can you tell me what we're looking at there?

12 A. SLED exhibit -- I'm sorry; State's exhibit 84 is
13 SLED item 25, which is swab from passenger side B post.

14 Q. To your knowledge have those items been tampered
15 with in any way?

16 A. There was no evidence of that when I received them.

17 Q. All right. Now do those items fairly and accurately
18 depict SLED items labeled as swab passenger side front
19 door panel, which is exhibit 82; swab passenger door top
20 rear frame, which is exhibit 83; and swab B post, which
21 is exhibit 84?

22 A. Yes.

23 Q. Now I'd like you to tell us who from SLED handled
24 those items prior to them reaching you, do you know?

25 A. May I refer to our internal chain?

1 MR. WARING: Your Honor, may she refer to that?

2 THE COURT: [Nods affirmatively]

3 [Whereupon, the witness reviews document]

4 A. For SLED item 13, which was swab from passenger side
5 front door panel prior to that being placed into my
6 custody Jeremy Ledford of the North Charleston Police
7 Department submitted into our SLED evidence submission
8 lockers.

9 And then SLED forensic technician Doris Yarbrough
10 retrieved the item from the lockers. She then placed it
11 on a DNA intake shelf. And then forensic technician
12 Jackie Davis was the individual that retrieved the item
13 from the intake shelf and then transferred it into my
14 custody in my presence.

15 Q. And is that for all three items? SLED item 15?

16 A. That also applies to SLED item 15 since both items
17 travelled in container D. For item 25 that item also was
18 submitted to SLED by Jeremy Ledford of North Charleston
19 P.D. into one of our evidence submission lockers.

20 Forensic technician Doris Yarbrough retrieved the
21 item from the locker and placed it on an intake shelf.
22 But then forensic technician Charlotte Pitts retrieved
23 the item from the intake shelf and transferred it to my
24 custody in my presence.

25 Q. And just so we're all on the same page SLED items

1 13, 15, and 25 are those the same as State's exhibits 82
2 through 84?

3 A. Yes.

4 Q. When you received those items were they secured in a
5 heat-sealed bag?

6 A. Yes. They were secured in these heat-sealed
7 pouches.

8 Q. Now Ms. Money, did you do a test on those three
9 items?

10 A. Yes. I performed forensic DNA analysis on all three
11 items.

12 Q. And did you do a report for this case?

13 A. Yes.

14 Q. Were you able to make any conclusions about those
15 items?

16 A. Yes.

17 Q. And what did you conclude?

18 A. May I read my report?

19 MR. WARING: Your Honor, may she...

20 THE COURT: She may. You can review your report
21 and then testify after reviewing it if it refreshes your
22 memory. Counsel, you have a copy don't you?

23 MS. STEWART: Yes, sir.

24 A. For SLED item 13, which is State's exhibit 82, those
25 were the swabs from the passenger side front door panel.

1 A DNA profile was developed from this item. And
2 likelihood ratios for this profile were calculated using
3 a program that we use now that is called STRMIX.

4 Each individual that had a standard submitted for
5 this case is going to have a proposition set for their
6 comparison purposes. Is there a specific proposition set
7 that you'd like me to start with?

8 Q. [Mr. Waring] One moment while I refer to the report.
9 [Whereupon, Mr. Waring reviews document]

10 Q. So regarding State's exhibit 82, which is SLED item
11 13 passenger side front door panel can you tell us about
12 proposition set one for starters?

13 A. Proposition set one was for the victim Rivers
14 Freeman. The DNA profile developed from this item was
15 interpreted as a mixture originating from three
16 individuals.

17 With proposition sets there is going to be two
18 competing propositions to explain the DNA profile that
19 was developed from this item.

20 The first possible explanation is that Rivers
21 Freeman and two unidentified unrelated individuals
22 contributed to the mixture.

23 The competing statement is that three unrelated
24 unidentified individuals contributed to the mixture. The
25 DNA profile that was developed is approximately six times

1 more likely if Rivers Freeman and two unidentified
2 unrelated individuals contributed to the mixture than if
3 three individuals that were unrelated and unidentified
4 contributed to the mixture.

5 Q. All right. And you said six times more likely if
6 Rivers Freeman and two unidentified unrelated individuals
7 contributed to the mixture than if three unidentified
8 unrelated individuals contributed to the mixture?

9 A. Yes.

10 Q. Can you dissect that and translate to the jury what
11 that means as far as is that strong support, weak
12 support, moderate support for his DNA being on there?

13 A. When one deals with likelihood ratios there is a
14 verbal scale that we utilize to translate what these
15 values mean as far as support for the explanation of this
16 profile.

17 A likelihood ratio of six is considered weak support
18 that the DNA profile can be explained by the contribution
19 of Rivers Freeman and two unidentified unrelated
20 individuals versus three unrelated unidentified
21 individuals.

22 Q. All right. Now there is another proposition set
23 that I'm interested in, proposition set three for that
24 same item, SLED item 13 which is State's exhibit 82
25 presumptive blood spot swab passenger side front door

1 panel. Can you tell us about that?

2 A. For proposition set three the DNA profile again was
3 interpreted as a mixture originating from three
4 individuals.

5 The two competing explanations are that Gregory
6 Green and two unidentified unrelated individuals
7 contributed to the mixture verses three unidentified
8 unrelated individuals contributing to the mixture.

9 The DNA profile developed is approximately 100 times
10 more likely that Gregory Green and two unidentified
11 unrelated individuals contributed to the mixture than if
12 it was three unidentified unrelated individuals.

13 Q. All right. So the statistic on that is 100. Can
14 you translate that to the jury? Is that moderate
15 support, weak support, strong support?

16 A. On a verbal scale that is considered moderate
17 support.

18 Q. All right. Next Ms. Money can you tell us what your
19 conclusion was for State's exhibit 83 which is SLED item
20 15 presumptive blood spot swab passenger door rear top
21 frame?

22 A. A DNA profile was developed from this item and
23 likelihood ratios were calculated using STRMIX. Are
24 there particular proposition sets?

25 Q. Let's kick the ball off with proposition set one.

1 A. For proposition set one the profile that was
2 developed from this item was interpreted as a mixture
3 originating from four individuals.

4 The two competing explanations are Rivers Freeman
5 and three unidentified unrelated individuals contributed
6 to the mixture verses four unidentified unrelated
7 individuals.

8 The DNA profile that was developed is approximately
9 two times more likely if four unidentified unrelated
10 individuals contributed to the mixture than if Rivers
11 Freeman and three unidentified unrelated individuals
12 contributed to the mixture.

13 Q. Okay. So translation that's weak support? Is that
14 right?

15 A. In favor of the explanation that it is four
16 unidentified unrelated individuals.

17 Q. So just to sum up right here approximately two times
18 more likely if four unidentified unrelated individuals
19 contributed to the mixture than if Rivers Freeman and
20 three unidentified unrelated individuals contributed to
21 the mixture.

22 A. Yes.

23 Q. All right. Let's move on to proposition set two.
24 Can you tell us about that?

25 A. This one again the profile was interpreted as a

1 mixture originating from four individuals. The two
2 competing explanations are Terrance Doucet and three
3 unidentified unrelated individuals contributed to the
4 mixture verses four unidentified unrelated individuals
5 contributed to the mixture.

6 The DNA profile is approximately 70,000 times more
7 likely if Terrance Doucet and three unidentified
8 unrelated individuals contributed to the mixture than if
9 it were four unidentified unrelated individuals.

10 Q. All right. So now that statistic for Terrance
11 Doucet is that strong support?

12 A. Yes.

13 Q. All right. Lastly, can you tell us about
14 proposition set three for that same item?

15 A. For proposition set three again the profile was
16 interpreted as a mixture of four individuals. And the
17 two competing explanations are Gregory Green and three
18 unidentified unrelated individuals contributed to the
19 mixture versus four unidentified unrelated individuals.

20 The DNA profile is approximately 25 times more
21 likely if Gregory Green and three unidentified unrelated
22 individuals contributed to the mixture than if it was
23 four unidentified unrelated individuals.

24 Q. Okay. So weak support for the Defendant's DNA?

25 A. Yes.

1 Q. All right. Ms. Money, I want to direct your
2 attention State's exhibit 84 which is SLED item 25
3 presumptive blood spot swab B post. Can you tell us what
4 your findings were for proposition set one?

5 A. For proposition set one the DNA profile that was
6 developed from this item was interpreted as a mixture
7 originating from two individuals.

8 The two competing explanations for proposition set
9 one were that Rivers Freeman and an unidentified
10 unrelated individual contributed to the mixture versus
11 two unidentified unrelated individuals.

12 The DNA profile is approximately 27,000 times more
13 likely if Rivers Freeman and an unidentified unrelated
14 individual contributed to the mixture than if it was two
15 unidentified unrelated individuals.

16 Q. So is that strong support for the victim's DNA?

17 A. Yes.

18 Q. Okay. Proposition set three same item?

19 A. Again, the DNA profile was interpreted as a mixture
20 originating from two individuals. And the two competing
21 explanations were Gregory Green and an unidentified
22 unrelated individual contributed to the mixture versus
23 two unidentified unrelated individuals.

24 The DNA profile is approximately three times more
25 likely if Gregory Green and an unidentified unrelated

1 individual contributed to the mixture than if it was two
2 unidentified unrelated individuals.

3 Q. Okay. So that's weak support for the Defendant's
4 DNA?

5 A. Yes.

6 Q. Okay. Ms. Money, I want to try to summarize this
7 and if you will answer yes or no whether or not this is
8 accurate based on what you just testified to.

9 So for exhibit 82, which is presumptive blood spot
10 swab from passenger side front door panel there is weak
11 support for the victim's DNA but moderate support for the
12 Defendant's DNA?

13 A. There is weak support that the DNA profile can be
14 explained by the presence of the victim's DNA and then
15 there is moderate support that the DNA profile can be
16 explained by the Defendant's DNA.

17 Q. All right. Now State's exhibit 83 presumptive blood
18 spot passenger door rear top frame is it correct and
19 accurate based on what you just testified to that there
20 is weak support for the victim's DNA and strong support
21 for Terrance Doucet's DNA and weak support for the
22 Defendant's DNA?

23 A. There is weak support that the profile can be
24 explained by four unidentified individuals versus the
25 presence of the victim's DNA and three unidentified

1 unrelated individuals. There is strong support that the
2 co-defendant -- that the DNA profile can be explained by
3 the presence of the co-defendant's DNA and three
4 unidentified individuals.

5 And then there is weak support that the profile
6 could be explained by the presence of the Defendant's DNA
7 along with three unidentified unrelated individuals.

8 Q. All right. Lastly, State's exhibit 84 presumptive
9 blood spot swab which is from the B post. Is it accurate
10 that there is strong support for the victim's DNA and
11 weak support for the Defendant's DNA?

12 A. There is strong support that the profile developed
13 from this item can be supported by the presence of the
14 victim's DNA and an unidentified individual.

15 And then there is weak support that the DNA profile
16 developed can be supported by the presence of the
17 Defendant's DNA and an unidentified unrelated individual.

18 Q. All right. So there was strong support for some
19 things, moderate for others, weak for others. Can you
20 tell us does weak support does that still mean that it is
21 in favor of inclusion or is it more exclusion?

22 A. If -- the likelihood ratio value is in favor of the
23 first explanation which is referred to as HP that means
24 it's in favor of inclusion, a weak support inclusion.

25 Q. So all the numbers that we just talked about were

1 those the HP which would be in favor of inclusion?

2 A. For the proposition set for the victim on State's
3 exhibit 84 that was in favor of the HD statement, which
4 is the second explanation.

5 Q. But beyond that setting that one aside all the other
6 ones that we talked about, all those statistics are those
7 in favor of inclusion including the weak ones?

8 A. Yes. All the others were likelihood ratios that
9 were in favor of the HP or first statement.

10 Q. Ms. Money, what did you do with all these items when
11 you were done testing them?

12 A. When analysis is completed the items will be
13 transferred to our DNA return section and then from there
14 they will be sent down to our evidence control department
15 for the submitting agencies to come pick everything up.

16 MR. WARING: Your Honor, at this point the State
17 moves to have exhibits 82 through 84 admitted into
18 evidence.

19 THE COURT: As to 82, 83, and 84?

20 MS. STEWART: No objection.

21 THE COURT: Ladies and gentlemen of the jury
22 State's exhibit 82, 83, and 84 will be admitted into
23 evidence in the trial of this case without objection.

24 [Whereupon, State's exhibit number 82 through 84 are
25 entered into evidence by the Court]

1 THE COURT: You may publish to the jury; 82, 83,
2 and 84 in evidence.

3 MR. WARING: Thank you, Your Honor.

4 Q. [Mr. Waring] Now Ms. Money, can you tell us what
5 interpretation protocol was used to generate these
6 results?

7 A. As mentioned earlier a computer program that we use
8 at SLED called STRMIX was used to generate these results.

9 Q. Is that a new interpretation protocol?

10 A. It is a software program that we brought online last
11 fall.

12 Q. Okay. Nor prior to generating these results had you
13 tested these items before?

14 A. Yes. All of these items had been analyzed prior to
15 STRMIX being brought online and had been reported out
16 before then as well.

17 Q. Okay. Were any results reported out before?

18 A. Yes.

19 Q. Okay. Were they as indicative or strong as the ones
20 you used with STRMIX?

21 A. The previous results for these items were that due
22 to the inability to calculate a statistic no further
23 interpretation would be offered.

24 Q. Okay. So in other words no statistics were offering
25 first method of testing but then when you retested it

1 that's when you were able to generate these statistics?

2 A. When these profiles were re-evaluated to see if they
3 were suitable for STRMIX yes, they were able to generate
4 these statistics.

5 Q. And why the difference in the tests? Why try the
6 second method in STRMIX?

7 A. When these items were analyzed the statistical
8 calculation methods we had on line were restrictive.
9 These items yielded DNA profiles that had low levels of
10 DNA and because of that you can't calculate a statistic
11 because there could be the possibility of additional
12 contributors present.

13 With STRMIX that actually takes that into account
14 because with STRMIX we're calculating likelihood ratios
15 which is having two competing explanations.

16 The previous method utilized something that was not
17 likelihood ratios but something called combined
18 probability of inclusion.

19 Q. Does the fact that these results were not obtained
20 under the old protocol have anything -- does that mean
21 anything as far as the validity of the subsequent testing
22 under STRMIX which generated these statistics that we
23 talked about?

24 A. The two methods are very different methods. It's
25 like comparing apples and oranges. The old method was

1 not wrong like I said before; it was just restrictive.
2 With STRMIX it allows us to take into account more of the
3 data that we generate.

4 MR. WARING: Your Honor, may I approach the
5 witness?

6 THE COURT: You may.

7 MR. WARING: Thank you.

8 Q. [Mr. Waring] I'm showing you what has been already
9 admitted into evidence as State's exhibit 88.

10 [Whereupon, the witness is shown exhibit]

11 Q. Can you tell the jury what that is?

12 A. State's exhibit 88 is SLED item 23 which is
13 described as cigarette butts.

14 Q. Now specifically does that fairly and accurately
15 depict three cigarette butts including SLED item 23.2
16 which is a cigarette butt?

17 A. Yes. Three cigarette butts were submitted in one
18 evidence envelope by a submitting agency. And then when
19 I opened the envelope I sub-itemized each item into its
20 own item number; so 23.1, .2 and .3.

21 Q. Are you able to tell us who from SLED handled those
22 items prior to your testing?

23 A. Yes.

24 Q. And can you tell us who they were?

25 [Whereupon, the witness reviews document]

1 A. Jeremy Ledford of the North Charleston Police
2 Department submitted State's exhibit 88 into our evidence
3 submission lockers.

4 Then Doris Yarbrough, forensic technician in our
5 evidence control department she retrieved it from the
6 locker and placed it on an intake shelf.

7 And then Charlotte Pitts another forensic technician
8 in our evidence control department retrieved the item
9 from that shelf and then transferred into my custody in
10 my presence.

11 Q. Were you -- did you do any testing on that?

12 A. Yes.

13 Q. And were you able to make any conclusions about SLED
14 item 23.2, the cigarette butt that is exhibit 88?

15 A. Yes.

16 Q. And what did you conclude?

17 A. The DNA profile developed from 23.2, the cigarette
18 butt ---

19 MS. STEWART: --- objection. I'm just renewing my
20 earlier objection.

21 THE COURT: Let the record reflect it's a
22 contemporaneous objection as to this which I have already
23 ruled on. The objection is overruled. You may proceed.

24 A. The DNA profile developed is a mixture of at least
25 two individuals. Rivers Freeman and Gregory Green are

1 included as possible contributors to this mixture.

2 The probability of randomly selecting an unrelated
3 individual who could have contributed to this mixture is
4 approximately one in 130 trillion.

5 Terrance Doucet was excluded as a contributor to
6 this mixture.

7 Q. [Mr. Waring] All right. So translation both the
8 victim and the Defendant's DNA is on that cigarette butt
9 with a statistic of one in 130 trillion?

10 A. Rivers Freeman and Gregory Green are included as
11 possible contributors to the mixture. And the statistic
12 for that DNA profile is one in 130 trillion.

13 Q. So break that down for the jury. What does that
14 mean?

15 A. That means that for that evidence profile to
16 randomly select somebody from the population to be a
17 contributor to this item is one in 130 trillion.

18 Q. So it's more -- the chances of randomly selecting
19 somebody else other than these two individuals, the
20 victim and the Defendant, is one in 130 trillion?

21 A. No, it shows the statistic for this profile because
22 since it's a mixture if there is another individual that
23 has DNA types that are also present in that mixture they
24 would have the same statistic as the one in 130 trillion.

25 Q. But the statistic is one in 130 trillion, is that

1 right?

2 A. Yes.

3 Q. Okay. Are there that many people on earth?

4 A. No.

5 Q. Are you able to offer an opinion on whether or not
6 those are the victim's and the Defendant's DNA?

7 A. I can state that the DNA profiles developed from the
8 victim Rivers Freeman and the Defendant Gregory Green
9 they can be included as possible contributors to the
10 mixture.

11 Q. With that massive statistic that you mentioned,
12 right?

13 A. Yes.

14 Q. Now, what did you do with this item when you were
15 done testing it?

16 A. Again, it was transferred into our DNA return and
17 then subsequently returned to our evidence control
18 department for pickup.

19 MR. WARING: Your Honor, I think we've already
20 moved this exhibit 88 into evidence; just for
21 clarification.

22 THE COURT: Yes, 88 is in evidence.

23 MR. WARING: Thank you, Your Honor.

24 [Whereupon, Mr. Waring and Mr. Sowards confer]

25 Q. [Mr. Waring] Please answer any questions the defense

1 has.

2 THE COURT: Cross-Examination.

3 MS. STEWART: Thank you, Your Honor. May it please
4 the Court?

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CROSS-EXAMINATION

BY MS. STEWART:

Q. Ms. Money, I want to first talk to you about the item that you analyzed using the STRMIX program.

I'd like to talk to you about item number 13 and that is labeled as swabs from the passenger side front door panel.

THE COURT: Let's use the exhibit number if it's in evidence for the record please. I understand we've got SLED numbers and we do this in every case but to assist the witness if you want to say both but at least state an exhibit number.

MS. STEWART: Yes, Your Honor. May I approach?

[Whereupon, Ms. Stewart retrieves exhibit and shows to the witness]

Q. [Ms. Stewart] So this would be item 82, is that correct?

A. Yes.

Q. Okay. So as far as exhibit 82, which is your SLED item number 13 you talked with Mr. Waring about the fact that there is weak support for Mr. Rivers DNA being present in the mixture, is that correct?

A. Yes.

Q. And you also mentioned that there is moderate support for Mr. Green's DNA being part of that mixture,

1 is that correct?

2 A. Yes.

3 Q. Now you also went on to analyze whether that mixture
4 could be a mixture of both of their DNA, is that correct?

5 A. Yes, an additional proposition set was done.

6 Q. And what were the results of that?

7 A. For proposition set four which was with two
8 competing explanations of Rivers Freeman, Gregory Green
9 and an unidentified unrelated individual contributing to
10 the mixture versus three unidentified unrelated
11 individuals an uninformative statistical result was
12 obtained.

13 No conclusion can be made regarding Rivers Freeman
14 and Gregory Green as possible contributors to the mixture
15 under the listed propositions.

16 Q. Okay. And for those of us who are not DNA analysts
17 what does that mean?

18 A. That means that the likelihood ratio calculated was
19 one.

20 And when you get a likelihood ratio of one that
21 means it's not leaning towards in favor of inclusion or a
22 favor of exclusion, that the profile you can't draw any
23 conclusions about the combination of their DNA together.

24 Q. And I want to talk a little bit about this
25 likelihood ratio term that you keep using. Can you

1 explain to us what exactly that means?

2 A. A likelihood ratio is when you have an event and you
3 want to calculate how likely that event is to occur with
4 two competing explanations. And I'll give a non-DNA
5 example.

6 I can make a statement that I am going to win a
7 marathon. That is the event. And a likelihood ratio can
8 be calculated when I've got two competing explanations.
9 One could be I trained for the marathon versus I sit on
10 the couch all day and eat cookies.

11 And if the likelihood ratio is positive in favor of
12 the first statement that means for instance it's one
13 million times more likely I'm going to win the marathon
14 if I train than if I were to sit on the couch and eat
15 cookies.

16 Q. Now that still doesn't necessarily mean that you win
17 the marathon right?

18 A. Correct. But if the likelihood ratio is again a
19 million in favor of training, that's an explanation for
20 the event which is winning the marathon.

21 Q. So basically with the likelihood ratio you're
22 looking at two kind of competing hypotheses or theories,
23 right?

24 A. Yes.

25 Q. And I want to talk to you a little bit about the

1 number part of the likelihood ratio. You testified with
2 Mr. Waring that there is kind of a scale that allows you
3 to translate that number to something you can testify to
4 in court; so what that number means, right?

5 A. Yes. It's a scale that places the number as weak
6 support, moderate support, strong, and very strong.

7 Q. So basically that number that is X times more likely
8 that you win the marathon if you train that number can
9 then be translated to there is very strong support for
10 the idea that you're much more likely to win the marathon
11 if you train as an example?

12 A. Yes.

13 Q. And based on the number the words that you would use
14 in Court for example would change, right?

15 A. Yes.

16 Q. So for example in this case anything between two and
17 99 is weak support, right?

18 A. Yes, per our -- scale.

19 THE COURT REPORTER: Per our?

20 A. Verbal scale.

21 Q. [Ms. Stewart] And different labs have different
22 scales, right?

23 A. Yes. It's based on their validation of STRMIX.

24 Q. Okay. But a different lab in a different area might
25 say that 100 was weak support, right?

1 A. It's possible.

2 Q. It just depends on what their scale is.

3 A. Yes.

4 Q. I also want to talk to you briefly about item number
5 15.

6 MS. STEWART: Your Honor, may I approach the
7 witness?

8 THE COURT: You may.

9 [Whereupon, the witness is shown exhibit]

10 Q. [Ms. Stewart] I believe that is item 83, is that
11 correct?

12 A. Yes.

13 Q. So I want to talk with you about exhibit 83 and that
14 is labeled in your report as item number 15, the swab
15 from the passenger door rear top, right?

16 A. Yes.

17 Q. And you testified that there is strong support for
18 the idea that Mr. Doucet's DNA is present, right?

19 A. Yes.

20 Q. But weak support for Mr. Green's DNA being present.

21 A. Yes.

22 Q. So all we can say based on those exhibits, based on
23 82 and 83 is that there is weak and barely moderate
24 support for the idea that his idea was on those swabs.

25 A. For both items, for State's exhibit 82 it is

1 moderate support for Gregory Green on that item. And
2 then for State's exhibit 83 it is weak support for
3 Gregory Green on that item.

4 Q. So you certainly can't say that his DNA is there
5 with any certainty?

6 A. The likelihood ratio is to the DNA profile itself
7 and weak support is a weaker support that it can be
8 explained by that individual plus the X number of
9 unidentified unrelated individuals.

10 Or, in the other case moderate support in favor of
11 that profile being explained by the presence of DNA from
12 that individual and the X number of unidentified
13 unrelated individuals.

14 Q. And I want to talk to you about that term that
15 unidentified unrelated individual that you keep using.
16 How can family relationships affect DNA results?

17 A. It depends on how related that person is to another
18 person.

19 Q. So that statistic or that term that you use
20 unidentified unrelated individual what do you mean by
21 that?

22 A. It just means an individual that is unknown and is
23 not a member of that person's biological family.

24 Q. And were you provided any information in this case
25 about whether Mr. Rivers and Mr. Green were related?

1 A. I was not.

2 Q. And if you had been provided that information would
3 that affect your results?

4 A. Each individual is evaluated separately. And if
5 they have positive likelihood ratios in favor of the HP
6 statement, the first statement, they would be combined.

7 If there was a relatedness there could be an effect.
8 There may not be effect. But that is something that
9 STRMIX does take into consideration when it does
10 calculate likelihood ratios.

11 Q. But you didn't have that information in this case,
12 is that correct?

13 A. I was not provided any background family history on
14 any individual in this case.

15 Q. I want to also talk to you now --

16 MS. STEWART: Your Honor, may I approach the
17 witness?

18 Q. [Ms. Stewart] About item 25 on your report which is
19 our exhibit 84.

20 [Whereupon, the witness is shown exhibit]

21 Q. And you interpreted that as a mixture of two
22 people's DNA, is that correct?

23 A. Yes originally from two individuals.

24 Q. And again you testified that there was strong
25 support for Mr. Rivers DNA being included in that

1 mixture.

2 A. Yes. There is strong support that the DNA profile
3 could be explained by the presence of Rivers Freeman's
4 DNA and an unidentified unrelated individual.

5 Q. And Mr. Doucet is excluded as a contributor to that
6 mixture, is that true?

7 A. Yes.

8 Q. And you also then went on to analyze whether that
9 mixture could contain both Mr. Rivers and Mr. Green's
10 DNA, is that ---

11 A. --- yes, because both had likelihood ratio in favor
12 of the HP statement.

13 Q. And what was your conclusion?

14 A. The DNA profile obtained cannot be explained by a
15 combination of DNA from both Rivers Freeman and Gregory
16 Green under the listed propositions.

17 Q. So that means that if, in fact, it is Mr. Rivers DNA
18 somebody else would have had to contribute to that
19 mixture.

20 A. Based on this, yes.

21 Q. Ms. Money, your job is to analyze DNA, right?

22 A. Yes.

23 Q. And it could be many different kinds of DNA that you
24 would analyze, right?

25 A. We only focus on human DNA.

1 Q. Okay. But it could be touch DNA, blood, semen; it
2 could be lots of different things, right?

3 A. Yes.

4 Q. You can't say whether anything is blood or anything
5 else; that's somebody else's job, right?

6 A. We can't provide any information as far as the
7 source of the DNA.

8 Q. And you at SLED you have a serology department.

9 A. Yes.

10 Q. But again that's not your job.

11 A. I'm trained in serology but that is not my primary
12 goal in the department.

13 Q. And as far as DNA goes you can't say anything about
14 the timeframe that DNA was put on an object or an item,
15 right?

16 A. No, there is no timestamp for DNA.

17 Q. So you certainly can't say when the DNA got on a
18 particular item?

19 A. I cannot.

20 Q. You couldn't put any limits on that timeframe
21 either.

22 A. No.

23 MS. STEWART: Beg the court's indulgence.

24 [Whereupon, Ms. Stewart and Ms. Norris confer]

25 MS. STEWART: I have nothing further.

1 THE COURT: Redirect?
2 MR. WARING: Just one quick question, Your Honor.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REDIRECT EXAMINATION

BY MR. WARING:

Q. Ms. Money, can cleaning products affect your ability to extract a strong sample from an item?

A. Cleaning products are known to have an effect on DNA. It can degrade DNA or if you wipe an area enough you could wipe away DNA. So it is known that cleaning products may have an effect.

MR. WARING: No further questions, Your Honor.

THE COURT: Recross limited to redirect?

MS. STEWART: No, Your Honor.

THE COURT: As to this witness, Solicitor?

MR. WARING: Please excuse her, Your Honor.

THE COURT: Any objection?

MS. STEWART: No, Your Honor.

THE COURT: Ms. Money, you may step down from the witness stand and you are excused from the trial of this case. You may leave the courtroom.

[Whereupon, the witness is excused and exits the witness stand]

1 THE COURT: Mr. Foreman and ladies and gentlemen of
2 the jury we're going to stop at this point for the
3 evening. I wanted to try to get as much in so I can get
4 you home early this week. Thank you for your patience
5 and your time. I'm going to feed you lunch tomorrow.
6 And I want you to get them some Krispy Kreme donuts,
7 since I can't have any, in the morning so they have
8 Krispy Kremes when they get here in the morning.

9 Thank you so much for your patience and your service
10 ladies and gentlemen. Please be in your jury room prior
11 to 10 a.m. in the morning. We will start at 10 a.m. in
12 the morning. Please do not discuss the case with anyone
13 or amongst yourselves until I instruct you to do so.
14 Thank you. You may leave the courtroom at this time.
15 Everyone else remain seated while the jury is leaving.

16 [Whereupon, the jury exits at 5:55 p.m.]

17 THE COURT: Counsel, we marked for identification a
18 transcript and I think it was marked as Court's exhibit
19 5. We did not mark the other transcript. And I
20 understand you have the same number of copies of that?

21 MR. WARING: 20, Your Honor. Yes, Your Honor.

22 THE COURT: Has defense counsel been provided with
23 copies?

24 MR. WARING: They have, Your Honor.

25 THE COURT: Then provide a copy to the court

1 reporter and let's mark the other transcript with a
2 Court's exhibit. This is not going to the jury in the
3 jury room. It will be a Court's exhibit to use as an
4 aid.

5 THE COURT: What number will it be?

6 THE COURT REPORTER: It will be number 6.

7 THE COURT: The Court's exhibit number 6 if you
8 want to write on it is for identification and will not be
9 an exhibit that the jury will be taking into the jury
10 room.

11 [Whereupon, Court's exhibit number 6 is marked by
12 the court reporter]

13 THE COURT: I'm assuming that the copy I have is
14 what you have. My law clerk handed me this. Has there
15 any change in it?

16 MR. WARING: Since last night? If you want Your
17 Honor I can hand you up a new one just in case.

18 THE COURT: Better give me another one.

19 MR. WARING: Just in case.

20 THE COURT: I don't want to mess that up.

21 [Whereupon, Mr. Waring provides document to the
22 Court]

23 THE COURT: All right counsel, I'm going to expect
24 you to hand up any request to charge that you have. Does
25 the State have any request to charge?

1 MR. WARING: Your Honor, other than what we
2 originally submitted at this time, no.

3 THE COURT: Does the Defendant have any additional
4 request to charge?

5 MS. STEWART: My response is the same as Mr.
6 Waring. Already what we have submitted the State v
7 Logan, the circumstantial evidence charge and Judge ---

8 THE COURT: --- you have no additional request to
9 charge? That's just a yes or no ---

10 MS. STEWART: --- yes, sir ---

11 THE COURT: --- not a speech. All right ladies and
12 gentlemen we will start back at 10 a.m. in the morning.
13 It is my intention to finish all the testimony in the
14 trial of this case tomorrow. I will have a Charge
15 Conference with the lawyers once we finish the testimony.

16 We will not submit the case to the jury until
17 Thursday morning. We'll have argument and charge on
18 Thursday morning. Thank you very much. I hope everybody
19 has a safe evening. I'll see you in the morning.

20 MR. WARING: Thank you, Your Honor.

21 [Whereupon, the jury trial adjourns at 6:10 p.m.]
22
23
24
25

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 5th day of November, 2019.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

January 19, 2020



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2017-GS-10-6993
	)	2017-GS-10-6994
	)	2017-GS-10-6995
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
GREGORY KYLE GREEN	)	
	)	
Defendant	)	
	)	
	)	
	)	
_____	)	TRANSCRIPT OF RECORD
		November 6, 2019
		Charleston, South Carolina

Volume 3 (of 3)

B E F O R E:

THE HONORABLE PERRY M. BUCKNER, III, JUDGE

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

RICHARD WARING, ESQ.
 WHITNEY SOWARDS, ESQ.
 Attorneys for the State

TAYLOR STEWART, ESQ.
 TERESA NORRIS, ESQ.
 Attorneys for the Defendant

JOYCE C. RUEGER, CVR-M
 Circuit Court Reporter

INDEX TO PROCEEDINGS	PAGE
PROCEEDINGS	494
DR. ANGELINA PHILLIPS	
Direct Examination by Mr. Waring	499
Cross-Examination by Ms. Stewart	518
JAMES GREEN	
Direct Examination by Mr. Sowards	522
Cross-Examination by Ms. Stewart	530
VIVIAN MCNEIL	
Direct Examination by Mr. Sowards	535
MICHAEL SANCHEZ	
Direct Examination by Mr. Waring	538
MICHAEL SANCHEZ (In Camera)	
Direct Examination by Mr. Waring	543
ARGUMENT OF COUNSEL	
Remarks by Ms. Stewart	550
Remarks by Mr. Waring	553
Remarks by Ms. Stewart	555
Remarks by Mr. Waring	558
Ruling of the Court	559
MICHAEL SANCHEZ	
Direct Examination by Mr. Waring (resumes)	564
Cross-Examination by Ms. Stewart	596
Redirect Examination by Mr. Waring	627

INDEX TO PROCEEDINGS (continued)

	PAGE
CLAY SIMMONDS (In Camera)	
Direct Examination by Mr. Waring	634
Cross-Examination by Ms. Stewart	649
CLAY SIMMONDS	
Direct Examination by Mr. Waring (resumes)	654
Cross-Examination by Ms. Stewart	679
Redirect Examination by Mr. Waring	685
Recross-Examination by Ms. Stewart	687
FIFTH AMENDMENT RIGHTS	691
MOTION FOR DIRECTED VERDICT	
Remarks by Ms. Stewart	695
Remarks by Mr. Waring	696
Remarks by Ms. Stewart	697
Remarks by Mr. Waring	698
CERTIFICATE OF THE COURT REPORTER	706

INDEX TO EXHIBITS

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	CD (911 call)	
2	CAD Report	
3	CD (Bailey Body Cam)	
4	Photo	
5	Photo	
6	Photo	
7	Photo	
8	Photo	
9	Photo	
10	Photo	
11	Photo	
12	Photo	
13	Photo	
14	Photo	
15	Photo	
16	Photo	
17	Photo	
18	Photo	
19	Photo	
20	Photo	
21	Photo	
22	Photo	
23	Photo	
24	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
25	Photo	
26	Photo	
27	Photo	
28	Photo	
29	Photo	
30	Photo	
31	Photo	
32	Photo	
33	Photo	
34	Photo	
35	Photo	
36	Photo	
37	Photo	
38	Photo	
39	Photo	
40	Photo	
41	Photo	
42	Photo	
43	Photo	
44	Photo	
45	Photo	
46	Photo	
47	CD (Doucet clips)	
48	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
49	Photo	
50	Photo	
51	Photo	
52	Photo	
53	Photo	
54	Photo	
55	Photo	
56	Photo	
57	Photo	
58	Photo	
59	Photo	
60	Subscriber info-Doucet's phone	
61	Call detail records	
62	PCMD records	
63	Subscriber info-Doucet's phone	
64	Call detail records	
65	Map	
66	Map	
67	Map	
68	Photo lineup	
69	Photo 1	
70	Photo 2	
71	Photo 3	
72	Photo 4	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
73	Photo 5	
74	Photo 6	
75	CD	
76	Text messages	
77	Text messages	
78	Text messages	
79	Text messages	
80	Text messages	
81	Photo of Doucet	
82	DNA swab	
83	DNA swab	
84	DNA swab	
85	Photo of receipt	
86	Photo of receipt	
87	Photo of receipt	
88	Cigarette butt	
89	Victim's blood spot	
90	Bullet projectile A	527
91	Bullet projectile B	527
92	Bullet projective C	527
93	Bullet projectile D	527
94	Defendant's buccal swab	
95	Doucet's buccal swab	
96	CD-video visit	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
97	CD video visits clipped	
98	Video visit transcript	
99	CD Jail call disc	
100	CD jail call disc	
101	CD jail call disc	
102	CD Clipped jail calls	591
103	Jail call transcript	
104	Defendant's housing records	
105	Michael Stevens' housing records	
106	Autopsy diagram	509
107	X-ray-victim's skull	514
108	X-ray-victim's skull	514
109	Photo bullet fragment A	514
110	Photo bullet fragment B	514
111	Photo bullet fragment C	514
112	Photo bullet fragment D	514
113	Photo-victim's neck	514
114	Subscriber info-victim's phone	583
115	Call detail records	583
116	Defendant's Facebook records	566
117	Defendant's Facebook records	566
118	Defendant's Facebook records	
119	Defendant's Facebook records	
120	Defendant's Facebook records	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
121	Defendant's Facebook records	566
122	Defendant's Facebook records	566
123	Defendant's Facebook records	566
124	Defendant's Facebook records	566
125	Defendant's Facebook records	566
126	Defendant's Facebook records	566
127	Defendant's Facebook records	566
128	Defendant's phone dump	572
129	Defendant's phone dump	572
130	Defendant's call detail records	578
131	Cell tower mapping report	667

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

COURT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Defendant's witness list	
2	Defendant's proposed voir dire	
3	Defendant's trial brief	
4	Note from jury-re: Foreperson	
5	Jail video visit transcript	
6	Jail calls transcript	
7	Note from jury	495

DEFENDANT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Text message	
2	Search warrant-Mr. Doucet's car	620 (I.D. only)

PROCEEDINGS

THE COURT: Thank you. Good morning. Please be seated. Counsel approach.

[Whereupon, an off the record bench conference is held]

[Off the record momentarily]

THE COURT: This morning as I got ready to start at 10 a.m. the Bailiffs handed the Court a note from the jury. I brought counsel to the bench. The note says the jury would like clarification on the reference to the first witness Terrance Doucet as a co-defendant. Is he also a Defendant in this case or not. Signed by the Foreperson of the jury dated today November 7th.

After conferring with the attorneys I advised them of the jury's confusion. They agreed that my answer to the case is -- or to their question you must decide this case based on the evidence presented. And we'll make the note a Court's exhibit. The attorneys both feel they can handle that during the remainder of the trial by clearing up that issue. Is that correct from the State?

MR. WARING: Yes, Your Honor.

THE COURT: Is that correct from the Defendant?

MS. STEWART: Yes, Your Honor.

THE COURT: All right. Court's exhibit number 7 without objection.

1 [Whereupon, Court's exhibit number 7 is marked by
2 the court reporter]

3 THE COURT: My law clerk says they put the wrong
4 date. Is that a 7 or a 6 that they wrote on there?
5 Today is the 6th and not the 7th?

6 THE COURT REPORTER: It's the 7th but today is the
7 6th, yes.

8 THE COURT: So you know they put the wrong date on
9 it but they were trying. Is the State ready to proceed?

10 MR. WARING: Yes, Your Honor. There was one quick
11 matter that I would like to bring to the Court's
12 attention. Our next witness is the pathologist. It is
13 believed the Defendant is going to try to elicit
14 testimony about the victim's toxicology report.

15 We would seek to exclude anything related to any
16 drugs or substances that were found in his system.
17 They're not claiming self-defense. We don't think it's
18 relevant. We think there is a 403 issue. We think that
19 any prejudicial effect would outweigh ---

20 THE COURT: --- of course I kept drugs out of this
21 case for the Defendant in this case when the Defendant
22 objected to your putting the mother of the victim on the
23 witness stand who wanted to testify that this was a drug
24 debt that was owed by the Defendant or by the victim to
25 the Defendant and also wanted to testify as to the

1 character of the Defendant. And I sustained that
2 objection by counsel for the Defendant. It is my
3 intention that we are not trying a drug case at this
4 point. And I will hear from you if you want to try to do
5 it but I don't think that bears any relevance where self-
6 defense is not a defense in this case.

7 MS. STEWART: Your Honor, we were not planning to
8 go into it.

9 THE COURT: Solicitor, it appears that I have the
10 word of counsel for the Defendant that they will not
11 elicit any information concerning toxicology from the
12 pathologist. Are you satisfied?

13 MR. WARING: Yes, Your Honor.

14 THE COURT: Very well. Is the State ready to
15 proceed?

16 MR. WARING: Yes, Your Honor.

17 THE COURT: The Defendant ready to proceed?

18 MS. STEWART: Yes, Your Honor.

19 THE COURT: Very well. Bring us the jury please
20 sir?

21 [Whereupon, the jury enters at 10:06 a.m.]

22 THE BAILIFF: Your Honor, the jury is complete.

23 THE COURT: Thank you. Good morning Mr. Foreman
24 again. Good morning ladies and gentlemen of the jury.
25 Thank you for being prompt and on time. I received your

1 note. And I think I'm reading it correct although my law
2 clerk says today is November the 6th. So you know I get
3 confused about dates and the date on here is November
4 7th. The jury would like clarification on the reference
5 to the first witness Terrance Doucet as a co-defendant.
6 Is he also a Defendant in this case or not?

7 I understand your question. Obviously, I can't make
8 any comment about the evidence or what is raised by
9 questions of the attorneys. That's a matter for you.
10 You must decide this case ladies and gentlemen based on
11 the evidence that is presented. So I want you to listen
12 carefully and the evidence will answer your question
13 during the course of this trial. Does everyone
14 understand that?

15 [Whereupon, the jurors all nod affirmatively]

16 THE COURT: Very good. Now I understand -- and
17 that will be Court's exhibit number 7 without objection.
18 I understand despite my request of the bailiffs although
19 my excellent bailiff over here tells me he is not in
20 charge of donuts; that Julie Armstrong is.

21 So I'm having Payton who works for Julie, Payton
22 Mullins is the gentleman seated right down here that's
23 got that Citadel ring on his hand that he's so proud of
24 that he got back in May this year. And I'm having Payton
25 contact my good friend Julie Armstrong who is I think one

1 of the best Clerk's of Court in the state of South
2 Carolina that I have ever worked with and ask her if
3 there is any way I can get y'all Krispy Kreme donuts in
4 the morning.

5 I'm going to see to it that you get some. I know
6 they're not good for you. I understand. I'm diabetic
7 and I love Krispy Kreme donuts. And if my doctor finds
8 out that I ate a Krispy Kreme donut he'd make me run laps
9 until I saw him again because he has me on a strict diet
10 because of my diabetes.

11 Every time I pass the red light flashing coming into
12 Charleston I think about the good old days when I used to
13 could get a box of hot donuts. So I wanted y'all to have
14 one while you're serving on the jury because we
15 appreciate so much your service ladies and gentlemen.
16 I'll see to you. Payton is working on that right now for
17 me. And if Julie wants to talk to me you tell her I will
18 be more than happy to talk to her about it.

19 CLERK OF COURT: Yes, sir.

20 THE COURT: All right ladies and gentlemen. We're
21 now going to continue with the testimony in the trial of
22 this case. Please listen carefully ladies and gentlemen
23 to the evidence that is going to be presented during the
24 trial of this case. Solicitor, you may call your next
25 witness.

1 MR. WARING: Thank you, Your Honor. The State
2 calls Doctor Angelina Phillips.

3 [Whereupon, Doctor Phillips comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: For the record please state your
7 full name spelling your last.

8 THE WITNESS: Angelina Phillips, P-H-I-L-L-I-P-S.

9 THE COURT: You are a two T Phillips, is that right
10 Doctor Phillips?

11 THE WITNESS: Two L's, yes.

12 THE COURT: Two L's I mean. You've got a good
13 voice; they can hear you. Just speak up for me. That
14 microphone is going to amplify your voice. I know it's
15 hard when you're in conversation you have a tendency to
16 nod your head and shake your head but my court reporter,
17 Joy can't take that down. She has to type nods head or
18 shakes head. Please try not to do any Uh Uh or Uh Huh
19 like some people do in normal conversation so the court
20 reporter can make an accurate record.

21 THE WITNESS: Okay.

22 THE COURT: Thank you very much. Your witness
23 counsel. Direct examination.

24 THE COURT: Thank you, Your Honor.

25 - - - - -

1 ANGELINA PHILLIPS,
2 Having been first duly sworn,
3 Was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY MR. WARING:
6 Q. Good morning, Doctor Phillips.
7 A. Good morning.
8 Q. Doctor Phillips, please tell the jury where you
9 work.
10 A. I work at the Medical University of South Carolina.
11 Q. What do you do at MUSC?
12 A. I am a forensic pathologist.
13 Q. And can you enlighten the jury what is forensic
14 pathology?
15 A. Forensic pathology is a subspecialty of the overall
16 field of pathology. It is involved with the performance
17 of autopsy.
18 Q. Can you describe or take us through what your
19 educational background is?
20 A. Yes. I am trained in medicine first of all. I went
21 to four years of medical school. Then I completed four
22 years of pathology residency training; that's general
23 pathology.
24 And after that I completed one year of fellowship in
25 forensic pathology and now I practice forensic pathology.