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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TYRASE AKIL COLLINS,

APPELLANT

APPELLATE CASE NO. 2024-001238

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STATE OF SOUTH CAROLINA

IN THE GENERAL SESSIONS COURT

2018-GS-25-00215, -00219

COUNTY OF HAMPTON

-----)

State of South Carolina)

Plaintiff,)

vs.)

Tyrase Akil Collins and)

Lorenzo Boles,)

Defendants.)

TRANSCRIPT OF JURY TRIAL

VOLUME I

(PAGES 1 TO 138)

November 6, 2023

Beaufort, South Carolina

B E F O R E:

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PROCEEDINGS**MONDAY, NOVEMBER 6, 2023****HAMPTON, SOUTH CAROLINA*********

(The following proceedings were held in open court. All parties were present.)

THE COURT: Good morning, ladies and gentlemen. Good morning. My name is Bobby Bonds. I'm a resident circuit judge for the fourteenth judicial circuit. The Fourteenth Judicial Circuit is comprised of Colleton, Hampton, Allendale, Jasper and Beaufort. I live in Walterboro, Colleton County.

I have been assigned by the Chief Justice to preside over a term of General Sessions or Criminal Court here in Hampton County this week.

One of the first things that we are going to do is we are going to have the clerk call the roll of the jurors.

So she is going to do that and ask -- put you under oath and ask some questions of you. When she finishes, I am then going to ask some questions.

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Now, I want you folks to know this. This is going to be -- the case that we are going to hear will likely bleed over until the first of next week. I want you to know that.

Now, let me tell you why that is. I'm going to tell you right now. The reason is, number one, tomorrow you are not going to have to be here, okay?

First of all, if you end up getting selected on the jury, the chances of you having to serve -- I don't know that we will try any other cases. So, you could be home free.

So in the respect, it could be a good week to serve. The reason the case -- it's not because it's going to be a particularly long case.

Number one, tomorrow I have to be in Columbia for a matter that I cannot escape. I promise I would much rather be here in this courtroom. But I have something that I am required to be at a hearing that I am required to attend tomorrow. As a result, we cannot have court.

The other thing is that Friday, as many of you may know, is a holiday. Friday is Veteran's

1 Day. At this point, the plan would be not to
2 work on Friday, the holiday. As a result, you
3 can see with the requirement of me being out on
4 Tuesday and not having court on Friday, then it
5 pushes the case, perhaps, to Monday or Tuesday
6 of next week.

7 It could be that we will end up finishing
8 the case this week, but I don't know that we
9 will. I want to make you aware of that right
10 now, okay?

11 There are a bunch of questions dealing with
12 -- I know it's an inconvenience for you to be
13 here. I apologize that we got a late start this
14 morning. I will take the blame for that, but we
15 will try to move and be as quick as we can.
16 I understand what a sacrifice it is for you to
17 be here.

18 You would much rather be with your family
19 or work or doing whatever it is you want to be
20 doing rather than be here.

21 So, Madam Clerk, do you want to go ahead
22 and swear the jury in and then call the roll?

23 THE CLERK: Yes, sir.

24 THE COURT: Thank you very much.

25

JURY SELECTION

THE COURT: Thank you, Madam Clerk.

All right. Ladies and gentlemen, I now have certain questions to ask you to determine your qualifications as jurors in this court. These questions are to determine your general eligibility to serve.

State law requires that I ask these questions. Quite frankly, some of the questions are personal. You may not want to stand and disclose the information in the presence of your fellow jurors.

After each question, if any juror needs to respond, I am going to ask you to stand. If you don't want to stand, that's fine. At the end of this process, I will give you a chance to come forward and speak privately with me and the clerk. I don't want to cause anybody any embarrassment.

So, if you don't want to stand, just make a mental note and remember to come forward at the end when I ask you to do so.

Ladies and gentlemen, it's important that we receive accurate and complete information.

1 Folks, is any member of the jury not a
2 citizen of the United States?

3 If so, please stand.

4 (No indication.)

5 THE COURT: Is any member of the jury panel
6 not a citizen or resident of Hampton County,
7 South Carolina?

8 If so, please stand.

9 (No indication.)

10 THE COURT: Any member of the jury panel
11 unable to read, write, speak or understand the
12 English language?

13 If so, please stand.

14 (No indication.)

15 THE COURT: Does any member of the jury
16 panel have less than a sixth-grade education or
17 its equivalent?

18 If so, please stand.

19 (No indication.)

20 THE COURT: All right, ladies and
21 gentlemen, is any member of the jury panel
22 because of mental or physical infirmities unable
23 to render efficient jury service?

24 If so, I need you to stand. All right,
25 come on up, sir. Hey, sir, what's your name and

1 juror number?

2 THE PROSPECTIVE JUROR: Number 50.

3 THE COURT: All right, so what's up?

4 THE PROSPECTIVE JUROR: I have to take care
5 of my mom, and I have to pick up my son from
6 school.

7 THE COURT: All right, well, I'm not gonna
8 excuse you, but I can transfer you to another
9 term of court, if you want me to transfer you,
10 but I mean you're not gonna be here tomorrow,
11 you're not gonna be here -- if you're chosen on
12 the jury, it's very unlikely you're gonna be
13 here on Friday.

14 So I can continue you to another term of
15 Court, or you can knock it out right now. If
16 you need to stand, if you need to take a break,
17 if you're on the jury, you just nod, wave, let
18 me know, that ain't gonna be a problem.

19 THE PROSPECTIVE JUROR: That'll work.

20 THE COURT: Is that good?

21 THE PROSPECTIVE JUROR: That's good.

22 THE COURT: All right.

23 THE PROSPECTIVE JUROR: That'll work.

24 THE COURT: Great, thank you very much, all
25 right?

1 THE PROSPECTIVE JUROR: Thank you.

2 THE COURT: And what was your juror number,
3 sir?

4 THE PROSPECTIVE JUROR: 50.

5 THE COURT: All right, number 50's gonna
6 remain with us.

7 All right, ladies and gentlemen, slow down
8 here, any member of the jury panel been
9 convicted by a guilty plea or trial in a state
10 or federal court of record of a crime punishable
11 by imprisonment for more than one year, and your
12 civil rights have not been restored by pardon or
13 amnesty? Punishable by more than one year means
14 that you could have received a sentence of more
15 than one year, regardless of what sentence you
16 may have actually received.

17 There are several parts to that question,
18 I'm gonna repeat it, okay? Any member of the
19 jury panel been convicted by a guilty plea or
20 trial in a state or federal court of record of a
21 crime punishable by imprisonment for more than
22 one year, and your civil rights have not been
23 restored by pardon or amnesty?

24 And, ladies and gentlemen, punishable by
25 more than one year means that you could have

1 received a sentence of more than one year,
2 regardless of what sentence you may have
3 actually received.

4 So if that question applies to you, I'd ask
5 you to please stand.

6 (No indication).

7 THE COURT: All right, any member of the
8 jury panel a clerk or deputy clerk of court,
9 constable, sheriff, or other commissioned law
10 enforcement officer, probate judge, county
11 commissioner, magistrate or other county
12 officer, or employed within the walls of any
13 courthouse?

14 If so, please stand.

15 (No indication).

16 THE COURT: All right, is there any member
17 of the jury panel who has previously served on
18 jury duty in circuit court, not city court,
19 magistrate's court or federal court, but in
20 circuit court during this calendar year, so
21 2023?

22 Has anybody basically been in this
23 courtroom served in circuit court during this
24 calendar year?

25 (No indication.)

1 THE COURT: All right, any member of the
2 jury panel served as a member of the Hampton
3 County Grand Jury during the past several years?

4 If so, please stand.

5 And if you ask me, well, what's the Hampton
6 Grand Jury, it's real easy. If you served on
7 the Hampton County Grand Jury, you'd know. It's
8 a yearlong commitment, though it's not as bad as
9 it seems, but it's multiple visits throughout
10 the year. If you served on a grand jury, you'd
11 know what it is.

12 So I tell people that, because I've had
13 people ask, "Well, Judge, I don't know what a
14 grand jury is." All right, you'd know if it
15 applied to you, all right?

16 All right, ladies and gentlemen, we now
17 move to jury exemptions. State law provides for
18 several exemptions to jury service. An
19 exemption does not mean you're not qualified to
20 serve, folks, it simply means you have a right
21 to say, I choose not to serve.

22 The first is pretty easy, if you are 65-
23 years-old or older, and I used to think 65 was
24 old, I don't think that anymore, because I'm
25 getting awful close, all right; but if you're 65

1 or older, and you don't want to serve, now we'd
2 love to have you serve, but if you're 65 and
3 you'd rather be someplace else today, you can
4 stand up right now and claim your exemption.
5 Anybody 65 or older who wishes to be exempt?

6 If so, please stand.

7 (No indication.)

8 THE COURT: Oh, we've got a lot of young
9 people here today. Folks, another exemption
10 concerns prior jury service. No person is
11 required to serve as a juror more often than
12 once every three calendar years.

13 Therefore, if any member of the jury panel
14 has served on jury duty during the last two
15 calendar years, you may be exempt from service
16 this week, if you choose to be exempted. Please
17 note this exemption does not apply if your jury
18 service was in magistrate's court, city court or
19 federal court.

20 So if that exemption applies to you and you
21 wish to be exempted, I'd ask that you please
22 stand.

23 (No indication.)

24 THE COURT: All right, let the record
25 reflect no one's standing.

1 All right, individuals who have served as
2 grand jurors in the last five calendar years may
3 also be exempt from jury service. If any member
4 of the jury panel has served on a grand jury
5 during the last five calendar years, you may be
6 exempt from service, if you choose to be
7 exempted.

8 Ladies and gentlemen, does that apply to
9 anyone?

10 (No indication.)

11 THE COURT: All right, thank you. Now,
12 ladies and gentlemen, the next question deals
13 with those of you who have legal custody of
14 young children, and I ask that you listen,
15 because there are several parts, and every part
16 must apply to you to be able to claim this
17 exemption, okay?

18 So, folks, you may be exempted from jury
19 service, ladies and gentlemen, if you have a
20 child under the age of seven years, you have
21 legal custody of your child or children, you
22 have the principal care, custody and control of
23 your child or children, and you're unable to
24 make arrangements for the adequate care of your
25 child or children while performing jury duty.

1 Ladies and gentlemen, if that applies to
2 you, I'd ask that you please stand.

3 (No indication).

4 THE COURT: All right, let the record
5 reflect no one's standing.

6 All right, folks, if you're the primary
7 caretaker of a person 65-years-old or older, and
8 you're unable to provide adequate care for this
9 person while performing jury service, you may be
10 exempt from jury duty.

11 If this exemption applies to you and you
12 wish to be exempted, please stand.

13 (No indication.)

14 THE COURT: Ladies and gentlemen, if you
15 are the primary caretaker of a severely disabled
16 person, who is unable to care for himself or
17 herself, and cannot be left unattended and
18 you're unable to provide adequate care for the
19 person while performing jury service, you may be
20 exempted from jury duty this week.

21 If this exemption applies to you and you
22 wish to be exempted, please stand.

23 THE COURT: Come on up. Hey, sir.

24 THE PROSPECTIVE JUROR: Hello.

25 THE COURT: Doing great. What's your name

1 and number, sir?

2 THE PROSPECTIVE JUROR: 182.

3 THE COURT: 182? Yes, sir, what's up?

4 THE PROSPECTIVE JUROR: I take care of my
5 mom who is elderly.

6 THE COURT: Okay.

7 THE PROSPECTIVE JUROR: And I have a son I
8 have to pick up also.

9 THE COURT: All right, well, let me -- are
10 you employed?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Where do you work?

13 THE PROSPECTIVE JUROR: Grayco.

14 THE COURT: All right, so who takes care of
15 your mom when you're at work?

16 THE PROSPECTIVE JUROR: I have certain days
17 that I take care of her.

18 THE COURT: Okay, well, what days? Are
19 there days that they're not gonna be there?

20 THE PROSPECTIVE JUROR: Thursday and
21 Friday.

22 THE COURT: All right, well, let me tell
23 you what I'll do, sir. If you want to be
24 transferred, I'll transfer you to another week,
25 but you'll just have to come back the next term

1 of court.

2 It may be that your mom's condition
3 improves, or it may be that you're able to make
4 arrangements, so that somebody can be there all
5 week.

6 THE PROSPECTIVE JUROR: I'll just do it and
7 get it over with.

8 THE COURT: You want to?

9 THE PROSPECTIVE JUROR: Yeah.

10 THE COURT: Okay, great. All right, so
11 number 118 he'll remain with us.

12 THE PROSPECTIVE JUROR: 182.

13 CLERK: 182.

14 THE COURT: 182, thank you, sir.

15 All right, he'll remain with us.

16 Hey, sir.

17 THE PROSPECTIVE JUROR: How are you doing,
18 sir?

19 THE COURT: Doing great. Yes, sir, what's
20 your juror number?

21 THE PROSPECTIVE JUROR: 468.

22 THE PROSPECTIVE JUROR: I have autistic
23 daughter. I have to pick her up from school.

24 THE COURT: Okay.

25 THE COURT: All right, so your daughter --

1 this is your daughter?

2 THE PROSPECTIVE JUROR: Yeah, ten years
3 old.

4 THE COURT: All right, and so based on what
5 you're telling me she's in school right now --

6 THE PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: -- and she goes half days?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: And you're required to pick her
10 up?

11 THE PROSPECTIVE JUROR: Yeah.

12 THE COURT: I can transfer you to another
13 term of court.

14 THE PROSPECTIVE JUROR: What?

15 THE COURT: Well, I mean in other words I
16 don't think you're going to be entitled to be
17 exempted from service.

18 THE PROSPECTIVE JUROR: Okay.

19 THE COURT: But if this week is a bad week,
20 I can transfer you to another term of court.

21 THE PROSPECTIVE JUROR: Okay.

22 THE COURT: I mean, for instance, maybe in
23 the summer would be a better time, if it does
24 not conflict with her school.

25 THE PROSPECTIVE JUROR: All right.

1 THE COURT: I don't know, but I just can't
2 excuse you permanently. Certainly, I'm willing
3 to transfer you to another term, if you don't
4 want to serve this week.

5 Now, of course, like I told you, we're not
6 gonna be here tomorrow, and it's very unlikely
7 we'll be here Friday.

8 Now, we could be here Monday or Tuesday of
9 next week, I don't know, but I can continue you
10 to another term of court, whatever you want to
11 do.

12 THE PROSPECTIVE JUROR: I'll stay.

13 THE COURT: I'll do whatever you want me to
14 do. I can transfer you, or you can stay with
15 us.

16 THE PROSPECTIVE JUROR: I can stay.

17 THE COURT: Okay, great. All right, 468
18 will stay with us. Thank you.

19 All right, ladies and gentlemen, the next
20 exemption involves those of you who may be
21 attending school at this time or working in some
22 capacity with a school. If this exemption
23 applies to you and you wish to be exempted,
24 we'll transfer your service to another term of
25 court at a time which will not conflict with

1 your school responsibilities.

2 Is there any member of the jury panel who
3 is a full-time student, schoolteacher, school
4 crossing guard, school bus driver, or ladies and
5 gentlemen, who serves in any other school-
6 related function, who's unable to serve on jury
7 duty this week, as a result of that school
8 involvement?

9 If that applies, please stand.

10 (No indication.)

11 THE COURT: All right, is there any member
12 of the jury panel who's employed with the
13 Department of Corrections at a penitentiary,
14 and would like to be exempted?

15 If so, please stand.

16 Come on up, sir. Yes, sir?

17 THE COURT: All right, what's your name and
18 number again?

19 THE PROSPECTIVE JUROR: 126.

20 THE PROSPECTIVE JUROR: I work for the
21 sheriff's office.

22 THE COURT: I'm gonna excuse you from
23 service --

24 THE PROSPECTIVE JUROR: Okay.

25 THE COURT: -- this week, sir.

1 THE PROSPECTIVE JUROR: All right.

2 THE COURT: All right?

3 THE PROSPECTIVE JUROR: Thank you.

4 THE COURT: I'm gonna excuse you from
5 All right, number 126 is gonna be excused,
6 thank you.

7 THE PROSPECTIVE JUROR: I can go?

8 THE COURT: You can go ahead and go, yes,
9 sir.

10 THE PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: You'll get a huge check in the
12 mail. Well, they don't send checks anymore,
13 they get a card, right?

14 CLERK: No, we send them.

15 THE COURT: All right, so, ladies and
16 gentlemen, this last question I'm telling you, I
17 know it's a sacrifice being here, and I know
18 what it is to be self-employed.

19 I was self-employed for 30 years before I
20 took this job, and so I understand the
21 sacrifices involved in being here and serving on
22 a jury this week; but, ladies and gentlemen, let
23 me ask you this any member of the jury panel who
24 performs services for a business, commercial or
25 agricultural enterprise, which are so essential

1 to the operation of the enterprise, that if you
2 are required to perform jury duty, the
3 enterprise would have to close the outfit or
4 stop functioning.

5 If so, and you wish to be exempted, please
6 stand. If that applies to you, I ask you to
7 come forward.

8 Hey, what's your name and number?

9 THE PROSPECTIVE JUROR: 470.

10 THE COURT: 470? Yes, sir, what's going
11 on?

12 THE PROSPECTIVE JUROR: This is just a
13 really bad workweek for me.

14 THE COURT: Uh-huh.

15 THE COURT: All right. Well, the way it
16 works I can transfer you to another term, but
17 I'm not gonna be able to excuse you from
18 service, based on what you're telling me.

19 THE PROSPECTIVE JUROR: Thank you.

20 THE COURT: All right, when do you want to
21 get transferred to?

22 THE PROSPECTIVE JUROR: January.

23 THE COURT: January. We'll have you come
24 back on January 8th, okay? And so you've got to
25 make arrangements --

1 THE PROSPECTIVE JUROR: Yeah.

2 THE COURT: 470 to January 8th term of
3 court, right?

4 THE PROSPECTIVE JUROR: Yes, sir, thank
5 you.

6 THE COURT: Good, thank you, sir.

7 All right, now, folks, that concludes the
8 statutory qualifications and exemptions for
9 service. It may be that you are qualified and
10 no exemption applies to you, but jury service
11 this week would constitute an extreme hardship
12 on you for some particular reason.

13 I cannot permanent excuse a qualified juror
14 from jury service, but under extreme and
15 compelling circumstances I may excuse a juror
16 from this term of court and transfer a juror to
17 another term of court, particularly, jurors who
18 have not been previously transferred.

19 Please understand that general
20 inconvenience is not a sufficient reason to
21 transfer to another term of court. To justify a
22 transfer to another term of court, service this
23 week and perhaps the very first of next week, I
24 told you that, earlier, must constitute an
25 extreme hardship for you.

1 So, ladies and gentlemen, I just want to
2 give you an idea, because it happens. I say you
3 have an extreme hardship, is there any reason
4 why you can't do it this week, and then nobody
5 says anything. Then they're selected on a jury
6 and they tell me, "Well, Judge, you know, I do
7 have a doctor's appointment on Wednesday," okay?
8 So, folks, I understand, if you've got a
9 doctor's appointment, if you're leaving on a
10 cruise for your anniversary, if you've got --
11 somebody's passed away, and you're supposed to
12 be leaving tomorrow to go to the funeral, these
13 are the types of things that we're talking
14 about, okay? Now, there may be others, those
15 are just three examples, but I just want to make
16 sure, if you've got a doctor's appointment,
17 because listen I know, it could take four months
18 to get into a doctor's office, but you've got
19 some type of plans of that nature, that's what
20 this is talking about, okay?

21 So, again, basically, if there's anybody
22 who wants to be transferred to another term of
23 court, because of some extreme or compelling
24 circumstances this week, I may transfer you. If
25 that applies, ladies and gentlemen, I'd ask that

1 you please come forward. Come on up. Hey, yes,
2 ma'am.

3 THE PROSPECTIVE JUROR: I'm taking care of
4 my little brother this week.

5 THE COURT: How old is your younger
6 brother?

7 THE PROSPECTIVE JUROR: 12.

8 THE COURT: -- because what I'm gonna do
9 is, I'm gonna transfer you to a January term of
10 court, ma'am, all right? And --

11 THE PROSPECTIVE JUROR: Okay.

12 THE COURT: -- and so that's what we'll do,
13 you'll come back then, and you'll be expected to
14 serve then, okay? All right, thanks.

15 THE COURT: What's your number, ma'am?

16 THE PROSPECTIVE JUROR: 260.

17 THE COURT: 260? All right. Yes, ma'am,
18 thank you.

19 THE COURT: Hey, sir, what's your name and
20 number?

21 THE PROSPECTIVE JUROR: 116.

22 THE COURT: Yeah. What's up?

23 THE PROSPECTIVE JUROR: So I have an eye
24 doctor appointment --

25 THE COURT: Uh-huh.

1 THE PROSPECTIVE JUROR: -- at 10:30.

2 THE COURT: What day is that?

3 THE PROSPECTIVE JUROR: Friday.

4 THE COURT: Friday?

5 THE PROSPECTIVE JUROR: No, Thursday.

6 THE COURT: All right, you have an eye
7 doctor's appointment?

8 THE PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: All right. I will transfer you
10 to another term of court.

11 THE COURT: Yes, sir.

12 THE PROSPECTIVE JUROR: So I work the third
13 shift, so right now our assistant manager is
14 out, because her father died, and we have nobody
15 else to cover my shift right now, and she won't
16 be back until Saturday.

17 THE COURT: Okay, have you been transferred
18 before?

19 THE PROSPECTIVE JUROR: No, sir.

20 THE COURT: All right.

21 THE PROSPECTIVE JUROR: It's my first time
22 here, so --

23 THE COURT: All right, well I'll transfer
24 you to January 8th, ma'am, okay?

25 THE PROSPECTIVE JUROR: Thank you.

1 THE COURT: Uh-huh.

2 Hey, sir, what's your name and number?

3 THE PROSPECTIVE JUROR: 38.

4 THE COURT: Yes, sir, what's up?

5 COURT REPORTER: I can't hear him.

6 THE COURT: Oh, you've got to speak up a
7 little bit. You're coming off a 12-hour shift?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: All right, where do you work?

10 THE PROSPECTIVE JUROR: West Fraser.

11 THE COURT: Where?

12 THE PROSPECTIVE JUROR: West Fraser.

13 THE COURT: West --

14 THE PROSPECTIVE JUROR: West Fraser.

15 THE COURT: West Fraser. What is West
16 Fraser?

17 THE PROSPECTIVE JUROR: A mill.

18 THE COURT: A mill, is that what you just
19 said?

20 THE PROSPECTIVE JUROR: Right.

21 THE COURT: What does that mean? Is it
22 lumber?

23 CLERK: They make plywood.

24 THE COURT: All right. So you work 12
25 hours a day?

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Yes? So what days of week do
3 you work?

4 THE PROSPECTIVE JUROR: Almost every day.

5 THE COURT: Have you been transferred
6 before?

7 THE PROSPECTIVE JUROR: No, sir.

8 THE COURT: So when do you want to come
9 back and serve? Because you're gonna have to
10 serve.

11 THE PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: -- if this is a bad week, no
13 problem. I'm just gonna transfer you to another
14 term, and you'll have to come back, and so you
15 tell me when.

16 January 8th?

17 THE PROSPECTIVE JUROR: Thank you.

18 THE COURT: All right, see you then. What
19 was your number, sir?

20 CLERK: Oh, 38.

21 THE COURT: 38, all right, see you on
22 January 8th.

23 All right, let's see, all right, I need
24 juror 212 and juror 133 to come see me. Hey,
25 sir.

1 THE PROSPECTIVE JUROR: Hi.

2 THE COURT: All right, you're juror number?

3 THE PROSPECTIVE JUROR: 133.

4 THE COURT: 133. Let me ask you something,
5 you've got a conviction for failure to stop at a
6 blue light back in '98?

7 THE PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: I appreciate you coming in.
9 So I thank you for coming in, sir, and I'm going
10 to excuse you from service this week, okay, sir.

11 THE PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: All right, thank you so much,
13 Mr. 212. it was a failure to stop for a blue
14 light, conviction in '92. All right, sir, are
15 you number 212?

16 THE PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Hey, and you're Mr. Fitzgerald?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Hey, Mr. Fitzgerald, let me ask
20 you, did you get charged with burglary back in
21 2009?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Really? All right. That's
24 been a long time ago, and I appreciate you
25 coming and honoring your summons, but I'm gonna

1 excuse you from service this week, okay?

2 THE PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: All right, thank you very much.
4 All right, counsel?

5 (Bench conference.)

6 THE COURT: All right, ladies and
7 gentlemen, let me tell you what we're gonna do.
8 And, again, I'm sorry, I know we got off to a
9 little bit of a slow start this morning, and
10 you've been sitting here for two hours. I'm
11 gonna let you go take a break and ask that you
12 come back in here in probably 15 minutes, and
13 then I'm gonna go and ask some questions about
14 this particular case. And my plan is -- I'm
15 just gonna go ahead and tell you what the plan
16 is, okay?

17 The plan is that once I finish asking the
18 questions and qualifying the jury, that more
19 than likely what I'm gonna do is, I'm gonna ask
20 you to go home, or lunch, or whatever, and
21 probably come back around 2:30. And what we'll
22 do is, I've got another panel that I'm
23 qualifying that's supposed to start at 11:00.
24 I'm gonna qualify them, and I'm gonna ask them
25 to come back at 2:30 and we'll pull a jury. And

1 as you come back, if you're one of the lucky
2 ones that are selected, then you'll come up
3 here, and, if not, they'll tell you, "Hey, call
4 back tonight after 6:00," but to that extent
5 that's the plan.

6 So what's gonna happen is, I can tell you
7 once we go and do this next little bit after the
8 break, then I'm gonna ask you to come back at
9 2:30. And as you come in, they'll tell you to
10 come on in, and, if not, you'll be done, and
11 they'll tell you when to call back And it maybe
12 call back Monday night, tonight, and they may
13 say call back Tuesday night, but they'll give
14 you instructions what to do, okay?

15 So take a break, I'll see you back in here
16 about 15 after. Thank you very much.

17 (Jury panel exits the courtroom.)

18 THE BAILIFF: This juror would like to
19 speak with you. Do you want him to come back?

20 THE COURT: I can talk to him right now.
21 Let me get my lawyers over here.

22 Hold on, hold on, hold on, let him get by.
23 Yes, sir, what's your name?

24 THE PROSPECTIVE JUROR: Han.

25 THE COURT: Yeah, what's up?

1 THE PROSPECTIVE JUROR: I was in a case
2 with Mr. Langdale.

3 THE COURT: Well, yeah, I was involved in a
4 case involving Mr. Langdale, yes, sir.

5 THE PROSPECTIVE JUROR: I was the victim in
6 that case.

7 THE COURT: You're the victim in that case?
8 Okay. You just want to make me aware of it?
9 You're a potential juror, right, in this --
10 well, here today, right?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay, all right.

13 He was a victim in a case where my law
14 firm, when I was there, represented the
15 Defendant.

16 MR. EVANS: And I was the prosecutor.

17 THE COURT: And he was the prosecutor. I
18 don't know that that disqualifies -- that
19 there's a conflict there, as it relates to that.
20 Do you'all --

21 MR. EVANS: I don't know if there's a
22 conflict, but I'm sure --

23 THE COURT: Well, I'll tell you what, out
24 of an abundance of caution --

25 MR. EVANS: Discretion better safe --

1 THE COURT: Yeah, I'm gonna excuse him.

2 Again, he was involved in a case, and it's
3 a recently resolved case that involved a
4 gentleman I represented during the actual call
5 of the case, and so defending him, the victim
6 was shot, and so out of abundance of caution I'm
7 going to excuse him. I'm going to excuse him
8 from service this week.

9 CLERK: Okay, Aaron?

10 THE COURT: Hand.

11 MR. EVANS: Hand.

12 THE COURT: All right, thank you sir,
13 you're good to go.

14 (Recess)

15 THE COURT: If there are any jurors who are
16 gonna try to come in after I start, they're just
17 gonna have to stick around and remain for the
18 second selection, and so we're gonna go ahead
19 and move forward.

20 Solicitor, are you ready to call your case?

21 MR. EVANS: Yes, sir, Your Honor.

22 THE COURT: Yes, sir.

23 MS. EVANS: Your Honor, the State's ready.

24 In Indictments 2018-GS-25-00130, 131, 132,
25 133, 134, 2018-GS-25 at 218, 216, 215, and 219.

1 Those are for respectively The State of
2 South Carolina v. Tyrase Collins for possession
3 of a weapon during the commission of a violent
4 crime; State v. Tyrase Collins for armed
5 robbery.

6 State v. Tyrase Collins for the murder of
7 Frank Johnson Jr.; the State v. Tyrase Collins
8 for the murder of Ghazi Duckett.

9 State v. Tyrase Collins for the murder of
10 Lamekia Warren.

11 State v. Lorenzo Boles for accessory after
12 -- before the fact, excuse me, to the armed
13 robbery of Frank Johnson Jr.; State v. Lorenzo
14 Boles for accessory before the fact to murder of
15 Frank Johnson Jr.; State v. Lorenzo Boles for
16 accessory before the fact to the murder of
17 Lamekia Warren; and the State v. Lorenzo Boles
18 for accessory before the fact to the murder of
19 Ghazi Duckett.

20 May I approach with the indictments, Your
21 Honor?

22 THE COURT: Yes, sir.

23 All right, so ladies and gentlemen of the
24 jury panel, we are about to begin the trial of
25 the case of the State of South Carolina against

1 Tyrase Collins and Lorenzo Boles, and before we
2 select the jury, there are gonna be several
3 questions that I'm gonna ask you.

4 And I will tell you, ladies and gentlemen,
5 this will be a time-consuming process, but I
6 assure you we are dealing with very important
7 matters in this court, and so I appreciate your
8 patience as we go through this and spend these
9 next few minutes together.

10 Now, ladies and gentlemen, the indictments
11 in this case charges the defendants with the
12 following: Indictment 2018-GS-25-00130, ladies
13 and gentlemen, that in Hampton County, South
14 Carolina on or about March 25th, 2018, the
15 Defendant, Tyrase Collins, did possess a firearm
16 visibly displayed what appeared to be a firearm
17 during the commission of a violent crime; to
18 wit, murder and/or armed robbery.

19 That would be the allegations contained in
20 that indictment.

21 Ladies and gentlemen, indictment 2018-GS-
22 25-00131 alleges that in Hampton County, South
23 Carolina on or about March 25th, 2018, the
24 Defendant Tyrase Collins while at [REDACTED]
25 Lane did commit robbery while armed with a

1 pistol, dirk, sling shot, metal knuckles, razor,
2 or other deadly weapon while engaged in either
3 by action or words that he was armed while using
4 a representation of a deadly weapon or any
5 object in which a person present during the
6 commission of a robbery reasonably believed to
7 be a deadly weapon and did take away the goods,
8 monies, from the person or immediate presence of
9 Frank Johnson Jr. and Ghazi Duckett.

10 Ladies and gentlemen, indictment 2018-GS-
11 25-00132 alleges that in Hampton County, South
12 Carolina on or about March 25th, 2018, the
13 defendant Tyrase Akil Collins did with malice
14 aforethought kill and murder Frank Johnson, Jr.,
15 and Frank Johnson, Jr. did die in Hampton County
16 as a proximate result of Tyrase Collins'
17 actions.

18 Ladies and gentlemen, Indictment number
19 2018-GS-25-00133 alleges again, ladies and
20 gentlemen, that in Hampton County, South
21 Carolina on or about March 25th, 2018, the
22 Defendant Tyrase Collins did with malice
23 aforethought kill and murder, is it Ghazi?

24 MR. EVANS: Ghazi.

25 THE COURT: Ghazi, okay. Ghazi A. Duckett,

1 and that Ghazi A. Duckett did die in Hampton
2 County as a proximate result of Tyrase Collins'
3 actions.

4 Ladies and gentlemen, Indictment 2018-GS-
5 25-00134 alleges that in Hampton County, South
6 Carolina on or about March 25th, 2018, the
7 Defendant Tyrase Akil Collins did with malice
8 aforethought kill and murder Lamekia M. Warren,
9 and Lamekia M. Warren did die in Hampton County,
10 South Carolina as the proximate result of Tyrase
11 Akil Collins' actions.

12 Ladies and gentlemen, Indictment 2018-GS-
13 25-00218 alleges that in Hampton County, South
14 Carolina on or about March 25th, 2018, the
15 defendant, Lorenzo Boles, did aid in the
16 commission of a felony; to wit, the armed
17 robbery of the victim, Frank Johnson Jr.

18 2018-GS-25-00216 alleges, ladies and
19 gentlemen, that in Hampton County, South
20 Carolina on or about March 25th, 2018, the
21 Defendant Lorenzo Boles, did aid in the
22 commission of a felony; to wit, the murder of
23 Frank Johnson Jr.

24 Indictment 2018-GS-25-00215, ladies and
25 gentlemen, alleges that in Hampton County, South

1 Carolina on or about March 25th, 2018, the
2 Defendant Lorenzo Boles did aid in the
3 commission of a felony; to wit, the murder of
4 victim Lamekia M. Warren.

5 Ladies and gentlemen, in 2018-GS-25-00219,
6 it's alleged that in Hampton County, South
7 Carolina on or about March 25th, 2018, the
8 Defendant, Lorenzo Boles, did aid in the
9 commission of a felony; to wit, the murder of
10 Ghazi Duckett.

11 Does that cover all the indictments,
12 Solicitor?

13 MR. EVANS: Yes sir, I believe it does.

14 THE COURT: All right.

15 Now, folks, I want you to know right now
16 that these indictments, ladies and gentlemen,
17 are not proof or evidence, they're merely the
18 charging documents that bring this matter into
19 court, that's it. They are not evidence.
20 They're charging documents that bring the matter
21 in the court.

22 The Defendants in this matter have pled not
23 guilty and have requested a jury trial.

24 All right, now ladies and gentlemen, the
25 Defendants in this case are Tyrase Collins and

1 Lorenzo Boles, and what I would like to do is,
2 if I could have Mr. Collins and his attorney
3 stand, and if his attorney would introduce
4 himself, please?

5 MR. JOHNSON: Good morning, my name is
6 Charlie Johnson.

7 THE COURT: All right, thank you very much,
8 Mr. Johnson, and likewise Mr. Boles, if he could
9 stand with his attorney, and counsel if you
10 could introduce yourself, please.

11 MR. GIBBES: Good morning, my name is
12 Christopher Gibbes, and I represent Mr. Boles.

13 THE COURT: All right, thank you very much
14 Mr. Gibbes.

15 All right, is anyone on the jury panel
16 related by blood, connected by marriage or have
17 a close personal or business relationship or
18 connected in any fashion with Mr. Christopher
19 Gibbes or Mr. Charie Johnson, the lawyers in
20 this matter?

21 Anybody have any relationship with them,
22 ever been represented by them, friends with
23 them, related, any relationship with the lawyers
24 in this case at all?

25 If so, I need you to stand.

1 THE COURT: All right, thank you very much.

2 MR. EVANS: Judge?

3 THE COURT: Yes.

4 MR. EVANS: A gentleman in the back.

5 THE COURT: All right, come on up, sir.

6 Yes, sir. What's your juror number?

7 THE PROSPECTIVE JUROR: 149.

8 THE COURT: 149, yes, sir.

9 THE PROSPECTIVE JUROR: The defendants.

10 THE COURT: Okay, how about the Defendants?

11 THE PROSPECTIVE JUROR: Oh, yes.

12 THE COURT: Okay, all right. Well, let me
13 ask you this. The Defendants, how do you know
14 them? Are you related to them?

15 THE PROSPECTIVE JUROR: My girlfriend.

16 THE COURT: Your girlfriend is related to
17 who?

18 THE PROSPECTIVE JUROR: Both of them.

19 THE COURT: To both of them, all right.
20 Let me ask you this, do you socialize with
21 either one of these gentlemen or have in the
22 past?

23 THE PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: All right, let me ask you this,
25 the fact that you know both these defendants, is

1 that gonna affect your ability to be fair and
2 impartial in this case?

3 Are you gonna be able to set that aside and
4 to weigh the evidence in this case and the law
5 that I instruct and determine a verdict that's
6 fair to the State and regarding each one of the
7 Defendants?

8 Would you be able to do that, or do you
9 think it's gonna be difficult to do that in this
10 situation?

11 THE PROSPECTIVE JUROR: I don't think I can
12 do it.

13 THE COURT: So let me ask you this, as a
14 result of that, do you think it would be hard
15 for you to be fair and impartial, given the --

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: -- fact that you know both of
18 them?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. And that your girlfriend
21 is related to both of them?

22 THE PROSPECTIVE JUROR: I don't want to be
23 no part of it.

24 THE COURT: Well, I understand you don't
25 want to be a part of it, but what I want to know

1 is this, could you set aside, sir, the
2 relationship that you have with these gentlemen
3 and render a verdict that's fair to the State
4 and fair to the defense? That's what I need to
5 know.

6 THE PROSPECTIVE JUROR: Uh-huh.

7 THE COURT: And there is no right answer,
8 sir, or a wrong answer; either you can or you
9 can't, and like I said, there's not a right
10 answer or a wrong answer.

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: You don't think you can?

13 THE PROSPECTIVE JUROR: Honestly.

14 THE COURT: And what --

15 THE PROSPECTIVE JUROR: Honestly, no.

16 THE COURT: All right. You are excused.

17 All right, ladies and gentlemen, any member
18 of the jury panel related by marriage, connected
19 by blood, friends with or have any business
20 relationship with either one of the Defendants
21 in this case, Tyrase Collins and Lorenzo Boles?
22 Anybody related by blood, connected by marriage,
23 friends, acquaintances, have business dealings
24 with either one of the Defendants, Mr. Tyrase
25 Collins, or Lorenzo Boles?

1 If so, I need you to come see me.

2 (No indication).

3 THE COURT: All right. All right, any
4 member of the jury panel friends, business
5 associates, related by blood or marriage, have
6 any type of relationship with the victims in
7 this matter, Frank Johnson Jr. -- I'm sorry, Mr.
8 Duckett, what was --

9 MR. EVANS: Ghazi.

10 THE COURT: Ghazi Duckett, and was it Ms.
11 Warren?

12 MR. EVANS: Yes.

13 THE COURT: Lamekia Warren. Anybody
14 related by blood, connected by marriage, have
15 any type of relationship with any of those three
16 individuals, Frank Johnson Jr., Ms. Warren, and
17 I'm sorry, the first name escapes me.

18 MR. EVANS: Ghazi.

19 THE COURT: No, not Ghazi Duckett. And,
20 I'm sorry, Lamekia Warren.

21 If so, you need to come see me, okay.

22 THE COURT: Hold on one second, okay?
23 That's all right. All right, great, come on up.
24 Hi.

25 THE PROSPECTIVE JUROR: How are you doing,

1 Judge?

2 THE COURT: I'm doing great. What's your
3 juror number?

4 THE PROSPECTIVE JUROR: 357.

5 THE COURT: 357, yes ma'am. So is it one,
6 or more than one of these individuals that you
7 might know?

8 THE PROSPECTIVE JUROR: Frankie Johnson is
9 my first cousin.

10 THE COURT: Frankie Johnson is Frank
11 Johnson? All right, let me ask you this, ma'am.

12 THE PROSPECTIVE JUROR: Uh-huh.

13 THE COURT: The fact that Frankie Johnson
14 is your first cousin -- I think it would be
15 difficult for you to be a juror in this case and
16 be fair. It would probably make it impossible.

17 THE PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: I'm going to excuse you from
19 service as a juror in this case, it wouldn't be
20 fair, and it would make it impossible for you to
21 be fair and impartial.

22 I'm gonna excuse you from service in this
23 case, and, if you'll just go back and have a
24 seat, I'll give you some instructions about what
25 to do.

1 THE PROSPECTIVE JUROR: Thank you.

2 THE COURT: Ma'am, if there are any other
3 questions that come up, you don't need to come
4 up anymore, okay?

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: All right, great, thank you.
7 All right, folks, I want to let you know, if I
8 end up excusing you, if you come see me and I
9 end up excusing you from service on this jury,
10 then as we ask additional questions you don't
11 have to come up again, okay? Because sometimes
12 I'll say okay, I'm going to excuse you, and then
13 I'll ask another question and then you come up
14 again, no need. If I excuse you, you don't have
15 to come up again, okay. All right, yes ma'am.
16 Hey, ma'am.

17 THE PROSPECTIVE JUROR: Hi.

18 THE COURT: What is your juror number?

19 THE PROSPECTIVE JUROR: White.

20 THE COURT: Yes, ma'am.

21 Yes, ma'am, Ms. White. Tell me about it.
22 Was it Mr. Johnson?

23 THE PROSPECTIVE JUROR: Johnson.

24 THE COURT: Was it Mr. Johnson?

25 THE PROSPECTIVE JUROR: Yes.

1 THE COURT: You're related?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: What's the nature of your
4 relationship? Were you cousins? Are you an
5 uncle, or?

6 THE PROSPECTIVE JUROR: Cousins.

7 THE COURT: Cousins, okay. All right, let
8 me ask you this, the fact that is your cousin,
9 is that going to make it hard for you to be fair
10 and impartial in this case? Will you be able to
11 set that aside, and to go and to make a
12 decision, based on the facts of this case, using
13 the law as you're instructed on, or you're not
14 sure?

15 THE PROSPECTIVE JUROR: I'm not sure.

16 THE COURT: All right, I'm gonna excuse you
17 from service in this case, you can go have a
18 seat. You don't have to come back for any other
19 questions in this case, but I'll give you
20 instructions about the rest of the week, okay?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: All right, thank you, I'm gonna
23 excuse her.

24 MR. EVANS: What number was that?

25 THE COURT: 271.

1 MR. EVANS: 271.

2 THE COURT: Hey, ma'am.

3 THE PROSPECTIVE JUROR: How are you doing?

4 THE COURT: I'm doing great, you doing,
5 okay?

6 THE PROSPECTIVE JUROR: I'm fine.

7 THE COURT: Good. Hey, what's your number;
8 do you know? What's your number?

9 THE PROSPECTIVE JUROR: Ms. Davis.

10 THE COURT: Ms. Davis?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: All right, Ms. Davis, who is it
13 that you know?

14 THE PROSPECTIVE JUROR: Frankie Johnson.

15 THE COURT: Frankie?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: All right, let me ask you this,
18 the fact that Frankie Johnson is known to you,
19 is that going to affect your ability in this
20 case --

21 THE PROSPECTIVE JUROR: I'm not sure.

22 THE COURT: That's all I want, you to be
23 honest, and I can tell you, you were gonna be
24 when you walked up. I'm gonna excuse you from
25 service in this case.

1 THE PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: You can go back and have a
3 seat, and at the end of the morning, or as soon
4 as we finish, I'll give you some instructions
5 about the rest of the week. So I'm gonna excuse
6 you from the trial of this case, okay?

7 THE PROSPECTIVE JUROR: Thank you.

8 THE COURT: Thank you.

9 THE COURT: What's your name and number,
10 sir?

11 THE PROSPECTIVE JUROR: 184.

12 THE COURT: 184, yes, sir, is it Mr.
13 Duckett, or Ms. Warren, or all three of them, or
14 what?

15 THE PROSPECTIVE JUROR: Two of them.

16 THE COURT: Two of them, who do you know?

17 THE PROSPECTIVE JUROR: Warren and Johnson.

18 THE COURT: Let me ask you, what is the
19 relationship.

20 THE PROSPECTIVE JUROR: Close friends.

21 THE COURT: Close friends, okay, let me ask
22 you this, the fact that you are close friends
23 with Mr. Johnson and Ms. Warren, is that going
24 to make it difficult for you to be fair and
25 impartial in this case, sir?

1 THE PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: I would think so. All right,
3 what I'm gonna do is, I'm gonna excuse you from
4 service in this case, okay? And just go back
5 and have a seat, and we'll give you some
6 instructions about the rest of the week.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: Let's take a recess.

9 (Bench conference.)

10 THE COURT: All right, folks, what I've got
11 to know is, I'm gonna go through a list of
12 potential witnesses in this case. Now, I want
13 you to know something, there's 23 of them. Now,
14 don't think, oh, gosh, this trial's gonna take 3
15 weeks, there's 23 witnesses. Some of these
16 witnesses may be very short witnesses, some of
17 them may be longer witnesses, and some of them
18 may not even be called at all, okay?

19 This is a list of all of the potential
20 witnesses, and that's why we err on the side of
21 including them. So that's what I'm gonna go
22 through right now. I'm gonna go through these
23 names in groups of about 8. I'm gonna call the
24 names out, and so I'm just gonna ask you, if you
25 have any relationship with any of these

1 individuals. I'm gonna ask you to come forward,
2 so I can ask you and inquire about that, all
3 right? So the potential witnesses in this case,
4 it looks like Tinish Bryson-Smith with the
5 Hampton County Dispatch, Marty Clapp, 14th
6 Circuit Solicitor's Office, Rasheeda Collins.
7 Hampton County South Carolina, Viola Collins of
8 Hampton County South Carolina, Albert
9 Crittington of Florida, Gabrielle Denizard of
10 SLED, Michelle Eicheniller of SLED, Michelle
11 Eckenmiller of SLED. Gabrielle Denizard of
12 SLED, Albert Crittington of Florida, Viola
13 Collins of Hampton South Carolina, Rasheeda
14 Collins of Hampton South Carolina, Marty Clapp,
15 14th Circuit Solicitor's Office, Tinish Bryson-
16 Smith with the Hampton Dispatch.

17 Ladies and gentlemen, if you're connected
18 by blood, related by marriage, have any business
19 or personal relationship with any of these
20 individuals, I'd ask that you please come
21 forward.

22 COURT REPORTER: It's Eichenmiller.

23 THE COURT: Eichenmiller, excuse me,
24 Eichenmiller of SLED, Michelle Eichenmiller.

25 (No indication).

1 THE COURT: All right, ladies and
2 gentlemen, other potential witnesses in this
3 case Melissa Fields of Hampton County South
4 Carolina, Sarah Goodman Greenville County
5 Sherrif's Office, Ranaldo Hosendove, Hampton
6 South Carolina, Billy Jarrell retired from
7 Hampton County Sheriff's Office, Richard Johnson
8 of SLED, Stacey Loadholt, Hampton Police
9 Department, Laura Meyer, Hampton EMS, Anthony
10 Russell, Sherrif of Hampton County, Dr. Cynthia
11 Schandl, MUSC. So that's Dr. Cynthia Schandl,
12 Anthony Russell, Laura Meyer, Stacey Loadholt,
13 Richard Johnson, Billy Jarrell, Randaldo
14 Hosendove, Sarah Goodman, and Melissa Fields.
15 Folks, if you're related by blood, connected by
16 marriage, have any relationship, business
17 dealings, or otherwise, with any of these
18 individuals, I need you to come see me, please.
19 Hey ma'am, what's your number?

20 THE COURT: Let me ask you. Was it more or
21 more than one of these names.

22 THE PROSPECTIVE JUROR: Just one. Laura
23 Meyer.

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: I used to work EMS

1 with her.

2 THE COURT: How long ago did she leave EMS?

3 THE PROSPECTIVE JUROR: Five-plus years
4 ago.

5 THE COURT: The fact that you worked with
6 her on EMS over five, six years ago, can you be
7 fair and impartial in this case?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: All right, thank you. You can
10 stay with us.

11 You doing okay?

12 THE PROSPECTIVE JUROR: I am.

13 THE COURT: Good. Hey ma'am, what's your
14 name and number. I know you know your name.

15 So let me ask you this, was it one or more
16 than one of these names that I just called out.

17 THE PROSPECTIVE JUROR: One.

18 THE COURT: Right there, Mr. Russell?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay, so let me ask you, how is
21 it that you know the Sheriff?

22 THE PROSPECTIVE JUROR: That's my uncle.

23 THE COURT: That's your uncle?

24 THE PROSPECTIVE JUROR: Uh-huh.

25 THE COURT: Okay, and so let me ask you

1 this, ma'am, the fact the Sheriff is your uncle,
2 would you be able to put aside that
3 relationship, and listen to the evidence in this
4 case, the evidence that's presented, and the law
5 that I instruct you, and bring back a verdict
6 that's fair, fair to the State, and fair to the
7 defense? That's what I want to know.

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: You look like -- you have a
10 look on your face like maybe that would be
11 difficult for you to do. You know there is not
12 a right answer, or a wrong answer, I just want a
13 truthful response.

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: So, yes, what? You can be fair
16 and impartial?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay, great, you can stay with
19 us. Thank you.

20 All right, ladies and gentlemen, a few more
21 names. Samuel Shepard, Hampton South Carolina.
22 You'all can just stay right here. Michael
23 Smith, Hampton County Sheriff's Office, Nicklaus
24 Sprouse with SLED, Chauncey Solomon, Edisto
25 Police Department, Aaron Stokes, Hampton South

1 Carolina, Courtney Thompson with SLED, and it's
2 a Khadajah Williams, of Hampton South Carolina.
3 So, that's Khadajah Williams, Courtney Thompson,
4 Aaron Stokes, Chauncey Solomon, Nicklaus
5 Sprouse, Michael Smith, Samuel Shepard. Anybody
6 related by blood, connected by marriage, have
7 any relationship, business or otherwise,
8 personal, with these individuals?

9 (No indication.)

10 THE COURT: All right great, thank you.
11 All right, ladies and gentlemen, I've got a few
12 more questions for you, and, again, ladies and
13 gentlemen, I hope you understand the importance
14 of the matters and the situations that we're
15 dealing with here, and so I appreciate your
16 patience as we go through these very important
17 questions that I need to ask.

18 So what I want to do is, ladies and
19 gentlemen, I'm probably going to ask one or two
20 questions, and that way if either one or both
21 are going to apply, you can come up. I wouldn't
22 necessarily single anyone out as I ask these
23 questions. So, ladies and gentlemen, let me ask
24 you this, I'd ask any member of the jury panel,
25 have they ever been a victim of a violent crime,

1 or has anyone close to them been a victim of a
2 violent crime, okay? So, ladies and gentlemen,
3 if you, or someone close to you has been the
4 victim of a violent crime, I'm gonna need you to
5 come forward. Hold on one second.

6 I'd also ask if you'd please come forward,
7 if you, or someone close to you works, works, or
8 has worked in law enforcement, ladies and
9 gentlemen. So, law enforcement, present or
10 past, you or someone close to you been a victim
11 of a violent crime, I need you to come forward
12 and see me, please.

13 THE COURT: Yes, sir, number?

14 THE PROSPECTIVE JUROR: 346.

15 THE COURT: 246?

16 THE PROSPECTIVE JUROR: 346.

17 THE COURT: 346, yes, sir.

18 THE PROSPECTIVE JUROR: My mom used to work
19 for SLED.

20 THE COURT: Your mom used to work for SLED?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay, well, let me ask you
23 this, the fact that your mom used to work for
24 SLED is that going to affect your ability to be
25 fair and impartial in this case?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: No, sir? Okay, great, thank
3 you very much.

4 Hey, ma'am, yes, ma'am?

5 THE PROSPECTIVE JUROR: I'm juror --

6 THE COURT: What's your number?

7 THE PROSPECTIVE JUROR: -- 266.

8 THE COURT: Yes, ma'am.

9 THE PROSPECTIVE JUROR: My husband is a
10 police officer.

11 THE COURT: He's a police officer? Where
12 is he a police officer?

13 THE PROSPECTIVE JUROR: He works in
14 Richland, but he used to work at Hampton.

15 THE COURT: He used to work with you in
16 Hampton, but he now works for Richland?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: All right, has he ever been
19 employed with Hampton?

20 THE PROSPECTIVE JUROR: Well, --

21 THE COURT: Yeah, but not Hampton County?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Okay. Because this case was
24 investigated by Hampton County, in Varnville,
25 but he has not worked for Varnville, right?

1 THE PROSPECTIVE JUROR: No, sir.

2 THE COURT: All right, let me ask you this,
3 the fact that your husband is involved in law
4 enforcement, is that going to affect your
5 ability to be fair and impartial in this case,
6 ma'am?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: All right, thank you, please
9 stay with us.

10 Hey, ma'am, come on up.

11 Okay. Yes, ma'am. Let me ask you, how
12 long ago did that happen?

13 THE PROSPECTIVE JUROR: About five months.

14 THE COURT: Bout five months. Are there
15 charges presently pending on that matter?

16 THE PROSPECTIVE JUROR: Uh-huh.

17 THE COURT: Here in Hampton County?

18 THE PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: All right. Let me ask you this
20 ma'am, the fact that your son was the victim of
21 a gun crime, is that going to affect your
22 ability in this case to be fair and impartial?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: I would think so. What I'm
25 gonna do is I'm gonna -- and that's fine, you

1 bring you're bringing your life experiences.
2 I'm gonna excuse her from service this week on
3 this case. If you'll just have a seat, I'll
4 give you instructions, okay?

5 THE PROSPECTIVE JUROR: My aunt works for
6 the Hampton Police Department, and my father was
7 a police officer.

8 THE COURT: So would your father have been
9 employed with the Hampton County Police
10 Department in 2018?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: What was the nature of his job?
13 What did he do?

14 THE PROSPECTIVE JUROR: Officer.

15 THE COURT: The Sheriff or the police?

16 THE PROSPECTIVE JUROR: Police.

17 THE COURT: Let me ask you this, the fact
18 that you have a father who used to be employed
19 with the Hampton Police Department, is that
20 going to affect your ability to be fair and
21 impartial in this case, sir?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: Hey, sir, yes, sir?

24 THE PROSPECTIVE JUROR: 482.

25 THE COURT: Yes, sir, yes, tell me about

1 it.

2 THE PROSPECTIVE JUROR: I was the victim of
3 a crime.

4 THE COURT: A violent crime? Okay, when
5 did that happen, sir?

6 THE PROSPECTIVE JUROR: Years ago.

7 THE COURT: Okay. Well, sir, let me ask
8 you this, is that gonna affect your ability to
9 be fair and impartial in this case?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: It will?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: All right, then I'm gonna
14 excuse you, sir. Thank you.

15 CLERK: 182?

16 THE COURT: All right, well, let me ask
17 this then, the fact that you had a friend who
18 was shot?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: All right. In 2020 is that
21 going to affect your ability to be fair and
22 partial in this case, be able to set that aside,
23 listen to the facts in this case, the law as I
24 instruct you, and bring back a verdict that's
25 fair to the State and fair to the defense?

1 That's what I want to know.

2 THE PROSPECTIVE JUROR: I'm not sure.

3 THE COURT: All right, well, let me ask you
4 this, try your best means you're not sure you
5 can; and what happens is there's no right or
6 wrong answer, not you might, but either you can
7 be, and you're going to be, or you're not sure.
8 You see what I'm saying? And I kind of just --
9 I've got to put you on the spot. Like I said,
10 there's not a right answer or a wrong answer,
11 but I've got to know. It's either, Judge, I can
12 be, or I'm not sure.

13 THE PROSPECTIVE JUROR: I don't think I
14 can.

15 THE COURT: All right, have a seat, I'll
16 give you instructions about the rest of the
17 week, okay?

18 CLERK: 214.

19 THE CLERK: Are you excusing her, Judge?

20 THE COURT: Yeah.

21 COURT REPORTER: Yes, 214.

22 THE COURT: Hey, sir, yes, sir, what's your
23 name and number?

24 THE PROSPECTIVE JUROR: My name is
25 Donovan, my number's 67.

1 THE COURT: Yeah, Mr. Donovan, what's up?

2 THE PROSPECTIVE JUROR: My wife worked for
3 the sheriff's office.

4 THE COURT: Uh-huh.

5 All right. So let me ask you this, what
6 was her job as a -- when she worked for the
7 Sheriff's Department?

8 THE PROSPECTIVE JUROR: She was an SRO.

9 THE COURT: Okay.

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: So, in 2018 would she have been
12 an SRO Officer?

13 THE PROSPECTIVE JUROR: Correct.

14 THE COURT: All right. Let me ask you
15 this, sir, the fact that your wife was employed
16 with the Hampton County Sheriff's Office, is now
17 employed at the Colleton County Sheriff's
18 Office --

19 THE PROSPECTIVE JUROR: Right.

20 THE COURT: -- is that gonna affect your
21 ability to be fair and impartial in this case,
22 sir?

23 THE PROSPECTIVE JUROR: No, sir.

24 THE COURT: All right, thank you, and you?

25 THE PROSPECTIVE JUROR: My husband was the

1 victim of a crime.

2 THE COURT: '97?

3 THE PROSPECTIVE JUROR: '96.

4 THE COURT: In '96? All right. Let me ask
5 you this then, as the fact that your husband was
6 a victim of a violent crime back in 1996, let me
7 ask you, all right, is that going to affect your
8 ability to be fair and impartial in this case?
9 Are you able to set that aside and listen to the
10 facts that I give you and the law -- excuse me,
11 the facts that you hear from the evidence, the
12 law that I will instruct you on, and bring back
13 a verdict that's fair, fair to the State and
14 fair to the defense? That's what I want to
15 know. Will you be able to do that?

16 THE PROSPECTIVE JUROR: I don't think so.

17 THE COURT: I'll excuse you, okay?

18 THE PROSPECTIVE JUROR: Thank you.

19 THE COURT: No problem.

20 THE PROSPECTIVE JUROR: Okay, thank you.

21 THE COURT: All right, so, ladies and
22 gentlemen, let me ask you, this case arose about
23 a matter that allegedly occurred March 25th,
24 2018. What was the address Solicitor?

25 MR. EVANS: [REDACTED] Lane in

1 Varnville.

2 THE COURT: [REDACTED] Lane in Varnville.

3 Any member of the jury panel read anything,
4 heard anything about this case, know anything
5 about the facts, or what the supposed facts of
6 this case might be, have heard anything on the
7 Internet, TV, radio, blogs, anything about this
8 case?

9 If so, I need you to stand.

10 (No indication).

11 THE COURT: All right, thank you. Anybody
12 got any bias or prejudice for the State or for
13 the defense in this matter?

14 If so, please stand.

15 (No indication.)

16 THE COURT: Let me ask you, any member of
17 the jury panel contribute to any groups such as
18 MADD, SADD, CAVE, any victim's rights groups, or
19 police advocacy groups? I couldn't spit that
20 out on Monday, I apologize.

21 So anybody contribute to any of those
22 groups or are members to any of those groups, I
23 need you to stand for me.

24 (No indication).

25 THE COURT: All right, thank you.

1 Hold on one second, ladies and gentlemen.
2 Any member of the jury panel ever been a witness
3 in a criminal trial?

4 If so, I need you to stand.

5 (No indication).

6 THE COURT: I think I just asked if anybody
7 heard or read anything about this case before
8 today, I need you to stand.

9 (No indication.)

10 THE COURT: Any member of the jury panel
11 ever been charged with a crime, but not
12 convicted?

13 If so, please stand.

14 (No indication.)

15 THE COURT: Any member of the jury panel
16 ever served on a jury panel before? I'd also
17 ask, has any member of the jury panel ever
18 served on a jury panel before?

19 If so, I need you to stand.

20 (No indication).

21 THE COURT: And, finally, I want to ask one
22 other question. Come on up, please. I want to
23 ask one other question. Any member of the jury
24 panel inclined to think that a person is guilty
25 of a crime simply because they were arrested?

1 Is there anybody out there who thinks that a
2 person is guilty of a crime simply because they
3 If so, I need you to come see me.

4 THE COURT: Yeah. Hey, ma'am. Yes, ma'am?

5 All right, Mr. Johnson, you got any other
6 questions? Does that cover it?

7 MR. JOHNSON: It does, Judge.

8 THE COURT: So, we're good on that?

9 MR. JOHNSON: We're good.

10 THE COURT: All right Mr. Gibbes, do you
11 have any other questions?

12 MR. GIBBES: No, sir.

13 THE COURT: All right, Solicitor, do you
14 have any other questions?

15 MR. EVANS: No, sir.

16 THE COURT: All right, so let me ask you
17 right now, as it relates to the jury on the
18 qualifications and the questions I've asked, any
19 objection to anything that I've done as it
20 relates to that?

21 MR. EVANS: No.

22 THE COURT: Okay, and I know you had
23 something you wanted to put on the record about
24 the indictment. We'll get to that later.

25 All right, we'll go ahead and do that.

1 That's not gonna stop the show today. All
2 right, so what I'm getting at is, I guess the
3 panel is qualified, and can serve, so I'm gonna
4 have them come back probably at 3:30 okay.

5 All right, ladies and gentlemen, there's
6 been another group that's been waiting since 11
7 o'clock. What I will tell you is, I find the panel
8 qualified. For those of you who I've excused from
9 this trial, what I will tell you is, if you've been
10 excused, then you do not have to come back at 3:30.
11 If you have not been excused, which the vast
12 majority of you have not been excused, I'm gonna
13 need you to come back at 3:30, and I'm just gonna
14 tell you what's gonna happen right now. I'm gonna
15 qualify the next group. I'm gonna tell them to come
16 back at 3:30, and then, basically, we're gonna
17 choose some names.

18 Now, when you report back, if your name's on the
19 list, you're gonna come on into the court room. If
20 not, you can go home, and I want you to call back
21 tonight after 6 o'clock. You got them a jury
22 information card?

23 CLERK: It was sent with their package.

24 THE COURT: All right, you should have the
25 number. What's the number Madam Clerk?

1 CLERK: 914-2257.

2 THE COURT: 914-2257, okay. You should
3 have a -- they should have sent that to you, all
4 right, but unless you've been excused, I need
5 you to be back here at 3:30, okay? So, I'll see
6 everybody back at 3:30, except for those of you
7 who I've excused from the trial of this case.
8 Thank you.

9 (Jury panel exits the courtroom.)

10 THE COURT: All right. All right, counsel.

11 MR. EVANS: Yes, sir.

12 THE COURT: Counsel, let me just -- we got
13 here a little late today. I've think we've got
14 about 64 or five, we've actually had a pretty
15 good turnout for Hampton with this crowd, also I
16 had a lot of people who wanted to be
17 transferred, released, for whatever reason, and
18 so that took a little extra time. We have
19 another panel here. I don't see why we don't go
20 ahead. Let's go ahead and bring them in. The
21 problem is, if I let these people come back at
22 3:30, I've got 65. Three or four people will
23 come in late, or not make it, let's face it.
24 The chances of everybody coming back, I'd be
25 surprised, who knows. Okay, so let's go ahead

1 and qualify this jury.

2 I'll try to move forward as quickly as I
3 can, and to that extent, then we'll have all the
4 names, and we'll have them pull probably 60 or
5 65 names, however many we need for the math,
6 we'll have enough. And then what we'll do is,
7 at 3:30, whoever those names are, they'll have
8 the list, they'll let those people into the
9 courtroom, and then at that point we can begin
10 the striking of the jury.

11 Mr. Johnson, is that satisfactory sir?

12 MR. JOHNSON: It's fine with me, Your
13 Honor.

14 THE COURT: Mr. Gibbes, is that okay?

15 MR. GIBBES: Yes, sir.

16 THE COURT: Solicitor?

17 MR. EVANS: Yes, sir. May I retrieve the
18 indictments while they're in process?

19 THE COURT: Sure, you can.

20 MR. EVANS: Thank you.

21 THE COURT: All right, let's go ahead and
22 get the other jury in here. You'all need to
23 take a break? You need to use the restroom?

24 (Recess)

25 THE COURT: All right, ladies and

1 gentlemen, I thank you for your patience, and I
2 want to know right now, we're dealing with
3 important matters, and this is not like TV, and
4 this is not for entertainment, and I will tell
5 you, we don't have the ability just to cut a
6 scene and refilm it, and I've got to try, and
7 the lawyer try, we've got to make sure we do
8 everything right, because we only got one chance
9 to deal with this, and so I appreciate it.
10 We're gonna move forward as quickly as possible.
11 My name's Bobby Bonds, I live over in
12 Walterboro.

13 I'm a resident Judge in the 14th Circuit,
14 that's Colleton, Hampton, Allendale, Jasper, and
15 Beaufort County. I've been assigned to preside
16 over criminal court here this week in Hampton.
17 Now, I want to let you know right off the bat,
18 this case may very well bleed over into next
19 week, bear with me, Monday or Tuesday, okay?
20 Let me tell you why. It's not that this case is
21 gonna be extraordinarily long, but Tuesday,
22 tomorrow, there's a matter that requires me to
23 be at a hearing in Columbia, and as a result, we
24 will not have court tomorrow. In addition,
25 Friday, as many of you may know, is a holiday,

1 Veterans Day, and thank you for those who have
2 served, and so to that extent I don't believe
3 we'll be working on Friday; and so as a result,
4 you can see it may be this case bleeds over
5 Monday or Tuesday of next week. I want to let
6 you know that right now, okay?

7 So, I apologize for the late start. We'll
8 move as quickly as we can. I promise you; I
9 know it's a sacrifice being here. There are a
10 million places you'd rather be than being here
11 this morning, but the first thing that's gonna
12 happen is, the Clerk's gonna call the role, and
13 I'm gonna turn that over to her. If you'd swear
14 the jury in, and call the role for me Ms.
15 Nettles, I thank you very much.

16 CLERK: Would you stand and raise your
17 right hand, please? Do you affirm that the
18 answers that you give the Court today will be
19 the truth, the whole truth, and nothing but the
20 truth, so help you God?

21 THE PROSPECTIVE JURY PANEL: Yes.

22 (Clerk asks questions about occupation,
23 etc.)

24 THE COURT: 99? 199, thank you all so
25 much. So as it relates to these initial

1 questions that you'all have already sat through,
2 you'all don't have to answer any of those.
3 We'll get to the questions about this particular
4 case in just a little bit, okay? Thank you so
5 much.

6 THE COURT: All right, Madam Clerk, thank
7 you very much. All right, ladies and gentlemen,
8 I now have certain questions to ask you to
9 determine your qualifications as jurors in this
10 court. These questions determine your general
11 eligibility to serve. The state law requires
12 that I ask these questions. And I will tell you
13 that some of these questions may be personal,
14 and you may not want to disclose the information
15 openly in the presence of your fellow jurors.
16 After each question, ladies and gentlemen, if
17 any juror needs to respond, I'm gonna ask you to
18 stand.

19 If you do not want to stand, that is fine,
20 at the end of the process I'll give you a chance
21 to come forward and speak privately with me and
22 the Clerk. We don't want any of you to suffer
23 any embarrassment. So, if you don't want to
24 stand, make a mental note and remember to come
25 forward at the end, when I ask you to do so.

1 It's important that we receive accurate
2 information. So here are the questions
3 basically regarding the qualifications as
4 jurors.

5 So the first question, any member of the
6 jury panel not a citizen of the United States?

7 If so, please stand.

8 (No indication.)

9 THE COURT: Any member of the jury panel
10 not a citizen and resident of Hampton County,
11 South Carolina?

12 If so, please stand.

13 (No indication.)

14 THE COURT: Is any member of the jury panel
15 unable to read, write, speak or understand the
16 English language?

17 If so, please stand.

18 (No indication.)

19 THE COURT: Does any member of the jury
20 panel have less than a sixth-grade education or
21 its equivalent?

22 If so, please stand.

23 (No indication.)

24 THE COURT: Is any member of the jury panel
25 unable because of mental or physical infirmities

1 to render efficient jury service?

2 If so, please stand.

3 (No indication.)

4 THE COURT: Has any member of the jury
5 panel been convicted by guilty plea or trial in
6 a state or federal court of record of a crime
7 punishable by imprisonment for more than one
8 year, and your civil rights have not been
9 restored by pardon or amnesty? Now, folks,
10 punishable by one year means that you could have
11 received a sentence of more than one year
12 regardless of what sentence you may have
13 actually received.

14 So if that applies to you, I'd ask that you
15 please stand and come see me. Does that apply
16 to anybody? Hey, ma'am, come on around here.
17 What's your name?

18 THE PROSPECTIVE JUROR: McNair.

19 THE COURT: McNair?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: And what's your juror number?
22 Do you know it, Ms. McNair?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: That's all right. So, McNair,
25 yes, ma'am, have you been convicted of a crime?

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: What crime?

3 THE PROSPECTIVE JUROR: Shoplifting three
4 times.

5 THE COURT: Shoplifting three times, okay.

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: All right.

8 All right, and that's all right. You're
9 gonna be excused from service, okay? You're not
10 gonna be eligible. She's been convicted of
11 shoplifting multiple times, and the charges are
12 in Colleton.

13 THE COURT: All right, any member of the
14 jury panel a clerk or deputy clerk of court,
15 constable, sheriff, or other commissioned law
16 enforcement officer, probate judge, county
17 commissioner, magistrate or other county
18 officer, or employed within the walls of any
19 courthouse?

20 If so, please stand.

21 THE COURT: Come on up. Yes, sir, what's
22 your name and juror number?

23 THE PROSPECTIVE JUROR: Robinson.

24 THE COURT: Mr. Robinson, that's all right.
25 Yes, sir, Mr. Robinson?

1 THE PROSPECTIVE JUROR: Law enforcement.

2 THE COURT: And so, do you work for the
3 Sheriff's Department?

4 THE PROSPECTIVE JUROR: No, sir.

5 THE COURT: Yeah, but you have a relative
6 who does?

7 THE PROSPECTIVE JUROR: No, my brother
8 does.

9 THE COURT: Your brother works --

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: -- for the Sheriff's
12 Department?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: All right, well, we'll get to
15 that in just a minute, okay?

16 THE PROSPECTIVE JUROR: All right.

17 THE COURT: Thank you very much.

18 All right, any member of the jury panel who
19 has previously served on jury duty in circuit
20 court, that's not city court, magistrate's
21 court, and that's not federal court, but circuit
22 court. If you've served on circuit court during
23 this calendar year, 2023, I need you to come see
24 me. Has anybody basically been, for all
25 practical purposes, it would have been in this

1 courtroom sometime this calendar year, and
2 served as a juror?

3 (No indication.)

4 THE COURT: All right, has any member of
5 the jury panel served as a member of the Hampton
6 County Grand Jury during the past several years?

7 If so, please stand.

8 THE COURT: Come on up. And if you say, I
9 don't know what a Grand Jury is, believe me, if
10 you served on it, you know it. It's a year-long
11 commitment, it involves coming multiple times to
12 court. You'd know if you were on the Grand
13 Jury. Yes, ma'am?

14 All right, what is your name?

15 THE PROSPECTIVE JUROR: Wright.

16 THE COURT: Ms. Wright?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: All right, when did you serve
19 on the Grand Jury; do you know?

20 THE PROSPECTIVE JUROR: 2016.

21 THE COURT: 2016?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: All right, ma'am. What happens
24 is this, you say 2016. You'll stay with us,
25 okay?

1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: Thank you.

3 All right, ladies and gentlemen, we're now
4 going to move to jury exemptions. State law
5 provides for several exemptions to jury service.
6 An exemption does not mean that you're not
7 qualified to serve, folks, it simply means you
8 have a right to say, I choose not to serve.

9 The first one, very easy, if you are 65-
10 years-old, you'll want to stand and admit it,
11 and I used to think 65 was old, all right, and,
12 folks, you don't want to serve, 65 and you don't
13 want to serve, if you're 65 and you want to
14 serve, we want you here, but if you're 65, and
15 you'd rather be someplace else, you've just got
16 to stand and tell me right now.

17 (No indication.)

18 THE COURT: All right, just like the
19 younger folks that were here earlier this
20 morning, everybody is young people here today, I
21 like that, all right.

22 All right, another exemption concerns prior
23 jury service. No person is required to serve as
24 a juror more often than once every three
25 calendar years. Therefore, if any member of the

1 jury panel has served on jury duty during the
2 last two calendar years, you may be exempt from
3 service this week, if you choose to be exempted.
4 Please note this exemption does not apply,
5 again, to magistrate's court, city court or
6 federal court.

7 Is there anybody that has served as a juror
8 in the past three years in circuit court, and
9 you want to be excused, you come see me.

10 (No indication).

11 THE COURT: All right, thank you. Persons
12 who have served as grand jurors in the last five
13 calendar years may also be exempt from jury
14 service. If any member of the jury panel has
15 served on a grand jury during the last five
16 calendar years, you may be exempt from service,
17 you may choose to do so, but, ma'am, that's more
18 than five calendar years as I see it, okay? So
19 that would not apply to you, sorry.

20 All right, the next question deals with
21 those of you who have legal custody of young
22 children, and I ask that you listen carefully,
23 because there are several parts to this
24 question, all of them have got to apply to you,
25 for you to be able to claim this exemption.

1 Ladies and gentlemen, you may be exempted from
2 jury service, if you have a child under the age
3 of seven years, you have legal custody of your
4 child or children, you have the principal care,
5 custody and control of your child or children,
6 and you're unable to make arrangements for the
7 adequate care of your child or children while
8 performing jury duty. If all of these
9 requirements apply to you, then you may be
10 exempted on this basis.

11 If this exemption applies to you, and you
12 wish to be exempted, please stand.

13 (No indication.)

14 THE COURT: All right, ladies and
15 gentlemen, if you're the primary caretaker of a
16 person 65-years-old or older, and you're unable
17 to provide adequate care for this person while
18 performing jury service, you may be exempt from
19 jury duty.

20 If this exemption applies to you and you
21 wish to be exempted, again, I'd ask you to
22 please stand. Come on up. Yes, ma'am.

23 THE COURT: Hi. Yeah, what's your name?

24 THE PROSPECTIVE JUROR: Gardner.

25 THE COURT: Ms. Gardner?

1 THE PROSPECTIVE JUROR: Uh-huh.

2 THE COURT: Yes, ma'am, Ms. Gardner?

3 THE PROSPECTIVE JUROR: My husband. I'm
4 his primary caretaker.

5 THE COURT: Okay, and so where is he? Is
6 he at the V.A., or how does that --

7 THE PROSPECTIVE JUROR: Yeah, you know him?

8 THE COURT: Yes, he's a great guy. All
9 right, well, ma'am, I'm gonna just tell you, I
10 don't know that that's going to allow you to be
11 exempted --

12 THE PROSPECTIVE JUROR: Right.

13 THE COURT: -- from jury service, however,
14 I can transfer you to another term, but I'm not
15 gonna be able to excuse you from service. So,
16 what I'm saying is, if you want to be
17 transferred to another term, I could transfer
18 you to another term, but I can't say that if
19 you're working, you're not going to be able
20 to --

21 THE PROSPECTIVE JUROR: Okay.

22 THE COURT: Do you want to transfer?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Okay. All right, she'll remain
25 with us, thank you.

1 CLERK: 397.

2 THE COURT: All right, ladies and
3 gentlemen, if you're the primary caretaker of a
4 severely disabled person, who's unable to care
5 for himself or herself, and cannot be left
6 unattended and you're unable to provide for the
7 adequate care of the person while performing
8 jury service, you may be exempt from jury duty.

9 If this exemption applies to you and you
10 wish to be exempted, I'd ask that you come see
11 me.

12 (No indication.)

13 THE COURT: All right, ladies and
14 gentlemen, the next exemption involves those of
15 you who may be attending school at this time or
16 working in some capacity with a school. If this
17 exemption applies to you and you wish to be
18 exempted, we'll transfer you service to another
19 term of court at a time that does not conflict
20 with your school responsibilities. So, ladies
21 and gentlemen, is there any member of the jury
22 panel who is a full-time student, schoolteacher,
23 school crossing guard, school bus driver, or who
24 serves in any other school-related function,
25 who's unable to serve on jury duty this week, as

1 a result of that school involvement?

2 If so, please stand. Come on up. Hey,
3 ma'am, what's your name?

4 THE PROSPECTIVE JUROR: Lawson.

5 THE COURT: Yes, ma'am, Ms. Lawson?

6 THE PROSPECTIVE JUROR: I work for school
7 system.

8 THE COURT: Okay, so let me ask you this,
9 so I'll transfer you to another week, but the
10 fact that you -- because that's year-round,
11 right?

12 THE PROSPECTIVE JUROR: (Indicates
13 affirmative response.)

14 THE COURT: Yes?

15 THE PROSPECTIVE JUROR: Uh-huh.

16 THE COURT: You've got to answer out loud.

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: All right, so I mean you can
19 serve now, or I'll have you come back in
20 January. What you want to do?

21 THE PROSPECTIVE JUROR: I'll stay.

22 THE COURT: All right, great, she'll remain
23 with us. Thank you.

24 THE PROSPECTIVE JUROR: Uh-huh.

25 THE COURT: All right, is there any member

1 of the jury panel who's employed with the
2 Department of Corrections at a penitentiary.

3 If so, and you'd like to be exempted,
4 please stand.

5 All right, ladies and gentlemen, is there
6 any member of the jury panel who performs
7 services for a business, commercial or
8 agricultural enterprise, which are so essential
9 to the operation of the enterprise, that if you
10 are required to perform jury duty, the
11 enterprise would have to close the outfit or
12 stop functioning. If so, and you wish to be
13 exempted, you can certainly come and see me, and
14 we'll decide what we might be able to do.

15 If that applies to you, please come see me.
16 Madam Clerk, have you got something else?

17 CLERK: 345.

18 THE COURT: Hey, sir, what was your name?

19 THE PROSPECTIVE JUROR: Crosby.

20 THE COURT: What was your last name?

21 THE PROSPECTIVE JUROR: Crosby.

22 THE COURT: Crosby. Okay, so, Mr. Crosby,
23 yes, sir?

24 THE PROSPECTIVE JUROR: I would like to
25 transfer.

1 THE COURT: How about January 8th, is that
2 good? Will that get you past your busy season,
3 right?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: All right, well, we'll see you
6 January 8th, okay?

7 THE PROSPECTIVE JUROR: Thank you.

8 THE COURT: Yes, sir. You've got him,
9 Madam Clerk?

10 COURT REPORTER: What was his number?

11 THE CLERK. 353.

12 THE COURT: Thank you.

13 All right, ladies and gentlemen, which
14 concludes the statutory list of qualifications
15 and exemptions for jury service. It may be that
16 you're qualified, and no exemption applies to
17 you, but jury service this week would constitute
18 an extreme hardship on you for a particular
19 reason. I cannot permanently excuse a qualified
20 juror, but under extreme and compelling
21 circumstances I may excuse a juror from this
22 term of court, and transfer a juror to another
23 term of court, particularly, jurors who have not
24 been previously transferred. Please understand
25 that general inconvenience is not a sufficient

1 reason to transfer you to another term of court.
2 This just be some type of extreme hardship.

3 All right and let me tell you what that
4 means. What that means is this, okay? You've
5 got a doctor's appointment that you waited three
6 months for that's supposed to be on Wednesday,
7 because I've sat jurors, no, they don't have
8 anything, no problems, they don't need to be
9 continued or transferred, and then we get a
10 jury, the next thing the juror is saying, "Well,
11 you know, Wednesday morning I have a doctor's
12 appointment," all right. I know how hard it is
13 sometimes to get a doctor's appointment, all
14 right?

15 So, if there's a doctor's appointment,
16 you've got a cruise planned because it's your
17 10th anniversary, and you're gonna be leaving,
18 okay, on Thursday, well, that would be an
19 example, okay? You've got somebody who is ill,
20 or who has recently passed away, and there's a
21 funeral, or a wake, whatever, so that's an
22 example, okay? Those are just some examples,
23 there's gonna be plenty of others, but if you've
24 got some type of hardship, why this week and
25 perhaps the very first of next week, I already

1 told you about that, the case could bleed over a
2 little bit, so if you've got some extreme
3 hardship, I'm happy to hear from you. And, in
4 addition, ladies and gentlemen, now is the
5 chance for those of you who did not respond
6 earlier to any questions that I asked, and those
7 of you who have a compelling request to be
8 transferred to another term of court, I'd ask
9 that you now please come forward. If you
10 believe for any reason that you're disqualified
11 or exempt from jury service, I'd ask that you
12 please come and see me at this time.

13 THE COURT: Yes, sir. Hey, yes, ma'am,
14 what was your name?

15 THE PROSPECTIVE JUROR: Johnson.

16 THE COURT: Yes, ma'am, Ms. Johnson, what's
17 up?

18 THE PROSPECTIVE JUROR: I would like to be
19 transferred.

20 THE COURT: Uh-huh.

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay. Well, let me ask you
23 this, have you been transferred before?

24 THE PROSPECTIVE JUROR: Uh-uh.

25 THE COURT: No? I don't know that I can

1 excuse you from service. I don't know if
2 another week is going to be better. Would
3 another week be better?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: All right, we'll transfer you
6 to January 8th, okay?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Thank you very much. We'll
9 transfer her to January 8th.

10 CLERK: What's her name?

11 THE COURT: Ms. Johnson, right?

12 THE PROSPECTIVE JUROR: Uh-huh.

13 THE COURT: Ms. Johnson. Thank you very
14 much.

15 (Bench conference.)

16 THE COURT: All right, Solicitor, you can
17 call your case, sir.

18 MR. EVANS: Thank you, Your Honor, the
19 State's ready, Indictment Numbers 2018-GS-25-
20 00130, 131, 132, 133 and 134, which is the State
21 of South Carolina against Tyrase Akil Collins,
22 as well as Indictment Numbers 2018-GS-25-00215,
23 216, 218 and 219, which is the State of South
24 Carolina against Lorenzo Boles. Charges against
25 Mr. Collins are possession of a weapon during

1 the commission of a violent crime, and that is
2 Indictment 130, number 131 is armed robbery.
3 132 is the murder of Frank Johnson, Jr., 133 the
4 murder of Ghazi A. Duckett, and 134, the murder
5 of Lamekia Warren, and that's the State of South
6 Carolina v. Tyrase Collins, State of South
7 Carolina v. Lorenzo Boles.

8 Indictment 215 is accessory before the
9 facts, and the murder of Lamekia Warren.
10 Indictment 18 at 216 is accessory before the
11 facts of the murder of Frank Johnson, Indictment
12 18 at 218 is accessory before the facts to the
13 armed robbery of Frank Johnson, and Indictment
14 18 at 219 is accessory before the facts to the
15 murder of Ghazi Duckett; and may I pass up the
16 indictments?

17 THE COURT: Yes, sir, please. All right,
18 ladies and gentlemen, we're about to begin the
19 trial of the case of the State of South Carolina
20 against Tyrase Collins and Lorenzo Boles. Now,
21 ladies and gentlemen, the indictments in these
22 cases are as follows: Indictment 2018-GS-25-
23 00130 alleges that in Hampton County, South
24 Carolina, on or about March 25th, 2018, the
25 Defendant, Tyrase Akil Collins did possess a

1 firearm, visibly displayed what appeared to be a
2 firearm during the commission of a violent
3 crime. Ladies and gentlemen, it's alleged in
4 Indictment 2018-GS-25-00131 that in Hampton
5 County, South Carolina, on or about March 25th,
6 2018, the Defendant, Tyrase Akil Collins, while
7 at [REDACTED] Lane did commit robbery while
8 armed with a pistol, dirk, sling shot, metal
9 knuckles, razor, or other deadly weapon while
10 alleging either by action or words, that he was
11 armed while using a representation of a deadly
12 weapon or any object, which a person present
13 during the commission of a robbery reasonably
14 believed to be a deadly weapon, did take away
15 the goods, moneys, from the person or immediate
16 presence of Frank Johnson Jr. and Ghazi A.
17 Duckett.

18 Ladies and gentlemen, Indictment 2018-GS-
19 2500132 alleges that in Hampton County, South
20 Carolina, on or about March 25th, 2018, the
21 Defendant, Tyrase Akil Collins did with malice
22 aforethought, kill and murder Frank Johnson,
23 Jr., and that Frank Johnson Jr. did die in
24 Hampton County, as a proximate result of Tyrase
25 Collins' actions. Folks, in 2018-GS-2500133

1 it's alleged that in Hampton County, South
2 Carolina, on or about March 25th, 2018, the
3 Defendant, Tyrase Collins did with malice
4 aforethought kill and murder Ghazi A. Duckett,
5 and that Ghazi A. Duckett did die in Hampton
6 County as a proximate result of Tyrase Collins'
7 actions, ladies and gentlemen. Ladies and
8 gentlemen, Indictment 2018-GS-2500134, again,
9 it's an indictment, it alleges, folks, that in
10 Hampton County, South Carolina on or about March
11 25th, 2018, the Defendant, Tyrase Akil Collins
12 did with malice aforethought kill and murder
13 Lamekia M. Warren, and that Lamekia M. Warren
14 did die in Hampton County, South Carolina as the
15 approximate result of Tyrase Akil Collins'
16 actions.

17 Ladies and gentlemen, Indictment 2018-GS-
18 2500218 alleges that in Hampton County, South
19 Carolina, on or about March 25th, 2018, the
20 Defendant, Lorenzo Boles, did aid in the
21 commission of a felony, to wit the murder of
22 Lamekia M. Warren. 2018-GS-2500216 alleges,
23 ladies and gentlemen, that in Hampton County,
24 South Carolina, on or about March 25th, 2018,
25 the Defendant, Lorenzo Boles, did aid in the

1 commission of a felony, to wit the murder of the
2 victim, Frank Johnson Jr. Indictment 2018-GS-
3 2500218, ladies and gentlemen, alleges that in
4 Hampton County, South Carolina, on or about
5 March 25th, 2018, the Defendant, Lorenzo Boles
6 did aid in the commission of a felony, to wit
7 the murder of victim Lamekia M. Warren, and,
8 ladies and gentlemen, in 2018-GS-2500219, it's
9 alleged that in Hampton County, South Carolina
10 on or about March 25th, 2018, the Defendant,
11 Lorenzo Boles, did aid in the commission of a
12 felony to wit the armed robbery of Frank
13 Johnson, Jr.

14 And, ladies and gentlemen, in 2018-GS-
15 2500219, alleges that in Hampton County, South
16 Carolina, on or about March 25th, 2018, the
17 Defendant, Lorenzo Boles, did aid in the
18 commission of a felony, to wit the murder of
19 victim, Ghazi Duckett. Solicitor, are those all
20 of the indictments, sir, in these matters?

21 MR. EVANS: Yes sir, I believe so.

22 THE COURT: Ladies and gentlemen, here they
23 go. Those indictments, ladies and gentlemen,
24 they're mere pieces of paper, folks, and they
25 are the charging documents that bring this

1 matter into court. They are not evidence.
2 They're not evidence of anything. And you
3 noticed I said alleged in each one. They're
4 merely the charging documents that bring this
5 matter in the court. The Defendants in this
6 case have pled not guilty and have requested a
7 jury trial.

8 So, ladies and gentlemen, I would like if
9 each Defendant, I would have Mr. Tyrase Collins
10 stand, and if his attorney would stand. And let
11 me ask you this, would you please introduce your
12 client, and introduce yourself as counsel?

13 MR. JOHNSON: Thank you, Your Honor. Good
14 afternoon, my name is Charlie Johnson, I
15 represent Tyrase Collins.

16 THE COURT: Thank you so much gentlemen.
17 All right, and Mr. Boles, if you could please
18 stand, and, counsel, could you please introduce
19 yourself and introduce your client?

20 MR. GIBBES: Good morning, my name is Chris
21 Gibbes, and I represent Lorenzo Boles.

22 THE COURT: All right, thank you
23 gentlemen.

24 Ladies and gentlemen, let me ask you this,
25 any member of the jury panel related by blood,

1 connected by marriage, have any business
2 relationships, any personal relationship, ever
3 been represented by Mr. Johnson or Mr. Gibbes,
4 the attorneys in this matter? All right, come
5 on up here. Hey, man, what's your number, or
6 what's your name?

7 THE PROSPECTIVE JUROR: Harris.

8 THE COURT: Ms. Harris?

9 THE PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: Yes, ma'am, was it one of the
11 attorneys that you know?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Okay, which one?

14 THE PROSPECTIVE JUROR: Mr. Gibbes.

15 THE COURT: Mr. Gibbes. How do you know
16 Mr. Gibbes?

17 THE PROSPECTIVE JUROR: He is representing
18 me.

19 THE COURT: He's presently representing
20 you?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: All right, ma'am, well, given
23 the fact that he's presently representing you,
24 I'm gonna excuse you from service in this case,
25 okay?

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: So, you can just go back and
3 have a seat. Thank you.

4 All right, Solicitor, would you stand and
5 introduce yourself, please?

6 MR. EVANS: Good afternoon, my name is Reed
7 Evans, I'm the Assistant Solicitor here in
8 Hampton and also Allendale County. Sitting my
9 left to your right is Marty Clapp, who is my
10 investigator of the 14th Circuit Solicitor's
11 Office.

12 THE COURT: All right, thank you,
13 Solicitor.

14 All right, any member of the jury panel
15 related by blood, connected by marriage to any
16 member of the Solicitor's Office? Ever been
17 represented by any of these individuals that
18 were introduced to you?

19 If so, I need you to please stand.

20 (No indication).

21 THE COURT: All right, thank you.

22 All right, ladies and gentlemen, what I
23 want to ask at this time is, I've got basically
24 a list of potential witnesses in this case. The
25 last has 23 names on it. That doesn't mean that

1 23 people will be called, and if they are, some
2 may be long, some may be short, as it relates to
3 their testimony, but it's a list of all the
4 potential witnesses in this case. So, I'm gonna
5 go through them in groups of probably about
6 eight, and so if there's any of these names that
7 you recognize, I'm gonna need you to come
8 forward and talk to me very briefly, okay?

9 All right, Tinish Bryson-Smith with,
10 Hampton Dispatch, Marty Clapp, 14th Circuit
11 Solicitor's Office, Rasheeda Collins, Hampton
12 County South Carolina, Viola Collins, Hampton
13 County South Carolina, Albert Crittington of
14 Ovieda, Florida --

15 MR. EVANS: Ovieda.

16 THE COURT: -- or Vado, Florida, excuse me,
17 Gabrielle Denizard with SLED, Michelle
18 Eicheniller with SLED. That's Michelle
19 Eckenmiller of SLED, Gabrielle Denizard of SLED,
20 Albert Crittington, Viola Collins, Rasheeda
21 Collins, Marty Clapp, Tinish Bryson-Smith.
22 Anybody related by blood, connected by marriage,
23 friends, associates with, has any business
24 dealings with any of those individuals?

25 If so, I need you to come see me.

1 Hey, yes, ma'am, hold on one second. Yes,
2 ma'am, what's your name?

3 THE PROSPECTIVE JUROR: Smith.

4 THE COURT: Ms. Smith, yes, ma'am, yes,
5 ma'am.

6 THE PROSPECTIVE JUROR: Ms. Collins.

7 THE COURT: Viola Collins?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Okay, and so are you related to
10 Ms. Collins?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: All right then, so let me ask
13 you this, the fact that you are related to Viola
14 Collins, do you believe it's gonna make it
15 difficult to be fair and impartial in this case,
16 listen to the evidence that you hear, the law
17 that I instruct you, and then bring back a
18 verdict that's fair, and fair to the State and
19 fair to the defense?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: All right, do you think it
22 would make it difficult for you to do that?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: All right, then I'm gonna
25 excuse you from service in this case then.

1 How are you doing, sir?

2 THE PROSPECTIVE JUROR: How are you doing?

3 THE COURT: I'm doing great. What's going
4 on? The name?

5 THE PROSPECTIVE JUROR: Crittington.

6 THE COURT: Mr. Crittington, yes, sir. Are
7 you related to Mr. Crittington?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: That's the name?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Who is this?

12 THE PROSPECTIVE JUROR: That's another one.

13 THE COURT: Hampton has two Crittingtons?
14 Three? All right. So let me ask you this, are
15 you related to Ms. Crittington?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: All right, is that the name
18 that you recognized? Remember I called these
19 names out, and you're coming to see me about the
20 name Crittington?

21 THE PROSPECTIVE JUROR: Uh-huh.

22 THE COURT: Okay, how is he related to you?

23 THE PROSPECTIVE JUROR: Cousin.

24 THE COURT: All right, the fact he's your
25 cousin and a potential witness in this case, is

1 that going to make it difficult for you to be
2 fair and impartial in this case --

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: -- or are you going to be fair
5 and impartial?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: All right, great, I'll have you
8 stay with us. Thank you.

9 All right, a couple more potential
10 witnesses in this case, I may have called it out
11 a minute ago, Melissa Fields of Hampton County
12 South Carolina, Sarah Goodman of Greenville
13 County Sherrif's Office, Ranaldo Hosendove of
14 Hampton South Carolina, Billy Jarrell retired
15 from Hampton County Sheriff's Office, Richard
16 Johnson of SLED, Stacey Loadholt, Hampton Police
17 Department, Laura Meyer with the Hampton EMS,
18 Anthony Russell, Hampton County Sheriff's
19 Department, Dr. Cynthia Schandl, MUSC. Anybody
20 related by blood, connected by marriage, have
21 any business dealings with, friends that I've
22 just named out, Melissa Fields, Sarah Goodman,
23 Ranaldo Hosendove, Billy Jarrell, Richard
24 Johnson, Stacy Loadholt, Anthony Russell, Dr.
25 Cynthia Schandl, you need to come see me.

1 Hey, buddy. Okay, what's your name, again?

2 THE PROSPECTIVE JUROR: Billy.

3 THE COURT: Yes.

4 THE COURT: How do you know about Billy
5 Jarrell.

6 THE PROSPECTIVE JUROR: They're both my
7 cousins.

8 THE COURT: They're both your cousins? All
9 right. So let me ask you this, the fact that
10 they are both your cousins, is that going to
11 affect your ability to be fair and impartial in
12 this case? Can you set that aside and listen to
13 the evidence in this case, and bring back and
14 verdict that's fair to the State and fair to the
15 defense? That's what I need to know.

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: All right, then I'm going to
18 excuse you from service in this case. Just go
19 back and have a seat, okay?

20 THE PROSPECTIVE JUROR: All right.

21 THE PROSPECTIVE JUROR: Albert Johnson.

22 THE COURT: Yeah, Ms. Johnson, was it one,
23 or more than one of those names?

24 THE PROSPECTIVE JUROR: One and then this
25 is my cousin.

1 THE COURT: All right, I'm gonna excuse you
2 from service in this case. Thank you. All
3 right, you got that, Ms. Nettles, I'm excusing
4 her?

5 CLERK: Yes, sir.

6 All right, just a few more names.

7 All right, Samuel Shephard of Hampton,
8 Michael Smith of the Hampton County Sheriff's
9 Office, Nicklaus Sprouse with SLED, Chauncey
10 Solomon, Edisto Police Department, excuse me,
11 folks, Aaron Stokes of Hampton, Courtney
12 Thompson of SLED, and Khadajah Williams of
13 Hampton. Khadajah Williams, Courtney Thompson,
14 Aaron Stokes, Chauncey Solomon, Nicklaus
15 Sprouse, Michael Smith and Samuel Shephard,
16 anybody related by blood, connected by marriage,
17 business, social dealings with, acquaintances,
18 any relationship with any of these individuals,
19 I need you to come see me. Sir, you've already
20 been excused, so you're good. You can have a
21 seat.

22 THE PROSPECTIVE JUROR: I can go?

23 THE COURT: Yeah, well, you've got to stay,
24 and I'll give you instructions about leaving --

25 THE PROSPECTIVE JUROR: Okay.

1 THE COURT: -- but you don't have to come
2 up for any other questions.

3 THE PROSPECTIVE JUROR: All right.

4 THE COURT: You can just take a seat and
5 chill out, okay?

6 All right, so, yes, ma'am, is it one or
7 more than one name?

8 THE PROSPECTIVE JUROR: Michael Smith.

9 THE COURT: Michael Smith? How do you know
10 Mr. Smith?

11 THE PROSPECTIVE JUROR: My son.

12 THE COURT: Michael Smith is your son?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: All right.

15 THE PROSPECTIVE JUROR: Sheriff.

16 THE COURT: All right, and he works for the
17 -- your son is a Deputy Sheriff?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: All right, I'm gonna excuse you
20 from service in this case, okay?

21 THE PROSPECTIVE JUROR: Thank you.

22 THE COURT: Thank you.

23 Ma'am, what was your number? Ma'am?

24 THE PROSPECTIVE JUROR: Oh, my number?

25 Sorry, 540.

1 THE COURT: 540.

2 All right, so that's all the witnesses,
3 right?

4 CLERK: Right.

5 THE COURT: I think I've got them all.

6 MR. EVANS: Yes, sir, I believe.

7 THE COURT: All right, ladies and
8 gentlemen, any member of the jury panel related
9 by blood, connected by marriage, have any
10 acquaintances, or have dealt with Craig Johnson,
11 Jr., I'm sorry, what's Ms. Warren's name?

12 MR. EVANS: Lamekia.

13 THE COURT: Lamekia Warrant or Ghazi
14 Duckett? Anybody related by blood, connected by
15 marriage to Lamekia Warren, Ghazi Duckett or
16 Craig Johnson, Jr.?

17 MR. EVANS: You've already excused this
18 juror.

19 THE COURT: I've already excused you,
20 you're good. Yes, sir?

21 THE PROSPECTIVE JUROR: Craig Johnson.

22 THE COURT: Craig Johnson? How do you know
23 Craig Johnson?

24 THE PROSPECTIVE JUROR: Cousin.

25 THE COURT: He's your cousin?

1 THE PROSPECTIVE JUROR: Uh-huh.

2 THE COURT: All right, yes, sir, he was the
3 victim?

4 THE PROSPECTIVE JUROR: Yeah.

5 THE COURT: All right, and so let me ask
6 you, the fact that your cousin was the victim in
7 this matter, is that going to affect your
8 ability to be fair and impartial in this case?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: What cousin was he? Was he a
11 first cousin, or second cousin, or --

12 THE PROSPECTIVE JUROR: Way down --

13 THE COURT: Way down the line?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. All right, thank you,
16 sir, stay with us.

17 All right, I've got several other
18 questions, and I appreciate you bearing with me,
19 but you can see we're dealing with important
20 matters, folks, and this, like I said, isn't
21 like TV. I can't just cut and do something
22 again, we've got to do our best to make sure we
23 get it right.

24 All right, so ladies and gentlemen, has any
25 member of the jury panel ever been the victim of

1 a violent crime, or someone close to you been a
2 victim of a violent crime? And I need you to
3 come see me, if you or someone close to you
4 presently or in the past have worked in law
5 enforcement? I know that's gonna be a bunch of
6 you, but, ladies and gentlemen, if you, or
7 somebody close to you has been a victim of a
8 violent crime, if you or someone close to you
9 presently works or in the past has worked in law
10 enforcement, I need you to come see me.

11 THE PROSPECTIVE JUROR: And then my wife
12 was a former officer.

13 THE COURT: All right, let me ask you, the
14 fact that you've got family members who work
15 with the Sheriff's Department, is that going to
16 affect your ability to be fair and impartial in
17 this case?

18 THE PROSPECTIVE JUROR: No, sir.

19 THE COURT: All right, thank you, you can
20 stay with us.

21 Now, folks, if I've already excused you,
22 then you don't have to come up anymore, okay?
23 So, if I've already excused you from the case,
24 you don't have to come up. Yes, sir?

25 THE PROSPECTIVE JUROR: John Ditton.

1 THE COURT: Yes, sir.

2 THE PROSPECTIVE JUROR: My brother-in-law
3 is in law enforcement.

4 THE COURT: All right. The fact that your
5 brother-in-law has worked in law enforcement,
6 and presently works in law enforcement, is that
7 going to affect your ability to be fair and
8 impartial in this case, sir?

9 THE PROSPECTIVE JUROR: I'm not 100 percent
10 sure.

11 THE COURT: I'll excuse you, thank you.

12 THE CLERK: What's his name, Judge?

13 THE COURT: what was your name?

14 THE PROSPECTIVE JUROR: John Ditton, D-I-T-
15 T-O-N.

16 THE CLERK: Thank you, Your Honor.

17 THE COURT: Hey, yes, sir, what's your
18 name?

19 THE PROSPECTIVE JUROR: Larry Priester.

20 THE COURT: Yeah, Mr. Priester, yes, sir.

21 THE PROSPECTIVE JUROR: My dad is Varnville
22 officer --

23 THE COURT: She's what?

24 THE PROSPECTIVE JUROR: Father a police
25 officer.

1 THE COURT: All right, well, the fact that
2 your father is a police officer in Varnville, is
3 that going to affect your ability to be fair and
4 impartial in this case, the evidence in this
5 case, the law that I instruct you, and bring
6 back a verdict that's fair to the State and fair
7 to the defense?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: You can be fair?

10 THE PROSPECTIVE JUROR: Yeah, I can be
11 fair.

12 THE COURT: All right, great, you can stay
13 with us.

14 Well, what about your name again?

15 CLERK: What's your name?

16 THE COURT: Give me your name again?

17 THE PROSPECTIVE JUROR: Larry Priester.

18 CLERK: Priester.

19 THE COURT: Priester.

20 MR. EVANS: Larry Priester.

21 THE COURT: Hey, ma'am, yes, ma'am, what's
22 your name?

23 THE PROSPECTIVE JUROR: Yolanda Williams.

24 THE COURT: Yes, ma'am, Ms. Williams.

25 THE PROSPECTIVE JUROR: My husband retired

1 police officer.

2 THE COURT: All right. The fact that your
3 husband is a retired police officer, is that
4 going to affect your ability to be fair and
5 impartial in this case?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: All right, great, thank you
8 very much.

9 Yes.

10 THE PROSPECTIVE JUROR: My husband is
11 retired from the police.

12 THE COURT: Okay. Well, let me ask you
13 this, the fact that your husband was in law
14 enforcement, is that going to affect your
15 ability to be fair and impartial in this case?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Okay.

18 THE COURT: All right, ladies and
19 gentlemen, any member of the jury panel have any
20 bias or prejudice in this matter? Does any
21 member of the jury panel have any prejudice for
22 or against the State or the defense? Any bias
23 or prejudice for or against the State or defense
24 in this matter? I'm gonna need you to stand, if
25 that applies to you.

1 (No indication).

2 THE COURT: Any member of the jury panel
3 who can't serve and be a fair and impartial
4 juror in this case? I need you to stand.

5 Doe any member contribute to police
6 advocacy groups, or victim's rights groups,
7 CAVE, SADD, MADD, Mothers Against Drunk Driving,
8 CAVE, CADV, Citizens Against Domestic Violence?
9 Any member contribute to any organizations like
10 that I need you to come see me.

11 Come on up, yes, ma'am. Hey, ma'am, what
12 was your name?

13 THE PROSPECTIVE JUROR: Martha Dean Tholl.

14 THE COURT: Ms. Dean?

15 THE PROSPECTIVE JUROR: Martha Dean Tholl,
16 T-H-O-L-L.

17 THE COURT: T-H-O-L-L, yes, ma'am. Yes,
18 ma'am.

19 THE PROSPECTIVE JUROR: I am a member of
20 MADD.

21 THE COURT: All right, well, let me ask
22 you, the fact that you belong to that
23 organization, can you be fair and impartial in
24 this case, ma'am?

25 THE PROSPECTIVE JUROR: Yes.

1 THE COURT: All right, what was your
2 number?

3 THE PROSPECTIVE JUROR: 556.

4 THE COURT: All right, I'm gonna excuse you
5 from service in this case, okay? Thank you.
6 Hey, sir.

7 THE PROSPECTIVE JUROR: Related to the
8 defendant.

9 THE COURT: Well, let me ask you this, sir,
10 given the fact that the Defendant is your
11 cousin, is that going to make it difficult for
12 you to be fair and impartial in this case?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: All right.

15 I'm going to excuse you from service in
16 this case, okay? Thank you. Let's see, all
17 right, what was the address?

18 MR. EVANS: [REDACTED] Lane in
19 Varnville.

20 THE COURT: All right, ladies and
21 gentlemen, this matter is alleged to have
22 occurred at [REDACTED] Lane in Hampton.

23 THE COURT: In Varnville.

24 THE COURT: In Varnville. Let me just ask,
25 and the Defendants again in the case, Tyrase

1 Collins and Lorenzo Boles, so what I want to
2 know is, has anybody heard anything about this
3 case, read anything about this case, TV, blogs,
4 Internet, radio, or anybody know anything about
5 this case, or perceive to know anything about
6 this case, I want to ask you about that.

7 Have you heard anything about this case in
8 any of the media? I've already excused you, all
9 right? Anybody else? Well, I need you to
10 stand, if that's the case. If you've already
11 been excused, I don't need you to stand. Have I
12 excused you? Come on up.

13 THE PROSPECTIVE JUROR: I know about this
14 case.

15 THE COURT: What have you heard about it?

16 THE PROSPECTIVE JUROR: Just different
17 things.

18 THE COURT: Where did you hear this from?

19 THE PROSPECTIVE JUROR: Everyone.

20 THE COURT: All right, so I'm gonna excuse
21 you from service in this case. Thank you. All
22 right? 351. Hold on one second. I'm just
23 gonna put on the record that that gentleman,
24 it's got to be the tenth time he's come forward.

25 Any member of the jury panel ever been a

1 witness in a criminal trial, if so, come see me,
2 if you've ever been a witness in a criminal
3 trial. I think I've already asked, if you heard
4 anything, or ready anything about this case, I
5 already asked that. Any member of the jury
6 panel discussed this case with anyone?

7 Any member of the jury panel ever been
8 charged with a crime, but not convicted of a
9 crime?

10 (No indication.)

11 THE COURT: Okay, any member of the jury
12 panel ever served as a juror before in a civil
13 or criminal case?

14 (No indication).

15 THE COURT: Any member of the jury panel
16 ever witness a crime? A violent crime, let me
17 put it that way.

18 (No indication).

19 THE COURT: Now, let me ask you this,
20 finally, ladies and gentlemen, does any member
21 of the jury panel believe that just because
22 somebody is arrested, they're guilty of the
23 crime charged? Or to word it another way, are
24 you inclined to think that a person is guilty of
25 a crime simply because they're arrested? Any

1 member of the jury panel believe that to be the
2 case?

3 (No indication).

4 THE COURT: all right, any additional voir
5 dire, Mr. Gibbes?

6 MR. GIBBS: No, Your Honor.

7 THE COURT: Mr. Johnson?

8 MR. JOHNSON: No.

9 MR. EVANS: Not from the State.

10 THE COURT: Mr. Evans? All right,
11 gentlemen, are there any objections, as it
12 relates to the questions that I've asked in the
13 process thus far, as it relates to the jury from
14 the State?

15 MR. EVANS: No, sir.

16 THE COURT: Defense, Mr. Johnson?

17 MR. JOHNSON: No.

18 THE COURT: Mr. Gibbes?

19 MR. GIBBS: No, sir.

20 THE COURT: We're good? Okay, so then what
21 I'm gonna do is, I'm gonna find this jury
22 qualified. I'm going to tell them to come back
23 -- did I tell the other one 3:30? I told the
24 other one 3:30, right?

25 CLERK: Yes, sir.

1 COURT REPORTER: Yes, sir.

2 THE COURT: I'm gonna tell them to come
3 back at 3:30, and then, basically, by that time
4 we'll have a list. Whoever's on the list will
5 come in, and we'll pick the jury. I'll give
6 them some other instructions and probably send
7 them home after that; is that all right?

8 MR. EVANS: Yes, sir.

9 THE COURT: Satisfactory, Mr. Gibbes?

10 MR. GIBBS: Yes, sir.

11 THE COURT: Mr. Johnson?

12 MR. JOHNSON: Yes, sir.

13 THE COURT: Solicitor? All right.

14 MR. EVANS Yes.

15 THE COURT: All right, ladies and
16 gentlemen, I'm gonna find the panel qualified.
17 Let me tell you what's gonna happen. What's
18 gonna happen is this, I'm gonna ask that you
19 come back at 3:30, okay? Bear with me. You're
20 not gonna have to be here tomorrow, so I'm gonna
21 ask that you come back at 3:30.

22 Now, if I have already excused you from
23 service on this case, if I have excused you from
24 service on this case, you do not have to come
25 back. You should have a number. There'll be a

1 number that they gave you and sent you, it's the
2 jury information line, okay? If you don't have
3 that number, someone will give you that number
4 when you leave.

5 If I've excused you, then I'm going to tell
6 you to call back tonight after 6:00. If I have
7 not excused you, and that applies to the vast
8 majority of you, you need to be back at 3:30.
9 And what's going to happen is this, you're gonna
10 come in, we're gonna pick the jury. There will
11 be no more questions, it'll just be a matter of
12 the lawyers picking the jury. Once the jury is
13 selected, I'm going to give the jury some
14 information and send them home. The remaining
15 jurors, who are not selected on the jury, I'll
16 probably just have you'all also just call back
17 tonight after 6:00, and they will give you
18 instructions on what you need to do.

19 So, unless you've been excuse, which that
20 applies to a few of you, I'll see you back at
21 3:30 for the actual selection of the jury.
22 Thank you very much.

23 (Jury panel exits the courtroom.)

24 THE COURT: All right, I think we've got
25 all our jurors excused, so let me ask you,

1 anything from the defense before we break, I
2 guess, for a late lunch, and then come back a
3 few minutes before 3:30?

4 MR. EVANS: Judge, the court reporter
5 stepped out.

6 THE COURT: Okay, well, she's not here, but
7 anything before we break from the defense?

8 MR. JOHNSON: Your Honor, just to be clear,
9 we're gonna pick the jury, and then we'll
10 probably --

11 THE COURT: I'll summarize for you. All
12 right, so I've got my Court Reporter, it's my
13 fault, I did not even look down, we've been
14 going at it for two hours, and so she's stepped
15 away for a moment. I asked counsel if there's
16 anything from the defense before we broke for a
17 late lunch and got back here a few minutes
18 before 3:30.

19 They indicated, I think, the only question
20 they had, Mr. Johnson was wondering if we were
21 going to select, and then go ahead and start the
22 trial on Wednesday. I said I think that's what
23 the Solicitor wanted to do, and the Solicitor
24 informed me that half of you'all had caucused,
25 and that's all what you would like to do also;

1 is that correct, Mr. Johnson?

2 MR. JOHNSON: Yes, Your Honor.

3 THE COURT: Mr. Gibbes?

4 MR. GIBBES: Yes, Your Honor.

5 THE COURT: All right, so what I'm gonna do
6 is, there's enough jurors, so we can get
7 everybody who we qualified, and get them back in
8 here, okay, because they'll all fit. My concern
9 is that they weren't going to fit, if we were
10 gonna have too many, but they will all fit.

11 So, when they come back at 3:30, she'll
12 pull the list, we'll have it, we'll pick the
13 jury, ten, ten, ten on strikes. The alternates,
14 we're gonna have 3 alternates. You'all think 3
15 alternates is enough?

16 MR. EVANS: Judge, I'm never gonna turn
17 down more, because I've seen things happen here.

18 THE COURT: Four alternates?

19 MR. JOHNSON: I was gonna say 5, Your
20 Honor, six.

21 MR. EVANS: I'll take them, if they're
22 willing.

23 THE COURT: I tell you; I think 4
24 alternates will be enough. I think 4 alternates
25 will be enough in this case. So, we're gonna

1 pick 4 alternates. With each alternate, two
2 strikes, two strikes, one strike. So each
3 alternate will be potentially 5 strikes for each
4 alternate; is that right?

5 MR. EVANS: Yes, sir.

6 THE COURT: So that's another 20 people.

7 MR. EVANS: I'm not as concerned -- yes,
8 that's what I think, Judge, and I'm gonna
9 double-check and see if I get to, since there
10 are two defendants, but I think because we're
11 talking about alternates that is not the case,
12 so I'm gonna err on the side of caution, and
13 just give myself --

14 THE COURT: All right.

15 MR. EVANS: Of course, we're talking about
16 alternates, I don't want to create a problem.

17 THE COURT: At the end of the day what I
18 want you'all to do is, before we come back, I
19 want you'all to do the math, to make sure that
20 we have enough people out there, so that we've
21 got 12 jurors, five alternates.

22 We're gonna have all the strikes.

23 Everybody will make sure we have enough, all the
24 strike, and I want you'all to caucus and make
25 sure we've got that straight, okay?

1 MR. EVANS: That's fine, Your Honor.

2 CLERK: 102.

3 THE COURT: How much?

4 CLERK: 102.

5 THE COURT: We'll have 102 people that I've
6 qualified.

7 MR. EVANS: That should be about 85.

8 THE COURT: So, we should be good, all
9 right? Anything else before we break?

10 MR. JOHNSON: Your Honor, we'll be going
11 over the motion?

12 THE COURT: All right, that's fine. Any
13 other motions that I'm gonna need to hear?

14 MR. EVANS: I'm not aware of any
15 substantive pretrial motions, Your Honor.

16 THE COURT: Gentlemen?

17 MR. JOHNSON: I'm not aware of any
18 pretrial.

19 THE COURT: Mr. Gibbes?

20 MR. GIBBES: No, Your Honor.

21 THE COURT: Okay. All right, well, then
22 you'all just let me know, that's fine, and we'll
23 go from there. And I want you to know, truly,
24 I'd rather be here than where I've got to go
25 tomorrow, okay?

1 THE COURT: All right, thanks, guys, we'll
2 see you back in a little bit.

3 MR. EVANS: Thank you, Your Honor.

4 (Luncheon recess)

5 THE COURT: All right, ladies and
6 gentlemen --

7 CLERK: You ready?

8 THE COURT: Yeah, go ahead and pull it.

9 Ladies and gentlemen, what we're gonna do
10 right now is, we're gonna go ahead and we're
11 gonna pull the jury. And so there is a list,
12 the computer puts it together, it takes a
13 moment.

14 I'll tell you my favorite story. It used
15 to be the law was that a blind person or a child
16 had to pull -- your names were put on a piece of
17 paper, put into a capsule for the rest of the
18 week -- so bear with us for 1 second. All
19 right, ma'am, so we can proceed.

20 CLERK: Ready?

21 THE COURT: Yes, ma'am.

22 CLERK: When I call your name, if you would
23 just stand in place, and then there are some
24 questions that we have to go to the attorneys.
25 Number 69, Robert Edwards. What says the State?

1 MR. EVANS: Please present the juror.

2 CLERK: What says Defendant Boles?

3 MR. GIBBES: Please seat the juror.

4 CLERK: What says Defendant --

5 MR. GIBBES: Please present.

6 CLERK: Okay.

7 MR. JOHNSON: Please seat the juror.

8 CLERK: Okay, all right. You need to come
9 have a seat in the jury box.

10 THE COURT: And when you come up, just
11 bring everything you've got. So, if you've got
12 a book, or a bag, or whatever, just come on up.

13 CLERK: Christopher Walls. What says the
14 State?

15 MR. EVANS: Please present the juror.

16 CLERK: What says Boles?

17 MR. GIBBES: I'm sorry, did you say 265?

18 CLERK: 265.

19 MR. JOHNSON: 265.

20 CLERK: Christopher Walls.

21 MR. GIBBES: Please seat the juror.

22 CLERK: Defendant Collins?

23 MR. JOHNSON: Please excuse the juror.

24 CLERK: All right, you can have a seat.

25 Number 76, Kennedy Fairey. What says the State?

1 MR. EVANS: Please present the juror.

2 CLERK: What says Defendant Boles?

3 MR. GIBBES: Please excuse this juror.

4 CLERK: You can have a seat. Number 278,

5 Alverta Williams. What says the State?

6 MR. EVANS: Please present the juror.

7 CLERK: What says Defendant Boles?

8 MR. GIBBES: Please present the juror.

9 CLERK: Collins?

10 MR. JOHNSON: Please present the juror.

11 COURT REPORTER: Did he say excuse the
12 juror?

13 THE COURT: No, he said present the juror.

14 CLERK: Present.

15 COURT REPORTER: Oh, okay.

16 CLERK: Number 17, Jalisa Bostick. What
17 says the State?

18 MR. EVANS: Please present the juror.

19 CLERK: What says Boles?

20 MR. GIBBES: Please present the juror.

21 CLERK: Collins?

22 MR. JOHNSON: Please excuse the juror.

23 CLERK: Number 262, Peter Tubbs. What says
24 the State?

25 MR. EVANS: Please present the juror.

1 CLERK: Boles?

2 MR. GIBBES: Please excuse the juror.

3 CLERK: Number 195, Alison Pittinger. What
4 says the State?

5 MR. EVANS: Please present the juror.

6 CLERK: Boles?

7 MR. GIBBES: Please excuse.

8 CLERK: Number 149, Henry Kearse. What
9 says the State?

10 MR. EVANS: Please present the juror.

11 CLERK: Number 104, Conrad Grant. What
12 says the State?

13 MR. EVANS: That was 104, ma'am?

14 CLERK: 104.

15 MR. EVANS: Please present the juror.

16 CLERK: Defendant Boles?

17 MR. GIBBES: Please present the juror.

18 CLERK: Collins?

19 MR. JOHNSON: Please seat the juror.

20 CLERK: Number 223, Charles Sanders. What
21 says the State?

22 MR. EVANS: Please present the juror.

23 CLERK: Defendant Boles?

24 MR. GIBBES: Please present the juror.

25 CLERK: Collins?

1 MR. JOHNSON: Please seat the juror.

2 CLERK: Number 51, LaToya Daniels. What
3 says the State?

4 MR. EVANS: Please present the juror.

5 CLERK: Defendant Boles?

6 MR. GIBBES: Please present the juror.

7 CLERK: Collins?

8 MR. JOHNSON: Please seat the juror.

9 CLERK: Number 219, Jerry Rooker. What
10 says the State?

11 MR. EVANS: Please present the juror.

12 CLERK: What says the defense?

13 MR. GIBBES: Please present the juror.

14 CLERK: Collins?

15 MR. JOHNSON: Please seat the juror.

16 CLERK: Number 5, Laura Atkinson. What
17 says the State?

18 MR. EVANS: Please present the juror.

19 CLERK: Defendant Boles?

20 MR. GIBBES: Please excuse the juror.

21 CLERK: Number 226, Paige Sauls. What says
22 the State?

23 MR. EVANS: Please present the juror.

24 CLERK: Defendant Boles?

25 MR. GIBBES: Please present the juror.

1 CLERK: Collins?

2 MR. JOHNSON: Please excuse the juror.

3 CLERK: Number 225, Charlie Sauls. What
4 says the State?

5 MR. EVANS: Please present the juror.

6 CLERK: Defendant Boles?

7 MR. GIBBES: Please excuse the juror.

8 CLERK: Number 10, Clay Bishop. What says
9 the State?

10 MR. EVANS: Please excuse the juror from
11 the trial of this case.

12 CLERK: Number 61, D. S. Deloache. What
13 says the State?

14 MR. EVANS: Please present the juror.

15 CLERK: Defendant Boles?

16 MR. GIBBES: Please present the juror.

17 CLERK: Collins?

18 MR. JOHNSON: Please seat the juror.

19 CLERK: Number 227, William Segars. What
20 says the State?

21 MR. EVANS: Please present the juror.

22 CLERK: Defendant Boles?

23 MR. GIBBES: Please excuse the juror.

24 CLERK: Number 215, Michelle Robinson.

25 What says the State?

1 MR. EVANS: Please present the juror.

2 CLERK: Defendant Boles?

3 MR. GIBBES: Please present the juror.

4 CLERK: Collins?

5 MR. JOHNSON: Please seat the juror.

6 CLERK: Number Sidney Williams. What says
7 the State?

8 MR. EVANS: Please present the juror.

9 CLERK: Defendant Boles?

10 MR. GIBBES: Please present the juror.

11 CLERK: Collins?

12 MR. JOHNSON: Please seat the juror.

13 CLERK: Number 127, Jonathan Harvey. What
14 says the State?

15 MR. EVANS: Please present the juror.

16 CLERK: Defendant Boles?

17 MR. GIBBES: Please excuse the juror.

18 CLERK: Number 137, Omehlia Jackson. What
19 says the State?

20 MR. EVANS: Please excuse the juror from
21 the trial of this case.

22 CLERK: Number 191, Shannon Padgett. What
23 says the State?

24 MR. EVANS: Please present the juror.

25 CLERK: Defendant Boles?

1 MR. GIBBES: Please present the juror.

2 CLERK: Collins?

3 MR. JOHNSON: Please excuse the juror.

4 CLERK: Number 80, Kelvin Fennell. What
5 says the State?

6 MR. EVANS: Please present the juror.

7 CLERK: Defendant Boles?

8 MR. GIBBES: Please present the juror.

9 CLERK: Collins?

10 MR. JOHNSON: Please seat the juror.

11 CLERK: Number 248, Catherine Sullivan.
12 What says the State?

13 MR. EVANS: Please present the juror.

14 CLERK: Defendant Boles?

15 MR. GIBBES: Please excuse the juror.

16 CLERK: Number 152, Donald Lewis. What
17 says the State?

18 MR. EVANS: Please present the juror.

19 CLERK: Defendant Boles?

20 MR. GIBBES: Please present the juror.

21 CLERK: Collins?

22 MR. JOHNSON: Please seat the juror.

23 CLERK: Number 98, Katelyn Ginn. What says
24 the State?

25 MR. EVANS: Please present the juror.

1 CLERK: Defendant Boles?

2 MR. GIBBES: Please present the juror.

3 CLERK: Collins?

4 MR. JOHNSON: Please excuse the juror.

5 CLERK: Number 161, Kyashia McClay. What
6 says the State?

7 MR. EVANS: Please present the juror.

8 CLERK: Defendant Boles?

9 MR. GIBBES: Please excuse the juror.

10 CLERK: Number 284, Lawrence Williams.
11 What says the State?

12 MR. EVANS: Please present the juror.

13 CLERK: Defendant Boles?

14 MR. GIBBES: Please excuse the juror.

15 CLERK: Number 72, Nyle Elmquist. What
16 says the State?

17 MR. EVANS: Please present the juror.

18 CLERK: Does Boles want to use your strike?

19 MR. GIBBES: I'm sorry?

20 CLERK: Do you want to use your strike?

21 MR. GIBBES: Oh, no, I'm good, Your Honor,
22 please seat the juror.

23 CLERK: Collins?

24 MR. JOHNSON: What's the number again?

25 CLERK: 72.

1 MR. JOHNSON: Please seat the juror.

2 THE COURT: That's 12? So, ladies and
3 gentlemen, what we're gonna do is, we're gonna
4 have five alternates, two strikes for each
5 Defendant, and 1 for the state, correct,
6 Solicitor?

7 MR. EVANS: Yes.

8 THE COURT: All right, correct, gentlemen?
9 You each get two strikes for alternate 1 to the
10 Defendant, and we're gonna pick five alternates,
11 okay?

12 MR. JOHNSON: Five?

13 THE COURT: Yes, sir. Is that
14 satisfactory, Mr. Gibbes?

15 MR. GIBBES: Yes, sir.

16 THE COURT: Thank you. Go ahead.

17 CLERK: 286, Rodney Williams.

18 THE COURT: All right, 286, Mr. Williams.

19 All right, by agreement I believe we're gonna
20 skip over that name; is that correct, gentlemen?
21 Solicitor?

22 MR. EVANS: Yes, sir.

23 THE COURT: Mr. Gibbes?

24 MR. GIBBES: Yes, sir.

25 THE COURT: Mr. Johnson?

1 MR. JOHNSON: Correct, Your Honor.

2 THE COURT: All right, go ahead.

3 CLERK: 170, Lorraine Mixon. What says the
4 State?

5 MR. EVANS: Present the juror.

6 CLERK: Okay, thank you. Defendant Boles?

7 MR. GIBBES: Please excuse the juror.

8 THE COURT: I'm sorry what, Mr. Gibbes?

9 MR. GIBBES: Please excuse the juror.

10 THE COURT: Excuse the juror, thank you.

11 CLERK: Okay. Number 42, Lynn Corbin.
12 What says the State?

13 MR. EVANS: Please present the juror.

14 CLERK: Defendant Boles?

15 MR. GIBBES: Please present the juror.

16 CLERK: Collins?

17 MR. JOHNSON: Please seat the juror.

18 CLERK: 154, Shaquille Ling. What says the
19 State?

20 MR. EVANS: Please present the juror.

21 CLERK: Boles?

22 MR. GIBBES: Please present the juror.

23 CLERK: Collins?

24 MR. JOHNSON: Please excuse the juror.

25 CLERK: 185, Willie Orr. What says the

1 State?

2 MR. EVANS: Please present the juror.

3 CLERK: Defendant Boles?

4 MR. GIBBES: Please present the juror.

5 CLERK: Collins?

6 MR. JOHNSON: Please present the juror.

7 CLERK: Number 142, Kristi Jarrell. What
8 says the State?

9 MR. EVANS: Please present the juror.

10 CLERK: Defendant Boles?

11 MR. GIBBES: Please excuse the juror.

12 CLERK: Number 178, Theresa Morris. What
13 says the State?

14 MR. EVANS: Please present the juror.

15 CLERK: Defendant Boles?

16 MR. GIBBES: Please present the juror.

17 CLERK: Collins?

18 MR. JOHNSON: Please seat the juror.

19 CLERK: Number 200, Amy Priest. What says
20 the State?

21 MR. EVANS: Please present the juror.

22 CLERK: Defendant Boles?

23 MR. GIBBES: Please present the juror.

24 CLERK: Defendant Collins?

25 MR. JOHNSON: Please seat the juror.

1 CLERK: Number 50, Dean Damato.

2 What says the State?

3 MR. EVANS: Please present the juror.

4 CLERK: Defendant Boles?

5 MR. GIBBES: Please present the juror.

6 CLERK: Collins?

7 MR. JOHNSON: Please seat the juror.

8 THE COURT: -- of the jury selection
9 process. Solicitor, do you have any motions,
10 sir?

11 MR. EVANS: No, not from the State, Your
12 Honor.

13 THE COURT: Mr. Gibbes, do you have any
14 motions, sir, on behalf of your client that we
15 need to take up concerning qualifications of the
16 jury selection? Nothing at all?

17 MR. GIBBES: Nothing.

18 THE COURT: All right, Mr. Johnson, no
19 motions on behalf of your client?

20 MR. JOHNSON: Not on behalf of my client.

21 THE COURT: All right, thank you very much.
22 All right, ladies and gentlemen, thank you.
23 It's been a long day, you've been patient, I
24 appreciate it. Let me tell you what I'm gonna
25 do. I'm gonna give you a couple little quick

1 instructions. I'd like you to be back here on
2 Wednesday morning at 9:15. You're going to
3 report directly to the jury room. And the
4 Bailiff here is going to lead you out that door,
5 show you where the jury room is, because that's
6 where you're gonna report back to, okay?

7 Number two, when you get there at 9:15, can
8 you take a minute or two, and could you see if
9 you'all could elect a Foreperson? The only rule
10 is the Foreperson can't be 1 of the 5
11 alternates, okay? It's got to be 1 of my 12.
12 Now, they can be involved in the process of
13 electing a Foreperson.

14 Sometimes the Foreperson, it's like church,
15 you show up late, you're a chairman of a
16 committee, okay?

17 So there's no magic in being a Foreperson,
18 all you do is you're the spokesperson for the
19 jury when there's a question, it will be written
20 down by the Foreperson, who will hand it to the
21 Bailiff, who will hand it to me, and we would
22 basically see if there's something that we can
23 do to answer a question, or, you know, if the
24 jury room's too hot, or whatever the case may
25 be. Because in this courtroom, I'm gonna tell

1 you you're not gonna talk to anybody, and
2 nobody's gonna talk to you. The only talking
3 that's gonna be done is in the courtroom itself,
4 the talking that I'm doing to you just like
5 right now, okay?

6 Now, tonight, tomorrow do not go on the
7 Internet and conduct research about this matter,
8 about the parties, the lawyers, the Judge. You
9 are to conduct no research at all. You are not
10 to basically research anything you think might
11 be helpful on this matter. Also, you are not to
12 talk with anyone about this matter. So I do not
13 want you talking amongst yourselves. I will
14 tell you that throughout the trial I will
15 constantly remind you, you are not to talk about
16 this case, even amongst yourselves, until the
17 end of the case when I will tell you that you
18 can talk about this case.

19 Now, when you'all are back there, when
20 you'all have lunch, or whatever the case may be,
21 man, if you'all want to talk about the football
22 game, if you'all want to talk about whoever won
23 the Nascar race yesterday, if you'all want to
24 talk about NBA starting either last week or this
25 week, whatever you want to talk about it don't

1 matter, just not the case, nothing to do with
2 the case.

3 I want you to please do not watch any TV
4 and news cast, anything about this you may find
5 on the blogs. And I don't know if there's gonna
6 be any news coverage of this, but in the event
7 there was, folks, I'm telling you, you are not
8 to watch it. You're not to read anything about
9 this.

10 I'm also going to tell you I've already
11 instructed my lawyers; we'll go over this stuff
12 on Wednesday, I'm gonna tell you right now, I've
13 already told my lawyers that they are not to
14 talk to you.

15 So when you walk by and they don't give you
16 the low country nod to say how are you doing,
17 it's not because they're being mean, or they're
18 not personable, they are, but I told them
19 they're to have no contact with you whatsoever.

20 So I want you to please know that.

21 What else?

22 CLERK: I don't have anything.

23 THE COURT: Yeah. All right, let me ask
24 you this, any additional instructions, anything
25 I've omitted from the State, Solicitor?

1 MR. EVANS: No, your Honor.

2 THE COURT: Mr. Gibbes?

3 MR. GIBBES: No, Your Honor.

4 THE COURT: Mr. Johnson?

5 MR. JOHNSON: I have nothing, Your Honor.

6 THE COURT: All right, so ladies and
7 gentlemen, what I'm gonna do is, I'm gonna go
8 ahead and discharge you.

9 Again, no research, no communication in any
10 way, directly or indirectly, through any means,
11 and I think you understand what I'm talking
12 about. And any other matters we'll take up
13 Monday morning. I'll see you at 9:15 --

14 CLERK: Wednesday.

15 THE COURT: Wednesday morning I will see
16 you at 9:15 So, Bailiff, if you'll just take
17 them right out and show them where they need to
18 report to, okay? Thank you'all very much.

19 (Jury exits the courtroom.)

20 THE COURT: So, what we're gonna do is, we
21 will deal with that Wednesday morning, and see
22 what situation is. I have no idea, and we will
23 make an inquiry to see if we can find out what
24 that relationship, if any, is and whether or not
25 he can be fair and impartial, and why that was

1 not brought to the Court's attention.

2 All right, Mr. Evans, anything you want to
3 tell me concerning that?

4 MR. EVANS: No, sir, that sounds like a
5 good plan to me.

6 MR. GIBBES: Your Honor, what juror was
7 that?

8 MR. JOHNSON: Number 69. She was the first
9 one drawn.

10 THE COURT: Mr. Gibbes, is that
11 satisfactory?

12 MR. GIBBES: Yes, sir.

13 THE COURT: The juror, while my bailiff who
14 was basically seated right there and escorting
15 the juror out -- all right, in the meantime, I
16 want to make certain that everyone knows that
17 there is to be no contact with any of the
18 potential witnesses, or any of the jurors in
19 this case, and that means direct and indirect
20 contact.

21 That is a friend, or acquaintance, or a
22 coworker reaching out to a juror, or to a
23 witness.

24 MR. EVANS: Yes, Your Honor.

25 MR. GIBBES: Yes.

1 MR. JOHNSON: Understood, Your Honor.

2 THE COURT: I will see everyone Wednesday
3 morning. Thank you.

4 (At 5:40 p.m. the proceedings were
5 continued until Wednesday, November 8, 2023,
6 without interruption.)

7 **

8 END OF VOLUME I

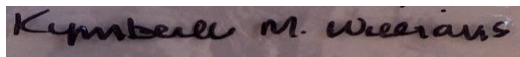
9 **

CERTIFICATE OF REPORTER*******

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14th Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the General Sessions Court for Beaufort County, South Carolina on the 6th Day of November 2023.

I do further certify that I am not related, of counsel, or interest to any party hereto.

This, the 10th day of June 2024.



Kymberlee M. Williams, CSR/RPR

1 State if attempting to present into evidence the
2 Dollar General --

3 THE COURT: All right, Mr. Gibbes, we've
4 got the jury coming in, all right? The jury's
5 getting ready to come in.

6 MR. EVANS: I will be several witnesses
7 down the line, Judge, so I'm sure we'll have a
8 chance to --

9 MR. GIBBES: I figured that was the case,
10 Your Honor, and I just wanted to make Your Honor
11 aware that we would object to that.

12 THE COURT: All right. All right, look,
13 can we get the jury in here? It's not going to
14 be relevant during the opening, is it?

15 MR. JOHNSON: Correct, Your Honor.

16 MR. EVANS: No, Your Honor, it's not.

17 MR. JOHNSON: I just didn't know how you
18 wanted to handle it.

19 THE COURT: No problem.

20 (Jury enters the courtroom.)

21 THE COURT: I appreciate your willingness
22 to serve everybody. Now, I also want to welcome
23 Ms. Jarrell.

24 Ms. Jarrell, congratulations, you are now
25 one of the 12, okay? And so 1 of our jurors was

1 excused this morning, and to that extent you
2 don't need to worry about that, and why or what
3 reasons there were for that, but as a result of
4 that, that's why we have alternates, and so,
5 basically, Ms. Jarrell, you were selected to go
6 and to now join the 12 jurors.

7 All right, first thing that's gonna happen
8 is the Clerk is going to go and swear you in.
9 So could you go ahead, Madam Clerk, and please
10 swear in the jury?

11 CLERK: Yes, sir. Would you stand and
12 raise your right hand, please?

13 (Jury sworn)

14 THE COURT: At times, what I've got to let
15 you know is, this trial is not for
16 entertainment, it's a fundamental part of our
17 democracy, and it is often a slow, a
18 deliberative and repetitive process, the exact
19 opposite of books, TVs and movies. And the
20 simple reason is this, we don't have the ability
21 to take a word processor and just delete or
22 backspace and type in a new scene.

23 We don't have the ability to just say cut
24 and reshoot a scene. We've got to do everything
25 we can to make sure we get it right today to

1 process, and I point that out, because I want to
2 make sure that you understand that, and why it
3 moves that way.

4 Now, the courtroom's a place of honor
5 that's dedicated to the protection and
6 preservation of citizens' right, to what many
7 have called the greatest justice system ever
8 created. The attorneys will appear for the
9 parties they represent, but first and foremost
10 both are officers of the court, and you should
11 expect them to be professional, competent and
12 ethical in their representation. And, likewise,
13 folks, you are expected to be professional,
14 reasonable and ethical.

15 Now, what I'm saying right now is intended
16 to serve as an introduction to the trial of the
17 case. These are also not a charge on the law,
18 I'll instruct you on the law applicable to this
19 case at the end of the trial before you retire
20 to consider your verdict.

21 This is merely an explanation to the
22 procedure that we're gonna follow in the trial
23 of this case, okay?

24 Notes, some Judges are pro-notes and some
25 Judges don't want notes. I don't want my jurors

1 taking notes and let me just tell you why.
2 Number 1, sometimes whoever has the neatest
3 handwriting, that's perceived as being the best
4 notetaker, okay?

5 If you go back and remember your school
6 days, I mean whoever's handwriting was neater,
7 they were often perceived as the better
8 notetakers. And, of course, someone who takes a
9 lot of notes, as opposed to someone who takes
10 fewer notes, there's a reliance maybe these
11 notes since they're in more detail those are the
12 notes that I should follow, or we should follow,
13 or be influenced by.

14 That notetaker could have been writing down
15 the wrong thing. The evidence today is gonna
16 come from the witness stand and exhibits that
17 are entered into evidence through witnesses.

18 Folks, you're gonna be, and I'm gonna tell
19 you a little bit about this, but I've got to go
20 over some of this information, in just a second.

21 During the findings of fact in this case,
22 and the facts are coming from the witness stand,
23 and as a result you've got to observe the
24 witness, or observation of the witness. You've
25 got to look at, observe and draw your

1 conclusions from the evidence that comes from
2 this witness stand, ladies and gentlemen, and
3 that's why I think that notes can be a
4 distraction, so I'm gonna ask, folks, that you
5 please don't take notes. One other thing about
6 notes, "Tell me, why is it that we can't take
7 notes, but you are taking notes?"

8 Do you know why? Because I'm not the
9 finder of facts, I'm the judge of the law, and
10 you'll hear that throughout this trial. I don't
11 find the facts, you find the facts, and that's
12 the big difference, and that's why, folks, your
13 focus needs to be on what comes from this
14 witness stand, that's the difference in the role
15 I play and the role you play here throughout
16 this trial.

17 Now, the Defendants in this matter are
18 charged by an indictment, and they're charged,
19 let's see, Mr. Collins is charged with
20 possession of a weapon during a violent crime.
21 Mr. Collins is charged with armed robbery.

22 Mr. Collins is charged with murder. Mr.
23 Collins is charged with murder. Mr. Collins is
24 charged with a third murder. And Mr. Boles,
25 ladies and gentlemen, is charged with accessory

1 before the fact of a felony. Mr. Boles is
2 charged with accessory before the fact of a
3 felony on account of that. Mr. Boles is charged
4 with accessory before the fact of a felony, and
5 a third count there.

6 And Mr. Boles is also charged with
7 accessory before the fact of a felony once
8 again. Now, folks, the elements of the charges
9 will be explained to you later, but, again, I
10 want you to know, I told you this Monday, I told
11 you yesterday, Monday, the indictments are
12 simply the charging documents that bring this
13 case into court, and they are not in any sense
14 evidence of the allegations that are contained
15 therein, okay? That is evidence.

16 Where does the evidence come from? The
17 witness stand, witnesses and exhibits that they
18 identify as the evidence, that's the evidence,
19 not indictments, okay?

20 Now, the Defendants in this matter they've
21 pled not guilty to the indictments, and the
22 State, therefore, has the burden of proving the
23 elements of the indictments beyond a reasonable
24 doubt; and it'll be your duty, folks, to
25 determine whether the State has met that burden.

1 Your purpose as jurors is to find and determine
2 the facts.

3 You're the sole judge of the facts, so if
4 at any time I make any comment regarding the
5 facts, you must disregard it. You are to
6 determine the facts from the testimony you hear
7 and the evidence introduced in court, and it's
8 up to you to determine if the inferences, which
9 you feel doesn't properly draw from the
10 evidence. It's especially important that you
11 perform your duties to determine the facts
12 diligently and conscientiously, because
13 ordinarily, ladies and gentlemen, there's no way
14 to correct an erroneous determination of the
15 facts by a jury.

16 On the other hand, as I spoke earlier with
17 equal emphasis, the same law that makes you the
18 judge of the facts, makes me the judge of the
19 law. The law as given to you by the Court is
20 the only law you may consider.

21 You must expect and follow, even though you
22 may disagree with it. I cannot tell you what
23 the facts are, and you cannot disagree with me
24 about what the law is and should be. It's your
25 job to take the law as I give it to you and

1 apply it to the facts as you find them from the
2 testimony of witnesses and any other evidence
3 that's introduced. After doing that, you will
4 render your verdict under the solemn oath that
5 you just took.

6 Now, ladies and gentlemen, this is very
7 important, until I advise you to begin your
8 deliberations you must not discuss this case
9 with anyone, including your fellow jurors,
10 families, friends, and anyone involved in the
11 case. This includes face-to-face
12 communications, telephone communications,
13 emails, texts, blogs, or any other method of
14 communication.

15 You may not use a computer, cellular
16 telephone or other electronic device with
17 communication capabilities at any time while in
18 the courtroom, or during your deliberations,
19 okay? During your breaks, or meals, or
20 overnight, you may use these devices; however,
21 you may not at any time use the devices to get
22 or send information about the case. This
23 includes information about a party, a witness,
24 an attorney, a court officer, news accounts
25 about the case, research on any topic range, or

1 any topic that you think might be helpful.

2 Now, during the trial, do not read, do not
3 listen or watch any news reports about the case.
4 This includes anything that may be in the
5 newspapers or on the Internet or radio, TV.

6 You must not consider anything that you may
7 have read or have heard about the case outside
8 this courtroom, whether before or during the
9 trial. Now, after the case is submitted to you,
10 you must discuss it only in the jury room with
11 your fellow jurors.

12 The attorneys and parties in this case have
13 been advised that they're not to talk to you at
14 all on Monday. So if you see anybody involved
15 in the case and doesn't say hello, or give you a
16 nod, okay, they're not being unfriendly, they're
17 just following the instructions that I've given.

18 Now, it's important that you keep an open
19 mind, and not decide any issue in the case until
20 all the evidence has been presented, the parties
21 have made their closing arguments, and I've
22 instructed you on the law of the case.

23 It's your solemn responsibility to
24 determine whether the State has proved the
25 Defendant guilty beyond a reasonable doubt, and

1 your verdict must be based on the evidence as
2 its presented to you in this trial, and on the
3 law that I'm going to instruct you during the
4 close of the trial.

5 Now, in just a minute the Solicitor's going
6 to make what is called an opening statement.
7 And when the Solicitor will explain to you the
8 issues in the case, or at least what the
9 Solicitor thinks the issues in the case are.
10 The attorneys for the Defendants may make an
11 opening statement, although they're not required
12 to do that. And I want you to know what the
13 attorneys tell you during their opening
14 statements is not evidence in the case, it's
15 only their contention as to what the issues are.
16 The evidence in the case, again, will be
17 presented to you by witnesses, who are sworn,
18 and will testify, take the stand, and exhibits
19 that are entered into evidence.

20 Now, I want you to know from time-to-time
21 you're gonna hear 1 of the lawyers say, "Your
22 Honor, I believe we've got a question on the
23 law, or a matter of law we need to discuss with
24 you," or, "Your Honor, may we approach the
25 bench," or sometimes I may say, "Ladies and

1 gentlemen, I'm gonna have to excuse you from the
2 courtroom for a short while, while the attorneys
3 and I discuss a matter of law." Let me tell you
4 what I've got to do that, the reason is because
5 you're the judge of the facts, and I'm the judge
6 of the law, and sometimes when I'm discussing
7 matters of law with the attorneys, it may be
8 necessary for me to make some comment, as to the
9 facts in connection with my ruling, as to
10 whether or not it's applicable.

11 When you are deciding whether to believe a
12 witness you have the right to consider the
13 interest of any witness, the bias of any
14 witness, the presence of any witness, the
15 opportunity for the witness to have seen the
16 matters and things about which the witness may
17 testify, and the way the witness acts on the
18 witness stand.

19 You have the right to consider anything
20 that's in the record that will help you evaluate
21 the testimony of the witnesses. That means it's
22 your duty, ladies and gentlemen, to pay close
23 attention to these witnesses, observe the
24 witnesses, listen to these witnesses, and pay
25 close attention to the attorneys and the

1 instructions given to you by the Court.

2 Is there any objection from the State, as
3 it relates to the introductory words that I
4 shared with the jury?

5 MR. EVANS: Not from the State.

6 THE COURT: Mr. Gibbes?

7 MR. GIBBES: None, Your Honor.

8 THE COURT: Mr. Johnson?

9 MR. JOHNSON: I have none, Your Honor.

10 THE COURT: All right, thank you very much.

11 All right, ladies and gentlemen, we will now
12 begin the trial of the case. Solicitor?

13 MR. EVANS: Thank you, Your Honor. May it
14 please the Court?

15 THE COURT: Yes, sir.

16 **

17 **OPENING STATEMENT BY MR. EVANS**

18 MR. EVANS: Mr. Gibbes, Mr. Johnson, ladies
19 and gentlemen of the jury, when I was getting
20 ready to try this case and put these list of
21 witnesses before you, I started reflecting.
22 That these days a lot of folks like to spend
23 their free time playing video games, it's a
24 popular recreation people can do at home. You
25 can play online with thousands of people all

1 over the world while you're doing it. And a lot
2 of these people are what they call first person
3 shooters, where you're going through World War
4 II, or you're James Bond, and you've got a gun
5 in front of you, and that's all you see, and you
6 take out anybody who gets in your way. And what
7 do you do after you kill an enemy that came to
8 you, pick up their gun, add it to your
9 collection and move on.

10 If you get killed, your character gets
11 killed in a game, no big deal, you start over,
12 it's called responding, and there's not a lot of
13 blood that they show in these games. The
14 problem is life isn't like a video game. You
15 don't go around killing people, and get their
16 gun, and nobody responds, and murder is messy.
17 It's taken us a long time to get here. This
18 incident occurred on March 25th of 2018, at [REDACTED]
19 [REDACTED] Lane, in the Varnville area, just
20 about shy of Varnville town limits here in
21 Hampton County. You're gonna hear those words
22 Hampton County over and over and over again from
23 a lot of the witnesses. We have to show that
24 this all happened in Hampton County.

25 Now, [REDACTED] Lane, you can't even

1 find it on Google Maps. This is a dirt road in
2 a quiet little neighborhood, with a couple of
3 trailers, it's unassuming, it is hard to find,
4 if you don't know where you're going. Early,
5 very early in the day around 5:00 or 5:30 on
6 March 25th, 2018, Frankie Johnson is sitting in
7 [REDACTED] and he's playing video games
8 online.

9 Ghazi Duckett is there too, and Lamekia
10 Warren lies in her bed. Folks come to the
11 trailer, it's not a burglar, these gentlemen
12 aren't charged with burglary, they're welcomed
13 inside. Then all of a sudden in this quiet
14 little trailer at the end of a quiet unassuming
15 street turns into a slaughterhouse, because
16 Frankie Johnson is shot in the head 1 time,
17 executed, Ghazi Duckett shot in the head 1 time,
18 executed, both to the left side of their heads.
19 And the men responsible for those killings turn
20 their fury on Lamekia Warren, and she is shot
21 over and over and over again.

22 And you'll hear later on from a
23 pathologist, who works for MUSC to determine how
24 they died, that she suffered more than 30
25 gunshot wounds, and the men responsible left.

1 And if no one else was in the house, they might
2 have gotten away, they might not be here today
3 five and a half years later, but in a back
4 bedroom closet lies one other person in the
5 house, Khadajah Williams.

6 She's going to testify to you in just a few
7 moments that she didn't see who was responsible,
8 but she heard these horrible events, gunshots
9 fired over and over and over and over again.

10 And when she felt it was safe, she called
11 for help, she called friends, family 911. So
12 what happens when 911 is called? Law
13 enforcement goes to the scene. On the way
14 Officer Michael Smith sees something very
15 important, a distinctive automobile, a red
16 Charger with a Texas tag.

17 This isn't the Lone Star state, we're here
18 in South Carolina. Texas tags are on the front,
19 as well as the back, so that sticks out. Also,
20 Smith gets to the scene, other law enforcement
21 officials get to the scene, they start
22 communicating with each other, and this is early
23 in the morning. They're looking for a red Dodge
24 Charger with a distinct license plate.

25 Detective Marty Clapp, to my right, he

1 knows that the red Dodge Charger because of 1
2 name, Lorenzo Boles. And he knows that Lorenzo
3 Boles means another name, Tyrase Collins, and he
4 knows that 1 place that they might find them is
5 [REDACTED] Street in Varnville, showed up right
6 away.

7 You're going to hear law enforcement
8 officers talk about what they found when they
9 got to [REDACTED] Street, 3 guns, a murder weapon,
10 and two guns stolen from the scene associated
11 with the victims, Frankie Johnson and Ghazi
12 Duckett. All 3 at [REDACTED] Street, where Tyrase
13 Collins is living and where Lorenzo Boles is
14 seen.

15 What else do they find? The Dodge Charger.
16 You'll hear about the evidence that they pulled
17 from that Dodge Charger, and you're gonna hear
18 how the evidence in that car connect to these
19 men, Tyrase Collins and Lorenzo Boles to that
20 crime scene at [REDACTED], because remember
21 is messy, when you shoot someone in the head.
22 Fingerprints, not actual fingerprints, but
23 metaphorically, that signature, that chemical
24 that we all have inside of us is unique, it's 3
25 letters, you've heard that, DNA. It comes with

1 you. And you're gonna hear from expert
2 witnesses, like the pathologist I just
3 mentioned, Dr. Schandl from MUSC, she's gonna
4 testify to you tomorrow, I think. You'll hear
5 from other expert witnesses from SLED, State
6 Police who helped out, when local law
7 enforcement has a big case like this.

8 You'll hear from a firearms expert, a
9 serologist, a person who deals with determining
10 the presence of various bodily fluids, and
11 you're gonna hear from a DNA expert, again, I
12 believe tomorrow, who's gonna tell you about the
13 many, many items. The Judge is right, it's
14 gonna be a long and deliberate trial.

15 You're gonna hear all kinds of pieces of
16 evidence coming in through witnesses on that
17 stand, and it might not make a lot of sense,
18 believe me. Because when you're dealing with
19 scientific evidence, it takes a lot of physical
20 pieces to go up to Columbia to get those
21 results, so, please, be patient.

22 I'm sure the Defendants' attorney will ask
23 you not to draw any conclusions until all the
24 evidence is before you. That's 1 of the few
25 things that they and I agree with, and it's

1 gonna be a long process of collecting these
2 puzzle pieces. At the end that's when we're
3 gonna put them altogether.

4 One other thing the defense attorneys might
5 tell you, and they'll make an opening statement
6 to you here in a minute, is that these gentlemen
7 deserve a fair trial, and that's another thing,
8 the State of South Carolina completely agrees
9 with them on.

10 They deserve your full attention, they
11 deserve a fair trial from a jury of their peers,
12 that's you. As the Judge told you, you are the
13 finders of the facts, and he's the judge of the
14 law. So, yes, they deserve a fair trial, this
15 is the most important week in their lives, but
16 the State of South Carolina is also entitled to
17 a fair trial.

18 Frankie Johnson, Ghazi Duckett and Lamekia
19 Warren are entitled to a fair trial, and their
20 families. So we ask that you pay close
21 attention, be patient. If you need a break,
22 give the Judge a sign, we don't want anybody
23 uncomfortable, because we need that full
24 attention over the next few days. And when all
25 the puzzle pieces are before you, I'm gonna

1 stand up before you again, put them altogether,
2 and you'll see that Tyrase Collins is guilty of
3 the murders, and the armed robbery, and Lorenzo
4 Boles is guilty of being an accessory, that
5 means helping, potentially, for the three
6 murders and the robbery. I'm gonna ask you to
7 find them both guilty. Thank you.

8 THE COURT: Defense? Yes, sir.

9 **

10 **OPENING STATEMENT BY MR. GIBBES**

11 MR. GIBBES: Now, this morning I have the
12 opportunity, and better yet the privilege to
13 spend time with you'all for the next few days.

14 First of all, I'd like to thank you for
15 your duty that you all have embarked on. For
16 many of you this will be your first time.
17 Throughout this process I want you to understand
18 that I represent Lorenzo Boles, an accessory
19 before the fact, an accessory before the fact,
20 accessory before the fact.

21 Now, Your Honor did a great job laying
22 everything out, Lorenzo Boles is being charged
23 with accessory before the fact. March 23rd,
24 2018, to witness the birth of my first child,
25 9.5 pounds. Like most young parents I was

1 afraid. Like most fathers, I wasn't bothered by
2 the responsibility that I have, that I brought
3 her into. She came into a world where you can
4 be charged with accessory before the fact,
5 whether you're guilty or not. You can be
6 charged with accessory before the fact, if the
7 evidence is there or not there. It's not for
8 me, because I understand, and I'm confident in
9 the law, and I'm confident that today and this
10 week, when the evidence is presented, you'll
11 have an opportunity to set aside the emotions,
12 analyze the facts, determine whether or not a
13 witness is credible or not, and set aside
14 whatever emotion that you may have in this, and
15 have that opportunity to determine whether or
16 not my client, Lorenzo Boles, is guilty of
17 accessory before the fact.

18 I won't take much time today in the opening
19 statement, but most of these attorneys have
20 stated far more than most would say. On March
21 23rd, 2018, when my daughter came into this
22 world. Two days later is when this crime was
23 committed.

24 Now, the world that we're in today in this
25 courtroom you have the opportunity to defend the

1 fact that an individual can be accused of doing
2 something, but you will have your opportunity
3 and your day to have the evidence presented
4 against you, and for individuals to analyze that
5 evidence to see if it applies to you.

6 I'm confident that once you review the
7 evidence today, set aside whatever emotion that
8 may come from this trial this week, I'm
9 confident that you will be able to return a not
10 guilty verdict for my client, Lorenzo Boles.
11 Thank you for the opportunity of having talked
12 today. Look forward to spending time with you.

13 THE COURT: Thank you.

14 MR. GIBBES: Thank you, Your Honor.

15 THE COURT: Mr. Johnson?

16 MR. JOHNNSON: Thank you, Your Honor.

17 THE COURT: Yes, sir.

18 **

19 **OPENING STATEMENT BY MR. JOHNSON**

20 MR. JOHNSON: Ladies and gentlemen, my name
21 is Charlie Johnson, I represent Tyrase Collins,
22 when he was arrested in 2018, and 17-years-old,
23 was a high school student here in Hampton. It's
24 been five years since this case happened. You
25 will find that there are 3 people that was

1 killed, they were murdered, we're not arguing
2 that. They have a right, those 3 people that
3 was killed, to have justice brought. You'all
4 are here to determine that. My argument of at
5 least my client is that he is not the person
6 that killed these people, it's just as simple as
7 that.

8 You, the jury, you're gonna have the
9 opportunity to do something that we don't get
10 the opportunity to do very often, that is,
11 you're going to get the opportunity to think for
12 yourselves. You're not gonna see any
13 commercials, you're not gonna see anybody
14 feeding you notes, you're gonna be able to use
15 your minds, and make your own decisions based on
16 what you see, not what I give you, not what the
17 State gives you, you put all of that including,
18 but they have no evidence of my client.

19 You will not see any witness, not 1 witness
20 that placed my client at the scene of that
21 crime, not 1. Not gonna be any witness that
22 placed my client in a car. You'll not see any
23 witness that said my client had an argument with
24 these people, or even knew these people. 1 of
25 them 32 times, that personal. You will see that

1 my client had nothing personal, or no
2 interaction with them. The only thing that
3 connects my client with the crime is DNA, and
4 we're gonna get into DNA. You see the stuff on
5 TV, where they say DNA, they can get it off of a
6 rake.

7 What they don't tell you is that that DNA
8 could have been there for a year. That DNA
9 could have been there for six months. Having
10 DNA on something does not put you there at that
11 particular spot at a particular time. They
12 can't tell you what time it happened. You're
13 going to get an education on DNA, as it relates
14 to my client. And after you get that education
15 of that DNA, you will find out that there's a
16 lot to know about DNA, and it's not an exact
17 science, as they tell you all the time.

18 Now, I live in the Low Country, and we put
19 these blinders on the mules. And what they do
20 that for is so that mules can see straight down
21 the road, and not be distracted with stuff
22 around the sides.

23 The police have a tendency to have blinders
24 on. The Solicitor told you in his opening, but
25 then how did this crime happen? They've already

1 decided who did it. They decided Mr. Boles and
2 my client.

3 I worked for a while as a prosecutor, and
4 my main argument with the police was not that
5 that they were not paying attention or they
6 didn't care, but police have a tendency of
7 deciding who did it.

8 And then you go and look for evidence to
9 prove that person did it. Think about this,
10 March the 25th of 2018, three individuals were
11 brutally killed. This was on a late Friday
12 night going into a Saturday. By Monday of that
13 same -- two days later, they'd already arrested
14 four individuals, collected the car, did all
15 this evidence.

16 On April the 8th, which is 14 days later my
17 client was arrested and charged with murder, 14
18 days. Ten days after that he was charged with
19 murder. So in 24 days the police solved the
20 crime with 3 individuals killed, with no
21 witnesses, based on DNA. And by the way, the
22 DNA that they're talking to you about, the
23 police didn't get the DNA back from the lab to
24 determine what was in the DNA until June the 4th
25 of 2021, of June the 4th, 2021, 3 years later.

1 So ask yourself, how can the police have DNA, or
2 know who's identified, based on DNA they didn't
3 have at the time they arrested my client? Ask
4 yourself all of these questions.

5 The person that did this -- the person that
6 killed these 3 individuals need to go to jail,
7 but it is not justice to send the wrong person.
8 When people go fishing, they put nets out there,
9 and they catch all kinds of different fish, but
10 they're only out there fishing for one. What
11 they did was, the police decides who did it, and
12 then they spent 24 days to prove who did it with
13 no evidence at all. And in looking at this
14 case, you'll come to the same conclusion, that
15 three people have been killed, and we still
16 would not know who did it. Thank you.

17 THE COURT: Thank you.

18 Solicitor, you can call your first witness.

19 MR. EVANS: Thank you, Your Honor. The
20 State calls Tinish Bryson-Smith.

21 **TINISH BRYSON-SMITH,**

22 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

23 **DIRECT EXAMINATION**

24 BY MR. EVANS:

25 Q Good morning.

1 A Good morning.

2 Q Will you please identify yourself for
3 the Court Reporter, and spell your last name?

4 A Tinish Bryson-Smith, B-R-Y-S-O-N - S-M-
5 I-T-H.

6 Q All right, and, Ms. Bryson-Smith, what
7 do you do, ma'am?

8 A Hampton County 911 Director.

9 Q Can you just very briefly describe the
10 duties of your job there?

11 A Over the day-to-day operations of the
12 911 Center, providing data from audio recordings
13 requested by law enforcement, attorneys,
14 etcetera.

15 Q So when the 911 call comes in, what do
16 you do?

17 A So it's automatic recorded once the
18 phone starts ringing, and it will continue to
19 record until the call has ended.

20 Q And so the recording is made
21 automatically?

22 A Correct.

23 Q All right, and is that in every single
24 911 call that comes in for all of Hampton
25 County, regardless of which agency?

1 A Correct.

2 Q Okay. Fire, police, Varnville, Hampton
3 County?

4 A Correct.

5 Q Okay. And how long have you been doing
6 this?

7 A I've been dispatching for 17 years,
8 Director since December of last year.

9 Q Okay, well, congratulations on your
10 promotion. So I take it that you were at EMS in
11 March of 2018?

12 A Correct.

13 Q Were you the 911 dispatcher who picked
14 up the phone in this case?

15 A I was not.

16 Q All right, but have you reviewed a
17 recording made on March 25th, 2018 --

18 A Yes.

19 Q -- or a series of recordings received
20 that night?

21 A A series of recordings for it.

22 MR. EVANS: May I approach the witness,
23 Your Honor?

24 THE COURT: You may.

25 BY MR. EVANS:

1 Q Do you recognize that?

2 A I do.

3 Q What is that?

4 A This is a 911 recording that I listened
5 to.

6 Q All right, so you reviewed that disk in
7 preparation for your testimony here today?

8 A Correct.

9 Q All right. Are these recordings from
10 March 25th, 2018?

11 A Yes, sir.

12 Q Made in the same manner that you've
13 described?

14 A They are.

15 Q All right, and did 911 provide these to
16 law enforcement later on in the course of this
17 investigation?

18 A They did.

19 Q And have these recordings been changed
20 or altered in any way?

21 A Not to my knowledge.

22 Q All right.

23 MR. EVANS: Your Honor, the State would
24 move this disk in as State's Exhibit 200.

25 THE COURT: Any objection, Mr. Gibbes?

1 MR. GIBBES No, Your Honor.

2 THE COURT: Mr. Johnson?

3 MR. JOHNSON: Your Honor, I would have an
4 objection to it, just based on the fact that
5 it's --

6 THE COURT: Come on up.

7 (Bench conference.)

8 THE COURT: State's 200 I'm gonna admit
9 into evidence, subject to objection.

10 f's Exhibit 200 was admitted into
11 evidence.)

12 MR. EVANS: Thank you, Your Honor.

13 THE COURT: Uh-huh.

14 MR. EVANS: I believe that's all I have.

15 THE COURT: Mr. Gibbes?

16 MR. GIBBES: No questions, Your Honor.

17 THE COURT: Mr. Johnson?

18 MR. JOHNSON: Yes, sir.

19 **

20 **CROSS-EXAMINATION BY MR. JOHNSON**

21 BY MR. JOHNSON:

22 Q Good morning.

23 A Good morning.

24 Q Do you know if that tape was altered?

25 A I don't know.

1 Q So you wasn't the one who received the
2 call, did you?

3 A I was not.

4 Q Could you tell me what time that call
5 occurred?

6 A I can't.

7 Q What time?

8 A I can't recall.

9 Q So we don't know what time the call came
10 in?

11 A No.

12 Q We don't know if the tape was altered?

13 A No.

14 Q So you definitely don't know whether my
15 client committed this crime, do you?

16 A No.

17 MR. JOHNSON: I have no other questions for
18 this witness.

19 THE COURT: All right, any redirect,
20 Solicitor?

21 MR. EVANS: No, sir.

22 THE COURT: All right, thank you so much,
23 ma'am, have a great day, okay?

24 WITNESS: You as well.

25 THE COURT: She's here, can she be released

1 from any subpoena?

2 MR. EVANS: Yes, sir.

3 THE COURT: Okay, any objection to her
4 being released from the subpoena, Mr. Gibbes?

5 MR. GIBBES: No, Your Honor.

6 THE COURT: Mr. Johnson?

7 MR. JOHNSON: No objection, Your Honor.

8 THE COURT: Have a good one.

9 WITNESS: Thank you, you too.

10 **

11 **KHADAJAH WILLIAMS,**

12 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

13 ***

14 **DIRECT EXAMINATION**

15 BY MR. EVANS:

16 Q And I'm sure she's gonna tell you that
17 she needs you to speak up, because there is a
18 microphone in front of you, but we need this
19 from everybody, especially so these folks here
20 to be able to hear you, and this lady here is
21 going to take down everything you say.

22 A Khadajah Williams, W-I-L-L-I-A-M-S.

23 Q Okay, Ms. Williams, where do you live
24 now?

25 A Pardon?

1 Q Where do you live?

2 A Fairfax.

3 Q Fairfax, Allendale County --

4 A Uh-huh.

5 Q -- just up the road here?

6 A Yes.

7 COURT REPORTER: I can't hear.

8 THE COURT: Ms. Williams, you're gonna have
9 to answer yes, no, whatever you want to
10 answer --

11 WITNESS: Yes.

12 THE COURT: -- okay? Thank you so much.

13 MR. EVANS: Thank you, Your Honor.

14 BY MR. EVANS:

15 Q Where did you live in 2018?

16 A In Varnville.

17 Q In Varnville. Do you remember the
18 address?

19 A Not exactly.

20 Q Was it on [REDACTED]?

21 A Yes.

22 Q Okay, [REDACTED] Lane in the Varnville
23 area?

24 MR. JOHNSON: Your Honor, objection.

25 THE COURT: Hold on.

1 MR. JOHNSON: He's leading the witness.

2 THE COURT: I'm gonna overrule that, go
3 ahead.

4 MR. EVANS: Thank you, Your Honor.

5 BY MR. EVANS:

6 Q Was it on [REDACTED] Lane?

7 A Yes.

8 Q Okay. Who did you live there with?

9 A Frank.

10 Q I've got to have you speak up, I'm so
11 sorry.

12 A Frank.

13 Q Frank?

14 A Yes.

15 Q Frankie Johnson?

16 A Yes.

17 Q Okay. Who is he to you?

18 A My boyfriend.

19 Q Okay, and you lived -- it was his home?

20 A Yes.

21 Q Could you describe the home? What kind
22 of building was it?

23 A It was a trailer.

24 Q All right. How many other people lived
25 there, anybody?

1 A Yes, two others.

2 Q Who were they?

3 A I don't know.

4 Q What are their full names, if you
5 recall? You didn't know?

6 A No.

7 Q But you knew Ghazi?

8 A Uh-huh.

9 Q And let me --

10 THE COURT: Say yes, ma'am.

11 BY WITNESS:

12 A Yes.

13 MR. EVANS: Thank you, Your Honor.

14 BY MR. EVANS:

15 Q And Lamekia --

16 A Yes.

17 Q -- was the other one?

18 A Yes.

19 Q Okay, were they boyfriend and
20 girlfriend?

21 A Yes.

22 Q They were? Did they stay in the same
23 room then at the house?

24 A Yes.

25 Q All right. Were you there on March 25th

1 of 2018?

2 A Yes.

3 Q Can you tell us about the events of that
4 morning in your own words?

5 A I don't know everything; I just remember
6 it happening.

7 Q Okay. Was this late at night, early in
8 the morning? And if you don't remember the
9 exact time, didn't look at the clock, but just
10 tell --

11 A I don't know, late.

12 Q Okay, before the sun came up?

13 A Right.

14 Q And you said you were laying where?

15 A In the bed.

16 Q And would that be the room that you
17 shared with Frankie?

18 A Yes.

19 Q Where was Frankie at this time; do you
20 know?

21 A Not exactly.

22 Q Okay, so you don't -- are you telling me
23 you don't know where he was, but he wasn't with
24 you?

25 A He was there, but he wasn't in the room.

1 Q All right, how Ghazi and Lamekia, were
2 they in the building?

3 A I didn't know if they were there or not.

4 Q Okay. And what is the first strange
5 thing that you remember that led to today?

6 A I heard something.

7 Q You heard something?

8 A Yes.

9 Q What did you hear?

10 A "What's up, bro."

11 Q Okay, so --

12 A And bullets.

13 Q And bullets. So friendly gunfire?

14 A Right.

15 Q And you said a moment ago you heard
16 somebody say, "What's up, bro?"

17 A Uh-huh.

18 Q Who --

19 THE COURT: Can we get you to scoot up a
20 little bit? Scoot up a little bit and speak
21 into that as close to that as you can, and that
22 would be great.

23 If you could just speak right into that
24 microphone, I think that would help the court
25 reporter, and help everybody, all the jurors

1 here. Go ahead, rephrase your question.

2 BY MR. EVANS:

3 Q What was the first of those things that
4 you heard?

5 A I don't remember.

6 Q You testified a moment ago that you
7 heard both gunfire and somebody say, "What's up,
8 bro?" Which did you hear first?

9 A The gunshot and then, "What's up, bro."

10 Q Okay, was the sound of gunfire unusual
11 in that area, in your experience?

12 A No.

13 Q So were you alarmed by that when you
14 heard it?

15 A No.

16 Q Did you become alarmed later?

17 A Yes.

18 Q Okay. So then you heard somebody say,
19 "What's up, bro?" Could you tell who that was
20 saying that?

21 A Which part?

22 Q Who said, "What's up, bro?"

23 A Ghazi.

24 Q Ghazi, one of the people that lives
25 there?

1 A Uh-huh.

2 Q Okay.

3 THE COURT: Yes?

4 BY WITNESS:

5 A Yes.

6 Q That's another thing, Khadajah, is,
7 since she's writing down everything we say --

8 A Yeah.

9 Q Yeah, there's not gonna be a movie of
10 the trial, it's just gonna be a transcript, a
11 written, so she needs Y-E-S or N-O, okay?

12 A Right.

13 Q All right. So you heard Ghazi say,
14 "What's up, bro?"

15 A Yes.

16 Q What was the next thing that you heard?

17 A Gaggging.

18 Q Gaggging?

19 A Yes.

20 Q Okay, what about after that?

21 A I'm not sure.

22 Q Did you come out of the room to look and
23 see what was happening?

24 A No.

25 Q What did --

1 A I walked --

2 Q Okay.

3 A I walked, but I stopped.

4 Q And why did you stop?

5 A Because I heard gagging.

6 Q You heard gagging

7 A Yes.

8 Q Please keep speaking up, I know it's
9 hard. Is that what you heard?

10 A Uh-huh.

11 THE COURT: Yes?

12 COURT REPORTER: Yes?

13 BY MR. EVANS:

14 Q Yes or no, please.

15 A Yes.

16 Q Thank you. What did you do after you
17 heard the gagging and when you stopped? What
18 did you do next?

19 A I made a phone call.

20 Q Okay, where did you make the phone
21 calls, and who did you call?

22 A First I called my mom, I think my dad,
23 because they live close, and then I called 911.

24 Q I see. And did you speak to 911 loudly
25 like I'm asking you to do here today, or did you

1 whisper, or how did you do that?

2 A I talked in the closet.

3 Q In the closet?

4 A Yeah.

5 Q Why were you in the closet?

6 A Because I didn't want them to hear me.

7 Q I'm gonna need you to repeat that, and
8 please speak much louder, please.

9 A Because I was afraid they was gonna come
10 back there so I hid in the closet.

11 Q Were you afraid?

12 A Yeah. Yes, sir.

13 Q And what had you heard that made you
14 afraid?

15 A I knew something was going on.

16 Q I take it you didn't want to come out
17 and see what was happening?

18 A No.

19 Q When you made those calls what happened
20 next?

21 A My mind went blank.

22 Q Okay. Did anybody ever come to the
23 house?

24 A Did anyone come in?

25 Q Uh-huh. Did the police come?

1 A Yes.

2 Q Okay, eventually?

3 A Yes.

4 Q Were you upset with them in any way?

5 A Yes.

6 Q Can I get a verbal answer from you?

7 A Yes.

8 Q Why were you upset with them on that
9 day?

10 A Because they were taking too long.

11 Q Were you afraid?

12 A Yes.

13 Q Did you see with your own eyes any of
14 what happened?

15 A No.

16 Q Did you eventually come out of that
17 room?

18 A Yes.

19 Q What did you see when you came out of
20 that room?

21 A I don't know.

22 Q Did you see Frankie?

23 A Yes.

24 Q Where was he?

25 A In the chair.

1 Q And what did he look like?

2 A I don't remember.

3 Q Did you see Lamekia or Ghazi?

4 A No.

5 Q But Frankie was in the chair?

6 A Uh-huh.

7 Q What did you do after you saw him in the
8 chair?

9 A I hugged him.

10 Q I'm sorry?

11 A I hugged him.

12 Q Did he hug you back?

13 A No.

14 Q Could you tell what had happened to him?

15 A No.

16 Q Could you tell whether he was alive or
17 not?

18 A No.

19 Q Could you tell whether he was still
20 alive?

21 A No.

22 Q Were you worried about him?

23 A No.

24 Q Why not?

25 A He was gone.

1 Q He was gone. Did you meet with police
2 when they arrived?

3 A Yes.

4 Q Did you tell them what had happened?

5 A Yes.

6 Q Khadajah, I'm gonna ask you to step down
7 here, and I showed you this when we talked
8 earlier this week; do you remember that poster?

9 A Yes.

10 Q Why don't you just come on down. It's
11 gonna be okay. Would you prefer I bring it to
12 you?

13 A Yes.

14 THE COURT: And you'all feel free to move
15 about, do whatever you need to do.

16 MR. EVANS: And, Judge, if I'm gonna bring
17 it up to her, you may want to see this as well.

18 THE COURT: All right.

19 MR. EVANS: Thank you, Judge.

20 THE COURT: Go ahead.

21 BY MR. EVANS:

22 Q Do you remember when we looked at this
23 earlier this week? Yes, or no?

24 A Yes.

25 Q All right. Do you recognize this as

1 being the house?

2 A Yes.

3 Q Okay. Which bedroom were you in?

4 Either point or use the descriptors.

5 A Right here.

6 Q Okay, so bedroom two?

7 A Uh-huh.

8 THE COURT: yes?

9 BY WITNESS:

10 A Yes.

11 THE COURT: Thank you.

12 BY MR. EVANS:

13 Q If this the closet that you were in?

14 A Yes.

15 Q Can you show us where Frankie was?

16 A (Indicating).

17 Q Okay. In the area marked living room
18 for the record? Is that a, yes?

19 A Yes.

20 Q Okay. Which bedroom did Ghazi and
21 Lamekia stay in? Bedroom number 1, for the
22 record, yes, or no?

23 A Yes.

24 Q Okay, and, again, you were in bedroom
25 two when you made the calls in the closet there?

1 A Yes.

2 Q Okay. Was it drawn -- was it closed or
3 open when all this was going on?

4 A It stayed close.

5 Q It stayed close all the time?

6 A Yes.

7 Q Okay. Did anybody come down that
8 hallway when this happened? No?

9 A No.

10 Q And where did you -- how far did you
11 make it, when you said you got up and you
12 started heading that way when you heard things?
13 How far did you get?

14 A Not far.

15 Q Okay. Just not even quite halfway down
16 the hallway?

17 A No.

18 Q And then you went back to this closet
19 here?

20 A Yes.

21 Q All right.

22 MR. EVANS: Thank you, Your Honor.

23 BY MR. EVANS:

24 Q Who was there at that time?

25 A Who was there?

1 Q Could you tell whether anybody, other
2 than the usual people were in the house at the
3 time you started making the calls?

4 A I don't understand.

5 Q Well, were you afraid when you made the
6 calls?

7 A Was I afraid?

8 Q Were you afraid?

9 A Yes.

10 Q Yes? What were you afraid of?

11 A Everything that was going on.

12 Q Everything that was happening out there?

13 A Yeah.

14 Q Were you afraid that there were strange
15 people in the house still?

16 A Yes.

17 Q Okay, those are all the questions that I
18 have. Please answer any questions that these
19 gentlemen may have.

20 THE COURT: All right, Mr. Gibbes, yes,
21 sir.

22 MR. GIBBES: No questions, Your Honor.

23 THE COURT: Mr. Johnson?

24 MR. JOHNSON: Thank you, Your Honor.

25

**

1 **CROSS-EXAMINATION BY MR. JOHNSON**

2 BY MR. JOHNSON:

3 Q Good morning. I just have two questions
4 for you. I want you to be real calm, I want you
5 to make sure that you tell the truth, okay?
6 When you first called 911, you called 911 after
7 your boyfriend and the individual had been shot;
8 is that correct?

9 A Yes.

10 Q I can't hear you.

11 A I don't remember.

12 Q You don't know?

13 A I don't remember.

14 Q You don't remember?

15 A No.

16 Q So did you call -- I mean why did you
17 call 911?

18 A Why did I?

19 Q Yeah, why did you call 911?

20 A Why I wouldn't?

21 THE COURT: No, ma'am, your job is not to
22 ask questions, your job is to answer the
23 question, assuming you understand the question,
24 so, please, rephrase the question, sir.

25 BY MR. JOHNSON:

1 Q Why did you call 911?

2 A I don't know.

3 THE COURT: All right, we're gonna take a
4 break, ladies and gentlemen. I'm gonna ask you
5 to step back in the jury room. I appreciate it.
6 Don't talk about the case, and I'll get you back
7 in here in just a few minutes, okay? Thank you.

8 (Jury exits the courtroom.)

9 THE COURT: All right, ma'am, did you not
10 understand this question? Ma'am? All right,
11 what do you want me to do with this witness, Mr.
12 Johnson?

13 MR. JOHNSON: I would ask, if she refuses
14 to testify, Your Honor, I can't cross-examine
15 her, and she can tell the jury. I have another
16 question to ask her.

17 THE COURT: Well, I understand that but she
18 hasn't answered the first question.

19 MR. JOHNSON: I understand.

20 THE COURT: Okay, so I'm gonna ask you what
21 you want me to do?

22 MR. JOHNSON: I guess I would ask at least
23 to allow me to ask her the questions I wanted
24 the jury to hear, and she refused, then I'd ask
25 the jury to disregard her testimony.

1 THE COURT: All right. Mr. Gibbes, I guess
2 you join in the same?

3 MR. GIBBES: Yes, Your Honor.

4 THE COURT: All right, Solicitor, what do
5 you propose, given the nonresponsive nature of
6 the witness to Mr. Johnson's questions, sir?

7 MR. EVANS: Judge, I'm not aware of a rule
8 by which the jury can be instructed to disregard
9 the testimony.

10 I would just ask the court, I do not want
11 anything bad to happen to her, but perhaps the
12 Court could advise her of the consequences of
13 her refusing to testify, as difficult as we
14 understand it is. She's been through an
15 incredibly traumatic event.

16 THE COURT: Of course.

17 MR. EVANS: This is very sensitive stuff
18 that we're dealing with here. If Mr. Johnson
19 has any prior inconsistent statements that he
20 can impeach her with, he's welcome to bring
21 those up, but I'm not aware of anything she said
22 -- she's just, literally, going through a
23 breakdown, Judge.

24 THE COURT: All right.

25 MR. EVANS: And I think --

1 THE COURT: I understand that.

2 MR. EVANS: I'm sure the cross won't be,
3 you know, unduly lengthy. I'm sure she can get
4 through it.

5 THE COURT: Well, let me -- you're telling
6 me that --

7 MR. EVANS: -- she --

8 THE COURT: She's not responded to
9 anything, and so to that extent I mean I don't
10 know. Let me see counsel in chambers, and,
11 ma'am, you can just sit right there.

12 (Meeting in chambers.)

13 **

14 **PROCEEDINGS CONTINUED**

15 BY THE COURT:

16 Q All right, Ms. Williams, I'm going to
17 tell you that, if you refuse to answer the
18 questions that Mr. Johnson is asking, that I
19 will have no other option than to hold you in
20 contempt of court. Do you understand that?

21 A Yes.

22 Q All right, do you understand, ma'am,
23 that if you refuse to answer the questions that
24 Mr. Johnson asks, and that I hold you in
25 contempt of court, ma'am, that will mean that I

1 will have you taken into custody. Do you
2 understand that?

3 A Yes.

4 Q Okay. Well, in that case what we're
5 gonna do is, we're gonna have the jury come out,
6 and I'm gonna have him ask you a question, or
7 ask you any questions that he is going to ask,
8 and we'll see how you respond to that, and then
9 we'll move forward from there, okay?

10 A Yes.

11 Q Thank you.

12 THE COURT: All right, is there any
13 objection to getting the jury in from the State?

14 MR. EVANS: Not from the State.

15 THE COURT: Defense?

16 MR. JOHNSON: No, Your Honor.

17 THE COURT: All right, thank you very much.

18 (Jury enters the courtroom.)

19 THE COURT: All right, Mr. Foreman, ladies
20 and gentlemen, welcome back.

21 Mr. Johnson, will you proceed with your
22 questions?

23 MR. JOHNSON: Thank you.

24 BY MR. JOHNSON:

25 Q Ms. Williams, I'm not trying to upset

1 you, I'm just gonna ask you just a few more
2 questions. What time did -- when you made your
3 911 call, that was after your boyfriend had been
4 shot; is that correct?

5 A I don't know.

6 Q You don't know? And then it goes back
7 to the original question, why did you call 911?

8 A I heard gagging.

9 COURT REPORTER: I can't hear.

10 THE COURT: You've got to speak up, ma'am.

11 BY MR. JOHNSON:

12 Q You heard gagging?

13 A Yes.

14 Q Okay.

15 THE COURT: Yes? Is that a yes, ma'am?

16 BY WITNESS:

17 A Yes.

18 Q Okay. And when the police did show up
19 -- well, it was a long time before the police
20 came out to your call, correct?

21 A Yes.

22 Q Okay. Would you say an hour or --

23 A I don't know.

24 Q You don't know, but it was a long time?

25 And when the police did show up, did you not

1 tell them that you heard the voice of the
2 shooter inside your house, and that you
3 recognized the voice?

4 A Yes.

5 THE COURT: I can't hear you, ma'am, you've
6 got to speak up.

7 BY WITNESS:

8 A I'm trying.

9 THE COURT: Yes, ma'am. What was your
10 answer to the question, ma'am?

11 BY WITNESS:

12 A Could you rephrase that?

13 Q Did you tell the police that you
14 recognized the voice of someone that was there
15 at the house?

16 A Yes.

17 Q And the person that was, as you told the
18 police, were the people that were doing the
19 shooting, correct?

20 A I recognized the voice.

21 Q One voice, correct?

22 A Yes.

23 Q And the person that you recognized was
24 Harris, correct?

25 A Yes.

1 Q Is Mr. Harris in this courtroom today?

2 A No.

3 Q So the person that came in the house,
4 that was participating in killing your boyfriend
5 and your friend is not here in the courtroom
6 today, is he?

7 A No.

8 Q I have no other questions for you.

9 THE COURT: All right, any redirect?

10 **

11 **REDIRECT EXAMINATION**

12 BY MR. EVANS:

13 Q You recognized the one voice?

14 A Uh-huh.

15 Q Can I get a verbal?

16 A Yes.

17 Q Okay, were there others?

18 A One woman.

19 Q 1 woman? Did you recognize that voice?

20 A No.

21 Q That's all I have.

22 THE COURT: All right, anything else, Mr.
23 Gibbes?

24 MR. GIBBES: No, Your Honor.

25 THE COURT: Mr. Johnson?

1 MR. JOHNSON: No, Your Honor.

2 THE COURT: Any objection from the witness
3 being excused from the subpoena?

4 MR. EVANS: None, Your Honor.

5 THE COURT: Mr. Gibbes?

6 MR. GIBBES: No, Your Honor.

7 THE COURT: Can we excuse this witness?

8 MR. JOHNSON: I have no objection, Your
9 Honor.

10 THE COURT: Thank you very much, and you
11 have a great day. All right, you can call your
12 next witness, please.

13 MR. EVANS: The State calls Michael Smith.

14 **

15 MICHAEL SMITH,

16 BEING DULY SWORN TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION

18 BY MR. EVANS:

19 Q Would you please identify yourself, and
20 spell your last name for our court reporter,
21 sir?

22 A I'm Michael Smith, S-M-I-T-H.

23 Q All right, and, Mr. Smith, where do you
24 work, sir?

25 A Varnville Police Department.

1 Q How long have you been at Varnville PD?

2 A A little over 15 years.

3 Q Not 50?

4 A 15.

5 Q 15, okay, all right. And I see by your
6 shirt that you're the Assistant Chief. How long
7 have you had that rank?

8 A 2017.

9 Q Okay, so you were the Assistant Chief of
10 Varnville PD on March 25th, 2018?

11 A Yes, I was.

12 Q Do you recall the events of that morning
13 that led us here today?

14 A Yes, I do.

15 Q What can you tell us about that? Let's
16 start with how and when you were dispatched.

17 A Well, I was just getting to work around
18 5:30. The call went out to the Sheriff's
19 Department --

20 Q Is that in the a.m. or the p.m.?

21 A A.M.

22 Q All right.

23 A In the a.m. And the call came out to
24 the Sheriff's Department. I said, "Let's just
25 start to ride toward that way in case they need

1 our help."

2 Q Okay, now, when you say the call went
3 out to the Sheriff's Department, what does that
4 mean?

5 A That means the incident took place
6 outside the Town of Varnville, but --

7 Q I see.

8 A -- usually when the calls like that go
9 out, we try to assist each other.

10 Q Because the -- what was the address, if
11 you recall?

12 A I think it was [REDACTED] Lane.

13 Q All right, and were you familiar with
14 that area?

15 A Yes, I am.

16 Q Is that near the Town of Varnville?

17 A Yeah, about two miles outside the town.

18 Q Okay, so would you'all be the closest
19 agency, even though the Sheriff's Department had
20 the jurisdiction?

21 A Yes, we would.

22 Q All right. And I think you said that's
23 common for you'all to help them in situations
24 like that?

25 A Yes, we help each other.

1 Q Everybody helps everybody? Hampton

2 PD --

3 A Yes, sir.

4 Q -- Sheriff's Office --

5 A Yes.

6 Q Okay. And so you said this was around
7 5:30 a.m. when you were just getting to work?

8 A Yes, sir.

9 Q That's when the Sheriff's Office was
10 dispatched, and you responded?

11 A Yes.

12 Q What happened on the way to [REDACTED]
13 Lane from your office? Well, describe very
14 briefly where your office is located.

15 A We're right off of 95 eastbound. The
16 back of our office runs into Mill Pond Road, and
17 that is the road that we often go and took to go
18 to --

19 Q Okay.

20 A -- yes.

21 Q So you knew where you were going based
22 just off the address? You didn't need to Google
23 Map it, or anything like that?

24 A No, sir,

25 Q All right, and you said Mill Pond Road?

1 A Yes, sir, Mill Pond Road.

2 Q What did you see on your way there --

3 A Well --

4 Q -- if anything?

5 A When we got outside the town on Mill
6 Pond Road, we got near a red Dodge Charger, and
7 another black vehicle.

8 Q Okay. How could you tell it was a red
9 Dodge Charger? I mean red -- you're not
10 colorblind, right?

11 A Yeah, yeah.

12 Q So --

13 A I mean when it passed me, it was right
14 there at the corner with me on Mill Pond, and
15 the streetlights were going, so --

16 Q Did you see any other vehicles passing
17 you, or coming up behind you for that matter,
18 that you didn't recognize?

19 A No, the only other vehicles behind me
20 were other officers.

21 Q And then --

22 A I was the lead vehicle.

23 Q And this is before 6:00 a.m.?

24 A This is before 6:00 a.m.

25 Q A lot of people driving in Varnville at

1 that time of morning?

2 A Pretty much, most people going to work
3 on 278, yes.

4 Q On 278?

5 A Yes.

6 Q But how about on Mill Pond?

7 A Not that many people we have on Mill
8 Pond. I mean we used to run traffic there, but
9 not much.

10 Q All right, and did you make a mental
11 note of that red car that you saw --

12 A Yes, I did.

13 Q -- the Charger? All right. What did
14 you find when you got to [REDACTED] Lane?

15 A When I got to [REDACTED] Lane, Deputy
16 Loadholt had already made it to the scene. He
17 was making contact with a young black female,
18 who was hysterical. She was hollering, and
19 Deputy Loadholt asked her, you know, was she
20 hurt, or was she shot? She said, "No."

21 He said, "Was anybody in the house hurt or
22 shot?" And she said, "Everybody in the house
23 was shot."

24 Q Okay. Was -- had the sun come up yet?

25 A It was about to come up, it wasn't --

1 Q Just started, so --

2 A Just started coming up.

3 Q: -- not dawn, but, you know, daybreak, or
4 whatever?

5 A Yeah, I think I arrived -- according to
6 my Dispatch, I might have arrived at 5:44.

7 Q 5:44?

8 A Yeah.

9 Q And you think the call came in at 5:30
10 when you got to work?

11 A Yeah.

12 Q All right. Any delays unnecessary?
13 Anything happen on your way there?

14 A No, other than just passing -- there was
15 two -- there were only two vehicles on the road
16 that we passed, but when we got to -- on our way
17 going to [REDACTED] Lane.

18 Q And you said local was already there?

19 A Yes, Deputy Loadholt was already there,
20 he was the first officer that made it on the
21 scene.

22 Q And he was with the Sheriff's Office?

23 A He was with the Sheriff's Department.

24 Q And you were there, I guess, to assist?

25 A Yes, sir.

1 Q Okay.

2 A We were there to assist.

3 Q Did you go inside with Deputy Loadholt?

4 A Yes, I -- after we talked to the young
5 lady, and she said there were some people in the
6 house that were shot, myself, and Deputy
7 Loadholt got together, and I was the lead
8 person, we went in the house, and that's when we
9 came in contact with the two victims.

10 Q Okay.

11 MR. EVANS: All right, may I approach the
12 witness, Your Honor?

13 THE COURT: Yes, sir.

14 BY MR. EVANS:

15 Q I'm gonna pass you four photographs that
16 have been previously marked but not entered yet,
17 as State's Exhibits 201, 202, 204 and 205, I
18 wonder if you can identify those for me, sir?
19 Do you recognize those photographs, sir?

20 A Yes, I do.

21 Q All right, what is that?

22 A It's the crime scene.

23 Q Okay, do they fairly and accurately
24 depict the way that -- other than some are in
25 black and white; is that correct?

1 A Yes, sir.

2 Q Other than that, do they fairly and
3 accurately depict the way that the crime scene
4 appeared when you arrived on March 25th, 2018?

5 A Yes, sir.

6 Q Did you take these photographs?

7 A No, I didn't.

8 Q But they look the way you remember it?

9 A Yes, sir.

10 Q All right.

11 MR. EVANS: Your Honor, the State would
12 move into evidence State's Exhibits 201, 202,
13 204 and 205.

14 THE COURT: Any objection, Mr. Gibbes?

15 MR. GIBBES: No, Your Honor.

16 THE COURT: Mr. Johnson?

17 MR. JOHNSON: I Have no objection.

18 THE COURT: All right, thank you very much.
19 201, 202, 204 and 205 are admitted without
20 objection.

21 (State's Exhibits 201, 202, 204 and 205
22 were admitted into evidence.)

23 MR. EVANS: May we publish, Your Honor?

24 THE COURT: Yes, sir.

25 BY MR. EVANS:

1 Q All right, this is State's Exhibit 201,
2 Mr. Smith, could you tell us what that is?

3 A That's the residence that we entered,
4 the crime scene.

5 Q All right, and this is, obviously, taken
6 after you'all had been there for a while?

7 A Yes, sir.

8 Q Okay, we've got -- what do we have here?

9 A The crime scene tape.

10 Q Okay, so there was no crime scene tape?

11 A No, sir.

12 Q What are these vehicles?

13 A I think the gold one is the one Deputy
14 Loadholt was driving, I think. I have already
15 left and went onto the hospital. And I know
16 that the crime scene was one of the victim's
17 vehicles.

18 Q Okay, so that's 201. This is State's
19 Exhibit 202. What do we have here?

20 A That's the front door of the crime
21 scene.

22 Q Okay, and what is that under there?

23 A 140.

24 Q Is this in Hampton County?

25 A Yes, it is.

1 Q I want to publish these two just here.

2 THE COURT: Yes, sir.

3 BY MR. EVANS:

4 Q This is State's Exhibit 204, can you see
5 that?

6 A Yes.

7 Q What is this showing?

8 A That's to show Mr. Johnson.

9 Q Okay, did you know him from prior
10 dealings?

11 A Yes, I did.

12 Q So did you recognize him when you saw
13 him?

14 A Yes, I did.

15 Q That was Frankie Johnson?

16 A That's Frankie Johnson.

17 Q Did he appear to be deceased?

18 A Yes, he did.

19 Q Did you check that?

20 A When I first entered the house, I took
21 my foot and kicked the bottom of the chair, and
22 I didn't get no movement. I called out, "Hey,
23 man, hey, man," and I didn't get no response.

24 Q No response.

25 A Yes, then I could see the gunshot wound

1 that he had.

2 Q I see, you saw -- what is this?

3 A The blood.

4 Q Okay, you could see that as well?

5 A Yes, sir.

6 Q All right, and this is 205.

7 A Yeah, that's --

8 Q What 205 depicts?

9 A That's the room that the Duckett victim
10 and the young lady was in.

11 Q All right.

12 A Yes.

13 Q There were two victims in there?

14 A Yeah, it was off to the right.

15 Q Okay. Did they appear to be deceased?

16 A When I took my foot and kicked the
17 Duckett -- yeah, Ghazi Duckett's foot, he made a
18 gurgling noise, and then when I kicked the young
19 lady, she didn't make no noise, so that's when
20 we backed out and -- after we cleared the house,
21 we backed out and called EMS to come get --

22 Q You can take the stand.

23 A -- Mr. Duckett and take him to the
24 hospital.

25 Q I see, yeah, you mentioned something

1 about the hospital. Can you tell us a little
2 bit about that?

3 A Yes. After we cleared the house, we
4 went up and got EMS, then we got Mr. Duckett and
5 transported him to the hospital.

6 Q All right, when you say cleared the
7 house, what does that mean, sir?

8 A Going through the house, making sure
9 there's no more victims or no suspects in the
10 house.

11 Q And why do you do that?

12 A To make sure the scene was safe for EMS
13 to come in, and to make sure we didn't miss
14 nobody else in the house.

15 Q Okay, and did EMS arrive?

16 A Yes, they did.

17 Q Okay, is that, in fact, who you went to
18 the hospital with?

19 A Yeah, I'm following.

20 Q Okay, so they've got -- how do they go
21 to the hospital? I mean do they have blue
22 lights like you?

23 A Yeah, they had red lights.

24 Q They have red?

25 A Yeah.

1 Q Okay, and you're running your blue
2 lights?

3 A Yes, yes.

4 Q And you saw them take -- well, you
5 identified all these 3 folks by name. Did you
6 know Miss Lamekia and Mr. Ghazi --

7 A I knew her, but I mean I've seen her
8 around, but I didn't know her, but I knew
9 Frankie and I knew Ghazi, both of them were
10 students when I was a School Resource Officer.
11 Ghazi played football for me when I was a coach
12 at the middle school, so I knew both of those
13 young men, known them very well.

14 Q All right. I'm gonna ask you actually
15 to step down one more time and show you
16 something.

17 THE COURT Hold on one second.

18 BY MR. EVANS:

19 Q Okay, Mr. Smith, do you recognize -- can
20 you tell what this is

21 A Yeah, it's like a diagram of the
22 trailer.

23 Q Okay, and come on up closer, so, you
24 know what we are looking at, but will you
25 indicate the stuff that we saw in the

1 photographs, where Number 204 and 205 were?
2 Where was Mr. Johnson?

3 A When we came in the front door Mr.
4 Johnson was sitting right about here in the
5 chair, with the TV on, and he had a game console
6 and it was still on.

7 Q Okay, it was still --

8 A Yeah.

9 Q -- like the game appeared to still be
10 going?

11 A Yeah, the game would still be going.

12 Q Could you hear anything coming from the
13 TV?

14 A You could hear the game, the game
15 itself, and I think it was a basketball game --

16 Q Okay.

17 A -- that they were playing.

18 Q How about where was Miss Lamekia and
19 where was Ghazi?

20 A When we cleared -- when we came and
21 cleared this area here, we came to the right,
22 and that's when we'd seen the young lady lying
23 down right about here, Ghazi was laying down by
24 the dresser.

25 Q So the person we saw in photo 205, where

1 is that?

2 A 205, that was the young lady?

3 Q Yeah.

4 A Yes.

5 Q Looking through that door?

6 A Yes.

7 Q Okay, thank you, sir.

8 A And the door was wide open.

9 Q It was still open when you'all got
10 there?

11 A Yes, sir.

12 MR. EVANS: Oh, I'm sorry, are you okay?
13 Beg the Court's indulgence.

14 THE COURT: Yes, sir.

15 MR. EVANS: Thank you, Your Honor.

16 BY MR. EVANS:

17 Q Chief Smith, those are all the questions
18 I have. Please answer any questions defense
19 counsel may have.

20 A Yes, sir.

21 THE COURT: Mr. Gibbes?

22 MR. GIBBES: No questions, Your Honor.

23 THE COURT: Mr. Johnson?

24 MR. JOHNSON: Thank you, Your Honor.

25

1 **CROSS-EXAMINATION BY MR. JOHNSON**

2 BY MR. JOHNSON:

3 Q Good morning.

4 A Good morning, how you doing, sir?

5 Q I'm doing good. Just two questions for
6 you. I want to get the timeline right. So you
7 were notified at 5:30?

8 A No, I came to work at 5:30.

9 Q Okay.

10 A Yeah.

11 Q What time did you receive the call?

12 A I -- it came between 5:30 and 5:44,
13 because I arrived on the scene around 5:44.

14 Q So between 5:30 and 5:44?

15 A Yeah, I came to work at 5:30, yes, sir.

16 Q You received a call?

17 A No, I didn't receive the call at 5:30, I
18 came -- the call came between 5:30 and 5:44.

19 Q And 5:44?

20 A Yes, sir.

21 Q So no later than 5:44 you had already
22 received a call --

23 A Yes.

24 Q -- telling you to go there, before 6
25 o'clock?

1 A Before 6 o'clock, yes, sir.

2 Q Are you privileged to the police reports
3 and stuff related to this crime? Have you seen
4 those reports?

5 A The one that I looked at, yes, sir.

6 Q Okay. Now, when you got the call, did
7 it come from the Dispatch, or you just heard it
8 over the radio, or what?

9 A It came across the radio.

10 Q Okay.

11 A Yes, sir, it came across the radio at
12 the Sheriff's Department.

13 Q So now normal procedure is, if they get
14 a call into 911, how long does it take for
15 Dispatch normally to get it out and make calls
16 to people?

17 Because I noticed in the tape that they
18 didn't know the address and all this stuff at
19 the time, so about how long would it take before
20 they actually put it out?

21 A I couldn't really answer that, because I
22 don't know how Dispatch --

23 Q But did you not receive --

24 A Usually before --

25 THE COURT: Hold on 1 second.

1 MR. JOHNSON: oh, I'm sorry.

2 THE COURT: Make sure that he finishes his
3 question before you answer, and make sure that
4 he finishes his answer before you follow-up,
5 okay?

6 MR. JOHNSON: I'm sorry, Your Honor.

7 THE COURT: No, go ahead. Ask your
8 question again.

9 MR. JOHNSON: I don't remember what I said.

10 BY MR. JOHNSON:

11 Q Once again, the time between the 911
12 operator getting the call, and by the time it
13 goes out to Dispatch, there's a lag time; is
14 that correct?

15 A Yes, sir.

16 Q How many years have you been an officer?

17 A Will be 28.

18 Q Okay, so would you say with your
19 experience as an officer, that the average may
20 be ten, 15 minutes or so?

21 A If it was a serious call --

22 Q Right.

23 A -- so they try to get it out between two
24 to 3 minutes, whatever they've got, they've got
25 to get it to us, and then go ahead and get the

1 rest of the information while we're en route,
2 give us the rest of the information.

3 Q Okay. Now, you're aware that apparently
4 there was some -- but you probably wouldn't
5 know, but your timeframe is between 5:30 and
6 5:44 you was getting notice that somebody had
7 been killed?

8 A There was -- the call went out, yes,
9 sir.

10 Q Okay.

11 A Definitely.

12 Q So it would be fair to say that the
13 shooting occurred before 5:30?

14 A No, I came to work at 5:30.

15 Q No, but I'm saying, but within a 15-
16 minute period it would be fair to say that it
17 happened before 5:30?

18 For the shooting you wouldn't get it within
19 two minutes.

20 A Well, I came to work at 5:30. The call
21 came out after I came to work, that's what I'm
22 trying to get at.

23 Q Would it be fair to say that the person
24 was killed before 5:44?

25 A Yes, sir.

1 Q Okay. And as far as it relates to my
2 client --

3	A Yes, sir.

4 Q -- Mr. Collins --

5	A Yes, sir.

6 Q -- you didn't see him in that car, did
7 you?

8	A No, sir.

9 Q So you have no evidence that he did
10 anything, do you?

11 A No, sir, all I could identify was the
12 cars.

13 MR. JOHNSON: I have no questions.

14 THE COURT: Anything else, Solicitor?

15 MR. EVANS: Yes, very briefly, Your Honor.

16 * *

17	REDIRECT EXAMINATION

18 BY MR. EVANS:

19 Q Did you know this as Frankie Johnson's
20 address?

21 A Yes, sir.

22 Q You were aware of that when you were on
23 your way?

24 A Yes, sir.

25 Q Did you hear his name as a person being

1 involved --

2 A Yes, sir.

3 Q -- over the dispatch?

4 A Yes, sir.

5 Q So when you left Varnville PD, you were
6 aware that you were looking for something
7 involving Frankie Johnson, and you knew where
8 you were going?

9 A Yes, sir.

10 MR. EVANS: That's all I have.

11 THE COURT: Anything else, Mr. Gibbes?

12 MR. GIBBES: One question real quick, Your
13 Honor.

14 THE COURT: Yes, sir.

15 **

16 **CROSS-EXAMINATION BY MR. GIBBES**

17 BY MR. GIBBES:

18 Q Did you notice my client in that
19 vehicle?

20 A No, sir.

21 MR. GIBBES: No further questions, Your
22 Honor.

23 THE COURT: All right.

24 Anything else, Mr. Johnson?

25 MR. JOHNSON: I have nothing else, Your

1 Honor.

2 THE COURT: Anything else, Solicitor Evans,
3 in response to the last question?

4 **

5 **FURTHER REDIRECT EXAMINATION**

6 BY MR. EVANS:

7 Q Yeah, in response to Mr. Gibbes'
8 question, could you tell anything about who was
9 driving the vehicle from passing it going in the
10 other direction

11 A No, I couldn't.

12 Q Okay.

13 THE COURT: All right, anything else,
14 gentlemen?

15 MR. JOHNSON: No, Your Honor.

16 MR. GIBBES: I have nothing else, Your
17 Honor.

18 THE COURT: All right, great. All right,
19 may he be excused?

20 MR. EVANS: Yes, sir.

21 THE COURT: Mr. Gibbes?

22 MR. GIBBES: Yes, Your Honor.

23 THE COURT: Mr. Johnson?

24 MR. JOHNSON: Yes, sir.

25 THE COURT: Have a great day. All right,

1 let's call your next witness.

2 MR. EVANS: The State calls Melissa Fields.
3 I believe she's in the Family courtroom. Okay,
4 thank you.

5 THE COURT: All right, the State's next
6 witness?

7 MR. EVANS: Judge, the next witness is
8 Stacy Loadholt.

9 THE COURT: All right, is Ms. Loadholt
10 here?

11 MR. EVANS: Yes, sir.

12 COURT REPORTER: Mr. Loadholt.

13 THE COURT: Mr. Loadholt.

14 MR. EVANS: Yes.

15 THE COURT: Let's get Mr. Loadholt in here.

16 MR. EVANS: The State calls Stacy Loadholt.

17 **

18 **STACY LOADHOLT,**

19 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

20 **

21 **DIRECT EXAMINATION**

22 BY MR. EVANS:

23 Q Will you please identify yourself, and
24 spell your last name for our Court Reporter,
25 sir?

1 A Stacy Loadholt, spelling Loadholt, L-O-
2 A-D-H-O-L-T.

3 Q And where do you work, Mr. Loadholt?

4 A Hampton Police Department.

5 Q All right, what's your rank there?

6 A Lieutenant over Investigations.

7 Q Lieutenant, how long have you been with
8 the Hampton Police Department?

9 A I've been with the Hampton Police
10 Department for approximately six years.

11 Q All right, where'd you work before that?

12 A The Hampton County Sheriff's Office.

13 Q How long have you been in law
14 enforcement total?

15 A A total of 27 years, sir.

16 Q All in Hampton County?

17 A No, sir, Orangeburg County and Jasper
18 County.

19 Q Okay, so a little Midlands and mostly
20 Low Country?

21 A That's correct.

22 Q Okay. Which agency were you working at
23 on March 25th, 2018?

24 A I was employed with the Hampton County
25 Sheriff's Office, as a Deputy Sheriff doing road

1 patrol.

2 Q Okay, you weren't doing investigations
3 at that time?

4 A No, sir.

5 Q What is road patrol? What are the
6 duties of that position.

7 A I was patrolling the area checking
8 property, you know, answering calls for the
9 Sheriff's Office.

10 Q Okay, so when you say answering calls,
11 what does that mean?

12 A We get a call come in through 911
13 needing law enforcement assistance, we'd be
14 dispatched to that location.

15 Q And is that how you became involved in
16 this case?

17 A That's correct, sir.

18 Q Can you tell us about what you -- your
19 observations and experiences of March 25th,
20 2018?

21 A Yes, sir. Received a call from
22 Dispatch, myself and Corporal Draper was on duty
23 at the time, we were working nightshift. We
24 received a call that there was a shooting on
25 [REDACTED] Lane, you know, which is in the Sandy

1 Run area of the county in Varnville.

2 Q In Varnville?

3 A In Varnville.

4 Q Hampton County?

5 A On the outskirts of Varnville.

6 Q Okay.

7 A Outskirts of Varnville.

8 Q Because if it was in Varnville --

9 A That'd be the Town of Varnville.

10 Q Right, okay.

11 A Uh-huh.

12 Q So since it was just outside, in this
13 case --

14 A It would be the Hampton County Sheriff's
15 Office where you were working?

16 A That's correct, sir.

17 Q All right, please continue, I'm sorry.

18 A All right, we responded to that
19 location. As I arrived on-the-scene I was met
20 by a female coming around the back side of the
21 residence running towards a vehicle.

22 Q Did you know her? Did you have dealings
23 with her?

24 A I didn't know who I was talking to at
25 the moment, until she got closer to me. I know

1 of her, but not, you know, not --

2 Q Yes, sir.

3 A And I asked her what was going on. She
4 said, "Officer," she said, "Deputy Loadholt,
5 there's 3 individuals in the house that's got
6 shot." And I asked her were the shooters there,
7 did she know who did the shooting? She said,
8 "No."

9 Q Okay.

10 A So at that time Assistant Chief Michael
11 Smith and Officer Tyler with the Varnville
12 Police Department arrived to back me up on the
13 -- at the residence.

14 Q All right, what did you do after you
15 spoke to her?

16 A After I spoke to her, with the other
17 officer on-scene, we formed a little team just
18 to go do a quick search of the house, and I
19 secured her in my vehicle.

20 At that point we went in the house, myself,
21 Assistant Chief Michael Smith and Officer
22 Draper. Once we entered the residence, I
23 observed to my left that was Mr. Johnson sitting
24 in the chair slumped over.

25 Q All right. And what was his condition?

1 A He was covered in blood, sir.

2 Q Did he appear to be deceased?

3 A Yes, sir.

4 Q All right, and what else did you find
5 inside the house?

6 A Okay, as I turned to my right to the
7 room immediately to the right, right there, I
8 saw Mr. Ghazi Duckett laying on the floor
9 gasping for air, and then there was another
10 female, who I didn't know at the moment, she was
11 -- she was in the back side of the room, she was
12 unresponsive at the time.

13 Q Passed?

14 A Yes, sir.

15 Q Now, you mentioned the two males by
16 name, did you know them by sight?

17 A Yes, sir.

18 Q You knew them from prior dealings?

19 A Yes, sir.

20 Q Okay, and they were -- Frankie Johnson
21 was one?

22 A That's correct, sir.

23 Q And the other?

24 A Mr. Ghazi Duckett, sir.

25 Q Okay. What else did you find? You said

1 you found a female who you didn't know. I
2 assume --

3 A That's correct.

4 Q I don't want to lead you, so did you
5 learn her name later?

6 A Yes, sir.

7 Q Okay. What else did you find while
8 you'all were there?

9 A At that point we backed out. I
10 immediately called for EMS to respond to the
11 scene, and once at the scene, my supervisor
12 arrived also, we secured the residence. We went
13 to do a protective sweep, to make sure nobody
14 else was in the residence.

15 And once we pulled back from that, we
16 secured the residence, and roped it off with CID
17 and for SLED to arrive.

18 Q I see.

19 A Yes, sir.

20 Q All right, did you do that personally,
21 or people you were supervising everyone?

22 A No, we always -- it's a team effort.

23 Q Everybody pitched in?

24 A Yes, sir.

25 Q Okay, but you made sure it was safe for

1 EMS?

2 A That's correct, sir.

3 Q Who notified SLED? You?

4 A One of the supervisors, sir.

5 Q All right.

6 A Yes, sir.

7 Q Did EMS arrive?

8 A Yes, sir.

9 Q When, approximately, did they get there?

10 A I guess about five to seven minutes
11 after the initial call came out, because they
12 couldn't come to the residence until we secured
13 it to make sure no threat was there.

14 Q And you said the initial call, do you
15 know when that came out?

16 A Not right off the top of my head. You
17 know, I know it was early in the morning. Our
18 shift was getting ready to get off. I know
19 about an hour prior to our shift was getting
20 ready to off.

21 Q Do you know what a CAD report is?

22 A Yes, sir.

23 Q Okay, would it refresh your recollection
24 to take a look at one?

25 A Yes, sir.

1 MR. JOHNSON: I am going to object.

2 THE COURT: Approach.

3 (Bench conference.)

4 BY MR. EVANS:

5 Q Mr. Loadholt, do you recognize what
6 that is in front of you?

7 A Yes, sir.

8 Q Without reading it aloud, please use
9 that to refresh your recollection and let me
10 know when you are ready to continue to testify.

11 A Okay. What was the question?

12 Q I was asking you about what time you
13 were dispatched.

14 A Around 5:44.

15 Q Is that when you were sent to the scene?

16 A Yes, sir.

17 Q Is that when you arrived?

18 A No, sir.

19 Q Took time to get there?

20 A Yes, sir.

21 Q About when did you get there?

22 A Five or six minutes later. I was
23 somewhere in the area.

24 Q You were already in the car and moving
25 about in Hampton County?

1 A Yes, sir.

2 Q Is all of this in Hampton County?

3 A Yes, sir.

4 Q Town of Varnville, is that in Hampton
5 County?

6 A Yes, sir.

7 Q Is [REDACTED] Street in Varnville, Hampton
8 County?

9 A That's correct, sir.

10 Mr. EVANS: Approach the witness?

11 THE COURT: Yes, sir.

12 BY MR. EVANS:

13 Q Pass you a photograph marked as 203.

14 Do you recognize that, sir?

15 A Yes, sir.

16 Q What is that photograph?

17 A It's a photograph of [REDACTED] Lane.

18 Q Fair and accurately depict the way that
19 [REDACTED] Lane looked on the morning of March
20 25, 2018?

21 A That's correct, sir.

22 MR. EVANS: The State would move this
23 photograph into evidence as State's Exhibit 203.

24 THE COURT: Any objection, Mr. Gibbes?

25 MR. GIBBES: No, Your Honor.

1 THE COURT: Mr. Johnson?

2 MR. JOHNSON: I have none, Your Honor.

3 THE COURT: 203 Solicitor?

4 MR. EVANS: Yes, sir.

5 THE COURT: In evidence without
6 objection.

7 (State's Exhibit 203 admitted into
8 evidence.)

9 BY MR. EVANS:

10 Q What part of [REDACTED] Lane is this
11 showing?

12 A When you walk in the front entrance.

13 Q Hand it back to you.

14 A Yes.

15 A From this picture it looks like Mr.
16 Johnson.

17 Q I will ask you to take a look at it
18 again?

19 You said that is a view of the front
20 door as you are heading in?

21 A Yes, sir.

22 Q Is that all it shows? A view of the
23 front door?

24 A View of the front door, uh-huh.

25 MR. EVANS: Those are all the questions

1 I have, Mr. Loadholt. Please answer any
2 questions these gentlemen may have.

3 THE COURT: Mr. Gibbes?

4 MR. GIBBES: No questions.

5 THE COURT: Mr. Johnson.

6 MR. JOHNSON: Yes, Your Honor. I have a
7 few.

8 THE COURT: Yes, sir. Go ahead.

9 **

10 **CROSS-EXAMINATION BY MR. JOHNSON**

11 BY MR. JOHNSON:

12 Q I was going to say good morning. It's
13 afternoon. You used the paperwork to refresh
14 your memory as far as the times.

15 `But you don't really know what time it
16 was, do you?

17 A I know it was early in the morning
18 because I was getting ready to get off, sir.

19 Q What time do you get off?

20 A We get off at 7:00 in the morning.

21 Q That paperwork that you used to refresh
22 your memory, it wasn't your notes, was it?

23 A No, sir That was not my notes.

24 Q So you are not sure what time you got
25 there?

1 A I know it was about an hour before I was
2 getting ready to get off, sir.

3 Q When you arrived at the scene, as you
4 said, you have been trained to be an
5 investigator and tell whatever that you see;
6 correct?

7 A That's correct.

8 Q Did you see my client there?

9 A No, sir.

10 Q Did you see anything indicating that my
11 client was there?

12 A No, sir.

13 Q You don't have any evidence to get to
14 the jury that my client committed this murder,
15 do you?

16 A Your client was not at the scene when I
17 was there.

18 Q You don't have anything to say that he
19 had anything to do with it, do you?

20 A Your client was not at the scene.

21 Q You answered it. Thank you.

22 THE COURT: All right.

23 MR. EVANS: No redirect, Your Honor.

24 THE COURT: Anything else, Mr. Gibbes?

25 MR. GIBBES: No, Your Honor.

1 THE COURT: Can he be released from any
2 subpoena that he is under?

3 MR. EVANS: Yes, sir.

4 THE COURT: Gentlemen, any objection to
5 that?

6 MR. JOHNSON: No objection, Your Honor.

7 THE COURT: You are excused. Thank you
8 very much.

9 Call your next witness.

10 MR. EVANS: The State calls Ms. Fields.

11 **

12 **MELISSA FIELDS,**

13 **being duly sworn testified as follows:**

14 **

15 **DIRECT EXAMINATION**

16 BY MR. EVANS:

17 Q Good afternoon. I will ask you to
18 identify yourself and spell your last name for
19 the Court.

20 A Melissa Fields, F-i-e-l-d-s.

21 Q Ms. Fields, who is Lamekia Fields to
22 you?

23 A My second-oldest daughter.

24 Q Your second-oldest daughter?

25 A You, sir.

1 Q I understand this is a very difficult
2 thing for you to talk about, but please answer
3 the questions that I have and then any questions
4 that they may have later. Give those answers
5 out loud for the court reporter.

6 Can you do that for me?

7 A Yes, sir.

8 Q I know it will be hard for you. We will
9 get through it, okay?

10 A Yes.

11 Q The first thing I am going to ask about
12 is more to do with you than with her.

13 I will ask you about your criminal
14 record. Is that okay?

15 A Yes, sir.

16 Q You were convicted of defacing a license
17 plate with intent to defraud back in 2018?

18 A Yes, sir.

19 Q Did you do that?

20 A Yes, sir.

21 Q 2019, failure to stop for a blue light.
22 Do you remember that?

23 A Yes, sir.

24 Q Tell us -- before we get into the day,
25 tell us briefly about Lamekia.

1 A My baby was very smart, very
2 intelligent. She was working at Pizza Hut ever
3 since she was 15 years old. She graduated from
4 high school. She still continued to work
5 throughout all of that. There be a lot of
6 people here. She never got into trouble. None
7 of that. My baby had a beautiful soul. She
8 loved everyone. Never a troublemaker. Never.
9 She did what a lot of people that think --
10 because of her life -- regardless of what they
11 say about me, my child was always in school.

12 She didn't hurt nobody. She was here for
13 everybody around here. For my child to be
14 killed the way she was killed was not right.
15 And family was involved

16 Q Let's slow down. I will only ask you a
17 few questions.

18 Where did Lamekia live at that time,
19 March of 2018?

20 A She was living with her boyfriend.

21 Q Who was he?

22 A His name was Ghazi Duckett.

23 Q Do you know the address they lived at?

24 A No, but I know the direction.

25 Q Where?

1 A Sandridge.

2 Q Near Varnville?

3 A Yes.

4 Q Were you there on the morning that it
5 happened?

6 A No, but I saw the cars that passed me.

7 Q Did you see her die or see any of the
8 events leading up to it?

9 A No, sir.

10 Q I know you have feelings, but we can
11 only talk about what we know and what we
12 observed.

13 Where were you before you found out what
14 happened?

15 Q I was dealing with the death of my ex-
16 boyfriend getting murdered on the side of the
17 road. My aunt had died too. I my told my
18 sister, Brittany, I said, I should go and check
19 on my baby. I couldn't get her off my mind, so
20 we went a second club.

21 Q In Walterboro?

22 A Yes, sir.

23 Q Do you recall the names by chance?

24 Q One of them was Hang Time.

25 Q You are not sure what the other one is?

1 A No, sir. The last one we went to was
2 Hang Time. We left that club around 5:15.

3 Q In the morning?

4 A Yes, sir.

5 Q What time did you leave to go there?
6 How long had you been out?

7 A We probably left my mom's house about
8 9:00. Me and her went to Bull Club. I was in
9 my car. My baby be on my mind the whole time.

10 Q You were thinking about Lamekia the
11 whole time?

12 A Yeah. Out of the blue. I just thought
13 that I need to go check on her.

14 Q I will ask you. Were you impaired? Had
15 you been drinking at these clubs?

16 A We was drinking at the first club, they
17 wouldn't serve at the second club.

18 Q So you hadn't had a drink in awhile?

19 A No.

20 Q Were you safe to drive back?

21 A Yes. I drove back.

22 Q You drove yourself and your sister?

23 A Yes.

24 Q You all were heading back?

25 A Yes.

1 Q About what time?

2 A Probably about 5:15.

3 Q You said you were worried about Lamekia
4 and you just had a feeling.

5 A Me and my baby was very playful. I
6 wanted to just pop up on her. I would do it
7 from time to time. If she asleep, then she
8 comes outside mad. My sister, Brittany said, we
9 ain't going there this hour of the morning. She
10 might come out fussing.

11 Q Did Mr. Duckett mind when you dropped
12 by?

13 A I loved him to death, and he had loved
14 me to death.

15 Q That was your plan, to show up
16 unannounced?

17 A Yes, sir.

18 Q You said you passed something?

19 A Coming in from Walterboro, we got past
20 the stop sign to come towards Sandridge.

21 Brittany Gadsden was in the passenger side.

22 Q You are coming Highway 63 from Colleton
23 County?

24 A Yes.

25 As I am riding, Brittany Gadsen in the

1 passenger seat right. I wasn't driving that
2 fast because it was dark. There was some bright
3 lights. When the lights came up so quick, when
4 it passed me it was a red Charger in front of my
5 car. A white Crown Vic was right behind that
6 car. It

7 rocked my car to side to side.

8 I told my sister, maybe I should turn
9 around. As I am going, either you can make this
10 right or left. They made this left on the road
11 where my child was staying at. I don't know who
12 was in the car, but those are the two cars that
13 I saw turned to where my child lived at.

14 Q So you saw a red Dodge Charger and a
15 Crown Vic.

16 A Yes, sir.

17 Q Towards where your daughter lives?

18 A Yes, sir.

19 Q Did you let the police know this
20 information later on?

21 A Right then and there.

22 Q At some point?

23 A At some point I did. Right then, my
24 child got murdered, and I couldn't believe it.
25 I was struck.

1 Q After you saw the vehicles, you said you
2 were thinking about turning around.

3 A Yes.

4 Q Did you in fact turn around?

5 A I did, but not right then.

6 Q So you are coming back from Walterboro.
7 Is it a left there to go to Sandridge off of 63?

8 A On my left.

9 Q When you were coming back?

10 A Yes.

11 Q You don't do that because you are going
12 to drop Maria off?

13 A Yes, sir.

14 Q You came all the way back into town to
15 do that?

16 A Yes, sir.

17 Q Roughly how long did that take?

18 A 5:45, 6:00 when we got to her house. We
19 got out and we went in. She did not want to
20 stay. She asked me to take her back to
21 Sandridge. I drove her back to Sandridge.

22 Q Is that the area where Lamekia lived?

23 A Yes, sir.

24 Q You obviously learned what happened or
25 learned her condition at some point.

1 A I learned at the time that I dropped her
2 off that my child was already dead.

3 Q Did you learn by somebody telling you,
4 calling you, or did you go to her house?

5 A I had a phone call that morning. When I
6 compared the autopsy reporter from the coroner.
7 I compared the times. I was down there at 6:00
8 at Sandridge.

9 Q Did you find out by going to Lamekia's
10 house? Is that how you found out she had died.

11 A No, sir.

12 Q You got a call?

13 A I got a call from her best friend.

14 Q Did you eventually go to her home that
15 morning?

16 A Yes, sir.

17 Q Did you see her there?

18 A They wouldn't let me.

19 Q Did you ever see her again?

20 A In the casket.

21 Q We are almost done, Ms. Fields. I know
22 this is really hard. I want to just turn your
23 attention back very briefly, and then I will
24 turn you over to these gentlemen.

25 I will ask you to answer any questions

1 that they have. The red Charger, did that car
2 mean anything to you, or is it just something
3 that stuck out because it rocked your car?

4 A It's a family member of mine's car.

5 Q Whose car?

6 A A Boles.

7 It's Lorenzo Bole's brother's, but
8 Lorenzo Boles was always driving the car. He
9 was in charge of the car because his brother was
10 only down her but one time.

11 Q Who is Lorenzo Boles to you?

12 A He is very close. My father's name is
13 Lorenzo Boles.

14 Q Is Lorenzo Boles who drives the red
15 Charger in the courtroom today?

16 A Yes.

17 Q Can you identify him.

18 A He is right there (indicating).

19 Q Do you know Tyrase Collins?

20 A I don't know him like that. My kids do.

21 Q Have you met him?

22 A I have seen him before. I didn't know
23 him.

24 Q I am just asking if you know him.

25 A He be around my area.

1 Q Is he in the courtroom today?

2 A Yes.

3 Q Can you identify him by something he is
4 wearing?

5 A He is in the purple shirt, and Lorenzo
6 is wearing a brown-and-white shirt.

7 MR. EVANS: May the record reflect she
8 has identified the defendants.

9 THE COURT: She has. Yes, sir.

10 MR. EVANS: Thank you, Ms. Fields.
11 Those are all the questions I have for you.
12 Again, I will ask you to answer any questions
13 that Mr. Gibbes or Mr. Johnson has, okay.

14 THE COURT: All right.

15 Mr. Gibbes, do you have any questions,
16 sir?

17 MR. GIBBES: Yes, sir.

18 THE COURT: Go right ahead.

19 **

20 **CROSS-EXAMINATION BY MR. GIBBES**

21 BY MR. GIBBES:

22 Q Good afternoon, Ms. Fields. I just have
23 a few quick questions. You mentioned that you
24 are related to Lorenzo Boles?

25 A Yes.

1 Q What is that relation?

2 A Very close kin. Not even third cousins.

3 Q I want to get down a timeline. You said
4 you left the club at 5:15 a.m.

5 A 5:00, 5:15 Somewhere in that area.

6 Q Where were you headed?

7 A Back home to my mother's on Brian Road
8 in Hampton, South Carolina.

9 Q You mentioned that you saw one or two
10 vehicles?

11 A I saw two vehicles.

12 Q Which vehicles were those?

13 A The red Charger first, and then the
14 white Crown Vic right behind it.

15 Q You said those vehicles were speeding?

16 A They were speeding. They rocked my car.

17 Q Was this before or after?

18 A After what?

19 Q The incident?

20 A What incident?

21 Q The murder.

22 A I am not sure because I wasn't there.

23 The only thing I can tell you is when I was
24 going to take my ride home, those cars were in
25 that hole. It had to be before the murder. I

1 wanted to first turn around, but my sister said,
2 no.

3 I went ahead and took my ride home. We had
4 plans to go home. She didn't want to stay home.
5 When I went back there to take her not on this
6 road where my child got murdered at, but on the
7 next road, my baby was already dead.

8 I get out of my car. She didn't want to
9 walk down the road. I wasn't going down that
10 dirt road where she wanted me to go.

11 Q Your testimony today is you were leaving
12 from the club around 5:15, and you saw a white
13 Crown Vic and a red Charger speeding in the
14 direction of [REDACTED] Lane?

15 A Yes.

16 Q Quick question. Did you have any
17 opinions as to why individuals would speed to go
18 commit a crime?

19 A I have no idea. Maybe because there was
20 nobody else on that road that night.

21 I guess I am the only car that is coming
22 this way. I don't know why they were speeding.
23 You have to ask them that. My car was rocking.

24 Q You said I would have to ask them that
25 question. When you say "them" who do you mean?

25 THE COURT: Yes, sir.

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REDIRECT EXAMINATION

BY MR. EVANS:

Q Ms. Fields, you mentioned that the car belongs to Lorenzo's brother, but he drives it? -SZ?

A He was driving it. He live in Texas.

Q Do you know the full name of Lorenzo's brother?

A Craig. I am not sure.

Q And you know he lives in Texas?

A Yes. During that time I thought he was. I'm not sure.

Q Fair enough.

MR. EVANS: Those are all the questions, Judge.

THE COURT: Anything else, Mr. Gibbes?

RECROSS-EXAMINATION BY MR. GIBBES

BY MR. GIBBES:

Q Quick question. You don't know if that was his brother in the vehicle?

A His brother wasn't in town at that time. His brother was living in Texas. That's why he had the car.

Q I thought you stated just now that you

1 wasn't sure if he was in Texas or not at that
2 time.

3 A During the time this red Charger was
4 down here, his brother wasn't normally around
5 here. As far as everybody knew, regardless of
6 however his brother was down here or not, his
7 brother wasn't driving that red Charger.
8 Lorenzo Boles was.

9 MR. GIBBES: Thank you.

10 THE COURT: Anything else, Mr. Johnson?

11 **MR. JOHNSON: A quick follow-up.**

12 ******

13 **RECROSS-EXAMINATION BY MR. JOHNSON**

14 BY MR. JOHNSON:

15 Q Do you know a Tousant Harris?

16 MR. EVANS: I will object to that, Judge

17 THE COURT: Counsel approach.

18 (Bench conference.)

19 THE COURT: I will sustain the
20 objection.

21 Mr. Johnson, do you have anything else,
22 sir?

23 MR. JOHNSON: No, Your Honor.

24 THE COURT: Anything else, Solicitor?

25 MR. EVANS: No, Your Honor. I ask that

1 she be allowed to sit in the gallery because she
2 is a victim in the case.

3 THE COURT: Any objection now that she
4 has given her testimony? You're not looking to
5 recall this witness, are you, sir?

6 Mr. Gibbes?

7 MR. GIBBES: No objection.

8 THE COURT: So no objection to her being
9 allowed to remain in the courtroom?

10 Mr. Johnson?

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: Counsel approach.

13 (Bench conference.)

14 THE COURT: Ladies and gentlemen, I
15 think we have one more quick witness, and then
16 we will go to lunch.

17 MR. EVANS: The State calls Laura Meyer.

18 **

19 LAURA MEYER,

20 being duly sworn testified as follows:

21 **

22 DIRECT EXAMINATION

23 BY MR. EVANS:

24 Q Please identify yourself and spell your
25 last name for our court reporter.

1 A Laura Meyer, M-e-y-e-r.

2 Q Where do you work, Ms. Meyer?

3 A Hampton County EMS.

4 Q What do you do there?

5 A I am a paramedic.

6 Q What is the definition of a paramedic?

7 A We provide free hospital care for the
8 citizens of Hampton County.

9 Q How long have you been doing that?

10 A About 20 years.

11 Q Is there a difference between a
12 paramedic or an EMT, or do you all use them
13 interchangeably?

14 A Yes. Paramedic is the higher level.
15 It's about 1,100 class hours, whereas EMT basic
16 is about 200 hours.

17 Q How long have you been doing this sort
18 of work?

19 A Twenty years.

20 Q All in Hampton County?

21 A Yes, sir.

22 Q You have been to a crime scene before
23 like the one we are going to talk about?

24 A Yes.

25 Q Roughly how many times, ballpark?

1 A Quite a few.

2 Q Many, many times?

3 A Yes.

4 Q Tell us about March 25, 2018, your part
5 of the story.

6 A We got called to a possible shooting
7 incident. We have to wait for law enforcement
8 to secure the scene.

9 Q Were they able to do that for you?

10 A Yes.

11 Q Do you recall where that was?

12 A [REDACTED] Lane.

13 Q Hampton County?

14 A Yes. In Varnville.

15 Q You said that law enforcement cleared
16 the scene for you?

17 A Yes, sir.

18 Q How long did that take?

19 A Not exactly sure of the time. Sometimes
20 it could be a few minutes. Depending on where
21 they are located in the county, sometimes it
22 takes a little bit longer.

23 Q What did you do once they had cleared
24 the scene for you?

25 A We proceeded to the scene. That is when

1 we started to check on the patients.

2 Q By the patients who do you mean?

3 A Duckett, Warren, and Johnson.

4 Q How did you -- where approximately did
5 you find them?

6 A The first patient was located just
7 inside of the front door. There was a bedroom
8 just to the right. He was in that doorway.

9 The second patient was in that same room
10 in the corner.

11 The third patient was in the front room,
12 probably a few steps from the doorway, maybe
13 four or five steps from the doorway.

14 Q Did you assess all of them?

15 A Yes.

16 Q What did you find?

17 A Two were DOA, dead on arrival, due to
18 injuries incompatible with life.

19 The third one, he had a GSW to the head.

20 Q What is GSW?

21 A Gunshot wound.

22 We did backboard him and prepared to
23 transport him to the hospital.

24 Q Were you able to take him to the
25 hospital then?

1 A Yes.

2 Q You did not take the other two?

3 A No.

4 Q What happened when you started going to
5 the hospital?

6 A His respirations slowed down. We did
7 have to use a VBM, which basically means we
8 assisted his ventilations. We helped him
9 breathe.

10 Then I gave him IV access so I could give
11 him some fluid. Not a whole lot of time to do a
12 bunch of things, but that was about it, other
13 than he started posturing, which is typical.
14 You see them with a traumatic brain injury

15 Q I see. What does that mean visibly?
16 Describe that a little bit.

17 A They draw up.

18 Q So did that while he was still in the
19 ambulance?

20 A Yes.

21 Q On the way to -- which hospital are you
22 taking him to?

23 A We took him to Hampton.

24 Q Would have had to go to another hospital
25 hypothetically on?

1 A If he survived his injuries, but they
2 were so severe that Hampton was where we needed
3 to take him.

4 Q That is where he expired?

5 A Yes, sir.

6 Q Did you identify which victim that was
7 His name?

8 A Yes.

9 Q How did you do that?

10 A He had ID in his pants pocket.

11 Q You took a loot look at that?

12 A Yes.

13 Q What did it say?

14 A Ghazi Duckett.

15 MR. EVANS: Those are all the questions
16 I have, Your Honor.

17 THE COURT: Mr. Gibbes

18 MR. GIBBES: No questions.

19 THE COURT: Mr. Johnson?

20 MR. JOHNSON: I have no questions, Your
21 Honor.

22 THE COURT: Thank you so much ma'am.
23 Have a great day.

24 MR. EVANS: I think that would be a
25 great time to break.

1 THE COURT: Ladies and gentlemen, what
2 we are going to do is now break for lunch. I
3 will ask that you be back at 2:00, and we will
4 pick up with the testimony.

5 In the meantime, what I want you to know
6 is, please do not discuss this case among
7 yourselves, with anyone else, conduct no
8 research on this matter or any issue that you
9 think might be helpful.

10 I look forward to seeing everything back
11 at 2:00. We will try to start promptly and
12 continue with the testimony.

13 Thank you for your attention that you
14 all paid this morning. We appreciate it. Thank
15 you very much.

16 (Jury exits courtroom.)

17 (Luncheon recess.)

18 **

19 **PROCEEDINGS CONTINUED**

20 THE COURT: All right. Anything before
21 we bring the jury in?

22 MR. GIBBES: Like I mentioned earlier,
23 there is evidence that we would like to exclude.

24 THE COURT: All right. What is it that
25 you are trying to exclude?

1 MR. GIBBES: The Dollar General video.
2 It's 30 hours after the actual murders.

3 THE COURT: All right. Tell me about
4 it.

5 MR. GIBBES: That video shows my client
6 going in Dollar General. It shows the Dodge
7 Charger pull up, and my client got out of the
8 vehicle going to Dollar General to purchase some
9 dog food. My client is charged with accessory
10 before the fact.

11 THE COURT: So there is a Dollar General
12 video that is showing 30 hours after the
13 incident. It shows that your client, I guess,
14 gets out of the red Dodge vehicle; is that it?

15 MR. GIBBES: Correct.

16 THE COURT: It shows him purchasing some
17 food, dog food or whatever. Then he gets back
18 into the vehicle and leaves?

19 MR. GIBBES: Yes, Your Honor. He
20 leaves.

21 THE COURT: Is that the extent of what
22 is the video shows

23 MR. GIBBES: Correct, Your Honor.

24 THE COURT: Why are you asking that that
25 be excluded?

1 MR. GIBBES: The probative value of it
2 kind of outweighs the prejudicial effect to
3 suggest that because my client was seen on the
4 video 30 hours after the incident that perhaps
5 he was also seen going to the scene or coming
6 from the scene. The relevance of it, Your
7 Honor, I still don't know the purpose for which
8 the Solicitor is putting it up today. Again,
9 particularly with the fact that my client is not
10 charged with accessory after the fact. He is
11 charged with accessory before the fact. They
12 are presenting evidence showing him pulling up
13 in a vehicle some 30 hours after the actual
14 murders.

15 THE COURT: All right. Anything else,
16 sir?

17 MR. GIBBES: No, Your Honor.

18 THE COURT: Let me hear from you.

19 MR. EVANS: Yes. Thank you, Your Honor.
20 I completely disagree with that fact, Judge. We
21 are going to take this a little bit out of order
22 of my explanation.

23 When they found the Dodge Charger and
24 executed the search warrant, SLED crime scene
25 witness, Gabriel Denizard, found in the Charger

1 a receipt from that Dollar General. He took a
2 photo of that. That receipt was, in fact, for
3 dog food, and it was for approximately 10:15 --
4 a short time before law enforcement arrived at
5 [REDACTED] Street in Varnville not far from the
6 Dollar General where they saw the red Dodge
7 Charger.

8 Mr. Boles was not in the red Dodge Charger
9 when they arrived at [REDACTED] Street, but he and
10 the car were both onsite. I assume that Mr.
11 Gibbes in cross-examination and in his closing
12 he is going to contest whether Mr. Boles ever
13 operates the vehicle. I understand that he is
14 charged with accessory before the fact, and that
15 this video took place after the fact; however,
16 it's still probative of the fact that Mr. Boles
17 operates regularly this Dodge Charger.

18 The video shows a red car with clearly a
19 front license plate pulling into the Dollar
20 General parking lot. Mr. Boles gets out from
21 the driver's side. He makes a purchase. That
22 purchase matches up with the receipt. He then
23 leaves. Again, this is all time stamped and
24 it's shortly before law enforcement arrived at
25 the scene, not the [REDACTED] scene, the [REDACTED]

1 scene, where they saw Mr. Boles running away
2 from when they were trying to find persons of
3 interest the day following the murders.

4 Mr. Clapp having the receipt went to
5 Dollar General to check it out. He saw the
6 video. The video was procured and a physical
7 copy given to the sheriff the following day or
8 shortly thereafter. Dollar General just
9 required a subpoena for the record. So Mr.
10 Clapp knew that that is who I intended to put it
11 in through because he could say it fairly and
12 accurately depicts the video which he watched
13 when he went to Dollar General to view it in
14 person.

15 I think it is probative of the fact that
16 Lorenzo Boles drives this red Dodge Charger
17 where further on in the case both victims' DNA
18 and DNA from both defendants will be known.

19 THE COURT: Anything else, Mr. Gibbes?

20 MR. GIBBES: No, Your Honor. I think I
21 said it. Again, I think it doesn't prove that
22 he drives it regularly. It shows that he was
23 driving it that day, which is, again, 30 hours
24 after the actual murders took place. I think
25 that would it would do is just more so confuse

1 the jury. That's just more so misleading.

2 THE COURT: Anything, Counsel, that you
3 want to add to this? I don't know that you have
4 a dog in this hunt.

5 MR. JOHNSON: I got no dog in that hunt,
6 Judge.

7 THE COURT: Wel, number one, I have to
8 disagree with you, Mr. Gibbes. I think there is
9 nothing confusing as it relates to what would be
10 presented by -- this evidence being presented to
11 the jury. I don't think there is anything that
12 would confuse them.

13 I think that it's relevant. I think
14 given the testimony that we have received so
15 far, I believe -- I believe that it's highly
16 probative. There are issues about who owns the
17 car, who drives the car. This has already come
18 up in testimony and on cross-examination issues
19 concerning the driving of the vehicle, whose
20 vehicle it was. Where somebody was.

21 So I think that it is highly probative.
22 probative. While I do think it's prejudicial,
23 of course any evidence against you, sir, could
24 be perceived as prejudicial. As a result of
25 that, I don't think that the prejudicial effects

1 substantially outweigh the probative value. As
2 such, sir, I will respectfully deny your
3 request. I am going to assume that the
4 appropriate foundation is laid as it relates to
5 this matter. Then I would allow that into
6 evidence.

7 All right, sir?

8 MR. GIBBES: Thank you, Your Honor.

9 THE COURT: Yes, sir. Certainly, you
10 can make mention when he gets ready to renew and
11 protect your motion for the record, sir. I will
12 allow you to do that. You don't have to say
13 anything, but just remember to bring that to the
14 Court's attention, and I will deny your motion
15 so we can preserve the record as it relates to
16 that.

17 Anything else?

18 MR. EVANS: Not from the State.

19 THE COURT: Mr., Gibbes, anything else?

20 MR. GIBBES: No, Your Honor.

21 THE COURT: Anything else, Counsel?

22 MR. JOHNSON: I have nothing, Your
23 Honor.

24 THE COURT: All right. Mr. Johnson
25 approached me as I was going to lunch and

1 indicated that maybe some of his clients, folks,
2 or people were not allowed into the courtroom
3 because I was charging the jury. That is not
4 the. case. At the appropriate time if he has
5 folks who are not supposed to be sequestered and
6 they want to come in, it's not going to disturb
7 the Court. They can come in, and that's not a
8 problem. I wanted to say that.

9 MR. JOHNSON: I spoke to your sheriff.
10 He told me he will take care of it.

11 THE COURT: At this point, Mr. Johnson,
12 I do want to tell you this, sir. The reason I
13 am telling you now is because I don't want to
14 pop this on you later as we are leaving.

15 I am going to require that your client
16 be taken into custody at the conclusion of the
17 trial today. I will tell you why and what I am
18 doing

19 I will just be honest. Your client is
20 not a flight risk. Heck, he showed up in
21 Allendale by himself to appear at a hearing. I
22 don't think he is a flight risk at all.

23 Mr. Johnson, I have heard arguments so
24 far. I have seen the testimony of two
25 witnesses. I am assuming you are still moving,

1 Solicitor, to have him taken into custody now
2 that the case has been called.

3 MR. EVANS: That would be the State's
4 request.

5 THE COURT: I didn't want to tell you
6 this at 5:00 or whenever we break today.

7 Now what I am going to do is this: Over
8 the overnight hours -- this is volatile inside
9 and outside the courtroom. I am going to lunch,
10 and I am sure you were hearing some of the same
11 things that I was hearing as we were leaving.

12 I am not sure exactly what was said, but
13 there was a lot of very emotional conversation
14 that is being taken place, and I understand
15 that. I am not condoning that or condemning
16 that. I just think that this is a volatile
17 situation. So to that extent, I think that it's
18 in the public's best interest that he be taken
19 into custody at the conclusion of the day's
20 business.

21 In the morning, as far as I am
22 concerned, at 7:30 if somebody wants to be there
23 to pick him up so that he can go get a shower
24 and put on clothes and meet with you, I don't
25 have a problem with that.

1 During the day, he can move about this
2 courtroom freely. Talk with you, converse with
3 you. At nighttime, right now with what is going
4 on in this case, I believe it's in the best
5 interest of the public. I just think that I
6 have to at this point as far as bond and the
7 fact that he is off bond at this point. So I
8 think it's my discretion as to whether or not he
9 remains out while he is off bond. So my ruling
10 is going to be that he needs to be taken into
11 custody once it's completed and at 7:30 in the
12 morning, if he wants to be released, then if
13 somebody wants to pick him up, mom or a relative
14 or whoever and if he wants to get a shower and
15 breakfast and meet with you, then fine. During
16 the day, he is fine to move about.

17 Do you understand my order?

18 MR. JOHNSON: I have already told him
19 that, Your Honor. So he is kind of prepared.

20 THE COURT: You didn't tell him I was
21 going to let him out at 7:30, so he could go
22 take a shower at home, did you?

23 MR. JOHNSON: No. That was icing on the
24 cake.

25 THE COURT: Solicitor, do you have a

1 problem or any concerns about what my ruling is,
2 that he is to be taken into custody?

3 MR. EVANS: None whatsoever.

4 THE COURT: Also, sir, you do understand
5 that

6 if you were not to appear, you would be
7 tried in your absence and the case would
8 continue on without you here in the courtroom.
9 You understand that?

10 THE DEFENDANT: Yes, sir. I understand.

11 THE COURT: Super. No problem. Thank
12 you very much.

13 Yes, sir.

14 MR. EVANS: Judge, the last thing is a
15 quick housekeeping matter for this afternoon.

16 Mr. Clapp is going to be the longest
17 witness of the case because he entered a great
18 number of exhibits. He is going to enter or at
19 least lay a foundation for a great number of
20 exhibits.

21 He will obviously be on the stand, so I
22 will be getting them ready and marking them on
23 my own without his assistance. Just wanted to
24 make the Court aware that that is going to be
25 long testimony. So perhaps after the second

1 witness, the jury might get a bathroom break as
2 I expect they will need one sooner or later this
3 afternoon.

4 THE COURT: All right. That sounds
5 great.

6 We need the jury, please, sir.

7 (Jury enters courtroom.)

8 THE COURT: Welcome back, ladies and
9 gentlemen of the jury. We are ready to continue
10 with the testimony in this matter.

11 Solicitor, call your next witness.

12 MR. EVANS: The State calls Nicklaus
13 Sprouse.

14 **

15 NICKLAUS SPROUSE,
16 being duly sworn testified as follows:

17 **

18 DIRECT EXAMINATION

19 BY MR. EVANS:

20 Q Good afternoon.

21 A Good afternoon.

22 Q Please identify yourself and give your
23 last name to our court reporter.

24 A Nick Sprouse.

25 Q What do you do for a living, Mr.

1 Sprouse.

2 A I work with Dominion Energy at this
3 time.

4 Q What did you do before you got that job?

5 A I worked with the South Carolina Law
6 Enforcement Division.

7 Q Commonly referred to as SLED?

8 A SLED.

9 Q What did you do at SLED?

10 A I was a crime scene investigator.

11 Q Tell us about what that means, sir.

12 A We are a responsive agency. SLED is a
13 responsive agency. When we get requests
14 throughout the state or local or county
15 jurisdictions, they could request crime scene to
16 come in to process the scene and collect
17 evidence and to write up any kind of
18 disciplinary reports that we have to, such as
19 bloodstain pattern analysis, shooting
20 reconstruction, crime scene reconstruction.

21 Q Are you based in Columbia?

22 A Yes, sir.

23 Q Go all over the state whenever there is
24 a call?

25 A Statewide jurisdiction.

1 Q Did you do that in the case we are here
2 about today?

3 A Yes, sir.

4 Q March 25, 2018?

5 A Yes, sir.

6 Q Do you remember the events of that
7 morning -- your part of it, I should say?

8 A I was part of it.

9 Q Tell us about how you found yourself
10 here in Hampton.

11 A We get a request that comes through the
12 operations desk, which is commonly referred to
13 at SLED as OD. That request came approximately
14 7:00 a.m. on that morning. We were advised that
15 there had been a homicide in the County of
16 Hampton. At that point in time, typically we
17 get contact information from someone on the
18 scene. They give us an address, and we roll
19 just as soon as we get it.

20 That is the crime scene procedures.

21 Q Probably took you a while to get down
22 here?

23 A Yes, sir. From Columbia, yes, sir.

24 Q What did you find when you arrived?
25 Where were you dispatched to?

1 A I believe it was [REDACTED] Lane in
2 Hampton County.

3 Q Would like a copy of your report?

4 A If you don't mind, yes, sir.

5 Q Is that the same report that you
6 prepared in this case?

7 A The reports do verify my signature and
8 my initials.

9 Q So [REDACTED] Lane. Is that where you
10 said you went?

11 A Yes, sir. [REDACTED] Lane, Varnville,
12 South Carolina 29944.

13 Q Hampton County?

14 A Yes, sir.

15 Q What did you find when you got to
16 [REDACTED] Lane?

17 A There was a law enforcement presence
18 obviously on scene once we get there. It was a
19 frailer that we arrived to. The residence was a
20 frailer. We were advised on scene that there
21 were decedents in the residence, and one had
22 been transported from the scene at that time.

23 We were also advised at that time upon

24 SLED crime scene's arrival that there was
25 no suspects at that time known for us to be able

1 to process.

2 Q Other than the report which I have
3 handed you, did you document your findings in
4 any way?

5 A Yes, sir. Myself and Special Agent
6 Denizard were the two crime scene agents that
7 reported to the scene. At that time, that day,
8 we processed that entire scene.

9 Q Did you take photographs?

10 A We took a lot of photographs.

11 Q Quite a few?

12 A Quite a few.

13 Q Did you review any of the photographs at
14 my request in preparation for trial today?

15 A I have, but in no particular order.

16 Q Mr. Sprouse, I am going to hand you -- I
17 will read off the numbers very quickly.

18 These are photos which have been
19 previously marked as State's Exhibits 207, 209,
20 210, 211, 212, 214, 215, 216, 218, 219, 220,
21 221, 222, 223, 224, 225, 226, 227, 228, 229,
22 230, 231, 232, 233, 234, 235, 236, 237, 238,
23 239, 240, 241.

24 Do you recognize those photos?

25 A As you were flipping through them, yes,

1 sir.

2 Q Are they some of the many photos that
3 you reviewed prior to testifying today?

4 A Correct. Yes, sir.

5 Q Of the many photos that you took at the
6 scene?

7 A Yes, sir.

8 MR. EVANS: Your Honor, the State would
9 move the photographs into evidence at this time.

10 THE COURT: Any objection?

11 MR. JOHNSON: Your Honor, we have an
12 objection to the last two pictures that he just
13 showed.

14 THE COURT: Is that not covered in what
15 we talked about this morning?

16 MR. EVANS: Correct, Judge.

17 THE COURT: All right.

18 MR. EVANS: Judge, we are removing 240
19 and 241 at this time. We move to enter the
20 others.

21 THE COURT: Any objection other than the
22 previous objection to the matters that we
23 discussed as it relates to these photographs?
24 Have you all agreed on these photographs?

25 MR. JOHNSON: Yes, we did, Your Honor.

1 That was the prior time.

2 THE COURT: So you have no objection to
3 these photographs?

4 MR. JOHNSON: No objections to those.

5 MR. GIBBES: The ones that he is
6 attempting to put in now.

7 THE COURT: All right. Admitted without
8 objection.

9 (State's Exhibits 207, 209, 210, 211,
10 212, 214, 215, 216, 218, 219, 220, 221,
11 222, 223, 224, 225, 226, 227, 228, 229,
12 230, 231, 232, 233, 234, 235, 236, 237,
13 238, 239 were admitted into evidence.)

14 BY MR. EVANS:

15 Q We are going to publish those, Mr.
16 Sprouse.

17 Q What is State's Exhibit 201?

18 A This is looking at the front of the
19 residence at [REDACTED] Lane, the scene where
20 we were.

21 Q How about State's Exhibit 202?

22 A There is just establishing the scene.

23 Q What about 203?

24 A That is establishing the entryway.

25 THE COURT: Are you finished with the TV

1 right now? Go ahead.

2 MR. EVANS: I am very satisfied.

3 BY MR. EVANS:

4 Q What do we have in State's Exhibit 204?

5 A Going into the door that you have just
6 seen in the previous photos, as soon as you walk
7 into the door to your immediate left, this seat
8 would be right here at your immediate left.

9 Q What else did you see about the
10 decedent's body? What else can you describe for
11 us there?

12 A You will have blood staining and blood
13 pooling that is below him here. A cell phone
14 that is still on the charger. That is a head
15 set to like an Xbox or a gaming system.

16 Obviously, you can see he is slumped
17 over. I don't know if you can tell, but there
18 is not a lot of space in between this chair and
19 the single-seated chair.

20 Q What is in that back corner here?

21 A That is a like a bed sheet of some sort
22 that is just hanging down. Once you move past
23 that, it would be a hallway that you would go
24 down further into the mobile home.

25 Q What do we have in State's 205?

1 A Once you walk into the main door we saw,
2 further to your immediate right, this is the
3 doorway leading into this bedroom, which I
4 labeled as Bedroom 1.

5 This is if you were standing where the
6 other decedent is to my back looking forward
7 into this room.

8 Q Is this one of the diagrams that you
9 prepared?

10 A Yes, sir.

11 Q I am going to mark this as State's
12 Exhibit 293. Is it the same, other than the
13 borders and what have you, the same as the
14 diagram that you prepared.

15 A Yes, sir.

16 Q Would it assist you in your testimony.

17 A Yes, sir. As far as orientation, yes,
18 sir, it would.

19 This way in this threshold is what I
20 located as Bedroom Number 1.

21 Q State's Exhibit 207.

22 A This is into the living room. The
23 decedent would be located here with a single set
24 of chairs.

25 We located items of evidence and marked

1 them. Now you see markers on the ground. We
2 are still shooting a picture through that way,
3 through the bedroom door of Number 1.

4 Q State's Exhibit 209. What do we have
5 with 209?

6 A Evidence marker. Cartridge case lying
7 on top of blood pooling on the carpet.

8 Q Are there occasions where multiple law
9 enforcement puts down the markings before you
10 arrive?

11 A Yes, sir.

12 Q Was this one of those occasions, or did
13 SLED? I believe we did. And the reason why I
14 believe we did is because this is specifically
15 my marker.

16 Q How could you tell that?

17 A We use very distinct markers. Most
18 County agencies -- sometimes they may be
19 smaller. We typically have very large markers
20 that have one -- they have a larger number and a
21 smaller number. In the bottom-right corner.
22 Particularly when we take a far-away picture,
23 obviously, you see the big one.

24 Q In this case, you guys put the markers?

25 A Yes, sir. This is all us.

1 Q State's Exhibit 210.

2 A This is standing in the main door of the
3 residence. This is going to be in to the right.
4 That is Bedroom 1. You can see Markers 2, 3, 4
5 and 5 in this particular photo.

6 Q I will mark this as 295. One of the
7 diagrams you prepared.

8 A This is a rough diagram of the living
9 room area. This is an approximate location on
10 my diagram, not to scale of the decedent that is
11 in the single-seated chair that you have seen.

12 This will obviously be markers. If you
13 look at 3, 4, 5 in the photographs, we are
14 considering that to be in Bedroom 1.

15 Therefore, you do not see, 3, 4, 5 on this
16 one. We will have descriptions. So in this
17 particular point, we didn't want to just go and
18 locate where 1 and 2 were. We wanted to be able
19 to place the body in the chair back. We did the
20 measurements that way.

21 Q State's 211.

22 A This is inside of Bedroom 1. It's
23 facing towards the living room.

24 Q Another diagram marked at 294.

25 A This is Bedroom 1. Decedent here off

1 again like representing the previous diagram.

2 Q State's 212.

3 A Take one or two steps inside the
4 threshold of Bedroom 1. Again, you can see 7,
5 8, 9, a little bit of 10. You can see the lower
6 extremities of the second decedent.

7 Q State's 214.

8 A This is a midrange photograph of Markers
9 9 and 10 showing two cartridge cases by the left
10 foot of the decedent.

11 Q How about State's 215.

12 A Same thing. Additional cartridges. We
13 are labeling them here. This is going to be
14 inside the living room basically into Bedroom 1.

15 Q Even on the top of the laundry basket
16 you have a cartridge casing.

17 A I do believe so.

18 Q State's 216.

19 A This is the same angle. A little bit
20 closer-up and to the right. Marker 13.

21 You are just looking from this way in
22 this particular midrange shots.

23 Q When you say shots, you mean
24 photographs?

25 A Midrange photographs.

1 Q 218.

2 A Bedroom 1 facing towards the decedent.
3 Marker 14.

4 Q State's 219.

5 A This is going to be closer-up photograph
6 indicating a cartridge case, which is being
7 marked by Marker 14.

8 Q State's 220.

9 A Marker 15. Another shell casing.

10 Q State Exhibit 221?

11 A Same thing. It will be very hard to
12 see. This particular cartridge case is facing
13 up towards you. It's in between the linoleum
14 and the wall, and it's indicated by Marker 16.

15 Q 222.

16 A You can see where it's wedged.

17 Q 223.

18 A Still in Bedroom 1. We have marker 17
19 here in the corner. As you have seen when we
20 were looking, the door was opened. This was
21 behind the door during the search.

22 Q 224.

23 A Cartridge casings back here.

24 Q This is all in Bedroom 1.

25 A Yes.

1 Q 225.

2 A Length and the width of suspected bullet
3 defect.

4 Q How about State's 226.

5 A This is going to be a closer-up of what
6 we saw in the previous photograph.

7 Q 227.

8 Q Shut the door in Bedroom 1. We have
9 located a suspected exit defect on the backside
10 of the door or the interior side of the door as
11 well as a defect on the right-side wall there as
12 you can see indicated by the sketch.

13 Q 228.

14 A Midrange photograph here of the defect
15 behind the door.

16 Q 229.

17 A This is going to be the wall. If you
18 remember looking at the door being closed on the
19 inside, you had a defect on the interior side.
20 Then we had one on the wall. This is the one
21 that is on the wall. You can tell due to the
22 pattern of the wood.

23 Q State's Exhibit 230?

24 A This is going to be a shot from the
25 inside of the living room facing -- this is

1 going to be your front door. This is going to
2 be the defect that we have running a laser. I
3 know it's extremely hard to see, but once we
4 have shut the door, that is where the laser dot
5 was when we ran our trajectory.

6 Q 231.

7 A Opened the door and had the trajectory
8 rod run through the suspected defects.

9 Q State's Exhibit 232?

10 A Angle scale to get an angle on the
11 defect.

12 Q What is the angle?

13 A That lets us know that this bullet
14 entered from a higher-up elevation.

15 Q State's 233.

16 A Bedroom 1. The decedent has been
17 removed from the scene. What you are seeing now
18 is scale of the suspected defects that we have
19 found.

20 Q 234.

21 A Bedroom Number 1 with the door fully
22 shut. Showing the trajectory rod and what
23 direction it would be pointed if that door was
24 shut and that projectile had traveled in that
25 direction.

1 Q 235.

2 A The exterior of the residence. It's
3 obviously facing the front. To the left would
4 be the main entryway.

5 Q Any defects on this?

6 A Right here.

7 Q How about State's 236.

8 A Yes, sir.

9 Q Is that a close-up of the one I just
10 asked you about?

11 A Yes.

12 Q 237. Tell us about this one.

13 A Facing the front of the mobile home on
14 the right side, there is going to be where this
15 is. This is going to be Bedroom Number 1. We
16 are phasing that way. We will be facing from
17 the bedroom door into the living room.

18 If you remember where the decedent was,
19 you remember where their head was. That is that
20 wall.

21 Q State's 238.

22 A This is a closer-up photograph of where
23 that defect is. That is up through a plastic
24 trash can that we saw outside of the exterior
25 wall.

1 Q 239.

2 A Scaled version of said defect with the
3 trajectory rod in it showing up to down
4 trajectory from inside the house.

5 Q Coming from bedroom one?

6 A Yes, sir.

7 Q Those are all the photos. I think you
8 can return to the stand.

9 Did you in fact collect all those by
10 yourself or with Mr. Denizard?

11 A Gabe was with me, yes, sir. The other
12 special agent was with me.

13 Q Tell me how you work.

14 A Typically what you have when you go to a
15 crime scene with SLED, you have a primary and
16 secondary special agent. Primary will be taking
17 the case. Notes, diagrams, everything will fall
18 under that primary officer.

19 Safety officers will be there for any
20 kind of assistance. Primarily, that particular
21 agent is there to photograph and any other needs
22 the primary has.

23 Q Did you all work in that fashion in this
24 particular case?

25 A Yes, sir.

1 Q You keep an eye on each other at all
2 times?

3 A Yes.

4 Q As a team collect the projectiles and
5 shell casings?

6 A Yes, sir.

7 A What is that?

8 A This is an overall package of Items 7
9 through 31. Firearm evidence that was collected
10 by us that day at [REDACTED] Lane.

11 Q I see that it's open. Was it that way
12 when you left the area?

13 A No, sir. This actually occurred once we
14 made it to SLED. Once we go and itemize it and
15 put it into a system to make it nice and clean
16 on a sheet, then we take all of the cartridge
17 casings that we have.

18 Each of these have been individually
19 sealed, signed, and initialed by me dated. Then
20 it was put into a container, so they would all
21 be together.

22 Q This have been premarked as State's
23 Exhibits 7 through 31.

24 Would you mind taking a quick look and
25 making sure that those are the same that went up

1 in that bag to Columbia back in 2018.

2 A Yes, sir. All of them have my initials
3 on them and the item description on them.

4 Q SLED Lab Number as well?

5 A Yes.

6 Q Tell us briefly what a lab number means.

7 A A specific number that is going to be
8 assigned to a particular case. From there you
9 can have -- that would be the parent number then
10 you have sequence numbers to different
11 departments. Each of them will be based off
12 that number to keep everything together as a
13 case.

14 Q Each one has its own item number?

15 A Yes.

16 Q Do the proposed exhibit numbers match
17 your original item numbers?

18 A They do.

19 MR. EVANS: The State would move the
20 shell casings and projectiles into evidence as
21 State's Exhibits 7 through 31?

22 THE COURT: Any objection, Mr. Gibbes?

23 MR. GIBBES: No objection.

24 THE COURT: Mr. Johnson?

25 MR. JOHNSON: I have no objection.

1 THE COURT: Thank you. Admitted into
2 without objection, 7 through 31.

3 (State's Exhibits 7 - 31 admitted into
4 evidence.)

5 MR. EVANS: Thank you.

6 BY MR. EVANS:

7 Q Talk about each one so we match them up
8 to those markers with your report.

9 A Yes, sir.

10 Q Exhibit 7 is Item 7?

11 A Correct.

12 Q So on and so forth?

13 A Correct.

14 Q We have how many shell casings and how
15 many projectiles?

16 A 25 total items of firearms evidence that
17 we collected from this.

18 Q That is fine.

19 Q Match each shell casing to which placard
20 number to match up from your report.

21 A Yes. A rundown of that?

22 Q If you would, please, sir.

23 A Item 7 would have come from Marker 1;
24 Item 8, Marker 2; Item 9, Marker 3; Item 10,
25 Marker from 4; 11 came from 5; 12 came from 6;

1 13 came from 7; 14 came from 8; 15 came from 9;
2 16 came from 10; 17 came from 11; 18 from 12; 19
3 from 13; 20 from 14; 21 from 15; 22 from 16; 23
4 from 17; 24 is a casing. We didn't mark it. 25
5 also came from the removal of the female
6 decedent. Again, the same reason why we didn't
7 mark it. 26 also came from underneath the female
8 decedent. 27 also came from under the female
9 decedent.

10 Q 27 is a projectile?

11 A 27 is a projectile. 28 also is a
12 projectile that came from underneath the female
13 decedent.

14 29 came from underneath the blanket near
15 the female decedent. That was a projectile as
16 well.

17 30 was another projectile that was also in
18 the striped blanket with the female decedent.
19 31 was another projectile that was collected
20 from Marker I.

21 Q So physically inside the wall?

22 A Yes.

23 Q Does the report indicate which defect
24 marker I was?

25 A I was on the floor north of the female

1 decedent's hand, underneath of her.

2 Q After you finished at [REDACTED] any other
3 physical items that you yourself and Mr.
4 Denizard collected from [REDACTED]?

5 A We collected three sets of suspected
6 blood swabs while we were there. They were in
7 the areas of all of the decedents.

8 Q What else did you do before you left
9 Hampton County that day? Did you go anywhere
10 else?

11 A Yes. We do a final walk-thru at
12 [REDACTED] to make sure that we didn't miss
13 anything. We always do a final walk-thru of the
14 premise inside and out. At that point in time,
15 we were advised to be en route to 80 Sparrow
16 Road in Varnville, South Carolina for evidence
17 collecting.

18 Q How about the Hampton County Medical
19 Center? Did you go there?

20 A We did go to the medical center that
21 day.

22 Q Why did you do that?

23 A We had one decedent that we had not
24 documented with photographs or any kind of
25 notes. We had to obviously go there. While we

1 are there, we also collected post-mortem
2 fingerprints. It's a requirement that we do
3 that in the investigation when we have a
4 decedent.

5 Q Did you observe the third decedent?

6 A We did.

7 Q All of this is in Hampton County?

8 A Yes, sir.

9 MR. EVANS: I am going to move in as
10 exhibits State's 293, 295, 294.

11 MR. JOHNSON: No objection.

12 MR. GIBBES: No objection.

13 THE COURT: Admitted without objection.

14 (State's Exhibits 293 - 295 admitted into
15 evidence.)

16 MR EVANS: Thank you. Nearly done.

17 BY MR. EVANS:

18 Q One more diagram. This is 296.

19 A Yes, sir.

20 Q Is that another one of the diagrams that
21 you prepared blown up to poster size?

22 A Yes, sir.

23 Q What if anything does this one reflect?

24 A This one shows the living room area
25 where the male decedent was located. It's

1 showing where the additional cartridge cases
2 were found. Showing the orientation to where
3 the kitchen was and the body positioning of the
4 decedent and where Bedroom 1 is.

5 MR. EVANS: The State would move this
6 diagram in as State's 296.

7 THE COURT: Mr. Gibbes?

8 MR. GIBBES: No objection, Your Honor.

9 MR. JOHNSON: No objection.

10 THE COURT: Admitted without objection.

11 (State's Exhibit 296 admitted into
12 evidence.)

13 BY MR. EVANS:

14 Q This the additional cartridge casing
15 that you mentioned earlier?

16 A Yes.

17 Q That would be the one down here at the
18 corner?

19 A Yes, sir.

20 MR. EVANS: Mr. Sprouse, those are all
21 the questions I have. Please answer any
22 questions that these gentlemen may have.

23 THE COURT: Mr. Gibbes.

24 **

25

CROSS-EXAMINATION BY MR. GIBBES

BY MR. GIBBES:

Q Mr. Spouse, I represent Lorenzo Boles.
Did you collect any DNA that day?

A From [REDACTED] Lane?

Q Correct.

A No, sir, other than the suspected swabs
that I mentioned earlier.

Q No blood swabs or any DNA that you know
of related to my client, Lorenzo Boles?

A I have not looked at any DNA reports.
As I know of, no.

MR. GIBBES: Those are all the
questions, I have. Thank you.

THE COURT: Mr. Johnson, sir.

MR. JOHNSON: Thank you, Your Honor.

★★

CROSS-EXAMINATION BY MR. JOHNSON

BY MR. JOHNSON:

Q Please explain to the jury why you
collected so much evidence at a scene.

A The short answer is, because it was
there.

Q Is it important for you to try to get
all the evidence you can?

1 A Correct.

2 Q Explain to the jury why you do that.

3 A To better assist the investigators
4 during their investigation.

5 Q So that you can probably help to
6 determine who was there and to make sure that
7 you get all the evidence that is available to
8 you?

9 A I would say to collect the facts that
10 were present.

11 Q The facts that are present?

12 A The facts that are present. The hard
13 evidence that is present.

14 Q Would you say that you are good at doing
15 that?

16 A I would like to think so.

17 Q Would you say that you think you got all
18 the evidence that you were charged with
19 collecting?

20 A That I was charged with collecting?
21 After doing a walk-thru, I would think that
22 everything that was going to be probative, yes,
23 sir. We felt like we collected it.

24 MR. JOHNSON: I have no further
25 questions, Your Honor.

1 THE COURT: Anything else, Mr. Evans?

2 **

3 **REDIRECT EXAMINATION**

4 BY MR. EVANS:

5 Q What does State's 227 show again?

6 A The interior side of Bedroom 1 with the
7 two defects scaled.

8 Q What is in the corner.

9 A Two long rifles.

10 Q Could those rifles have fired the shell
11 casings that you collected?

12 MR. JOHNSON: Your Honor, objection.

13 THE COURT: I will sustain that
14 objection.

15 BY MR. EVANS:

16 Q Did you collect those rifles?

17 A No, sir.

18 MR. EVANS: That is all, Your Honor.

19 THE COURT: Anything else?

20 MR. GIBBES: Nothing further.

21 MR. JOHNSON: No, Your Honor.

22 THE COURT: Thanks so much. Have a
23 great day. You are free to leave.

24 Counsel approach.

25 (Bench conference.)

1 THE COURT: I believe our next witness
2 may be a little lengthy. This is a good time to
3 go back for bathroom break, stretch, whatever
4 your need. We will have you back in here in
5 about 10, 15 minutes at the most, and we will
6 keep moving forward.

7 Don't talk about the case.

8 (Jury exits courtroom.)

9 THE COURT: Anything before we take our
10 break from the State?

11 MR. EVANS: Not from the State.

12 THE COURT: Anything, Mr. Gibbes?

13 MR. GIBBES: No, Your Honor.

14 THE COURT: Mr. Johnson, anything before
15 we take our break?

16 MR. JOHNSON: Nothing, Your Honor.

17 THE COURT: Great. See you back in 10
18 to 15 minutes.

19 (Recess.)

20 **

21 **PROCEEDINGS CONTINUED**

22 THE COURT: Ready for the jury?

23 MR. EVANS: State is ready.

24 MR. JOHNSON: Defense is ready.

25 MR. GIBBES: We are ready, Your Honor.

1 THE COURT: Let's bring in the jury.

2 (Jury enters courtroom.)

3 THE COURT: Good afternoon. We will go
4 ahead and move forward with other witnesses.

5 Solicitor.

6 MR. EVANS: Thank you, Your Honor.

7 The State calls Marty Clapp.

8 **MARTY CLAPP,**

9 **Being duly sworn testified as follows:**

10 ******

11 **DIRECT EXAMINATION**

12 BY MR. EVANS:

13 Q Please identify yourself and spell your
14 name for the court reporter.

15 A Marty Clapp, C-l-a-p-p.

16 Q Where do you work?

17 A Currently, I work for the 14th Circuit
18 Solicitor's Office.

19 Q With me; right?

20 A Correct.

21 Q Where did you work before you joined our
22 office?

23 A Investigator for the Hampton County
24 Sheriff's Office.

25 Q For how long?

1 A Since 2016, when I came back to the
2 area. I went back to work for Hampton County.

3 Q You grew up around here?

4 A Yes.

5 Q How much total law enforcement
6 experience do you have, sir?

7 A Thirty-two-and-a- half years.

8 Q Between here and Hampton and where else
9 did you say?

10 A I was employed with Greenville County
11 before I moved back home. I have been employed
12 with a lot of local agencies in our area. I
13 moved to Greenville,, and I worked for
14 Greenville County forensics division.

15 Q Were you the lead case officer on the
16 case we are here about today?

17 A I was.

18 Q Tell us how you became involved.

19 A March 25, 2018, I received a call from
20 my supervisors. They advised me of a shooting
21 yesterday on [REDACTED] Lane just outside of
22 Varnville in the Sandridge Community.

23 They requested all hands on deck. I
24 responded to the scene. I met with the Hampton
25 County on-scene officers as well as numerous

1 SLED agents, who had also responded to the scene
2 to help us.

3 Q What is the first thing that you do at
4 the scene Is it presented to you as you are the
5 lead on this at that point?

6 A It was presented and I was told.

7 Q You were ordered to take it on.

8 A That is correct.

9 Q What is the first thing you did.

10 A The first thing I did is all the
11 officers meet together to get an idea of what is
12 going on, what do we have.

13 So upon arrival I was told that there
14 had been a shooting. There was at least two
15 people deceased inside the residence and one had
16 been transported to the hospital. I was
17 informed that there was another person who had
18 survived the shooting who had been hiding in a
19 back bedroom. She was still on-scene and seated
20 in Officer Loadholt's police car.

21 Q And was that Khadajah who we saw earlier
22 today?

23 A Yes. That is Khadajah Williams.

24 A That he was her.

25 Q Did you speak with her?

1 A Yes.

2 Q What if anything did you learn her
3 without quoting her directly?

4 A Ms. Williams was visibly shaken, upset.
5 She spoke with myself, Charleston Solomon and a
6 SLED agent while she was still on-scene.

7 She was basically telling us that she
8 didn't know what had happened. She had heard
9 some people inside of the house when they
10 started shooting. She hid in the closet and
11 that she thought she recognized one of the
12 voices that she heard.

13 Q Did you learn the name of the person
14 whom she thought she recognized?

15 A I did. She gave us the name of Fuquan
16 Harris.

17 Q Not Tyrase Collins?

18 A No.

19 Q Not Lorenzo Boles?

20 A That's correct.

21 Q Do you know these gentlemen from prior
22 dealings during the course of this
23 investigation?

24 A Yes.

25 Q Is Tyrase Collins in the courtroom

1 today?

2 A He is seated with the purple shirt.

3 Q Next to Mr. Johnson?

4 A That's correct.

5 Q Is Lorenzo Boles in the courtroom today?

6 A He is seated next to Mr. Gibbes.

7 A Yes.

8 MR. EVANS: Your Honor, may the record
9 reflect he has identified the defendant.

10 THE COURT: He has.

11 BY MR. EVANS:

12 Q Did you know them before March 25, 2018?

13 A I was familiar with the suspects. I had
14 not had any one-on-one dealings with them, but I
15 knew the names and who they were.

16 Q You were speaking with Ms. Williams?

17 A That's correct.

18 Q She gave you another name, Fuquan
19 Harris; is that right?

20 A Khadajah gave us the name as Fuquan
21 Harris as the voice that she heard.

22 Q What if anything did you do with that
23 information?

24 A While we were questioning her for a
25 short time, after we were done questioning her,

1 we wanted to get her out of the scene. It was
2 rough. I was told that the name Fuquan Harris
3 was being discussed between law enforcement on
4 scene, we need to find this guy. It was passed
5 on to our officers who had secured the road.
6 The road was cut off from traffic other than law
7 enforcement.

8 Q Before you move on, give a brief sort of
9 geographical description of the area?

10 A Sure.

11 This road [REDACTED] Lane come out of
12 Varnville on 63 past the fire tower like you are
13 going to Walterboro, once you get to Sandy Run
14 Road, make a turn on Sparrow Road. We call that
15 area the bird land. A lot of streets are named
16 after birds.

17 As soon as you turn onto Sparrow Road, you
18 make a right just past 80 Sparrow Road. It's a
19 dirt street that branches off and goes straight
20 back to where the scene was where Mr. Frankie's
21 trailer was at the end of that dirt road. A
22 couple of trailers back there. At the time Mr.
23 Johnson was Ghazi and these folks here were the
24 only ones back in that little area.

25 Q Easy to find?

1 A No. Not if you don't know where you are
2 going.

3 Q Was Mr. Harris in the area?

4 A He approached one of the Hampton County
5 deputies standing around He was known to the
6 sheriff's department. They alerted us via
7 radio, Mr. Harris is standing right here. We
8 advised to take him to the sheriff's office,
9 pick him up for questioning. He was picked up
10 by Hampton County Sheriff's Office and taken to
11 our office here just outside of Varnville.

12 Q Did you conduct an interview with him?

13 A I did.

14 Q Was it that day?

15 A I left the scene at [REDACTED] Lane and
16 went to the sheriff's office to interview Mr.
17 Harris.

18 Q Did Mr. Harris provide you with a DNA
19 sample?

20 A Mr. Haris did voluntarily provide me
21 with a buccal swab sample.

22 Q What is the purpose of that?

23 A To collect a saliva sample for testing
24 for DNA.

25 Q Were you trained how to do that?

1 A Over the course of my career, I have
2 done it many times.

3 Q Mr. Harris did that voluntarily?

4 A He did.

5 Q Did ever charge him in this case?

6 A He was initially charged in this case.

7 Q He is no longer charged?

8 A The case has currently been put on hold
9 or dismissed against him.

10 Q Over the course of your investigation,
11 did you develop any evidence -- you reviewed the
12 result of the tests?

13 A That's correct.

14 Q Did you develop any scientific evidence
15 against Mr. Harris.

16 A DNA results that I receive from SLED,
17 there was never an indicator --

18 MR. JOHNSON: Your Honor.

19 THE COURT: Yes, sir.

20 MR. JOHNSON: I have an objection. The
21 evidence has not been made a part of the record
22 yet.

23 THE COURT: I will sustain that.

24 MR. EVANS: I am not asking for the
25 results. I am just asking him if what he

1 perused helped with the charge against Mr.
2 Harris.

3 THE COURT: I will sustain the
4 objection. Let's rephrase the question.
5 Proceed.

6 BY MR. EVANS:

7 Q Did any of the scientific results that
8 you received improve the case against Fuquan
9 Harris?

10 MR. JOHNSON: Same objection.

11 MR. EVANS: He doesn't have to give the
12 results to give the answer.

13 The expert will be testifying about it
14 hopefully tomorrow.

15 THE COURT: I will overrule that and
16 allow him to answer the question you just asked.

17 MR. EVANS: I will ask yes or no, Mr.
18 Clapp.

19 THE WITNESS: No.

20 BY MR. EVANS:

21 Q Did you have any evidence against Mr.
22 Harris, other than the statement by Khadajah we
23 heard from earlier this morning?

24 A No.

25 Q How did your investigation turn towards

1 the gentlemen who are the courtroom today?

2 A While on-scene at [REDACTED] Lane, I was
3 informed by law enforcement as this
4 investigation started to take shape and which
5 direction we should go to figure this out, we
6 learned that Officer Michael Smith saw a red
7 Charger while he was responding to the scene on
8 Mill Pond Road. A red Charger with Texas
9 plates.

10 Q Did that mean anything to you based on
11 your experience in Hampton County?

12 A Yes, it did. The only red Charger I was
13 familiar with in our area with Texas plates
14 belonged to Mr. Lorenzo Boles.

15 Q Did it belong to Mr. Boles or somebody
16 in his family?

17 A It was later determined that --

18 MR. JOHNSON: Your Honor, objection;
19 none of this is part of the record. He is
20 making facts that are not part of the record.

21 THE COURT: I will sustain that
22 objection. BY MR. EVANS:

23 Q Were you familiar with the red Charger
24 with the Texas tags?

25 A Yes.

1 Q It indicated to you that Mr. Boles would
2 be a person of interest?

3 A That's correct.

4 Q What else did that make you realize, if
5 anything?

6 A It made us want to locate Mr. Boles
7 timely.

8 Q How about Mr. Collins?

9 A Mr. Collins -- at this time his name had
10 not come up initially in this. The only
11 information was about the red Charger.

12 MR. JOHNSON: I have to object. He is
13 talking about conversations he had with other
14 people. None of this is admissible.

15 THE COURT: I thought what he was
16 telling us as a result of the conversation what
17 the investigation was. I will sustain the
18 objection.

19 Rephrase the question.

20 BY MR. EVANS:

21 Q Are you familiar with [REDACTED] Street?

22 A I am.

23 Q How did you know to look there?

24 A I knew the Collins family lived at [REDACTED]
25 [REDACTED] Street in that area.

1 Q How is Mr. Boles associated with that
2 address?

3 A My understanding is that he is related
4 to the Collins family.

5 Q Is [REDACTED] a place that you wanted to
6 look during the course of your investigation?

7 A Yes.

8 Q When did you go to [REDACTED] Street?

9 A We responded to [REDACTED] Street Monday
10 morning, sometime around 11:00 a.m.

11 Q So March 26, 2018, about 11:00 a.m.

12 A That's correct.

13 Q Where is [REDACTED] Street?

14 A It runs off of Maple Street near where a
15 lot of people refer to it as the Varnville
16 projects.

17 Q In Hampton County?

18 A In Hampton County.

19 Q Was [REDACTED] Lane in Hampton County?

20 A It was.

21 Q Were you one of the first to arrive at
22 that address on that morning?

23 A I was en route as other officers were
24 arriving at the scene.

25 Q Was Mr. Chauncey Solomon one of the

1 original officers?

2 A He was.

3 Q When you arrived, what did you do?

4 A When I arrived -- there was an
5 investigation that was going on. We secured a
6 search warrant for the address of [REDACTED]
7 Street.

8 MR. JOHNSON: Objection. He is
9 referring to what "we" did. The question was,
10 what did he do. He is using other people while
11 he is testifying.

12 MR. EVANS: Judge, he is not sponsoring
13 the search warrant. He is the lead investigator
14 of the case.

15 THE COURT: I will overrule that. Go
16 ahead.

17 BY MR. EVANS:

18 Q You were saying.

19 A A search warrant was obtained for [REDACTED]
20 [REDACTED] Street.

21 Q Do you know who obtained the search
22 warrant?

23 A I believe Sergeant Brooker secured the
24 search warrant.

25 Q Where is Sergeant Brooker today?

1 A He sadly passed away.

2 Q When you say execute a search warrant,
3 what do you mean?

4 A That means -- it's a term we use. It
5 means that we have the search warrant in hand
6 when we go into that place, be it wherever, and
7 we search it.

8 Q Is that what you did at [REDACTED] Street
9 Varnville on March 26, 2018?

10 A It is.

11 Q Did you document your findings in any
12 way?

13 A Yes.

14 Q With photographs?

15 A The scene was photographed.

16 Q I will pass you some photographs that
17 have previously been marked as State's Exhibit
18 242, 243, 244, 245, 246, 247, 248, 251.

19 I will ask you if recognize those, sir.

20 A I do.

21 Q I don't think you need to go through
22 them one by one. Just give us a brief
23 description of what those photographs depict,
24 please.

25 A They depict [REDACTED] Street. They

1 depict the interior of [REDACTED] Street and items
2 that I assisted in collecting within the
3 residence.

4 Q Do they fairly and accurately represent
5 what you found at [REDACTED] Street on March 26,
6 2018, when you were present there?

7 A Yes, it does. All of them do.

8 Q I will direct your attention only
9 specifically to the last one.

10 What is the last one a picture of?

11 A The last one is the picture of the red
12 Dodge Charger with Texas plates.

13 Q Was that picture taken at [REDACTED] or
14 somewhere else?

15 A It was taken at Hampton County Sheriff's
16 Office impound lot after being towed from [REDACTED]
17 [REDACTED] Street.

18 Q Does it fairly and accurately depict the
19 red Dodge Charger?

20 A It does.

21 MR. EVANS: Your Honor, the State would
22 move these photographs into evidence.

23 MR. JOHNSON: I renew my same objection.

24 MR. GIBBES: Same here, Your Honor.

25 THE COURT: I will overrule the

1 objection. I think he has laid a foundation and
2 identified that is the scene as he saw it that
3 day. I will overrule that.

4 Go ahead, Solicitor.

5 (242, 243, 244, 245, 246, 247, 248, 251
6 were admitted into evidence.)

7 BY MR. EVANS:

8 Q Are these the same photographs that you
9 just described?

10 A They are.

11 Q 242. What is this?

12 A This is a photograph of the front door
13 at [REDACTED] Street in Varnville.

14 Q Same one that you helped execute the
15 search warrant at?

16 A That's correct.

17 Q 243. What is that a photograph of?

18 A It is a photograph of an ID from the
19 local high school for Tyrase Collins.

20 Q It says Tyrase Collins' name on it?

21 A Yes.

22 Q Which room in the house did you find
23 that ID?

24 A It was located in what we referred to as
25 the front-left bedroom. As you enter the front

1 door of the residence, there is a bedroom,
2 bathroom, and what we referred to as the front-
3 left bedroom. As you come in to the right
4 between the bathroom, these items were located
5 in the front-left bedroom.

6 Q What does 244 show?

7 A 244 is a photograph entering the front
8 or the front-left bedroom, as I labeled it where
9 the ID was found. This bag was also found
10 hanging on like a nail.

11 Q 245, what does that show?

12 A Once that bag was opened, two handguns
13 and a jar. I can't say what material, but it
14 was a green, leafy-like substance.

15 Two Glock handguns.

16 Q Did you collect those handguns?

17 A Yes.

18 Q You told us the make. Glock?

19 A Yes.

20 Q What was the caliber?

21 A One was a .40 handgun and the other was
22 a .45 handgun.

23 Q Was that of interest to you after
24 learning about the scene at [REDACTED]?

25 A Yes. It was very interesting to us.

1 Q Why is that?

2 A From the preliminary crime scene
3 information, the shell casings recovered at the
4 scene were 40 caliber.

5 Q All of them?

6 A All of them.

7 Q The other gun is?

8 A 45.

9 Q I will withdraw that. A different
10 caliber?

11 A That's correct.

12 Q State's 246. What is in State's 246?

13 A The same bedroom. A dresser against the
14 wall. That is a 762 caliber, what is commonly
15 known on the streets as a Draco.

16 Q Do you know why they call it that?

17 A I have no idea.

18 Q Is that the official name for it?

19 A No.

20 Q You found that in a drawer as depicted?

21 A That's correct. Once it's drawer was
22 opened, that is the way it was sitting.

23 Q That was in the same bedroom?

24 A Yes.

25 Q What is State's 247?

1 A A photograph of the weapon once it had
2 been collected and brought back to the law
3 enforcement center when I photographed that one.

4 Q How about State's 8.

5 A 247 physically at the sheriff's office,
6 where you took the photo?

7 A Yes.

8 Q 248 is back at the house?

9 A Yes. These photographs are from the
10 same room with the information on Tyrase Collins
11 on a card and some paperwork.

12 Q Those are the weapons that you found
13 depicted in the other photos?

14 A That's correct. Same room.

15 Q This is 251. I will publish if by hand.
16 This is the Charger?

17 A That's correct.

18 Q Where was this photo taken?

19 A That photo was taken at the Sheriff's
20 Office impound lot right across from our office.

21 Q Anything distinctive that you remember
22 about this car when this photo was taken?

23 A I went there to let the tow truck people
24 back the car in. On the car I placed evidence
25 tape on the lower portion of the door, the rear

1 passenger's doors, and both sides of the car.

2 Q You did that to protect the integrity of
3 when you searched the vehicle?

4 A Yes.

5 Q Was that car at [REDACTED] Street when you
6 executed the search warrant for the house?

7 A It was.

8 Q That photo was taken at the impound lot?

9 A At our impound lot.

10 Q Next to the Sheriff's Office?

11 A Directly across the street from the
12 Hampton County Sheriff's Office next door to the
13 animal shelter.

14 Q How did it get from [REDACTED] to there?

15 A It was towed.

16 Q At your request?

17 A We call the rotation wreckers. Whoever
18 was up would respond and pick it up. I don't
19 recall at this time who that was.

20 Q Why did you tow it?

21 A The vehicle was obviously of interest to
22 us. We intended on obtaining a search warrant
23 for it. We towed it to a secured area. When it
24 came time to do the search warrant, we would
25 actually have the vehicle in our possession to

1 do it.

2 Q Roughly, when did that take place?

3 A I would have to look at on the actual
4 search warrant. I am not exactly sure on that
5 date. It was pretty soon thereafter.

6 Q Did you ask for SLED's assistance in
7 executing that?

8 A We did. We requested SLED crime scene
9 come and do the search warrant.

10 Q Turning back to the search warrant at
11 the actual house, [REDACTED]. I will start
12 passing up some physical items.

13 Previously marked as State's Exhibits 2,
14 2.10 and 2.11.

15 Do you recognize those items?

16 A I do.

17 Q What are those?

18 A This is the weapon recovered from [REDACTED]
19 [REDACTED] Street on our search warrant. This is the
20 magazine that was in the weapon and the unfired
21 projectiles taken as well.

22 Q When you found it, were the projectiles
23 in a plastic bag like that?

24 A No, they were not. They were in the
25 magazine, which was in the gun, as the

1 photograph indicated.

2 Q You collected this weapon yourself?

3 A Yes.

4 Q How can you send it? Where did you send
5 it and how did you do it?

6 A I don't know who actually took this out
7 of the house that day. It was Officer Brooker or
8 Officer Singleton.

9 Q Hate to ask, but where is Officer
10 Singleton?

11 A Officer Singleton has also suddenly
12 passed away.

13 Q You observed the collection of this
14 weapon, magazine, and the live rounds?

15 A Yes.

16 Q Who transported them to SLED eventually?

17 A Without looking on the actual paperwork,
18 it could have been any officer, a deputy sheriff
19 with the sheriff's office who we designated for
20 the transport to SLED to their evidence
21 custodian.

22 Q I will not enter this. What is this
23 box?

24 A This is a gun box.

25 Q Was it that way in 2018?

1 A Not initially. It did have some
2 collapse to it in the middle.

3 Q Sure. Was it taped up?

4 A It was sealed and initialed by myself.

5 MR. EVANS: Your Honor, the State would
6 move into evidence Exhibits 2 and 2.10.

7 THE COURT: Any objection?

8 MR. JOHNSON: No objection.

9 MR. GIBBES: No, Your Honor.

10 THE COURT: Without objection, yes, sir.

11 (State's Exhibits 2 and 2.10 were
12 admitted into evidence.)

13 BY MR. EVANS:

14 Q Previously marked as State's Exhibit 1.
15 Can you identify that?

16 A Yes. It is a Glock 23, .40 caliber
17 collected from the front left bedroom, [REDACTED]
18 Street in Varnville.

19 Q How can you tell that?

20 A It has an evidence label on here. It is
21 also written on the box by myself and initialed
22 by me.

23 Q You sealed it and initialed it?

24 A I did.

25 MR. EVANS: Your Honor, the State would

1 move the box and it's contents in as State's
2 Exhibit 1.

3 THE COURT: Mr. Gibbes?

4 MR. GIBBES: No objection.

5 THE COURT: Mr. Johnson.

6 MR. JOHNSON: No objection.

7 THE COURT: Admitted without objection.

8 (State's Exhibit 1 admitted into
9 evidence.)

10 THE COURT: Let's take a break. Hold on
11 one second to my witness.

12 Ladies and gentlemen, let me excuse you
13 from the courtroom for just a minute. Take a
14 break, and I will get you back in here in just a
15 few moments.

16 Thank you very much. Please do not talk
17 about the case.

18 THE COURT: Is there any objection to
19 Mr. Loadholt putting the apparatus on the gun?
20 Any objection from the defense?

21 MR. GIBBES: No, Your Honor.

22 MR. JOHNSON: No, Your Honor.

23 (Recess.)

24 **

25 PROCEEDINGS CONTINUED

1 THE COURT: Let's get the jury in.

2 (Jury enters courtroom.)

3 THE COURT: Thank you. I think we are
4 ready to proceed.

5 Solicitor.

6 **

7 **DIRECT EXAMINATION CONTINUES**

8 BY MR. EVANS:

9 Q State's Exhibit 115. Without opening
10 it, can you tell us what that is.

11 A This is a Glock Model 38, .45 pistol
12 with a magazine. It was collected from a red-
13 and-white bag hanging in the left bedroom at ■■■
14 ■■■ Street.

15 Q Was this the other gun seen with State's
16 Exhibit 1 in the photos that we saw earlier?

17 A It is.

18 Q It's sealed now.

19 A It is.

20 Q Have you and I and Mr. Gibbes and Mr.
21 Johnson reviewed the contents of that box prior
22 to today?

23 A I don't recall if we looked at this box.
24 We have reviewed it at some point.

25 Q Is this the same gun that you collected

1 back in 2018?

2 A Yes, that appears to be that weapon.

3 MR. EVANS: The box and the contents as
4 Exhibit 115.

5 THE COURT: Any objection?

6 MR. GIBBES: No objection.

7 MR. JOHNSON: No objection.

8 THE COURT: Admitted without objection.

9 (State's Exhibit 115 was admitted into
10 evidence.)

11 BY MR. EVANS:

12 Q Mr. Clapp, is that the same state
13 Exhibit 1 that we were referring to earlier?

14 A It is.

15 Q That's correct. Those are the two
16 weapons found in that bag.

17 Q Those were sent to SLED?

18 A They were.

19 Q Did you find anything else at [REDACTED]?

20 A In the laundry room area, we found -- I
21 found a hoodie, like a Nike hoodie in the
22 laundry room area.

23 Q Do you recognize that bag? Previously
24 marked as State's Exhibit 71.

25 A I do recognize the bag.

1 Q What is that bag?

2 A The bag is the packaging. It contains
3 black Nike hoodie with unknown stains.

4 Q You said you collected that?

5 A I did.

6 Q Did you bag it up and seal it?

7 A I did.

8 Q Is it still sealed or has it been
9 unsealed?

10 A It has been sealed in butcher paper.

11 MR. EVANS: The State will move this
12 hoodie into evidence as State's Exhibit 71.

13 THE COURT: Any objection, Mr. Gibbes?

14 MR. GIBBES: No, Your Honor.

15 THE COURT: Mr. Johnson?

16 MR. JOHNSON: No, Your Honor. No
17 objection.

18 THE COURT: Admitted without objection.

19 (State's Exhibit 71 admitted into
20 evidence.)

21 BY MR. EVANS:

22 Q Is that the same hoodie sweatshirt that
23 you found in the laundry room of [REDACTED]
24 Street?

25 A Yes.

1 Q Is it in the same condition as it was
2 when you sealed it up?

3 A It is.

4 Q Did you collect anything from the
5 outside of the house?

6 A I collected -- yes, I did collect
7 something from the outside.

8 Q What is that?

9 A Five fired cartridge casings.

10 Q I will pass you an envelope previously
11 marked as State Exhibit 70. Tell me what that
12 is.

13 A Yes. It is an envelope containing four
14 fired cartridge casings collected from the yard
15 at [REDACTED] Street.

16 A Yes.

17 Q Are these the one you just testified
18 about?

19 A Yes.

20 Q How can you tell they are the same?

21 A The envelope was sealed by me and
22 initialed by me with the date and time.

23 Q And sent to SLED?

24 A Yes.

25 MR. EVANS: I will mark the envelope and

1 its contents in as State's Exhibit 70.

2 THE COURT: Mr. Gibbes, any objection?

3 MR. GIBBES: No, Your Honor.

4 THE COURT: Mr. Johnson?

5 MR. JOHNSON: No objection.

6 (State's Exhibit 70 admitted into
7 evidence.)

8 BY MR. EVANS:

9 Q We talked earlier about buccal swabs.
10 You said you collected one from Fuquan Harris,
11 correct?

12 A That's correct.

13 Q Did you collect any other buccal swabs
14 in this case?

15 A I did. I collected a buccal swab from
16 Mr. Tyrase Collins, and I assisted in the
17 collection of a buccal swab from Mr. Lorenzo
18 Boles.

19 Q Show you what has been previously marked
20 as State's Exhibit 61 and 111. Do you recognize
21 those?

22 Q Yes. 61 is the envelope containing the
23 buccal swab from Tyrase Collins collected by
24 myself.

25 Exhibit number 111 is two buccal swabs

1 collected from Lorenzo Boles. I was present
2 when this was collected, and I packaged it.

3 Q You packaged it up, sealed it, and sent
4 it off to SLED?

5 A Yes.

6 Q In a tamper proof envelope, this exact
7 evidence bag?

8 A Yes.

9 MR. EVANS: Your Honor, the State would
10 move these buccal swabs into evidence as State's
11 Exhibits 6 and 111.

12 THE COURT: Mr. Gibbes, any objection?

13 MR. GIBBES: No, Your Honor.

14 THE COURT: Mr. Johnson?

15 MR. JOHNSON: No objection.

16 THE COURT: Admitted without objection.

17 (State's Exhibit 6 and 111 admitted into
18 evidence.)

19 BY MR. EVANS:

20 Q This is marked as Exhibits 3, 4, 5, and
21 6.

22 Tell us what that is.

23 A These are the DNA swabs from the
24 firearm.

25 Q Since you are dealing with swabs from

1 two different guns, each swab has their own
2 envelope?

3 A That's correct.

4 MR. EVANS: State moves State's Exhibits
5 3, 4, 5, 6 into evidence.

6 THE COURT: Mr. Gibbes, any objection?

7 MR. GIBBES: No, Your Honor.

8 THE COURT: Mr. Johnson?

9 MR. JOHNSON: No objection.

10 THE COURT: Admitted without objection.

11 (State's Exhibits 3 - 6 were admitted
12 into evidence.)

13 BY MR. EVANS:

14 Q Did you also obtain or serve as a piece
15 of the chain for any evidence which came from
16 the autopsy?

17 A Yes. I received items collected at
18 autopsy transported to me by then coroner
19 Washington.

20 Q What were those items?

21 A Items of clothing with blood spots,
22 fingernail clippings, autopsy photos, items that
23 I sent to the pathologist packaged and sealed,
24 and sent I put them into our evidence.

25 Q I will pass you, what has been

1 previously marked as State's Exhibits 50, 51,
2 52, and a large envelope marked 62 through 67.

3 Tell us what those are.

4 A An envelope containing known blood
5 spots, victim Frank Johnson collected at MUSC
6 Charleston.

7 Q 51.

8 A Item 51, envelope containing known blood
9 spot from Know Lameika Warren collected at MUSC
10 Charleston.

11 Q 52.

12 A Envelope containing known blood spots
13 from Ghazi Duckett collected at MUSC Charleston.

14 A 62 TO 67 a bag containing six
15 projectiles collected at autopsy from Lameika
16 Warren.

17 Q You were not the start of this chain of
18 custody; correct?

19 A That is correct. I was not.

20 Q You didn't attend the autopsy?

21 A I did not.

22 Q You received these from the coroner?

23 A Yes.

24 Q Mr. Clapp, did you do any investigation
25 about where -- the origin of these guns, these

1 three that have been moved into evidence as 1,
2 2, 115?

3 A Yes. 1, 2, 115, I requested an ATF
4 trace be conducted on these weapons. I informed
5 the ATF-designated trace person.

6 Q Pass you two documents previously marked
7 as 249 and 250. Tell us what those documents
8 are.

9 A Yes Item 249 is an ATF firearm trace
10 report on a Glock model 23, .40 caliber.

11 Q The second one.

12 A ATF firearm trace report conducted on a
13 Glock Model 38, caliber .45.

14 MR. EVANS: Your Honor, the State would
15 move these documents in as State's 249 and 250.

16 THE COURT: Mr. Gibbes, any objection?

17 MR. GIBBES: No, Your Honor.

18 THE COURT: Mr. Johnson?

19 MR. JOHNSON: No objection.

20 THE COURT: Admitted without objection.

21 (State's Exhibits 249 - 250 admitted
22 into evidence.)

23 BY MR. EVANS:

24 Q State's Exhibit 56. What is this?

25 A This is a jacket fragment as listed that

1 I collected at autopsy from Frank Johnson.

2 Q Passing you a document marked as State's
3 Exhibit 33.

4 What is that, sir?

5 A This is a receipt reprinted by the gun
6 store in Walterboro.

7 MR. EVANS: Your Honor, the State would
8 move these document in as State's Exhibit 33.

9 THE COURT: Mr. Gibbes, any objection?

10 MR. GIBBES: No, Your Honor.

11 THE COURT: Mr. Johnson?

12 MR. JOHNSON: No objection.

13 THE COURT: Admitted without objection.

14 (State's Exhibit 33 admitted into
15 evidence.)

16 BY MR. EVANS:

17 Q Who was the purchaser of the Draco gun,
18 sir?

19 A Rashida Collins.

20 Q Mr. Clapp, you testified earlier about
21 the Dodge Charger.

22 Did anything -- let me ask you this.
23 You asked SLED for assistance with the Dodge
24 Charger and searching?

25 A Yes we did.

1 Q You did not personally open it and
2 search it and collect evidence from it?

3 A No.

4 Q Were you aware of some of the evidence
5 you collected from it?

6 A Yes.

7 Q Did any of the evidence collected send
8 you to another location?

9 A Yes.

10 Q Where did you go and why?

11 A During the investigation, a receipt was
12 found in the Dodge Charger for Dollar General in
13 Varnville. The receipt was dated the 26th of
14 March, 2018.

15 Q Was that the significance of that date?

16 A March 26?

17 Q Yes.

18 A It was the day after the victims were
19 killed.

20 Q Was it the day of the execution of the
21 search warrant at [REDACTED] Street?

22 A Yes. It was the day of the search
23 warrant.

24 Q And what did you do after you saw that
25 receipt?

1 A Myself and Sergeant Brooker at the time
2 went to Dollar General and asked to view their
3 video footage. They let us see the video. On
4 the video, we observed based on the time from
5 the receipt and within a few minutes on the
6 video the time -- saw a red Dodge Charger pull
7 into the front of the parking lot at Dollar
8 General in Varnville.

9 Well, we saw Mr. Boles gets out of the
10 charger --

11 MR. JOHNSON: Your Honor, I renew my
12 previous objection.

13 THE COURT: You are renewing your
14 objection as it relates to this evidence?

15 MR. JOHNSON: Yes, sir.

16 THE COURT: Yes, sir. I note that.

17 BY MR. EVANS:

18 Q Let's not describe what the video shows,
19 Mr. Clapp. You watched the security video cam
20 footage which was of interest to you in the
21 case.

22 A I did.

23 Q Were you able to obtain a copy of that
24 video on that day?

25 A No. Dollar General -- I believe it was

1 a subpoena they wanted. They made us jump
2 through hoops, I guess, to protect themselves,
3 which is understandable.

4 Q Did you eventually obtain a copy of it?

5 A Yes.

6 Q Have you prepared a copy of portions of
7 that video that you observed back then in
8 preparation for trial?

9 A Yes. I have.

10 Q I will had you what has been marked as
11 State's Exhibit 34 and State's Exhibit 263.

12 A State's Exhibit 34 is a CD with the
13 Dollar General that I initialed and dated.

14 Q You and I prepared that from the
15 original video in preparation for trial?

16 A We did.

17 Q The other exhibit.

18 A 263 is a photograph of the Dollar
19 receipt dated 3-26-18 at 10:06 a.m.

20 Q Is that a photograph of the same receipt
21 that led you down that path of the
22 investigation?

23 A It is.

24 MR. EVANS: Move State's Exhibit 34 and
25 263 into evidence.

1 THE COURT: Admit 34 subject to the
2 objection of Mr. Gibbes. 263 Admitted without
3 objection.

4 (State's Exhibits 34 and 263 admitted without
5 objection.)

6 MR. EVANS: May I publish the video?

7 THE COURT: Yes, sir.

8 (Surveillance video published to the jury.)

9 BY MR. EVANS:

10 Q And what is Exhibit 35.

11 A 35 is a screen shot taken from the
12 Dollar General video which was just shown.

13 MR. EVANS: Your Honor, the State would
14 move these document in as State's Exhibit 33.

15 THE COURT: Mr. Gibbes, any objection?

16 MR. GIBBES: No, Your Honor.

17 THE COURT: Mr. Johnson?

18 MR. JOHNSON: No objection.

19 THE COURT: Admitted without objection.

20 (State's Exhibit 35 admitted without
21 objection.)

22 MR. EVANS: That's all, Your Honor.

23 Please answer any questions these
24 gentlemen may have.

25 THE COURT: Mr. Gibbes.

1 **CROSS-EXAMINATION BY MR. GIBBES**

2 BY MR. GIBBES:

3 Q Mr. Clapp, you spent a substantial
4 amount of time going over a gun called a Draco.

5 A That is the way it has been referred to.

6 Q Was that gun found at the scene of the
7 homicide?

8 A It was not.

9 Q Any of those bullets or shells that you
10 spent time showing the jury and going over
11 today, was that found at the scene?

12 A In relation to the Draco?

13 Q Correct?

14 A Nothing from the Draco.

15 Q The video that you showed with the red
16 Charger pulling up, that video was more than 30
17 hours after the actual murder?

18 A The murder was sometime in the early
19 morning hours. That video was on the morning of
20 the 26th. The video was time-stamped 10:06 a.m.

21 Q About 24 hours?

22 A Correct. Yes, sir.

23 MR. GIBBES: No further questions.

24 THE COURT: Thank you, Mr. Gibbs.

25 Mr. Johnson, do you have any questions

1 of this witness?

2 MR. JOHNSON: Yes, I do.

3 THE COURT: Come on up.

4 **

5 **CROSS-EXAMINATION BY MR. JOHNSON**

6 Q I have a few questions for you.

7 Q You were the lead investigator in this
8 case, correct?

9 A Correct.

10 Q And you interviewed an eyewitness that
11 was at the scene in the closet?

12 A Yes.

13 Q She told you that she recognized one of
14 the individuals that was in the house that
15 killed the individual in the house?

16 A No, sir. That is not what she said.

17 Q What did she say?

18 A She said she recognized the person's
19 voice. She never stated anything about anybody
20 killing anybody.

21 Q She said she recognized the individual
22 who was in the house voice, Fuquan Harris as
23 somebody she knew. She had heard his voice
24 before?

25 A Yes.

1 Q She told you she was certain of that?

2 A Yes.

3 Q When that person left, there were three
4 dead individuals in the house?

5 A Yes.

6 Q Wouldn't be it be fair to say that is
7 the person who killed them?

8 MR. EVANS: Objection, Your Honor.

9 THE COURT: I will sustain that
10 objection.

11 BY MR. JOHNSON:

12 Q Since that time, that is the only
13 evidence that you have against this individual,
14 an eyewitness. You dropped the charges on them?

15 A No, sir. It was not my call to drop the
16 charges.

17 Q Someone else dropped the charges?

18 A Yes.

19 Q You are not following up on him at the
20 time?

21 A That is not entirely true.

22 Q You are working for the prosecution now.
23 You are not investigating it, are you?

24 A Not at this time.

25 Q Now, I have a copy of your report that

1 you did. In your report you stated that, I was
2 informed by Hondel (phonetic) that they have
3 identified a red Dodge Charger.

4 MR. EVANS: Objection, calls for
5 hearsay.

6 THE COURT: Repeat your question.

7 BY MR. JOHNSON:

8 Q The investigator's police report. That
9 is what I was reading from.

10 THE COURT: His report.

11 MR. JOHNSON: His report. He stated
12 that he was informed by the deputy that there
13 was a red Dodge Charger with Texas tags, but she
14 has already testified to that.

15 THE COURT: I will overrule your
16 objection.

17 BY MR. JOHNSON:

18 Q The other defendant here and my client's
19 brother, were known hang together?

20 A I am sorry. They were known to
21 associate together. Then friends.

22 Q You just showed a video of the two of
23 them riding together.

24 A Mr. Boles, yes.

25 Q So my client was arrested because he was

1 related?

2 A No, sir. I knew that your client was
3 supposed to be related to Mr. Boles, that
4 family.

5 Q You went to the scene. Eyewitness who
6 told you that she heard that voice you
7 identified with Fuquan Harris.

8 A Correct.

9 Q You questioned that individual, right?

10 A That's correct.

11 Q You took his DNA?

12 A Correct.

13 A He was already at the police office by
14 the time -- where you left the scene of the
15 crime.

16 A Yes. He had already been transported to
17 the law enforcement center.

18 Q One of other officers took him up for
19 transportation?

20 A Yes.

21 Q One of the eyewitnesses said he was in
22 the house and participated in the crime?

23 A The survivor that was hiding in the
24 closet, said that she recognized Fuquan Harris'
25 voice.

1 Q Then after you left there, you went over
2 to my client 's trailer where I lived, correct?

3 A Yes. The following day.

4 Q Were you arrived at the trailer, who was
5 at the trailer at that particular time,
6 defendant-wise?

7 A When I arrived at the trailer, as far as
8 the defendants -- your defendant was not there.

9 Q Where was he?

10 A I was informed he was in school.

11 Q In school.

12 A Yes.

13 Q Who was at the trailer?

14 A Hassan Collins.

15 Q Who was my client's brother?

16 A Correct.

17 Q Where did you find Mr. Crittington?

18 A Inside [REDACTED] Street.

19 Q Inside the house where you found the
20 guns?

21 A Yes.

22 Q Where did you find him in the house
23 where the guns were found?

24 A I did not find Mr. Crittington. He was
25 already in custody at that time.

1 Q As the lead investigator, where did the
2 officers find him out?

3 A He was found hiding under a bed.

4 Q Which one?

5 A Front left bedroom.

6 Q My client's bedroom?

7 A As far as I know, yes.

8 Q When you found the guns, they were not
9 connected to my client, they were connected to
10 Mr. Crittington?

11 A Mr. Crittington was in that room.

12 Q Did Mr. Tyrase Collins have a criminal
13 record?

14 A Not to my knowledge.

15 Q And he was in school?

16 A Yes. As far as I know, he was in
17 school.

18 Q You found three guns.

19 A Yes.

20 MR. JOHNSON: I have nothing else, Your
21 Honor.

22 THE COURT: All right. Any redirect?

23 **REDIRECT EXAMINATION**

24 BY MR. EVANS:

25 Q When did you arrest Mr. Collins?

1 A I would have to look at the date.

2 Q Would it help you to take a look at the
3 warrant?

4 A Yes.

5 A April 18 of 2018.

6 THE COURT: All right. That is all for
7 today folks. We will break for the day. I will
8 ask you to come back at 9:00 tomorrow morning.
9 I think we will start at 9:00 sharp. We are
10 continuing to work through the case.

11 Now, do not talk about the case. You
12 have been paying attention, every one of you.
13 You realize how important the matters are that
14 we are dealing with to the State and to the
15 defense.

16 I appreciate you not talking about the
17 case, not doing any research on the case.

18 See you back tomorrow morning at 9:00.

19 Everyone else remain seated.

20 (Jury exits courtroom.)

21 THE COURT: Let's have order.

22 Is there anything we need to take up for
23 from the State before we break for the evening?

24 MR. EVANS: No, sir, not from the State.

25 THE COURT: Anything, Mr. Gibbes?

1 MR. GIBBES: No, Your Honor.

2 THE COURT: Mr. Johnson?

3 MR. JOHNSON: No, Your Honor.

4 THE COURT: You are to take Mr. Collins
5 into custody. He needs to spend the night at
6 the jail. Tomorrow morning at 7:30 he can leave
7 and be ready for court.

8 I have already told him if he is not
9 here, we will proceed to complete the trial in
10 his absence. Also, I want to reiterate that you
11 are not to have any contact with any of the
12 jurors, directly or indirectly, by the
13 defendant, family members, victims' family
14 members. No one is to have any contact with any
15 of the jurors.

16 Anything else before we break, from the
17 State?

18 MR. EVANS: Not from the State.

19 THE COURT: Mr. Gibbs?

20 MR. GIBBES: No, Your Honor.

21 THE COURT: Mr. Johnson.

22 MR. JOHNSON: No, Your Honor.

23 THE COURT: Folks, thank you all very
24 much. See you at 9:00 tomorrow.

25 (At 6:18 p.m. the trial was continued

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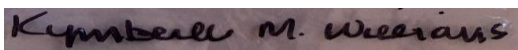
END OF VOLUME II

CERTIFICATE OF REPORTER*******

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14th Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the General Sessions Court for Beaufort County, South Carolina on the 8th Day of November, 2024.

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

This, the 9th day of August, 2024.



Kymberlee M. Williams, CSR/RPR

1 far, and I'm shooting that we be able to start
2 on time. What I will tell you is, a lot of
3 times there are various motions and other
4 matters that have to be taken care of outside of
5 your presence, and so when we're working on
6 those, I promise you what it's really doing is,
7 it's focusing in, and I think ultimately kind of
8 narrowing some matters, such that you can do
9 your work, and I want you to know we're mindful
10 of your time.

11 So we are ready to proceed, and so the
12 State -- Solicitor, you can call your next
13 witness, sir.

14 MR. EVANS: The State call Viola Thomas.

15 THE COURT: All right.

16 **

17 **VIOLA THOMAS,**

18 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

19 ***

20 THE COURT: Good morning.

21 WITNESS: Good morning.

22 THE COURT: Your witness, Solicitor.

23 MR. EVANS: Thank you, Your Honor.

24 **

25

DIRECT EXAMINATION

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Q Good morning.

A Good morning, sir.

Q Could you please identify yourself, and spell your last name for our Court Reporter?

A My name is Viola Collins, last name C-O-L-L-I-N-S.

Q And, Ms. Collins, do you know Tyrase Collins?

A Yes, sir.

Q Who is he to you?

A My son.

Q Is he in the courtroom today?

A Yes, sir.

Q Can you identify him by what he's wearing or where he's sitting?

A In the green shirt over there.

Q Next to Mr. Johnson?

A By Mr. Johnson.

Q Do you know Lorenzo Boles?

A I do.

Q All right, who is he to you?

A Nephew.

Q A nephew of yours? And is he in the courtroom today?

1 A Yes, sir.

2 Q Can you identify him by something he's
3 wearing, or where he's sitting?

4 A He's the one right there.

5 Q Next to Mr. Gibbes?

6 A Next to Mr. Gibbes.

7 MR. EVANS: Your Honor, let the record
8 reflect she's identified the Defendants.

9 THE COURT: Yes, sir.

10 BY MR. EVANS:

11 Q Ms. Collins, do you know a Craig
12 Collins?

13 A I do.

14 Q Who is he to you?

15 A My nephew.

16 Q And who is he to Mr. Boles?

17 A Brother.

18 Q That's his brother? Ms. Collins, I only
19 have a few other questions for you. Are you
20 familiar with [REDACTED] Street?

21 A Yes, sir.

22 Q All right. Who was living there in
23 March of 2018?

24 A I don't know who all lived there.

25 Q Okay, was your son staying there?

1 A Yes, sir.

2 Q All right, which room was his?

3 A Repeat it again?

4 Q Which was his bedroom, ma'am?

5 A It's a doublewide, as you come in, I
6 think you'd go to the left side.

7 Q Okay.

8 A It's a small room, with a bathroom, and
9 then the room on the end.

10 Q The room on the end?

11 A Yes.

12 Q Yes? All right.

13 MR. EVANS: May I approach the witness,
14 Your Honor?

15 THE COURT: Yes.

16 BY MR. EVANS:

17 Q I'm gonna pass you what's been
18 previously entered into evidence as State's
19 Exhibit 242. Do you recognize that photo?

20 A I do.

21 Q What's that?

22 A That my mobile home.

23 Q That's your mobile home?

24 A Yes.

25 Q What's the address?

1 A [REDACTED] Street.

2 Q All right, and this is where your son
3 was staying in 2018?

4 A Yes.

5 Q Okay. This is State's Exhibit 243. Do
6 you recognize the area depicted in this photo?

7 A I do.

8 Q Okay, what --

9 A That's --

10 Q -- is this area, and is it in the house?

11 A Yes.

12 Q And that was State's Exhibits 242, the
13 front?

14 A Yes.

15 Q And 243?

16 A Yes.

17 Q 243 is his room?

18 A Yes.

19 MR. EVANS: Those are all the questions I
20 have, Your Honor.

21 BY MR. EVANS:

22 Q Ms. Collins, please answer any questions
23 these gentlemen may have.

24 A Okay.

25 THE COURT: Mr. Gibbes, do you have any

1 questions, sir?

2 MR. GIBBES: No questions.

3 THE COURT: Mr. Johnson?

4 MR. JOHNSON: Yes, I have a few, Your
5 Honor.

6 THE COURT: Okay.

7 **

8 **CROSS-EXAMINATION**

9 BY MR. JOHNSON:

10 Q Good morning, Ms. Collins?

11 A Good morning.

12 Q How you doing? Okay, just a couple
13 questions. Hasad -- I mean Tyrase was staying
14 in the house, but your other son was staying
15 there at that time too, correct?

16 A Yes, sir.

17 Q And what was his name?

18 A Hasan Collins.

19 Q Now, Hasan has since passed since
20 that --

21 A Yes.

22 Q -- time? It was about two years ago?

23 A Yes, sir.

24 Q Okay, he was in a car accident?

25 A Yes, sir.

1 Q I'm so, so sorry for your loss there.

2 A Thank you.

3 Q So the two of them was living there at
4 the trailer? You were living them at one time,
5 but you moved out, correct?

6 A Yes, sir.

7 Q And they stayed there. At that time
8 Tyrase was, what, 17?

9 A Yes, sir.

10 Q And he continued to go to school?

11 A Yes, sir.

12 Q Did you have to make him go?

13 A No, sir.

14 Q As a matter of fact, he was an honor
15 student, wasn't he?

16 A Yes, sir.

17 Q And he was on honor roll

18 A Yes, sir.

19 Q Have you ever had any problems with him?

20 A No, sir.

21 Q Had he been in any trouble before?

22 A No, sir.

23 Q He always -- so you felt good leaving
24 him there with his older brother, correct?

25 A Yes, sir.

1 Q Now, when you say you don't know who was
2 living there, there was friends that was living
3 there?

4 A Yes, sir.

5 Q And they would just come and go like the
6 boys in the neighborhood, right?

7 A Yes, sir.

8 Q You didn't have any concerns about it at
9 the time, did you?

10 A No, sir.

11 Q But Hasan was the juvenile, but he got
12 up and went to school every day?

13 A Yes, sir.

14 Q And he was about three months from
15 graduation when this happened?

16 A Yes, sir.

17 Q And he's been unable to graduate or do
18 anything since that time?

19 A Yes, sir.

20 Q And it's been about five years, correct?

21 A Yes, sir.

22 Q Would you have any reason to think that
23 Hasan was some threat to the community or
24 something?

25 A No, sir.

1 Q Have you ever seen him attack anybody?

2 A No, sir.

3 Q Threaten anybody?

4 A No, sir.

5 MR. JOHNSON: I have no other questions.

6 THE COURT: Do you have any redirect?

7 MR. EVANS: No, sir.

8 THE COURT: Did you have another question?

9 MR. JOHNSON: Your Honor, I just want to
10 clarify for the record that was brought to me.

11 THE COURT: Okay.

12 MR. JOHNSON: I said Hasan, I meant Tyrase,
13 I'm just clarifying, sir.

14 THE COURT: Okay. You were referring to
15 your client?

16 MR. JOHNSON: My client.

17 THE COURT: Tyrase?

18 MR. JOHNSON: Right.

19 THE COURT: And you wanted to ask her if
20 she understood that?

21 MR. JOHNSON: Yeah, I was to clear that up.

22 THE COURT: Yes, sir.

23 **FURTHER CROSS-EXAMINATION**

24 BY MR. JOHNSON:

25 Q When I say Hasan, I meant Tyrase. Did

1 you have any problems with him, or anything at
2 that point in time?

3 A No, sir. I understand what you're
4 saying.

5 Q Okay.

6 MR. JOHNSON: Thank you.

7 THE COURT: Yes, sir, Mr. Johnson. All
8 right.

9 MR. EVANS: No redirect.

10 THE COURT: Anything else, Mr. Gibbes?

11 MR. GIBBES: No, Your Honor.

12 THE COURT: Thank you very much, ma'am, you
13 have a great day. She can be excused, so at
14 this point, if she wants to remain in the
15 courtroom, would that be appropriate?

16 MR. JOHNSON: yes, Your Honor.

17 MR. EVANS: I was just about to say just
18 that, Your Honor.

19 THE COURT: Gentlemen? All right, so,
20 ma'am, would you like to remain in the
21 courtroom?

22 WITNESS: Yes, sir.

23 THE COURT: You're free to do so, you can
24 go right back and have a seat in the gallery.
25 Thank you very much.

1 WITNESS: Thank you, sir.

2 THE COURT: All right, you can call your
3 next witness.

4 MR. EVANS: The State calls Rashina
5 Collins.

6 **RASHINA COLLINS,**
7 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

8 ***

9 **DIRECT EXAMINATION**

10 BY MR. JOHNSON:

11 Q Good morning, ma'am.

12 A Good morning.

13 Q Would you please identify yourself and
14 spell your last name for our Court Reporter?

15 A Rashina Collins, C-O-L-L-I-N-S.

16 Q And, Ms. Collin, how are you doing this
17 morning?

18 A I'm all right.

19 Q Are you comfortable?

20 A Yeah.

21 Q All right. Were you here all day
22 yesterday waiting?

23 A I was.

24 Q Were you'all uncomfortable yesterday
25 physically?

1 A Yes.

2 Q Why is that?

3 A Because currently in the last stage of
4 pregnancy.

5 Q All right, let me get you out of here as
6 fast as we can, okay? Do you know Frankie
7 Johnson?

8 A I do.

9 Q Who is he to you?

10 A He's my daughter's father.

11 Q Okay. You'all were in a relationship?

12 A No.

13 Q Okay, but you had a child together?

14 A Yes.

15 Q And where does he live?

16 A He's dead.

17 Q Did you know Ghazi Duckett?

18 A I did.

19 Q And Lamekia Warren?

20 A I did.

21 Q Do you know Tyrase Colins or Lorenzo
22 Boles?

23 A I do.

24 Q Which one and how? Well, let me ask you
25 one-by-one. Do you know Tyrase Collins?

1 A I do.

2 Q How do you know him?

3 A He's my cousin.

4 Q He's a cousin of yours. How about
5 Lorenzo Boles, do you know him?

6 A Yes, he's my cousin.

7 Q Another cousin? What kind of car does
8 Lorenzo drive, or did he at the time in 2018?

9 A He was driving a Charger.

10 Q Okay, what color was it?

11 A Red.

12 Q Ms. Collins, do you recognize this?

13 MR. EVANS: May I approach the witness,
14 Your Honor?

15 THE COURT: Sure.

16 BY MR. EVANS:

17 Q I'm showing you what's been previously
18 entered into evidence as State's Exhibit 2. Do
19 you recognize this?

20 A I do.

21 Q What is this?

22 A It's a Draco.

23 Q A Draco? It's a gun?

24 A Yes.

25 Q All right, everybody's calls it the

1 Draco? That's what everybody calls it?

2 A Yeah.

3 Q All right. How do you know this
4 particular gun, State's Exhibit 2?

5 A I purchased it.

6 Q All right. Do you remember when,
7 approximately?

8 A I don't.

9 MR. EVANS: May I approach the witness,
10 Your Honor?

11 THE COURT: Sure.

12 BY MR. EVANS:

13 Q This has been previously entered as
14 State's Exhibit 33, can you tell what that is

15 A The receipt for the gun.

16 Q All right, is that your name right
17 there?

18 A It is.

19 Q And what's the date that you purchased
20 it on? Appears in the upper left.

21 A 2/13/2018.

22 Q All right, so you bought that gun
23 February 13th, 2018; is that what you're telling
24 us?

25 A Yes.

1 Q Why did you buy it?

2 A Because Frankie Johnson asked me to.

3 Q Frankie asked you to purchase it for
4 him?

5 A Yes.

6 Q Did you give it to him?

7 A I did.

8 Q All right. When did you give it to him,
9 approximately, after you purchased it?

10 A Probably a couple days after I purchased
11 it.

12 Q And did you see it in his possession
13 between giving it to him and the date that he
14 passed?

15 A I did.

16 Q Approximately when?

17 A I'm not really sure, but he had it.

18 Q Can you say just very roughly, was it
19 soon before he died?

20 A Yes.

21 Q Within a week?

22 A Yes.

23 Q Are you still living at [REDACTED] Street,
24 Ms. Collins?

25 A Yes.

1 Q Did you ever take anything over there?

2 A I didn't.

3 Q What kind of stuff did you take over
4 there?

5 A Nothing.

6 Q Oh, nothing? All right. You didn't
7 take this gun over there?

8 A No.

9 Q Did you take any other guns over there?

10 A No.

11 Q Ever?

12 A Ever.

13 Q When all this happened, did you meet
14 with law enforcement at any point?

15 A I did.

16 Q Did you tell them about this gun?

17 A I did.

18 Q Did they show it to you, physically?

19 A No.

20 Q Okay. Any pictures, or anything like
21 that?

22 A No.

23 Q You told them about it?

24 A Yes.

25 Q Were you at [REDACTED] Street when they

1 were searching it?

2 A I came over there.

3 Q Okay. Did you see the gun at that
4 point?

5 A Yes.

6 Q All right. Where was it coming from?

7 A Out of my aunt's trailer.

8 Q Your aunt being Viola?

9 A Viola Collins, yes.

10 Q And so out of her trailer meaning ■
11 ■ Street?

12 A Yes.

13 Q Who was carrying it?

14 A One of the deputies.

15 Q Okay, a police officer?

16 A Yes.

17 Q All right, you saw this gun, State's
18 Exhibit 2, coming out of that trailer at that
19 time?

20 A Yes.

21 Q All right, and is this the day after
22 Frankie died?

23 A Yes.

24 Q Those are all the questions I have,
25 please answer any questions these gentlemen may

1 have.

2 THE COURT: All right. Mr. Gibbes, do you
3 have any questions, sir?

4 MR. GIBBES: Yes, Your Honor.

5 **

6 **CROSS-EXAMINATION**

7 BY MR. GIBBES:

8 Q Good morning, Ms. Collins, how you
9 doing?

10 A Fine, and you?

11 Q Pretty good. One question for you. You
12 mentioned that Lorenzo Boles drives a red
13 Charger, correct?

14 A Yes.

15 Q Do you know who owns that vehicle?

16 A I'm not really sure.

17 Q All right. And so, you know, if anyone
18 else ever drove that vehicle?

19 A Yes.

20 Q Okay. How many other people would you
21 say drove that vehicle?

22 A Probably about two.

23 Q Okay. And who are those two
24 individuals?

25 A His brother and his mom.

1 Q And could you state names?

2 A Oh Juanita Boles and Craig Collins.

3 Q Okay. All right.

4 MR. GIBBES: Thank you, no further
5 questions.

6 THE COURT: All right, Mr. Johnson, do you
7 have any questions, sir?

8 MR. JOHNSON: Yes, I do.

9 THE COURT: All right.

10 **

11 **CROSS-EXAMINATION**

12 BY MR. JOHNSON:

13 Q Good morning, Ms. Collins.

14 A Good morning.

15 Q Just a couple questions. You bought the
16 gun for Frankie Johnson?

17 A Yes.

18 Q Why did you have to buy it?

19 A Because he asked me to.

20 Q Is that because he had a criminal record
21 and he couldn't buy a gun?

22 MR. EVANS: Counsel --

23 THE COURT: I'm gonna overrule that, and I
24 think she's answered this.

25 BY MR. JOHNSON:

1 Q And did he?

2 A I'm not sure.

3 Q Did he tell you why he wanted you to buy
4 the gun?

5 A No.

6 Q Okay. You know Tyrase, correct?

7 A Yes.

8 Q Did you ever see Tyrase threaten
9 anybody?

10 A No.

11 Q Did you ever see Tyrase ever hurt
12 anybody?

13 Q Are you afraid of Tyrase?

14 A No.

15 Q Did Tyrase have a reason to kill Frankie
16 Johnson?

17 A No.

18 MR. JOHNSON: I have no other questions.

19 THE COURT: All right, anything else,
20 Solicitor?

21 MR. EVANS: Yes, very briefly, sir.

22 THE COURT: Sure.

23 **REDIRECT EXAMINATION**

24 BY MR. EVANS:

25 Q You testified on direct that Frank

1 Collins' is Lorenzo Boles cousin?

2 A Yes.

3 Q Okay, and he's a cousin of yours as
4 well?

5 A Yes.

6 Q Where was your cousin, Frank Collins, in
7 March of 2018

8 A I would guess he was in Texas.

9 Q In Texas?

10 A Yes.

11 Q Not in Hampton County?

12 A Yes.

13 Q All right.

14 MR. EVANS: Those are all the questions.

15 THE COURT: Mr. Gibbes, anything else?

16 MR. GIBBES: Yes.

17 **

18 **RECROSS-EXAMINATION**

19 BY MR. GIBBES:

20 Q Ms. Collins, you mentioned that Juanita
21 Boles also drove that vehicle?

22 A Yes.

23 Q Where was she at on the day of this
24 murder, March 25th, 2018?

25 A I'm not sure.

1 Q Okay. And although you saw other people
2 driving their vehicle, two other people beside
3 my client, you can't confirm whether --

4 A NO.

5 Q -- actually ten other individuals,
6 correct?

7 A Correct.

8 MR. GIBBES: Nothing else.

9 THE COURT: Mr. Johnson, anything else?

10 MR. JOHNSON: I have nothing, Your Honor.

11 THE COURT: Solicitor, anything else?

12 MR. EVANS: No, Your Honor.

13 THE COURT: All right. Thank you so much,
14 ma'am, you've been excused.

15 Can she be released from any subpoena?

16 MR. EVANS: Yes, sir.

17 THE COURT: All right, have a great day,
18 ma'am.

19 WITNESS: You too.

20 THE COURT: All right, Solicitor, you can
21 call your next witness.

22 MR. EVANS: The State calls Chauncy
23 Solomon.

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CHAUNCY SOLOMON,
BEING DULY SWORN TESTIFIED AS FOLLOWS:

THE COURT: Good morning, sir.

WITNESS: Good morning, sir.

MR. EVANS: Thank you, Your Honor.

**

DIRECT EXAMINATION

BY MR. EVANS:

Q Would you please, sir, identify
yourself, and spell your last name for our Court
Reporter?

A My name is Chauncy Solomon, S-O-L-O-M-O-
N.

Q Where do you work, Mr. Solomon?

A The Edisto Police Department.

Q What is your rank there at Edisto?

A I'm the Chief of Police.

Q All right, and is that a relatively new
position for you?

A Well, about a year and a half. I got
sworn in September the 15th of last year.

Q Congratulations on the big job.

A Great fun.

Q Where did you work before?

1 A 28 years of law enforcement. Came from
2 the Sheriff's Office most recently. Also, the
3 drug enforcement administration --

4 Q Okay.

5 A -- or the DEA.

6 Q And which agency were you working in in
7 March of 2018?

8 A Both, I was working for the Sheriff's
9 Office, and assigned to the DEA --

10 Q Quickly, how does that work where you
11 can do both?

12 A Well, my parent agency was Hampton
13 County Sheriff's Office, but I was assigned into
14 a federal agency, a drug taskforce --

15 Q Okay.

16 A -- in Charleston.

17 Q So you go --

18 A Dual.

19 Q -- all over the State doing some stuff,
20 but then you're helping the Sheriff's Office
21 with other stuff?

22 A All over the country, and still help the
23 Sheriff's Office. The Sheriff at that time had
24 a homicide team, which he used criminal
25 investigations, and used narcotics

1 investigations, and I was a part of that, the
2 making of the homicide team.

3 Q Were you part of the investigation of
4 this case?

5 A Yes, sir, I was.

6 Q Tell us about what you did on March
7 26th, 2018?

8 A Okay. Of course, you know, we got a
9 phone call from Dispatch, saying that it was a
10 triple homicide. They will call out all the
11 investigators, and actually I was one of those
12 investigators, so we always respond to the scene
13 and just help out whatever you can --

14 Q Okay.

15 A -- whether it's gathering evidence,
16 interviewing people and just -- and looking for
17 suspects and witnesses so we can interview.

18 Q All right, were you the lead officer on
19 this case?

20 A No, sir.

21 Q So you went to the actual original scene
22 on March 25th?

23 A Yes, sir.

24 Q Okay. How about the following day, what
25 was your part of the investigation on the day

1 after?

2 A Well, based on our investigation,
3 started creating leads, so we tried to go out
4 and look for people who we'd be getting
5 information about.

6 Q About?

7 A Who could be involved.

8 Q People and places?

9 A Yes.

10 Q Okay. Where was one of the places that
11 you were interested in going?

12 A Well, throughout our investigation it
13 led us to [REDACTED] Street in Varnville, South
14 Carolina.

15 Q Is that in Hampton County?

16 A In Hampton County in Varnville.

17 Q Okay.

18 A In Varnville.

19 Q How about the original scene, [REDACTED]
20 [REDACTED], is that in Hampton County?

21 A It's also in Hampton County, yes.

22 Q All right. So [REDACTED] Street in the
23 Town of Varnville?

24 A In the Town of Varnville, over there by
25 the projects.

1 Q Did you proceed to go there on March the
2 26th, 2018?

3 A Yes.

4 Q Did you'all have a warrant at that
5 point, or any --

6 A No.

7 Q What was the posture that you were
8 going?

9 A Well, we went -- our leads led us to the
10 Defendant in this case, and one of the
11 Defendants in this case is Lorenzo Boles, and we
12 had active warrants on him, so we went there
13 with the intentions of putting him in custody,
14 and bringing him back to the Sheriff's Office.

15 Q For this case or other matters?

16 A For this case.

17 Q Okay.

18 A And, apparently, we had active arrest
19 warrants for him also.

20 Q I see. And did you -- so you went to
21 visit [REDACTED] Street to look for him?

22 A Myself and a group of investigators from
23 the Sheriff's Office, also the United States
24 Marshall Service.

25 Q All right. What did you find when you

1 got there?

2 A Well, when we got there, there were
3 several people there, obviously. Some people
4 were able to run away, got out through the back
5 door and ran away. And some people got away,
6 but we were able to -- I think three or four
7 people that was at the house that day, they --
8 we put them in custody.

9 Q Was Lorenzo Boles one of the people who
10 was put in custody, or -- well, actually, let me
11 ask, was he there at all?

12 A He wasn't there. We believe that he was
13 one of the ones that actually escaped through
14 the back.

15 Q You saw multiple people --

16 A Yes.

17 Q -- fleeing the scene?

18 A Yes.

19 Q All right. Did you later determine that
20 one of those was Lorenzo Boles?

21 A Yes.

22 Q Okay.

23 A Throughout our investigation in talking
24 with people, we believed that Lorenzo Boles was
25 there. His car was there --

1 MR. GIBBES: Objection.

2 BY WITNESS:

3 A -- so we just believed that --

4 THE COURT: Hold on a minute, what's your
5 objection?

6 MR. GIBBES: Well, he's saying that he
7 believed through other people that Lorenzo Boles
8 was there. He just said he believes that he was
9 there, so --

10 THE COURT: I'm going to overrule that, I
11 think he was saying that through their
12 investigation, and so I'm going to allow that.
13 We'll move on.

14 MR. EVANS: Yes, sir.

15 THE COURT: He identified the vehicle. Go
16 ahead.

17 MR. EVANS: Thank you, Your Honor.

18 BY MR EVANS:

19 Q Did you see a red car there?

20 A Yes, sir. His red Dodge Charger that
21 belonged to Lorenzo Boles was there, and we
22 believed he was there.

23 MR. GIBBES: Objection.

24 THE COURT: Yes, sir?

25 MR. GIBBES: Your Honor, he's saying that

1 vehicle belongs to Lorenzo Boles. It's not even
2 registered.

3 THE COURT: Well, you can bring that up on
4 cross-examination.

5 MR. GIBBES: Okay.

6 THE COURT: I'll overrule your objection.

7 BY MR. EVANS:

8 Q So you saw a red Charger there, yes?

9 A Yes.

10 Q Okay. What further involvement did you
11 have? Did you bring the U.S. Marshalls back
12 into the case at a later point?

13 A Well, when we wasn't able to find him,
14 obviously, you know, we continued to look for
15 him.

16 Q When you say him, you mean?

17 A Lorenzo Boles.

18 Q Okay.

19 A And throughout our investigation,
20 through techniques we use when it comes to this
21 gathering of information, we determined that he
22 was in Savannah, Georgia.

23 Q You and the U.S. Marshall's Office work
24 together?

25 A Myself and the United States Marshals

1 Service, we determined that he was I Savannah,
2 Georgia. We got a location, I think it was at
3 the Motel 6 off of 206, Exit 94, in Savannah,
4 Georgia, myself and the United States Marshals
5 Service, Savannah Metro SWAT Team; we went to
6 Savannah, Georgia and actually found Lorenzo
7 Boles, along with others at the hotel.

8 Q You were there personally for it?

9 A Yes.

10 Q Okay. When you saw that gentleman, did
11 you recognize him from earlier?

12 A Recognized him, and I actually talked to
13 him.

14 Q Okay. Did you recognize him from [REDACTED]
15 [REDACTED] Street?

16 A No, but meaning where did I see him at
17 [REDACTED] Street?

18 Q Yes, sir.

19 A I didn't see him at [REDACTED] Street that
20 day, no, sir.

21 Q Did you see anybody else at the house,
22 turning back to March 26th, did you see Mr.
23 Crittington in there?

24 A Mr. Crittington was there. Mr. Collins
25 also was there. There was a young lady that was

1 there.

2 Q When you say Mr. Collins, there's a few
3 Mr. Collins'; do you know which one you're
4 referring to?

5 A Tyrase Collins, I think, the Defendant,
6 the other Defendant in this case.

7 Q You think?

8 A I know it was him.

9 Q Well, okay. Not Hassan?

10 A Hassan also was there.

11 Q All right.

12 A Hassan was in the front yard, Mr.
13 Collins was in one of the bedrooms.

14 Q How about Mr. Crittington, did you'all
15 investigate him?

16 A Yes.

17 Q Did you interview him at any point?

18 A Myself and an agent from SLED, we went
19 up to Columbia to the Department of Juvenile
20 Justice.

21 Q All right, now, why was he in the
22 Department of Juvenile Justice?

23 A I think it was an unrelated case.

24 Q He was in custody on a different matter?

25 A Yes.

1 Q And that's referring to Mr. Crittington?

2 A Yes.

3 Q All right. And you'all looked into him
4 in this case?

5 A Yes.

6 Q Thank you, Chief, those are all the
7 questions that I have. Please answer any
8 questions these gentlemen have.

9 THE COURT: All right, Mr. Gibbes?

10 **

11 **CROSS-EXAMINATION**

12 BY MR. GIBBES:

13 Q Good morning, Chief, how you doing?

14 A Hey, good.

15 Q I have just a quick question. I just
16 want to confirm, on March 26th you never saw
17 Lorenzo Boles at --

18 A At the house?

19 Q Yes.

20 A No, sir.

21 Q Okay. Can you tell me who owns the red
22 Charger?

23 A I -- to my recollection, I don't know
24 exactly who owns the car, but I can say that
25 every time I've seen the car, Mr. Boles is

1 driving it.

2 Q Okay. And you mentioned that someone
3 was arrested with Lorenzo Boles, another --

4 A Yes.

5 Q -- individual?

6 A Yes.

7 Q Who was that individual?

8 A Hassan --

9 Q Hassan Collins

10 A Yes.

11 Q Okay. Did you see Hassan Collins at [REDACTED]
12 [REDACTED] Street?

13 A Yes, he was there also.

14 Q Okay, and, of course, we're talking
15 about March 26th

16 A Yes, correct.

17 Q All right.

18 A The day of the search warrant.

19 Q Yes, okay. And where's Hassan today?

20 A He's no longer with us. I think he
21 died --

22 Q Okay.

23 A -- in a crash or something.

24 Q All right. Thank you, sir, no other
25 questions.

1 THE COURT: All right, Mr. Johnson, do you
2 have any questions, sir?

3 MR. JOHNSON: Yes, I do, Your Honor.

4 THE COURT: Sure.

5 **

6 **CROSS-EXAMINATION**

7 BY MR. JOHNSON:

8 Q Good morning, Chief.

9 A How you doing, sir?

10 Q Good to see you.

11 A Good to always see you, sir.

12 Q All right. I want to clarify something.
13 I think you made a misstatement. When you went
14 to the house to arrest the people at [REDACTED]
15 Street --

16 A Yes, sir.

17 Q Tyrase wasn't there.

18 A He wasn't there? It seemed like I just
19 remembered him being there.

20 Q Well --

21 A It's been five, six --

22 Q I understand.

23 A -- back in 2018, but I thought he was
24 there that day.

25 Q Yesterday the lead investigator

1 testified that Tyrase was in school. His
2 brother was there. And I just want to clarify,
3 because --

4 A yes --

5 Q -- it's very important. Hassan.

6 A Well, I know his brother was there. I
7 remember him being there, but to my
8 recollection, maybe I thought he was there in
9 the bedroom.

10 Q Do you remember somebody ran in the
11 bedroom, and you found somebody up under the
12 bed?

13 A Someone was in the bedroom, and we got
14 him in custody from in the bedroom.

15 Q Could that have been Mr. Crittington?

16 A It could have been. There were several
17 people in the house, but I -- for some reason I
18 just thought that, you know, Mr. Collins was --

19 Q But you're not sure?

20 A I'm not sure. I can't -- my mind is
21 telling me he was there.

22 Q Okay. Did you ever have any run-ins
23 with Tyrase?

24 A No.

25 Q Any problems with him?

1 A He was a 17-year-old boy at the time. I
2 remember the case, he was 17 at the time of his
3 arrest. I don't remember ever having any
4 dealings with him at that point.

5 Q Okay. And then -- actually, when you
6 went to the house, you didn't go there for
7 Tyrase, did you? You went there --

8 A No.

9 Q -- because of -- I guess you said Mr.
10 Boles --

11 A We went there -- actually, you know,
12 obviously, we investigated the triple homicide.
13 Our intentions was, because Mr. Lorenzo Boles'
14 name came up. We went there with the warrants
15 that he currently had, but we were still holding
16 to anything that we could find there.

17 Q And you say there was a number of people
18 there?

19 A Several.

20 Q How many, more than five, more than six

21 A Well, from what I can remember is, the
22 house was right next to another house --

23 Q Right.

24 A -- and there were several people in the
25 yard, and people in the house. It was a chaotic

1 scene at the time, but, yeah, there was several
2 people around.

3 Q Okay. And you don't have any notes, or
4 anything to refresh your memory, because it's
5 kind of important who was there at that time?

6 A In my mind I'm thinking we did find
7 someone in that particular bedroom.

8 Q Okay.

9 A In my mind it was him. I don't know
10 whether it was Crittington or not, but it seemed
11 like --

12 Q Okay.

13 A -- but Crittington was at DJJ at that
14 time.

15 Q But if the lead investigator testified
16 that he found Crittington up under the bed that
17 day. Would you disagree with what he said?

18 A No, I'm not gonna disagree with nothing
19 that he, or any other investigators -- you're
20 talking 2018, and I'm 55-years-old, I think I
21 can tell you right now I can't remember what
22 happened last week sometimes.

23 MR. JOHNSON: That's all.

24 THE COURT: Solicitor, have you got any
25 questions for the Chief?

1 MR. EVANS: No, sir.

2 THE COURT: All right. Mr. Gibbes?

3 MR. GIBBES: No, sir.

4 THE COURT: All right, Chief, thank you so
5 much, appreciate it.

6 WITNESS: Yes, sir.

7 MR. EVANS: The State calls Samuel Shepard.

8 THE COURT: No objection to the Chief being
9 released, Solicitor?

10 MR. EVANS: I have none.

11 THE COURT: All right.

12 **SAMUEL SHEPARD,**

13 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

14 ***

15 **DIRECT EXAMINATION**

16 BY MR. EVANS:

17 Q Good morning, sir.

18 A Good morning.

19 Q Would you please identify yourself, and
20 spell your last name for our Court Reporter?

21 A Samuel Shephard, S-H-E-P-A-R-D.

22 Q Mr. Shepard, did you know Ghazi Duckett?

23 A Yes.

24 Q How did you know him, sir?

25 A I've known him from childhood.

1 Q A friend of yours?

2 A You can call him kind of a friend.

3 Q I'm sorry?

4 A You can call him kind of a friend.

5 Q Kind of a friend?

6 A I guess so.

7 Q Did you ever loan him anything?

8 A Yes.

9 Q What did you give him back in 2018 before
10 he died?

11 A Can you repeat that?

12 Q What did you give Mr. Duckett before he
13 died; do you remember?

14 A Glock model 38.

15 Q A Glock 38?

16 A Yes.

17 MR. EVANS: May I approach the witness,
18 Your Honor?

19 THE COURT: Yes, sir.

20 BY MR. EVANS:

21 Q I'm gonna show you what's been marked --
22 or actually, entered as State's Exhibit 115.
23 Can you tell us what that is, sir?

24 A You might have to turn it on its side.

25 Q Well, I'll do my best, but it's kind of

1 secured here. Is this a gun?

2 A Yes, it is a gun.

3 Q And I'll show you what's been previously
4 entered into evidence as State's Exhibit 250.
5 Have you ever seen this document before?

6 A Yes.

7 Q You have?

8 A Well, not that document before, but I
9 know what it is.

10 Q Okay. What's this right here?

11 A My name.

12 Q Your name?

13 A Yes.

14 Q All right, and what's this say up here?

15 A Glock GH, Model G38.

16 Q Okay, and how about that right there?

17 A Okay.

18 Q Oh, just below that, sir --

19 A Okay.

20 Q -- if you don't mind.

21 A VHH952.

22 Q VHH952? Would you mind reading the
23 serial number on this gun? Right there.

24 A VHH952.

25 Q Okay, same as you read from this form?

1 A Yes.

2 Q All right, so did you purchase a Glock --

3 A Yes.

4 Q -- 38? You did?

5 A I purchased it.

6 Q Okay, you're the original purchaser of
7 this gun?

8 A Yes.

9 Q All right. Is this the gun that you
10 loaned to Mr. Duckett?

11 A In fact, initially, yes.

12 Q Okay. Well, guns sort of look alike
13 mostly, right?

14 A Yeah.

15 Q Is that why they have serial numbers?

16 A Yes.

17 Q Okay, but you remember loaning Mr.
18 Duckett a Glock 38?

19 A Yes, a while back, yes.

20 Q All right, and it's one that you
21 purchased originally?

22 A Yes.

23 Q Approximately, when was that? I
24 understand it's hard to remember, it's been a
25 long time, I get that, but just, roughly, when

1 was it?

2 A May, 2017, early 2018.

3 Q Okay.

4 A As far as that date I can't remember.

5 Q I understand that, but in either late
6 2017 or early 2018?

7 A Yes.

8 Q And do you remember approximately when
9 you heard about Mr. Duckett's death?

10 A I know it was a weekend that I got told,
11 that was it.

12 Q The spring of 2018, does that sound
13 right?

14 A Either spring, or right there about
15 summertime, I don't really remember.

16 Q Between the time that you loaned him --
17 was it a loan, or a gift, let me ask you that.

18 A A loan, not a gift.

19 Q A loan, not a gift, so you expected to
20 get it back?

21 A Yeah, I did expect to get it back.

22 Q The Glock 38 that you loaned to him, did
23 you see it in his possession between the date
24 that you loaned it, and the time of his death,
25 Mr. Duckett?

1 A Yes.

2 Q Okay. Again, I know it's been a long
3 time, but do you remember approximately when
4 that was?

5 A No, I cannot tell you.

6 Q Sometime between the time --

7 MR. JOHNSON: Objection, it's been asked
8 and answered three or four times.

9 THE COURT: Overruled. Go ahead.

10 BY MR. EVANS:

11 Q Would it have been between late 2017 and
12 early 2018, when you gave it to him and the time
13 that he died? All right --

14 A Yes.

15 Q -- sometime in that timeframe?

16 A In that timeframe.

17 Q All right. Those are all the questions I
18 have, Mr. Shepard, please answer any questions
19 these gentlemen may have.

20 THE COURT: All right, Mr. Gibbes, do you
21 have any questions?

22 MR. GIBBES: No, sir.

23 THE COURT: All right, and let me ask Mr.
24 Johnson, do you have any questions

25 MR. JOHNSON: I have none, Your Honor.

1 THE COURT: All right. Can he be released
2 from subpoena, Solicitor?

3 MR. EVANS: Yes, sir.

4 THE COURT: Gentlemen, any objection?

5 MR. GIBBES: No, Your Honor.

6 MR. JOHNSON: No, Your Honor.

7 THE COURT: Mr. Shepard, have a great day,
8 sir. Thank you.

9 WITNESS: All right.

10 THE COURT: Yes, sir.

11 MR. EVANS: The State calls Gabriel
12 Denizard.

13 THE COURT: Yes, sir.

14 MR. EVANS: Thank you, Your Honor.

15 **GABRIEL DENIZARD,**

16 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

17 ***

18 **DIRECT EXAMINATION**

19 BY MR. EVANS:

20 Q Good morning.

21 A Good morning.

22 Q Can you please identify yourself, and
23 spell your last name for our Court Reporter?

24 A Special Agent Gabriel Denizard, G-A-B-R-
25 I-E-L, last name D-E-N-I-Z-A-RD.

1 Q And where do you work, Mr. Denizard?

2 A South Carolina Law Enforcement Division,
3 also known as SLED.

4 Q What do you do at SLED?

5 A I currently work in the Crimes Unit.

6 Q All right, and we've already heard a
7 little bit about that, but give us a very quick
8 summary of what you do.

9 A So our Crime Scene Unit is a little
10 different than others. We are an assisting
11 agency. SLED as a whole, we travel the entire
12 state, we're a very local agency, or whatever
13 our people at SLED need, specifically, crime
14 scene resources, that's what we are here for.

15 Q All right. Did you become involved,
16 through the course of that, in this case that
17 we're here about today?

18 A Yes.

19 Q Back in March of 2018?

20 A Correct.

21 Q Did you come down to Hampton once, or
22 more than once?

23 A More than once.

24 Q All right. We've heard about the
25 original scene from Mr. Sprouse. Can you tell

1 us, again, very briefly what you did at that
2 original scene?

3 A So Special Agent Sprouse who testified
4 yesterday, he was the lead agent, and I was the
5 secondary. We flip-flopped, sometimes it's just
6 -- so there was another scene I was running with
7 Nick Sprouse, then I would relieve that.

8 Q Okay.

9 A So at that time he was lead, so my
10 primary duties were to do more documentation
11 than anything, which is photographing, but also,
12 of course, the gameplan with him, any ideas he
13 has, or anything he needs me to do for him to
14 help him process the scene.

15 Q Okay. And then that was at the original
16 scene, but --

17 A Correct.

18 Q -- you came back later?

19 A Yeah, so Special Agent Sprouse, at the
20 time, was not available, so there was a follow-
21 up request by Hampton County Sheriff's Office
22 that vehicle may have been involved with the
23 incident. He was not available, I was somewhat
24 familiar with the scene. My Captain had advised
25 me and requested me to go to the scene and

1 process this vehicle, and I was running the
2 investigation on the vehicle, and had taken a
3 trainee at the time with me to document the car,
4 to help document it.

5 Q Okay, so what did the trainee do, and who
6 was that?

7 A The trainee at the time was Tara Watson,
8 she's no longer with us. She -- her primary
9 duties what was pretty much what my primary
10 duties were most likely taking photos than
11 anything at that time.

12 Q When you say she's no longer with us, do
13 you mean --

14 A Excuse me.

15 Q -- with SLED, or --

16 A She is --

17 Q Oh.

18 A She works currently for the Columbia
19 Police Department in the Crime Scene Unit up
20 there.

21 Q Okay. And you brought her to help you
22 with the scene, the way that you were helping
23 Mr. Sprouse the first scene?

24 A Yes.

25 Q She took the photos is what you're

1 saying?

2 A She did.

3 Q On the second scene?

4 A On the second scene.

5 Q You took photos of the first scene?

6 A Correct.

7 Q Okay. What was the second scene? You
8 said a car, tell us a little more.

9 A Correct, so it was a follow-up. The
10 second scene consisted of a red in color Dodge.
11 May I refer to my notes, Your Honor.

12 Q Sure.

13 THE COURT: Yes. Any objection referring
14 to his notes?

15 MR. EVANS: Not from the State.

16 THE COURT: Mr. Gibbes, Mr. Johnson?

17 MR. GIBBES: No, Your Honor.

18 MR. JOHNSON: No objection, Your Honor.

19 THE COURT: All right, go ahead, yes, sir.

20 BY WITNESS:

21 A A red Dodge Charger. It was at the
22 impound lot right across the street from the
23 Hampton County Sheriff's Office.

24 Q All right. Here in Hampton County?

25 A Yes.

1 MR. EVANS: May I approach the witness,
2 Your Honor?

3 THE COURT: Of course.

4 BY MR. EVANS:

5 Q You said that Ms. Waters? Tara?

6 A Tara Watson.

7 Q Watson, I'm sorry, that she took a number
8 of photographs?

9 A Correct.

10 Q All right. I'm passing you what have
11 been previously marked, but not entered, as
12 State's Exhibits 258, 257, 259, 260, 261, 252,
13 253, 254, 255, 256, and 262. Do you recognize
14 those photographs?

15 A Do you mind if I --

16 Q Not a problem.

17 A Okay.

18 Q Do those photos fairly, and accurately,
19 depict the way that that second crime scene
20 looked March the 27th, 2018?

21 A Yes.

22 MR. EVANS: Your Honor, the State would
23 move these photographs into evidence at this
24 time.

25 THE COURT: Any objection, Mr. Gibbes?

1 MR. GIBBES: No, Your Honor.

2 THE COURT: Mr. Johnson?

3 MR. JOHNSON: No objection, Your Honor.

4 THE COURT: All right then, without
5 objection.

6 (State's Exhibits 252 - 262 were admitted
7 into evidence.)

8 MR. EVANS: May I publish those, Your
9 Honor.

10 THE COURT: Yes, sir.

11 BY MR. EVANS:

12 Q And, Mr. Denizard, I'm gonna ask you, if
13 you don't mind, we're gonna publish these on
14 this screen here --

15 A Sure.

16 Q -- along with the 2 others that were
17 already put into evidence.

18 THE COURT: All right, if you'll turn that
19 TV.

20 MR. EVANS: Yes, sir, I'm about to.

21 THE COURT: Turn it this way, or just make
22 sure everybody can see it, okay?

23 All right. If anybody needs to move to be
24 able to see that. Let's turn those lights down,
25 please.

1 BY MR. EVANS:

2 Q Can you see okay from there, Mr.
3 Denizard?

4 A So far.

5 Q So far, it's good?

6 A Yes.

7 Q All right, how's that? Is that okay for
8 you? If you want to come down, let's, you just
9 wave at me.

10 A I can see it fine like that.

11 Q All right.

12 THE COURT: Can all my jurors see the
13 screen? Thank you.

14 BY MR. EVANS:

15 Q All right, Mr. Denizard, this is State's
16 Exhibit 251. Can you tell us what this depicts?

17 A That is the Dodge Charger.

18 Q All right, the same one that you took a
19 look at in detail. How about State's 252?

20 A The rear side showing the Texas tag.

21 Q Okay. Same tag number as on the front
22 side?

23 A Yes.

24 Q All right, State's Exhibit 253, what do
25 we have here?

1 A That's the driver's area showing the
2 steering wheel.

3 Q Okay.

4 A And the driver's seat.

5 Q How about State's Exhibit 254?

6 A That is the rear passenger side of the
7 vehicle.

8 Q Is there anything we need to note in this
9 photograph, or in some of the others coming up?

10 A There were some reddish-violet stains
11 that were observed --

12 Q Okay.

13 A -- on the interior of the car.

14 Q State's Exhibit 255? Is this what you
15 mean by the reddish-brown stains?

16 A Yes.

17 Q What, if anything, did you do in this
18 area of the car?

19 A We did a presumptive test.

20 Q What does that mean?

21 A So anytime we have a stain that
22 resembles, possibly being, maybe blood, we have
23 these tests that we do to give us a little more
24 confidence. So what we use is like a Phenol
25 kit, it's these 3 little glass bottles that you

1 do in order. To get a swab, we swab just a
2 little part of the area, we don't want to do the
3 whole stain yet, and we test that stain. So the
4 first droplet will be water, sterile water. The
5 second would be the Phenol itself chemical, and
6 then the third is hydrogen peroxide. And what
7 that does by the third droplet, within a matter
8 of seconds, it should turn like a pinkish color.
9 That indicates then, that this stain is most
10 likely blood, and it gives us more confidence.

11 Q You did that in this area --

12 A I did.

13 Q -- that's depicted in 255?

14 A Yes.

15 Q What were the results of that test?

16 A It was positive. It was presumptive
17 presence for blood.

18 Q Presumptive presence for blood?

19 A Correct.

20 Q Okay. What about State's Exhibit 256?
21 Where is this in that car?

22 A That's the same door right below the
23 window.

24 Q All right, was there a test done on this
25 area as well?

1 A Same thing --

2 Q Okay.

3 A -- the Phenol.

4 Q Presumptive positive again?

5 A Presumptive positive.

6 Q What about State's Exhibit 257?

7 A That is also the rear side near the
8 seatbelt area.

9 Q Okay. Any testing done in this area?
10 Any swabs collected?

11 A I collected swabs from there, and I don't
12 recall presumptive testing.

13 Q I'm gonna ask you to speak up just a tad
14 for me, okay.

15 A I apologize, sure.

16 Q 258?

17 A That is a closer, more closeup shot of
18 that area we last swabbed.

19 Q Okay. Just taking and collecting --
20 again, in this part you're not doing a blood
21 test, you're just --

22 A Right.

23 Q -- collecting --

24 A Correct.

25 Q -- what exactly? What are you looking

1 for, or trying to preserve?

2 A Any type of DNA evidence. And it
3 resembled -- it could be possible suspected
4 blood, so we went ahead and swabbed that area
5 also.

6 Q Is this something you have done a number
7 of times in other vehicles --

8 A Yes.

9 Q -- prior to coming here?

10 A Yes.

11 Q Okay. State's Exhibit 259, is this that
12 same door?

13 A It is.

14 Q All right. What do we have on this
15 photograph?

16 A So then I did do further chemical testing
17 on the door, which is LCV Liquid Crystal Violet.

18 Q Okay, so we've got a different visual
19 appearance of the same door at this stage?

20 A Correct, right.

21 Q Okay, so this photo, does that mean this
22 is taken later in the process?

23 A Yes.

24 Q And what does that, Liquid Crystal
25 Violet, what does that mean, and what does it

1 show?

2 A So, LCD is another chemical re-agent we
3 use to possibly find any latent blood that we
4 can't see with our eyes. It also acts as a
5 double, as a presumptive test. So these are not
6 swabs, it's basically this little package that
7 we put these chemicals together, we follow the
8 directions on the package, we go ahead and put
9 it in a spray bottle, we spray that door, and if
10 it starts popping purplish color, then it's
11 giving us more presumptive for blood, and even
12 make blood that we can't see appear.

13 Q And is that what happened in the Dodge
14 Charger, as evidence by this photograph?

15 A Yes.

16 Q Is that after you've collected swabs for
17 blood and touch DNA?

18 A Correct.

19 Q Okay, and why is it important to get the
20 swabs first before you do the Liquid Crystal?

21 A As far as the suspected blood swabs, or
22 any swabs in general?

23 Q I guess just -- before we move onto the
24 next photo, explain the importance of the
25 sequence of all this.

1 A Sure. LCV does not ruin any DNA or
2 anything like that is recalled, but we do a
3 certain sequence of things when we process the
4 scene, touch DNA, what we can see with our eyes,
5 test those things that we see with our eyes,
6 further swab, and if there's something I don't
7 see, then I'll go into using further chemicals,
8 and if anything pops from there, we will collect
9 further swabs from that stain.

10 Q Okay. Go to State's 260. Is this the
11 same door?

12 A Yes.

13 Q What are we seeing here? Do you need to
14 sit down? It's a little --

15 A Another photograph of the rear passenger
16 door, with the Liquid Crystal Violet added.

17 Q Okay, so it's -- do you want to step down
18 and show us --

19 A Sure.

20 Q -- where it's popping up?

21 A It's kind of hard with the flash here.
22 There is some here, right here in the arm rest,
23 here on the handle. This is the stain I
24 swabbed. I don't recall seeing it with the
25 naked eye, but it popped better, gave me more

1 confidence, presumptive, it's a little purple,
2 and we went ahead and swabbed there too, and I
3 believe there was some more positive areas up
4 here.

5 Q All right, and, again, this is the --
6 which door?

7 A The rear passenger door.

8 Q Rear passenger door?

9 A Yes.

10 Q Okay. Step back to the stand. Just a few
11 more. State's 261, do you recall finding that
12 document?

13 A That's some vehicle paperwork, or --

14 Q Okay.

15 A -- paperwork we'd done on the car.

16 Q And 262? Is this just a closeup of 261?

17 A Yes.

18 Q All right. Can you tell the name on the
19 upper right?

20 A Last name -- I can't tell.

21 Q You're not sure?

22 A Yes.

23 Q Do you want me to just pass these to you?

24 A Yes. Craig Collins.

25 Q And last is, for the photos at least,

1 State's 263.

2 A Right.

3 Q What is that, sir?

4 A A receipt.

5 Q Is that something you found in the
6 vehicle?

7 A Yes.

8 Q You and Ms. Tara -- I've already
9 forgotten her last name again.

10 A Watson.

11 Q Watson.

12 A Right.

13 MR. EVANS: That's all for the photos, Mr.
14 Johnson and Mr. Gibbes.

15 THE COURT: All right. You can go ahead
16 and turn the lights back on. Thank you, ma'am.

17 BY MR. EVANS

18 Q Mr. Denizard, did you notice on some of
19 these, and we can flip back a page, this is
20 described as a red Dodge Charger, is that right?

21 A Yes.

22 Q Okay, we see more than one color here,
23 right?

24 A I do.

25 Q Can you explain that?

1 A It's a possibility the car has been
2 painted.

3 Q Okay. So with the blue is just the
4 interior?

5 A That was the interior.

6 Q Here?

7 A Yes.

8 Q All right, but this is the same car that
9 we saw in the pictures of the full exterior?

10 A Yes.

11 Q You only photographed one car that day?

12 A Correct.

13 Q Okay. Tell us, you've already touched on
14 this a little bit, but tell us in detail,
15 everything that you collected from that car, and
16 if you need to refer to your report, I'm sure
17 they won't mind.

18 A Sure. So we began with, of course, the
19 digital photographs. We went ahead and also
20 collected a gunshot residue kit, or a GSR kit,
21 from the gear shift, steering wheel. We
22 processed the front passenger door, and the
23 driver's door, with a black powder, and saw some
24 prints that possibly had some rich detail,
25 collected those prints, took photographs of them

1 also. Collected touch DNA swabs from the
2 exterior handles, and interior handles of the
3 door of the car. We then collected the areas of
4 suspected blood from the vehicle, which was the
5 rear passenger armrest handle, which was Phenol
6 positive, the rear passenger seatbelt panel,
7 right there where that seatbelt was, that little
8 stain, the rear passenger armrest, and these are
9 all suspected blood swabs, rear passenger window
10 button, the rear passenger door below the
11 window, the rear passenger's armrest handle, and
12 the rear passenger door below the window, that
13 was Phenol positive, so we took a sample of the
14 Phenol, and then we took further samples from
15 that same area, and then where we have the LCV
16 positive, the purple stain, we took from the
17 rear passenger door armrest, near the window
18 button.

19 Q All right, and did you package all those
20 swabs up that you collected?

21 A Yes.

22 Q Did you take them back with you to
23 Columbia?

24 A Correct.

25 Q Okay. Did your associate help you with

1 that?

2 A She did.

3 Q Okay.

4 MR. EVANS: May I approach the witness,
5 Your Honor?

6 THE COURT: Yes.

7 BY MR. EVANS:

8 Q Mr. Denizard, I'm gonna pass you 2
9 containers, I think you'all's term is. They
10 have not been marked yet as exhibits --

11 A Sure.

12 Q -- but they're containers P and Q.

13 Do you recognize those containers, sir?

14 A Yes.

15 Q Okay. What are those, sir?

16 A This one here, that says -- has Nicklaus
17 Sprouse there, his name on the front, inside are
18 these envelopes, these ones are specifically to
19 put on storage, and these are more swabs by
20 Nicklaus Sprouse, we finished packaging these,
21 and these are going to DNA blood.

22 Q All right. Are these the same that we've
23 been talking about this morning?

24 A Yes.

25 Q All right, so why do they say Mr. Sprouse

1 on the front, as opposed to you?

2 A Since he is the lead, he is the lead of
3 this case, so he needs to continue logging in
4 the evidence from the first scene. So the way
5 we did this is, even though he ran lead for this
6 case, that evidence stays in my custody until I
7 give it into his custody, and then he finishes
8 logging it in, and putting it in the system from
9 there.

10 Q Okay. Are there any indicators on the
11 interior packaging that you and Tara were
12 involved in the immediate collection of this
13 evidence?

14 A Yes.

15 Q Okay. What sort of indicators?

16 A We have dates, we have times, initials, I
17 can see that's my writing.

18 Q Okay, and all that's consistent with
19 these being collected on March 27th --

20 A Correct.

21 Q -- 2018, by you and her?

22 A Correct.

23 Q All right. How do you keep those secure?
24 I mean this is sensitive evidence, right?

25 A Sure. So on-scene with swabs, we have a

1 protocol that when we get any kind of swabs, we
2 get either a blood DNA, or a touch DNA, what we
3 do is, we put them in these little coin
4 envelopes, and there's this yellow tape here
5 that says SLED on it, and that is seal tape; and
6 once that goes on, that is not supposed to come
7 off until it gets to the proper department, who
8 will then take those swabs out of those
9 envelopes, and further test those swabs.

10 For that scene, and the follow-up, we put
11 these in the coin envelope, sealed them, take
12 them back to Columbia, at the lab, we put them
13 in further -- another bag and seal those, have
14 an evidence tag on there saying that this is
15 sensitive evidence, and then until it goes into
16 process custody, we will then further package,
17 and send these to the proper departments.

18 Q Okay. And did you follow all those
19 procedures, when it comes to all these swabs
20 here?

21 A Yes.

22 MR. EVANS: Beg the Court's indulgence.

23 THE COURT: Yes, sir.

24 MR. EVANS: May I approach the witness,
25 Your Honor?

1 THE COURT: Yes, sir.

2 BY MR. EVANS:

3 Q Mr. Denizard, I want to pass you a large
4 document with binder clips on it. It's been
5 previously marked, but not entered, as State's
6 Exhibit 105. Can you tell us what State's
7 Exhibit 105 is?

8 A This is through our database. It's like
9 electronic chain of custody of where the
10 evidence is going to.

11 Q Is that something that's produced in
12 every case that SLED gets any kind of evidence
13 in?

14 A Yes.

15 Q How -- I mean did you participate in any
16 part of the preparation of this specific
17 document?

18 A No, I did not log in any evidence, when
19 it came to the database, only what we did on the
20 follow-up, what I assisted with on the original
21 scene. Special Agent Sprouse was responsible
22 for logging everything into the computer
23 database.

24 Q All right, but you're familiar with the
25 process of how --

1 A Yes.

2 Q -- logging in creates this document?

3 A Yes.

4 Q Can you just briefly summarize that?

5 A If I was to log in, let's say 2 swabs,
6 let's say I collected 2 swabs from a crime
7 scene, I would take it to the lab, go ahead and
8 log them in, get the descriptions and where I
9 want them to go. I want one to go to DNA touch,
10 one to go to DNA blood. It generates a receipt,
11 which is this document here that's in the
12 summary, which I was reading from, with a
13 description.

14 Like this one says it's going to DNA blood,
15 that they're swabs, what item number, and you
16 get an item number that's attached to it. From
17 there it's still in my custody at that time. So
18 then what I do is, when I'm done logging it in,
19 I take that physical evidence, those 2 swabs,
20 and I go to the evidence login people at the
21 lab, and they scan it into their custody. And
22 from there, they put it on a shelf, waiting for
23 those proper departments to come down, grab that
24 evidence for them to further process it.

25 So if DNA wants to come and grab it, they

1 should get alerted too, when we put an analysis
2 on a piece of evidence, there's something
3 generated, let's them know, on the computer on
4 their end. So when they come down and get the
5 evidence, they then go to evidence login, and
6 then they put that evidence into their custody,
7 process it, and whenever they're done, they
8 typically run it back, and put it back into
9 evidence login's custody.

10 Q And every time a piece is moved from one
11 place to the other up there, a is a --

12 A Yes.

13 Q -- record is generated?

14 A Yes, so every -- like, for instance, if I
15 wanted to get a piece of evidence back in my
16 custody, because there's something that I forgot
17 to do with it, I will say, "Hey, can I get that
18 evidence back?" They're like, "Sure, I need
19 your barcode." We have a specific barcode
20 that's assigned to us. They scan that barcode,
21 and then now, it's gonna say, in this report,
22 back in Special Agent Denizard's custody. I do
23 what I need to do, I give it back to them, they
24 scan it in their barcode, and now, it's gonna
25 say, again, it's back in the evidence locker.

1 MR. EVANS: All right, Your Honor, the
2 State would move this document in as State's
3 Exhibit 105.

4 THE COURT: All right. Mr. Gibbes, any
5 objections?

6 MR. GIBBES: No, Your Honor.

7 THE COURT: Mr. Johnson?

8 MR. JOHNSON: No, Your Honor.

9 THE COURT: All right. It will be moved
10 without objection.

11 (State's Exhibit 105 was admitted into
12 evidence.)

13 MR. EVANS: And for the record, I'm gonna
14 put it in an envelope, so that it's nice and
15 contained later, with that same 105 on the
16 exterior of the envelope, since it is quite a
17 few loose pieces of paper, will that --

18 THE COURT: That'll be fine.

19 BY MR. EVANS:

20 Q Okay. Mr. Denizard, before I turn you
21 over to these gentlemen, I just want to make
22 sure that the record is clear. Can you give us
23 the item number, and the location for every DNA
24 swab that you took? Which they're all in these
25 containers that we've laid some foundation for,

1 correct?

2 A Correct.

3 Q Just --

4 A For the swabs?

5 Q Yes, sir, just the DNA swabs, to just
6 tell us which item number goes with which
7 location.

8 A So for the touch -- these are touch DNA
9 swabs, driver's door handle, 89, front passenger
10 door handle, these are the exterior, 90, rear
11 driver's door handle, 91, rear passenger door
12 handle, 92, front passenger door latch interior,
13 93, rear driver's door handle, 94, rear
14 passenger door latch, 95, rear driver's door
15 latch, 96. These are the blood swabs. Rear
16 passenger door armrest handle, same Phenol
17 positive, 97, rear passenger seat panel seat
18 belt area interior, 98, rear passenger armrest,
19 99, rear passenger window button, 100, rear
20 passenger door below the window, 101, rear
21 passenger armrest handle, 102, rear passenger
22 door below window, this is Phenol positive, 103,
23 and the rear passenger door armrest near window
24 button, LCV positive, and that is item 104.

25 Q All right. You collected all those, and

1 they are now contained in containers P and Q,
2 which we showed you earlier?

3	A Yes.

4 MR. EVANS: Beg the Court's indulgence.

5 BY MR. EVANS:

6 Q Thank you, Mr. Denizard, those are all
7 the questions that I have. Please answer any
8 questions --

9	A Okay.

10 Q -- from these gentlemen.

11 THE COURT: MR. GIBBES?

12 * *

13	CROSS-EXAMINATION

14 BY MR. GIBBES:

15 Q Good morning, Mr. Denizard --

16	A Good morning.

17 Q -- how you doing, sir?

18 A Good morning, sir.

19 MR. GIBBES: Your Honor, may I approach?

20 THE COURT: Yes, sir.

21 BY MR. GIBBES:

22 Q Chris Gibbes, nice to meet you.

23	A Nice to meet you.

24 Q Mr. Denizard, I just placed a bottle of
25 water up there. Can you grab that for me?

1 A Yes.

2 Q Thank you. Mr. Denizard, are you
3 familiar with secondary DNA transfer?

4 A Can you give me further on what you're
5 asking me?

6 Q All right, have you ever heard of
7 secondary DNA transfer.

8 A I believe so.

9 Q Okay. To your knowledge --

10 A Yes.

11 Q -- touch DNA, the transfer of touch DNA.

12 A I gotcha, that --

13 Q All right.

14 A -- rings a bell.

15 Q So are you familiar with that?

16 A I am, sir.

17 Q Could you explain that to the jury?

18 A Shook his hand, he asked me to touch the
19 water bottle, his DNA was on it most likely, or
20 possibly, my DNA is on the water bottle. That
21 is basically my DNA, his DNA on there, me
22 shaking his hand, me touching something, most
23 possibly his DNA's on my hand.

24 Q Mr. Denizard, did you have any positive
25 hits for DNA, from the red Charger for my

1 client, Lorenzo Boles?

2 A I wasn't privy to any -- as far as touch
3 DNA, I wasn't privy to any information.

4 Q Okay. So today the State has provided
5 you some evidence. You're not providing any
6 evidence related to my client, Lorenzo Boles,
7 with regard to any DNA, correct?

8 A As far as my area, we collect -- as far
9 as what DNA has in their report, I don't recall
10 any known fact that your client has anything to
11 do with the swabs.

12 Q Okay. Thank you, sir.

13 A Yes, sir.

14 MR. GIBBES: No further questions.

15 THE COURT: All right. Mr. Johnson, any
16 questions, sir?

17 MR. JOHNSON: A few, Your Honor.

18 THE COURT: Okay, go right ahead.

19 **

20 **CROSS-EXAMINATION**

21 BY MR. JOHNSON:

22 Q Good morning.

23 A Good morning.

24 Q I kind of want to pick up on what the
25 prior attorney just asked you.

1 A Yes, sir.

2 Q Could you explain to the jury the
3 difference between touch DNA, and the different
4 types of DNA?

5 A So touch DNA is areas that we may touch,
6 the your water bottles, your remote control,
7 things that are touched the most is usually
8 areas that we think someone may want to touch,
9 or might have touched, so we swab those areas.
10 As far as, could you repeat the second part of
11 it?

12 Q Well, then the transfer DNA.

13 A And then the transfer DNA is, if you
14 touch something, like the remote, somebody
15 might, if somebody is sweating profusely, and
16 touching something like the remote -- and then
17 you touch it, it's most likely you might have
18 got some of their DNA, and then you could have
19 touched something else, and that DNA could be
20 somewhere else now.

21 Q Okay. Now, did -- as it relates to DNA,
22 do you have like, before it started, you would
23 have to have like, blood, or skin, or something
24 solid, to get DNA off of it, correct? Is that
25 more like a material type stuff, like, my blood,

1 my hair, something like that, and you could get
2 DNA off of it, correct?

3 A DNA is related to skin cells, hair,
4 blood.

5 Q But you've gotten better in testing for
6 DNA, so now you can get touch DNA, and transfer
7 DNA, correct?

8 A That's going beyond my scope.

9 Q Okay. Do you know about how long DNA can
10 remain on surfaces?

11 A That is beyond my scope.

12 Q Okay. So, basically, all you do is swab,
13 and look for areas, put it in a bag, and give it
14 to whoever gonna test it?

15 A Yes, sir.

16 Q Okay, and in this case, you located
17 certain areas in the car that you felt were
18 suspicious enough for you to get swabs off of?

19 A Yes, sir, that is correct.

20 Q Okay. Thank you.

21 A You're welcome.

22 THE COURT: Solicitor, anything else?

23 MR. EVANS: Not for this -- well, let me --
24 the Court's indulgence.

25 THE COURT: Okay.

REDIRECT EXAMINATION

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BY MR. EVANS:

Q Mr. Denizard, I think you said this already when you said it's beyond your scope, but you don't do the DNA analysis, right?

A That is correct.

Q Okay. Somebody else at SLED does that?

A Yes.

Q They receive the items which you collect, and they use them?

A Yes.

Q Okay, and that's why it's so important to make sure everything's packaged up nice, and tight, and secure?

A That's correct.

Q Can you do anything about these transfer DNA issues, before you get to the scene?

A No.

Q Okay. Is the packaging intended to prevent transfer after you leave the scene --

A That is correct.

Q -- in part?

A That is correct, yeah.

MR. EVANS: That's all, Your Honor.

THE COURT: Mr. Gibbes?

RECROSS-EXAMINATION

BY MR. GIBBES:

Q One more question Mr. Denizard.

A Yes, sir.

Q Transfer DNA, to your knowledge, Could last more than a week, would you say?

A That's beyond my scope.

Q Okay.

A I don't have that. Sir, I don't know that much when it comes to DNA --

Q Okay.

A -- when it comes to time.

Q No further questions.

A Thank you.

THE COURT: Mr. Johnson?

MR. JOHNSON: I have none, Your Honor.

THE COURT: All right. May he be excused?

MR. EVANS: He may, Your Honor.

THE COURT: Have a great day, sir. All right, ladies and gentlemen, we're gonna take a break, but I want -- Mr. Foreman, I want to talk to you for a minute, because there is something I'd like you'all to talk amongst yourselves about. Not the case, okay, not the case. I believe that there is a strong probability that

1 we may finish all the testimony today, okay? If
2 the testimony is finished, and when the
3 testimony is concluded, then typically what
4 happens is, there will be closing arguments, and
5 then there would be, for instance, my charge of
6 the law, you heard me talk about that earlier.
7 Keep an open mind throughout, until you've heard
8 the closing arguments, and until you hear my
9 charge of the law. What I'd like you to do is,
10 to consider what you want to do. If you want to
11 work tomorrow, we can work tomorrow.

12 I'm very confident that the case would be
13 in your hands, for you to potentially consider,
14 arrive at your verdict by midday. I would have
15 the Clerk provide you with a wonderful steak
16 dinner to eat while you're deliberating.
17 Probably some pizza, or subs, or something along
18 those lines maybe, but then you could deliberate
19 at that time. However, it is a holiday, I
20 believe it's Veteran's Day, and I'm certainly
21 aware of that. And so, Mr. Foreman, the other
22 option would be, is to break today, come back on
23 Monday, and conclude your work, to have closing
24 arguments, my charge on the law, and get this
25 case to you, most probably, by lunch time on

1 Monday. It's completely up to you what you'all
2 want to do. I told you on Monday, that I
3 thought that we would take Friday as a holiday.
4 It was a holiday, but I also thought we'd be
5 longer, in terms of this case going into the
6 week, but I want you'all to decide that, and so,
7 as a jury, I'd ask that you consider whatever
8 you'all want to do, but the case is moving
9 along, and I'm confident that it'll be in your
10 hands by the middle of the day tomorrow, or
11 middle of day Monday.

12 So, you'all just let me know what you want
13 to do. Hold on one second. Any objection, or
14 clarifications, as it relates to the information
15 that I've just provided the jury from the State?

16 MR. EVANS: Not from the State, Your Honor.

17 THE COURT: Mr. Gibbes?

18 MR. GIBBES: No, Your Honor.

19 THE COURT: Mr. Johnson?

20 MR. JOHNSON: I have none, Your Honor.

21 THE COURT: Great, so we'll go back and
22 take a break. You'all can talk about that, and
23 if you could let me know. Write something down
24 for me, and we're happy to accommodate you'all
25 with whatever you want to do. Thank you again,

1 for the attention that you've been giving this
2 case. Please don't talk about the merits of
3 this case itself. Thank you.

4 (Jury exits the courtroom.)

5 THE COURT: Court Administration has been
6 blowing up my Law Clerk's email, because believe
7 it or not Chief Justice has to approve a special
8 term of court, to proceed on a holiday. I don't
9 have the authority to order that, the Chief has
10 to order that. And so they were wanting to
11 know, but now since he's just informed me the
12 Chief has decided to approve that request,
13 whether we need it or not. He has preemptively
14 decided that I have the authority now to move
15 forward with Court on Friday, whatever
16 determination of the jury what they want to do,
17 so I want to let you'all know that.

18 All right, is there anything else we need
19 to discuss before we take a break from the
20 State?

21 MR. EVANS: Judge, would you like to take
22 up the autopsy photo issue now. The pathologist
23 I had asked to arrive at 1:50, and she'll be
24 coming from Charleston, so it's not quite time
25 for her testimony, but since we do have a jury

1 break, and it's up to you, it's just
2 something --

3 THE COURT: Why don't we do this, why don't
4 we stretch our legs for a moment, and then we'll
5 come back in, and we can look at those
6 photographs, and I could make some rulings as it
7 relates to the photographs. Is that okay, Mr.
8 Gibbes?

9 MR. GIBBES: Yes, sir.

10 THE COURT: Mr. Johnson?

11 MR. JOHNSON: That's fine, Your Honor,
12 during the break.

13 THE COURT: All right. Gentlemen, let me
14 ask you this, other than that anything else that
15 we need to take up at this point before we
16 break, from Mr. Gibbes?

17 MR. GIBBES: No, sir.

18 THE COURT: Mr. Johnson.

19 MR. JOHNSON: I have none.

20 THE COURT: Great. Well, I'll see you --

21 MR. EVANS: One other very brief, very
22 small. So these pictures boards which I entered
23 into evidence without objection yesterday --

24 THE COURT: Yes.

25 MR. EVANS: -- I realize the Clerk would be

1 concerned with their physical size, so I told
2 her after we broke off the record yesterday,
3 that I was going to ask defense counsel if they
4 were okay with me converting actual exhibits
5 into 8 1/2x11s, and having posters being
6 strictly demonstrative. I've already gotten Mr.
7 Johnson's okay, and Mr. Gibbes?

8 MR. GIBBES: I agree.

9 MR. EVANS: Okay, so I'll do it in front of
10 the jury, so they understand.

11 THE COURT: That's fine, I agree with that.

12 MR. EVANS: Great, sir.

13 THE COURT: Thank you very much, gentlemen.

14 MR. EVANS: Thank you, Your Honor.

15 (RECESS)

16 THE COURT: All right, so we've got some
17 autopsy photographs we're gonna look at?

18 MR. EVANS: Yes, sir.

19 MR. GIBBES: Your Honor, may we approach?

20 THE COURT: Yes. Well, hold on, let me get
21 my Court Reporter.

22 CLERK: Oh, yeah, she went to the restroom.

23 THE COURT: That's fine. Is it something
24 we need to be on the record?

25 MR. GIBBES: Not necessarily.

1 THE COURT: All right, what's up?

2 (Bench conference.)

3 THE COURT: All right, so what do we've got
4 here?

5 MR. EVANS: Yes, sir. They have indicated
6 to me --

7 THE COURT: All right, let's go back on the
8 record, let's come to order.

9 MR. EVANS: Some --

10 THE COURT: All right, let's have order.

11 MR. EVANS: Some are measured, some are not
12 measured. I'll show you the ones they find not
13 acceptable, these are 264 and 265.

14 THE COURT: Well let's look at what's
15 acceptable first, if you don't mind, because
16 that kind of gives me an idea of what is already
17 in there.

18 MR. EVANS: Do you want to take them
19 victim-by-victim?

20 THE COURT: Sure.

21 THE COURT: Okay, hold on. Any other
22 photographs that you agree, as it relates to Mr.
23 Johnson, are all the photographs now, Mr.
24 Johnson, the ones you disagree with?

25 MR. JOHNSON: Yeah.

1 (Bench conference)

2 THE COURT: Okay, so what are the
3 photographs that you --

4

5 THE COURT: All right, let's get the jury
6 in.

7 BAILIFF: Yes, sir.

8 THE COURT: Counsel approach.

9 (Bench conference.)

10 (Jury enters the courtroom.)

11 THE COURT: All right, I had a feeling this
12 was going to go this way. My Law Clerk didn't
13 think it was, okay? I had a feeling it would.
14 All right, folks, in regard to the question, all
15 are in agreement that we will return to jury
16 duty tomorrow, Friday, February 10th, 2023.

17 COURT REPORTER: February 10th?

18 MR. EVANS: February 10th?

19 THE COURT: November. I have to tell you I
20 must've been up late last night. I promise you
21 I wasn't. November 10th, 2023, and so what I'm
22 gonna do is I'm gonna make this Court's exhibit,
23 and ladies and gentlemen, I thank you very much,
24 and so, what we will do is, we will plan on
25 working tomorrow, and I'm hopeful it will be in

1 your hands tomorrow, and the Clerk will make the
2 necessary arrangements.

3 CLERK: Yes, sir.

4 THE COURT: Yeah, let me -- if the
5 Foreperson would go ahead and sign his name to
6 that, that'd be awesome. Here's a pen right
7 here, he can use that. All right, Solicitor,
8 are we ready to proceed?

9 MR. EVANS: Yes, sir, Your Honor. Just one
10 quick bit of housekeeping that we mentioned
11 outside of the jury's presence before we went to
12 the break, before the next witness, State's
13 Exhibit's 293 ,294, 295, and 296, which were
14 entered yesterday as these posters.

15 THE COURT: All right, gentlemen, do we
16 have an agreement, as it relates to the posters,
17 basically, being reduced to the page size that
18 will be easier for the jury to look at, and
19 handle as they see fit?

20 MR. GIBBES: Yes, Your Honor.

21 MR. JOHNSON: Yes, Your Honor.

22 THE COURT: Mr. Gibbes, Mr. Johnson, thank
23 you very much.

24 MR. EVANS: The State calls Michelle
25 Eichenmiller. Michelle Eichenmiller.

1

2

MICHELLE EICHENMILLER

3

BEING DULY SWORN TESTIFIED AS FOLLOWS:

4

5

DIRECT EXAMINATION

6

BY MR. EVANS:

7

Q Good afternoon, or are we still morning?

8

Good morning.

9

A Good morning.

10

Q Could you identify yourself, and spell

11

your last name for our Court Reporter, ma'am?

12

A Michelle Eichenmiller, E-I-C-H-E-N-M-I-L-

13

L-E-R.

14

Q And, Ms. Eichenmiller, where do you work,

15

ma'am?

16

A I work for the South Carolina Law

17

Enforcement Division, also known as SLED. I

18

work in the Firearms Department of the Forensic

19

Laboratory.

20

Q All right, and how long have you been

21

doing that?

22

A 17 and a half years.

23

Q Did you have to go through any special

24

training, or education, to get that job?

25

A In order to get hired at SLED, you need a

1 Bachelor's degree. I have a Bachelor's degree
2 in biology and psychology. I also have a Master
3 of Science, and forensic science. When you get
4 to firearms identification, there's no college
5 you can attend. It's an apprenticeship program.
6 So once I got hired at SLED, I went in with
7 examiners that were already there, and I did a
8 lot of reading, and practiced case work on my
9 own. I passed a comprehensive exam at the end
10 of approximately 3 years, and then once I passed
11 that test, they deemed me competent, and I did
12 case work on my own.

13 Q All right, and how long ago was that?

14 A 2010.

15 Q All right. You've been doing the same
16 firearms analysis ever since then?

17 A Yes.

18 Q And you've been qualified as an expert in
19 the courts of this state before?

20 A I have.

21 Q Approximately, how many times?

22 A Approximately, 120 times.

23 MR. EVANS: Your Honor, the State would
24 move Ms. Eichenmiller in as an expert in
25 firearms.

1 BY MR. EVANS

2 Q Would you say firearms identification, is
3 that accurate?

4 A Yes.

5 MR. EVANS: Firearms identification.

6 THE COURT: Any objections, Mr. Gibbes?

7 MR. GIBBES: No, sir.

8 MR. JOHNSON: I have none, Your Honor.

9 THE COURT: All right, ladies and
10 gentlemen, I want you to know that a person
11 cannot normally give opinion testimony.
12 Normally, when a person testifies, they must
13 testify as to something they saw, heard, sensed,
14 maybe smelled, or something of that nature.
15 However, there's an exception when someone's
16 qualified, because of education or experience.
17 They're permitted to give their opinion in
18 certain areas, if the court qualifies them in
19 that way.

20 I am, in fact, qualifying this witness as
21 an expert in firearm identification, and as
22 such, she will be able to give opinion testimony
23 in that area. Now, ladies and gentlemen, I want
24 you to know, that does not mean that you must
25 accept the opinion, but, again, it's evidence

1 for you to use, any way you see fit. Thank you.

2 MR. EVANS: Thank you, Your Honor.

3 BY MR. EVANS:

4 Q Ms. Eichenmiller, are you familiar with
5 LAT04391?

6 A I am.

7 Q What's that number I just told you?

8 A It's the SLED lab number. Once a case
9 arrives at SLED, it's given its own unique lab
10 number, so we can identify anything related to
11 that case in the laboratory.

12 Q And are there names associated with that
13 lab number?

14 A Yes.

15 Q Who are those names?

16 A I have a victim, deceased, Frankie
17 Johnson, victim deceased, Ghazi Duckett, and
18 victim, deceased, Lamekia Warren.

19 Q Okay. So the case that we're dealing
20 with here this week, you haven't been able to
21 see any testimony, but that's what you're here
22 to testify about?

23 A That's correct.

24 Q All right. When did you become involved,
25 ma'am?

1 A Whenever a case comes into the lab it's
2 assigned to an examiner. I go pick up the
3 evidence, and then I examine the evidence.

4 Q Okay. Does it go through anybody else
5 before it comes to you, or did it, in this case,
6 I should ask?

7 A If I can refer to my notes.

8 THE COURT: Yes, ma'am.

9 MR. EVANS: Any objection?

10 MR. GIBBES: No objection.

11 MR. JOHNSON: No objection.

12 BY WITNESS:

13 A The evidence first goes through the
14 logging department. It might go to other
15 departments as well, if different testing is
16 necessary. So sometimes evidence will go
17 through DNA, if they need DNA processing. They
18 can also go through latent prints. In general,
19 firearms is the last department to get the
20 evidence, because if it's dirty, or has
21 biological debris on it, we'll clean it, because
22 we have to touch the evidence with our hands.

23 Q Okay, and did you receive any evidence in
24 this case?

25 A I did.

1 Q Okay. Are you familiar with item 2?

2 A Yes.

3 Q Is that one of the items that you
4 received in this case?

5 A Yes.

6 Q Okay. I'm gonna pass you what's been
7 previously entered into evidence as State's
8 Exhibit 2. Do you recognize State's Exhibit 2?

9 A This is the firearm I examined in this
10 case, or one of them.

11 Q One of, okay.

12 MR. EVANS: I beg the Court's indulgence.

13 BY MR. EVANS:

14 Q I'm gonna pass you some more items. Do
15 you recognize what's been previously entered
16 into evidence as State's Exhibit 2.10?

17 A This is one of the magazines I examined
18 in this case.

19 Q Okay. How did the State's 2.10 arrive?

20 A I believe that's one of the ones that
21 arrived with item 2, so with a firearm.

22 Q All right. How about State's Exhibit 1?

23 A Whenever I receive evidence in a case,
24 I'll mark it with my initials, the case number,
25 and the item number, so I can identify it later.

1 This is the firearm I examined as item 1, in
2 this case.

3 Q Okay, so Exhibit 1 is the same as item 1?

4 A Yes.

5 Q All right, and last, well not last, but
6 last of the firearms, State's Exhibit 115.

7 A I did not examine this firearm.

8 Q Okay. I'll retrieve that. What caliber
9 is that firearm there?

10 A .45.

11 Q .45.

12 A I can't tell, it's on the other side.

13 Q That's okay. All right, so, you did not
14 examine the State's Exhibit 115?

15 A I did not.

16 Q Okay. I'm gonna pass you container B,
17 which has a number of items. They've been
18 previously entered into evidence as State's
19 Exhibits 7 through 31; is that the same as the
20 item numbers?

21 A Yes.

22 Q Okay. Did you receive container B, and
23 its contents?

24 A I did.

25 Q All right, and was that part of your

1 analysis in this case?

2 A It was.

3 Q Okay.

4 MR. EVANS: May I approach the witness,
5 Your Honor?

6 THE COURT: Yes, sir.

7 BY MR. EVANS:

8 Q I'm gonna keep on passing you some items.
9 This has been previously marked, but not
10 entered, as State's Exhibit 2.11. Do you
11 recognize that item?

12 A Yes, these are outside cartridges that I
13 examined in this case.

14 Q All right. Did they come to you in that
15 fashion, in a little bag like that?

16 A No.

17 Q How did they arrive?

18 A That's how I received them.

19 Q Is it? Okay. From another department in
20 SLED?

21 A Yes.

22 Q All right.

23 MR. EVANS: I beg the Court's indulgence.
24 May I approach the witness, Your Honor?

25 THE COURT: Yes, sir.

1 BY MR. EVANS:

2 Q I'm gonna pass you what's been previously
3 marked, but not entered, as State's Exhibit 1.1.
4 Can you tell us what that is?

5 A These are test fires I completed by item
6 1.

7 Q All right. When you say a test fire,
8 what does that mean?

9 A When we receive a firearm in the
10 laboratory, we need to have test specimens that
11 we know were fired by that firearm. So I shot
12 it into our water tank, which at that time, was
13 a vertical tank, two stories high. We would
14 shoot it into a hole in the second floor, and
15 then there was a tiny cup at the bottom that we
16 would pull up with a chain, so I knew those
17 bullets, and cartridge cases came from that
18 firearm.

19 Q And what's the purpose behind that?

20 A The purpose is, if I receive any fired
21 evidence from a scene to compare to the firearm,
22 I want to know that those came from that
23 firearm, and then I'll compare anything I
24 receive to that firearm.

25 Q Because you have to have an apple-to-

1 apple comparison, so to speak?

2 A Yes.

3 Q Okay, and is that what you did with
4 Exhibit 1? You created Exhibit 1.1 from that
5 gun?

6 A That's correct.

7 MR. EVANS: Your Honor, the State would
8 move Exhibit 1.1 into evidence at this time.

9 THE COURT: All right, Mr. Gibbes, any
10 objection?

11 MR. GIBBES: No objection.

12 MR. JOHNSON: No objection.

13 (State's Exhibit 1.1 entered was admitted
14 into evidence.)

15 BY MR. EVANS:

16 Q All righty. Okay, and I'm almost done,
17 Ms. Eichemiller. I'm showing you items, and
18 then we can get into your testing. I'm gonna
19 approach with what's been previously marked as
20 State's Exhibit 56. I'd ask if you could tell
21 me what this is?

22 A This is SLED item 56.

23 Q All right, did you review that as part of
24 your analysis?

25 A Yes, I did.

1 Q Okay. And how about -- this has been
2 previously marked, it's an envelope marked as
3 containing State's 62 through 67. Do you
4 recognize that?

5 A Yes, this is item, SLED items, 62 through
6 67 that I examined.

7 Q Okay. As part of your overall analysis
8 in this case?

9 A Yes.

10 Q All right, so you've touched on this a
11 bit already, Ms. Eichenmiller, but how do you
12 analyze firearms, like the kinds that we have
13 here in this case? What's the process?

14 A So, at the beginning we'll document how
15 we received it. So, we take pictures, document
16 the condition it was received, the packaging. I
17 fill out worksheets, based on its -- and fill
18 in, manufacturer, model, caliber, condition. If
19 I see any trace evidence on there, I'll write it
20 down. Then we create test fires, then I go test
21 fire the firearm.

22 Q Okay.

23 A If we receive cartridge cases or bullets,
24 it's the same process. We take pictures, we
25 document how it was received. If there was any

1 trace evidence present, we'll collect it, and
2 then we compare those test specimens to the
3 fired evidence.

4 Q All right, and did you do that with both
5 Exhibit 1 and Exhibit 2?

6 A Yes.

7 Q Okay. And that's by -- you fire that
8 into the giant, water drum; is that what you
9 call it?

10 A Yes. Uh-huh.

11 Q Okay. What did you find, sorry, what did
12 you compare the test firings from Exhibit 1
13 against?

14 A Whenever I get evidence I evaluate it, if
15 it's the same caliber as the firearm. So any
16 .40 S&W caliber cartridge cases or bullets that
17 I received, I would compare to the firearm.

18 Q All right, and did you receive any shell
19 casings that were a caliber other than .40 in
20 this case?

21 A No.

22 Q All right, and I said that I was done
23 passing you items, but I left one out. I'm
24 gonna --

25 MR. EVANS: May I approach, Your Honor?

1 THE COURT: Yes, sir.

2 BY MR. EVANS:

3 Q This has been previously entered in
4 evidence as State's Exhibit 7. Do you remember
5 the contents of that envelope?

6 A Yes.

7 Q All right. Did you analyze those as
8 well?

9 A Yes.

10 Q As part of this case, do you remember
11 what they are, or can you find it in your
12 report?

13 A Item 70 was a fired .40 S&W caliber
14 cartridge case, and then, in addition, there
15 were 3 more in that envelope, so I create -- or
16 4 more, then, I created items 81, 82, 83, and
17 85.

18 Q If you want to check inside, like I said
19 it's already in evidence, but will you check
20 inside, and confirm that Exhibit 70 contains
21 items 70, 81-83? Make sure I have those numbers
22 right.

23 A Yes, they're all here.

24 Q Okay, so they're all sealed in one
25 package --

1 A Yes.

2 Q -- and that's why we have them in this
3 one exhibit number?

4 A Yes.

5 Q But there are multiple item numbers?

6 A Correct.

7 Q Okay. I just wanted to clarify that.
8 All right, so walk us through the comparison,
9 however you want to do it. You start off, and
10 I'll interrupt when I need to. What did you
11 compare, as far as these .40 caliber shell
12 casings that you were presented with?

13 A So I received -- in addition to the
14 firearm, I received items 7 through 26, were
15 fired .40 S&W caliber cartridge cases, as well
16 as items 70, 81 through 83.

17 Q Okay, and did you receive some
18 projectiles as well that are up there in front
19 of you?

20 A Yes.

21 Q In that same container. Tell us about
22 comparing projectiles, versus comparing shell
23 casings, cartridge casings.

24 A Cartridge cases are marked by the firearm
25 as it's fired. So the breach face of the

1 firearm will hit the firing pin of the cartridge
2 case, and, potentially, leave marks that we can
3 use to identify it back to the firearm that
4 fired it. Bullets are also marked when they're
5 fired. As they come out of the barrel, there's
6 rifling, which basically stabilizes the bullet,
7 and gives it a good rotation, like a football --
8 a quarterback throwing a football, it gives it a
9 good rotation. Those are also marked by the
10 firearm.

11 Q So both the casing and the projectile get
12 marks?

13 A Correct.

14 Q But they get different kinds of marks?

15 A Yes, from different parts of the firearm.

16 Q Are they both unique to each individual
17 firearm?

18 A Yes.

19 Q Okay, and can you compare a shell, a
20 cartridge -- I always say shell, a cartridge
21 casing against a projectile?

22 A No, there's no test for that.

23 Q Okay. Which in this case you had casings
24 to compare to other casings; is that right?

25 A Correct.

1 Q And some projectiles compared to some
2 other projectiles?

3 A Correct.

4 Q Okay. Tell us about what you found when
5 you compared the cartridge casings contained in,
6 I think it's 7 through 26, with Exhibit 1.1, the
7 test casings from 1.1.

8 A When I compared all the .40 caliber
9 cartridges I received, I found matching
10 individual identifying characteristics, on items
11 8 through 15, 20, and 21, and the cartridge
12 cases test fired by item 1, and it was -- I
13 concluded in my opinion, that those items were
14 fired by item 1.

15 Q All right. Items 7, I just want to make
16 sure we get all these clear, and sort of one-by-
17 one, and I know it's a lot. Correct me, you
18 said item 7 was fired by?

19 A Item 7 is in the second group.

20 Q Okay, so I apologize. Let's start with
21 8.

22 A Okay.

23 Q You're right.

24 A So, items 8-15, 20, and 21, were fired by
25 item 1.

1 Q All right, and item 1 is the same as
2 Exhibit 1, which is up here?

3 A Yes.

4 Q This firearm fired 8 through 15, 20, and
5 21?

6 A That is correct.

7 MR. EVANS: Beg the Court's indulgence.

8 BY MR. EVANS:

9 Q All right, I believe I'm passing you back
10 just 8-15, 20, and 21. Will you check that I'm
11 right?

12 A Yes, they're all here.

13 Q Okay. Those shell casings, cartridge
14 casings, which I handed to you, were fired by
15 this gun, which is States Exhibit 1?

16 A Yes.

17 Q All right. How about the remainder of
18 the cartridge casings, which I've got now, over
19 here on my desk?

20 A So matching individual identifying
21 characteristics were found on items 7, 16
22 through 19, 22 through 26, 70, 81, and 83. It
23 was concluded that they were fired by 1 firearm.

24 Q Okay. Will you check and make sure that
25 these are the shell casings that you're talking

1 about, short of 70 and 81 and 82.

2 A Yes, these are correct.

3 Q And it's also fired -- well, I shouldn't
4 say it. Those were fired by the same gun?

5 A Yes.

6 Q Which is not item 1?

7 A Correct.

8 Q Exhibit 1. Did it also fire Exhibit 70,
9 which is item 70, and 81 through 83?

10 A Yes.

11 Q All right. I'll stick these over here.
12 Were you presented with any gun, which fired
13 those shell casings, the ones I just referred
14 to, 7, 16 through 19, 22, 26, and 70, 81, 83?

15 A I was presented with an additional
16 firearm, that I compared to those cartridge
17 cases, and there weren't enough markings for me
18 to determine if they were fired by that firearm.

19 Q Okay. So, no conclusive determination,
20 other than these cartridge casings were all
21 fired by the same weapon?

22 A Correct.

23 Q All right. Could a .45 caliber handgun,
24 or any kind of gun, have fired these cartridge
25 casings? All the ones we've reviewed so far.

1 A No. They're all .40 S&W caliber.

2 Q Okay. What happens when you fire a gun,
3 of the type such as item 1, Exhibit 1? Tell us
4 how these cartridge casings end up at a crime
5 scene like this.

6 A Item 1 is a semi-automatic pistol. So
7 you insert a magazine, full of unfired
8 cartridges, into the magazine well, and you
9 close the slide, which is the bar on top. That
10 will load one round into the chamber. Once you
11 pull the trigger, that cartridge will fire. The
12 bullet will come out the barrel, and the
13 cartridge case, due to the force of firing, will
14 force, the explosion will force the slide back,
15 and the cartridge case will get kicked out. It
16 will then load the next cartridge into the
17 chamber, and another pull of the trigger will do
18 the same action. The bullet will get fired, and
19 the cartridge case will eject. This will keep
20 happening until the magazine is empty.

21 Q And when you say the cartridge casing, is
22 ejecting, what is that? Can you describe that a
23 little bit more?

24 A The cartridge case, which is empty now,
25 it's fired, it doesn't have a bullet, it doesn't

1 have gun powder anymore, will get thrown out of
2 the firearm. So, it'll get thrown out, travel
3 through the air, and land on the ground.

4 Q Is there any way to scientifically say
5 how far it should travel, or, you know, where,
6 based on where it was found, that it was fired
7 from?

8 A No, there's no testing for that.

9 Q Okay. It just sort of depends on a
10 variety of factors?

11 A Yeah. There's a lot of variables into
12 where a cartridge case will land, so that's why
13 there's no testing for it.

14 Q Right, okay. Did you do any comparisons,
15 with regard to Exhibit/item 2?

16 A I didn't receive any fired evidence that
17 was the same caliber as item 2. In that case,
18 we just enter test fires from that firearm into
19 the ballistic identification system, which is
20 like our database, like the fingerprint
21 database, but it's for cartridge cases.

22 Q All right.

23 MR. EVANS: And may I approach, Your Honor?

24 THE COURT: Yes, sir.

25 BY MR. EVANS:

1 Q I'm gonna pass you item 2.9, it's not
2 been previously marked as an Exhibit. What is
3 that?

4 A These are the test fires I created for
5 item 2.

6 Q Okay. Let's mark it.

7 MR. EVANS: Your Honor, the State would
8 move item 2.9 into evidence as Exhibit 2.9.

9 THE COURT: Any objections?

10 MR. GIBBES: No objections, Your Honor.

11 THE COURT: All right, admitted without
12 objection.

13 (State's Exhibit 2.9 was admitted into
14 evidence)

15 BY MR. EVANS:

16 Q And these, again, are the test firings,
17 the samples, I guess would be another way to put
18 it, from item 2, Exhibit 2.

19 A Yes.

20 Q You didn't receive anything that you
21 could compare these against?

22 A That's correct.

23 Q These are just for recordkeeping? Is
24 that a way to?

25 A Yeah, any firearm that's submitted to the

1 lab, we enter into the database, if it's a
2 caliber that the database accepts.

3 Q Okay, and you reviewed rounds, which have
4 been marked, not entered yet, as State's Exhibit
5 2.11, that came with item 2; is that right?

6 A Yes.

7 Q Are these the appropriate rounds,
8 caliber, and type, and all that sort of thing,
9 for that gun, in that magazine?

10 A If I could see them again, because I
11 received 2 different calibers for these
12 firearms.

13 Q Sure.

14 A Yes, these are the correct cartridges for
15 this firearm.

16 Q Okay. Now, did you review -- I'll take
17 those back, because I don't think I put a
18 sticker on it.

19 Did you review any -- you've already seen
20 these, but did you review any projectiles, in
21 addition to the cartridge casings? Was that
22 part --

23 A Yes.

24 Q -- of your analysis, as well?

25 A Yes, I did.

1 Q Would those be 27, 28, 29, 30, and 31?

2 A Yes.

3 Q Okay, which are already in evidence, and
4 what did you compare them against?

5 A So they were most consistent with bullets
6 loading into some .40 S&W, or 10 millimeter auto
7 cartridges. Based on a bullet, we can't tell
8 you the cartridge it might have been in, but the
9 diameter of the bullet is the same for a .40
10 S&W, or a 10 millimeter.

11 Q Okay. Did you take a look at them
12 against items 62 through 67, which you've --

13 A Yes.

14 Q -- identified, but not entered?

15 A Yes.

16 Q Okay, and where did you receive these
17 from, again, or what was your understanding of
18 where they were received from?

19 A According to the paperwork, they were
20 collected at autopsy, from victim Lamekia
21 Warren.

22 Q Were you able to make any determinations,
23 regarding items 62 through 67?

24 A They were also consistent with bullets
25 loaded into a .40 S&W, or 10 millimeter auto

1 caliber cartridges.

2 Q Were you able to determine if they came
3 form the same firearm as items 27 through 21,
4 which are Exhibits 27 through 21?

5 A They all had the same general
6 characteristics, so they were .40 S&W, or 10
7 millimeter auto caliber. They were also all
8 fired by a firearm that was rifled with 6 lands
9 and grooves, with a right-hand twist, with
10 rifling. So they were all the same general
11 characteristics.

12 Q But you weren't able to make a final
13 expert determination, an expert opinion, that
14 they came from the same gun?

15 A No. In firearms identification, we have
16 4 different conclusions. One is, it was fired
17 by the firearm, one was, it wasn't, one is,
18 unsuitable, so too damaged for me to determine,
19 and then, inconclusive. Inconclusive means
20 there's just not enough marks for me to say, in
21 my opinion, that they were fired by a certain
22 firearm, or by the same firearm. That's what
23 happened in this case. I compared all the
24 bullets I received to the firearms of the
25 appropriate calibers, and they have limited

1 marks of value. So, in my opinion, I couldn't
2 determine which one it was fired from.

3 Q All right, but you took a look, you made
4 an effort to compare?

5 A Yes, uh-huh.

6 Q Okay, and how about Exhibit 56, which I
7 showed you earlier, it's not in yet, but you've
8 identified it as something you saw. Were you
9 able to get anything off of that? Can you
10 remind the jury what it is again?

11 A Item 56 was a bullet jacket fragment. It
12 had no marks of value, so I couldn't do anything
13 with that.

14 Q Okay.

15 A It was unsuitable.

16 Q It was presented to you, you made an
17 effort to use it, but it didn't turn up
18 anything?

19 A Correct. I looked at it under a
20 microscope, and there were no microscopic marks
21 that I could use for identification.

22 Q All right.

23 MR. EVANS: I beg the court's indulgence.

24 BY MR. EVANS:

25 Q Do you remember recording this case?

1 A Yes.

2 Q In your report did you cross-reference
3 these items numbers, which are now the same as
4 our Exhibit numbers, and you found that to be
5 the case so far in your testimony, right?

6 A Yes.

7 Q That the Exhibit's match?

8 A Uh-huh.

9 Q Okay. I want to make sure, because I'm
10 the one who labeled them. All right. Did you,
11 sort of cross-reference those items, now
12 exhibits, with where they were collected from?

13 A No, that's not part of my area of
14 expertise. I just examine the evidence as I
15 receive it at the lab.

16 Q I suppose I just mean, did you include
17 the descriptions that the crime scene folks
18 included on the coin purse --

19 A Yes.

20 Q -- the coin envelopes?

21 A Yes.

22 Q Okay. I'm going to ask you --

23 I'm gonna ask you to go through those
24 again. I know you've already testified about
25 them, but this time I want you to include the

1 description of each firearm, of each cartridge
2 casing that you received, and indicate what was
3 written down on it by the crime scene photos --

4 A Okay, so I --

5 Q -- starting with 7.

6 A Okay. Item 7 was a .40 S&W caliber
7 cartridge case collected from marker 1.

8 Q Okay, and, again, that was fired by the
9 -- that was not fired by Exhibit 1?

10 A Correct. Item 7 was fired by a different
11 firearm.

12 Q Okay. Moving onto item 8.

13 A Item 8 was a .40 S&W caliber cartridge
14 case collected from marker 2.

15 Q Okay. 8 goes to marker 2; is that right?

16 A Yes.

17 Q Okay. How about, I've got one more for
18 demonstrative, we'll skip ahead slightly, item
19 24?

20 A 24 was a .40 S&W caliber cartridge case,
21 listed as, "From behind living room male victim
22 Johnson, Jr.".

23 Q Okay. Back up towards the top, with item
24 in Exhibit 9.

25 A Item 9 was listed as collected from

1 marker 3.

2 Q Okay, 10.

3 A 10 is collected from marker 4.

4 Q All right, and Exhibit 11.

5 A Collected from marker 5.

6 Q Item, Exhibit 12.

7 A Collected from marker 6.

8 Q 13?

9 A Marker 7.

10 Q 14?

11 A Marker 8.

12 Q 15?

13 A Marker 9.

14 Q How about 16?

15 A 16 was marker 10.

16 Q How about 17?

17 A 11.

18 Q 18?

19 A Marker 12.

20 Q 19?

21 A Is marker 13.

22 Q 20?

23 A Marker 14.

24 Q Here it is, 21?

25 A Is marker 15.

1 Q 22?

2 A Marker 16.

3 Q 23?

4 A Marker 17.

5 Q 24, we already went over --

6 A Correct.

7 Q Correct?

8 A Uh-huh.

9 Q 25?

10 A 25 is from comforter, female victim.

11 Q And 26, is that the same?

12 A The same.

13 Q Okay. All right.

14 MR. EVANS: I beg the Court's indulgence.

15 BY MR. EVANS:

16 Q And were you able to -- as I was putting
17 these stickers up as demonstrative, Ms.
18 Eichenmiller, I realized the angle is a little
19 tough for you. Were you able to see what I was
20 doing more or less?

21 A Yes.

22 Q As far as the colors go?

23 A Yes.

24 Q Was I able to distinguish, as far as your
25 results go about which item number came from

1 item 1, as supposed to be the missing firearm?

2 A Yes.

3 Q Okay. So, let's just go over, briefly,
4 in terms of your actual opinion, as an expert,
5 what your findings were? Do you have an expert
6 opinion, to a reasonable degree of scientific
7 certainty, as to which firearm fired
8 Exhibits/items 8, 9, 10, 11, 12, 13, 14, 15, 20,
9 and 21?

10 A Yes.

11 Q And what is that opinion?

12 A They were fired by item 1.

13 Q Which is Exhibit 1?

14 A Correct.

15 Q Do you have an opinion, to a reasonable
16 degree of scientific certainty, as to the source
17 of items 7, items and Exhibits, 7, 16, 17, 18,
18 19, 22, 23, 24, 25, 26, Exhibit 70, which
19 contains item 70, 80, 81, 82, and 83?

20 A In my opinion, I saw sufficient
21 differences in characteristics to say that they
22 were not fired by item 1.

23 Q And did you find sufficient
24 characteristics as compared to each other?

25 A Yes, those items were fired by 1 firearm.

1 Q The items indicating on these diagrams in
2 green were fired by 1 firearm?

3 A Correct.

4 Q As well as Exhibit 70?

5 A Yes.

6 Q Would you remind us of what the
7 description of Exhibit 70 was? I withdraw that.

8 MR. EVANS: I beg the Court's indulgence.

9 BY MR. EVANS:

10 Q Those are all the questions I have.
11 Please answer any questions these gentlemen
12 have.

13 THE COURT: Mr. Gibbes.

14 MR. GIBBES: No questions.

15 THE COURT: Mr. Johnson.

16 MR. JOHNSON: Thank you, Your Honor.

17 **

18 **CROSS-EXAMINATION**

19 BY MR. JOHNSON:

20 Q Still a good morning. How you doing?

21 A I'm good.

22 Q All right, just a couple questions. So
23 from your examination, considering that all
24 these casings was found at the scene, there
25 appeared to be at least 2, maybe 3 guns?

1 A At least 2.

2 Q At least 2, but you were going to even
3 examine 1, a Glock .23.

4 A I examined that firearm.

5 Q And you examined some other firearms that
6 wasn't connected, but you only found 1 firearm,
7 the Glock .23, that compared to the rounds that
8 you had, or may connect, with the, I guess,
9 would be rounds 8 through 15, 20, 21, those
10 rounds; is that correct, according to your --

11 A Correct. Of the 2 potential firearms
12 that we have, based on cartridge cases, I only
13 was able to identify 1 firearm to the cartridge
14 cases.

15 Q All right, but the other 2 firearms here,
16 did not match into the rounds that you found?

17 A Didn't match any of the cartridges, well,
18 it was inconclusive.

19 Q Inconclusive.

20 A With 1 of the firearms.

21 Q Okay.

22 MR. JOHNSON: I have no other questions.

23 THE COURT: All right, Mr. Gibbes, do you
24 have anything, sir?

25 MR. GIBBES: Yes, Your Honor.

CROSS-EXAMINATION

Q Yes. The reason why I asked you where you're from, is because, typically, if you go to a place like New York, there will be people playing 3 Card Molly, hustling people who may

1 not be as, well, they think may not be as
2 sophisticated, but you're not familiar with that
3 game?

4 A No.

5 Q Okay. Now, you guys shuffled around a
6 lot of evidence a few minutes ago, and you
7 showed, you were going off an Exhibit, pointing
8 to bullets, correct? That big gun there, is
9 that called a Draco?

10 A It's similar to a Draco.

11 Q Okay. Could you grab the gun for the
12 jury, just so they're clear on what I'm
13 referencing? All right. What's the name of
14 that gun?

15 A It's a model PAPM92PB.

16 Q Okay. Was that gun, is there any
17 evidence that that gun was used at this scene?

18 A No.

19 Q Okay. So all the evidence you'all
20 shuffled around for the jury, put in front of
21 them, what evidence was actually identified as
22 being at the scene?

23 A The .40 caliber cartridge cases were
24 picked up, I received with marker numbers.
25 There were also bullets that I received.

1 Q Okay. None of those were associated with
2 what we'll was just call the big gun, correct?

3 A Correct.

4 Q Okay, thank you.

5 MR. GIBBES: No further questions.

6 THE COURT: All right. Anything else,
7 Solicitor?

8 MR. EVANS: No, Your Honor.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: I have none, Your Honor.

11 THE COURT: All right, great. Can she be
12 excused?

13 MR. EVANS: Yes, sir.

14 THE COURT: Thank you so much. Have a
15 great day ma'am.

16 MR. EVANS: May I just have a moment to
17 retrieve everything up there?

18 THE COURT: Yes, sir. Solicitor, are you
19 ready to call your next witness?

20 MR. EVANS: Yes, sir. The State calls
21 Courtney Thompson.

22 THE COURT: All right.

23 COURTNEY THOMPSON,

24 BEING DULY SWORN TESTIFIED AS FOLLOWS:

25 **

1

2

DIRECT EXAMINATION

3

BY MR. EVANS:

4

Q Good morning.

5

A Good morning.

6

7

Q Would you please identify yourself, and spell your last name for our Court reporter ma'am?

8

9

10

A My name is Courtney Thompson, last name is T-H-O-M-P-S-O-N.

11

Q And what do you do, Ms. Thompson?

12

13

A I am a DNA analyst in the DNA casework department for the South Carolina Law Enforcement Division, also referred to as SLED.

14

15

16

Q All right, and do you have any other duties that sort of falls under the umbrella of DNA up there?

17

18

19

A Yes, in addition to training to be a DNA analyst, I am still currently performing the work of my previous position as a forensic serologist.

20

21

22

Q Okay. You're now also doing DNA, and analysis; is that right?

23

24

A I'm in training to do that, yes.

25

Q In the case that we're here about though,

1 you served as a serologist; is that right?

2 A That is correct.

3 Q Can you tell us about that field,
4 serology. What is that, and how do you, you
5 know, you've done this many times before, I
6 know, so give us the usual.

7 A Forensic serology is the identification
8 of different bodily fluids. Predominately
9 bodily fluids such as blood, semen, and saliva.
10 The reason that identifying bodily fluids is
11 useful for DNA analysis, is because those body
12 fluids actually, are wonderful sources for DNA,
13 and they can help develop a future DNA profile,
14 potentially, later on down the road.

15 Q Okay. So the serologist, which in this
16 case, was you, and now, you're on the other end
17 of it, but the serologist, is that like a
18 checkpoint along the way towards DNA; is that
19 what you'd say?

20 A Yes. A serologist is someone who will be
21 looking at different items of evidence, and
22 examining them for potential bodily fluid
23 stains, potentially, and any type of DNA that
24 could be left behind on an item. A serologist
25 could also attempt to collect DNA left behind,

1 from handling an item, or wearing an item, as
2 well as examining items for potential hair, and
3 if that hair has any root material on it, that
4 could potentially be forwarded for further
5 analysis.

6 Q Okay. What sort of education, training,
7 experience, do you have to go through to become
8 a serologist at SLED?

9 A I was hired by SLED in 2012, and before
10 that, I completed my Bachelor's Degree in
11 forensic science and biology, from Southern
12 Wesleyan University --

13 COURT REPROTER: I'm sorry, say it again,
14 what University?

15 BY WITNESS:

16 A Southern Wesleyan University. And upon
17 being hired at SLED, I began my training
18 program, which lasted a little over a year,
19 which involved being trained on how to handle
20 items in evidence, the types of testing
21 performed, report writing, and courtroom
22 testimony. Before I was allowed to work on
23 casework by myself, I had to be deemed competent
24 to do so, by taking a series of tests that
25 involve a mock case, a written exam, an oral

1 exam, and a mock court, and after a successful
2 completion of those, I was deemed competent in
3 forensic serology, and allowed to begin
4 independent case work.

5 Q All right, and about how long ago was
6 that, that you began your independent case work?

7 A I started independent case work at the
8 end of 2013.

9 Q And have you been qualified as an expert
10 in serology in courts of this state before?

11 A Yes, I have.

12 Q Approximately how many times?

13 A It's been approximately 50 times now.

14 Q All right.

15 MR. EVANS: Your Honor, the State would
16 tender Ms. Thompson as an expert in the field
17 of --

18 BY MR. EVANS:

19 Q Was it just serology, or do we say
20 forensic serology?

21 A Typically forensic serology.

22 MR. EVANS: In the field of forensic
23 serology.

24 THE COURT: Any objection, Mr. Gibbes?

25 MR. GIBBES: No, Your Honor.

1 MR. JOHNSON: I have none, Your Honor.

2 THE COURT: All right, well in that case,
3 without objection, I'm going to approve her of
4 being able to give testimony in the field of
5 forensic serology, and will declare her an
6 expert in that field.

7 MR. EVANS: Thank you, Your Honor.

8 BY MR. EVANS:

9 Q Would you please tell us a little about,
10 before we get into the specifics of this case,
11 tell us about just the basics of how you do this
12 work.

13 A Sure, so items of evidence, from criminal
14 cases are submitted to SLED's laboratory for
15 examination, for various types of DNA that could
16 be collected and processed. This can range in a
17 variety of items, such as, like, clothing, or
18 weapons. It can also be things like swabs, and
19 I can handle all different types of evidence
20 when I'm looking for a potential bodily fluid,
21 or trying to collect a DNA form a potential item
22 of evidence, and the way that I would handle
23 each item, is based on, essentially, what does
24 the agency that submitted this item want to know
25 about it? Are they looking for a particular

1 body fluid? Are they looking for DNA left
2 behind from someone maybe wearing a tee-shirt?
3 And after I evaluate the item for what is
4 requested by the agency, and then move forward
5 with the actual process of examining the item,
6 this could involve doing a visual exam for
7 bodily fluids, and then it can also involve
8 altering the item in such a way that I may
9 remove stains from the item, by cutting it, and
10 could potentially also collect swabs off the
11 item, just depending on the type of fluid, or
12 DNA, that is being requested that I look for.
13 After I've completed examinations of the item,
14 any cuttings, or swabs, that I have taken, are
15 packaged into the envelopes, and then securely
16 sealed up into either, like, a plastic pouch, or
17 a box, and then it will usually move forward,
18 further, into the DNA department, where
19 eventually, a DNA analyst would then pick up the
20 swabs and cuttings, and take them for actual DNA
21 analysis.

22 Q Okay, so you see physical items, right?

23 A Yes.

24 Q Not -- or you correct me if I'm wrong,
25 you don't receive swabs that folks at the scene

1 might have taken?

2 A I can, but I don't always. It depends on
3 the case scenario, and what has been requested
4 from the agency.

5 Q This could go straight to DNA, or it
6 could come to you --

7 A Uh-huh.

8 Q -- but, if it's a physical item that
9 needs DNA, it always goes to you?

10 A Yes, if it is a larger -- basically, an
11 item that is larger than a swab, or a small
12 cutting of a fabric or something, it needs to
13 come to me first, so that I can pair down,
14 basically, the area of interest, because DNA
15 does not need a whole tee-shirt. So I'm going
16 to isolate any potential DNA that may be there,
17 and that would be in a much smaller form, like a
18 small stain, or like I said, swab collected off
19 of the item.

20 Q Okay, so you could pass on a variety of
21 different -- what do you call them, sub-items,
22 is that --

23 A Yes, they're referred to, in our system,
24 and in our lab as sub-items. So that would be a
25 cutting, or a swab, or something that was

1 removed off of the original item. So if the
2 original item is a tee-shirt, any subsequent
3 evidence that's removed from this tee-shirt
4 becomes, what we know as, and what we refer to
5 as a sub-item. So it could be the tee-shirt is
6 item 1, the swab from the tee-shirt is item then
7 1.1, and so on.

8 Q Okay. Getting into the specifics of this
9 case, do you recall -- how did you become
10 involved in this case that we're here about
11 today, L18-04391?

12 A May I refer to my notes?

13 Q Sure.

14 MR. GIBBES: No objection.

15 BY WITNESS:

16 A Yes, I did handle evidence from this
17 case.

18 Q All right, and when was the first time
19 that you were presented with evidence in this
20 case? Did you receive items on multiple
21 occasions, and generate multiple reports?

22 A Yes, I did receive items of evidence at
23 several different times, and issued several
24 different serology reports.

25 Q All right. Let's talk about your

1 analysis from April 6th, 2018. What did you
2 receive on that occasion, and what did you do
3 with it?

4 A I received SLED item 2, which was a rifle
5 with 2 magazines, and unfired rounds.

6 Q All right. I'm gonna interrupt you
7 briefly. Do you recognize State's Exhibit 2?
8 It's already marked.

9 A Uh-huh. Yes, I do recognize it, based
10 off of some of the identifiers that were given
11 about the item.

12 Q And State's Exhibit, already known as,
13 2.10?

14 A I believe so, yes.

15 Q Okay. Those the same as you received at
16 the time, it was item 2, on April 6th, 2018?

17 A So I originally took them into my custody
18 on a different time.

19 Q Sure, I apologize. That's the date of
20 the report, so that's the date in my head, but
21 those are the ones that you received early on?

22 A Yes, that's correct.

23 MR. EVANS: May I approach the witness,
24 Your Honor?

25 THE COURT: Yes, sir.

1 BY MR. EVANS:

2 Q I'm gonna pass you, what's been marked,
3 but not entered yet, as State's Exhibit 2.11,
4 written as that.

5 A I do recognize this. These are the
6 unfired rounds that were inside of one of the
7 magazines that was submitted with item 2.

8 Q Okay. Those are the same rounds that you
9 received as part of item 2, along with the gun,
10 Exhibit 2, and the magazine, Exhibit 2.10, which
11 are already in evidence?

12 A Yes.

13 Q You viewed those personally, yourself?

14 A Yes.

15 Q And did you seal them up, and put them
16 back in the chain of custody when you were
17 through?

18 A Yes. When I was finished with all my
19 examinations, I resealed the evidence into the
20 packaging it came in, and made sure that I
21 initial, and dated, the outer packaging, just to
22 ensure that the seals are intact, before it was
23 passed on for further examination.

24 MR. EVANS: Your Honor, the State would
25 move this bag and its contents in as State's

1 Exhibit 2.11.

2 THE COURT: Mr. Gibbes?

3 MR. GIBBES: No objection.

4 THE COURT: Mr. Johnson?

5 MR. JOHNSON: No objection.

6 THE COURT: All right, admitted without
7 objection.

8 MR. EVANS: Thank you, Your Honor. The
9 Court's indulgence.

10 (State's Exhibit 2.11 was admitted into
11 evidence.)

12 BY MR. EVANS:

13 Q All right. I'm going to pass you as
14 well, something that's been marked, well, not
15 pre-marked as an Exhibit, but do you recognize
16 this, this container?

17 A Yes, I recognize this container.

18 Q Okay.

19 A It has the SLED lab number, that is
20 correct, and then my name, and date, and things
21 on the outside of the packaging.

22 Q What are the contents of that container?

23 A The contents of this container are swabs
24 that were collected from item 2.

25 Q Okay, and how do you collect those swabs?

1 What's that process?

2 A There can be different kinds of
3 collection with swabs. It depends on what you
4 are trying to collect. So if I am looking for
5 DNA that might be left behind from touching an
6 item, that would involve just using a wet swab,
7 followed by a dry swab. The swab is moistened
8 with sterile water, and the areas of interest
9 are swabbed vigorously, in order to try and pick
10 up any DNA that may be left behind from someone
11 touching an item.

12 If I'm looking to collect something that
13 could be a body fluid, what I would do first is,
14 I would look at any areas, basically, that may
15 look like they need to be tested. They have,
16 you know, the visual signs of a potential bodily
17 fluid. I would perform a test, and if the test
18 is positive for that area, I would then collect
19 that specific area with another still wet swab,
20 followed by a dry swab, to pick up any of the
21 stain that may be present.

22 Q All right, and did you create sub-item
23 numbers for each of the areas that you swabbed
24 on State's Exhibit 2, and 2.10?

25 A Yes, I did.

1 Q All right. What were those sub-item
2 numbers?

3 A The sub-item numbers that I created were
4 item 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8.

5 Q All right. Are all those -- do they all
6 appear to be in the contents of that container?

7 A From what I can see through the
8 container, yes, it appears that there are the
9 right number of envelopes on the inside.

10 Q All right, and then, other than the
11 envelopes, what are the little plastic tubes
12 that we see there?

13 A So, the plastic tubes that are here in
14 the back, these are actually the physical DNA
15 extracts that have come from the DNA analyst.
16 So that just means that any remaining product
17 from DNA analysis is contained into these tubes.

18 Q Okay.

19 MR. EVANS: Your Honor, the State would
20 move the contents of the envelope into evidence
21 as State's Exhibit 2.1, 2.2, 2.3, 2.4, 2.7, and
22 2.8.

23 THE COURT: Mr. Gibbes, Mr. Johnson?

24 MR. JOHNSON: No objection.

25 THE COURT: All right, moved without

1 objection. Yes, sir.

2 (State's Exhibits 2.1 - 2.8 were admitted
3 into evidence.

4 BY MR. EVANS:

5 Q Ms. Thompson, would you be able, if I
6 gave you a pair of scissors, do we have some
7 scissors up there, to mark the respective item
8 numbers with their new Exhibit numbers, which
9 should match; is that possible?

10 A Yes.

11 Q All right. I'm gonna ask you to do that
12 for 2.1, 2.2, 2.2, 3, 4, 7, and 8.

13 A Okay.

14 THE COURT: All right, while she does that,
15 I want my jury to stand up --

16 MR. EVANS: Yes, sir.

17 THE COURT: -- and stretch, all right?
18 Stand up and take a stretch. You'all can too if
19 you want to, all right. All right, thank you,
20 ladies and gentlemen.

21 BY MR. EVANS:

22 Q All right, are you ready to continue?

23 A Yes, sorry.

24 Q Okay. And you said the remaining
25 portions are the remains, and the extracts,

1 which would be more important for the analyst to
2 testify about; Is that fair to say?

3 A Yes, that's something that I would not
4 have had any interaction with, from my portion
5 of this case.

6 Q Okay. Let's, before we move onto the
7 next set of exhibits, why don't we talk about
8 the results of these exhibits, which I've placed
9 in front of the jury, the swabs that you took
10 from, again, item 2, and 2.10.

11 A Yes.

12 Q Let's talk about 2.1.

13 A 2.1 were swabs from the grip, trigger,
14 and trigger guard, of the rifle.

15 Q Would you mind, I'll try to move the lens
16 out of the way. Could you take up Exhibit 2,
17 and show us what you mean by that?

18 A Just one second.

19 Q Yes, ma'am, take your time.

20 A So, items 2.1 are swabs from the grip,
21 the trigger, and the trigger guard of this item.

22 Q Okay, and would you prefer to show the
23 swabs of the rest of the gun, show the areas of
24 the gun one at a time, and then hit the results,
25 so I don't have to ask you to pick it up over,

1 and over again?

2 A Sure.

3 Q How about 2.2, just the areas that you
4 swabbed?

5 A 2.2 are the swabs from the remaining
6 middle portion of the gun, so that's just
7 excluding the grip, the trigger, and the trigger
8 guard.

9 Q All right, 2.3 then?

10 A 2.3 are from this wooden grip area on the
11 front of the rifle.

12 Q And 2.4?

13 A 2.4 are from the barrel for the rifle.

14 Q Is that it from Exhibit 2 itself?

15 A Yes.

16 Q How about -- oh, go back and do this one.

17 A It was near this front area, right here.

18 Q Okay, how about Exhibit 2.10, and I'll
19 retrieve Exhibit 2, so it's no longer in the
20 way?

21 A 2.10, so this is from, swabs from the
22 magazine, from the exterior of the magazine.

23 Q Okay, and the swab from Exhibit 2.10 is
24 items 2.7, and 2.8. Do I have that right?

25 A Yes, 2.7, and 2.8, yes.

1 Q Which are now Exhibits 2.7, and 2.8?

2 A Yes.

3 Q Okay. So, we've got our definitions of
4 all the items for this round of serology,
5 correct?

6 A Yes.

7 Q Can you tell us about what you found, and
8 I think let's talk a little bit more of the
9 physical process once you have a swab, what do
10 you do with it to get a result, in serology, and
11 then tell us what each of those results were?

12 A So based on my examination of the item, I
13 determined there were areas that looked like
14 potential blood stains, and in order to know
15 whether or not that was something that should be
16 collected as a potential blood stain, I need to
17 test it.

18 So what I usually do, is collect the
19 potential staining of interest, and then test
20 those swabs, and if they're positive, then I
21 will send them forward for DNA analysis.

22 Q All right, and what did you find
23 regarding sub-item 2.1, which is now Exhibit
24 2.1, from the grip, and trigger?

25 A Item 2.1, from the grip, trigger, and

1 trigger guard, was presumptively positive for
2 the presence of blood.

3 Q How about item 2.2, Exhibit 2.2?

4 A This one was also positive for the
5 presumptive presence of blood.

6 Q How about 2.3, Exhibit 2.3?

7 A It was also positive for the presumptive
8 presence of blood.

9 Q How about item 2.4, Exhibit 2.4?

10 A Also positive, presumptively, for the
11 presence of blood.

12 Q How about 2.10, which is items, the swabs
13 from that are 2.7, and 2.8?

14 A 2.7, the swabs from the exterior of the
15 magazine, test presumptively positive for the
16 presence of blood.

17 Q Is that this, sort of, sides, right here?

18 A That's gonna be, yes, the outside of the
19 magazine.

20 Q Did you go all over it?

21 A Yes.

22 Q Okay, and that was gain? I'm sorry.

23 A It was positive, presumptively, for the
24 presence of blood.

25 Q For blood. How about 2.8?

1 A 2.8 are swabs from the unfired rounds
2 that came from the magazine.

3 Q Would that be these here, Exhibit 2.11?

4 A Yes, that is correct, and then the
5 interior of the magazine, as well.

6 Q Okay. I don't know if I know how to, but
7 you went inside this part.

8 A Yes, up to a certain point, just to
9 ensure that there was not a potential staining
10 that was missed, something maybe on the inside
11 of the magazine, but it was not all the way down
12 into the magazine, but up to a certain point,
13 just to make sure that anything that could have
14 been on the outside, because of the staining to
15 the outside. Just checking the inside as well.

16 Q Okay, and the inside, essentially,
17 included the Exhibit 2.11?

18 A Uh-huh, yes.

19 Q Because that's where you found these,
20 originally?

21 A Yes, and for processing purposes, I
22 unloaded the magazine, and then packaged them
23 like that, so they could move on to the firearms
24 department for further analysis.

25 Q Okay, and the results from Exhibit 2.8,

1 swabs from Exhibit 2.11 were?

2 A The swabs form 2.8 were presumptively
3 negative for the presence of blood.

4 Q Negative for blood, on the inside of
5 this. All right, is that everything that you
6 tested in the report dated April 6th, 2018? Oh,
7 actually, I'll just ask, that's everything for
8 items 2.1, 2.2, 2.3, 2.4, 2.7, and 2.8?

9 A Yes, that is the conclusion.

10 Q Any other positive blood results from
11 that initial report?

12 A No, that was all of the presumptive
13 positive results.

14 Q Okay, and you generated another report at
15 a later time in this same case, same lab number?

16 A Yes, I did.

17 Q Okay. What were the items that you
18 received for that second report?

19 A For the second report, which involved
20 examination of additional items of evidence, I
21 received item 7, SLED item 7, which was a
22 cartridge case collected from marker 1.

23 Q Okay.

24 A And then, subsequently, there were more
25 cartridge cases. So SLED items 8, 9, 10, 11,

1 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,
2 24, 25 and 26, were all cartridge cases.

3 Q All right.

4 A And then, items 27, 28, 29, 30 and 31,
5 were projectiles, but I did not perform any
6 analysis on the projectiles.

7 Q So let's just talk about the items -- I
8 understand -- well, I'll first ask why you
9 didn't perform an analysis on the projectiles?

10 A There was, I believe, no request for DNA
11 on those projectiles. I will double-check the
12 request. That's a typical -- that's typical to
13 see though, for projectiles, as typically, they
14 are often times removed from somebody, and so
15 the DNA source would be obvious, if it was taken
16 out from an individual.

17 Q Excuse me. All right, how about the
18 cartridge casings that you received. Did you
19 analyze all of them for serology, or a portion
20 of them?

21 A The cartridge cases that I had in my
22 custody were either processed separately, or
23 some of them were grouped together for
24 processing, depending on where they were
25 located, and if it met the criteria,

1 essentially, to be grouped together.

2 Q Okay, and did you create sub-items from
3 any of these cartridge casings?

4 A Yes, I did create sub-items from the
5 cartridge cases.

6 Q All right. What are those item numbers?

7 A The sub-items that I created from this
8 round of evidence examination is item 7.1, item
9 20.1, item 25.1, and item 26.1.

10 Q Okay. Why, what's the distinction?
11 What's the reason for 4 sub-items, when you've
12 got, you know, close to 25 casings that you've
13 presented? Can you explain that for us, who
14 aren't serologists?

15 A Sure. So cartridge cases are usually a
16 smaller type of item, and we don't always see a
17 lot of DNA left behind on them, and so in order
18 to do our best effort to develop a DNA profile,
19 cartridge cases of the same caliber, and
20 location, may be grouped together for
21 processing, in an attempt to combine any
22 potential DNA that could be left behind by the
23 person handling those cartridges, and so if an
24 item is not grouped together for processing, in
25 this particular instance, it is because they

1 were suspected body fluid stains, potential
2 blood stains, on those items.

3 Q Okay. All right.

4 MR. EVANS: May I approach the witness,
5 Your Honor?

6 THE COURT: Yes, sir.

7 BY MR. EVANS:

8 Q Ms. Thompson, I'm going to pass you
9 something that's been marked container N. Do
10 you recognize container N?

11 A Yes, I do recognize container N.

12 Q All right, what is container N?

13 A Container N is the container that is
14 holding some of the sub-items from, dated from
15 this report, from this round of evidence
16 examination.

17 Q It's similar to what we've already talked
18 about from your earlier report, just the swabs
19 and the DNA extracts?

20 A Yes,

21 Q Okay. Does it contain some of the sub-
22 items that we've just been discussing,
23 concerning cartridge casings?

24 A Yes, it did.

25 Q All right. Those again, would be, no

1 that's fine, 7.1; do I have that right?

2 A Yes.

3 Q 20.1?

4 A Yes.

5 Q 25.1, is that right?

6 A Yes, that's correct.

7 Q And 26.1?

8 A Yes, 26.1.

9 Q Those are all in container N?

10 A Yes, they are.

11 Q And they are, again, swabs that you took
12 from various items, which were handed to you as
13 cartridge cases from the scene?

14 A Yes, they were.

15 Q Your Honor, the State would move these
16 swabs in as State's Exhibits 7.1, 20.1, 25.1,
17 and 26.1.

18 THE COURT: Any objection, Mr. Gibbes?

19 MR. GIBBES: No objection.

20 THE COURT: Mr. Johnson?

21 MR. JOHNSON: No objection, Your Honor.

22 THE COURT: All right, admitted without
23 objection. Yes, sir.

24 (State's Exhibits 7.1, 20.1, 25.1, and 26.1
25 were admitted into evidence.)

1 BY MR. EVANS:

2 Q And same as before, Ms. Thompson, I
3 apologize for asking you to do my work for me,
4 but we've got some other items that we haven't
5 discussed yet in that same container; is that
6 right?

7 A Yes, there are additional items in there.

8 Q All right. Would you please be so kind
9 as to mark, and I've got stickers for you, 7.1,
10 20.1, 25.1, and 26.1? All right, thank you.
11 Now, these which I've put up here, these are
12 already in evidence, do you recognize State's
13 Exhibit 7, State's Exhibit 20, and State's
14 Exhibit 26? And I'll pass up 25 as well.

15 A Yes, I do recognize these items. My
16 initials, and the date, are on the exterior
17 packaging associated with these items.

18 Q Are those the cartridge casings, which
19 resulted in the swabs that I'm holding in my
20 hand, and which you just entered into evidence?

21 A Yes.

22 Q Okay.

23 A They are some of them.

24 Q Some of them. All right, let's talk
25 about the results of these swabs, if you don't

1 mind. Starting with 7.1.

2 A 7.1 were swabs that were collected from
3 the exterior of the cartridge case, and the
4 result for this is that presumptive testing for
5 the presence of blood was positive.

6 Q Positive for 7.1, correct?

7 A Yes.

8 Q How about 20.1?

9 A These were also swabs from the exterior
10 of the cartridge case 20.1, and it was also
11 positive for the presumptive presence of blood.

12 Q Okay, 20.1, positive. What about 25.1?

13 A 25.1 are swabs from previously mentioned
14 items, 8 through 19, and then 21 through 25, so
15 these were items that, based off my visual exam,
16 I did not notice any type of potential blood
17 staining on them, so they were grouped together
18 for potential touch DNA analysis.

19 Q Okay, that's 25.1. How about 26.1?

20 A 26.1 is also swabs from the exterior of
21 the cartridge case 26, which was also
22 presumptively positive for the presence of
23 blood.

24 Q So, of the 4, 3 presumptive positive,
25 7.1, 20.1, 26.1?

1 A Yes, that is correct.

2 Q And then 25.1 was not presumptive
3 positive, but you forwarded it to DNA?

4 A Yes, it was still forwarded for DNA
5 analysis.

6 Q Okay. What else did you analyze besides
7 shell casings in your report dated April 7th,
8 2019? Did you get any other items? I guess
9 what was item 71? That's what I wanted to say.

10 A Yes, item 71 was a Nike brand, black in
11 color, hoodie.

12 Q Okay.

13 MR. EVANS: May I approach the witness,
14 Your Honor?

15 THE COURT: Yes, sir.

16 BY MR. EVANS:

17 Q I'm showing you what's been previously
18 entered into evidence as State's Exhibit 71. Do
19 you recognize that Exhibit?

20 A Yes, I do recognize the exhibit. It has
21 the correct SLED lab number, item number, my
22 initials, and the date that I received the item.

23 Q All right, so is Exhibit 71 the same as
24 item 71 that you just mentioned?

25 A Yes, I believe so.

1 Q All right, so this is similar to 71?

2 A Yes, it should be.

3 Q All right. Would you mind taking that
4 out, and showing us what you did with it when
5 you, I realize we're not in the lab, but sort of
6 antitime it?

7 A Would it be okay if I step down?

8 Q Do you want to step down?

9 MR. EVANS: Is that okay?

10 THE COURT: Oh, absolutely.

11 BY WITNESS:

12 A Thank you.

13 Q Would you like for me to hold it?

14 A So this should be the front -- this is
15 the front of the hoodie, the arms are tucked on
16 the inside, but the areas of interest were
17 circled and then tested. The corresponding test
18 result was marked on the item to indicate if it
19 was positive or negative. In this item, I was
20 looking for potential blood stains.

21 So if an area has a negative sign beside
22 it, such as that one, that means the test was
23 negative, and then I didn't collect it. For
24 this one, right here, there is a hole in the
25 item. That is because this is a positive result

1 that I collected, which is the sub-item 71.1.
2 It was a cutting from the exterior front of the
3 hoodie. Additionally, I took this cutting as
4 well, and this was, it's jumping ahead a little,
5 but 71.4, was another cutting that I took from
6 this hoodie. In addition to screening for
7 blood, the additional request was for ownership
8 DNA, and that refers to DNA left behind by
9 someone wearing a particular item.

10 When I'm processing an item for ownership
11 DNA, I'm trying to isolate the areas that are
12 gonna be considered high touch, high contact,
13 with the skin. This is kind of known as an
14 outer item of clothing, so the areas of interest
15 for doing ownership processing are actually
16 going to be the cuffs, the interior of each cuff
17 of the hoodie, and then the actual neckline on
18 the interior of the hoodie as well. This
19 process that I use is one where I take a
20 sterile, one-time use, scraper, and agitate the
21 areas that I'm going to collect, with this
22 plastic scraper.

23 It can, basically, loosen up any DNA that
24 might be, kind of down, and into the fibers of
25 the hoodie itself, and then after those areas

1 have been roughed up with the scraper, I go back
2 behind, and swab vigorously with a swab that's
3 been moistened with sterile water, and collect
4 from all of those areas on one swab, in an
5 attempt to concentrate DNA that could
6 potentially be there from somebody who's worn
7 this item. This is the scraper that I used on
8 this item.

9 We keep it with the item, so to ensure that
10 it's never used on another item, and to just
11 demonstrate that this is the particular tool
12 that was utilized. In addition to scraping an
13 item, we can also collect hair that might be
14 deposited on this item and identify any
15 potential root material. Root material on a
16 hair is crucial for DNA analysis, because the
17 root material is where the DNA is housed, for
18 the type of DNA analysis that SLED does. If the
19 hair does not have a root on it, we can't send
20 it forward for further analysis, so I looked for
21 potential hair with root material on this item
22 as well, and recorded any hairs that met the
23 criteria for our DNA purposes.

24 Q All right. Now, when you're generating
25 an area of interest, talking about 71, number

1 71.1, and 71.4, how do you determine what's an
2 area of interest that you want to test?

3 A It's going to be based, most of the time,
4 on visual examination. I've looked at many
5 items, evidence, clothing, and just all kinds of
6 items, at this point, for different blood
7 stains, and so, I have familiarity with what I
8 believe I think a blood stain should look like,
9 and so, it may be something that right away I
10 know for sure, I think that it's a blood stain,
11 I think I should test it, and it could be
12 something where, I'm not sure, but I would like
13 to circle it, test it, and I want to know, so I
14 don't overlook anything.

15 So that's why there's a lot of other areas
16 that are circled, that indicate a negative
17 result, because I want to make sure that I'm
18 thorough, and not missing over anything, just
19 because it might not look like blood right away.
20 I want to ensure that I have tested the areas
21 that I think are going to potentially meet the
22 criteria for a possible blood stain.

23 Q Okay, when you tell, in this case, with
24 this Exhibit, item in Exhibit 71, you had a
25 number of negative results?

1 A Yes, I did have negative results.

2 Q And you had some positive results?

3 A That's correct, I did.

4 Q Those are the ones that you generated the
5 cuttings from?

6 A Yes, the positive results are the ones
7 that were removed from the item, and then placed
8 into an envelope, like so, on the banister
9 there, and they both, with the item number, and
10 everything, so that it could be identified for
11 the DNA analyst later on, what kind of items
12 they're dealing with.

13 Q Okay, let's return this to the packaging,
14 and then let's talk about those items. So, Ms.
15 Thompson, you mentioned some cuttings that you
16 generated from item/Exhibit 71. Are those in
17 container N, as in Nancy?

18 A Yes, they are in container N.

19 Q And what are, I think you already
20 mentioned, when you were showing the actual
21 Exhibits, but what are the sub-item numbers
22 again?

23 A The sub-item numbers are going to be
24 71.1, which was the cutting from the front of
25 the hoodie, 71.2, which is of the swab from

1 scraping the interior neck, and cuffs of the
2 hoodie, 71.3, which is hair collected from the
3 hoodie, and then 71.4, which is the additional
4 cutting from the exterior front of the hoodie.

5 Q Now, I noticed that you physically, with
6 a pen or something, marked on the hoody, which
7 one was 71.1, and which one was 71.4, because
8 they have a similar description, right?

9 A Yes, they do.

10 Q Can you remind us, just for the benefit
11 of the record, in words, which is 71.1, and
12 which is 71.4?

13 A The one that was 71.1 was a little higher
14 up, on the exterior front of the hoodie. The
15 one that was 71.4 was a little bit closer to the
16 bottom, and it was a little bit of a smaller
17 size of cutting as well.

18 Q All right, and those cuttings are
19 contained in container N?

20 A Yes, they are.

21 Q How about 71.3, and 71.2, are they the
22 hair, and the scraper, is that right?

23 A Yes, 71.2, and 71.3, are also inside
24 container N.

25 MR. EVANS: Your Honor, the State would

1 move into evidence State's Exhibit 71.1, 71.2,
2 71.3, and 71.4.

3 THE COURT: Mr. Gibbes?

4 MR. GIBBES: No objection.

5 MR. JOHNSON: No objection, Your Honor.

6 THE COURT: All right, admitted without
7 objection. Yes, sir.

8 (State's Exhibits 71.1 - 71.4 were admitted
9 into evidence.)

10 BY MR. EVANS:

11 Q Ms. Thompson, would you please mark those
12 as well? I should have the appropriate stickers
13 here.

14 A Could you pass me more gloves?

15 Q Absolutely, and tell us why you're doing
16 that, why you need fresh gloves.

17 A I wear gloves, not just to protect
18 myself, but because this is biological evidence,
19 and I would not want to accidentally deposit any
20 of my own DNA on any of these items, and while
21 I'm in the process of actually doing the
22 evidence examinations, as you can see, sometimes
23 evidence can be, it can have lots of biological
24 material on it, lots of stains, lots of things
25 like that, so I'm protecting myself, as well as

1 any future preservation of DNA evidence.

2 Q Thank you. And I think you already
3 tested that, but what were the results for 71.1,
4 the upper cutting from the front.

5 A Yes, the results for 71.1 was that it was
6 positive for the presumptive presence of blood.

7 Q And 71.4? Also from the front of the
8 hoodie, but lower.

9 A 71.4 was also, presumptive testing for
10 blood was positive.

11 Q All right, and 71.2, and 3, you're just
12 serving as a collector, not an analyst for those
13 items?

14 A That's correct. That's correct, so they
15 were collected, and preserved, essentially, by
16 me, in the envelopes, but then they were sealed
17 up, and eventually passed on to the DNA analyst
18 for actual DNA analysis.

19 Q Can you tell us about the conditions that
20 you're doing all of this analysis in? Tell us
21 about your lab up there. I know you're in a new
22 one since 2018, but tell us about it.

23 A The lab is designed in order for
24 processing to be efficient. The area that I
25 always work in is clean, every single time I go

1 into it. It is cleaned in between opening items
2 of evidence, and in between cases. I only have
3 1 item of evidence open at a time. This is to
4 ensure that I keep the evidence correct, and
5 straight, and also to prevent any type of
6 contamination between evidence, as we could be
7 dealing with evidence from multiple people,
8 places and events. So care is taken to ensure
9 that cleaning measures are always followed. I
10 always wear protective equipment like lab coat,
11 gloves, masks, and sometimes eyewear, in order
12 to keep myself safe, and to also keep myself
13 from contaminating any potential evidence, and
14 then we use different methods like sterile, one
15 time use, scrapers, sterile water, sterile
16 swabs, things that we're trying to use to
17 decrease any type of contamination, or
18 introducing any type of things that we do not
19 want to be on the DNA evidence.

20 MR. EVANS: I beg the Court's indulgence.

21 BY MR. EVANS:

22 Q Did you follow all those procedures, as
23 you're now assisting us to, in this case?

24 A Yes, I did.

25 Q All right. Can you do anything about

1 potential cross-contamination with the items
2 before they come to you?

3 A No, I can't control anything that happens
4 outside of the laboratory environment, and I am
5 often not aware of how an item was treated
6 before it was submitted to the laboratory. I
7 only can control what happens to it once it's in
8 my custody, and when I do my best to maintain
9 the integrity of the item while working with it.

10 Q What do you do if you find that say the
11 packaging in a particular item is defective, or
12 something like that? What do you do in that
13 case?

14 A If it appears that the evidence integrity
15 has been compromised in any way, I will not
16 perform any type of processing or analysis on
17 the item, until I can document what I have seen.
18 I usually will have to then contact the agency
19 that submitted it, and we will have to ensure
20 that the evidence integrity has still been
21 maintained, if there is some sort of
22 discrepancy, and then if it is to the point
23 where we cannot do analysis on it, it would be
24 noted.

25 Q All right. Any issue of packaging of any

1 of these items, before they were reached to you?

2 A No, I did not have any signs of
3 tampering, or loss of integrity, of any of the
4 evidence.

5 Q And when you were through with your part
6 of the analysis, you did what with everything?

7 A After I was done with everything, if it
8 was one of the items that came from outside to
9 SLED, I packaged it in the packaging it came in,
10 sealing it up, initialing, and dating it, as
11 somebody who held the item, had the item in
12 their custody, and then any of the swabs or
13 cuttings that were collected, would have been
14 sealed in the envelopes with my initials, and
15 the date, on the back, and then sealed into
16 these corresponding pouches, which have the SLED
17 lab number, the initials, and date, from myself,
18 and the corresponding either container, letter,
19 or item number, that needs to be on there.

20 Q All right, and sent onto other
21 departments?

22 A Yes, it could be forwarded onto another
23 department for additional analysis, or it could
24 be passed on directly to a DNA analyst for their
25 portion of the laboratory work. There is a

1 different case load, depending on what's
2 happening.

3 Q All right.

4 MR. EVANS: I beg the Court's indulgence.

5 THE COURT: All right.

6 BY MR. EVANS:

7 Q Ms. Thompson, those are all the questions
8 I have. Please answer any questions these
9 gentlemen may have.

10 THE COURT: All right, Mr. Johnson, do you
11 have any questions, sir?

12 MR. JOHNSON: Your Honor, I have no
13 questions.

14 THE COURT: All right, Mr. Gibbes, do you
15 have any questions?

16 MR. GIBBES: No questions.

17 THE COURT: All right, then does anybody
18 object to this witness being excused?

19 MR. EVANS: No, sir.

20 THE COURT: All right. Thank you so much
21 for coming in, I appreciate it.

22 WITNESS: Thank you.

23 THE COURT: All right, I think now we will
24 go ahead, and Mr. Foreman, ladies and gentlemen,
25 we're gonna break for lunch. I'd ask that you'd

1 be back at 2 o'clock. I think it's ten until
2 1:00. I ask that you be back at 2 o'clock.
3 Please do not talk about the case.

4 Have a great lunch and be back at 2
5 o'clock. Everybody else remain seated, please.

6 (Jury exits the courtroom.)

7 THE COURT: All right, anything from the
8 State before we break for lunch?

9 MR. EVANS: No, sir.

10 THE COURT: Anything from the defense, Mr.
11 Gibbes?

12 MR. GIBBES: No, Your Honor.

13 THE COURT: Mr. Johnson?

14 MR. JOHNSON: I have nothing, Your Honor.

15 THE COURT: All right. We'll see you'all
16 back at 2 o'clock, okay?

17 MR. EVANS: Yes, sir.

18 THE COURT: All right, thank you.

19 (Luncheon recess)

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PROCEEDINGS CONTINUED

THE COURT: And I understand what the agreement is on those autopsy photographs and diagrams that were agreed to, and I've also looked at the ones that are those that haven't been agreed to. I will be the first to admit that I think that these proposed photographs of the Solicitor are perhaps as sanitized and as clean as any autopsy photographs that I've seen in going on two or three years that I've been on

1 the bench. I have, however, looked at the Jones
2 case, which is a brand new case that came out,
3 that was dealing with autopsy photographs. And
4 really, to me, looked to try to make a
5 distinguished -- the admissibility of these
6 photographs in situations where they're quite
7 frankly was little probative value, little to
8 gain from the photographs.

9 I conclude in this case that I think there
10 is little to gain in the photographs. I don't
11 think that there's any -- who was killed, as to
12 the manner of death, and the other cases are
13 dealing with disputes of how somebody died, or
14 whether this entry was from or not from the
15 injury, or whether this injury resulted in the
16 death, and I don't think there's any of that
17 here. So what I'm gonna do is, I'm going to
18 exclude those photographs, Mr. Evans --

19 MR. EVANS: Yes, sir.

20 THE COURT: -- the ones that are in
21 controversy; however, what I would say is this,
22 in the course -- and I think you've got a
23 diagram, and certainly you can use your DOR
24 system, or whatever you might need to enlarge
25 the photographs that you've got, so that the