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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable The Hon. Dale E Van Slambrook, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

AUBREY DUPREE TUCKER,

APPELLANT

APPELLATE CASE NO. 2025-000663

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1 I move to admit State's 171 into evidence.

2 THE COURT: Any objection?

3 MS. WHITE: Without objection.

4 THE COURT: Without objection.

5 (State's Exhibit No. 171 was entered into evidence.)

6 BY MR. MCNEELY:

7 Q. There's a -- I believe there's a laser
8 pointer right up there if you need it.

9 A. I got it.

10 Q. All right. First, let's talk about there's some
11 X marks on the body. Can you point out one or two
12 of those -- not those, the blue Xs. I'm sorry.

13 A. Oh, these?

14 Q. Yeah. What are those indications?

15 A. They're location of tattoos. So, like, this
16 X is Jessica -- a tattoo of Jessica. That says
17 David Billy Ancrum, which is right on the collarbone
18 right there, some letters are tattooed there, and
19 I think that says ten mile and a rose and a heart
20 on the right of upper arm.

21 Q. Okay. So those aren't wounds; the blue markings
22 are tattoos?

23 A. Yes.

24 Q. Okay. Let's talk specifically about the cause
25 of death and injuries to Ms. Ancrum that you already

1 referenced. Four gunshot wounds, two to the chest
2 and two to the back. Please briefly describe each
3 of those for the jury, and then we'll discuss each
4 in more detail.

5 A. Okay. All right. So you can see the ones
6 that have this little green-yellow highlighting, these
7 are the four entrance wounds, all right? So we have
8 two to the front of the chest, and these are both going,
9 obviously, towards her back. And then, we have two
10 to the back, and they're going -- they're both going
11 forward and up.

12 And then, I mentioned the one to the leg.
13 There's -- it's actually two to the leg. There's
14 one here that goes in here and actually comes out
15 right there, which is that. And then, it looks like
16 it reenters there and exits the front of the shin.
17 If you bend the leg, then all those line up, so it
18 really looks like one, even though it's two separate
19 gunshot wounds.

20 Q. All right. And for purposes of your report, did
21 you label these or discern these as items or injuries,
22 or bullets 1 through 4 as far as the chest and the back
23 wounds?

24 A. Oh, yes. So with each of the gunshot wounds --
25 and I'll walk you through what the pathway is through

1 them. Each of these gunshot wounds, except for
2 the one to the leg, has a bullet at the end of it.
3 And so I labeled bullet 1, 2, 3, 4 just in the order
4 that I collected them, not intending to mean the order
5 that the gunshot wounds were delivered.

6 Q. Okay. And since you brought that up right
7 now, as part of the autopsy, can you in any way form
8 an opinion as to the order in which the wounds were
9 inflicted?

10 A. No, not in this case.

11 Q. Okay. I mean, to be frank, you would have to
12 witness the incident to be able to do that, correct?

13 A. Yeah. I mean, the autopsy can't tell me which
14 one was first.

15 Q. Okay. But does which one was first and which
16 one was last have any bearing on the results that you
17 concluded in your autopsy as to her cause of death?

18 A. No.

19 Q. Okay. All right, let's talk first about bullet
20 1 and the injuries caused by bullet 1. Can you please
21 explain that to the jury?

22 A. All right. Well, I figure I'll just walk through
23 each of the gunshots. All right. So we're going
24 to start -- let's start with -- actually, this is going
25 to be bullet 2. We'll just walk through this one, this

1 one, this one, and this one. So this gunshot wound
2 right here, which is on the right side of the chest,
3 it's actually -- it's going kind of back and to her
4 right. This one here is also going back and to her
5 right, but in a little bit of a downward direction.

6 Now just looking at this diagram, it's a little
7 bit awkward because we have right -- this is her right,
8 and this is her left, but now that we turned her around,
9 this is her left, and this is her right. So it gets
10 kind of -- you know, the direction sometimes can get
11 a little confusing. But here, with this gunshot
12 wound to the right side of the chest, it's going back
13 and a little bit to her right, so it actually hits
14 the ribs and goes through her shoulder blade, and then
15 stops in her back, which is this mark right here.

16 The bullet, which was labeled bullet No. 2,
17 because that's the second one I got out of her,
18 is -- actually caused a little injury in the skin,
19 but it didn't actually exit. So it looks like there's
20 a partial exit there, but the bullet is right under
21 the skin there.

22 And then this one here, this is also going
23 back and to her right, and that is -- because of where
24 it is, it goes through the sternum or the chest plate.
25 It hits the aorta, which is the main -- the main vessel

1 leaving -- taking all the blood from your heart
2 to the other parts of your body. It hits the right
3 lung, and then goes through some ribs and into the back,
4 and it's right there. So again, that one was almost
5 exiting, it had a partial exit, but the bullet is still
6 right there underneath the skin. So those are the two
7 to the front.

8 And then the two to the back, this one right
9 here is going forward and up, and it goes through --
10 notice it's on the right side of the body, so it's
11 going through the right lung. It also hits the aorta,
12 and then it goes up even further into the esophagus
13 and the trachea, or the windpipe, so that's damaged,
14 and we get the bullet in the -- kind of the lower part
15 of the neck, front upper part of the chest, and that's
16 bullet No. 3.

17 And then the -- this one right here, it's at
18 the top of the back, kind of in the midline, and this
19 is actually going up and forward as well. This goes
20 through the base of her skull and into her brain,
21 and we get the bullet, which is bullet No. 4, out
22 of that. And then, like I mentioned here, this is
23 in and out, in and out, so no bullet is recovered with
24 the gunshot to the leg. It looks like -- and it looks
25 like it's probably one gunshot wound instead of two

1 separate with the leg bent.

2 Q. What is soot or stippling? What does that mean
3 for purposes of your report?

4 A. So, I mentioned earlier about considering
5 range of fire, how far away the gun is from the person.
6 And for forensic pathologists, we have three ranges.
7 One is contact, when the bull -- when the gun is against
8 the skin, one is close range, when it's close, and then,
9 one is distant. And what we're looking for to try
10 to determine that is based on what's coming out the
11 end of the gun, the end of the muzzle or the barrel.

12 So when a bullet is fired, it's not just a bullet
13 that goes out the end of the barrel, it's like a big
14 poof of smoke, as well as, like, some little gunpowder
15 particles. The gunpowder is what ignites to propel
16 the bullet down the barrel.

17 So if the gun is against the skin, then that
18 soot will deposit on the skin, and we'll see, like,
19 a rim of soot, black soot, and that's a contact gunshot
20 wound. I did not see soot on her. If you pull the gun
21 further away, that soot is like a gas cloud, may or not
22 reach and stick to the skin, but those little pieces
23 of gunpowder, think of them like little pieces of sand.
24 If the gun is close enough, they will actually hit the
25 skin and scrape it, cause little scratches, little dots.

1 That's called stippling.

2 And then once the gun is further away from
3 that -- than that, that neither the soot can reach
4 there, or the little gunpowder particles can reach,
5 all you have is a, you know, single hole. That's it,
6 and that is considered a distant-range gunshot.

7 To try to determine what is that distance
8 that you'll see -- well, contact is easier, but that's
9 contact. But what's that range of close range?
10 You would have to fire the gun -- the suspected gun
11 with the suspected type of ammunition.

12 But, in general, for most handguns, the majority
13 of handguns, by the time you reach a yard, so 36 --
14 well, actually 36 to 42 inches, you won't see any soot
15 or stippling on the gunshot. So for us, close range
16 is within that yard, so not contact, but really close
17 to within a yard. On Ms. Ancrum, I do not see any
18 stippling or soot on the gunshot wounds to the front
19 of her. But you see these dots back here, the little
20 dots I made, she does have stippling marks on her back.

21 Q. And again just to confirm, what do the stippling
22 marks on her back indicate to you?

23 A. So this is suggestive that this is a closer range
24 gunshot.

25 Q. Okay. Now you said there's no stippling on the

1 front of her body, correct?

2 A. Right. I do not see stippling. And this
3 does bring up the point that if there is some kind
4 of intermediate target, or some kind of intermediate
5 between -- intermediate object between the gun
6 and the person, the victim, that intermediate object
7 might stop the soot or the gunpowder from reaching
8 the person. So one of those objects could be clothing.
9 Ms. Ancrum was clothed. She had a tank top, and she
10 also had some, like, headband thing around her neck.

11 Q. Do you recall if there were holes in the tank top
12 that could indicate that those wounds to her chest went
13 through the tank top?

14 A. Yes.

15 Q. Okay.

16 A. They did.

17 Q. So it would be plausible that it could be
18 a close range shot, but having gone through the tank
19 top, it would not have left stippling marks on her skin?

20 A. I mean, it's possible; I just can't tell.

21 Q. But the lack of stippling does not indicate
22 to you for sure that it was not close range, correct?

23 A. Right.

24 Q. Okay. All right. As to bullet 1, which I think
25 is the one you described entering near her clavicle

1 there on the front and ---

2 A. This one here.

3 Q. --- traveling slightly downward and ending up
4 there towards the middle of her back, is that exit.
5 Would the injuries caused by that singular gunshot --
6 would they have been fatal to Ms. Ancrum on their own?

7 A. Yes.

8 Q. What about as to bullet 2, the one that went
9 in there above her right breast?

10 A. No, not fatal.

11 Q. Okay. Did you find those contributory, however,
12 under these circumstances?

13 A. I lumped them altogether; I didn't try to
14 distinguish one over the other.

15 Q. Okay. What about bullet 3 that went into her
16 mid back?

17 A. Yes.

18 Q. Okay. And why would that have been fatal
19 on its own?

20 A. Also hitting the aorta and the lung and esophagus
21 and trachea.

22 Q. Okay. And what about as to bullet 4 that went
23 in near her neck?

24 A. Yes, because that goes into the brain.

25 Q. Okay. Now as to bullet 5 I believe -- not bullet

1 5, but injury 5, which is the injuries to the leg.

2 A. Uh-huh.

3 Q. I believe you already touched on this, but those
4 would not have been fatal on their own, correct?

5 A. Right, correct.

6 Q. You determined them contributory just given
7 the additional trauma they caused?

8 A. Right.

9 Q. Okay. I'm going to show you some photographs
10 that have been marked -- actually, let's back up.
11 You mentioned X-rays before?

12 A. I did.

13 Q. Did you take X-rays in this case?

14 A. Yes.

15 Q. Okay. And why did you take X-rays in this case?

16 A. So we could find the bullets.

17 Q. Okay. I'm going to show you what's been marked
18 as State's Exhibits 172 through 176. Just look at these
19 and tell me if you recognize those.

20 THE COURT: Are those part of exhibits
21 that's already been entered?

22 MR. MCNEELY: No, they are not, Your Honor.

23 THE WITNESS: These are copies of the X-rays
24 from the time of autopsy.

25 BY MR. MCNEELY:

1 Q. Okay. From Jessica Ancrum, correct?

2 A. Yes.

3 Q. Are they a fair and accurate depiction of the
4 X-rays as you took them during her autopsy?

5 A. They are.

6 Q. Do they appear to have been changed or altered
7 in any way?

8 A. No.

9 Q. All right.

10 MR. MCNEELY: At this time, I move to admit
11 State's 172 through 176 into evidence.

12 THE COURT: All right. Any objection?

13 MS. WHITE: Without objection.

14 THE COURT: Without objection, so entered.

15 (State's Exhibit Nos. 172 through 176 were entered into
16 evidence.)

17 BY MR. MCNEELY:

18 Q. I'm going to ask you first to look at State 172,
19 and I've put it up on the screen. Can you please
20 describe what we're looking at here for the jury?

21 A. All right. So is this like we're standing
22 in front of Ms. Ancrum, and we're -- we're both facing
23 each other. So this is the diaphragm, and all these
24 lines are the ribs. There's the heart right there
25 and, obviously, backbone, and there's the collarbone.

1 And again, remember we flipped the body now from
2 our diagram. So this is actually bullet 1 in the back,
3 and this is bullet 2 in the back, and this is bullet 3
4 in that lower neck, upper chest area from the gunshot --
5 one of the gunshots to the back.

6 Q. Bullet 3 appears to contain two items. Can you
7 explain that to jury?

8 A. Yeah. I'm sorry. So the ammunition has the
9 gray metal core bullet part, and it's got a jacket
10 on the outside. And what's happened here is the jacket,
11 you can see it's a little more -- like, you can kind of
12 see through it a little more. The jacket is separated
13 from the core gray metal.

14 Q. Okay. But are one and two still intact?

15 A. Yes.

16 Q. Okay. And what are those sort of bright white
17 marks around the bullet -- yeah, those?

18 A. That's just shrapnel, the bullet kind of shredded
19 a little bit on its pathway.

20 Q. So those are small pieces of metal?

21 A. Yes, from the bullet.

22 Q. Okay. State's Exhibit 173, please. What are
23 we looking at here?

24 A. This is the -- the only one we can really see
25 on this is the one that's separated, bullet No. 3,

1 in the front. So -- I'm sorry. So this is the side
2 picture of Jessica. It's like a picture -- like,
3 she's holding her arms up, and the picture is coming
4 from the side. So this is the front of the chest,
5 and her back would be back here. So you can't really
6 see bullets 1 and 2 because it's cut off. And then her
7 chin is right there, and so that's bullet 3, the one
8 that's separated.

9 Q. And that's in her neck region?

10 A. It's kind of lower neck, upper chest area.

11 Q. Okay. State's 174, please. What are we looking
12 at here?

13 A. Pretty straightforward, this is a picture of her
14 head with her skull, and you can see the bullet there.

15 Q. And I should have touched on this earlier.
16 That little L beside her face, is that indicating right
17 and left.

18 A. Yeah, right -- I mean, not right, left. Correct,
19 left.

20 Q. Okay. So we're facing her at this point?

21 A. We are facing her.

22 Q. Okay. And that bright indication on the top
23 of her head, that is bullet No. 4, correct?

24 A. Four. And there's part of bullet No. 3.

25 Q. Okay. And then 175.

1 A. The side view, so again, another picture from
2 the side. So the front of her face would be here,
3 obviously, the back of the head there, and the bullet
4 again.

5 Q. Okay. I believe you stated you extracted
6 or removed all of those projectiles from her body
7 that day?

8 A. Right. We removed the bullets and transferred
9 them to law enforcement.

10 Q. Okay. I'm going to show you what's been
11 marked as State's Exhibit 203. Please look at that
12 and tell me if you recognize it. And if you need
13 to open the package, our clerk has scissors that you
14 can use to open it.

15 A. Thank you. So these are the four bullets
16 that we removed at the time of autopsy. They have
17 the appearance -- somebody -- it looks like somebody
18 has written on the base of the bullet though, and the
19 envelopes have our autopsy sticker with Jessica's
20 name and the autopsy number and the designation, bullet
21 1, 2, 3, and 4.

22 Q. Okay. And you can testify today that those are
23 the projectiles you removed from Jessica Ancrum's body
24 on June 12th, 2021?

25 A. They look like them.

1 Q. Okay. And you turned those over to law
2 enforcement at autopsy that day?

3 A. Correct.

4 Q. Okay. You can pop them back in.

5 A. Okay.

6 Q. Thank you. I want to ask you -- you said you
7 took photos as part of the autopsy?

8 A. Yes.

9 (Pause.)

10 MR. MCNEELY: Your Honor, we have a matter
11 of law we need to take up.

12 THE COURT: All right. Ladies and gentlemen
13 of the jury, step back in the jury room while we address
14 a matter of law. Again, don't talk about the case yet.
15 Thank you.

16 (The jury exited the courtroom at 11:20 a.m.)

17 THE COURT: All right, y'all can sit.
18 Thank you. All right.

19 MR. MCNEELY: Your Honor, I'm preparing ---

20 THE COURT: There is a matter of law that
21 I need to address.

22 MR. MCNEELY: Yes. I'm preparing to
23 introduce photos, not of the body themselves, but of
24 some of the clothing removed from the body. May I
25 approach ---

1 THE COURT: Yes.

2 MR. MCNEELY: --- so you can see them?

3 This is them. While they do have blood on them,
4 you know, she was shot five times.

5 THE COURT: Defense is objecting to these?

6 MR. HUGHES: Yes, Your Honor. We're ---

7 THE COURT: All right. Yeah, let me hear
8 from Mr. McNeely.

9 MR. MCNEELY: I've not included any photos
10 of the body. There was a substantial amount of blood
11 in the room, which I took special care to redact.
12 However, these images are far from inflammatory.
13 There's blood stain? Yes. But they are not on the
14 body, and they are indicative of where the gunshots
15 entered through her clothing, and it helps explain
16 how she was wounded, and the lack of stippling present,
17 potentially, on the front of her, given the holes
18 on the front of the tank top.

19 Therefore, we are requesting that they
20 be admitted to assist the jury in the understanding
21 of where they went in. While I don't believe it
22 is required, as a precaution, I've prepared black
23 and white versions of them that could be substituted
24 in if Your Honor deems that a more appropriate course
25 of action. I have these here if you would like to look

1 at them.

2 THE COURT: Yeah, let me look at those
3 as well so I can have them side by side. Thank you.
4 Objections as well to the black and white?

5 MR. HUGHES: Yes, Judge.

6 THE COURT: Okay.

7 (Pause.)

8 THE COURT: All right. So on the one
9 identified as Exhibit 186, Mr. McNeely, the relevance
10 on 186?

11 MR. MCNEELY: It shows the holes on the
12 front of her tank top. It's indicative that the
13 projectiles went through the tank top.

14 THE COURT: Now 186 is the ---

15 MR. MCNEELY: Oh, the pants. Likewise,
16 it shows the holes, where it went in and out, in and out
17 of her pants.

18 THE COURT: All right.

19 MR. MCNEELY: But, frankly, Your Honor,
20 as I'm standing here thinking about it, she's explained
21 it fairly thoroughly, and I'm just going to withdraw
22 those photos and seek to admit the placard and the
23 projectiles that were recovered, rather than risk
24 an objectionable matter being entered.

25 THE COURT: So you're withdrawing your

1 request to admit these?

2 MR. MCNEELY: Correct.

3 THE COURT: All right. Well, that resolves
4 that.

5 MR. MCNEELY: Sorry for the bother.

6 THE COURT: No, no bother. Thank you for
7 reviewing and considering it. So that was all the
8 objection?

9 MR. HUGHES: Yes, Judge.

10 THE COURT: All right. So -- and what was
11 the alternative?

12 MR. MCNEELY: They were black and white.

13 THE COURT: No, no. You said that you were
14 going to withdraw the request to include these photographs,
15 or to admit the photographs, but instead you're going
16 to take another course. What was that?

17 MR. MCNEELY: Oh, I'm just going to admit
18 the photos of the autopsy placard, which is her, you
19 know, initial sign, and then the photos of the recovered
20 projectiles after they've been cleaned up.

21 THE COURT: All right. Any objection
22 to those?

23 MR. HUGHES: No objection, Your Honor.

24 THE COURT: All right. And those will
25 be authenticated by this witness?

1 MR. MCNEELY: That's correct.

2 THE COURT: Okay. What about Exhibit 203,
3 did you offer that into evidence?

4 MR. MCNEELY: I didn't. It will be offered
5 into evidence tomorrow with the ballistics analyst who
6 analyzed them.

7 THE COURT: Okay. All right. So -- and
8 which photos were those numbers again that were being
9 withdrawn? Which numbers?

10 MR. MCNEELY: They are -- they are 178
11 to 187.

12 THE COURT: 178 to 187, initially offered
13 and now withdrawn, so those will not be part of the
14 evidence. All right. And you said there's photographs
15 of the autopsy placard and the ---

16 MR. MCNEELY: Recovered projectiles.

17 THE COURT: --- projectiles.

18 MR. MCNEELY: Correct.

19 THE COURT: What numbers are those?

20 MR. MCNEELY: That's 177, and then 188
21 through 195.

22 THE COURT: 188 through 195. There's
23 no objection on those?

24 MR. HUGHES: No objection, Judge.

25 THE COURT: Okay. All right. Anything

1 else we need to take up before we bring the jury back
2 in?

3 MR. MCNEELY: I don't believe so,
4 Your Honor.

5 THE COURT: All right. We'll bring our jury
6 back in.

7 (The jury entered the courtroom at 11:26 a.m.)

8 THE COURT: All right, y'all can be seated.
9 Thank you. All right. Mr. McNeely, you're ready to
10 proceed?

11 MR. MCNEELY: Yes, we are, Your Honor.

12 BY MR. MCNEELY:

13 Q. Dr. Presnell, I realized I skipped one of the
14 X-rays. I'm going to ask you to look briefly at 176.
15 What are we looking at here?

16 A. This is -- hold on. This is her right knee
17 and the two bones in the lower leg, and you can just
18 see a little bit of shrapnel from the gunshot wound
19 that went through her leg.

20 Q. Okay. You did not recover a projectile here,
21 correct?

22 A. There's no projectile.

23 Q. Okay. They were through-and-through injuries?

24 A. Yes.

25 Q. Okay. I'm going to ask you to look at several

1 photos, which have been marked State's Exhibits 177
2 through 195 -- excuse me, 177 and 188 through 195.
3 Do you recognize those?

4 A. Yes.

5 Q. What is depicted in those?

6 A. One is a photograph of the body bag in which
7 Ms. Ancrum came to our autopsy facility, and the other
8 are the photographs of the bullets as they were when
9 we recovered them from the body.

10 Q. Okay. And as the -- 177, the first photo, is it
11 labeled with the information relative to the autopsy
12 your performed?

13 A. Yeah. It has our autopsy label on it, yes.

14 Q. Okay. And are those a fair and accurate
15 depiction of those items?

16 A. Yes.

17 Q. Okay.

18 MR. MCNEELY: At this time, I move to admit
19 State's 177 and State's 188 through 195 into evidence.

20 THE COURT: I understand it's without
21 objection; is that correct?

22 MR. HUGHES: No objection, Judge.

23 THE COURT: All right, entered without
24 objection.

25 MR. MCNEELY: Excuse me, I said 195,

1 it's actually 196, I believe. It is 195? Okay.

2 It is 195, Your Honor. My apologies.

3 (State's Exhibit Nos. 177 and 188 through 195 were
4 entered into evidence.)

5 BY MR. MCNEELY:

6 Q. Could you please look at State's 177 there.

7 What is depicted in that photo?

8 A. This is the body bag with Ms. Ancrum and the
9 morgue -- mortuary label, and then our autopsy number.
10 We just take a photograph of them as they arrive.

11 Q. Okay. And do you do that to confirm who you're
12 performing the autopsy on?

13 A. It's just, there's a -- yeah. There's a lot
14 going on, so we pretty much photograph every step.

15 Q. Okay. It's a check-and-balance kind of thing?

16 A. Yes.

17 Q. Okay. Now 188, what is depicted here?

18 A. That would be bullet 1.

19 Q. Okay. And ---

20 A. The one from her middle back.

21 Q. Okay. And that's the one that entered near
22 her clavicle in the front, correct?

23 A. Yes.

24 Q. And was recovered from just beneath the skin
25 on her back?

1 A. Correct.

2 Q. Okay. The next photo.

3 A. Another side of bullet 1.

4 Q. Okay. What is that?

5 A. The bottom of bullet 2, which is also recovered
6 from her back -- her right back. The side of bullet 2.
7 Bullet 3 that separated. The jacket came off the core,
8 another side of it. And the last one is bullet 4,
9 the one from the head.

10 Q. Okay. So that was removed from her brain,
11 correct?

12 A. Yes.

13 Q. Okay. And is that just the side?

14 A. The side view of bullet 4.

15 Q. Okay. Thank you. The trajectory of bullet 4,
16 which ended up in her brain, appeared to me, and you can
17 correct me if I'm wrong, to be almost vertical in a way
18 traveling from below her neck up into her brain; is that
19 correct?

20 A. Well -- so it is going forward, and it is going
21 up. So, I mean, vertical would be straight up. But,
22 yeah, it's going from the back of -- like at the base
23 of your neck. Think of your base of your neck, at the
24 top of your back. It's going from there -- and you saw
25 the X-ray where the bullet was -- to there.

1 (Indicating.) So, you know, kind of like this.

2 Q. Okay. Do you have an opinion as to how the
3 position of Ms. Ancrum's body was when she was inflicted
4 with that wound?

5 A. No. So the autopsy -- you know, she's laid out
6 flat. I cannot tell you -- I can't predict what her
7 position was, other than the knee. I'm pretty confident
8 that the leg was bent to create those gunshot wounds.
9 But all I can do is tell you whether the findings are
10 consistent the scenario or, you know, proposed position.

11 Q. Okay. But that one travels pretty upward?

12 A. Right. So we're going from, you know ---

13 Q. Would it assist you to have someone stand ---

14 A. Okay. Yeah, that would be great.

15 Q. Okay. I'm going to ask Detective Gist to come
16 up. Can you explain the trajectory of bullet 4 to the
17 jury?

18 THE WITNESS: Can I get off the stand?

19 THE COURT: Yes.

20 THE WITNESS: All right. So the bullet
21 is entering here, right, and it's headed in an upward
22 direction, okay, so like this. Now with her body,
23 whatever position you turn it in is where that bullet
24 is coming from. So if she was standing straight up,
25 it would be coming from down this way.

1 If you could bend over? If she's bent
2 over like that, then the bullet is coming this way.
3 See what I mean? Can you guys see down there? Okay.
4 And if you're -- like, bend sideways. I mean, it just
5 depends whatever position you move her in, that's
6 what's going to predict, or tell you where the bullet
7 is actually coming from. Thank you.

8 BY MR. MCNEELY:

9 Q. Okay. So from my understanding, if she was -- if
10 the victim was standing straight up at the time she was
11 inflicted with that, the bullet path would have come
12 from below?

13 A. Below, yes.

14 Q. Okay. If she's bent over at the time, it would
15 have come on a more flat trajectory?

16 A. Right. Or if you bend over all the way,
17 then coming from up above.

18 Q. Okay. Thank you. Now as to the -- to all
19 of the wounds suffered by Ms. Ancrum, you described
20 a myriad of internal injuries caused by the projectiles.
21 Do you have an opinion as to how long it would have
22 taken Ms. Ancrum to die as a result of these gunshot
23 wounds that day?

24 A. Seconds.

25 Q. Would she have been quickly incapacitated

1 as a result of these injuries?

2 A. Yes. But -- I mean, it also depends on the
3 order of delivery. So if the leg is first, not quickly,
4 you know, incapacitated. And then the one to the right
5 chest, that's the ribs and the shoulder blade, not
6 necessarily -- like, not a quick death. But the ones
7 through the aorta, which were two, and the one into the
8 head, pretty quickly incapacitated.

9 Q. Okay. Is there anything a layperson could have
10 done in the home that day to treat her injuries?

11 A. No.

12 Q. Okay. Frankly, would it have mattered if
13 Ms. Ancrum suffered those gunshot wounds in the middle
14 of the MUSC Emergency Room, could any medical amount --
15 could any amount of medical intervention have saved her
16 life?

17 A. No, extremely unlikely.

18 Q. Okay. So it's fair to say that these gunshot
19 wounds suffered by Ms. Ancrum on June 9th, 2021,
20 resulted in her near instant death?

21 A. Right. I mean, again, near instant
22 incapacitation, and then death shortly thereafter.

23 Q. Okay.

24 MR. MCNEELY: I don't believe I have any
25 further questions, Your Honor. Thank you.

1 THE COURT: Any cross-examination?

2 MR. HUGHES: Just very briefly, Judge.

3 CROSS-EXAMINATION

4 BY MR. HUGHES:

5 Q. Good morning.

6 A. Good morning.

7 Q. You performed a toxicology report?

8 A. So we collect the blood specimens, and we send
9 them to the toxicology lab that does the testing.

10 Q. Can you tell us -- again, I know you might have
11 answered this. Can you tell us if there were any
12 substances found in Jessica?

13 A. Yes, she had marijuana and cotinine, which
14 is nicotine metabolite.

15 Q. And I just want to confirm. The numbering
16 that you did of the bullets, that had no meaning,
17 that was just the order that you pulled them out?

18 A. Yes. That was just the order I found them
19 at the time of autopsy.

20 Q. Okay. And as a pathologist, you can't tell
21 us what happened in that room. I know you just did
22 the demonstration of turning over, but you can't tell
23 us how that shooting occurred. You can just tell us
24 that she was, in fact, shot?

25 A. Right. I can tell what I see at the time

1 of autopsy.

2 Q. Okay. Thank you.

3 MR. HUGHES: No further questions.

4 THE COURT: All right. Any redirect?

5 MR. MCNEELY: Nothing further from the
6 State, Your Honor.

7 THE COURT: All right. You can step down.
8 You could stay or leave if you wish.

9 THE WITNESS: Thank you.

10 THE COURT: All right.

11 THE WITNESS: All right.

12 THE COURT: Make sure you don't take any
13 of the exhibits, okay?

14 THE WITNESS: I know. I put them way to the
15 side.

16 THE COURT: All right. Thank you.

17 THE WITNESS: I have done that before.

18 THE COURT: All right. Mr. McNeely?

19 MR. MCNEELY: Your Honor, we don't have
20 any further witnesses today. However, I do have
21 a stipulation of fact that the parties have agreed
22 to, to be read into the record and admitted into
23 evidence.

24 THE COURT: All right. Go ahead and read
25 that stipulation in.

1 MR. MCNEELY: Thank you, Your Honor.

2 THE COURT: And, ladies and gentlemen,
3 a stipulation is just an agreement between the attorneys
4 as to a matter that could be contested but is not.
5 Mr. McNeely.

6 MR. MCNEELY: Thank you, Your Honor.
7 In the matter of the state of South Carolina versus
8 Aubrey Dupree Tucker, stipulation of fact, the parties
9 hereby agree to the following stipulation of fact to
10 be provided to the jury during the trial of this matter.
11 Defendant, Aubrey Dupree Tucker, has a prior conviction
12 for a violent crime as defined by South Carolina
13 Code of Laws, Section 16-1-60, which is classified
14 as a felony. The violent crime conviction occurred on
15 March 2nd, 2006, in Charleston County, South Carolina.
16 And it's signed by both myself and Ms. White. It's
17 marked as State's Exhibit 204, and I would move to admit
18 into evidence at this time.

19 THE COURT: And I'll admit that as
20 Exhibit 204. That's without objection; is that right?

21 MS. WHITE: Without objection.

22 THE COURT: Without objection. Okay.
23 All right.

24 (State's Exhibit No. 204 was entered into evidence.)

25 THE COURT: And I understand that there's

1 scheduling -- a scheduling situation regarding
2 the State's next witness. There's one more witness
3 left, and that witness is not available until tomorrow
4 in the morning; is that correct?

5 MR. MCNEELY: That's correct, Your Honor.

6 THE COURT: Okay. All right, ladies and
7 gentlemen, I thank y'all for your patience in this.
8 From time to time, as you can imagine, there's
9 scheduling situations that come up. And I don't assign
10 any fault or anything like that to anybody on these
11 because it is difficult to schedule. They kept
12 everything moving along so far, and I do appreciate
13 that, but we do have a lag here.

14 So what I'm going to do is I'm going
15 to dismiss you today, ask you to come back tomorrow
16 morning. We'll proceed with the State's witness.
17 Again, I admonish you, don't talk about the case,
18 don't look at anything about it, don't read anything.
19 If there's anything out there in the newspaper or online
20 or any of the social media at all, again as I've
21 indicated, you'll have the opportunity to discuss
22 it when I give that instruction later on in the trial.

23 So, I look forward to seeing y'all in
24 the morning. Same thing, we'll try to be here about
25 9:15, we'll start at 9:30. Thank you all.

1 (The jury exited the courtroom at 11:38 a.m.)

2 THE COURT: All right, y'all can sit.

3 Thank you. All right. And you said from the State,
4 Mr. Green tomorrow?

5 MR. MCNEELY: That's correct.

6 THE COURT: All right. And the anticipated
7 time for direct examination, ballpark?

8 MR. MCNEELY: Less than an hour.

9 THE COURT: Less than an hour. Okay.
10 All right. And at that point in time, I anticipate
11 that the State will be resting?

12 MR. MCNEELY: That's the plan.

13 THE COURT: Okay. All right. And again,
14 that's just my anticipation. You're going to do what
15 you think is necessary. Thereafter, you anticipate
16 presenting any testimony from the defense?

17 MS. WHITE: Judge, at this time, I don't
18 think we will be putting forth any witnesses.

19 THE COURT: Okay. And again, I ask that
20 -- I know that any choice that you make is fluid,
21 and you're free to adjust or change as we go forward
22 with this matter. All right.

23 MS. WHITE: And, Judge, just as a matter,
24 we have discussed with Mr. Tucker about testifying.
25 I'm not sure if the Court were to inquire of his --

1 of his intent.

2 THE COURT: All right. I'll make that
3 inquiry after the close of the State's case and confirm
4 that if he chooses to, or if he chooses not to testify,
5 either way, I'll make that inquiry at that time rather
6 than -- rather than now. It might be a little premature
7 right now. All right.

8 As to proceeding thereafter, we have drafted
9 up a jury charge. I'm going to give you a copy of the
10 draft of the jury charge anticipating that he doesn't
11 testify. Of course, there'll be additional information
12 if he did testify. I'm going to give you the
13 opportunity this afternoon to take a look at it,
14 raise any objections, concerns. And I think we've also
15 attached a copy of the proposed verdict form as well.
16 I'm going to ask you to return these to me once we
17 get done tomorrow -- when you get done looking at them.
18 And then, we'll review them as need be, likely tomorrow,
19 okay?

20 MR. MCNEELY: Sounds good.

21 THE COURT: All right. Here are these.
22 Again, I identify them as proposed when I give them.
23 It may be modified, or the verbiage might not be exact.
24 And I do intend to send it back to the jury, okay?

25 MR. MCNEELY: Sounds good.

1 MR. HUGHES: Thank you, Judge.

2 MR. MCNEELY: Thank you.

3 THE COURT: All right. So we are adjourned
4 and at ease until tomorrow morning. Again, y'all come
5 on in, like we did today, about 9:15. We'll bring
6 the jury in about 9:30, okay?

7 MR. MCNEELY: Sounds good.

8 THE COURT: Thank you all.

9 (End of Transcript of Record.)

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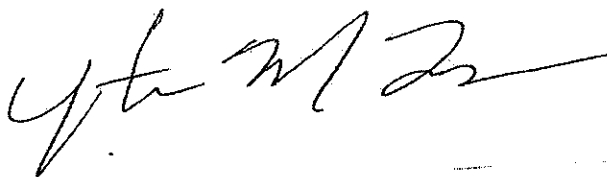
CERTIFICATE OF REPORTER

State of South Carolina)
County of Berkeley)

I, the undersigned, Yvestre Torres, 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 all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 26th of March, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 17, 2025



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

2022-GS-08-00740-00742

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-)

) March 27, 2025 - Day 4

Aubrey Dupree Tucker,)

) Moncks Corner, South Carolina

B E F O R E:

The Honorable Dale E. Van Slambrook, Judge

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

Wilton Hart McNeely, Esquire
Olivia Hassler Lynch, Esquire
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Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
Ninth Judicial Circuit

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
S-196	Casings and Projectiles		567
S-203	Autopsy Projectiles		567

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1 THE COURT: Good morning, everyone.

2 Y'all go ahead and have a seat. I'm missing a couple
3 of folks.

4 MR. MCNEELY: They were just here. I think
5 they stepped out for a second.

6 THE COURT: Stepped out. Okay.

7 (Pause.)

8 THE COURT: Good morning.

9 MR. HUGHES: Good morning.

10 MS. WHITE: Good morning.

11 THE COURT: All right. So anything I need
12 to address before we bring our jury back here in a few
13 minutes?

14 MR. MCNEELY: No. I told your clerk,
15 Your Honor, that there are a couple of minor things
16 on the jury charge, but if you want to do that after,
17 we can ---

18 THE COURT: No. We can -- we've got a few
19 minutes because I told them we would start at 9:30.
20 Ms. White, you're ready to address those jury charges?

21 MS. WHITE: Yes, Judge.

22 THE COURT: Okay. All right. I'll be happy
23 to hear from you, Mr. McNeely.

24 MR. MCNEELY: Thank you. First ---

25 THE COURT: I've got a copy in front of me,

1 just tell me what page.

2 MR. MCNEELY: First, on Page 3, the top
3 of the page, that charge should read unlawful possession
4 of a firearm or ammunition.

5 THE COURT: All right.

6 MR. MCNEELY: Then, on Page 6, under
7 failure of the Defendant to testify, the fourth bullet
8 point down, I think it should say, under your oath,
9 you are to draw no conclusions whatsoever from the
10 fact that the Defendant in this case did not testify.

11 THE COURT: I'm going to see which one that
12 one is. Which one is it?

13 MR. MCNEELY: Bullet point 4, under failure
14 of the Defendant to testify.

15 THE COURT: Whatsoever from -- what did
16 you say the proper line should be?

17 MR. MCNEELY: The fact that.

18 THE COURT: Yeah. Okay.

19 MR. MCNEELY: Page 8, second bullet point
20 in the middle of the page, again, unlawful possession
21 of a firearm or ammunition.

22 THE COURT: Okay.

23 MR. MCNEELY: And then, on Page 10, several
24 things here. As to that same charge, in the title,
25 it should say or ammunition.

1 THE COURT: Okay.

2 MR. MCNEELY: On the first line, first
3 bullet point, it should say or ammunition.

4 THE COURT: All right.

5 MR. MCNEELY: In the second bullet point,
6 it should say in South Carolina, it is unlawful for
7 a person who has been convicted of a violent crime,
8 not crime of violence. Those are statutorily defined
9 as different.

10 THE COURT: All right.

11 MR. MCNEELY: And then, I would ask that it
12 say, in any court of the United States, or of any state,
13 commonwealth, territory possession, or the District
14 of Columbia. I just thought several states might
15 be confusing for the jury.

16 THE COURT: All right. Tell me that
17 language again.

18 MR. MCNEELY: I would ask that it say
19 in any court of the United States, or of any state,
20 commonwealth, territory possession, or the District
21 of Columbia. And then, it should say to possess
22 or acquire firearms, not handguns, because those
23 are different terms, and then again, or ammunition.

24 THE COURT: All right.

25 MR. MCNEELY: And then under jury verdict,

1 same page, third bullet point, again, or ammunition.

2 THE COURT: All right.

3 MR. MCNEELY: And then, on the verdict
4 form, same thing, charge three, unlawful possession
5 of a firearm or ammunition. And then, in the first
6 line, possession of a firearm or ammunition.

7 THE COURT: All right.

8 MR. MCNEELY: And that's all.

9 THE COURT: Okay. That's good. Thank you.
10 Any objection or any issue with any of that?

11 MS. WHITE: No objection, Judge.

12 THE COURT: It clarified and made it more
13 precise. Thank you for that. Any other objections,
14 exceptions to the charge?

15 MR. MCNEELY: None, Your Honor.

16 THE COURT: How about from the defense?

17 MS. WHITE: None, Your Honor.

18 THE COURT: None. Okay. All right. Well,
19 I will collect those back from you at this point, then.
20 We'll make changes to the verdict form. I will use the
21 modified language when I make the charge to the jury,
22 then. If -- before I make the charge, if there's
23 anything else that y'all come up with, or exceptions
24 or changes, anything necessary based on any
25 developments, then let me know. Otherwise, I will

1 follow with this, okay?

2 MR. MCNEELY: Sounds good.

3 MS. WHITE: Yes.

4 THE COURT: All right, good. Anything else
5 we need to cover?

6 MR. MCNEELY: I don't believe so.

7 THE COURT: Okay. All right. I'm going
8 to step back for a minute and be back in about five
9 minutes, then we'll get the jury back in. And your
10 witness is here, Mr. McNeely?

11 MR. MCNEELY: He is, Your Honor. He's
12 seated right back there.

13 THE COURT: Okay. All right, good. Then,
14 we'll be ready to start.

15 (Recess taken.)

16 (Back on the record.)

17 THE COURT: All right. Have a seat.
18 All right, we're ready to bring the jury out?

19 MR. MCNEELY: We are, Your Honor.

20 MR. HUGHES: Yes, sir.

21 THE COURT: All right. All right, let's
22 bring our jury out.

23 (The jury entered the courtroom at 9:35 a.m.)

24 THE COURT: All right. Good morning,
25 everyone. Y'all have a seat. All right. Mr. McNeely,

1 is the State ready to proceed?

2 MR. MCNEELY: We are, Your Honor.

3 THE COURT: All right. You can call your
4 next witness.

5 MR. MCNEELY: State calls James Green.

6 THE CLERK: Please raise your right hand,
7 place your left hand on the Bible.

8 MR. JAMES GREEN was called as a witness,
9 being duly sworn, was examined and testified as follows:

10 THE CLERK: Thank you. You may be seated.
11 Please state your full name, and spell your last name
12 for the record.

13 THE WITNESS: James Green, G-R-E-E-N.

14 DIRECT EXAMINATION

15 BY MR. MCNEELY:

16 Q. Good morning, sir.

17 A. Good morning.

18 Q. Where are you currently employed?

19 A. I'm employed by the South Carolina Law
20 Enforcement Division, commonly referred to as SLED.

21 Q. What is your position there, and how long have
22 you been employed there?

23 A. I'm a forensic scientist in the firearms
24 department in the forensics service laboratory,
25 and I've been there since June 2005, so not quite

1 20 years.

2 Q. Please describe your education and training
3 for the jury.

4 A. I have a bachelor's and a master's, both at
5 Charleston Southern University. And then when I was
6 hired at SLED, I started the SLED firearm and toolmark
7 course of instruction or COI. It's a three to
8 three-and-a-half-year apprentice-type fashion course
9 of study, learning under a court-qualified firearms
10 examiner, learning to do what I do now.

11 Q. You hold any licenses or certifications?

12 A. I've been deemed competent. That's what SLED
13 calls it when I pass the finals, pass the training,
14 and I'm cut loose on casework.

15 Q. And for your entire tenure at SLED, have you been
16 in the same department?

17 A. Yes, sir.

18 Q. Are you a member of any professional
19 organizations?

20 A. Yes, sir. I'm a member of the Association
21 of Firearm and Toolmark Examiners, or AFTE, A-F-T-E,
22 which is a worldwide organization of firearms examiners
23 doing what I do throughout the world.

24 Q. Do you participate in continuing education?

25 A. Yes, sir. We tour ammunition companies

1 and firearms manufacturers because we learn how
2 the firearms are made. By learning how the firearms
3 are made, we can determine whether the marks we see
4 under a microscope, we can trust or not, are they
5 truly individual. So whenever the opportunity arises,
6 we'll go tour firearm manufacturing plants, ammunition
7 manufacturing plants, to see how the ammunition is made.
8 And we also go to the AFTE conference on a rotating
9 basis.

10 Q. Please explain to the jury what is meant by
11 ballistics evidence.

12 A. Ballistics evidence is a misnomer for what
13 we do. Ballistics is the study of rocket science,
14 projectile in motion. I'm fairly smart, but I'm not a
15 rocket scientist. What it's actually called is firearms
16 identification, and that's an area of forensic science
17 that deals with ammunition and firearms.

18 Basically, it boils down to was this bullet
19 fired by this gun? Or was this cartridge case fired
20 by this gun? And in the absence of a submitted firearm,
21 we can determine if all the cartridge cases and/or
22 all the bullets were fired by one firearm or by multiple
23 firearms.

24 Q. Please tell the jury, is that your primary
25 function at SLED? Is that what you do day-to-day?

1 A. Yes, sir, that's all I do.

2 Q. Okay. How does case evidence come to be in your
3 position at SLED?

4 A. When a submitting agency has evidence they need
5 to submit to the laboratory, they will now pre-log it
6 into the system so our evidence technicians and evidence
7 control know what case is coming. It's brought
8 to the laboratory, put in an evidence locker. Evidence
9 technician will then take custody of the evidence.
10 They don't open it. They just take -- you know, if the
11 box is supposed to have a gun in it, they just take
12 it for face value that it has a gun in it.

13 They log it into our system. The case is then
14 assigned to an analyst or an examiner in whatever
15 department it goes to. And whenever they have an
16 opportunity to work the case, they will go take custody
17 of the evidence, bring it back to their workstation,
18 work it, document how they got it. Was it sealed?
19 Was it unsealed? Noting any abnormalities or any trace
20 materials, was there blood on the bullet, that kind
21 of stuff.

22 Then, they'll seal it back up, take it back
23 to evidence control, a report is issued, and then the
24 submitting agency will come back and get the evidence
25 from the lab and take it back to their agency.

1 Q. Okay. In general, how do you perform your
2 analysis on firearms evidence?

3 A. The main tool we use is a comparison microscope.
4 It's two microscopes connected by a single optical
5 bridge that let's us look at two objects simultaneously.
6 So we can look at two bullets -- you know, a bullet
7 versus a bullet, a cartridge case versus a cartridge
8 case.

9 And what we're looking for are tiny, microscopic
10 scratches that are left on the breech face impressions
11 of the cartridge case or the firing pin impressions,
12 or on the rifling of the bullet. And those markings
13 are individual and unique to that firearm, and they
14 are imparted there during the manufacturing process.

15 So when the bullet travels down the barrel,
16 it takes on the markings left by the manufacturer.
17 Same thing with the cartridge case, when it goes
18 up against the breech face, and the firing pin strikes
19 it, the marks on that fired cartridge case are imparted
20 there based on the those.

21 Q. How many cases have you worked since you started
22 performing firearms analysis at SLED?

23 A. That's a good one. I can't give you an exact
24 number, but it's in the thousands.

25 Q. Are you peer reviewed?

1 A. Yes, sir.

2 Q. How ---

3 A. Everything at SLED, whenever we give out any
4 information to a submitting agency, before anything
5 is -- any answers are given, you know, yes, this bullet
6 was fired by this gun, a second qualified court exam --
7 court-qualified firearms examiner will come, sit down
8 on my microscope, or whoever is working the case,
9 and they'll examine every single piece of evidence
10 and formulate their own conclusions, then they'll read
11 my conclusions. If they agree, they initial, a report
12 is issued. That's one. That's what we call micro --
13 micro-verification.

14 And then after that, we have even more peer
15 review because the case file and the draft report
16 are then administratively and technically reviewed,
17 make sure the punctuation is right, make sure there's no
18 technical errors. So we've got the micro-verification,
19 and then we have the tech and admin review of all the
20 case files before any of that information is given out
21 to a submitting agency.

22 Q. Have you previously been qualified to testify
23 as an expert in the field of firearms identification?

24 A. Yes, sir.

25 Q. In what courts?

1 A. In both state and federal courts.

2 Q. How many times have you been qualified as an
3 expert?

4 A. I think it's -- it's either 125 or 126.

5 Q. Okay.

6 MR. MCNEELY: Your Honor, at this time,
7 the State moves to admit -- to designate Mr. Green
8 as an expert witness in the field of firearms
9 identification under Rule 702.

10 THE COURT: All right. Any objection?

11 MR. HUGHES: No objection, Judge.

12 THE COURT: All right. So qualified
13 as an expert in the field of firearms identification.
14 BY MR. MCNEELY:

15 Q. We may have touched on this a little bit already,
16 but let's talk about what you actually do as a firearms
17 identification analyst. What does that entail?

18 A. We examine firearms if they're submitted,
19 to shoot them to get tests that we know were fired by
20 those guns beyond a shadow of a doubt because we shot
21 them ourselves. So then, we microscopically compare
22 those tests with each other and make the gun marking
23 consistently, and then compare those tests with any
24 evidence submitted in the case.

25 If no firearm is submitted, we will compare

1 the cartridge cases with cartridge cases to see if they
2 were fired by one gun or multiple firearms. And then,
3 we do the same thing with the bullets to compare those,
4 to see if they were fired by one firearm or multiple
5 firearms.

6 Bullets are a little different than cartridge
7 cases in how they mark, and also based on the general
8 rifling characteristics, or what we call the GRC,
9 we can give the investigating agency a list that's not
10 all-inclusive because it's not mandatory that those --
11 that information is given to the government. But we
12 can sometimes give them a list of firearms that they
13 may be looking for based on the characteristics
14 exhibited by the bullets.

15 Q. What is the barrel of a firearm?

16 A. The barrel of a firearm is the part which the
17 bullet travels down. Inside the barrel, if it's rifled,
18 it has lands and groves, which makes up the rifling.
19 If you watch football, you see quarterbacks throw
20 the ball, it's usually a nice, tight spiral. It goes
21 where they want it to.

22 Rifling in a barrel does the same thing to
23 a bullet. It grips it and makes it spin, and it gives
24 it what they call gyroscopic stability. It literally
25 just makes the bullet rotate on its axis so it doesn't

1 start yawing one way or the other. It's more accurate.
2 It's a byproduct of that rifling during the
3 manufacturing process, those individual characteristics
4 that are imparted in the barrel, those are put on that
5 bullet as it travels down the barrel.

6 Q. What is a firearm cartridge?

7 A. A cartridge is a complete piece of unfired
8 ammunition. My dad, when he was alive, would always
9 tell me he was going to Wally World, which is called
10 Wal-Mart, to buy bullets. Well, he wasn't; he was going
11 to go buy cartridges no matter how many times I told
12 him he was going to buy cartridges. I was just his son.
13 So he said he was going to go buy bullets, but he was
14 really going to go buy cartridges. And that's just
15 a single piece of unfired ammunition made up of the
16 projectile or projectiles, the cartridge case, which
17 holds everything, and the gunpowder.

18 Q. Okay. And I believe you just mentioned it,
19 but what is a casing?

20 A. A cartridge case is the component of the
21 cartridge that holds the bullet, it holds the powder,
22 it holds the primer.

23 Q. Okay. And what is a projectile?

24 A. It's the bullet portion of the cartridge.

25 Q. Okay. Are there different parts to a projectile?

1 A. Yes, sir.

2 Q. Okay. What are those?

3 A. Most projectiles -- or most bullets are made
4 up of a jacket and a core. Most cores, I would say
5 90 percent of the cores we see, are made up of lead.
6 And the jacket is made up of either copper or brass,
7 or some type of combination of both. And you think
8 about this, a bullet -- a jacketed bullet is almost
9 like an M&M. Everybody likes M&Ms so, you know, kind
10 of get where I'm going.

11 The candy coating of the M&M is the jacket of the
12 bullet, and the chocolate inside of the M&M is the core.
13 If I threw an M&M at that wall right here, what would
14 happen? It would break. So sometimes when jacketed
15 bullets hit things, the jacket separates from the core.
16 So sometimes we'll get a complete bullet, sometimes
17 we'll get a jacket of a bullet, sometimes we'll get
18 a core.

19 Q. It's not uncommon for you to get a separated
20 jacket and core; is that correct?

21 A. No, sir, that is not uncommon.

22 Q. How do you go about examining a cartridge case?
23 What are you looking for specifically?

24 A. When we examine cartridge cases, there are
25 five areas that will come in contact with the firearm.

1 When the cartridge case is -- when the cartridge is
2 fired, you get a cartridge case. You get the breech
3 face, and all the breech face is, is that vertical
4 wall of the firearm where the firing pin protrudes
5 through. So Newtonian physics, equal and opposite
6 reaction. As the gun is fired, the bullet travels
7 down the barrel.

8 Well, as the bullet is traveling down the barrel,
9 that cartridge case is slammed up against the breech
10 face of the firearm taking on those marks left during
11 the manufacture. So we get the breech face marks,
12 we get the firing pin impressions, an extractor that
13 pulls it out the chamber, an ejector which ejects
14 it in the firearm, and sometimes there are chamber
15 marks.

16 When the cartridge is fired, and the pressure
17 builds up, the cartridge case slightly swells bigger
18 than what it was when it was unfired, and any reaming
19 marks or chambers marks left in that chamber will
20 be transferred to that cartridge case as it's pulled
21 out of the chamber.

22 Q. And what is the purpose of examining this?

23 A. We look at those to determine how many guns
24 were present. I worked a case a couple of weeks ago,
25 I had 37 cartridge cases and 16 guns represented.

1 They were all the same caliber, just different guns.
2 So what we'll do is we will look at the cartridge cases,
3 we'll look at the firing pin impressions, the breech
4 face markings, extractor, ejector, chamber marks to see,
5 based on the cartridge cases we have, how many guns were
6 present at the scene.

7 Q. And just to clarify for the jury, you're not --
8 you're not necessarily requiring here that these be
9 different brands of firearms to make different marks,
10 right? You could have two Glocks manufactured in the
11 same facility, and you could compare them to one another
12 and contrast their different markings?

13 A. Yes, sir. There have been studies --
14 international studies that I have taken part in.
15 If you're ever going to get marks that are similar,
16 and, you know, you could fool somebody, for lack of
17 a better term, you're going to have to look at slides
18 of barrels that were manufactured consecutively.
19 So they were made by the same tool and the same state
20 of aware.

21 I've done two different studies, off the top
22 of my head, the Brundage barrel study and the Brundage
23 Ruger, P-80 -- P-95 slide study. They got ten
24 consecutively-made barrels and ten consecutively-made
25 slides from the Ruger factory. So, we're looking

1 at worst case scenario for somebody that does what
2 I do, guns made consecutive, one right after the other.

3 And if you looked at the cartridge cases fired by
4 those slides, slides one through ten, they look similar,
5 they really do. But if you know what you're looking
6 for, you can see the slight changes from slide one
7 to slide two to slide three to slide ten. So if you're
8 trained, you can differentiate which one was fired
9 by this slide versus that slide, even though they
10 were made consecutively, and the same with bullets.

11 Q. And how do you go examining -- about examining
12 a projectile?

13 A. The first thing we do when we're looking at
14 projectiles, just assuming that I've already examined
15 it for trace material, blood, fibers, any of that kind
16 of stuff, we'll weigh it, we'll measure it at the base
17 to get what we call the OPCs, the observable physical
18 characteristics, and that will give us the caliber
19 usually, if it's not too damaged.

20 So once we look at the caliber, we know we're
21 looking at 9-mm Luger caliber bullets, and then we'll
22 look at the rifling impressions, how many lands
23 and grooves does it have? That gives us some more
24 characteristics. What type of rifling it has.
25 Is it conventional rifling? There's basically three

1 different types of rifling; we've got conventional,
2 polygonal, and GMB.

3 Conventional, the profile is almost, like,
4 90-degree angles, straight up and down. Polygonal
5 is rounded, almost like rolling hills, and GMB is almost
6 a combination between conventional and polygonal.
7 It has the polygonal rifling with the rounded profiles,
8 but it added -- which just helps the bullet spin even
9 more accurately.

10 But what we'll do is we'll get all those
11 together, and if we've got six bullets, we'll look
12 to see if they all have those same characteristics.
13 If they do, then we'll microscopically compare those
14 bullets to see if they were fired by the same firearm
15 or not. If they don't, then we know that we have
16 at least two firearms because the rifling specifications
17 are different.

18 Q. How does evidence come to be in your possession
19 for analysis?

20 A. I'm sorry?

21 Q. How does evidence come to be in your possession
22 for analysis?

23 A. Whenever evidence is submitted to the laboratory,
24 the case is assigned to us on a rotating basis. In this
25 instance, the case just happened to be assigned to me.

1 Q. Okay. When a law enforcement agency submits
2 firearms evidence for your analysis, do they provide
3 a brief description of each item they're submitting
4 for you to review?

5 A. Yes, sir. Part of, I guess, the intake process
6 is we need to know what we're looking at, and it's just
7 not firearms, it's any department in the laboratory.
8 So we need a generalized description of what it should
9 be. So when I'm doing my inventory of the evidence,
10 if they say I should have six bullets and two cartridge
11 cases, and I open it up, and I have six cartridge cases
12 and two bullets, there's a problem. So what we would
13 do is we would call the agency and figure out did they
14 literally just call it something wrong, or did they not
15 submit all the evidence.

16 Q. Okay. After you complete your analysis, do you
17 issue a report?

18 A. Yes, sir.

19 Q. Okay. And do you do that for every case you
20 examine at SLED?

21 A. Yes, sir.

22 Q. Okay. Did you receive evidence to analyze for
23 this case from the Berkeley County Sheriff's Office?

24 A. Yes, sir.

25 Q. Okay. Did you prepare a report of your analysis

1 for the case?

2 A. Yes, sir.

3 Q. Okay. And correct me if I'm wrong, you actually
4 received evidence from the Berkeley County Sheriff's
5 Office to test for this case on two separate occasions,
6 correct?

7 A. Yes, sir.

8 Q. Okay. What items did you receive initially
9 to analyze from the sheriff's office?

10 A. May I read my notes?

11 Q. You may.

12 A. In the first instance, I received six fired
13 cartridge cases. Of those six, I had four fired 9-mm
14 Luger-caliber cartridge cases and two fired 9-mm
15 NATO-caliber cartridge cases. Those are two separate
16 calibers, but they're interchangeable because the
17 NATO just has a higher pressure. So you can shoot 9-mm
18 NATO ammunition and firearms chambered for a 9-mm Luger,
19 and you can shoot 9-mm Luger cartridges and guns fired
20 for 9-mm and NATO. You can shoot them interchangeably.
21 But I had six cartridge cases, a lead bullet core,
22 and a fired bullet jacket.

23 Q. Were these items sealed when you received them?

24 A. Yes, sir, they were.

25 Q. Okay. What did you do with the items when you

1 received them?

2 A. I took custody of the evidence, I performed
3 a detailed inventory, making sure everything they said
4 I had, I had. Then, I took photographic documentation
5 to how they were received, so literally when I'm sending
6 them back, they can be packaged pretty close to how they
7 were when I get them.

8 Look for trace material. Is there any blood,
9 is there any fibers, any dirt shoved into the cartridge
10 case or impacted -- stuffed into the cartridge case?
11 Once we do that, we start looking at them
12 microscopically to determine how many firearms are
13 present based on what we have.

14 Q. Okay. I'm going to ask you to look at what's
15 been marked as State's Exhibit 198. Can you tell
16 the jury if you recognize that item?

17 A. Yes, sir. State's Exhibit 198 is SLED laboratory
18 number L21-15453, container No. A. This is some of the
19 evidence I examined in this case.

20 Q. Okay. And I believe you stated it's six 9-mm
21 cartridge casings, one bullet core, and one jacket?

22 A. Yes, sir.

23 Q. Okay. Now you test these -- or analyze these
24 items at SLED, do you assign them a specific number
25 for your purposes only at SLED, not the evidence number

1 from the agency?

2 A. Well, I don't specifically, but when they're
3 brought into the lab, the lab gives them their own
4 number. So that way if evidence goes through DNA
5 first for latent prints before it comes to us because,
6 for lack of a better term, we're the red-headed
7 stepchildren of the laboratory, we get everything
8 last, meaning, if any DNA, swabs, if any latent prints
9 is done on it, all that is done before it comes to us,
10 and that's what I mean by that.

11 So, I need to know if DNA swab -- there's
12 one cartridge casing called Item 1, we need to know
13 which one it is. So when it comes into the laboratory,
14 each piece of evidence gets its own separate item number
15 before it comes to an examiner.

16 Q. Was the item sealed when you received it.

17 A. Yes, sir, all items were sealed. If they
18 weren't, I wouldn't have done anything until I found
19 out why they were not sealed.

20 Q. Okay. All right, let's talk about those items
21 that you stated. First, with regard to the six 9-mm
22 cartridge casings, what type of testing and analysis
23 did you perform on those?

24 A. I microscopically compared them to see if they
25 were fired by one firearm or by separate firearms.

1 Q. Okay. What were the results of your analysis
2 on these six cartridge casings?

3 A. All six cartridge cases I examined in this case
4 were fired by the same firearm.

5 Q. Okay. And I believe if I'm correct, five of
6 those are listed as from the bedroom, and one is from
7 the front yard; is that correct?

8 A. Yes, sir.

9 Q. Okay. But all six, you determined, were fired
10 by the same firearm?

11 A. Yes, sir.

12 Q. Okay. And you stated that conclusion in your
13 report?

14 A. Yes, sir.

15 Q. Okay. Now are you able to testify as to a
16 specific brand or model that fired those 9-mm casings?

17 A. I can't give a specific, but I can give an idea
18 of the characteristics I see, if that makes any sense.

19 Q. Okay. And what is that?

20 A. All six of the cartridge cases have a
21 teardrop-shaped aperture on them. There are only
22 certain firearm manufacturers that have teardrop-shaped
23 apertures. So while I can't say specifically that
24 these are fired by a certain firearm, I know that there
25 are only certain types of firearms that have a firearm

1 -- a shaped aperture like that.

2 Q. Okay. Is Glock one of the manufacturers that
3 has a shape like that?

4 A. Yes, sir. Glock 5th Generation or Glock Gen5
5 pistols will have a teardrop-shaped aperture. Those
6 are one of the manufacturers that would.

7 Q. Okay. All right. Now as to SLED Items 9 and 10,
8 what are those items?

9 A. SLED Item 9 was a lead bullet core, and SLED
10 Item 10 was a fired bullet jacket.

11 Q. Okay. And is SLED Item 9 indicated it's from
12 the bedroom floor?

13 A. Yes, sir.

14 Q. Okay. And what was the result of your -- what
15 analysis did you perform on 9 and 10?

16 A. 9 and 10, the two projectiles I initially
17 received, once I did the inventory and looked for trace
18 material on them, I looked for those OPCs, observable
19 physical characteristics, and the core was consistent
20 with a core we would expect to see in a 9-mm
21 Luger-caliber cartridge, or a 9-mm caliber bullet.
22 It didn't have any markings on it suitable for
23 identification, so all I could say on that is basically
24 what the caliber is most consistent with.

25 SLED Item 10, which is a fired bullet jacket,

1 it was most consistent with being the bullet jacket
2 that we would expect to see on a 9-mm Luger-caliber
3 cartridge. Based on those rifling characteristics
4 we talked about a few minutes ago, the GRC, the only
5 manufacturer we know of that has rifling specifications
6 like that is Glock in their Gen5 pistols, what they call
7 the GNB barrel -- GMB, sorry, Glock Marksman Barrel.

8 Q. Okay. Let's back up just a little bit. I know
9 you probably can't say for certain, but Items 9 and 10
10 are a core and a jacket, correct?

11 A. Yes, sir.

12 Q. Okay. Is it certainly possible that these are
13 two parts of the same bullet?

14 A. We don't -- it is possible, yes.

15 Q. But you weren't there, you can't say?

16 A. Correct.

17 Q. Okay. And Item 9, you said does not have
18 identification markings on it; is that correct?

19 A. Correct. When a jacketed bullet goes down
20 the barrel, all the markings left by firing are left
21 on the jacket. So if the jacket and the core separate,
22 there's nothing -- that core never touched the inner
23 part of the barrel, so there's nothing there for me
24 to identify it with.

25 Q. Okay. And that's common in your experience?

1 A. Yes, sir.

2 Q. Okay. But as to Item 9, you did analyze it for
3 size, weight. And based on your assessment, you
4 determined it was the core of a 9-mm cartridge casing
5 -- cartridge? Excuse me.

6 A. Yes, sir.

7 Q. Okay. And then as to Item 10, which was the
8 jacket, your determination was that it was consistent
9 with a 9-mm, correct?

10 A. Yes, sir.

11 Q. And that the only known manufacturer to produce
12 rifling that places those types of marks on No. 10
13 is a Glock Generation 5, correct?

14 A. Yes, sir.

15 Q. After -- was that the completion of your initial
16 analysis on the firearms evidence for this case?

17 A. Other than I took one of the fired cartridge
18 cases and put it into IBIS, which is the
19 Integrated Ballistics Identification System. It's
20 a nationwide, like AFIS. You know what AFIS is for
21 fingerprints? It's that way for cartridge cases, to see
22 if the firearms that we put in based on the cartridge
23 case have been used in any other crimes, other than
24 putting something -- one of those cartridge cases
25 in IBIS, that's the extent of the first part, yes, sir.

1 Q. Did you get a hit from IBIS?

2 A. Not that I'm aware of, no, sir.

3 Q. Okay. So, to your knowledge, there was not a
4 firearm in custody somewhere that matched the ballistics
5 evidence -- or the firearms evidence for this case?

6 A. Correct. I did not receive a firearm, no.

7 Q. Okay. Now after that point, did you receive
8 those items back at SLED at some point, along with some
9 additional items to analyze?

10 A. Yes, sir.

11 Q. Okay. When did you receive those back?

12 A. I took custody of them again on August 16, 2024.

13 Q. Okay. And what additional items did you receive
14 at that time?

15 A. In addition to receiving State's Exhibit 198
16 back, which were SLED Items 3 through 10, I also
17 received SLED Items 11, 12, 13, and 14.

18 Q. Okay. I'm going to ask you to please look
19 at what's been marked as State's Exhibit 203. This
20 was already opened by the pathologist to confirm
21 she recovered them. Can you tell me if you recognize
22 those?

23 A. Yes, sir. State's Exhibit 203 is made up
24 of SLED Items 11 through 14, which are the projectiles
25 I examined.

1 Q. Okay. And how were those projectiles described
2 when you received them at SLED?

3 A. Let's see. Do you want what they were described
4 as, or where they were described as being removed from?

5 Q. The latter.

6 A. Okay. Whenever we say where something came
7 from, none of us went to the scene, so we're literally
8 just putting what was told to us in quotes. So whenever
9 the investigator reconstructs what happened, they
10 know we're talking about SLED Item 11, they know where
11 it came from. So, I have no direct knowledge of this;
12 I'm just regurgitating what was put on the evidence
13 submission forms.

14 SLED Item 11 was listed as No. 1, removed from
15 Jessica Ancrum at autopsy. SLED Item 12 was removed
16 -- excuse me, was listed as No. 2, removed from
17 Jessica Ancrum at autopsy. Thirteen was No. 3, Ancrum
18 at autopsy, and No. 14 was No. 4, removed from
19 Jessica Ancrum at autopsy.

20 Q. Okay. Were those items sealed when you received
21 them?

22 A. Yes, sir.

23 Q. Okay. And did you open them to perform analysis
24 on them for this case?

25 A. Yes, sir.

1 MR. MCNEELY: Your Honor, at this time,
2 I move State's Exhibits 198 and 203 into evidence.

3 THE COURT: Any objection?

4 MR. HUGHES: No objection, Judge.

5 THE COURT: All right, entered without
6 objection.

7 (State's Exhibit Nos. 198 and 203 were entered into
8 evidence.)

9 BY MR. MCNEELY:

10 Q. What did you do with SLED Items 11 through 14,
11 the four projectiles as indicated from Jessica Ancrum
12 at autopsy when you received them?

13 A. What I did was I compared -- I microscopically
14 compared them after I determined the calibers and the
15 other OPCs of them. Since they had the same rifling
16 specifications on them that Item 10, which I previously
17 examined in State's Exhibit 198, I used Item 10 -- SLED
18 Item 10 almost like a test specimen. So, I compared
19 SLED Items 11 through 14 with each other, and then
20 I compared them with SLED Item 10.

21 Q. And what were the results of your analysis
22 on the four projectiles from the victim at autopsy
23 and the one from the bedroom that you had previously
24 analyzed?

25 A. Okay. Let's see. So based on their OPCs,

1 Items 11, 12, and 14 are most consistent with bullets
2 loaded in some 9-mm Luger-caliber cartridges. The SLED
3 Item 13 bullet jacket was most consistent with being
4 the jacket from a jacketed bullet loaded in some 9-mm
5 cartridges. And 13 was actually a jacket and a core.

6 So the core was consistent with being the core
7 from a jacketed bullet loaded to some nominal
8 .38-caliber cartridges. It was kind of damaged,
9 so I couldn't give a specific caliber, just a range
10 of calibers. A 9-mm Luger falls into the nominal
11 .38 caliber.

12 So once I add all those, determined that they
13 were the same GRC as SLED Item 10, I compared 11, 12,
14 the 13 bullet jacket, and 14 with each other and with
15 Item 10. And I concluded that they all were fired
16 by the same firearm.

17 Q. Okay. So all of the projectile jacketings that
18 you analyzed for this case, you concluded were fired
19 by one singular firearm?

20 A. Yes, sir.

21 Q. And I believe you previously told us that No. 10,
22 the jacket from the bedroom, you determined had to be
23 fired by a Generation 5 Glock based on the rifling
24 characteristics; is that correct?

25 A. Yes, sir. The only manufacturer we know of right

1 now that uses that rifling is Glock. It's patented it,
2 so no one else can use it legally.

3 Q. And is that same thing true for Items 11 through
4 14, all of the projectiles removed from the victim at
5 autopsy?

6 A. Yes, sir.

7 Q. No other weapon than a Glock Gen5 would make
8 that rifling mark, correct?

9 A. That we are aware of, correct.

10 Q. And Items 10 through 14 were all fired by
11 a single 9-mm handgun, correct?

12 A. A single 9-mm firearm, yes.

13 Q. Okay. And that was a Generation 5 Glock?

14 A. That's what it would be consistent with, yes.

15 Q. Okay. Now did you receive any firearms to
16 analyze for this case?

17 A. No, sir. All I received were ammunition
18 components.

19 Q. Okay. Is it common for you to analyze firearms
20 evidence, casings, projectiles without a firearm?

21 A. Yes, sir. I would say probably half the cases
22 we examine are just strictly fired bullets or fired
23 cartridge cases. So it's not uncommon that a firearm
24 is not recovered.

25 Q. Okay. But if you have a firearm, you can compare

1 them to the firearm. But because you don't, you just
2 compare them to one another, correct?

3 A. Correct.

4 Q. Okay. And that's what happened in this case?

5 A. Yes, sir.

6 Q. But if you had received a firearm, could you have
7 compared the casings and projectiles that you already
8 did compare for this with a firearm?

9 A. Yes, sir.

10 Q. Okay. But you didn't get one here because
11 we didn't recover a weapon, correct?

12 A. Correct.

13 Q. I'm going to ask you to look at two
14 photographs that have been entered into evidence
15 as State's Exhibits 168 and 169. I will ask you to put
16 them up, please, Ally, but it may be easier for you
17 to just look at them on the page. Do you see the item
18 laying there in the middle of the Defendant's chest?

19 A. Yes, sir.

20 Q. In your expert opinion, what does that item
21 appear to be?

22 A. It's either a 5th generation, or a Glock Gen5
23 pistol, or a replica of a Glock Gen5 pistol.

24 Q. Okay. Now, I understand from a picture you can't
25 unequivocally say that it's a real working handgun based

1 on that alone, correct?

2 A. Correct.

3 Q. Okay. But if it is a real working handgun --
4 and if it is a real working handgun, you can't
5 unequivocally say what caliber it's chambered in,
6 correct?

7 A. Correct.

8 Q. Okay. But assuming it is a real working handgun,
9 what type of handgun does it appear to be?

10 A. It appears to be a 5th generation Glock pistol.

11 Q. Okay. And if it is a 5th generation Glock
12 pistol, is it common for those to be chambered in 9-mm?

13 A. It's one of the chamberings in it, yes, sir.

14 Q. Okay. And if it is indeed a 5th generation Glock
15 chambered in 9-mm, could it be the gun that discharged
16 all of the cartridge casings recovered at the scene
17 of this crime that you reviewed at SLED?

18 A. Yes, sir, it could be.

19 Q. And if it -- if so, could that also be the
20 firearm that shot all of the projectiles you analyzed
21 in this case?

22 A. Potentially, yes.

23 Q. And the jacket -- and of the projectile jacketing
24 recovered in the bedroom, correct?

25 A. Yes.

1 Q. As well as the ones recovered from the victim's
2 body at autopsy?

3 A. Yes, sir.

4 Q. So if this gun in the photo is a real working
5 Glock 9-mm, based on your expert analysis, could it
6 be the single source of all of the ballistics evidence
7 you analyzed in this case?

8 A. Yes, sir. That pistol, if it is a pistol, could
9 be. But I can't say it was because I never received it,
10 but it potentially could be, yes.

11 Q. Okay. But you certainly say that a Glock
12 Generation 5 is the source of all of the ballistics
13 evidence you recovered in this case?

14 A. The bullets, 100 percent, yes. The only thing
15 we know about is a Glock Gen5. The cartridge cases
16 exhibited characteristics which I would expect from
17 a Gen5 pistol and others.

18 MR. MCNEELY: Nothing further from the State
19 at this time, Your Honor.

20 THE COURT: All right. Any
21 cross-examination?

22 MR. HUGHES: Just briefly, Judge.

23 CROSS-EXAMINATION

24 BY MR. HUGHES:

25 Q. Well, Mr. Green, I certainly do not --

1 I certainly believe you are qualified to speak on this
2 expertise field. But you testified that you can't
3 tell in that picture whether it's a real gun or not?

4 A. Correct.

5 Q. Okay. And since you can't do that, you certainly
6 can't say whether that was the gun that was used to
7 shoot and kill Jessica?

8 A. Well, even if it was, I wouldn't say it was
9 because I never examined it and compared it with the
10 evidence.

11 Q. Okay. So you can't say with certainty whether
12 that gun was used to kill Jessica?

13 A. No. I don't even know if it's a real gun.
14 If it is a real gun, it could be potentially, but
15 I don't now.

16 Q. Okay. Thank you.

17 MR. HUGHES: No further questions, Judge.

18 THE COURT: All right. Any redirect?

19 MR. MCNEELY: No, Your Honor.

20 THE COURT: All right. Any objection
21 to this witness being excused?

22 MR. HUGHES: No objection, Judge.

23 MR. MCNEELY: No, Your Honor.

24 THE COURT: All right. Thank you,
25 Mr. Green, you're excused. You're welcome to stay

1 if you wish. All right. All right, Mr. McNeely,
2 anything further?

3 MR. MCNEELY: Thank you, Your Honor.

4 At this time, the State rests its case.

5 THE COURT: State rests. Okay. All right.
6 We've reached that -- one of those times where I'm going
7 to excuse y'all back to the jury room, and we're going
8 to address some matters of law, and I'll have you back
9 out here as quickly as we can. Thank you all. Take
10 the jury out.

11 (The jury exited the courtroom at 10:11 a.m.)

12 THE COURT: All right. Y'all can be seated.
13 State has rested. Anything further from the State
14 at this point?

15 MR. MCNEELY: Not at this time, Your Honor.

16 THE COURT: Thank you. All right, from the
17 defense?

18 MR. HUGHES: Yes, Judge. At this time,
19 we would move for a directed verdict ---

20 THE COURT: All right.

21 MR. HUGHES: --- based on the following,
22 Judge. The State has failed to present sufficient
23 evidence to prove guilt beyond a reasonable doubt.
24 The State has not established the gun allegedly in my
25 client's possession was the murder weapon. The State's

1 witnesses' testimony is contradictory and insufficient.
2 The State's own investigation shows uncertainty about
3 the shooter's identity, as long -- as well as no
4 independent witnesses identified Mr. Tucker as the
5 shooter. And, finally, Judge, the State has failed
6 to prove that Mr. Tucker's actions were in fear for
7 his life.

8 THE COURT: All right. State's response?

9 MR. MCNEELY: Thank you, Your Honor.

10 In ruling on a motion for a directed verdict, the Court
11 must consider only the existence or nonexistence
12 of evidence, not its weight. The Court must consider
13 the evidence in the light most favorable to the State,
14 and if there is any direct or circumstantial evidence
15 from which the jury could reasonably find the Defendant
16 guilty of the elements of the charge, then the motion
17 should be denied, and the case presented to the jury.

18 As for this case, Your Honor, the State
19 surpassed its burden for a directed verdict as soon
20 as Carolyn Jefferson testified. She walked in, she
21 informed the Court, as she had every law enforcement
22 agent or deputy that she ever spoke with, that on
23 June 9th, 2021, her son, Aubrey Tucker, and his
24 girlfriend, Jessica, were the only people in the home
25 at Old Back River, in addition to her and her husband,

1 that she was in the kitchen doing laundry while they
2 were arguing in the bedroom, at which time five shots
3 were fired. The victim became deceased, and the
4 Defendant ran out of the house holding a firearm in
5 his hand.

6 This was corroborated by Robert Jefferson's
7 testimony, and the Defendant was also placed at
8 the scene of the crime with -- by his GPS monitor.
9 But again, directed verdict was surpassed as soon
10 as Carolyn Jefferson alone testified.

11 In addition, the State has presented
12 ballistics evidence and autopsy evidence. They
13 confirmed that this was a homicide, that the victim
14 was shot five times, and that the weapon that shot
15 the victim was a Glock Generation 5. The Defendant
16 is shown in possession mere days earlier from the murder
17 with a -- what appears to be a Glock Gen5 in his
18 possession, and he ultimately fled from his -- from
19 that location as soon as the shooting occurred with
20 the firearm in hand, and went and cut off his monitor
21 and fled to Columbia.

22 As to each and every charge, the murder,
23 the possession of a weapon during a violent crime,
24 which was used to kill Jessica Ancrum, and also
25 the possession of a firearm or ammunition by a person

1 convicted of a felony -- violent crime, given the
2 stipulation that we entered, he does have a prior
3 conviction. The evidence that has presented --
4 been presented by the State is more than sufficient
5 to surpass directed verdict, and we would ask that the
6 motion be denied, and the case presented to the jury.

7 THE COURT: All right. Thank you,
8 Mr. McNeely. I agree. You recited the correct
9 standard. The Defendant is entitled to directed verdict
10 of acquittal if there is no evidence. Essentially,
11 I'm dealing with the existence or nonexistence, not the
12 weight. If there is -- if there exists any evidence,
13 we have to review that, of course, in the light most
14 favorable to the State. At this stage, is there
15 substantial evidence that reasonably tends to prove
16 guilt of the Defendant, or from which guilt may be
17 fairly and logically deduced?

18 As to the murder charge, unlawful killing
19 with malice aforethought, I agree. There's testimony
20 from two different witnesses that Mr. Tucker was the
21 only person in the room, in the house, with gunshots.
22 There was no accessible back door. There's testimony
23 from two of them that -- two witnesses -- eyewitnesses
24 that Mr. Tucker ran out of the residence with a weapon
25 of some kind, that the victim certainly was deceased.

1 There's testimony to that.

2 There may have been testimony from --
3 that he did, in fact, shoot her. There was testimony
4 relative to the message to the victim confirming
5 that there may have been issues between the parties.
6 There's testimony about fussing between the decedent
7 and the Defendant. The decedent was shot twice in the
8 back.

9 Also, there's multiple other gunshots
10 totalling at least five inside the house. There
11 was also flight to avoid law enforcement, which could
12 be considered, along with the removal of the monitoring
13 device. All of those certainly taken in the light most
14 favorable to the State provides sufficient evidence to
15 require me to respectfully deny the motion for directed
16 verdict as to the murder charge.

17 As to the weapon -- possession of a weapon,
18 likewise, there's testimony that a weapon was in
19 possession, he was carrying it at the time he exited
20 the residence. There's testimony from the stepfather
21 to that effect. As to the possession, based upon the
22 prior conviction, stipulated to the prior conviction,
23 that predicate will satisfy the date, time, and
24 testimony.

25 As to the photograph that showed the

1 possession of the weapon is sufficient to void directed
2 verdict. So, I'm going to respectfully deny the
3 directed verdict as to all three of the charges.
4 Anything further from the defense?

5 MR. HUGHES: Judge, I'm not sure if you were
6 going to do this anyway, just asking whether he wants
7 to testify or not.

8 THE COURT: I was going to get to that.
9 All right. Anything further from the State?

10 MR. MCNEELY: Not in regard to the directed
11 verdict.

12 THE COURT: All right. We've reached
13 that time, Mr. Tucker, to make a determination. I need
14 to put on the record whether you're -- whether you've
15 made a decision as to whether you're going to testify
16 or not, okay? First off, I'm going to put you under
17 oath, okay? Stand up for me and raise your right hand.

18 (Whereupon, MR. AUBREY TUCKER, was duly sworn.)

19 THE COURT: Thank you, sir. You can put
20 your hand down. All right. At this time, I will
21 explain to you certain of your rights. If you don't
22 understand anything that I say, please let me know,
23 interrupt me, don't hesitate to do that. If you want
24 me to explain anything in more detail, or if you need
25 to consult with your attorneys, let me know that.

1 Do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. All right. We've reached
4 the stage in the trial where you may present your
5 defense. You have the right to claim the protections
6 given to you by the Fifth Amendment to the Constitution
7 of the United States. This amendment states, in part,
8 no person shall be compelled in any criminal case to be
9 a witness against himself. This means that you cannot
10 be required to testify in this case. You have the right
11 to testify on your own behalf. However, no one can make
12 you testify. It is a personal right, and no one can
13 waive this right, except you.

14 If you decide to testify, you will be
15 subject to the same rules that govern other witnesses.
16 You may be examined and cross-examined on any relevant
17 issue to this case. In addition, if you have any
18 convictions involving dishonesty or false statements,
19 or crimes punishable by imprisonment for more than one
20 year, and this Court determines that the probative value
21 of admitting this evidence outweighs its prejudicial
22 effect to you, the solicitor will be able to
23 introduce your record to attack your credibility.
24 And I understand that there's several charges that
25 may or may not be admitted for that purpose on your

1 record.

2 If you decide to testify, the decision
3 on your part must be freely and voluntarily and
4 intelligently made with the knowledge of the protections
5 given to you by the Fifth Amendment and the consequences
6 of your decision to testify. If you decide not to
7 testify, I will instruct the jurors that they cannot
8 give the fact that you did not testify any consideration
9 whatsoever, that there is to be absolutely no prejudice
10 to you because you did not testify.

11 It is left entirely up to you whether
12 or not you testify. You may talk with your attorneys,
13 family, friends, anyone else, but the final decision
14 will be left entirely up to you. Do you understand
15 these rights as I've explained them to you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. And is anybody
18 threatening you, coercing you in any way to testify
19 or to not testify?

20 THE DEFENDANT: No, sir.

21 THE COURT: Okay. All right. Have you
22 discussed with your lawyer whether you should testify,
23 or whether you want to testify at this stage?

24 THE DEFENDANT: I told them I don't want
25 to testify.

1 THE COURT: Say that again for me out loud.

2 THE WITNESS: I said I don't want to
3 testify.

4 THE COURT: You do not want to testify?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. All right. Do you want
7 -- do you need to talk to your lawyer anymore at this
8 point in time?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Any further questions for him
11 about this stage?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Okay. And just to reiterate,
14 you've indicated that you do not wish to testify;
15 is that correct?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. And you're making that
18 decision freely and voluntarily without any coercion,
19 after fully understanding your rights; is that correct?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. All right. Thank you
22 very much. You can sit down. All right. So anything
23 further from the defense?

24 MR. HUGHES: Nothing further, Your Honor.

25 THE COURT: Okay. All right. And is the

1 defense going to present any testimony or witnesses
2 or other response?

3 MR. HUGHES: We are not, Your Honor.

4 THE COURT: Okay. All right. And from
5 the State, anything further?

6 MR. MCNEELY: Not at this time, Your Honor.

7 THE COURT: Okay. Are y'all ready to go
8 forward?

9 MR. MCNEELY: We are. They need to close
10 on -- they need to rest on the record, Your Honor.

11 MS. WHITE: Yes, we do.

12 MR. MCNEELY: Okay.

13 THE COURT: Okay. All right. We can
14 certainly do that before we proceed. Y'all ready
15 to go forward with closing arguments ---

16 MS. WHITE: Yes, Your Honor.

17 THE COURT: --- or do you wish to have
18 a break before we do that?

19 MR. HUGHES: Yes, Your Honor.

20 THE COURT: Break, yeah?

21 MR. HUGHES: Yes for a break, Your Honor.

22 THE COURT: Okay. All right. It's 25
23 minutes after. Let's start back at a quarter till.
24 That will give you a few minutes to do that and give
25 the opportunity for the jury to conclude their break.

1 And at a quarter till, we'll go forward with the closing
2 arguments. All right. Anything further as to the
3 charges?

4 MR. MCNEELY: No, Your Honor.

5 THE COURT: Okay.

6 MS. WHITE: No, Your Honor.

7 THE COURT: All right. Thank you. We'll
8 be back.

9 (Recess taken.)

10 (Back on the record.)

11 THE COURT: All right. Go ahead and have
12 a seat. Thank you. All right, everybody. Anything
13 further before we bring the jury back in? Okay.

14 MS. WHITE: Nothing.

15 THE COURT: Let's bring our jury back in.

16 (The jury entered the courtroom at 10:46 a.m.)

17 THE COURT: All right. Y'all can be seated.
18 Thank you. All right. And as to the defense?

19 MS. WHITE: Judge, at this time, the defense
20 rests.

21 THE COURT: All right. The defense has
22 rested. The State has rested; the defense has rested.
23 That concludes the testimony that will be presented
24 to you. We are now at the time where the attorneys
25 get to make to you their closing arguments.

1 Mr. McNeely.

2 MR. MCNEELY: Your Honor, I do have one
3 brief matter of law to address before we start closing
4 arguments.

5 THE COURT: All right, all right. I'm going
6 to ask you to go back to the jury room while we address
7 this matter of law.

8 (The jury exited the courtroom at 10:48 a.m.)

9 THE COURT: All right. Y'all can be seated.
10 Mr. McNeely.

11 MR. MCNEELY: Thank you, Your Honor.
12 I don't believe they need to renew their directed
13 verdict motion, given that they didn't present anything.
14 However, I did -- there was something that gave me
15 pause in the initial directed verdict motion that
16 I wanted to address before closings began.

17 Mr. Hughes said something along the lines
18 of he was in fear of his life. It would be improper
19 in closing argument to argue anything regarding
20 self-defense, given that there has been not a shred
21 of evidence submitted to support self-defense,
22 and the jury will not be instructed on self-defense.
23 So, I just wanted to clarify for the record that they
24 are not permitted to argue self-defense during closings.

25 THE COURT: All right. Was defense

1 anticipating arguing self-defense?

2 MS. WHITE: And, Judge, that's accurate.
3 We have not -- we are not arguing self-defense.

4 THE COURT: Okay. Yeah, and certainly,
5 the charge as suggested and reviewed did not include
6 anything relative to self-defense. So, I agree that
7 that would be improper. But given the fact you've
8 indicated that you're not going to argue in that
9 fashion, that should not be a problem whatsoever.
10 All right.

11 As a practical matter, when this evidence
12 goes back with the jury, do they carry it back in stack?
13 You've got a box for it? How does it get back to the
14 jury room?

15 THE CLERK: We'll gather it altogether
16 and take it back.

17 THE COURT: Okay. All right. Yeah, because
18 it's piling. All right. Bring them back in, please.

19 (The jury entered the courtroom at 10:50 a.m.)

20 THE COURT: All right. Y'all can be seated.
21 Thank you. All right. We're going to proceed with
22 our closing arguments at this time. Mr. McNeely.

23 MR. MCNEELY: Thank you, Your Honor.
24 Good morning, ladies and gentlemen. I want to thank
25 you first for your time and attention this week.

1 I know it's not convenient, and it's not what you
2 probably wanted to do. But your function is critical
3 to our democracy and an integral piece of the criminal
4 justice system as we have, so thank you for your
5 service.

6 As you're well aware by this point, this
7 is the matter of the state of South Carolina versus
8 Aubrey Tucker. He is charged with murder, he is charged
9 with possession of a weapon during the commission
10 of a violent crime, and he is charged with possession
11 of a firearm or ammunition by a person convicted
12 of a violent crime.

13 At the conclusion of the closing arguments,
14 this judge will give you a jury charge in depth
15 and length. He will explain the law to you. You are
16 to apply the law as he gives it to you to the facts of
17 this case and render your verdict. If there is anything
18 discrepant between what I say and what the judge tells
19 you, you must follow the law as the judge tells it.
20 But because they are a little complicated, I'm going
21 to go through the law with you as I see it, and tell
22 you what I believe the evidence shows related to that.

23 Murder under South Carolina Code 16-3-10
24 is the killing of any person with malice aforethought,
25 either expressed or implied. Malice is hatred, ill

1 will, hostility towards another person. It indicates
2 a wicked or depraved spirit intent on doing wrong.
3 It is the intentional doing of a wrongful act.

4 Malice does not require that it existed at
5 any particular time, or for any appreciable length of
6 time before the act is committed. It may be conceived
7 at the very moment the act occurs. Forget what you've
8 seen on TV about premeditated murder. That is not
9 in the South Carolina statute; we do not have it.
10 Murder in South Carolina is the killing of any person
11 with malice aforethought, and malice may be conceived
12 at the instant before the murder takes place. It can
13 be expressed or implied.

14 Expressed malice is a deliberate intention
15 to unlawfully injure or take the life of another, such
16 as shooting someone at near pointblank range five times
17 in a bedroom. Implied malice arises when circumstances
18 demonstrate a wanton or reckless disregard for human
19 life, or when a reasonably prudent person would have
20 known that according to common experience, there was
21 a plain and strong likelihood that death would follow
22 from that act, such as shooting someone at near, close
23 range in a bedroom five times.

24 Possession of a weapon during the commission
25 of a violent crime. If you find the person guilty

1 of a violent crime, in this case, murder is a statutory
2 violent crime, and you determine that the person was
3 in possession of a firearm at the time the incident
4 occurred, they are guilty of possession of a violent --
5 of a weapon during the commission of a violent crime.

6 Possession of a firearm or ammunition by
7 a person convicted of a violent crime. If you find that
8 the Defendant is guilty of murder, which is a violent
9 crime -- excuse me. If you find that the Defendant
10 has a prior conviction for a violent crime, which
11 you know he does by the stipulation entered that he
12 has a violent crime conviction from Charleston County
13 in 2006, and you determine that he, at any point,
14 was in possession of a firearm or ammunition after
15 that conviction, he is guilty of this crime.

16 What is reasonable doubt? The judge
17 is going to instruct you that I have to prove my case
18 beyond a reasonable doubt. Reasonable doubt is doubt
19 that would cause a reasonable person to hesitate to act.
20 It is not beyond all doubt. The judge will tell
21 you that the law does not require proof that overcomes
22 every possible doubt. It is not absolute certainty.
23 What's the old saying? Death and taxes. It's not death
24 and taxes. If the evidence leaves you firmly convinced
25 that the Defendant is guilty, you must find the

1 Defendant guilty. That's what the judge will instruct
2 you, and we have far exceeded that burden in this case.

3 I want to talk first about some red herrings
4 that the defense may get up here and talk about that
5 are really inconsequential, but may -- you may have
6 questions about. The first is what were they arguing
7 about. I don't know that; you don't know that; nobody
8 in this courtroom knows that. The people that knew
9 that are Jessica Ancrum, who has been deceased since
10 June 9th, 2021, and Aubrey Tucker.

11 But what they were arguing about is of no
12 consequence to this. The fact of the matter is the
13 argument that should have been a verbal argument ended
14 in Jessica Ancrum being gunned down in cold blood
15 in the bedroom she was staying. So what the argument
16 was about doesn't matter.

17 The fact that Carolyn Jefferson and
18 Robert Jefferson didn't actually see him shoot her.
19 Well, we, as humans, are equipped with five senses,
20 not one. It does not matter that they were not in
21 the room; they were right there. There was nobody else
22 present, other than the Defendant and Jessica Ancrum.
23 Doesn't matter that they didn't see it with their eyes.
24 They heard it, they smelled it, they sensed it, they
25 saw him flee. It is more than sufficient to prove him

1 guilty. It does not matter if they were not in the room
2 with him when this occurred.

3 The lack of DNA or fingerprints. I believe
4 Cole Alsbrook, the forensic tech, talked to you that
5 they didn't try to collect DNA or fingerprints in
6 this case because they're in the Defendant's bedroom.
7 His DNA and fingerprints are going to be there. This
8 isn't a whodunit; we know who did it. It was in his
9 bedroom, so there's no point. It would be of no
10 evidentiary value to look for DNA or fingerprints
11 in a bedroom where he stayed all the time.

12 The shell casing outside. You may wonder
13 why there's a shell casing outside. I do too. I don't
14 know. It could have been carried out in his shoe;
15 it could have been carried out on his clothes; it could
16 have been fired by the gun earlier and left outside.
17 All we know is that that shell casing was outside,
18 and that it matches the five that were in the bedroom.
19 So the same gun that fired that shell casing, fired
20 the five that killed Jessica Ancrum. But it doesn't
21 matter that it was outside.

22 And, lastly, the footprints in the blood
23 and the GSR on Carolyn Jefferson. Of course, there
24 are footprints in the blood from Carolyn Jefferson.
25 Of course, there's GSR on her hand because

1 Carolyn Jefferson is a decent person. Instead of
2 fleeing and running miles and miles away, she went
3 in to check on the poor girl after she was gunned down.

4 Of course, she stepped in the blood.
5 There's an enormous pile of blood. I couldn't show
6 it to you, but there's an enormous pile of blood
7 there, and our witnesses testified to that. Of course,
8 she stepped in the blood. Of course, she got GSR on
9 her because it hangs in the air after that many rounds
10 have been fired. The GSR analyst told you that.
11 It's not shocking at all that she would have one
12 particle GSR on her hand. That's of no consequence
13 here.

14 So what does the evidence show?
15 The evidence shows clearly that the Defendant on
16 June 9th, 2021, murdered Jessica Ancrum in cold blood
17 in the bedroom of the Jefferson's home. Then, at the
18 time he was murdering her, he used a weapon, so he
19 was in possession of a firearm during the commission
20 of a violent crime, and that while he was not permitted
21 to possess firearms, he was certainly in possession
22 of a firearm and dischargeable ammunition that he used
23 to kill Jessica Ancrum on June 9th, 2021.

24 This is [REDACTED] Old Back River Road, and,
25 as you know, it's backed way out. This road right

1 here is 52. We all drive it all the time. This is 176,
2 which is Red Bank Road below 52 and Saint James above
3 it, and this is the worst intersection to sit through
4 in Berkeley County. Where is [REDACTED] Old Back River Road
5 in relation to that? It's right down in this area
6 over here, and I'll show you closer.

7 This is Riverside Circle. Old Back
8 River Road runs on the bottom, Riverside Circle
9 is the horseshoe, the incident site is right here,
10 and that's a close-up. The little red house -- or the
11 little house with the red roof is [REDACTED] Old Back River.
12 Riverside Circle runs along it. That's their house.
13 They still live there; they still live where this
14 occurred. They told you that. I've sat with them
15 on the porch and talked to them about this. They still
16 live with it every day because Aubrey Tucker decided
17 to turn his momma's house into a death grip.

18 On June 9th, 2021, the Defendant was at
19 Old Back River Road, at [REDACTED], in Goose Creek, and he was
20 wearing an ankle monitor that places him unequivocally
21 at that house. The only other people present, you heard
22 from Carolyn and Robert, are Carolyn and Robert and the
23 deceased, Jessica Ancrum. Four people. That's it.

24 There's the movement report that Beau Wilson
25 entered. There's his name; there's the address,

1 █ Old Back River Road. At 1:44, he's at that
2 location. At 2:29 and 2:30, he's at that location.
3 At 2:39, he's on the run for 32 minutes. Between
4 2:30 and 2:39 is when he gets in an argument with
5 Jessica Ancrum in that bedroom, and he guns her down
6 for no good reason.

7 The Defendant was the only person in
8 the home with a firearm. You heard Ms. Carolyn and
9 Mr. Robert say they don't own any firearms. Ms. Carolyn
10 said she's never even fired one in her life. They
11 didn't find any in the house because the only person
12 with a firearm in that home was the Defendant. The only
13 car at the house is Carolyn and Robert's.

14 Unfortunately for the victim, her car
15 wasn't there; she had loaned it to her brother and his
16 girlfriend, but she was trying to leave, and she was
17 trying to get her car back. You have that message,
18 and you can look at it closer, but what it says is,
19 okay -- and this is at 10:43 in the morning. "When
20 y'all finish running around and things, can I hold
21 my car, please? I gotta get away for a while."
22 Well, she never got it. They had to stay at work
23 and couldn't get to her. She never had the opportunity
24 to leave before he ended her life.

25 At 2:30 p.m., the Defendant and the victim

1 are in the bedroom arguing, give or take a minute.
2 Carolyn Jefferson is doing laundry in the kitchen
3 right next door. It's through a wall. Robert Jefferson
4 is about to leave to go to the store. He's walking off
5 the front porch. All of a sudden, the Defendant angrily
6 and maliciously blasts the victim five times with a 9-mm
7 handgun at close range for no reason. Two in the chest,
8 two in the back, one in the leg. That's as intentional
9 and malicious as it gets.

10 Three of the five wounds on their own would
11 have been quickly fatal, but not just one of those
12 was enough for the Defendant. He shot her five times,
13 one that ended up in her brain, three of them killing
14 her almost instantly. Does he render aid? No.
15 He immediately flees out of the house on foot carrying
16 the murder weapon and another gun.

17 You'll remember that Carolyn and Robert
18 said that they saw him flee with a rifle. Well, Glock
19 doesn't make Gen5 9-mm rifles. He had a rifle, and you
20 can see it in the picture. I'll show it to you later.
21 But he also had the Glock Gen5 that you see on his
22 chest; that's the murder weapon. That's what he gunned
23 her down with.

24 No guns remained in the house. He took
25 the only two that were there with him when he ran

1 on foot. However, there are handgun accessories that
2 are left in the Defendant's bedroom. This is a handgun
3 magazine. It's extended, it probably holds 20-plus
4 rounds. This is what they call a micro-conversion
5 kit. It doesn't look like much; it kind of looks like
6 a rifle on its own. But how it works is you take that
7 Glock Gen5, you shove it in here, and now you've got
8 a rifle made out of a pistol. That's what it is.
9 He left those behind. But there's no firearm that
10 matches it because the Defendant took it with him
11 when he fled.

12 Carolyn Jefferson immediately checks on the
13 victim, calls 911, and remains on scene. She does the
14 right thing. She tells 911 that her son, Aubrey Tucker,
15 just gunned down his girlfriend. Can you imagine
16 having to make that call? Robert Jefferson speaks
17 with 911 because she's too broken up to do it.
18 He remains on scene, and he tells them the exact same
19 thing, that Aubrey Tucker gunned down Jessica Ancrum.
20 This is painful to listen to, and I can't imagine making
21 the call, but it's a critical piece of evidence in this
22 case.

23 (911 audio played for the jury.)

24 MR. MCNEELY: As a parent, I can't imagine
25 ever making that call, but they did what they had to do

1 that day. They were left no choice. What do you do?
2 You do the right thing because they're decent people.

3 The deputies respond, Perry Smith arrives
4 and enters the house, the body cam shows this encounter,
5 and it's in evidence. You can watch it if you need
6 to. He's led to the victim by Carolyn Jefferson with
7 her flashlight. The victim is lying there in a pool
8 of blood with no signs of life, and he's quickly joined
9 by Deputy Haag and EMS, who confirms that she's
10 deceased. There's nothing that could be done.

11 The Jeffersons tell the responding
12 deputies the same exact thing that they've just told
13 911. Their story never changes; Aubrey Tucker shot
14 Jessica. They provide a description of the gun they
15 saw him flee with and the direction he went, and they
16 provided detailed clothing descriptions, a white
17 T-shirt, white pants with a blue stripe down the side.
18 Their story never changes.

19 I'm sure it was extraordinarily difficult
20 and painful for them, but they did the right thing.
21 They're decent people. They did the right thing
22 when it was a near impossible thing to do, and I don't
23 envy their situation, but I respect it. The Defendant
24 is the only person responsible for killing Jessica,
25 and they did what they had to do. They told the truth

1 repeatedly and never waiver. Their story is the same.
2 There maybe little things. How fast -- can you imagine
3 how fast that unfolded? That many gunshots and him
4 fleeing out of the house with a gun, but their story
5 is consistent with each other, and every time they tell
6 it, it's consistent.

7 This is the crime scene. Walk into the
8 front door -- there's the shell casing outside. Again,
9 no idea how it got there, but it matches all the others.
10 Walk in the front door, through the living room. I want
11 you to pay close attention to this couch. As you look
12 later at the photo of the Defendant holding the firearm,
13 it's the exact same couch. You walk from the living
14 room into the little dining area. You can see in the
15 pictures up close, there's footprints in blood from
16 Carolyn Jefferson checking on the victim.

17 This is the kitchen. The back door is
18 blocked. The only escape for the Defendant was out the
19 front door, which is the direction he went, and there's
20 the corridor to the bedroom where Jessica's body was
21 found. As you walk in -- it's hard to see on the
22 screen. You can see it up close. She's right here
23 between the bed and the dresser, and her head is here.
24 It's blacked out for obvious reasons, but -- and her
25 feet are up here against the wall. There's not much

1 room in that, but he sure managed to shoot her five
2 times in that little room.

3 She drops her cell phone beside her when she
4 falls, and you heard evidence from Detective Gilbreath
5 that he dumped that phone, and that's where the source
6 of the messages and the photo -- the messages with
7 Cee Cee Williams and the photo of the Defendant with
8 a gun. The first two casings are seen right in front
9 of the bed, three and four. Casing five is on the bed,
10 Items 6 and 7 are a bullet core and a bullet jacket
11 laying at the feet of Jessica Ancrum.

12 Now, I can't tell you exactly the order
13 she was shot and neither can Dr. Presnell. We weren't
14 in that room. The only people that know that are
15 Jessica and the Defendant. But it's likely that
16 the one to the leg was the last shot as he was fleeing
17 away because the bullet that went through her leg,
18 out her leg, back in and out is likely the one laying
19 by her foot. But again, the order doesn't matter,
20 twice in the back, twice in the chest, one through
21 the leg.

22 Nine and ten are your fourth and fifth
23 shell casings laying on the bed, all of them consistent
24 with each other, all of them consistent with a Glock
25 Generation 5 9-mm. This is the overview of the crime

1 scene that Detective Alsbrook talked about. There's
2 casings three and four -- or casings one and two,
3 BCSO Items 3 and 4. Casing five and casing labels
4 9 and 10, the victim's cell phone, and then the two
5 parts of the projectile that likely went through her
6 leg.

7 This is where the Defendant kept his
8 micro-conversion kit if he wanted to turn his Glock
9 into a rifle. Deputies arrived -- and you can watch
10 it on Deputy Vansant's body cam. At first, he speaks
11 with Robert Jefferson. And when Vansant arrives,
12 and Robert Jefferson speaks with him, it's the exact
13 same story. Aubrey Tucker shot her, and he fled this
14 way down Riverside Circle.

15 They attempt to do a K-9 track. The problem
16 is he's already been gone for over five minutes, likely.
17 It initially led to the neighbor's house, but then
18 is quickly lost and is unsuccessful. They attempt
19 an article search to find the gun or any other evidence
20 that's relevant, but again that's unsuccessful. This
21 is the house where they started, they went back through
22 these woods, along this fence line, into her yard,
23 which was successful initially, and then throughout
24 this area, but nothing was recovered. And you heard
25 Deputy Seegars and Deputy Vansant both talk about that.

1 Well, why was the track unsuccessful?

2 The track was unsuccessful because by 2:39, the
3 Defendant is in a vehicle going 66 miles an hour.

4 I don't know who gave him a ride; I'll never know
5 who gave him a ride, and it doesn't matter who gave him
6 a ride, but that's why they couldn't track him because
7 he wasn't on foot anymore. He was on the highway on
8 the way to North Charleston to try to get out of town.

9 The Defendant is on the run around
10 Charleston, North Charleston more specifically, for the
11 next two and a half hours. He's being tracked by his
12 GPS monitor. Beau Wilson testified that he was relaying
13 that to the deputies. They just weren't able to close
14 in on him fast enough.

15 Initially, he goes 11 miles -- over 11
16 miles from the incident site to Captain Avenue in
17 North Charleston where he hitches a ride in a little
18 black Ford Ranger pickup truck. This is Captain Avenue
19 right here, this is Commander, Rivers, Cosgrove, and
20 I-26. This is a far cry from [REDACTED] Old Back River Road
21 in Goose Creek. The only way he got there is rapidly
22 in a vehicle, which averaged 66 miles an hour, as the
23 report says.

24 Now you may recall from the report -- and
25 I don't want you to get confused by it, that it showed

1 him at [REDACTED] Commander when he was at [REDACTED] Captain,
2 but as Beau Wilson testified, if you're in the driveway
3 getting into a truck at [REDACTED] Captain, it's perfectly
4 within the yardage accuracy rating of those GPS devices
5 to put him at the adjacent house. They're very tight
6 in there, so that's not anything of consequence.

7 This is Captain Avenue, and the pictures
8 are terrible. They didn't flash for whatever reason,
9 but you can see on the ones in person that this
10 is a black Ford Ranger pickup truck in the driveway
11 at [REDACTED] Captain, and that's the road sign that says
12 Captain Avenue. That's where he was.

13 Like I said, for the next two and a half
14 hours after the incident, he's all over
15 North Charleston, Ashley Phosphate, Dorchester Road,
16 Stark Lane. You can look at all the addresses.
17 He's trying to get out of town; he's trying to figure
18 out how to get away from what he just did at [REDACTED] Old
19 Back River Road. But he's being monitored, so there's
20 only one option. You go to meet somebody wherever
21 you can meet them, and it just happened here to be
22 [REDACTED] Otranto Road, which are the Arbor Square Apartments
23 in North Charleston.

24 If you're not familiar with where Otranto
25 is, when you're coming up Rivers towards Goose Creek,

1 the Texas Roadhouse and what used to be the K-Mart
2 and is now T-Mobile is on your left, that's Otranto.
3 It's down there towards 26. Still a far cry from
4 [REDACTED] Old Back River Road.

5 You have surveillance video of him in
6 the parking lot and the stills of it, that's where
7 he cuts off the monitor, leaves the black Ford Ranger
8 pickup truck, and gets in that gray SUV and is off.
9 This is the apartment complex, and they testified that,
10 in general, this is the location where the monitor was
11 found. It wasn't just Beau Wilson that went and found
12 the monitor, and that tells you how accurate it is.
13 He went immediately when he cut it off and nabbed
14 it out of the parking lot where it said it was. But
15 Justin Proveaux saw too, the maintenance man at the
16 apartment complex.

17 That's the truck pulling in; that's him
18 getting into the SUV. It's not good enough for facial
19 recognition, but again the monitor is present there,
20 and there's your monitor. You can tell on its back
21 clearly it's been cut off because the end of it is
22 right here where you can feed it through the unit.

23 He's captured in Columbia two days later,
24 placed under arrest, and brought back to Berkeley County
25 the day after Jessica underwent her autopsy. She's been

1 dead for three days at this point, and the autopsy
2 reveals that she was shot five times, two in the chest,
3 two in the back, and one in the leg. Three of them
4 would have been fatal on their own.

5 The entrance wounds are the highlighted.
6 There's one and the bullets. Again, the order doesn't
7 matter, but how Dr. Presnell labeled them. There's
8 bullet one, there's bullet two, there's bullet three,
9 and there's bullet four, and four is the one that ends
10 up in her brain. These circles with Xs on the back
11 are where one and two partially exited her body,
12 but didn't make it all the way through. And there's
13 one, two, and three inside of her. That's one, that's
14 two, and that's three that's been separated. Again,
15 that's three almost exiting her neck.

16 This is four, deep in her brain. Traveled
17 up her spinal column, through her cerebrum, into
18 her brain where it came to rest, killing her almost
19 instantly, and there it is from the side. That's
20 bullet one that's recovered. You can see how intact
21 it is. That's a side view. There's bullet two.
22 Again, you can see how intact it is. Bullet three has
23 separated, like the one did in the bedroom, the jacket
24 is off of the core, and that's bullet four still intact,
25 dug out of her brain.

1 Cause of death for Jessica was four
2 penetrating gunshot wounds, two to the chest, two to the
3 back, one in her brain on June 9th, 2021. The manner
4 of death was homicide. It could not be anything else.
5 You heard Dr. Presnell testify that there is no world
6 where she could have self-inflicted these five gunshot
7 wounds. It doesn't take a doctor to realize that.
8 The injuries were un-survivable. No amount of medical
9 attention could have saved her. She was murdered the
10 second he finished the job.

11 SLED ballistics, you just heard from
12 James Green with SLED, and he told you that all the
13 casings, all five in the bedroom and the one outside,
14 they all match a single 9-mm firearm, and they're
15 all consistent with the aperture marks of a casing
16 that's ejected from a Generation 5 Glock 9-mm.

17 The projectiles, they all match a single
18 9-mm firearm, and the only manufacturer that makes
19 the rifling that was present on those projectiles
20 is Glock in their Generation 5 models. That's a Glock
21 Generation 5 9-mm sitting on the Defendant's chest
22 three days before he murdered Jessica Ancrum. That's
23 your murder weapon. And I want you to look real close
24 at this picture when you get back to deliberate.
25 You can't see it well on the screen, but there's a big

1 black plastic and metal item right under here. He's
2 sitting on his rifle. That's the rifle that they saw
3 him running out of the house with.

4 All Jessica Ancrum wanted to do on June 9th
5 was leave. She was trying starting at 10:43, but she
6 didn't have a car. All the Defendant did was make sure
7 she never got a chance. He gunned her down in cold
8 blood with a wicked and depraved heart, malice
9 aforethought. When he wasn't allowed to have a gun
10 by state law, he had multiple; when he wasn't allowed
11 to have ammunition, he had many, more than enough
12 to murder his girlfriend in his parents' house.

13 The wicked flee, just like Aubrey Tucker
14 did that day, a wicked and depraved heart. He fled
15 as soon as he finished the job, finished killing
16 Jessica. But the righteous stand firm, and what Carolyn
17 and Robert Jefferson did on that day is righteous.
18 They did the right thing. They told the truth even
19 when it had to be the most painful thing in the world
20 to do, and they've done it consistently throughout this
21 entire case, and they've told you exactly what happened
22 that day. Aubrey Tucker shot Jessica.

23 What does the evidence show? The evidence
24 shows that the Defendant is guilty of murder, the
25 evidence shows that the Defendant is guilty of

1 possession of a weapon during the commission of a
2 violent crime, and the evidence shows that the Defendant
3 is guilty of possession of a firearm or ammunition
4 by a person convicted of a violent crime.

5 The evidence should leave you well more than
6 firmly convinced of the Defendant's guilt, but it only
7 has to be firmly convinced. And if you're firmly
8 convinced, then you must find the Defendant guilty in
9 this case, and that's exactly what I'm asking you to do,
10 render a guilty verdict on each and every count against
11 the Defendant. Thank you.

12 THE COURT: Ms. White, Mr. Hughes.

13 MR. HUGHES: Thank you, Judge. Good
14 morning, ladies and gentlemen. I want to start off
15 by thanking you guys for being here this week, for the
16 undivided attention and patience on behalf of my client,
17 Aubrey Tucker, and my co-counsel, Ms. Keshia White.

18 At the beginning of this trial the State
19 stood before you, and they told you this case was
20 straightforward. They told you that it was not
21 complicated. But now after hearing all of the evidence,
22 and more importantly, the lack thereof, you know that
23 is simply not true. Instead of giving you clear proof,
24 the State has left us with more questions than answers.

25 Those unanswered questions lead to the

1 reasonable doubt, doubt the State has failed to erase,
2 doubt that must result in a not guilty verdict.
3 Remember, I stood before you this -- at the beginning
4 of this trial, and I told you speculation is not proof,
5 and assumptions are not evidence.

6 Now, let's talk about what we do know.
7 The State presented a photo of my client holding a gun,
8 which you just saw. Where did that photo come from?
9 That came from Jessica's phone. The victim had a photo
10 of Aubrey Tucker holding a gun three days before her
11 shooting. Does that sound like somebody that's scared
12 of him? Or does it sound like maybe there's a bigger
13 story the State's not telling you? Speculation is not
14 proof. Assumptions are not evidence.

15 What else do we know about that photo?
16 The investigator was shown that picture, admitted that
17 the gun in the photo was never confirmed to be the
18 murder weapon. The State didn't even show you the full
19 video. That photo came from a video; they didn't even
20 show you that video. We don't know who else was there;
21 we don't know what was happening; we don't know what
22 was being said because the State didn't show it to us.
23 They want you to assume that the gun in the picture was
24 the murder weapon. Jurors, speculation is not proof,
25 assumptions are not evidence, and you cannot convict

1 a man of murder based on assumptions.

2 Now, let's talk about these witnesses.

3 Not a single witness got up on that stand this week
4 and told you they saw Jessica -- Aubrey Tucker shoot
5 Jessica. Not once. The State is guessing about what
6 happened in that room.

7 If they truly knew this case was as
8 straightforward as they claim it is, then why did
9 they put Ms. Tucker -- I'm sorry, Ms. Jefferson and
10 Mr. Jefferson up on that stand and ask them if they
11 killed Jessica? They asked their own witnesses whether
12 they killed Jessica. Think about that. They asked
13 their own witnesses whether they were the ones that
14 killed Jessica. If this case was so clearcut, then
15 why would they do that? Because they don't know what
16 happened. Speculation is not proof, and assumptions
17 are not evidence.

18 Here's an even bigger question for you.
19 Why did the State perform a gunshot residue test on
20 Aubrey's mother and stepfather if they already knew
21 that my client was the one who shoot her -- shot her?
22 If the State was so sure that Aubrey Tucker fired that
23 gun, why waste the time doing any other kits on anyone
24 else? Because they don't actually know what happened,
25 folks.

1 The fact that they even ran those tests
2 prove they still don't know what happened. If they
3 don't know, if they themselves don't know, how can
4 they ask you to convict beyond a reasonable doubt?
5 Speculation is not proof, assumptions are not evidence.

6 You just heard the ballistic expert get up
7 on the stand. He was guessing. He couldn't even tell
8 you if it was a real gun. It could have been a replica
9 for all we know. He certainly couldn't tell you that
10 it was the murder weapon, and you heard him say that
11 up on the stand. He told you he didn't know it was
12 a gun. He didn't know if it was a gun or not -- a real
13 gun or not, and he certainly didn't know if it was the
14 murder weapon.

15 Now, let's talk about -- let's talk about
16 the gun. Jurors, you heard testimony this week
17 that my client ran out of the house with a long gun.
18 You heard other witnesses say it was a pistol. Which
19 one was it? The State wants you to believe that my
20 client, a Black man, in Berkeley County, South Carolina,
21 carrying a long rifle, somehow walked down the streets
22 with no one calling 911. Not one 911 call was made,
23 but they claim that my client was walking down the
24 street with a rifle and maybe another gun, but no one
25 called the cops.

1 Ladies and gentlemen, you know that in this
2 community that would not happen. If that was actually
3 the truth, the phones would be ringing off the hook,
4 but they weren't because it didn't happen the way
5 the State is claiming that it happened. Ladies and
6 gentlemen, speculation is not proof, and assumptions
7 are not evidence.

8 Now, let's talk about something else. Let's
9 talk about this ankle monitor. The State keeps talking
10 about the fact that my client cut it off, but let's use
11 common sense here, folks. Just because someone leaves
12 a location, doesn't mean they're running from the law,
13 it doesn't mean they're guilty. People run for a lot
14 of reasons; panic, confusion. But running does not
15 equal guilt. Speculation is not proof, and assumptions
16 are not evidence.

17 Then, the State claimed my client stole
18 a neighbor's phone while armed. They brought in
19 Joe Seegars, you remember the K-9 guy, with K-9 Rex.
20 They brought him in, and he testified that my client
21 went to a neighbor's house armed and stole her phone.
22 Where was the neighbor this week? They didn't bring
23 her in. She didn't come up here and testify that she
24 robbed -- that she was robbed at gunpoint by my client.
25 Why didn't they do that? Why didn't they bring her

1 in here? Because he didn't do that. Speculation
2 is not proof, and assumptions are not evidence.

3 Do you remember Detective Gist? I asked
4 her if she knew my client had been at Trident Hospital;
5 she admitted she did. I asked her if she knew why.
6 She said for an apparent wound. But I had to ask her
7 multiple times. I kept pressing, pressing, what kind
8 of wound? She finally admitted it was a gunshot to the
9 foot. All right.

10 Let's talk about something the State didn't
11 tell you, something that they didn't want you to know.
12 They didn't want you to know my client was shot in
13 the foot. They didn't bring that to your attention;
14 I did. I'm the one that told you my client was shot
15 in the foot. They never mentioned it once. Why not?
16 Now ask yourselves, why did I have to get that
17 information out of her, and why did I -- why was
18 I the one that had to bring you that? Don't you deserve
19 a full and fair trial? Don't you deserve all the facts?

20 They didn't bring it up because the State
21 didn't want you to know that because that fact doesn't
22 fit their narrative, because they don't want you to --
23 they want you to assume that my client shot Jessica,
24 but they don't want you to question why my client
25 was shot. They don't care about that. Remember,

1 speculation is not proof, and assumptions are not
2 evidence.

3 Then, we get to Officer Gottula, the
4 responding officer at the apartment complex on
5 Otranto Avenue. He testified that he saw and reviewed
6 security footage, and then he saw an individual, they're
7 claiming that was my client, limping out of a car
8 on the date of this incident. Why was he limping?
9 Because he was shot, and I had to pull that information
10 out of the State's own witness, but the State ignored
11 that fact because it does not help prove their case.

12 Ladies and gentlemen, let's be clear,
13 the burden of proof rests solely with the State.
14 I don't have to prove anything. I don't have to prove
15 who shot Jessica. The State has to prove beyond
16 a reasonable doubt that my client did, and they have
17 failed to do that. They have brought you assumptions;
18 they have brought you speculation; they have brought
19 you gaps, inconsistencies, unanswered questions.

20 But what have they not brought to you? They
21 have not brought you any direct proof. The law does
22 not allow you to convict based on a guess; it does not
23 allow you to convict based on assumptions; it does not
24 allow you to convict based on maybes. The law requires
25 proof beyond a reasonable doubt, and that is something

1 the State has failed to give you.

2 As tragic as Jessica's death is, as much
3 as we may all want questions -- answers, you cannot
4 convict Aubrey Tucker, unless you are certain beyond
5 a reasonable doubt that he committed this crime.
6 And after everything you've heard in this courtroom
7 this week, you cannot be certain. Remember, speculation
8 is not proof, and assumptions are not evidence. And for
9 those reasons, I ask you to return the only just verdict
10 in this case, which is not guilty. Thank you for your
11 time this week.

12 THE COURT: Thank you, Mr. Hughes.
13 Ladies and gentlemen, we've reached the point in time
14 in this trial where I'm going to give to you the charge
15 on the law. I remind you that during the trial, I've
16 had certain duties to perform.

17 As the trial judge, it is my responsibility
18 to preside over the trial of this case, I have the duty
19 to rule on the admissibility of the evidence offered
20 during the trial. You are to consider only the
21 competent evidence before you. If there's any testimony
22 that was stricken from the record, you must disregard
23 that testimony. You are to consider only the testimony
24 that's presented to you from the witness stand,
25 any exhibits which have been made part of the record,

1 and any stipulations of counsel.

2 I have the additional duty to charge you
3 on the law applicable to this case. As the presiding
4 judge, I am the sole judge of the law in this case,
5 and it's your duty as jurors to accept and apply
6 the law as I now state it to you. If you already have
7 any idea as to what the law is, or what the law -- what
8 you think the law ought to be that might not disagree
9 -- might disagree with what I may tell you, you must
10 abandon that idea, or those ideas, because you are sworn
11 to accept the law and apply the law exactly as I state
12 it to you.

13 Jurors are the sole judges of the facts.
14 A trial judge cannot intimate, state, comment on,
15 or make any statement to the jury about what the facts
16 are in a case. Since you, the jury, are the sole judges
17 of the facts in this case, you are to infer from what
18 I have said during the progress of this trial on ruling
19 on any admissibility of any evidence or otherwise,
20 anything I say during the course of this instruction,
21 do not imply or reach the conclusion that I have any
22 opinion as to the facts of this case. The law does not
23 allow me to have an opinion on the facts in this case.
24 This matter is solely for you, the jury, to determine.

25 As jurors, it's your duty to determine

1 the effect, weight, and the truth of the evidence
2 presented during this trial. I remind you that the fact
3 that the Defendant was arrested, charged, and indicted
4 in this case is not evidence, and cannot be considered
5 by you as evidence of guilt in this case, nor does
6 it create any presumption or inference of guilt.

7 The indictment is simply the formal written
8 instrument or document which contains the charges
9 made against the Defendant. It's the formal document
10 by which this case reaches the court. The indictments
11 in this case allege several different offenses against
12 the Defendant. The charges are indictment No. 1,
13 murder; indictment No. 2, possession of a weapon during
14 the commission of a violent crime; indictment No. 3,
15 unlawful possession of a firearm or ammunition by
16 a person convicted of a violent crime.

17 Each indictment charges a separate and
18 distinct offense. You must decide each indictment
19 separately on the evidence and the law applicable
20 to it, uninfluenced by your decision as to the other
21 indictments. The Defendant may be convicted or
22 acquitted on any or all of the offenses charged.
23 You will be asked to write a separate verdict of guilty
24 or not guilty on each indictment.

25 The Defendant has pled not guilty to these

1 indictments, and that plea puts the burden on the State
2 to prove the Defendant guilty beyond a reasonable doubt.
3 A person charged with committing a criminal offense
4 in South Carolina is never required to prove himself
5 innocent. It is an important rule of the law of this
6 country that the Defendant in a criminal trial will
7 always be presumed to be innocent of the crime for which
8 he is indicted, unless and until his guilt has been
9 proven by evidence satisfying you of that guilt beyond
10 a reasonable doubt.

11 The presumption of innocence is not
12 a mere legal theory; it's not just a legal phrase.
13 It is a substantial constitutional right to which every
14 Defendant is entitled. This presumption of innocence
15 accompanies the Defendant from the time he is charged,
16 throughout the trial, and until you reach a verdict
17 of guilty, based upon the evidence satisfying you
18 of that guilt beyond a reasonable doubt.

19 As I've already stated, the State has
20 the burden of proving the Defendant guilty beyond
21 a reasonable doubt. Some of you may have served as
22 jurors in civil cases where you were told that it's
23 only necessary to prove that a fact is more likely true
24 than not, such as by a greater weight or preponderance
25 of the evidence.

1 In criminal cases, the State's proof must be
2 more powerful than that. It must be beyond a reasonable
3 doubt. Proof beyond a reasonable doubt is proof that
4 leaves you firmly convinced of the Defendant's guilt.
5 Reasonable doubt has been defined as the kind of doubt
6 that would cause a reasonable person to hesitate to act.
7 There are few -- very few things in this world that
8 we know with absolute certainty. In criminal cases,
9 the law does not require proof that overcomes every
10 possible doubt.

11 If based on your consideration of the
12 evidence, you're firmly convinced that the Defendant is
13 guilty of the crime charged, you must find the Defendant
14 guilty. If, on the other hand, you think that there's
15 a real possibility that the Defendant is not guilty,
16 you must give the Defendant the benefit of the doubt
17 and find him not guilty.

18 There are two types of evidence which are
19 generally presented during a trial, direct evidence
20 and circumstantial evidence. Direct evidence is the
21 testimony of a person who claims to have actual
22 knowledge of a fact, such as an eyewitness.
23 Circumstantial evidence is proof of a chain of facts
24 and circumstances indicating the existence of a fact.
25 Crimes may be proven by circumstantial evidence.

1 The law makes no distinction between the weight or value
2 given to either direct or circumstantial evidence.

3 However, to the extent that the State relies
4 on circumstantial evidence, all of the circumstances
5 must be consistent with each other, and when taken
6 together, point conclusively to the guilt of the
7 Defendant beyond a reasonable doubt. If these
8 circumstances merely portray the Defendant's behavior
9 as suspicious, the proof has failed. The State
10 has the burden of proving the Defendant guilty beyond
11 a reasonable doubt. This burden rests with the State
12 regardless of whether the State relies on direct
13 evidence, circumstantial evidence, or some combination
14 of the two.

15 You must determine the credibility of the
16 witnesses who have testified in this case. Credibility
17 simply means believability. It is your duty as jurors
18 to analyze and to evaluate the evidence and determine
19 which evidence convinces you of its truth. In
20 determining the believability of witnesses who have
21 testified in this case, you may believe one witness
22 over several witnesses, or several witnesses over one
23 witness.

24 You may believe a part of the testimony of
25 a witness and reject the remaining part of the testimony

1 of that same witness. You may believe the testimony
2 of a witness in its entirety or reject the testimony
3 of a witness in its entirety. You may believe a part
4 of the testimony of a witness and reject the remaining
5 part of the testimony of that same witness. If you
6 reject a part, you may still accept the remainder
7 of the witness's testimony.

8 You may consider whether a witness
9 has exhibited to you any interest, bias, prejudice,
10 or other motive in this case. You may also consider
11 the appearance and the manner of the witness while on
12 the witness stand. You're not bound to decide the case
13 merely based upon the number of witnesses a side
14 produces.

15 I instruct you and emphasize the fact
16 that the Defendant did not testify is not a factor
17 to be considered by you in any way in your deliberation
18 and in your consideration on the question of guilt
19 or innocence of the Defendant. It must be -- not be
20 considered by you in any manner whatsoever. The
21 Defendant has a constitutional right to remain silent,
22 and the assertion of this right must not be considered
23 by you in your deliberations.

24 I repeat, under your oath, you are to draw
25 no conclusions whatsoever from the fact that the

1 Defendant in this case did not testify. The fact
2 that the Defendant did not testify should not even
3 be discussed in the jury room. The burden of proof,
4 as I've stated to you, is on the State. The Defendant
5 is not required to prove his innocence. The burden
6 remains on the State to prove guilt beyond a reasonable
7 doubt.

8 Ordinarily, people cannot testify as to
9 their opinion about something in court. An exception
10 is made for expert witnesses. They're experts because
11 of their experience or education or specialized training
12 or some combination in an area. They may give their
13 opinion and state their reasons for their opinion.
14 You can give an expert's testimony as much or as little
15 weight as you think it deserves.

16 If you do not think it is based upon
17 sufficient education or experience, or you conclude
18 the Defendant -- the expert's opinions are not sound
19 or outweighed by other evidence, you may disregard
20 that opinion entirely. You're not compelled to blindly
21 accept an expert's opinion. You have the right to
22 consider the testimony in light of all the circumstances
23 and give it such weight, if any, you think it is
24 entitled to.

25 An issue in this case is the identification

1 of the Defendant as the person who committed the crime
2 charged. The State has the burden of proving identity
3 beyond a reasonable doubt. You must be satisfied beyond
4 a reasonable doubt of the accuracy of the identification
5 of the Defendant before you may convict the Defendant.
6 Identification testimony is an expression, a belief,
7 or impression by a witness. You must determine the
8 accuracy of the identification of the Defendant.

9 You may consider the believability of each
10 identification witness in the same way as any other
11 witness. You may consider whether the witness had
12 an opportunity to observe the offender at the time
13 of the offense. This will be affected by things such
14 as how long or short a time was available, how far
15 or close the witness was, the lighting conditions,
16 whether the witness had a chance to see or know the
17 person in the past.

18 Once again, I instruct you, the burden of
19 proof on the State extends to every element of the crime
20 charged, and this specifically includes the burden
21 of proving beyond a reasonable doubt the identity
22 of the Defendant as the person who committed the crime.
23 If after examining the testimony, you have a reasonable
24 doubt as to the accuracy of the identification, you must
25 find the Defendant not guilty.

1 You have heard evidence that the Defendant
2 was convicted of a violent crime, other than the one
3 for which the Defendant is now on trial. This testimony
4 may not be considered by you on the question of whether
5 the Defendant is guilty or not guilty of unlawful
6 possession of a firearm or ammunition by a person
7 convicted of a violent crime. You must not consider
8 evidence of the conviction of this other offense
9 as proof regarding the Defendant's guilt or innocence
10 for the charge of murder or possession of a weapon
11 during the commission of a violent crime.

12 Under South Carolina Code 16-3-10, the
13 Defendant is charged with murder. Murder is the killing
14 of any person with malice aforethought, either expressed
15 or implied. The State must prove beyond a reasonable
16 doubt that the Defendant killed another person with
17 malice aforethought. Malice is hatred, ill will, or
18 hostility towards another person. It is the intentional
19 doing of a wrongful act without just cause or excuse
20 with an attempt to inflict an injury, or under the
21 circumstances that the law will infer evil intent.

22 Malice aforethought does not require that
23 malice exist for any particular time before the act
24 is committed, but malice must exist in the mind
25 of the Defendant just before and at the time the act

1 is committed. Therefore, there must be a combination
2 of the previous evil intent and the act. Malice
3 aforethought may be expressed or inferred. These terms,
4 expressed or inferred do not mean different kinds
5 of malice, but merely the manner in which malice may
6 be shown to exist, that is either by direct evidence
7 or by inference from the facts and circumstances which
8 are proved.

9 Expressed malice is shown when a person
10 speaks words which express hatred or ill will for
11 another, or when a person prepared beforehand to do
12 the act which was later accomplished, for example, lying
13 in wait for a person, or any other acts of preparation
14 going to show that the deed was within the Defendant's
15 mind with expressed malice.

16 Malice can be inferred from conduct showing
17 a total disregard for human life. Under South Carolina
18 Code, Section 16-23-490, possession of a weapon during
19 the commission of, or attempt to commit a violent crime.
20 The Defendant is charged under this statute. The State
21 must prove beyond a reasonable doubt that the Defendant
22 was in possession of a firearm or visibly displayed
23 what appeared to be a firearm during the commission
24 of a violent crime.

25 A firearm means a machine gun, automatic

1 rifle, revolver, pistol, or any weapon which will
2 or is designed to, or may be readily converted to expel
3 a projectile. In order to find the Defendant guilty
4 of possession of a weapon during the commission of a
5 violent crime, you must first find the Defendant guilty
6 of either committing a violent crime or attempting
7 to commit a violent crime. Murder is a violent crime.

8 The State must prove beyond a reasonable
9 doubt that the weapon further advanced or helped
10 in the commission of the crime. Under South Carolina
11 Code, Section 16-23-500, the Defendant is charged
12 with unlawful possession of a firearm or ammunition
13 by a person convicted of a violent crime.

14 In South Carolina, it is unlawful for a
15 person who has been convicted of a crime punishable by
16 the maximum term of imprisonment for more than one year
17 to possess a firearm or ammunition within this state.
18 The parties have stipulated that the Defendant was
19 previously convicted of a crime punishable by a maximum
20 term of imprisonment of more than one year.

21 The jury verdict. There are six possible
22 verdicts which you may find in this case; guilty or not
23 guilty of murder, guilty or not guilty of possession
24 of a weapon during the commission of a violent crime,
25 guilty or not guilty of unlawful possession of a firearm

1 or ammunition by a person convicted of a violent crime.
2 There's no significance whatsoever in the order in
3 which I stated those possible verdicts. It's simply
4 that I had to state one first. The verdict in this
5 case cannot be based upon sympathy, passion, prejudice
6 or emotion, or some other consideration not found in
7 the evidence.

8 Ladies and gentlemen, your verdict must
9 be a unanimous one. Madam Foreperson, when the jury
10 agrees on a verdict, you'll fill out the verdict form,
11 which I will show you in a moment, and sign your name
12 as the foreperson. Please, do not write on the verdict
13 form, other than for the purposes of writing out your
14 verdict.

15 If have a question for the Court, a notepad
16 will be provided so that you may write out that question
17 and present it to me, and I will answer it, if I am able
18 to do so. Once you've reached your verdict and filled
19 out the verdict form, you'll knock on the jury room
20 door, inform the bailiff that you have reached a
21 verdict. At that time, we'll receive you back into the
22 courtroom, and Madam Foreperson, you'll give the verdict
23 form to the clerk.

24 I'm going to ask you now to return to
25 your jury room, but do not begin your deliberations

1 yet, and do not begin them until the clerk or bailiff
2 gives you instructions to do so. I will -- I have some
3 matters that I need to address with the attorneys before
4 you begin your deliberations. When the verdict form
5 is returned, along with the evidence, that will be your
6 signal to begin your deliberations. At the same time
7 the verdict form is returned to the jury room, along
8 with evidence, at that time I will ask the alternate
9 jurors to be excused.

10 Madam Foreperson, I have the verdict form
11 in front of me. It's relatively self-explanatory.
12 It has on it the charges. Under one, murder, as to
13 the offense of murder, we, the jury, find unanimously --
14 unanimously find the Defendant, and that is not guilty
15 or guilty, and it's repeated as to the other two charges
16 as well. It's two pages. The last page is where
17 the date and the signature of you, as the foreperson,
18 would be, okay?

19 So at this time, I'm going to excuse
20 y'all to the jury room, don't start deliberating yet.
21 But in a moment, I'll send the information back once
22 I've concluded this matter of law. Thank you.

23 (The jury exited the courtroom at 11:53 a.m.)

24 THE COURT: All right. Y'all can sit.
25 Thank you. All right. Any exceptions to the charge?

1 MR. MCNEELY: Your Honor, can I see or hear
2 the portion regarding possession of a weapon by a person
3 convicted of a violent crime? I don't know that the
4 old version of the statute had any element regarding
5 something over a year; that's the new version. So,
6 I just want to make sure that we don't have an improper
7 charge.

8 THE COURT: That was included in the
9 information you provided yesterday?

10 MR. MCNEELY: No.

11 THE COURT: All right. I think we had
12 to adjust it to show that the statute -- I will give
13 it to you. I think we may have been -- inadvertently
14 in the preliminary one, identified the wrong statute,
15 and I thought I corrected it. I'll provide to you for
16 your review, along with defense counsel. Take a look,
17 and if necessary, make that exhibit a Court's exhibit.
18 If there's any objection, or if there's a suggested
19 correction ---

20 MR. MCNEELY: Yeah, that's the new version.
21 So what we had said is the Defendant is charged
22 with unlawful possession of a firearm or ammunition
23 by a person convicted of a violent crime. And then,
24 it was like -- the version we had earlier said if
25 they've been convicted in the United States or any state

1 of a violent crime, and it has nothing to do with more
2 than one year. That's the new version.

3 THE COURT: All right. So in my attempt
4 to correct the statute as originally suggested was
5 an error, I created another error. Is that what we're
6 saying?

7 MR. MCNEELY: Yes.

8 MS. WHITE: Yes.

9 THE COURT: Okay. All right.

10 MR. MCNEELY: Believe me, they change
11 the statute, and then they basically wiped the old
12 version. It's difficult to find, but, yeah.

13 THE COURT: All right, all right. All
14 right, so it should be under the Defendant is charged
15 with an unlawful possession of a firearm or ammunition
16 by a person convicted of a violent crime. And in
17 South Carolina, it is unlawful for a person who
18 is convicted of a violent crime in any court of the
19 United States or any state, commonwealth, or territory
20 possession, or District of Columbia to acquire firearms
21 or ammunition within this state. The defense has
22 stipulated the Defendant was previously convicted
23 of a violent crime.

24 MR. MCNEELY: Correct.

25 THE COURT: Okay. All right. So let's

1 bring the jury back out. I'm going to tell them that
2 I read an incorrect version of the law, and I'm now
3 correcting that relative to the charge of possession
4 -- unlawful possession of a firearm or ammunition by
5 a person convicted of a violent crime. Anything further
6 on that?

7 MS. WHITE: Nothing.

8 MR. HUGHES: No, Judge.

9 THE COURT: Any other curative instruction,
10 other than that?

11 MR. MCNEELY: That's fine.

12 MS. WHITE: That's fine.

13 THE COURT: Okay, okay. All right, let's
14 bring the jury back out.

15 (The jury entered the courtroom at 11:57 a.m.)

16 THE COURT: Y'all may sit. Thank you.
17 All right. Ladies and gentlemen, as I indicated, part
18 of the responsibility was to make sure that I didn't
19 inadvertently say something incorrect, that my charge
20 was correct, and that was the purpose for the
21 consultation with the attorneys. And they properly
22 pointed out that when I gave the charge as to the charge
23 of unlawful possession of a firearm or ammunition by
24 a person convicted of a violent crime, I used the wrong
25 version of the statute.

1 So as to the charge regarding -- that I gave
2 previously regarding unlawful possession of a firearm
3 by a person convicted of a violent crime, disregard
4 that information. I'm going to give you the proper
5 statute, and I'm going to recite that statute to you
6 now. The Defendant in this case is charged under
7 South Carolina Code 16-23-500, unlawful possession
8 of a firearm or ammunition by a person convicted
9 of a violent crime. The Defendant is charged with
10 the unlawful possession of a firearm or ammunition
11 by a person convicted of a violent crime.

12 In South Carolina, it is unlawful for a
13 person who has been convicted of a violent crime in any
14 court in the United States, or any state, commonwealth,
15 territory possession, or District of Columbia to possess
16 or acquire firearms or ammunition within this state.
17 The parties have stipulated that the Defendant was
18 previously convicted of a violent crime. And that
19 is the correct version of the law.

20 I'm going to ask y'all to step back to the
21 jury room and check again to see if there's any further
22 questions as to the law. Don't begin deliberations
23 yet, same instructions. I'll send back the verdict
24 form and the evidence at such time as you can begin.

25 (The jury exited the courtroom at 12:00 p.m.)

1 THE COURT: All right. Y'all can sit.
2 Any further exceptions or objections to the charge?

3 MR. MCNEELY: None from the State,
4 Your Honor.

5 THE COURT: Defense?

6 MR. HUGHES: No exceptions from the defense,
7 Judge.

8 THE COURT: All right. I'm going to ask
9 the clerk to send back the verdict form, request that
10 the two alternate jurors, Ms. Gregg and Mr. Murrell,
11 be excused and brought back out here. I'll give
12 them instructions inviting them to stay if they wish
13 and releasing them to discuss the case if they wish
14 as well, all right? So who will take this back?

15 THE CLERK: I will.

16 THE COURT: You will? Good. All right.
17 The clerk has ordered lunch on behalf of the jury.
18 She's indicated a few minutes ago, it will likely
19 be here at -- what did you say, 12:45 or so?

20 THE CLERK: For the jury, yes, sir.

21 THE COURT: Okay. Have we told the jury
22 that yet?

23 THE CLERK: Yes, sir.

24 THE COURT: Told them that? Okay. All
25 right. So we're going to take back the verdict form

1 and all the evidence, okay?

2 (Pause.)

3 (The two alternates entered the courtroom at 12:03 p.m.)

4 THE COURT: All right. Ms. Gregg and
5 Mr. Murrell, right?

6 MR. MURRELL: Yes, sir.

7 THE COURT: All right. I want to thank
8 y'all for being jurors this week. Y'all as alternates
9 were very important. It was absolutely necessary to
10 have alternatives because from time to time, especially
11 when cases lasts for a couple of days, emergencies arise
12 and other folks can't continue their service.

13 In this case, fortunately, we didn't have
14 any emergencies arise, so you did not have to be placed
15 in a situation where you would be the actual juror.
16 So deliberations can only be done by the 12 jurors
17 on the case, and they will get to go forward with that
18 in a few minutes here. Y'all are released from your
19 jury service for this week. Again, with my thanks.

20 And I told you all week you can't talk
21 about the case, you can't talk to any of these folks
22 about it. You are free to talk to them if you wish,
23 okay? You do not have to talk to them. Sometimes
24 lawyers or parties or people involved in the case
25 will want to reach out to you and ask you questions.

1 What did you think about this, what did you think about
2 that? You can talk to them if you want to. If you
3 don't want to, don't, okay?

4 If you want to talk to them a little bit,
5 you feel uncomfortable, stop, okay? If you have any
6 problems with that, you contact somebody here in the
7 courthouse, and I will take care of it for you. Do you
8 understand?

9 MS. GREGG: Yes, sir.

10 MR. MURRELL: Yes, sir.

11 THE COURT: Okay. All right. Y'all are
12 free to go, and again, with my thanks. And I know
13 that there's lunch that was being provided for the rest
14 of the jurors. If y'all want to hang around, you can
15 have lunch too, okay? All right. Thank you all.

16 MR. MURRELL: Thank you.

17 THE COURT: All right. Anything further?

18 MR. MCNEELY: No, Your Honor.

19 THE COURT: Okay. All right. Then, we'll
20 be at ease until we hear from the clerk.

21 (Deliberations began at 12:10 p.m.)

22 (Recess taken.)

23 (Back on the record.)

24 THE COURT: All right. Thank you very much.
25 All right, y'all can sit. Thank you. All right,

1 Madam Clerk, I understand that there's a verdict;
2 is that correct?

3 THE CLERK: There is, yes, sir.

4 THE COURT: Okay. All right, everybody
5 back? All right. Y'all ready to go forward?

6 MR. MCNEELY: We are, Your Honor.

7 THE COURT: Okay. All right. Bring the
8 jury back in.

9 (The jury entered the courtroom at 12:56 p.m.)

10 THE COURT: All right. Y'all may be seated.
11 Thank you. All right. Madam Foreperson, has the jury
12 reached a verdict?

13 MADAM FOREPERSON: Yes.

14 THE COURT: All right. And do you have the
15 verdict form?

16 MADAM FOREPERSON: Yes.

17 THE COURT: All right. Hand that to the
18 clerk for me or the bailiff. Thank you. Thank you,
19 sir. Mr. Tucker. In reference to Indictment
20 2022-GS-08-00740, charged with murder. As to the
21 offense of murder, we, the jury, unanimously find
22 the Defendant guilty.

23 As to Indictment 2022-GS-08-00741,
24 possession of a weapon during the commission of
25 a violent crime. As to the offense of possession

1 of a weapon during the commission of a violent crime,
2 we, the jury, unanimously find the Defendant guilty.

3 As to Indictment 2022-GS-08-00742, unlawful
4 possession of a firearm or ammunition by a person
5 convicted of a violent crime. As to the offense
6 of unlawful possession of a firearm or ammunition
7 by a person convicted of a violent crime, we, the jury,
8 unanimously find the Defendant guilty. And it's signed
9 by the foreperson, dated today, March 27th, 2025.

10 Ms. Palmer, is this your signature?

11 MADAM FOREPERSON: Yes.

12 THE COURT: And is that the verdict of the
13 jury?

14 MADAM FOREPERSON: Yes.

15 THE COURT: And was it unanimous?

16 MADAM FOREPERSON: Yes.

17 THE COURT: All right. Anything further?

18 MR. MCNEELY: Nothing further from the
19 State, Your Honor.

20 THE COURT: From the defense?

21 MS. WHITE: Judge, I would just ask that
22 you poll the jury.

23 THE COURT: All right. Madam Clerk, would
24 you poll the jury.

25 THE CLERK: Yes, Your Honor. Juror No. 141,

1 is your -- is this your verdict?

2 MADAM FOREPERSON: Yes.

3 THE CLERK: Is it still your verdict?

4 MADAM FOREPERSON: Yes.

5 THE CLERK: Juror 46, is this your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Is it still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Juror 54, is this your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Is it still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror 66, is this your verdict?

14 THE JUROR: This is my verdict.

15 THE CLERK: Is it still your verdict?

16 THE JUROR: It is my verdict.

17 THE CLERK: Juror 89, is this your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Is it still your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Juror 68, is this your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Is it still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror No. 3, is this your

1 verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is it still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Juror 201, is this your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Is it still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Juror 59, is this your verdict?

10 THE JUROR: Yes, ma'am.

11 THE CLERK: Is it still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror 174, is this your verdict?

14 THE JUROR: Yes.

15 THE CLERK: Is it still your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Juror 52, is this your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Is it still your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Juror No. 14, is this your

22 verdict?

23 THE JUROR: Yes.

24 THE CLERK: Is it still your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Your Honor, the jury has been
2 polled, and the verdict stands.

3 THE COURT: Thank you. And we have the
4 indictments?

5 THE CLERK: We do.

6 THE COURT: Are they signed by our
7 foreperson?

8 THE CLERK: Not yet.

9 THE COURT: Would you have that signed
10 by our foreperson, please?

11 THE CLERK: Yes, Your Honor.

12 THE COURT: Madam Foreperson, I'm going
13 to ask you to sign the indictments and date them.

14 (Pause.)

15 THE COURT: Thank you. All right. Any
16 objection to releasing the jury from the State?

17 MR. MCNEELY: None, Your Honor.

18 THE COURT: Any objection to releasing
19 the jury from the defense?

20 MS. WHITE: None, Your Honor.

21 THE COURT: All right. Ladies and
22 gentlemen, you have now concluded your jury service
23 in this matter. I started out the week by thanking
24 y'all for coming out. I thank you again for being
25 so diligent in your service and patient throughout

1 this. Y'all were paying close attention to this matter
2 throughout. There were a lot of things going on, and
3 I certainly appreciate it. I know all of the parties,
4 all of the attorneys, everyone involved in the case
5 noticed how attentive you were, and appreciate your
6 dedication to your duty this week.

7 As I indicated to you before, it would
8 be impossible, our criminal justice system would come
9 to a stop if it did not have willing jurors to come
10 and do their duty as jurors. So, I commend you for
11 that as well as thank you. I told you at the beginning
12 you shouldn't talk to anybody about the case, you're
13 free to talk to anyone you wish about it, or not talk
14 to anyone if you wish.

15 Sometimes folks want to know your thoughts
16 on it; sometimes attorneys want to reach out to you
17 and ask questions to find out things about the case.
18 You're free to talk to them. There's nothing wrong
19 with that attorney or any person, for that matter,
20 asking questions to you. If you want to answer those
21 questions, you can answer them. If you do not, do not.
22 If you want to answer one or two questions and then
23 stop, you tell them to stop.

24 If any person bothers you or in any way
25 bothers you about this, you let somebody at the

1 courthouse here know, and I will take care of it, okay?
2 So, y'all are free to go, and again, with my thanks,
3 thanks of the Court, and the people of Berkeley County.
4 Thank you.

5 (The jury exited the courtroom at 1:04 p.m.)

6 THE COURT: All right, y'all can sit. All
7 right. Are y'all ready to proceed with the sentencing?

8 MR. MCNEELY: I need to retrieve the
9 sentencing sheets from downstairs, Your Honor.

10 THE COURT: All right. Retrieve the
11 sentencing sheets. We'll do that. I'm going to
12 step back and express my thanks to the jury in person.
13 As soon as you retrieve those, I'll review them,
14 and we can go forward at that point.

15 (Recess taken.)

16 (Back on the record.)

17 THE COURT: All right. Y'all have a seat.
18 Thank you. I see you've provided the sentencing sheets.
19 Thank you. All right, I'll be happy to hear from the
20 State.

21 MR. MCNEELY: Thank you, Your Honor. The
22 mother of the victim, Ms. Erika Gaines, has been present
23 this week during trial, and she wishes to address
24 the Court. I will let her do it first if that's okay.

25 THE COURT: Certainly.

1 MS. GAINES: Hello. My name is Erika
2 Gaines, G-A-I-N-E-S. My firstborn, Jessica Leanne
3 Thursday Gaines Ancrum, was taken away from me and
4 her four kids all too soon with -- with any -- I can't
5 do it. Yeah, I can't. I'm sorry. I can't.

6 MR. MCNEELY: With any words of goodbye
7 or until we meet again. She left behind four kids
8 that were traumatized by the murder of their mother.
9 Although her murder affected me, it really took a toll
10 on her kids to the point of the two younger ones having
11 nightmares. Jessica's kids wanted to be here today,
12 but were not able to make it due to the severe trauma
13 from losing their mother. The thought of them being
14 here was unbearable. They couldn't see themselves
15 sitting in the same courtroom with the person that their
16 mother trusted and loved being charged with her murder.
17 So, I stand here before the Court today standing in
18 the gap for my family. Jessica's children, her brother,
19 sister, and myself hoping and praying that justice
20 is served for Jessica today. Jessica has been the glue
21 to this family. She has always been a good person --
22 the go-to person for any problems or issues our family
23 may have had. Please give him the maximum sentence.

24 THE COURT: All right. Thank you.

25 MR. MCNEELY: Your Honor, on behalf

1 of the State ---

2 THE COURT: Thank you, Ms. Gaines.

3 MR. MCNEELY: On behalf of the State, we
4 also thank Ms. Gaines. We filed a notice of intention
5 to seek life without parole sentence for this Defendant
6 on November 6, 2024, and it was formerly served on him
7 in court on November 13th, which he signed and
8 acknowledged, and Ms. White, his attorney, signed
9 and acknowledged.

10 For that reason, there is no argument to be
11 had. The Defendant is to be sentenced to life without
12 parole on the murder charge, under Section 17-25-45,
13 in light of his most serious conviction prior --
14 occurring in Charleston County on March 2nd, 2006.
15 So we would ask the Court, please, render an LWOP,
16 or life without parole sentence, for the Defendant
17 on the murder charge.

18 As to the two gun charges, while it
19 is not particularly sensical, we would ask that the
20 Court render no sentence on the charge of possession
21 of a weapon during the commission of a violent crime,
22 as the Supreme Court has held any sentence in addition
23 to life without parole is an illegal sentence. So my
24 understanding is you're just supposed to sign the bottom
25 of the sentencing sheet, and leave the sentencing

1 section blank.

2 As the charge of possession of a firearm
3 or ammunition by a person convicted of a violent crime,
4 given the life without parole sentence on the murder
5 charge, we would ask for five years concurrent to the
6 LWOP sentence on that charge, Your Honor.

7 THE COURT: All right. Thank you,
8 Mr. McNeely. Ms. White, Mr. Hughes.

9 MS. WHITE: Judge, Mr. Tucker is 40 years
10 old. He has a tenth grade education. Throughout the
11 course of my representation of Mr. Tucker, he has been
12 a man of very few words. However, it was his choice
13 and his decision, knowing all of the evidence that would
14 be presented, for him to exercise his constitutional
15 right to a trial in this matter, and that is what
16 he has done.

17 I believe, though, that Mr. Tucker is aware
18 of the gravity of his actions on that day, on
19 June 9th of 2021, and the irreparable harm that has been
20 caused to Ms. Ancrum and her family. And not only
21 her family, but also his own family. His mother
22 and stepfather, Mr and Ms. Jefferson certainly have
23 had because of that day, and they do continue to live
24 in the residence where this incident occurred. So they
25 do have certainly a traumatic experience since that day.

25 | As to 2022-GS-08-00742, possession

1 of a firearm or ammunition by a person convicted
2 of a violent crime, the sentence of the Court is that
3 you be committed to the South Carolina Department
4 of Corrections for a period of five years, and that
5 is to be run concurrent with the sentence under
6 2022-GS-08-00740. Anything further?

7 MR. MCNEELY: Your Honor, does the murder
8 sentencing sheet indicate that life is without parole?

9 THE COURT: There's not an appropriate place
10 that I saw. I will ---

11 MR. MCNEELY: Thank you. Just write it out.

12 THE COURT: --- make that notation under
13 the special conditions.

14 MR. MCNEELY: And the statute is 17-25-45.

15 THE COURT: I've made that notation as
16 appropriate. Anything further from the State?

17 MR. MCNEELY: Nothing from the State,
18 Your Honor.

19 THE COURT: Anything further from the
20 defense?

21 MS. WHITE: Nothing, Your Honor.

22 THE COURT: All right. Thank you.
23 Good luck to you, Mr. Tucker.

24 (End of Transcript of Record.)

25

CERTIFICATE OF REPORTER

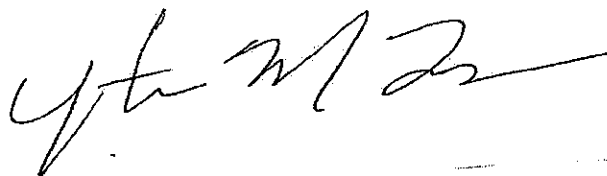
State of South Carolina)

County of Berkeley)

I, the undersigned, Yvestre Torres, 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 all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 27th of March, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 17, 2025



Yvestre Torres

Circuit Court Reporter

WHM/0380072
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2021-06004881

ARREST WARRANT NUMBER

2021A0810300785

DATE OF ARREST

06/13/2021

ACTION OF GRAND JURY

True Bill

Karl Salcedo
Foreperson of Grand Jury

3/23/2022
Date:

VERDICT

Guilt

Janet Palmer
Foreperson of Petit Jury

03/21/25
Date:

DOCKET NO. 2022-GS-08-00740

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

MARCH TERM 2022

THE STATE

VS.

AUBREY DUPREE TUCKER

B/M DOB: [REDACTED]

Indictment for

MURDER

SC Code: § 16-03-0010

CDR Code: 0116

FILED
22 MAR 23 PM 2:01
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

214

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

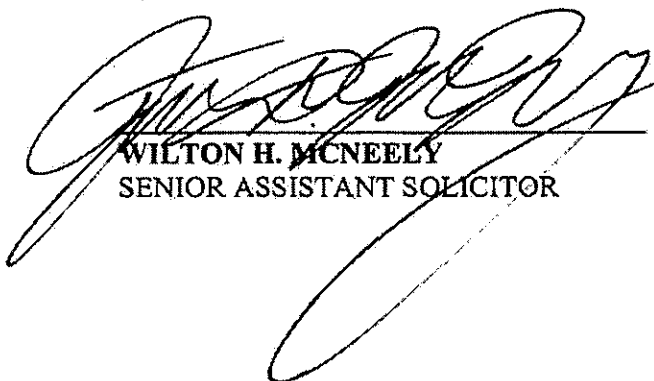
INDICTMENT

At a Court of General Sessions, convened March 2022, the Grand Jurors of Berkeley County present upon their oath:

Murder

That in Berkeley County, South Carolina on or about June 9, 2021, the defendant, Aubrey Dupree Tucker, with malice aforethought, did kill and murder Jessica Ancrum by means of a gun, and Jessica Ancrum did die as a proximate result thereof on or about July 9, 2021 in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILTON H. MCNEELY
SENIOR ASSISTANT SOLICITOR

WHM/0380072
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2021-06004881

ARREST WARRANT NUMBER

2021A0810300784

DATE OF ARREST

06/13/2021

ACTION OF GRAND JURY

True Bill

Walter Salcedo
Foreperson of Grand Jury

3/23/2022
Date:

VERDICT

Guilty

Janet Davis
Foreperson of Petit Jury

03/21/23
Date:

DOCKET NO. 2022-GS-08-00741

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

MARCH TERM 2022

THE STATE

VS.

AUBREY DUPREE TUCKER

B/M DOB: [REDACTED]

Indictment for

POSSESSION OF A WEAPON
DURING THE COMMISSION
OF A VIOLENT CRIME

SC Code: § 16-23-0490
CDR Code: 0549

FILED
22 MAR 23 PM 2:01
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

072

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

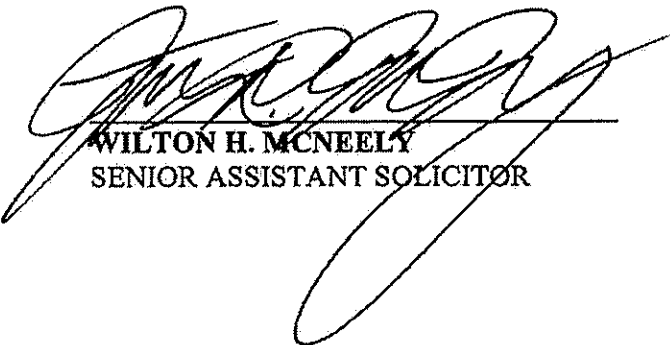
INDICTMENT

At a Court of General Sessions, convened March 2022, the Grand Jurors of Berkeley County present upon their oath:

Possession of a Weapon During the Commission of a Violent Crime

That in Berkeley County, South Carolina, on or about June 9, 2021, the Defendant, Aubrey Dupree Tucker, did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Murder; in violation of Section 16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILTON H. MCNEELY
SENIOR ASSISTANT SOLICITOR

WHM/0380072
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2021-06004881

ARREST WARRANT NUMBER

2021A0810400264

DATE OF ARREST

06/13/2021

ACTION OF GRAND JURY

Kyle C. Salcedo
Foreperson of Grand Jury

3/23/2022
Date:

VERDICT

Guilty

John D. Palmer
Foreperson of Petit Jury

03/29/25
Date:

DOCKET NO. 2022-GS-08-00742

The State of South Carolina
County of Berkeley

COURT OF GENERAL SESSIONS

MARCH TERM 2022

THE STATE

VS.

AUBREY DUPREE TUCKER
B/M DOB: [REDACTED]

Indictment for

POSSESSION OF A FIREARM OR
AMMUNITION BY A PERSON
CONVICTED OF A VIOLENT OFFENSE

SC Code: § 16-23-0500(A)
CDR Code: 3434

22 MAR 23 PM 2:01
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

FILED

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

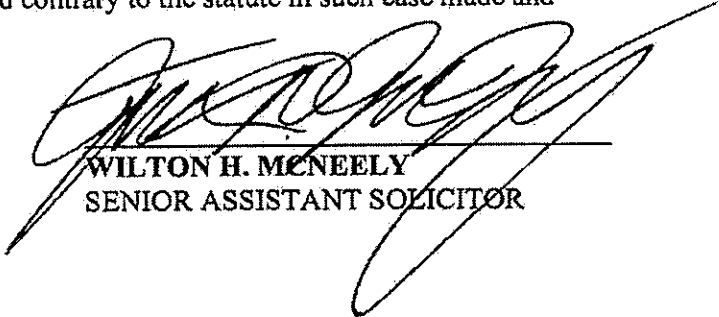
INDICTMENT

At a Court of General Sessions, convened March 2022, the Grand Jurors of Berkeley County present upon their oath:

Possession of a Firearm or Ammunition by a Person Convicted of a Violent Offense

That in Berkeley County, South Carolina, on or about June 9, 2021, the Defendant, Aubrey Dupree Tucker, having previously been convicted of a violent crime as defined in SC Code Section 16-1-60 that is classified as a felony, did possess a firearm or ammunition in violation of Section 16-23-500 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILTON H. MCNEELY
SENIOR ASSISTANT SOLICITOR

STATE OF ⁶⁵⁴NORTH CAROLINA
COUNTY OF BERKELEY

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

STATE vs.

Aubrey Dupree Tucker

AKA:

RACE: B

SEX: M

SSN: [REDACTED]

DOB: [REDACTED]

) INDICTMENT/CASE#: 2022-GS-08-00740

) AW#: 2021A0810300785

) Date of Offense: 06/09/2021

) S.C. Code§: 16-03-0010

) CDR Code #: 0116

) Range of Offense: Murder (Death, Life, or NLT 30 years to Life)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Murder

Range of Offense Pled: (Death, Life, or NLT 30 years to life)

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ MANDATORY GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation

/s Wilton H. McNeely 101638

/s Keshia V. White 69472

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of LIFE * days/months/years/Time Served ☐ YOA NTE _____ years and/or shall pay a fine
of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____ plus costs and assessments as applicable*; balance is suspended with probation for _____ months/years
and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC
_____ days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

☐ PTUP _____
☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
☐ Other: LIFE WITHOUT OPPORTUNITY OF PAROLE.

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Proviso requires \$500 to be paid to Clerk during
probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution	FINE:
\$100	\$100
\$100	\$
\$12	\$
\$25	\$
\$25	\$25
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$3.75
\$500	\$
\$40	\$
TOTAL	\$128.75

/s J Hill
Clerk of Court/Deputy Clerk

Vestire Torres
Court Reporter

Judge Code

Sentence Date

Presiding Judge

SCCA217B
01/27/2025

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

STATE vs.

Aubrey Dupree Tucker

AKA:

RACE: B

SEX: M

SSN: [REDACTED]

DOB: [REDACTED]

) INDICTMENT/CASE#: 2022-GS-08-00741

) AW#: 2021A0810300784

) Date of Offense: 06/09/2021

) S.C. Code§: 16-23-0490

) CDR Code #: 0549

) Range of Offense: Possession of A Weapon During The Commission of a Violent Crime (5 YEARS)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Possession of a Weapon During the Commission of a Violent Crime

Range of Offense Pled: (5 Years)

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ MANDATORY GPS

☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted

☐ Lesser Included Offense

☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated

☐ Recommendation

/s/ Wilton H. McNeely

101638

/s/ Keshia V. White

69472

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the ☐ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of _____ days/months/years/Time Served ☐ YOANTE _____ years and/or shall pay a fine
of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____ plus costs and assessments as applicable*; balance is suspended with probation for _____ months/years
and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC
_____ days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

☐ PTUP

☐ No Contact with Victim

☐ Domestic Violence Intervention Program

☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430

☐ SAC/MHC if necessary

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other:

NO SENTENCE PER STATUTE - RE: 2022 GS 08 00740

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Proviso requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution
FINE:

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40
TOTAL

\$100
\$100
\$12
\$25
\$25
\$150
\$41
\$50
\$40/ea
\$3.75
\$

\$128.75

/s/ J Hill

Clerk of Court/Deputy Clerk

Yvestre Torres
Court Reporter

2781
Judge Code

3/27/25
Sentence Date

[Signature]
Presiding Judge

SCCA217B
01/27/2025

FILED
MAR 27 2025

CASE NO
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

RECEIVED
APR 07 2025
SC Court of Appeals

STATE OF ~~656~~ SOUTH CAROLINA
COUNTY OF BERKELEY

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

STATE vs.

Aubrey Dupree Tucker

AKA:

RACE: B

SEX: M

SSN: [REDACTED]

DOB: [REDACTED]

) INDICTMENT/CASE#: 2022-GS-08-00742

) AW#: 2021A0810400264

) Date of Offense: 06/09/2021

) S.C. Code§: 16-23-0500(A)

) CDR Code #: 3434

) Range of Offense: Weapons / Possession of Firearm or Ammunition by person convicted of certain crimes -- First Offense (NMT 5 YEARS &/OR NMT \$2,000)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Possession of Firearm or Ammunition by a Person Convicted of a Violent Crime

Range of Offense Pled: (NMT 5 years &/or NMT \$2,000)

In violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS ☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation

/s/ Wilton H. McNeely 101638

Solicitor

SC Bar # 2281

/s/ Keshia V. White 69472

Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC Berkeley County Detention Center ☐ Home Incarceration Program
for a determinate term of 5 days/months/years/Time Served ☐ YOA NTE 2022 GS 08 00740 years and/or shall pay a fine
of \$ 100; provided that upon the service of 25 days/months/years/Time Served and or payment
of \$ 3.75 plus costs and assessments as applicable*; balance is suspended with probation for 3 months/years
and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

FILED

MAR 27 2025

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2022 GS 08 00740
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC
5 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

CASE NO
FAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

SPECIAL CONDITIONS:

- ☐ PTUP
☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
☐ Other:

- ☐ Hold for Inpatient Treatment
☐ SAC/MHC if necessary

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

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§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Proviso requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution
FINE:

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40
TOTAL

\$100
\$100
\$12
\$25
\$25
\$150
\$41
\$50
\$40/ea
\$3.75
\$128.75

/s/ Hill

Clerk of Court/Deputy Clerk

Vestre Torres
Court Reporter

2281
Judge Code

3/27/25
Sentence Date

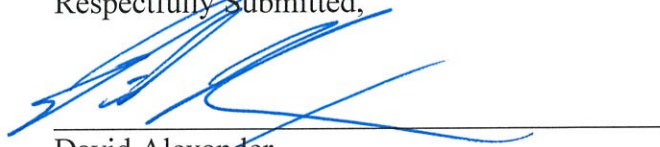
Presiding Judge

SCCA217B
01/27/2025

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 16th day of January, 2026.

RECEIVED

Jan 16 2026

SC Court of Appeals