

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Florence County
The Honorable D. Craig Brown, Circuit Court Judge
Appellate Case No: 2025-001215

THE STATE,

Petitioner,

v.

TIRIK JAQUAN JOHNSON-EPPS,

Respondent.

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Sep 23 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT

APPELLATE CASE NO. 2023-000179

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT: STATE’S
EXHIBIT 2 (CARMICHAEL INTERVIEW) AND STATE’S EXHIBIT 3
(SURVEILLANCE TAPE)]**

State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2019-GS-21-00472
	)	Case No. 2019-GS-21-00473
	)	Case No. 2019-GS-21-00474
	)	Case No. 2019-GS-21-00475
	)	
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
Quinterris Carmichael and	)	
Tirik Johnson-Epps,	)	
	)	
Defendants.	)	
	)	

January 23-25, 2023
Florence, South Carolina

B E F O R E:

The Honorable D. Craig Brown, Judge; and a jury

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

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Attorney for the Plaintiff

William Foster "Josh" Edgeworth III, Esquire
Attorney for the Defendant Carmichael

Gregory Ammons, Esquire
Attorney for the Defendant Johnson-Epps

Krystal J. Smith
Official Circuit Court Reporter III

1 you on that. You're going to have to serve. Okay?

2 But again, I want to thank you for being here today, I
3 want to thank you for your sacrifice in being here and your
4 willingness to serve. I hope y'all have a great rest of the
5 day and week as well. Again, thank you for being here.
6 You're free to go.

7 (WHEREUPON, the jury panel was excused and exited the
8 courtroom at 12:06 p.m.)

9 THE COURT: All right. We'll stand down as it relates to
10 this case until 3 o'clock. It's my understanding we have a
11 *Jackson v. Denno* hearing. Was there any other motions that we
12 have -- needed? A suppression?

13 MR. AMMONS: I'm sorry, Your Honor?

14 THE COURT: Just a *Jackson v. Denno* hearing?

15 MR. AMMONS: That's correct. Well, no, I've got a motion
16 to suppress, and he's got a *Jackson v. Denno* hearing.

17 THE COURT: Okay. All right. If you all will be back
18 here at 3 o'clock, 3 o'clock, we'll move forward with those
19 hearings. Okay?

20 MR. EDGEWORTH: Thank you, Your Honor.

21 MR. AMMONS: Thank you.

22 MR. WHITE: Thank you, Judge.

23 (WHEREUPON, there was a break in the proceedings from
24 12:08 p.m. until 4:21 p.m., after which the proceedings
25 resumed as follows.)

ASHLEY SHELLEY - DIRECT BY MR. WHITE

1 THE COURT: All right. Is the State ready to proceed?

2 MR. WHITE: Yes, sir, Judge.

3 THE COURT: Defense counsel?

4 MR. EDGEWORTH: Yes, sir.

5 MR. AMMONS: Yes, sir.

6 THE COURT: All right. Let's proceed.

7 MR. WHITE: Thank you, Judge. We'll start with the
8 *Jackson v. Denno*. At this time, the State would call
9 Investigator Ashley Shelley to the stand.

10 THE COURT: All right. Sir, if you'd come around.

11 THE CLERK: Come up --

12 THE COURT: I'm sorry. Come around to be sworn.

13 THE CLERK: Place your left hand on the Bible and raise
14 your right hand. Do you swear or affirm the testimony you
15 give in this case to be the truth, the whole truth, and
16 nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Please be seated and state your full name for
19 the record.

20 THE WITNES: My full name is Sheldon Gene Shelley II, and
21 I am commonly referred to as Ashley.

22 ASHLEY SHELLEY, being first duly
23 sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. WHITE:

ASHLEY SHELLEY - DIRECT BY MR. WHITE

1 Q: Investigator Shelley, where are you employed?

2 A: City of Florence Police Department.

3 Q: And how long have you been employed there?

4 A: Since November of 2009.

5 Q: And back on September 12th, 2019, were you employed at
6 the City?

7 A: I was.

8 Q: And what capacity were you employed?

9 A: I was an investigator.

10 Q: And were you involved in the investigation of the
11 shooting that occurred at the Tiger Mart or the Speedy Mart on
12 September 12th, 2019?

13 A: Yes, sir.

14 Q: And were you lead investigator?

15 A: No, sir.

16 Q: And what was your role in the investigation?

17 A: I worked in conjunction with the other investigators
18 during the absence of the lead investigator due to a training
19 obligation.

20 Q: Now, was one of those obligations speaking to and
21 obtaining a statement from one of the suspects and ultimately
22 defendant in this case, Quinterris Carmichael?

23 A: Yes, sir.

24 Q: And when did that interview take place?

25 A: I don't have the date of the interview in front of me.

ASHLEY SHELLEY - DIRECT BY MR. WHITE

1 Q: I'm going to show you, in an effort to refresh your
2 recollection, your supplemental. Investigator Shelley, if you
3 could take a look and flip through there and let me know on
4 what date that interview took place? I'll make it easier on
5 you. It might have the date on the Miranda form.

6 A: Yes, if I could have that, that would have been -- yes,
7 this is a Florence Police Department Waiver of Rights form
8 that I went over with Mr. Carmichael at the time of the
9 interview. So it would be dated for September the 20th of
10 2019.

11 Q: And is that roughly eight days after the incident date?

12 A: Correct. It was on the 12th, correct.

13 Q: And --

14 A: Approximately.

15 Q: And it says a time on there too. Could you tell us what
16 is the time?

17 A: That would be 4:12.

18 Q: Now, during this interview, where -- where was it
19 conducted?

20 A: At 324 W. Evans Street in the city of Florence in the
21 second-floor interview room.

22 Q: And that interview room, if you could tell us a little
23 bit, describe it for us?

24 A: It looks most like a everyday common office, normal walls
25 and ceiling tiles, with one desk with a computer on it.

ASHLEY SHELLEY - DIRECT BY MR. WHITE

1 Q: Is it well lit?

2 A: It is.

3 Q: And is it equipped with audio and video capability?

4 A: Yes, sir.

5 Q: And was that engaged at the time of this interview?

6 A: Yes, sir.

7 Q: Now, when you brought in Mr. Carmichael, was he in
8 custody at that time?

9 A: Yes, sir.

10 Q: Was he restrained?

11 A: Yes, sir.

12 Q: And did you go over prior to asking him any questions his
13 Miranda form?

14 A: Yes, sir.

15 Q: Or his Miranda rights?

16 A: Yes, sir.

17 Q: And did you use this particular form to do that with?

18 A: Yes, sir. That's my signature.

19 Q: And is -- did you acknowledge and go over each and every
20 right as it appears there on that form?

21 A: Yes, sir.

22 Q: And did he acknowledge that he understood those rights?

23 A: Yes, sir.

24 MR. WHITE: Judge, at this time, I would move State's
25 Exhibit 1 into evidence.

ASHLEY SHELLEY - DIRECT BY MR. WHITE

1 THE COURT: Any objection?

2 MR. EDGEWORTH: No objection, Your Honor.

3 MR. WHITE: Now --

4 THE COURT: So admitted.

5 MR. WHITE: Thank you, Judge.

6 (WHEREUPON, State's Exhibit Number 1, Waiver of Rights
7 Form, was admitted into evidence.)

8 BY MR. WHITE:

9 Q: Now, at any time during the interview, did he appear to
10 be under the influence of drugs or alcohol?

11 A: No, sir.

12 Q: Did he seem to understand what you were asking him and
13 what was being asked of him?

14 A: Yes, sir.

15 Q: Was there any coercion or duress applied to Mr.
16 Carmichael to get him to give you a statement?

17 A: No, sir.

18 Q: And aside from some redactions that are made to that --
19 well, let me ask you this way. Did you during the course of
20 that interview ask him about his prior criminal history?

21 A: I think I may have alluded to my familiarity with him, my
22 personal knowledge, but no speculations. No, sir.

23 Q: Now, at some point around the 13-minute mark, he does
24 make an unequivocal request for an attorney; is that right?

25 A: Yes.

ASHLEY SHELLEY - DIRECT BY MR. WHITE

1 Q: Now, other than the redactions made as it pertains to
2 prior criminal history and stopping at that point, are there
3 any other redactions made to that video that you're aware of?

4 A: Not that I'm aware of, no.

5 MR. WHITE: Judge, at this time I would move State's
6 Exhibit 2, which is a redacted confession or the statement
7 made by Quinterris Carmichael on that date, into evidence.

8 THE COURT: Any objection, Mr. --

9 MR. EDGEWORTH: No. Is this the modified version?

10 MR. WHITE: Yes.

11 MR. EDGEWORTH: No objection.

12 MR. WHITE: I beg the Court's indulgence.

13 THE COURT: It's really not your hearing, Mr. Ammons, but
14 I'll ask you. Do you have any objection to anything thus far?

15 MR. AMMONS: No objection, Your Honor.

16 THE COURT: All right. Thank you.

17 (WHEREUPON, State's Exhibit Number 2, video statement on
18 disk, was admitted into evidence.)

19 BY MR. WHITE:

20 Q: I think when y'all first started the interview, you
21 provided him with some water; is that right?

22 A: Yes. We moved his handcuffs from the rear to the front,
23 and I think they were ultimately removed entirely, if I'm not
24 mistaken. We provided him with some water just to make him
25 comfortable.

ASHLEY SHELLEY - DIRECT BY MR. WHITE

1 Q: And was that an effort to make him more comfortable?

2 A: Sure, yeah.

3 Q: And did you make him any threats or any promises to him
4 to get him to give you a statement on that date?

5 A: Absolutely not, no.

6 MR. WHITE: That's all I have, Judge.

7 THE COURT: Mr. Edgeworth?

8 MR. EDGEWORTH: Okay.

9 CROSS-EXAMINATION

10 BY MR. EDGEWORTH:

11 Q: And I apologize. It's Investigator Shelley or --

12 A: It was at that time.

13 Q: Okay. What are you called now?

14 A: I'm a sergeant with the police department.

15 Q: Okay. Sgt. Shelley. Okay. So let's just make sure the
16 record is clear on this. Do you, in fact, recall having an
17 interrogation with Mr. Carmichael on September 20th, 2019?

18 A: Yes.

19 Q: Okay. And do you recall -- well, you already testified,
20 but you confirmed that at the time of the interrogation, he
21 was, in fact, in custody; correct?

22 A: Correct.

23 Q: Okay. And although it's been described as an interview,
24 you would agree with me that you were, in fact, interrogating
25 Mr. Carmichael?

ASHLEY SHELLEY - CROSS BY MR. EDGEWORTH

1 A: Just questions were asked. Yes, I guess it could be
2 interpreted as an interrogation, sure.

3 Q: You're familiar with what an interrogation is, of course?

4 A: Sure.

5 Q: You would consider that what's been phrased as an
6 interview was, in fact, a police interrogation of Mr.
7 Carmichael on September 20th, 2019; isn't that true?

8 A: Sure.

9 Q: Okay. Now, in the beginning of -- and you please let me
10 know if you don't remember, but in the beginning of your
11 interrogation, you actually referred to my client by a street
12 name. Do you recall that?

13 A: I do.

14 Q: Okay. And that was before you mirandized him; isn't that
15 true?

16 A: To the best of my recollection, I would have addressed
17 him by that, yes.

18 Q: Okay. And that's because you have already testified that
19 you have some type of familiarity with Mr. Carmichael prior to
20 this engagement?

21 A: Yes.

22 Q: And prior to this interrogation?

23 A: Correct.

24 Q: Okay. And in fact, during that -- during the
25 interrogation, you referred or reminded Mr. Carmichael of

ASHLEY SHELLEY - CROSS BY MR. EDGEWORTH

1 other contacts, law enforcement contacts, that you had with
2 Mr. Carmichael?

3 A: Correct.

4 Q: And you stated that knowing that this thing was being
5 recorded?

6 A: Correct.

7 Q: Okay. Now, the video is actually turned on before you do
8 anything; right?

9 A: Correct.

10 Q: Okay.

11 A: Before I come into the room.

12 Q: So it's running when the guy comes -- when Mr. Carmichael
13 comes into the room?

14 A: Correct.

15 Q: Okay. Do you remember who else was in the room with you?

16 A: At that time, from reviewing the video, I believe Lt.
17 Nida would be who is present in the video prior to myself.

18 Q: Okay. And he's the one who, in fact, offered Mr.
19 Carmichael water; right?

20 A: I don't recall.

21 Q: You don't recall?

22 A: No.

23 Q: Did you have the opportunity to actually review the video
24 that's been placed into evidence for purposes of this hearing?

25 A: A portion of it, yes.

ASHLEY SHELLEY - CROSS BY MR. EDGEWORTH

1 Q: Did you watch the one that's been placed into evidence?

2 A: Yes.

3 Q: Okay. Prior to today, have you watched the video of the
4 entire interrogation?

5 A: I have not.

6 Q: Okay. So would you agree with me that at approximately
7 3:37 into the thing that's when you refer to my client by his
8 street name?

9 A: I don't know what time, but I do remember doing that,
10 yes.

11 Q: And it was before he was mirandized?

12 A: I don't recall when.

13 Q: All right. Now, do you recall at approximately five --
14 at five minutes into the interrogation that my client, Mr.
15 Carmichael, asked can I get a lawyer?

16 A: Yes.

17 Q: Okay. And -- and do you recall you telling him if you
18 have one on retainer?

19 A: I don't recall specifically saying that.

20 Q: Do you deny saying that to him?

21 A: I said I don't recall saying that to him.

22 Q: Okay. Do you recall continuing on with your
23 interrogation after he asked can I get a lawyer?

24 A: Yes.

25 Q: Okay. And you are familiar with -- I'm sorry. This is

ASHLEY SHELLEY - CROSS BY MR. EDGEWORTH

1 the document that you went over with Mr. Carmichael? That is
2 it?

3 A: Yes, sir.

4 Q: And that is a standard form that the police department
5 uses?

6 A: Yes, sir.

7 Q: Okay. And in that form it says you have the right to an
8 attorney?

9 A: Yes, sir.

10 Q: It says specifically, for the record, you have the right
11 to talk to a lawyer and have him present with you while you
12 are being questioned?

13 A: That's correct.

14 Q: If you cannot afford to hire a lawyer, one will be
15 appointed to represent you before any questions, if you wish?

16 A: That's correct.

17 Q: And at the 5:33 mark of this video just after you have
18 him sign that document, he asked for a lawyer; isn't that
19 true?

20 A: If he asked for a lawyer or could he get a lawyer?

21 Q: That's right.

22 A: If he could get one.

23 Q: Right.

24 A: Yes, sir, he did ask could I get a lawyer.

25 Q: Okay.

ASHLEY SHELLEY - CROSS BY MR. EDGEWORTH

1 A: Yes, sir.

2 Q: And did you not understand that to mean that he was
3 invoking his right to counsel?

4 A: No, sir. Not him asking if he could get one.

5 Q: My apologies. Will you state that again for the record?

6 A: Not him asking if he -- if he could get a lawyer.

7 Q: Right. And your response to him was do you have one on
8 retainer?

9 A: Okay.

10 Q: Do you recall that?

11 A: I don't recall that part, but if you're saying from the
12 video that that's what I said, I believe you.

13 Q: Okay. So your response when someone says can I get a
14 lawyer is if you have one on retainer?

15 A: In this particular instance.

16 Q: Okay. And you do recall that this document right here
17 says, that you had him sign, one will be appointed for you if
18 you can't afford one?

19 A: Yes, sir.

20 Q: Okay. All right. Now, do you recall at the 7:55 mark
21 when my client asked for a lawyer, again you say you don't
22 need a lawyer, he'll just trick you?

23 A: No, sir.

24 Q: Okay. Do you recall at the 10:58 mark when you advised
25 my client that he had gotten away with an armed robbery?

ASHLEY SHELLEY - CROSS BY MR. EDGEWORTH

1 A: No, sir. I don't recall that.

2 Q: Okay. On your direct examination, you agreed with the
3 State that at approximately 13:35 into the interrogation when
4 my client asked for a lawyer for a third time, that is when
5 the interrogation should have suspended; correct?

6 A: I'm sorry. Can you ask me one more time? I'm sorry.

7 Q: Sure. On direct examination from the State, you agreed
8 that at the 13:35 mark that when my client asked for a lawyer
9 for the third time, that that is when this custodial
10 interrogation should have ended; isn't that true?

11 A: Correct.

12 Q: Okay. Before today -- well, take that back. After that
13 third request, do you recall continuing on in this
14 interrogation for another approximately 13 minutes?

15 A: I don't recall the exact times. No, sir.

16 Q: Okay. Do you recall at some point you just decided to
17 end the interrogation because my client was not speaking with
18 you about the case?

19 A: I don't recall that part either. I'm sorry.

20 Q: Okay. You do agree with me though that the video that
21 you say you watched that's going into evidence today is much
22 shorter than your interview that you had at the time of the
23 interrogation?

24 A: My understanding is it's a shorter version, yes, sir.

25 Q: Okay. Do you acknowledge that during the course of the

ASHLEY SHELLEY - CROSS BY MR. EDGEWORTH

1 interrogation, and not the one that's before the Court, in
2 that video that my client asked for an attorney five times
3 before you ended the interrogation?

4 A: I don't recall the number of times.

5 Q: But you wouldn't disagree that that took place; correct?

6 A: I don't recall the number of times, just what I have
7 reviewed myself, which is the shortened version of it.

8 Q: Okay. All right. Is it your general practice to
9 continue the interrogations once the defendant has asked for
10 an attorney?

11 A: No, sir.

12 Q: Okay. Then why did you go forward with this
13 interrogation after multiple requests for an attorney?

14 A: I feel that the questions that I'm asking were prodding
15 questions. There have been times that I've had conversations
16 with people after they have requested an attorney, but kept
17 the subject matter off of the case at hand or continued to
18 converse with those folks, but I wouldn't have asked any
19 questions that may incriminate them were they to answer those
20 questions. Prodding, I guess, would be the word that I'm
21 looking for.

22 Q: Okay. Do you believe that that is what you're supposed
23 to be doing? Continuing to talk to an in-custody person?

24 A: I would say it would be safe to err on the side of
25 caution and not speak to them at all. Sure. I would agree

ASHLEY SHELLEY - CROSS BY MR. EDGEWORTH

1 with that.

2 Q: Okay. But you would agree in this case that after
3 multiple requests you continued the interrogation?

4 A: Sure. I agree with that.

5 Q: Okay.

6 A: If it's --

7 Q: And only today are we hearing that after about three
8 requests do you believe that there was an -- as the State
9 called it, an unequivocal request for an attorney?

10 A: Correct. A direct request or unequivocal. Correct.

11 Q: Okay. Was that your idea or the State's idea?

12 A: No, sir. In terms of the direct request for an attorney.

13 Q: Okay. Whose idea was it that it's now known or termed as
14 unequivocal?

15 A: I didn't know that that was anybody's. It's certainly
16 not anything that I said today.

17 Q: Okay. So for the record then, you don't listen for an
18 unequivocal request for an attorney during your
19 interrogations, do you?

20 A: Not necessarily.

21 Q: Okay. In fact, what you do is you continue with your
22 interrogation until you just decide that you're not getting
23 anything out of the person who is in custody?

24 A: I would say that I would be more on the lookout for
25 somebody's definitive statement for it. I will have people

ASHLEY SHELLEY - CROSS BY MR. EDGEWORTH

1 who aren't familiar with the system that may ask that
2 question, you know, do you think I should get an attorney, and
3 I can't give them legal advice. I can only tell them that
4 they have the right to an attorney, if they want one.

5 Q: But that's not the facts that we're talking about.
6 There's no testimony and you don't recall, do you, my client
7 didn't ask you whether or not he should get an attorney;
8 correct? He didn't ask you should?

9 A: I believe that was the way he phrased it on the -- on the
10 first statement that he made when he referenced counsel. I
11 believe that's -- and again, I'd have to look at it or a
12 transcript or something.

13 Q: I'll just refresh your recollection one more time and
14 then I think we can be done with this, but you do not deny
15 that at 5:33 during that interrogation that Mr. Quinterris
16 Carmichael says can I get a lawyer?

17 A: Correct.

18 Q: And you continued on with that interrogation; true?

19 A: Correct. I did speak to him further.

20 MR. EDGEWORTH: No further questions, Your Honor.

21 THE COURT: Mr. White?

22 MR. WHITE: Judge, at this time I'll play the video so we
23 can clear it up.

24 Ms. Elaine, can you switch us over, please, ma'am?

25 And, Judge --

ASHLEY SHELLEY - REDIRECT BY MR. WHITE

1 BY MR. WHITE:

2 Q: I mean, the video is the best evidence of what occurred
3 during that interview; is that right?

4 A: I agree with that, yeah.

5 Q: Okay.

6 MR. WHITE: Judge, I ask permission to publish the video
7 so you can see it.

8 THE COURT: Would you turn the volume up?

9 MR. WHITE: Ms. Elaine, can you turn the volume on?

10 (WHEREUPON, State's Exhibit Number 2, video statement on
11 disk, was played in court. Not transcribed herein.)

12 (WHEREUPON, the video was stopped.)

13 BY MR. WHITE:

14 Q: Investigator Shelley, who is that in the room there with
15 you?

16 A: That's Lt. William Nida. Want to try it again? That's
17 Lt. William Nida.

18 (WHEREUPON, the video resumed playing and was then
19 stopped.)

20 MR. WHITE: Ms. Elaine, can you turn the volume up?

21 (WHEREUPON, the video resumed playing and was then
22 stopped.)

23 MR. WHITE: Judge, can you hear that okay? I've got the
24 volume turned all the way up on my end.

25 THE COURT: You can play it. I'll see what I can hear.

1 (WHEREUPON, the video resumed playing.)

2 (WHEREUPON, the video ended, and the proceedings resumed
3 as follows.)

4 MR. WHITE: Thank you, Investigator Shelley.

5 Judge, that's all I have.

6 THE COURT: Anything? Mr. Edgeworth, anything else?

7 MR. EDGEWORTH: Not unless the Court requires an
8 argument.

9 THE COURT: Sir, you may step down. Thank you.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: Anything else from the State on that as far
12 as any testimony or anything?

13 MR. WHITE: No more testimony, Judge.

14 THE COURT: All right. Mr. Edgeworth, I'll hear from
15 you.

16 MR. EDGEWORTH: Thank you, Your Honor. May it please the
17 Court.

18 Your Honor, it's my position and my client's position
19 that this video and associated testimony should be suppressed.
20 It's a complete and utter violation of my client's Fifth
21 Amendment rights.

22 It is clear and it's been testified to that Mr.
23 Carmichael was in custody. He was being interrogated as a
24 suspect in a -- in the murder that we are here for. It's been
25 admitted by law enforcement by the investigator, Sgt. Shelley.

1 It is clear from watching even the redacted video that my
2 client asked for an attorney while he was being given his --
3 even being read, I mean, verbatim the waiver form, and when my
4 client asked for counsel, asked to call his attorney, it's
5 kind of sidestepped and continued on.

6 And I believe that that is just -- whether it's a law
7 enforcement tactic or otherwise, there was no cooling off
8 period for him to continue to talk, which would be required.
9 He asked for an attorney on multiple additional occasions,
10 some of which have been redacted along with some of the other
11 inappropriate commentary that was made during the -- during
12 the interrogation.

13 I believe it's abundantly clear. He testified he doesn't
14 even know what unequivocal means as it relates to -- as it
15 relates to an assertion for the attorney, but I think it's
16 clear he asked for his attorney on multiple occasions. The
17 unequivocal nature, obviously, has been brought up by the
18 State due to case law. If the Court were to see the entire
19 video, it is -- this goes on for another 13 minutes after --
20 after they now concede it should have at least ended at the
21 13:00 mark.

22 So I would ask the Court to suppress the video, and in
23 addition I'd make the additional and alternative argument that
24 there is literally no way to cut and splice this video and
25 take out all of the inappropriate, inflammatory investigative

1 hearsay without being prejudicial to my client to the jury. I
2 mean most of the conversation is by the interrogator and just
3 putting thoughts and ideas out there to the world after my
4 client has asked for an attorney, but things that certainly
5 would be left up to the State to try to prove from the witness
6 stand in front of the jury. So I would ask the Court to
7 suppress that video as part of this trial in this case.

8 THE COURT: Thank you.

9 Mr. White?

10 MR. WHITE: Judge, that initial statement, can I get a
11 lawyer, is just not a clear indication of, you know, his right
12 to counsel. And furthermore, the statement is made while
13 Investigator Shelley is going over his Miranda rights, and
14 Investigator Shelley just says, hey, let me continue
15 explaining this to you and after that then we'll talk, and
16 that's what he does. He goes through his Miranda rights and
17 at that point he waives the Miranda rights, he initials the
18 Miranda form, and then he gives a short interview. Judge, I
19 agree at 13 -- at the 13:00 mark, that is a clear and
20 unequivocal indication of the right to counsel, but I just
21 don't feel that that initial statement is a clear indication.

22 Judge, I don't know what Mr. Edgeworth is referring to.
23 I have spliced and edited all the prejudicial information out.
24 Here it is. I don't know if he's saying I can't do it. I
25 have done it.

1 Everything that remains outside of that is your standard
2 fare. Judge, this is a standard interview outside of that
3 initial, again, not clear indication of his right to counsel,
4 and I would ask that I be able to admit it and publish it to
5 the jury.

6 THE COURT: How about getting me a copy of it so maybe I
7 can better understand what's being said here. I couldn't half
8 hear what the defendant was saying, especially right there at
9 the end. Get me a video.

10 MR. WHITE: Yes, sir, Judge.

11 THE COURT: And I don't have a -- I don't know that I
12 have a CD player.

13 MR. WHITE: Okay. We'll get it figured out one way or
14 the other. There is a disk there.

15 THE COURT: I don't know if I still have a CD player in
16 my bag.

17 THE LAW CLERK: I have it in my bag.

18 THE COURT: All right. Deyjenay says she's got a player.
19 So --

20 MR. WHITE: Okay.

21 THE COURT: All right. I'll listen to it again. I'll
22 let you know.

23 MR. WHITE: Yes, sir. Thank you, Judge.

24 MR. EDGEWORTH: Thank you, Judge.

25 THE COURT: All right. Next matter. Mr. Ammons?

1 MR. AMMONS: Yes, Your Honor. At this time we would make
2 a motion to suppress any evidence that was obtained from a
3 search warrant search conducted on the premises of [REDACTED] Sanborn
4 Street here in Florence, South Carolina, Your Honor.

5 THE COURT: All right. Mr. White?

6 MR. WHITE: Judge, I can certainly call Investigator
7 Chatlosh, who had that search warrant and executed that search
8 warrant, but I think the search warrant speaks for itself.
9 Judge, I think he's challenging the probable cause nature of
10 the search warrant, and under South Carolina law probable
11 cause determinations are evaluated under a totality of the
12 circumstances test in which the task of the issuing magistrate
13 or in this case municipal court judge is simply to make a
14 practical commonsense decision whether, given all the
15 circumstances set forth in the affidavit before him, there is
16 a fair probability that contraband or evidence of a crime will
17 be found in a particular place.

18 Judge, that meets the standard here. At the time of the
19 issuance of this search warrant, Investigator Chatlosh and
20 investigators at the city had the video surveillance that
21 captured Tirik Johnson-Epps firing shots at Tydrecus Williams.
22 They then went on Facebook and tried to track down who this
23 individual could be, this individual with the long dreads who
24 is firing the shots.

25 They are able to obtain a vehicle collision report that

1 --

2 MR. WHITE: No, sir, Judge.

3 THE COURT: -- as it relates to those issues?

4 MR. WHITE: No, sir, Judge.

5 THE COURT: Mr. Edgeworth?

6 MR. EDGEWORTH: Nothing from the defense, Your Honor.

7 THE COURT: Mr. Ammons?

8 MR. AMMONS: Nothing, Your Honor.

9 THE COURT: All right. If you'll bring me Ms. Hickson,
10 please, Juror Number 75.

11 THE BAILIFF: All right.

12 (WHEREUPON, Juror Number 75 entered the courtroom, and a
13 bench conference was held with the juror as follows.)

14 THE COURT: All right. I have Ms. Hickson back in here,
15 Juror Number 75, Ms. Latoya Hickson.

16 Ms. Hickson, based upon my questioning of you, as well as
17 my observations of you and your responses to my questions and
18 after consultation with the attorneys involved in this case, I
19 am going to release you from serving, and you're free to go.

20 JUROR NUMBER 75: Thank you.

21 (WHEREUPON, the bench conference ended, and Juror Number
22 75 exited the courtroom.)

23 THE COURT: All right. Now, we'll move quickly into the
24 Court's rulings on motions from yesterday.

25 As it relates to Mr. Edgeworth's motion to suppress the

1 statement of defendant Carmichael, when we broke yesterday, I
2 asked for a -- for the audio and video recording of defendant
3 Carmichael's statement. Pursuant to the testimony that was
4 elicited from the stand yesterday or during the court
5 proceedings, the audio/video portion of the statement was
6 played by the State.

7 I had a very difficult time hearing what exactly was said
8 by any of the parties that were in the video. So I took that
9 CD. I was able to play that CD in my office on my laptop with
10 my speakers and watched that video multiple times yesterday
11 afternoon before I left here and again this morning when I
12 came in.

13 As you all know, to introduce a statement made after an
14 accused has been advised of his rights, the State must prove
15 by a preponderance of the evidence that he voluntarily,
16 knowingly, and intelligently waived those rights. That's
17 citing *State v. Reed*, 332 S.C. 35.

18 A valid waiver does not require that a suspect be
19 informed of all information useful in making his decision or
20 all information that might affect his decision to confess.
21 That's *Moran, M-o-r-a-n, v. Burbine*, 106 S.Ct. 1135, which is
22 a 1986 case.

23 In reviewing the CD, the audio/video portion, of this
24 yesterday, at approximately the 5:22 mark of the statement or
25 the video recording, the defendant Carmichael states, "I can

1 get my lawyer up here right now." The response from law
2 enforcement is, "If you have one on retainer, they can come up
3 here."

4 That in and of itself or that statement from law
5 enforcement does to some extent bother me. However, after
6 making that statement, law enforcement continues and proceeds
7 to advise the defendant of his rights in going through the
8 Miranda form.

9 It is noted that, furthermore, law enforcement -- and I
10 didn't write down the timing of it, but law enforcement tells
11 the defendant that if at any time he wants a lawyer -- and I'm
12 paraphrasing here, but any time he wants a lawyer, then the
13 questioning will stop, that they won't be talking anymore.

14 Pursuant to *State v. Wanamaker*, 346 S.C. 495, the trial
15 court in that case found that defendant or the appellant did
16 not make an unequivocal request for an attorney. The Court
17 goes on to say, furthermore, any defects, if they existed at
18 all, were cured by the subsequent Miranda warnings given prior
19 to taking the third statement.

20 In this case, the Court believes that the defendant
21 stating -- and again, in quotes, "I can get my lawyer up here
22 right now" is not an unambiguous request for counsel.
23 Furthermore, as I stated previously, law enforcement proceeded
24 to advise the defendant of his rights pursuant to Miranda, and
25 the defendant initialed the Miranda form, signed the Miranda

1 form, after having been advised of his rights.

2 As you get further into the statement, at approximately
3 the 12:55 mark in the video, the defendant states, "I need my
4 lawyer, bro." I believe at that point that that is an
5 unequivocal, unambiguous request for counsel.

6 Upon making that statement, law enforcement in turn asked
7 the defendant, "Let's be clear, you want your lawyer?" After
8 making that statement, the defendant continues to proceed in
9 talking. At that juncture or shortly thereafter without any
10 further questioning from law enforcement, the video is
11 stopped.

12 Pursuant to *State v. Kennedy*, 333 S.C. 426, which is a
13 1998 case, it says once an accused requests counsel, police
14 interrogation must cease unless the accused himself initiates
15 further communication, exchange, or conversations with the
16 police.

17 Now, in this particular situation, the defendant
18 requested counsel, again at approximately the 12:55 mark.
19 What was said by law enforcement after that invocation,
20 unambiguous request for counsel, was not a question of
21 interrogation. It was not a question of interrogation, but
22 the defendant of his own volition continued to talk.

23 I believe after reviewing the video in its entirety that
24 it would be admissible under the totality of the
25 circumstances. I do not believe that such statement by the

1 defendant was involuntary, and I believe the State has set
2 forth sufficient evidence by a preponderance of the evidence
3 that the statement was voluntary and, therefore, it will be
4 allowed.

5 But your objection, Mr. Edgeworth, is so noted for the
6 record. Okay?

7 MR. EDGEWORTH: Thank you, Judge.

8 THE COURT: All right. Now, as it relates to Mr.
9 Ammons's motion to suppress, Mr. Ammons, I didn't have the
10 benefit of watching a video, as I did in Mr. Edgeworth's
11 situation, but I did have the benefit of your very well-
12 drafted memo, as well as your attachment of the affidavit of
13 the search warrant, the search warrant itself, as well as the
14 return.

15 I also -- when we broke yesterday, you had handed up the
16 case of *State v. Baccus*, which is a 2006 case, 367 S.C. 41. I
17 appreciate you providing me with a hard copy of that -- of
18 that case. When we broke yesterday, I conveyed to you that I
19 would read this case that you had handed up to me, and I read
20 the case last night and again briefly looked at it this
21 morning.

22 In the case of *State v. Baccus*, you are correct, Mr.
23 Ammons, in that the Court did find that the affidavit at issue
24 in that case were, in essence, conclusory statements, which,
25 in essence, did not give the magistrate a basis to make a

1 judgment regarding probable cause.

2 I think it's important to kind of set out the facts a
3 little bit in the *Baccus* case, and in the *Baccus* case the
4 defendant was accused of committing a murder over in Marion
5 County. Subsequent to the murder in that case, defendant
6 Baccus returned to Florence County. A Florence County
7 Sheriff's deputy was subsequently contacted. That would have
8 been, I believe, Officer Barry Price, who in turn arrested
9 defendant Baccus.

10 In addition to Barry Price with the Florence County
11 Sheriff's Office being contacted, Officer Amber McDaniel was
12 also contacted by the Florence County -- excuse me. Amber
13 McDaniel was employed with the Florence County Sheriff's
14 Office. She was contacted by Officer Turbeville of the Marion
15 County either Police Department or Sheriff's Department.

16 Officer Turbeville conveyed to Officer McDaniel here in
17 Florence information pertaining to the incident over in Marion
18 County and, pursuant to that information given to Officer
19 McDaniel by Turbeville, McDaniel completed an affidavit for a
20 search warrant with information that was supplied from
21 Turbeville.

22 During the suppression hearing, McDaniel testified that
23 she did not know any particulars regarding the homicide at the
24 time that she requested the warrant. Furthermore, she
25 testified that she did not know why appellant was a suspect.

1 She also stated that she told the magistrate that she had
2 received a phone call from Turbeville regarding a homicide and
3 that appellant had been arrested. Furthermore, she did not
4 remember telling the magistrate anything not contained in the
5 affidavit for the search warrant.

6 In *State v. Baccus*, it cites the case of *State v. Smith*,
7 301 S.C. 371, which is a 1990 case. In *State v. Smith*, there
8 was an affidavit as well. The Court concluded in *State v.*
9 *Smith* that the affidavit was defective because it set forth no
10 facts as to why -- why police believed Smith robbed the Master
11 Host Inn.

12 *Baccus* goes on to state that mere conclusory statements
13 which give the magistrate no basis to make a judgment
14 regarding probable cause are insufficient, citing *State v.*
15 *Weston*, 329 -- 329 S.C. 287. In *State v. Weston*, it says an
16 affidavit supporting a search warrant could not have been
17 provided substantial basis for finding probable cause to
18 search Weston's car when the affidavit failed to set forth any
19 facts as to why police -- why police believed Weston committed
20 the crime. Again, the Court is looking at the affidavit,
21 implying the affidavit needs to state why police believe
22 defendant committed the crime.

23 In the case before this Court, the affidavit as it
24 pertains to Mr. Epps, the affidavit certainly gives Mr. Epps's
25 name. The affidavit further states -- and I'm not -- I'm not

1 saying everything on the record here. The affidavit speaks
2 for itself, but also requests that they be looking for
3 matching clothing from the night of the incident, along with
4 firearms and other evidence that could be related to the
5 homicide. The description of the premises to be searched
6 states the address of the residence and goes on into further
7 detail as to the description of the residence.

8 In looking at the reasons for the affiant's belief that
9 the property sought is on the subject premises, it states
10 certainly that officers responded to the Tiger Mart at 207 W.
11 Lucas Street. That they located a deceased individual.
12 Through several means of identification, the one suspect was
13 identified and lives at this address.

14 While it's not -- while this portion does not
15 specifically state the suspect being Tirik Johnson-Epps, Tirik
16 Johnson-Epps is named in the affidavit as a defendant. It
17 further states that the individual lives at this address,
18 referring to the [REDACTED] Sanborn Street under the description of
19 premises to be searched. The reason for the affiant's belief
20 further states that the individual that was shot numerous
21 times by the defendant and the co-defendant, and the incident
22 was captured on video.

23 So, in essence, it's this Court's opinion after reviewing
24 *Baccus*, after reviewing this affidavit, that the affidavit
25 clearly sets forth why they want to search this residence, as

1 required by *Baccus*.

2 I will further say that under *Illinois v. Gates*, 462 U.S.
3 213, which is a 1983 U.S. Supreme Court case, it says a
4 magistrate, not the police or other person seeking the
5 warrant, must make a practical commonsense decision of whether
6 given the totality of the circumstances set forth in the
7 affidavit, including the veracity and basis of knowledge of
8 those supplying information, there is a fair probability that
9 contraband or evidence of a crime will be found in a
10 particular place.

11 The Court believes based upon its review of the affidavit
12 that such practical commonsense decision based upon the
13 totality of the circumstances would lead a magistrate to
14 believe that there is a fair probability that contraband or
15 evidence of a crime will be found in a particular place, and
16 that particular place in this case being at [REDACTED] Sanborn Street
17 in the city of Florence.

18 So, therefore, the Court is respectfully denying
19 defendant's request to suppress, but your objection as well,
20 Mr. Ammons, is so noted for the record.

21 MR. AMMONS: Thank you, Your Honor.

22 THE COURT: All right. Anything further from the State
23 at this time?

24 MR. WHITE: Judge, the last thing from the State as far
25 as evidentiary issues is one of the -- and I'll grab it right

1 now. I can't remember which exhibit it is. State's Exhibit 3
2 has been previously stipulated to by the parties. I'd move it
3 into evidence at this time.

4 THE COURT: What is that?

5 MR. WHITE: It's the video surveillance from the
6 convenience store where this occurred. I talked to Mr. Ammons
7 and Mr. Edgeworth. They had no problem stipulating. I would
8 move that particular piece into evidence.

9 MR. EDGEWORTH: Your Honor, I would object to that. I
10 mean, number one, I don't think we can put it into evidence
11 because we still need the foundation for it to be moved into
12 evidence. I think the State is doing that so that they can
13 play it during the opening, which I would object to because I
14 think it would be prejudicial for the jury to see a video
15 that's not in evidence yet.

16 I think they need -- the State can tell the jury that you
17 will see a video, but it will completely distract the jury
18 from the remainder of the case if they were to view the video
19 during the opening statement. I would -- I would object to
20 that explicitly.

21 THE COURT: And that clears up that it's not been
22 stipulated to. Mr. White, you will need to lay the foundation
23 to introduce it.

24 MR. WHITE: And, Judge, I relied upon their statement
25 that they were going to stipulate to it.

1 THE COURT: And that's fine.

2 MR. WHITE: But so I --

3 THE COURT: And evidently --

4 MR. WHITE: I've got a call that witness and track that
5 witness down, but I did rely on their word that it would be
6 stipulated to.

7 MR. EDGEWORTH: Well, may I make that clear though, Your
8 Honor? We stipulated to the fact that the State would not
9 have to call the owner of the Tiger Mart, not that it was
10 admissible. That he wouldn't need the owner to lay the
11 foundation for it to be admissible.

12 THE COURT: Well, listen, I'm not going to get into what
13 discussions y'all may or may not have had beforehand. It's
14 clear that you're not stipulating to the admission of it.
15 What y'all said separate and apart from y'all, I was not a
16 party to those discussions. Y'all can either figure it out or
17 y'all can take the proper steps to get it admitted. Okay?
18 Fair enough?

19 MR. WHITE: Yes, sir, Judge.

20 MR. EDGEWORTH: Thank you, Judge.

21 THE COURT: All right. I'm going to stand down for just
22 a couple minutes, and then I'll come back out here and we'll
23 start the trial.

24 (WHEREUPON, there was a break in the proceedings from
25 10:00 a.m. until 10:13 a.m., after which the proceedings

1 resumed as follows.)

2 THE COURT: Can the lawyers approach a minute while
3 they're getting the defendants out?

4 (WHEREUPON, a bench conference was held as follows.)

5 THE COURT: Do y'all have any concerns about the number
6 of people that are in here?

7 MR. WHITE: A little bit.

8 MR. AMMONS: A little bit.

9 THE COURT: All right. Is there some allegations in this
10 being gang-related?

11 MR. WHITE: No, I don't think so, but there is some bad
12 blood here, absolutely.

13 MR. EDGEWORTH: I think between the family holds -- the
14 victim's family obviously holds a lot of grudges.

15 MR. WHITE: We've had witnesses that have been getting
16 phone calls from no caller ID numbers that just -- that they
17 pick up and it just -- the people on the other end say do not
18 go, and then they hang up. They've been getting calls over
19 and over and over.

20 THE COURT: We can find out who that is, who's making
21 those calls. Okay. Well, I'm going to make a general comment
22 --

23 MR. WHITE: Okay.

24 THE COURT: -- about keeping in order. Huh?

25 MR. WHITE: And while we're up here, I was going to bring

1 the charge on the law by the Court, you will then be in a
2 position to determine what the facts are and to apply the law
3 to those facts and thus render a verdict.

4 Now, later in the case, a foreperson will be selected to
5 preside over deliberations in the jury room. It will be the
6 foreperson's added duty to be the jury's spokesperson here in
7 court, if necessary. It will also be the foreperson's duty to
8 write the verdict, but I will give the foreperson further
9 instructions about that at the conclusion of the case.

10 Now, in order to preserve everyone's rights, I will give
11 the attorneys an opportunity to object to anything that I have
12 said.

13 Any exception or objection to anything that I've said to
14 the jury from the State?

15 MR. WHITE: None on behalf of the State, Your Honor.

16 THE COURT: Mr. Edgeworth?

17 MR. EDGEWORTH: Nothing, Your Honor.

18 THE COURT: Mr. Ammons?

19 MR. AMMONS: No, Your Honor.

20 THE COURT: All right. The State is so recognized.

21 OPENING STATEMENT ON BEHALF OF THE STATE

22 MR. WHITE: You want smoke? You don't want no smoke.
23 You want smoke? Hand in your pocket. I'll make you strip
24 right now. Am I on that perc or something? Yeah, I'm high.
25 Is you high? Talking real gangster. I'm like that. I'm real

1 like that. You know I'm real like that.

2 Who is this? Your brother or something? What's good?
3 What you got in your pockets? You're in front of the cameras.
4 I know you're going to tell. You're in front of the cameras.
5 I know you're going to tell. I'll take you out of your shoes.
6 I'll pop you out of your fucking shoes.

7 I know you walking. Yeah, I know you walking. I don't
8 got to be in the car to do it. I'll stand right here with
9 you. You think you're gangster? I'll take your chain. You
10 think you're gangster? I'll take you out your shoes. What
11 you clutching on? What you clutching on? I ain't taking
12 nothing from what? I ain't taking nothing from what? Give me
13 that thing. Give me your chain. Bust it and I'll finish it.
14 I'll finish you.

15 Now, pardon me for the language, but I needed you to hear
16 it. I needed you to feel it because, ladies and gentlemen,
17 those are the words of a man who was itching for trouble.
18 Those are the words of a man who was looking for any
19 opportunity to hurt somebody else and, ultimately, ladies and
20 gentlemen, those are the words of a cold-blooded killer, and
21 those are the words of Quinterris Carmichael, who is seated
22 right here with his defense attorney.

23 And on September 12th, 2019, he and his co-defendant,
24 Tirik Johnson-Epps, seated right there, did just that. They
25 seized an opportunity to hurt someone. They seized an

1 opportunity to kill. And when they did, they killed an 18-
2 year-old kid who was minding his business. His name was
3 Tydrecus Williams and -- excuse me, his name is Tydrecus
4 Williams.

5 Ladies and gentlemen, it happened September 12th, 2019,
6 and it happened at the Speedy Mart here in Florence County.
7 Some people refer to it as the Tiger Mart, but it's known as
8 the Speedy Mart, and I'm going to show you. Can everyone see
9 that okay?

10 Ladies and gentlemen, this is the Speedy Mart here,
11 right there. This is 52. It turns onto Irby. You go down a
12 couple blocks right here, it brings you right to where you're
13 seated right now in the courthouse. This is the gas pump area
14 right here, ladies and gentlemen, and this is, like I said,
15 the Speedy Mart. After hours, the Speedy Mart has a counter,
16 a convenient counter where you can come and get whatever you'd
17 like from the convenience store.

18 At about 3:30 in the morning on September 12th, 2019, a
19 vehicle pulls in from this direction, and it parks right where
20 this car is parked in this photograph. The car is driven by
21 Tirik Johnson-Epps. Seated directly behind him, Quinterris
22 Carmichael. In the passenger front seat, there's a young lady
23 by the name of Tyrin Jones. You're going to hear from her.
24 This is her vehicle. Directly behind her is a young lady by
25 the name of Kami Mitchell. Kami was dating Quinterris

1 Carmichael, and Tyrin Jones was dating Tirik Johnson-Epps.
2 They come, they hang out, and the girls pretty much stay put,
3 but the guys come and go out of the vehicle.

4 And, ladies and gentlemen, this is all captured on video
5 surveillance. There is one video camera that comes out here
6 and it pretty much shows the car in this area, and it's good,
7 but it doesn't have any sound. But the camera here just above
8 the checkout window is fantastic. It's color, it's clear, and
9 it has sound.

10 And then there's a camera right here that's the worst of
11 the three. It's a black and white. It does have sound. It
12 glitches from time to time, but everything on that video and
13 everything you're going to need to convict these two
14 individuals, you're going to see. You're going to see it with
15 your own eyes.

16 At about 3:35, 3:40 in the morning, two individuals --
17 they walk from this direction to come to the store. They're
18 minding their own business. Their name is Kareem Jones and
19 the victim in this case, Tydrecus Williams. When they come to
20 the store -- and I'm going to show all this to you on video.
21 When they come to the store, they go directly to the counter.

22 And they are minding their business when Quinterris
23 Carmichael sees them, and he diverts his attention
24 immediately. He goes straight to them, and he starts talking
25 trash. And to their credit, they don't engage with him very

1 much. They keep their composure, but he talks everything I
2 just told you, all those comments, he talks to them, bullying
3 them. The whole while, Tirik Johnson-Epps is watching and
4 waiting.

5 Carmichael goes back to the car, still talking, and then
6 he walks out, walks right up to Kareem Jones, walks right past
7 Tydrecus Williams who is just standing there, walks right up
8 to Kareem Jones. He's got a drink in his hand. He slaps the
9 drink out of his hand, and then hits him in the face. His
10 head ricochets off the building. Almost at the exact same
11 time, Tirik Johnson-Epps gets out of the front pass -- front
12 seat driver's side of the car. He walks immediately -- and
13 I'm going to show you, ladies and gentlemen. It happens
14 quick, quick. There is no time.

15 The whole time Tydrecus Williams is retreating,
16 retreating, retreating, retreating, and Quinterris Carmichael
17 and Tirik Johnson-Epps are following him, and they start to
18 shoot. Tirik Johnson-Epps shoots him several times in his
19 legs.

20 At this point, Kareem flees. He runs this way. He goes
21 back to Tydrecus's girlfriend's house, and she calls 9-1-1.
22 Tirik Johnson-Epps goes back to his car where the girls were
23 still in the car, backs up. He drives to right here and stops
24 and waits on Quinterris Carmichael, who stalks his prey.
25 Tydrecus stumbles and falls, he drops his sandals and his cell

1 phone, and eventually he crawls and walks and limps over here,
2 and you can see on video Quinterris Carmichael follows him the
3 whole way, tracking him right behind him, and then they both
4 disappear off camera.

5 Well, off camera, we know because the pathology report
6 came back, that not only was he shot several times in his
7 lower body, he was also shot in his upper body, once in the
8 head. They bullied him, they shot at him, and then they
9 executed him. This is an execution-style murder of a young
10 kid who you're going to see on camera wasn't bothering a soul.

11 Now, Judge Brown mentioned it. These folks, they don't
12 have the burden. I do, and I proudly receive it. They don't
13 have to say a word, but if they did, if they were going to
14 imply and poke holes in a case, they would point to two
15 things. In this area right here, there's a magazine, you
16 know, that goes in a gun. It's got bullets in it, a .22
17 caliber magazine found right here in the roadway. It's run
18 over. It's crushed. Okay?

19 And then there's a hole in the side of the building right
20 here. There's no evidence that it's a bullet hole at all. It
21 could be a hole from a rock that kicked up from a weed eater or
22 it could be a bullet hole, but they are going to imply and
23 they could imply that because those two things exist that the
24 victim must have had a gun and that they are well within their
25 rights to execute him.

1 And if that comes up, I want you to remember two things.
2 Do this for me and repeat them back in your mind whenever they
3 come up. Number one, the most important thing, there is no
4 evidence whatsoever at all that the victim had a gun, none.
5 There was not a gun around the body. There was not a gun in
6 his hand, not a gun in his pocket, none.

7 The second thing, not quite as important but still
8 important, even if he had a gun, he would have been within his
9 right to shoot, and you're going to see that. Ladies and
10 gentlemen, from the time these guys start the assault, he's
11 retreating. He is moving this way, and they are following
12 him. Moving this way, moving this way, he's shot several
13 times, he limps here, falls here, comes over here, and then he
14 is executed right there.

15 I'm going to show you the video. We've got DNA evidence,
16 firearms, pathology. The person who did the autopsy is going
17 to come, is going to speak to you.

18 There are three different ways you can convict these two
19 individuals, and that doesn't happen every day. There are
20 three different ways, and you can use all three of them or you
21 can use one or you can use two.

22 The first is you're going to see Tirik Johnson-Epps fire
23 these shots, and then you're going to see Quinteris
24 Carmichael walk to the exact spot where he's executed, and you
25 can find that that is enough for murder, and I submit to you,

1 ladies and gentlemen, that it is.

2 The second way is called hand of one is the hand of all.
3 That they were acting in concert to kill this young man, and
4 they did so. And it doesn't matter who shot, they were both
5 involved. That's another way you can find him guilty of
6 murder.

7 And then the third way is called felony murder, and it's
8 quite simply that if a killing happens in the commission of a
9 violent crime, it doesn't really matter who pulled the
10 trigger. They're both guilty of murder.

11 And right here, you're going to hear it. I want you to
12 listen for it. Right here, he's saying what's in your
13 pockets, what you got in your pockets, and then when he hits
14 him, he says give me your chain. At the same time, Tirik
15 Johnson-Epps is coming and they're assaulting this guy and
16 later shooting him while saying give me your chain.

17 Ladies and gentlemen, that's attempted armed robbery.
18 That's a violent crime and, therefore, they would be guilty of
19 felony murder. Outright murder, hand of one/hand of all, and
20 felony murder, they are guilty of all three. You've got
21 options. You just don't see that every day.

22 Ladies and gentlemen, Tydrecus Williams was 18 years old,
23 and you're going to see on that camera he's just standing
24 there minding his own business. In fact, when Quinterriis
25 Carmichael was yelling and carrying on with Kareem Jones, this

1 young man doesn't even respond. He just stands there. The
2 beef is not even with him, but they killed him anyway. They
3 killed him because Kareem Jones ran off too fast and they just
4 wanted somebody to kill. They just wanted somebody to kill.

5 I appreciate you all being here. This is an important
6 case, and at the end of this case I am convinced that you're
7 going to have no problem convicting both of these individuals
8 of murder. Thank you.

9 THE COURT: Mr. Edgeworth.

10 MR. EDGEWORTH: Thank you, Your Honor. May it please the
11 Court.

12 OPENING STATEMENT ON BEHALF OF DEFENDANT CARMICHAEL

13 MR. EDGEWORTH: Ladies and gentlemen of this jury, what
14 you have just heard from the State is a theory, a theory.
15 They have told you what they believe happened, and the reason
16 why they're telling you what they believe happened is because
17 they really don't know. Are they going to be putting up
18 evidence? Sure. That's why we're here, but it's your job to
19 consider the evidence and determine whether or not that
20 reaches a burden beyond a reasonable doubt.

21 Now, my name is Josh Edgeworth, and I represent Mr.
22 Quinterris Carmichael. The State went out of their way to
23 make sure that you knew that before I even got up here. They
24 want to get you welled up. They want to tell you this was an
25 execution-style murder. They want to use words like stalk and

1 prey, as if they're animals, animals, but we are talking about
2 human beings and we are talking about facts.

3 They tell you you are going to see with your own eyes.
4 No, you are not. You will not see anyone executed. I promise
5 you that. You'll not see anyone get executed. Will you see a
6 dead body? Absolutely. Otherwise, we wouldn't be here.

7 They are telling you that the individual, the decedent,
8 the young man who is dead, was minding his own business. I
9 don't know about you, but I'm pretty sure the old saying after
10 midnight ain't nothing good. They told you that this happened
11 at 3 o'clock in the morning, well after three in the morning.
12 They showed you the picture of the gas station. He used the
13 word clutching, saying you can hear the word clutching on the
14 video, asking the young man whether he had a gun. Three
15 o'clock in the morning.

16 Now, let's go out of our way -- the State, let's go out
17 of our way to tell you in advance that, you know, you're going
18 to see, and this is going to be their strategy. That doesn't
19 change the fact that there was a magazine there on this
20 individual.

21 And I guess, lastly, the State is telling you that there
22 are many, many ways for you to convict, and we all know that's
23 not true. Each and every one of you have to determine that
24 the State has proved each and every element beyond a
25 reasonable doubt, way up here, I can stand up in the chair,

1 that their -- that that individual, Mr. Carmichael, committed
2 a murder, and I promise you, you will not see that.

3 THE COURT: Mr. Ammons?

4 MR. AMMONS: Thank you, Your Honor. May it please the
5 Court.

6 THE COURT: Yes, sir.

7 OPENING STATEMENT ON BEHALF OF DEFENDANT JOHNSON-EPPS

8 MR. AMMONS: Ladies and gentlemen of the jury, thank you
9 for being here today. I get the pleasure this week of batting
10 cleanup, so to speak. I get to go after Mr. White and the
11 State goes and after Mr. Edgeworth and try as best I can to
12 help point out the things that they've gotten wrong. By the
13 way, my name is Greg Ammons, and I represent Tirik Johnson-
14 Epps.

15 The State, in their opening, Mr. White tried to paint a
16 portrait, a picture, but I think what you're going to see at
17 the end of this week is that it's an unfinished picture.
18 There are parts of that picture that are missing. Imagine a
19 face, that it's a portrait of a face. The nose is missing,
20 ears are missing. Key parts are missing to this picture, and
21 the State is trying to -- is going to try to tell you that you
22 can just listen to what they say and fill it in.

23 Mr. White went through several things that -- obviously,
24 he showed you the exhibit or the diagram of the gas station.
25 I think he pointed out all these camera locations. What he

1 didn't point out is huge sections of the property that are not
2 on video, not covered by cameras.

3 Mr. Edgeworth is correct. You're just not going to see
4 an execution. You're not going to see it at all. Are you
5 going to see some shots fired? Yes. The State tells you that
6 it's clear that that's Mr. Johnson-Epps who fired the shots
7 that are on video.

8 I think you'll see when you see that video it's pretty
9 difficult to tell who is who and what is what and what's going
10 on on that video. And by and large, there is, again, things
11 that are happening. You can hear some things happening and
12 not see what's going on. All of that will become clear as you
13 see this video.

14 Another thing that you'll see on this video is there's a
15 lot of people, a lot of people that were at this gas station
16 at 3:30 in the morning, some interactions. You'll see some
17 interactions with people. I don't think you're going to hear
18 from any of them.

19 So as you go through this case, see the evidence that's
20 presented or the lack of evidence that's presented, I want you
21 to pay close attention. I want you to pay close attention to
22 the picture that's being painted. And when that picture is
23 unfinished and you don't know what the nose looks like and you
24 don't know what the ears look like and you don't know what
25 kind of hair this subject of this painting was going to have

1 and you can't complete the picture, you're going to have to
2 find that my client, Mr. Johnson-Epps, that these defendants
3 are not guilty.

4 Now, I want to point out both Mr. White and Mr. Edgeworth
5 -- both of them discussed the high bar. Mr. White embraces
6 it. He's got his work cut out for him. Mr. Edgeworth talked
7 about the high bar, said he can stand on the chair, it's that
8 high.

9 I want you to also know that as we sit here today, these
10 defendants are innocent. They are presumed innocent. This
11 trial starts today. When you look at them, they're innocent.
12 The State has got to prove to you beyond that reasonable
13 doubt, that high bar, that they're guilty, and I don't think
14 the evidence is going to bear that.

15 THE COURT: Call your first witness, please.

16 MR. WHITE: Thank you, Judge. At this time, the State
17 would call Kami Mitchell.

18 (WHEREUPON, there was a pause in the proceedings until
19 the witness entered the courtroom, after which the
20 proceedings resumed as follows.)

21 THE CLERK: Ma'am, please place your left hand on the
22 Bible and raise your right hand. Do you swear that the
23 testimony you give in this case will be the truth, the whole
24 truth, and nothing but the truth, so help you God?

25 THE WITNESS: Yes.

KAMI MITCHELL - DIRECT BY MR. WHITE

1 THE CLERK: Please be seated on the witness stand and
2 state your full name for the record.

3 THE WITNESS: How are you?

4 MR. WHITE: Hey.

5 KAMI MITCHELL, being first duly
6 sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. WHITE:

9 Q: Can you just state your full name for the record? Okay,
10 Kami?

11 A: Okay. My name is Kami Mitchell.

12 Q: And I know you're soft-spoken, but use that microphone so
13 everybody in this jury can hear you. Okay? Kami, where are
14 you from?

15 A: I'm from Florence, South Carolina.

16 Q: Have you lived here all of your life?

17 A: Yes.

18 Q: How old are you?

19 A: I'm 21.

20 Q: Have you got any kids?

21 A: Three kids.

22 Q: How old are they?

23 A: I have a three-year-old, I have a one-year-old, and I
24 have a three month-year-old [sic].

25 Q: You've got your hands full.

KAMI MITCHELL - DIRECT BY MR. WHITE

1 A: Yes.

2 Q: I know you want to get back to them. So I'm not going to
3 try to keep you long. Okay? Just answer my questions the
4 best you can. All right?

5 A: Yes.

6 Q: Kami, this incident happened September 12th, 2019. Were
7 you there at the incident location when this occurred?

8 A: Yes.

9 Q: And did you know the -- do you know the individuals on
10 trial here today?

11 A: Yes. I mean before this trial I wasn't familiar with
12 Tyrin or Tirik, but yes, as far as everyone else, yes.

13 Q: Are you more familiar with Quinterris Carmichael?

14 A: Yes.

15 Q: And why are you more familiar with him?

16 A: We were having sexual dealings.

17 Q: He was a boyfriend at that time?

18 A: No.

19 Q: Okay. But y'all were hanging out that night?

20 A: Yes.

21 Q: What had y'all been doing prior to arriving at the Speedy
22 Mart or the Tiger Mart as it's called?

23 A: Prior to arriving, we were partying at this place called
24 Willy's, just hanging out.

25 Q: And was everybody drinking?

1 A: Yes.

2 Q: Was Tirik Johnson-Epps and Quinterris Carmichael -- were
3 they drinking?

4 A: Yes.

5 Q: Were they using drugs?

6 A: Unsure.

7 Q: Did you know Quinterris Carmichael to use drugs?

8 A: Yes, but of that night I'm unsure. I mean we were just
9 hanging out, but we wasn't together. You know how the girls
10 hang over there and guys hang out there.

11 Q: Okay.

12 A: So that's how it was.

13 Q: Absolutely. Well, what I'm going to do now, Kami, is,
14 with the permission of the Court, I'm going to show you the
15 video and kind of walk you through it and ask you some
16 questions.

17 MR. WHITE: Judge, permission to publish that video.

18 THE COURT: Any objection?

19 MR. EDGEWORTH: No objection, Your Honor.

20 THE COURT: Mr. Ammons?

21 MR. AMMONS: No objection.

22 THE COURT: All right.

23 MR. WHITE: And, Judge, just for the record, so it's
24 clear, I am referring to State's Exhibit 3, which has been
25 stipulated to and moved into evidence. Permission to publish?

KAMI MITCHELL - DIRECT BY MR. WHITE

1 THE COURT: All right. Go ahead.

2 BY MR. WHITE:

3 Q: Okay. Kami, you let me know when it's on your screen.

4 A: Okay.

5 Q: Do you see it? I just want to make sure the ladies and
6 gentlemen of the jury can see it properly.

7 (WHEREUPON, State's Exhibit No. 3, surveillance video,
8 was played in open court. Not transcribed herein.)

9 BY MR. WHITE:

10 Q: All right. Kami, do you see that vehicle approaching?

11 A: Uh-huh. Yes.

12 Q: And whose vehicle is that?

13 A: Tyrin.

14 Q: And again, where did you say y'all were coming from?

15 A: This club named Willy's.

16 Q: And when y'all pull up, if you can remember, where was
17 everyone seated? Do you recall? Who was driving?

18 A: I was behind the driver, and Tyrin was in the passenger
19 seat. Tirik was driving.

20 Q: Okay.

21 A: And it's not on my screen anymore.

22 Q: I'm going to show you the next. Kami, do you see two
23 individuals getting out of the vehicle?

24 A: Yes.

25 Q: Do you recognize those two individuals?

KAMI MITCHELL - DIRECT BY MR. WHITE

1 A: Yes. That's who I was with.

2 Q: And the one in the front with the long dreads, can you
3 tell me who is that?

4 A: That's Tirik.

5 Q: And are you referring to Tirik Johnson-Epps?

6 A: Yes.

7 Q: And do you see him in the courtroom here today?

8 A: Yes.

9 Q: And who is the one exiting the back door?

10 A: Quinterris.

11 Q: And what is his last name?

12 A: Carmichael.

13 Q: Does he go by any nicknames that you're aware of?

14 A: Yes.

15 Q: What's his nickname?

16 A: Man-Man.

17 Q: Now, the person at the bottom of the screen there that
18 just turned around, again is that Quinterris Carmichael, the
19 one at the very bottom?

20 A: Yes. Yes, ma'am.

21 Q: And again, is that Tirik Johnson-Epps who just got out of
22 the vehicle with the long dreads?

23 A: Yes.

24 Q: Now, I want to ask you -- and if I have to go back and
25 play it, but did you see something in Tirik Johnson-Epps' hand

KAMI MITCHELL - DIRECT BY MR. WHITE

1 there?

2 A: No.

3 Q: I'm going to go back --

4 (WHEREUPON, a cell phone rang from the gallery.)

5 THE COURT: Hold on. Hold up for a minute, Mr. White.

6 MR. WHITE: Yes. Yes, sir.

7 THE COURT: That's two. Get that phone.

8 I'm sorry. Go ahead.

9 MR. WHITE: No problem, Judge.

10 BY MR. WHITE:

11 Q: And, Kami, I know you're so soft-spoken, but if you could
12 speak up just a little bit more. Okay? If you could, pay
13 special attention to Tirik Johnson-Epps as he gets out of that
14 vehicle?

15 A: Oh, that's his drink.

16 Q: Okay. And that was a drink that he had on him?

17 A: I think he just purchased it.

18 Q: Okay. Do you see these two individuals on screen?

19 A: Yes.

20 Q: Do you recognize those two individuals?

21 A: Yes.

22 Q: And did you know both of them?

23 A: Yes. From school.

24 Q: And is one of those individuals on the screen Tydrecus
25 Williams?

1 A: Yes, sir.

2 Q: And what's he wearing in the video?

3 A: He has on a red shirt with some slides.

4 Q: And you said you knew Tydrecus -- excuse me -- from

5 school; is that right?

6 A: Yes, sir.

7 Q: What kind of guy was Tydrecus Williams?

8 A: Very laid-back. He wasn't really into anything everybody

9 else is known to be into and, you know, it's kind of sad

10 because, like I said, he don't condone to everything else the

11 rest of them, you know, condone in.

12 Q: Okay. Was he a quiet guy?

13 A: Yeah.

14 Q: And do you know the one in the blue?

15 A: Uh-huh.

16 Q: And who is that?

17 A: Kareem.

18 Q: And is that Kareem Jones?

19 A: Yes.

20 Q: And is it true that Kareem and Tydrecus were best

21 friends?

22 A: Yes.

23 Q: And that individual who looks a little unsteady on his

24 feet, is that Quinterris Carmichael?

25 A: Yes.

KAMI MITCHELL - DIRECT BY MR. WHITE

1 Q: Now, that's kind of the start of it, but in a minute
2 we're going to hear you on video. Do you -- do you remember
3 that?

4 A: Yes, sir.

5 Q: Were you trying to get Man-Man back to the car?

6 A: Yes. I was trying to go home and diffuse everybody, but
7 I was trying to do what I came to do, which was go have sex.

8 Q: I understand. And you -- at that time, you were a young
9 lady; right? And you still are a young lady. How old were
10 you when this occurred?

11 A: Twenty years old.

12 Q: And, you know, could you hear what was being said?

13 A: I mean, yes, sort of. I just heard you ain't taking that
14 from me, and him -- like, Tydrecus is not saying nothing, but
15 I see him, like, confused.

16 Q: So it appeared to you that Tydrecus was confused about
17 what was going on?

18 A: Yeah.

19 Q: And this is while that conversation is going on. Is that
20 Tirik Johnson-Epps that's getting in the car?

21 A: Yes.

22 Q: And, Kami, Mr. Ammons mentioned in his opening that there
23 were a lot of people around during this time, but about this
24 time, 3:40:22 when this altercation and this -- Man-Man is
25 confronting these guys, isn't it true that the parking lot

1 clears out?

2 A: Uh-huh. Yes.

3 Q: And you guys are pretty much the only people around at
4 that point?

5 A: Yes.

6 Q: And is that -- was that his drink that he was sipping on
7 there towards the end, that same drink --

8 A: Uh-huh.

9 Q: -- he had in his hand?

10 A: Yes.

11 Q: And we hear him again, and I think at the end I heard
12 your voice. Was that you saying no?

13 A: No. I remember telling him to get in the car.

14 Q: And were you trying to get him to stop --

15 A: Yeah.

16 Q: -- with these guys?

17 A: Yeah. I was just trying to figure out what was going on.
18 Like, all I seen was him arguing. So I'm, like, come on,
19 let's go. You know what I'm saying? I was ready to go.

20 Q: Did it appear that these two guys were arguing back?

21 MR. EDGEWORTH: Objection. Asked and answered.
22 Speculation.

23 THE COURT: I'll allow it. Rephrase your question.

24 BY MR. WHITE:

25 Q: Were the two individuals arguing back?

KAMI MITCHELL - DIRECT BY MR. WHITE

1 A: No.

2 Q: It was just Man-Man?

3 A: Well, Kareem was, you know, saying -- yeah, Kareem was
4 arguing back with them, you know, saying whatever they was
5 saying about it. He wasn't going to move him or something
6 like that, but Tydrecus was just literally standing there.

7 Q: Okay. And this is another view and you hear all this,
8 but this is, you know, when he's saying all the things we just
9 heard; is that right?

10 A: Yes.

11 Q: And at this point, Kami, there's a guy on the bottom
12 screen you can see pointing. Was that another guy waiting in
13 line?

14 A: I'm really unsure. I knew there was other people in the
15 line though.

16 Q: Okay. And during this whole time is he continuing to
17 talk?

18 A: Yeah. Yes.

19 Q: And again, is that Quinterris Carmichael, Man-Man,
20 getting out of that car right now?

21 A: Yeah.

22 Q: Is that your voice on the --

23 A: Yes.

24 Q: And were you trying to diffuse the situation?

25 A: Yes. At this point, he had already knocked the soda out

KAMI MITCHELL - DIRECT BY MR. WHITE

1 of his hands. So I knew, like, it was going to be, like, a
2 tussle or a fight.

3 Q: Is that you there?

4 A: Yes.

5 Q: And who is this individual who just gets out? I know I
6 keep asking you the same questions, but I just want to make
7 sure the jury is clear on it.

8 A: Getting out of the car was me and Tirik.

9 Q: Now, at this point -- and I want to -- I want to show
10 you, if I could. I just want to make sure everybody is clear
11 on it.

12 MR. WHITE: This seems a little uneven. I'll fix it
13 later, but in the meantime, I'll tell you what. We ain't even
14 going to worry about this. Thanks, Greg. I appreciate it.

15 BY MR. WHITE:

16 Q: All right. Kami, let's see. I'm going to hold this
17 thing up so the jury can see it. So this is the Tiger Mart;
18 right?

19 A: Uh-huh.

20 THE COURT: Is that a yes? Is that a yes?

21 THE WITNESS: Yes.

22 BY MR. WHITE:

23 A: I mean I really can't picture it out right now, but --

24 Q: All right. So this is -- this is 52 highway that turns
25 right here on Irby, and this is -- this is North Irby going

KAMI MITCHELL - DIRECT BY MR. WHITE

1 back?

2 A: Okay, yeah. Yeah, I see it.

3 Q: And this is the convenience store; correct?

4 A: Uh-huh.

5 Q: And is this where you would have been --

6 MR. WHITE: Thank you. Thank you a lot. I appreciate

7 it. We've got to adapt.

8 BY MR. WHITE:

9 Q: So is this -- where this white vehicle is, is this where

10 y'all would have been parked?

11 A: Yeah. Yes, sir.

12 Q: And at some point after Quinterris Carmichael strikes

13 Kareem, they go kind of around this corner; is that right?

14 A: Yes.

15 Q: At that point, do you lose sight of them?

16 A: Yes. At that point, I've gotten back in the car after he

17 wouldn't come. I mean, I'm not, like, dragging him to get in

18 the car.

19 Q: I understand, but when they go around this corner --

20 A: Uh-huh.

21 Q: -- who all goes around this corner?

22 A: From me remembering, I thought it was just Kareem and

23 Tydrecus, and -- but, you know, we already watched the video.

24 So --

25 Q: And you had an opportunity to review that video?

1 A: Yes.

2 Q: And so after, you know, did it refresh your recollection
3 as to who went around that corner?

4 A: Yes.

5 Q: And who were the individuals who went around the corner?

6 A: Quinterris.

7 Q: And who else?

8 A: I mean, that's -- are you talking about when we picked
9 him up?

10 Q: No, no, no. When they -- when they -- when the -- I
11 don't know if you can call it a fight.

12 A: Uh-huh.

13 Q: But when Quinterris Carmichael strikes Kareem and there's
14 a group of individuals who move right here, do you recall who
15 they were?

16 A: Yeah. Just those three from what I recall.

17 Q: Who are those three?

18 A: Kareem, Tydrecus, and Quinterris.

19 Q: Okay. Thank you. I'm going to show you this clip again.
20 Again, that's you getting out of the vehicle; correct?

21 A: Yes.

22 Q: And this is -- you've got your hands up there, and this
23 is when he strikes Kareem; is that right?

24 A: Knocked the can out of his hand.

25 Q: Right.

KAMI MITCHELL - DIRECT BY MR. WHITE

1 A: Uh-huh.

2 Q: And so who is that in the front seat?

3 A: On my side?

4 Q: No, on the other side. Is that Tirik Johnson-Epps?

5 A: Yes.

6 Q: And is he walking towards the three of them?

7 A: Yes.

8 Q: With that drink in his hand; right?

9 A: Yeah.

10 Q: And this is the video camera that's outside of your view

11 but just around that corner; is that right?

12 A: Yes.

13 Q: So you can see Tydrecus there running in the opposite

14 direction. Can you see the two individuals there at the side

15 of the screen?

16 A: I just see one person with a hoodie on.

17 Q: And who do you recognize that to be?

18 A: Is that Kareem?

19 Q: Well, who had the hoodie on? Who was wearing the hoodie?

20 A: Oh, Man-Man, but Kareem had on a hoodie too; right?

21 Q: I don't know. You have to tell me.

22 A: Yeah. He had on a hoodie.

23 Q: I'll play that again. Did you hear your voice in the

24 background?

25 A: Yes.

KAMI MITCHELL - DIRECT BY MR. WHITE

1 Q: Now, do you see once the shots are fired the two
2 individuals fleeing?

3 A: Yeah. That's Kareem right there.

4 Q: That's --

5 A: He -- that is a hoodie.

6 Q: That's Kareem running away?

7 A: Uh-huh.

8 THE COURT: Is that a yes?

9 THE WITNESS: Yes, sir.

10 THE COURT: Thank you.

11 THE WITNESS: Sorry.

12 MR. WHITE: Thank you, Kami.

13 BY MR. WHITE:

14 Q: You can see the other individual running away as well;
15 right?

16 A: Yes. Over there.

17 Q: Was that the other guy waiting in line?

18 A: I'm unsure.

19 Q: Okay.

20 A: Yeah, that looked like another person.

21 Q: And then seconds later after that, after the shooting,
22 who was that walking back to the car?

23 A: Tirik.

24 Q: And did you see that bottle in his hand still?

25 A: You got to -- I don't know.

KAMI MITCHELL - DIRECT BY MR. WHITE

1 Q: I'll play it as many times as you need to, Kami. All
2 right.

3 A: Yes, yes. He still has a bottle in his hand.

4 Q: And you're in this car as y'all are pulling off; right?

5 A: Yes, sir.

6 Q: IS that you guys pulling off?

7 A: Yes, sir.

8 Q: I'm going to play that last slide one more time, Kami.
9 Can you see that?

10 A: It's blank.

11 Q: There we go. Now, the individual -- you know, you guys
12 have already pulled out; is that right?

13 A: Yes.

14 Q: And did y'all leave?

15 A: No, sir.

16 Q: Where did y'all go?

17 A: We went to get -- I think he came back in the car because
18 he wasn't in the car yet.

19 Q: Did y'all park a short distance from where that occurred?

20 A: Like, at the light right there.

21 Q: Okay. And who -- who were y'all waiting on?

22 A: Tyrin was -- Man-Man.

23 Q: Okay. And is that Man-Man there in the video?

24 A: Yes.

25 Q: And eventually, does Man-Man get back in the car with you

1 guys?

2 A: Yes.

3 Q: And did y'all drive away?

4 A: Yes.

5 Q: Okay. Kami, how were you feeling when y'all were driving
6 away?

7 A: Driving away, I was just, like, unsure what just
8 happened, and I was ready to get away from who I was with.

9 Q: Okay. Were you scared?

10 A: Yes.

11 Q: And when law enforcement eventually talked to you, were
12 you still scared?

13 A: Yes.

14 Q: Okay. Everything that you've told us here today, is it
15 the truth?

16 A: Yes.

17 Q: And is it from your point of view exactly what occurred?

18 A: Yes.

19 Q: From that evening?

20 A: Everything that I remember. And like I told y'all, ever
21 since it happened, I've just been trying to, you know, forget
22 it really.

23 Q: Okay. Thank you, Kami.

24 MR. WHITE: I beg the Court's indulgence for just one
25 moment.

KAMI MITCHELL - DIRECT BY MR. WHITE

1 THE COURT: All right.

2 BY MR. WHITE:

3 Q: Kami, I know this is tough, but I've just got one more
4 set of questions for you. Do you see Quinterris Carmichael in
5 the courtroom today?

6 A: Yes.

7 Q: And where is he seated?

8 A: He is seated on the other side of the room.

9 Q: And if you could point to him? I know that's hard, but
10 if you'd just point to where he's seated in the courtroom?

11 A: (Indicating.) He's right there.

12 MR. WHITE: Let the record reflect that she has just
13 identified Quinterris Carmichael.

14 THE COURT: So noted.

15 BY MR. WHITE:

16 Q: And one last time, if you could also tell me if you see
17 Tirik Johnson-Epps in the courtroom today?

18 A: Yes.

19 Q: And where is he seated?

20 A: He's seated right there.

21 Q: I know this is hard, but if you could point to him?

22 A: (Indicating.) He's sitting right there.

23 MR. WHITE: Judge, let the record reflect that Kami
24 Mitchell identified Tirik Johnson-Epps.

25 THE COURT: So noted for the record.

KAMI MITCHELL - CROSS BY MR. EDGEWORTH

1 MR. WHITE: Kami, thank you. I appreciate it. Please
2 answer any questions that the defense attorneys may have.
3 Okay?

4 THE WITNESS: Okay.

5 THE COURT: Mr. Edgeworth?

6 MR. EDGEWORTH: Thank you, Your Honor.

7 THE COURT: Hold on a minute before you start.

8 Ladies and gentlemen of the jury, I know we've been going
9 about an hour and a half. Is everybody okay? Does anybody
10 need a break?

11 Okay. Go ahead, sir, please.

12 MR. EDGEWORTH: Thank you, Judge.

13 CROSS-EXAMINATION

14 BY MR. EDGEWORTH:

15 Q: Ms. Mitchell, this -- this incident took place in 2019,
16 several years ago; correct?

17 A: Yes. Yes.

18 Q: And at the time -- well, you testified that you guys
19 arrived at the Tiger Mart at 3 o'clock in the morning?

20 A: Yes.

21 Q: Okay. Had you been there any other time previously
22 during that day?

23 A: I can't remember, sir.

24 Q: And I know that you were asked do you recall things?

25 A: Yes, sir.

KAMI MITCHELL - CROSS BY MR. EDGEWORTH

1 Q: Or did you see things. Back in 2019, did you speak to
2 law enforcement then?

3 A: Yes.

4 Q: Okay. And did they ask you whether you recalled things
5 or saw things back then?

6 A: Yes.

7 Q: Do you recall telling them that you didn't know anything?

8 A: Yes.

9 Q: Okay. Now, you didn't tell law enforcement that you knew
10 Mr. Tydrecus, the individual who got shot?

11 A: I mean it was already -- his parents had already told
12 them that. That was already known.

13 Q: But you were asked that question; correct?

14 A: Yes.

15 Q: And you didn't tell anybody that you knew him?

16 A: It was already known that I knew him.

17 Q: Known by whom? Did law enforcement know that?

18 A: Yes. His parents told him. I mean whoever. I don't
19 know how it got back to law enforcement, but I'm pretty sure
20 they told them that part.

21 Q: Did you acknowledge to them that you knew him at that
22 time?

23 A: Yes.

24 Q: Okay. So when you spoke to law enforcement, you told
25 them that?

KAMI MITCHELL - CROSS BY MR. EDGEWORTH

1 A: I mean, yes, I think.

2 Q: Okay. Now, during the -- you also have indicated that
3 you were aware that Mr. Kareem was Mr. Tydrecus's best friend;
4 correct?

5 A: Yes.

6 Q: Okay. So it wasn't unusual that those two individuals
7 would be together on the night of this incident, would have
8 they?

9 A: Correct.

10 Q: Okay. And you have indicated that -- that Mr. Kareem was
11 the one also arguing with the individuals in the vehicle?

12 A: Yes.

13 Q: Okay. And he was -- he was chirping back; right?

14 A: Yes.

15 Q: Okay. And -- and you hear -- you hear the part in the
16 video, which you agree with me sitting here you can't really
17 hear everything on there; right?

18 A: Correct.

19 Q: And on that night, you couldn't really hear everything
20 everybody was saying; right?

21 A: Yeah. I just remember them -- the soda --

22 Q: Right.

23 A: -- going to the ground. That's all.

24 Q: And when -- and when people started going around the
25 corner, even though the State was asking about it, you

KAMI MITCHELL - CROSS BY MR. EDGEWORTH

1 couldn't really see who went over there, could you?

2 A: No. And that was already said.

3 Q: Yeah. You were back towards the car?

4 A: Uh-huh. Correct.

5 Q: So once things go around the corner, you have no idea
6 even as you sit here today on something that happened almost
7 four years ago, you don't know what happened over there, do
8 you?

9 A: Correct.

10 Q: Now, what you do know and you've testified to is that you
11 were near the car most of the night; correct?

12 A: Yes.

13 Q: Okay. With the exception of when you got out and you
14 were yelling towards everybody?

15 A: Uh-huh. Yes.

16 Q: Because they were arguing?

17 A: Yes.

18 Q: And even sitting here today, you have no idea what they
19 were arguing about?

20 A: No, sir.

21 Q: Did you hear on the video them talking about clutching?

22 A: No. I heard him say, like, he was going to take
23 something from him or something.

24 Q: Okay. Well, I'm just asking you when they played the
25 video, you actually testified that you've seen the video

1 before today; right?

2 A: Yeah. The first question, yes.

3 Q: Yeah. And so when did that happen?

4 A: They showed it to me just to, you know, basically prove
5 that it was me on the camera.

6 Q: When you say they, you mean the State?

7 A: No. This is when I first got questioned.

8 Q: Questioned back in 2019?

9 A: Yes.

10 Q: So they showed you the video surveillance --

11 A: Of me.

12 Q: -- of the incident?

13 A: Yeah. They just was, like, so this is not you. They
14 just played a slight clip.

15 Q: Okay. Well, my question to you is nothing more than in
16 2019 --

17 A: Uh-huh.

18 Q: -- they showed you the surveillance video or just a
19 picture of you at the Tiger Mart?

20 A: Yeah. Just a picture of me at the Tiger Mart proving
21 that I was there basically.

22 Q: So they could tell you that they knew you were there?

23 A: Yes.

24 Q: Okay. And then -- but today you testified or the State
25 asked you you've seen this video now?

KAMI MITCHELL - CROSS BY MR. EDGEWORTH

1 A: Uh-huh. Yes.

2 Q: Okay. Did they show it to you?

3 A: No.

4 Q: Who showed it to you?

5 A: I don't -- the first police that picked me up for
6 questioning. I'm not sure of his name, but I don't know.
7 They were just basically trying to prove it was me on the
8 camera.

9 Q: Understood. So before today in the courtroom when they
10 just showed this video, have you seen all of that detail?

11 A: No.

12 Q: Okay. So you're just kind of going by what the State was
13 feeding you as to what they saw and you were agreeing or
14 disagreeing; is that right?

15 MR. WHITE: Objection. I was asking her direct
16 questions. She was answering them.

17 THE COURT: Objection sustained.

18 BY MR. EDGEWORTH:

19 A: Yes. He just was basically asking he did -- like, you
20 know. He never said a theory. He just -- yes or no
21 questions.

22 Q: Oh, okay. When -- when everybody goes around the side
23 and you can no longer see, y'all -- you get back in the car;
24 correct?

25 A: Yes.

KAMI MITCHELL - CROSS BY MR. EDGEWORTH

1 Q: Okay. And then in the video you've acknowledged that
2 that is Mr. Epps -- Johnson-Epps that comes back to the
3 vehicle?

4 A: Uh-huh. Yes.

5 Q: Is that a yes? And he came around from the other side or
6 did you see?

7 A: He got in the car. Honestly, we were still on the floor
8 when he got in the car.

9 Q: Okay.

10 A: We was ducking.

11 Q: And that's my point. You didn't see the other side?

12 A: No.

13 Q: Okay. And when you get in the car, he is the driver;
14 correct.

15 A: Yes.

16 Q: Okay. And you've testified that y'all drove off to near
17 a -- was it a stoplight?

18 A: It was the stop -- the next stop sign -- I mean the next
19 stoplight right there.

20 Q: So that's out of the property of the Tiger Mart?

21 A: Correct.

22 Q: And were you on 52?

23 A: Correct.

24 Q: Okay. And in that video -- in that video were you aware
25 that there's a big old gap?

KAMI MITCHELL - CROSS BY MR. EDGEWORTH

1 A: A gap of?

2 Q: Would you -- were you aware that on the video the State
3 has played you, it stops, there's a big gap, and then it
4 starts again?

5 A: Oh, no, sir. I haven't paid attention to that.

6 Q: Okay. And that would have been during the time we saw an
7 individual walking out and the car going by. Okay? And then
8 there's a gap.

9 A: Uh-huh.

10 Q: That would have been when you were on the road?

11 A: Yes, sir. We would have been at that stoplight.

12 Q: Okay.

13 A: Correct.

14 Q: And you didn't see anything that took place?

15 A: Not on the side of the store.

16 Q: Okay.

17 A: My vision ends with them and the soda.

18 Q: Okay. Well, when you pull up -- pull off, do you
19 remember anything that happens while you're sitting there?

20 A: Tyrin telling Man-Man to come on so we can go.

21 Q: Okay. And is it -- do you know whether anyone else got
22 out of the car?

23 A: No. Nobody else got out of the car.

24 Q: And when you -- when you were sitting there waiting, was
25 anyone kind of -- were you -- I take that back. Were you --

KAMI MITCHELL - CROSS BY MR. EDGEWORTH

1 did you get out of the car to yell for Mr. Carmichael to come
2 back?

3 A: No. That was prior to the situation. This was when they
4 was arguing about the soda. When we stopped, Tyrin was
5 yelling to tell him to come on.

6 Q: Okay. Was she still in the passenger seat?

7 A: Correct.

8 Q: The front passenger?

9 A: Yes.

10 Q: Were you still in the back passenger?

11 A: Yes.

12 MR. EDGEWORTH: Court's indulgence.

13 THE COURT: Yes, sir.

14 MR. EDGEWORTH: Actually, I have no further questions for
15 this witness, Your Honor.

16 THE COURT: All right. Mr. Ammons?

17 MR. AMMONS: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. AMMONS:

20 Q: Ms. Mitchell, thank you for being here today. I want to
21 clear up one thing. Just to clear up the record, you said
22 you're 21 right now?

23 A: Yes, sir.

24 Q: And this incident happened --

25 A: When I was 20 years old.

KAMI MITCHELL - CROSS BY MR. AMMONS

1 Q: Well, if it happened in 2019 and it's 2023 --

2 A: I turn 22 on the 31st of this month.

3 Q: All right. So that's still only two years and this
4 incident was three years ago. Do you think maybe 19 -- 18 or
5 19 possibly?

6 A: Yeah.

7 Q: Okay. Now, on that evening you said you guys had been at
8 Willie's?

9 A: Yes.

10 Q: All right. And is that near the Tiger Mart?

11 A: I mean, yeah.

12 Q: Okay.

13 A: You can say that.

14 Q: And prior to you guys getting there at the Tiger Mart
15 around 3:30, there hadn't been any discussion between Mr. Epps
16 and Mr. Carmichael or any of you guys about wanting to get
17 into a fight or anything?

18 A: Correct.

19 Q: All right. And no one had had a discussion about wanting
20 to start something with Kareem or Tydrecus?

21 A: Yes, of course, nobody.

22 Q: Nobody had done that?

23 A: Yeah.

24 Q: Okay. And no discussion about wanting to shoot anyone?

25 A: No.

KAMI MITCHELL - CROSS BY MR. AMMONS

- 1 Q: No discussion about wanting to steal anything or --
- 2 A: No, sir.
- 3 Q: -- rob anyone?
- 4 A: No.
- 5 Q: There was no plan to go there and start any trouble?
- 6 A: No. Our plans was to go there and get drinks and stuff,
- 7 and that's it.
- 8 Q: All right. And then once you're there and this
- 9 altercation or the verbal exchange has started occurring, Mr.
- 10 Epps wasn't a part of that, was he?
- 11 A: No. I was confused on what was going on.
- 12 Q: All right. And Mr. Epps was primarily at the car with
- 13 you and Ms. Jones?
- 14 A: Yeah. He was basically getting his drink.
- 15 Q: Okay. And so on the video you hear this back-and-forth
- 16 between Kareem and Mr. Carmichael?
- 17 A: Correct.
- 18 Q: You didn't hear any exchanges with Mr. Epps?
- 19 A: No, sir.
- 20 Q: All right. Mr. Epps -- at a point when they are -- when
- 21 the discussion is going on between Carmichael and Mr. Jones
- 22 and Mr. Williams, it looked like Mr. Epps was actually back at
- 23 the car; right?
- 24 A: Yes.
- 25 Q: And was he trying to leave at that point in time?

KAMI MITCHELL - CROSS BY MR. AMMONS

- 1 A: I mean everybody was trying to leave.
- 2 Q: All right. So all of you at the car were trying to
- 3 encourage him, hey, let's get out of here?
- 4 A: Yes.
- 5 Q: All right. And that's before any trouble started?
- 6 A: Right.
- 7 Q: Now, once -- once the altercation started or became
- 8 physical up by the window and everybody -- they started going
- 9 around the corner, you didn't see who all went around the
- 10 corner?
- 11 A: No.
- 12 Q: All right. You didn't see Mr. Epps go around the corner?
- 13 A: No. At the -- like I said, my vision ended when he
- 14 didn't get back in the car. I got back in the car, and I just
- 15 was really waiting on my phone and then, like I said, once I
- 16 heard the shots, I was to the ground.
- 17 Q: Okay.
- 18 A: Well, to the ground of the car.
- 19 Q: All right. And so you don't even know who all was around
- 20 the building; correct?
- 21 A: No.
- 22 Q: I mean there were people around the building --
- 23 A: Right.
- 24 Q: -- that were already there before?
- 25 A: Uh-huh. Like, me seeing it on camera, I ain't know that

KAMI MITCHELL - CROSS BY MR. AMMONS

1 many people was there.

2 Q: All right. So there was at least a car around there?

3 A: Yes.

4 Q: And from the camera view, you can't see up close to the
5 building, you can't see the sidewalk?

6 A: Correct.

7 Q: You can't tell if there was anyone already on that
8 sidewalk; correct?

9 A: Yes.

10 Q: All right. Was it -- was it clear to you that Mr.
11 Williams had a gun? Tydrecus?

12 A: No.

13 Q: It was never clear to you?

14 A: No.

15 Q: But from -- from the comments of Man-Man or Mr.
16 Carmichael saying what you clutching, that's an indication
17 that --

18 MR. WHITE: Objection. Calls for speculation. She's
19 answered the question.

20 THE COURT: I'll sustain the objection.

21 BY MR. AMMONS:

22 Q: When you guys drove off around the side and you left, it
23 was just you, Tirik, and Tyrin in the car; right?

24 A: Correct.

25 Q: And you stopped down Lucas Street a ways?

KAMI MITCHELL - CROSS BY MR. AMMONS

1 A: Yes.

2 Q: And you didn't get out of the car when you stopped?

3 A: No.

4 Q: All right. Nobody got out of the car; right?

5 A: No.

6 Q: Everybody waited for Mr. Carmichael to get back to the
7 car?

8 A: Correct.

9 Q: All right.

10 MR. AMMOPNS: No further questions, Your Honor.

11 THE COURT: Briefly, any redirect?

12 MR. WHITE: Yes, sir.

13 REDIRECT EXAMINATION

14 BY MR. WHITE:

15 Q: Kami, just briefly and then we'll let you go. You've
16 answered everybody's questions, and I appreciate you. Kami,
17 we made a lot about Tirik Johnson-Epps having that bottle in
18 his hand; is that right?

19 A: Yes.

20 Q: And you can see on the camera he's got it in his hand for
21 the whole time he's walking around with it, he's got it. He
22 never lets go of that bottle, does he?

23 A: No.

24 Q: Have you ever seen -- you said you were at Willie's;
25 right? And I'm sure, you know, people partying and that sort

KAMI MITCHELL - REDIRECT BY MR. WHITE

1 of thing. Have you ever seen a beer fizz up and fizz over?

2 A: Uh-huh.

3 Q: You know, how you shake up a drink or someone taps on a
4 drink or anything that makes that beer fizz up and bubble
5 over?

6 A: Yes.

7 Q: You've seen that and you're -- I mean we're all familiar
8 with that; right?

9 A: Right.

10 Q: I want you to pay close attention to this video, if you
11 can. All right? And I want you to look. See that -- it
12 looks like an oil spot there on the ground just beside the
13 vehicle to the right. In between the two vehicles, there's an
14 oil spot. Do you see that?

15 A: Yes.

16 Q: I want you to pay attention to that general area. In
17 just a minute, you're going to see Man-Man come on that
18 camera. At that point, Tydrecus is going to be running away,
19 and then you're going to see another hand that's not Man-Man's
20 enter that camera. Okay? And then I want you to see and tell
21 me what that man's other hand is doing. Okay? It's very
22 slight. I want you to look for me and tell us what you think.

23 (WHEREUPON, a portion of video was played and then
24 stopped.)

25 BY MR. WHITE:

KAMI MITCHELL - REDIRECT BY MR. WHITE

1 Q: Do you see that beer fuzzing up? I'll show it to you
2 again. It's very quick. You've got to really look for it,
3 but that shooter's hand, did you see it?

4 A: Yes.

5 Q: You see that beer fizzing up? That's Man-Man; correct?
6 With the hood?

7 A: Yes.

8 Q: And the shooter is right beside him holding a beer that's
9 fizzing up, fizzing over; is that right?

10 MR. AMMONS: Objection. Calls for speculation.

11 THE COURT: She can answer if she knows the answer to the
12 question.

13 BY MR. WHITE:

14 A: From the camera, I do see the beer fizzing up, yes.

15 Q: And again, who was it that was carrying around that beer
16 everywhere he went?

17 A: Tydrec -- no, Tirik.

18 Q: Tirik Johnson-Epps?

19 A: Uh-huh.

20 THE COURT: Is that a yes?

21 THE WITNESS: Yes. I'm sorry.

22 THE COURT: Thank you.

23 MR. WHITE: Thank you, Kami. I appreciate you so much.

24 I've got nothing further for you. Okay? Thank you.

25 THE COURT: All right. Mr. Edgeworth, anything further?

KAMI MITCHELL - RECROSS BY MR. AMMONS

1 MR. EDGEWORTH: Nothing further, Your Honor.

2 THE COURT: Mr. Ammons?

3 MR. AMMONS: Just real briefly, Your Honor.

4 RECROSS-EXAMINATION

5 BY MR. AMMONS:

6 Q: Kami, can you definitively say that's a beer?

7 A: I mean I'm just looking for the fuzz. I do see some
8 fuzz.

9 Q: If Mr. White hadn't told you that was -- that was fuzz,
10 you wouldn't have thought that was beer?

11 A: Honestly, I didn't catch it.

12 Q: So it's not obvious that that's a beer?

13 A: I didn't catch it, no.

14 Q: Do you still have questions in your mind whether or not
15 it's a beer?

16 A: I mean I can't really tell it out. I'm just looking for
17 it, you know, like he said, the spot. That's it.

18 Q: And have you ever seen anybody else other than Mr.
19 Johnson-Epps around the Tiger Mart holding a beer in their
20 hand?

21 A: I'm unsure.

22 Q: All right.

23 A: I'm unsure, honestly.

24 Q: It wouldn't be uncommon to see someone with a beer?

25 A: Yeah, it's not uncommon, no.

KAMI MITCHELL - RECROSS BY MR. AMMONS

1 Q: All right.

2 A: I mean it's a smoker right there. So --

3 Q: And you don't know if there's anybody -- you can't see
4 the sidewalk in that video?

5 A: Yeah, I can't see from this point of view.

6 Q: So it's quite possible there's somebody else?

7 MR. WHITE: Objection. Calls for speculation.

8 THE COURT: Sustained.

9 BY MR. AMMONS:

10 Q: You don't know if there was anybody else there?

11 A: No, I don't know who is on the side of the building.

12 MR. AMMONS: No further questions, Your Honor.

13 THE COURT: All right. Ms. Mitchell, you may step down.
14 Thank you.

15 THE WITNESS: Okay.

16 THE COURT: As she's stepping down, can the lawyers
17 approach, please?

18 MR. WHITE: Yes, sir. Judge, at this time, I'd ask if
19 Kami Mitchell can be released from her subpoena.

20 THE COURT: Mr. Edgeworth, any objection?

21 MR. EDGEWORTH: No objection.

22 THE COURT: Mr. Ammons?

23 MR. AMMONS: No objection.

24 THE COURT: Ms. Mitchell, you're released from your
25 subpoena. You're free to go. Have a nice day.

1 MR. AMMONS: No, Your Honor.

2 THE COURT: All right. I'm going to give -- I'm going to
3 ask everybody to remain in the courtroom for a few minutes to
4 allow the jury to exit the courthouse. I don't want any
5 intermingling of individuals with the jury as they're getting
6 on elevators to leave. Okay? So everybody just sit tight for
7 a minute.

8 You can ask -- one of y'all can radio Bennett and find
9 out when they've exited, and then you all can release. Okay?

10 Let me say this too. I've noticed -- is the individual
11 that had the phone -- where is he? Is he gone?

12 All right. If you have a phone in this courtroom,
13 they're to be turned off. All right? I don't want any
14 distractions during the course of the trial.

15 If you'll -- also, sir, what's your name?

16 GALLERY MEMBER: Hakeem.

17 THE COURT: Sir?

18 GALLERY MEMBER: Hakeem.

19 THE COURT: I can't hear you.

20 GALLERY MEMBER: Hakeem.

21 THE COURT: King?

22 GALLERY MEMBER: Hakeem Williams.

23 THE COURT: What is it?

24 THE CLERK: Hakeem Williams.

25 THE COURT: Mr. Williams, stand right there. I'm going

1 to give you your phone back. If it goes off again -- I'm
2 telling everybody in this courtroom, if you have a phone in
3 this courtroom, it's to be turned off. If it goes off again,
4 it's going to be confiscated and you're going to Effingham.
5 All right? No ifs, ands, or buts about it. I don't want any
6 distractions in this courtroom.

7 I've seen a couple of individuals walk in and out of this
8 courtroom with their pants not pulled up. If your pants are
9 not being worn around your waist, that is improper dress for
10 this courtroom. If you can't wear your pants properly, either
11 don't come in here or I'm going to send you to Effingham and
12 they'll put an orange jumpsuit on you and you'll wear them
13 properly at that point. That is not proper wear for this
14 courtroom.

15 Do you understand? Anybody have any questions about
16 that? We're not on the streets out there. We're in a
17 courthouse, and such respect is required in the courthouse.
18 All right?

19 All right. We'll stand at ease until 1:15.

20 MR. EDGEWORTH: Thank you.

21 MR. AMMONS: Thank you, Judge.

22 MR. WHITE: Thank you, Judge.

23 (WHEREUPON, there was a break in the proceedings from
24 11:56 a.m. until 1:17 p.m., after which the proceedings
25 resumed as follows.)

1 THE COURT: Bring him in here.

2 The lawyers can approach, please.

3 (WHEREUPON, Juror Number 133 entered the courtroom, and a
4 bench conference was held with the juror as follows.)

5 THE COURT: You're Mr. Prescott; right?

6 JUROR NUMBER 133: Yes, sir.

7 THE COURT: Okay. How are you doing?

8 JUROR NUMBER 133: I'm all right.

9 THE COURT: First of all, let me say you did the exact
10 thing you were supposed to do.

11 JUROR NUMBER 133: I'm a little nervous about this.

12 THE COURT: You're okay. This has nothing to do with
13 you. This is not your fault at all. Okay? So you did
14 exactly what I asked you to do, and for that I want to thank
15 you for doing that. Okay? So don't be nervous at all. Okay?
16 Do you know -- who was it that sent you this message?

17 JUROR NUMBER 133: I don't know them.

18 THE COURT: You don't know?

19 JUROR NUMBER 133: No, I don't. It was Facebook here,
20 but I don't know him.

21 THE COURT: Sir?

22 JUROR NUMBER 133: It's Facebook from here, but I don't
23 know him.

24 THE COURT: Is the Pastorp Real -- is that you?

25 JUROR NUMBER 133: No, no. That's not me.

1 THE COURT: Okay. I'm curious as to whether or not this
2 -- let's see. It appears that this individual was seated in
3 the courtroom who said they had to leave and go to work.

4 JUROR NUMBER 133: Yeah.

5 THE COURT: And for the record, I'm going to read into
6 the record what was sent to Mr. Prescott. It says:

7 "Eric, both them boys killed Mrs. Betty's grandson, bug
8 son. Shot him 11 times and one in the head. I had to leave
9 and go to work. Please give them the justice they deserve."

10 And I read verbatim. I took a picture of your --

11 JUROR NUMBER 133: Okay.

12 THE COURT: -- what was on your phone. Have you shared
13 this with anybody in the jury room?

14 JUROR NUMBER 133: No, sir. I just came straight to the
15 --

16 THE COURT: Okay.

17 JUROR NUMBER 133: -- guy from lunch.

18 THE COURT: Okay. You haven't discussed this at all with
19 anyone in the jury room?

20 JUROR NUMBER 133: No, sir.

21 THE COURT: Okay. Now, I've told you -- I've told all of
22 you all, you know, not to read anything, listen to, or watch
23 --

24 JUROR NUMBER 133: Yes, sir.

25 THE COURT: -- whether it be any news reports about the

1 bring the jury back out?

2 MR. WHITE: No, sir, Judge.

3 THE COURT: Defense counsel, Mr. Edgeworth?

4 MR. EDGEWORTH: No, Your Honor.

5 THE COURT: Mr. Ammons?

6 MR. AMMONS: No, Your Honor.

7 THE COURT: All right. Bring me the jury, please, ma'am.

8 As they're coming in, can the lawyers approach a minute,
9 please?

10 MR. WHITE: Yes, sir.

11 (WHEREUPON, a bench conference was held off the record
12 regarding scheduling.)

13 (WHEREUPON, the jury entered the courtroom at 2:25 p.m.)

14 THE COURT: You moved to the correct seat because now
15 you're part of this jury. All right?

16 All right. Ladies and gentlemen, thank you for your
17 patience. This is why we select alternates. Things come up
18 during the course of a trial that we have to seat others on
19 here. That's why we select alternates, and then we have a
20 jury of twelve and we're going to proceed and continue with
21 this trial.

22 At this time, the State is recognized. Call your next
23 witness.

24 MR. WHITE: Thank you, Judge. At this time, the State
25 would call Darius Davis to the stand.

DARIUS DAVIS - DIRECT BY MR. WHITE

1 THE CLERK: Sir, please place your left hand on the Bible
2 and raise your right hand. Do you swear that the testimony
3 you will give in this case will be the truth, the whole truth,
4 and nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Please take a seat on the witness stand and
7 state your full name for the record.

8 THE WITNESS: My name is Darius Davis.

9 DARIUS DAVIS, being first duly
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. WHITE:

13 Q: Thank you, Mr. Darius -- or it's Mr. Davis. Excuse me.
14 If you could, tell us where are you living right now?

15 A: In Columbia.

16 Q: And what are you doing in Columbia?

17 A: I'm taking care of my sickly father.

18 Q: And back in September of 2019 and specifically September
19 12th, 2019, where were you employed?

20 A: Florence City Police Department.

21 Q: And at that time, did you have an occasion to respond to
22 the Speedy Mart or some people call it the Tiger Mart over
23 there just a couple blocks from here?

24 A: Yes, sir. It was in my district.

25 Q: And is that in Florence County?

1 A: Yes, sir.

2 Q: And specifically in the city of Florence; right?

3 A: Yes, sir.

4 Q: And on that day were you equipped with body-worn camera?

5 A: Yes, sir, I was.

6 Q: And how does that work? How does that body-worn camera
7 work?

8 A: Before we get to a scene, we'll turn our camera on or
9 whenever we turn on our blue lights, the cameras turn on.

10 Q: And was it functional at the time of this incident?

11 A: Yes, sir.

12 Q: And -- and at that time, once -- once you turned it over,
13 what do you do when you knock off shift? How does that get
14 back into your system?

15 A: We remove our body-worn cameras and we place the cameras
16 into a dock, and the dock uploads everything to where it needs
17 to go.

18 Q: And was that done in this case?

19 A: Yes, sir.

20 Q: And was that footage then turned over to the Solicitor's
21 Office?

22 A: Yes, sir.

23 Q: If I could, I'm going to approach you and show you what's
24 been marked as State's Exhibit 80. Could you tell me is that
25 a disk of the body-worn camera you're referring to?

DARIUS DAVIS - DIRECT BY MR. WHITE

1 A: Yes, sir, it is.

2 Q: Have you had a chance to review that particular footage?

3 A: Yes, sir.

4 Q: Have there been any alterations or deletions made?

5 A: No, sir.

6 Q: Is it a fair and accurate depiction of the scene as you
7 encountered it on September 12th, 2019?

8 A: Yes, sir.

9 MR. WHITE: Judge, at this time, I'd move State's Exhibit
10 80 into evidence.

11 THE COURT: Any objection, Mr. Edgeworth?

12 MR. EDGEWORTH: No objection, Your Honor.

13 THE COURT: Mr. Ammons?

14 MR. AMMONS: No objection.

15 (WHEREUPON, State's Exhibit Number 80, body-worn camera
16 footage on disk, was admitted into evidence.)

17 MR. WHITE: And permission to publish, Judge?

18 THE COURT: All right.

19 BY MR. WHITE:

20 Q: And, Mr. Davis, you responded to the scene, and this
21 captures you as you are pulling onto the scene and you first
22 get there; is that right?

23 A: Yes, sir.

24 MR. WHITE: Can everybody see that okay?

25 (WHEREUPON, State's Exhibit Number 80, body-worn camera

DARIUS DAVIS - DIRECT BY MR. WHITE

1 footage on disk, was played in open court and then
2 stopped. Not transcribed herein.)

3 BY MR. WHITE:

4 Q: Mr. Davis, you responded rather quickly; is that right?

5 A: Yes, sir.

6 Q: And why is it that you were able to respond so quickly?

7 A: I was in the parking lot at the City Center.

8 Q: Okay. And what happened that draw -- drew your attention
9 to this location?

10 A: While in the City Center getting things into my car, I
11 heard multiple gunshots coming from that direction. So I
12 quickly rushed to see where the gunshots were coming from.

13 Q: And when you get on scene and you're the first one to a
14 body as it were in this case, what are some of your
15 responsibilities?

16 A: We canvass the scene for evidence, see if we can preserve
17 any life, and to check for any witnesses.

18 Q: Now, in canvassing for evidence, does that include
19 weapons?

20 A: Yes, sir.

21 Q: And did you do that in this case?

22 A: Yes, sir.

23 Q: Did you see any weapons around this young man's body?

24 A: No, sir. No weapons.

25 Q: And in his immediate reach at all?

DARIUS DAVIS - DIRECT BY MR. WHITE

1 A: No, sir.

2 MR. WHITE: I beg the Court's indulgence for one moment.

3 Mr. Davis, thank you so much. Please answer any
4 questions the defense may have.

5 THE WITNESS: Yes.

6 THE COURT: Mr. Edgeworth?

7 THE BAILIFF: Just a minute, Judge.

8 (WHEREUPON, a bench conference was held with the bailiff
9 as follows.)

10 THE BAILIFF: She said she felt a little wheezy after
11 seeing that. She said she thought she was going to be all
12 right.

13 THE COURT: Okay.

14 THE BAILIFF: Okay.

15 (WHEREUPON, the bench conference ended, and the
16 proceedings resumed as follows.)

17 THE COURT: If you need a break or anything, just raise
18 your hand and we'll take one.

19 All right. Mr. Edgeworth, you may proceed.

20 MR. EDGEWORTH: Your Honor, I have no questions for this
21 witness.

22 THE COURT: Mr. Ammons?

23 MR. AMMONS: No questions, Your Honor.

24 MR. SMITH: Sir, you may step down. Thank you.

25 THE WITNESS: Yes, sir.

LIZZIE ROBERTSON - DIRECT BY MR. WHITE

1 MR. WHITE: Judge, I'd ask if Mr. Davis could be released
2 from his subpoena.

3 THE COURT: Any objection, Mr. Edgeworth?

4 MR. EDGEWORTH: No objection, Your Honor.

5 THE COURT: Mr. Ammons?

6 MR. AMMONS: No objection.

7 THE COURT: Sir, you're released from your subpoena.
8 You're free to go. Have a nice day.

9 Call your next witness, please.

10 MR. WHITE: Judge, at this time, the State would call
11 Lizzie Robertson.

12 (WHEREUPON, there was a pause in the proceedings until
13 the witness entered the courtroom, after which the
14 proceedings resumed as follows.)

15 THE CLERK: Ma'am, please place your left hand on the
16 Bible and raise your right hand. Do you swear that the
17 testimony you will give in this case will be the truth, the
18 whole truth, and nothing but the truth, so help you God?

19 THE WITNESS: Yes.

20 THE CLERK: Please be seated on the witness stand and
21 state your full name for the record.

22 THE WITNESS: I'm Lizzie Robertson.

23 LIZZIE ROBERTSON, being first
24 duly sworn, testified as follows:

25 DIRECT EXAMINATION

LIZZIE ROBERTSON - DIRECT BY MR. WHITE

1 BY MR. WHITE:

2 Q: Ms. Robertson, thanks for being here. I just want to ask
3 you quickly where are you employed?

4 A: I'm currently employed at Florence County 9-1-1.

5 Q: And what's your role there at 9-1-1?

6 A: I'm the quality assurance specialist.

7 Q: And in your capacity as quality assurance specialist, are
8 you familiar with how calls come in and how calls are stored
9 there at dispatch?

10 A: Yes, sir.

11 Q: And can you tell us a little bit about that process? How
12 -- when someone calls 9-1-1, how does that work?

13 A: So when someone calls 9-1-1, we receive it into the
14 center. We then answer it and put a call for service in.
15 Once that's saved, we then send responding units, but all our
16 lines are recorded. So it goes into our recording system for
17 me to be able -- for me to be able to pull.

18 Q: And what are some occasions where you have to pull those
19 particular calls?

20 A: For court.

21 Q: And are those requests made by the agencies who work the
22 case, as well as the Solicitor's Office?

23 A: Yes.

24 Q: And in this case, on September 12th, 2019, was a request
25 made for the 9-1-1 call in this case?

LIZZIE ROBERTSON - DIRECT BY MR. WHITE

1 A: Yes, sir.

2 Q: I'm going to show you, if I could, what's been marked as
3 State's Exhibit 4. Is this a disk containing the 9-1-1 call
4 that you're referring to?

5 A: Yes.

6 Q: Have you had a chance to listen to the call?

7 A: Yes.

8 Q: And is it a fair and accurate depiction of the call as it
9 came in?

10 A: Yes.

11 Q: Has it been altered in any way or deleted or any changes
12 made whatsoever?

13 A: No.

14 MR. WHITE: Judge, I would move State's Exhibit 4 into
15 evidence.

16 THE COURT: Any objection, Mr. Edgeworth?

17 MR. EDGEWORTH: No objection, Your Honor.

18 THE COURT: Mr. Ammons?

19 MR. AMMONS: No objection.

20 THE COURT: So admitted.

21 (WHEREUPON, State's Exhibit Number 4, 9-1-1 call on disk,
22 was admitted into evidence.)

23 BY MR. WHITE:

24 Q: Now, when a call comes in, the 9-1-1 operator is making
25 notes; is that right?

LIZZIE ROBERTSON - DIRECT BY MR. WHITE

1 A: Yes.

2 Q: And the -- the document that that goes in, what is that
3 called?

4 A: It's called a CAD report, which stands for the computer-
5 aided dispatch.

6 Q: And is that also stored there at dispatch?

7 A: Yes.

8 Q: And is it able to be obtained and then turned over much
9 like the 9-1-1 call?

10 A: Yes.

11 Q: I'm going to show you what's State's Exhibit 5. If you
12 could, tell me if you recognize that particular document?

13 A: Yes.

14 Q: Is that a CAD report?

15 A: Yes.

16 Q: Is that the CAD report in this particular case that goes
17 along with that 9-1-1 call?

18 A: Yes.

19 MR. WHITE: Judge, I would move State's Exhibit 5 into
20 evidence.

21 THE COURT: Any objection?

22 MR. EDGEWORTH: No objection, Your Honor.

23 MR. AMMONS: No objection.

24 (WHEREUPON, State's Exhibit Number 5, CAD report, was
25 admitted into evidence.)

1 MR. WHITE: Judge, I believe that's all the questions I
2 have for Ms. Robertson.
3 Thank you, Ms. Robertson.
4 THE WITNESS: Thank you.
5 THE COURT: Mr. Edgeworth?
6 MR. EDGEWORTH: No questions for this witness, Your
7 Honor.
8 THE COURT: Hold on.
9 THE WITNESS: I'm sorry.
10 MR. AMMONS: No questions, Your Honor.
11 THE COURT: All right. Now you can get up.
12 THE WITNESS: Okay.
13 MR. WHITE: And, Judge, I would ask that Ms. Robertson be
14 released from her subpoena.
15 THE COURT: Any objection, Mr. Edgeworth?
16 MR. EDGEWORTH: No objection, Your Honor.
17 THE COURT: Mr. Ammons?
18 MR. AMMONS: No, Your Honor.
19 THE COURT: Ma'am, you're released from your subpoena.
20 You're free to go. Have a nice day.
21 THE WITNESS: Thank you.
22 MR. WHITE: Judge, may we approach?
23 THE COURT: Yes.
24 (WHEREUPON, a bench conference was held off the record
25 regarding scheduling, after which the proceedings resumed

1 about individuals making further efforts to contact this jury
2 and taint the jury for or against the State or for or against
3 the defendants.

4 Therefore, I have instructed law enforcement to only
5 allow immediate family into this courtroom, immediate family
6 being a father, mother, brother, sister, or grandparent. No
7 other individuals will be allowed in this courtroom during the
8 course of this trial, nor will any other individuals be
9 allowed to remain on the premises of this courthouse during
10 this trial.

11 All right. Anything further from the State at this time?

12 MR. WHITE: Judge, just one further thing, and it was
13 just -- just brought to my attention.

14 THE COURT: Okay.

15 MR. WHITE: And I wanted to make sure everybody was aware
16 of it. I haven't had a chance to listen to the calls from
17 yesterday, but yesterday some more calls were intercepted.

18 And it is relayed to me that Mr. Carmichael was on these
19 calls discussing with another individual don't worry about
20 looking for Dee's girlfriend anymore, she's the one that was
21 excused yesterday. So it does seem the fact that they were
22 trying to reach out to that particular juror, but she was the
23 one who was excused from jury service yesterday, Judge. But
24 again, I haven't had a chance to listen to it, but that is the
25 nature of the call as it was relayed to me, and I just wanted

1 to relay it to you.

2 THE COURT: Okay. Well, and I'm assuming that that was
3 Juror Number 75?

4 MR. WHITE: Yes, sir, Judge.

5 THE COURT: Okay. Well, the Court is vitally concerned
6 and tremendously disturbed about what may be going on here.
7 Therefore, I want to do everything within my power to protect
8 the integrity of this process and ensure to the best of my
9 ability that there is no improper contact by anyone with these
10 jurors, that these defendants receive a fair and impartial
11 trial, and that this jury decide this case based upon the
12 evidence and testimony presented in this courtroom,
13 uninfluenced by anything outside of this courtroom.

14 All right. Anything else, Mr. White?

15 MR. WHITE: No, sir, Judge.

16 MR. EDGEWORTH: Nothing, Your Honor.

17 THE COURT: Mr. Ammons?

18 MR. AMMONS: No, Your Honor.

19 THE COURT: All right. Bring me the jury, please, ma'am.

20 (WHEREUPON, the jury entered the courtroom at 9:29 a.m.)

21 THE COURT: All right. Good morning, ladies and
22 gentlemen. I hope you all had a nice evening yesterday and
23 are ready to proceed here today.

24 When we broke yesterday -- and you've heard me say this
25 since Monday, but you're not to discuss this case at all with

1 anyone, not to do any independent investigation as it relates
2 to this case. Has every -- has anyone on the jury not
3 complied with that court order?

4 (WHEREUPON, there was no verbal response.)

5 THE COURT: All right. I also told you that no one is
6 supposed to talk to you about this case or try to talk to you
7 about this case. Has anyone made any effort to try to reach
8 out to you or talk to you about this case whatsoever?

9 (WHEREUPON, there was no verbal response.)

10 THE COURT: All right. Very well. All right. Let the
11 record reflect that each of them have indicated that no one
12 has tried to reach out or talk to them in any way as it
13 relates to this case.

14 Mr. White, call your next witness, please.

15 MR. WHITE: Thank you, Judge. At this time, the State
16 would call Antecia Lawson to the stand.

17 THE CLERK: Ma'am, please place your left hand on the
18 Bible and raise your right hand. Do you swear that the
19 testimony you give in this case will be the truth, the whole
20 truth, and nothing but the truth, so help you God?

21 THE WITNESS: Yes, ma'am.

22 THE CLERK: Please be seated on the witness stand and
23 state your full name for the record.

24 THE COURT: State your full name for the record, please.

25 THE WITNESS: Antecia Lawson.

ANTECIA LAWSON - DIRECT BY MR. WHITE

1 THE COURT: Spell your first name for my court reporter.

2 THE WITNESS: A-n-t-e-c-i-a.

3 THE COURT: Okay. Thank you, ma'am.

4 ANTECIA LAWSON, being first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WHITE:

8 Q: Antecia, I know you're soft-spoken and you're a little
9 bit nervous, but just make sure, if you don't mind, just speak
10 up into this microphone so everybody in this courtroom and
11 most especially the jury can hear you. Okay?

12 A: Okay.

13 Q: Now, Antecia, where are you from?

14 A: I'm from north Florence.

15 Q: Okay. And just make sure you speak up nice and clear.
16 Okay? And how long have you been living in Florence?

17 A: All 21 years of my life.

18 Q: And you live near the Speedy Mart or some people call it
19 the Tiger Mart here in Florence, don't you?

20 A: Yes, sir.

21 Q: And how long have you been living there?

22 A: About seven -- eight years.

23 Q: And so you would have been living there September 12th,
24 2019?

25 A: Yes, sir.

ANTECIA LAWSON - DIRECT BY MR. WHITE

1 Q: Now, do you know the victim in this case, Tydrecus
2 Williams?

3 Q: Yes, sir. He was my boyfriend.

4 Q: All right. Now, speak up. Okay? We've got to make sure
5 we hear you. All right?

6 A: I'm sorry. I'm trying not to -- I'm trying to hold
7 myself together. I'm sorry.

8 Q: No, it's okay. It's all right. But you were saying that
9 Tydrecus Williams was your boyfriend; is that right?

10 A: Yes, sir.

11 Q: And how long had y'all been together?

12 A: It was actually, like, a private thing for a while, but
13 we made it public for about -- we made it public about six
14 months in, seven months in.

15 Q: And did y'all spend a lot of time together?

16 A: Almost every day.

17 Q: Would that include time at your house?

18 A: Yes, sir.

19 Q: And on the evening of September 12th, 2019, were you and
20 Tydrecus together?

21 A: Yes, sir.

22 Q: And where were -- where were y'all when y'all were
23 together?

24 A: We was at my house on Athens Street.

25 Q: Okay. And what were y'all doing?

ANTECIA LAWSON - DIRECT BY MR. WHITE

1 A: His friend came over to -- he was going through something
2 basically; so he just needed some support from his friend,
3 some words of encouragement, I guess, but he came over to tell
4 us what was going on with him and his girlfriend. They was
5 going through something.

6 Q: Okay. And when you are discussing that friend, who are
7 we talking about?

8 A: Sir?

9 Q: That friend who came over who needed encouragement, who
10 was that?

11 A: Kareem.

12 Q: Do you know his last name?

13 A: Jones.

14 Q: And did Tydrecus have a nickname for Kareem?

15 A: Keem.

16 Q: Keem? And he called him Keem often?

17 A: (No verbal response.)

18 Q: And at some point we know because we've seen the video
19 that they, Kareem and Tydrecus, walked to the Speedy Mart or
20 the Tiger Mart?

21 A: Yes, sir.

22 Q: Was that abnormal? Did they do that often?

23 A: They did that often. That was something they did pretty
24 much. Almost every time they were together, they went to the
25 gas station.

ANTECIA LAWSON - DIRECT BY MR. WHITE

1 Q: Would Tydrecus walk to the store on his own?

2 A: Sometimes, yes, sir.

3 Q: Okay. And what kind of things would he get while he was
4 there?

5 A: Snacks, like drinks, M&Ms, Lifesavers, stuff like that.

6 Q: And was he the type that liked snacks and wanted --

7 A: Yeah. He --

8 Q: -- to go there often?

9 A: Yes, sir.

10 Q: Okay. What I'm going to do now, Antecia, I'm going to
11 ask you -- if you don't mind and the Court doesn't mind, I'm
12 going to ask you to step down and I'm going to show you a map.
13 All right? So we can kind of get the lay of the land.

14 MR. WHITE: Madam Court Reporter, where is the best place
15 for her to stand? Okay. Okay. All right.

16 BY MR. WHITE:

17 Q: Okay. Antecia, if you'll come and stand on the other
18 side here facing the court reporter and speak up nice and loud
19 and clear so she can -- she can hear you. Okay? Step back
20 just a bit so everybody can see and make sure you speak up
21 nice and clear. Okay?

22 A: Okay.

23 Q: Do you recognize this area, Antecia?

24 A: Yes, sir.

25 Q: And in fact, is this the area where you live?

1 A: Yes, sir.

2 Q: Okay. Could you point to us where your house is?

3 A: My house is here.

4 Q: Okay. And what is this location here?

5 A: Irby Street.

6 Q: And what is this location specifically? And I'm pointing

7 to -- what is this location?

8 A: Tiger Mart.

9 Q: Okay. And is it also known as Speedy Mart?

10 A: Yes, sir. It's called Speedy Mart, but I guess they call

11 it Tiger Mart.

12 Q: And again, just to make sure I'm clear, I'm referring to

13 State's Exhibit 81. And you have to -- you've got to speak up

14 a little bit louder. Okay?

15 A: Sorry.

16 Q: I know you're soft-spoken. All right. So on that night

17 is this the location where y'all were hanging out?

18 A: Yes, sir.

19 Q: And at some point, the boys, Tydrecus and Kareem or Keem,

20 walked to the Tiger Mart or the Speedy Mart. How did they

21 walk to that particular place?

22 A: They walked through here. They walked straight up there

23 on the sidewalk there [inaudible].

24 Q: And that was not abnormal --

25 THE COURT: Hold on a minute. I need to -- she --

ANTECIA LAWSON - DIRECT BY MR. WHITE

1 THE COURT REPORTER: I missed that.

2 MR. WHITE: Okay.

3 A: They walked straight -- they walked straight up the
4 street from my house and made that left and they crossed the
5 street from there.

6 Q: And again, that was a normal thing that they did?

7 A: Yes, sir.

8 Q: And you said -- you testified you've been living here for
9 a long time; correct?

10 A: Yes, sir.

11 Q: And you're intimately familiar with this area?

12 A: Yes, sir.

13 Q: And this is the area as you described it?

14 A: Yes, sir.

15 MR. WHITE: Judge, I'd move State's Exhibit 81 into
16 evidence.

17 THE COURT: Any objection?

18 MR. AMMONS: No objection, Your Honor.

19 MR. EDGEWORTH: No objection, Judge.

20 MR. WHITE: You can have a seat, Antecia. Thank you.

21 THE COURT: All right. State's Exhibit 81 admitted
22 without objection.

23 (WHEREUPON, State's Exhibit Number 81, large overhead
24 photo map, was admitted into evidence.)

25 BY MR. WHITE:

ANTECIA LAWSON - DIRECT BY MR. WHITE

1 Q: Now, Antecia, obviously, you testified that they walked
2 to the store just like they normally did, but what happened
3 next was not normal, was it?

4 A: No, sir.

5 Q: What, if anything, occurred next?

6 A: I really -- well, they went -- after they went to the
7 store, I was just sitting there. I was waiting on them to
8 return because Keem had just gave me his phone or whatever,
9 told me to put it on the charger, and I put it on my charger
10 outside. We have an outlet outside on my porch. So I put it
11 on the charger outside.

12 I want to say, like, at least a minute or two after I did
13 that, I hear -- I hear gunshots. So I'm holding my ears and
14 just I'm waiting, but I'm waiting because I'm waiting for them
15 to come back to me because I just -- I was waiting for them to
16 come tell me something, but Keem ran from behind my neighbor's
17 yard and he told me that --

18 Q: Hang on. I'm going to stop you right there. Okay? So
19 we can't talk about what he said to you.

20 A: Okay.

21 Q: Let's not get into hearsay. I understand what you're
22 trying to say, but just don't tell us anything that he may
23 have told you.

24 A: Okay. He ran through the path. He was -- he was -- I
25 don't know how to describe it, but he was scared. He pretty

ANTECIA LAWSON - DIRECT BY MR. WHITE

1 much let me know what was going on.

2 Q: Okay.

3 A: Well, he tried. He didn't -- he didn't really -- he
4 couldn't get nothing out. He was trying.

5 Q: And based on that -- I'm sorry to cut you off, but I just
6 want to make sure we're clear. Based on that information that
7 you received --

8 A: Uh-huh.

9 Q: -- did you call 9-1-1?

10 A: I did.

11 MR. WHITE: Judge, I previously admitted into evidence as
12 State's Exhibit 4 the 9-1-1 call that was made on that
13 evening. I'd ask for permission to publish that to the jury.

14 THE COURT: All right.

15 BY MR. WHITE:

16 Q: Antecia, I'm going to play for you that 9-1-1 call.
17 Okay?

18 A: Okay.

19 (WHEREUPON, State's Exhibit Number 4, 9-1-1 call on disk,
20 was played in open court. Not transcribed herein.)

21 BY MR. WHITE:

22 Q: Antecia, was that your voice on the 9-1-1 call?

23 A: Yes, sir.

24 Q: And that's the call that you placed that ultimately got
25 some law enforcement involved and to the Tiger Mart?

ANTECIA LAWSON - DIRECT BY MR. WHITE

1 A: Yes, sir.

2 Q: Take your time. There's some tissues there if you need
3 them. Okay? Antecia, I know it's tough, but if you could,
4 tell us what you did next?

5 A: My cousin -- he ran out the house and he ran towards the
6 Tiger Mart. I ran. I ran behind him, and I pretty much met
7 the police right there in the middle of Irby Street right by
8 the store, and I kept telling them that he was there. They
9 asked me where -- where at, where at at the Tiger Mart, and I
10 told them that I didn't know. I just knew he was there
11 because they had physically went there together.

12 Q: Okay. And, Antecia, I'm going to have to ask you to do
13 something very difficult. Okay? I need to play a video for
14 you and ask you if this is the -- if you are the individual
15 that's on that video. Okay? I'm going to play a video for
16 you right now.

17 MR. WHITE: Judge, at this time I'd ask permission to
18 publish for Ms. Lawson State's Exhibit 80, which is Darius
19 Davis's body-worn camera.

20 MR. EDGEWORTH: Your Honor, I would object to that. I
21 mean he's already published it to the jury.

22 THE COURT: Can the -- can the lawyers approach a minute,
23 please?

24 (WHEREUPON, a bench conference was held as follows.)

25 THE COURT: If you would -- and I thought about this too.

ANTECIA LAWSON - DIRECT BY MR. WHITE

1 Just forward it to that place where she's -- I guess it's her
2 that's coming up beside the building.

3 MR. WHITE: Okay.

4 THE COURT: We don't need to see --

5 MR. WHITE: Okay. I agree. It's two-fold. I want her
6 to identify herself and then the cousin who you can see with
7 his shirt off, but I can fast forward it the best -- the best
8 I can, Your Honor.

9 THE COURT: It would be best if you can.

10 MR. WHITE: Okay.

11 (WHEREUPON, the bench conference ended, and the
12 proceedings resumed as follows.)

13 BY MR. WHITE:

14 Q: Okay. Antecia, I'm going to show you this video. Can
15 you see it clearly on the screen there?

16 (WHEREUPON, State's Exhibit Number 80, body-worn camera
17 video on disk, was played in open court. Not transcribed
18 herein.)

19 BY MR. WHITE:

20 Q: And I'm sorry, but I just need to identify the people who
21 are on scene. Is that you, Antecia --

22 A: Yes.

23 Q: -- that was on the screen?

24 A: Yes, sir.

25 Q: And did you ever make it to Tydrecus?

ANTECIA LAWSON - DIRECT BY MR. WHITE

1 A: He wouldn't let me.

2 Q: Okay. And then moments -- well, at moments later on that
3 same video, would you -- did your cousin -- he ran out of the
4 house with you?

5 A: He ran -- he ran out. He ran out while I was on the
6 phone.

7 Q: Okay.

8 A: I think that's why the call was never finished.

9 Q: Okay. Did he -- did he have his shirt off?

10 A: I believe so, yes.

11 Q: Okay. Antecia, anytime that night but especially when
12 Tydrecus left, did you see him with a gun?

13 A: No, sir.

14 Q: Okay. What kind of -- what type of person was Tydrecus?

15 A: He was amicable. He was sweet. He was real loving. He
16 was generous. There was nothing that he would not do for me.
17 That was my best friend.

18 MR. WHITE: I beg the Court's indulgence for just a
19 second.

20 Antecia, thank you so much. Okay? These defense
21 attorneys are going to ask you some questions. Just answer
22 their questions for them. Okay?

23 THE WITNESS: Yes, sir.

24 MR. WHITE: Thank you.

25 THE COURT: Mr. Edgeworth?

ANTECIA LAWSON - CROSS BY MR. EDGEWORTH

1 MR. EDGEWORTH: Thank you, Your Honor. May it please the
2 Court.

3 CROSS-EXAMINATION

4 BY MR. EDGEWORTH:

5 Q: Ms. Lawson, on this night when you -- when you learned of
6 the -- or you heard the shots and you were making your way
7 back to the Tiger Mart, how long did it take you to get back
8 there?

9 A: You're talking about when I was running; right?

10 Q: Well, you hadn't been there earlier; correct?

11 A: No, sir.

12 Q: Okay. So when you learned or heard of the shooting, you
13 heard the shots?

14 A: Uh-huh.

15 Q: And then at some point you started making your way to the
16 Tiger Mart; is that right?

17 A: Yes, sir.

18 Q: How long did it take you to get there?

19 A: About what? Like a minute, maybe. Not long at all.

20 Q: So is it -- do you know the distance? Did you take what
21 you called the path to get there?

22 A: No, sir.

23 Q: Did you take the route that you showed the jury, you
24 know, up the street and then down?

25 A: Yes, sir.

ANTECIA LAWSON - CROSS BY MR. EDGEWORTH

1 Q: Okay. So you took that same -- same travel to get there?

2 A: Uh-huh.

3 Q: Okay. And you think it took you about a minute to get

4 there?

5 A: Yeah, maybe. Probably less.

6 Q: Okay.

7 A: I was running.

8 Q: Understood. And -- and you said your cousin ran ahead of

9 you?

10 A: Yes, sir.

11 Q: Okay. Was there anybody else that ran over there either

12 -- that ran there too?

13 A: No, sir.

14 Q: Okay. Who is the cousin that you're speaking of?

15 A: His name is Rayshawn.

16 Q: Rayshawn? Okay. And when you got there, was there

17 anyone else there?

18 A: No, not beside the police.

19 Q: Okay. There were no other individuals?

20 A: No.

21 Q: So it was just you and your cousin?

22 A: Yeah. That's who I ran behind. Yes, so it was just him

23 and me and police.

24 Q: Okay.

25 MR. EDGEWORTH: Thank you. No further questions.

ANTECIA LAWSON - REDIRECT BY MR. WHITE

1 THE COURT: Mr. Ammons?

2 MR. AMMONS: Thank you, Your Honor. May it please the
3 Court. Actually, Your Honor, I don't think I have any
4 additional questions for this witness.

5 THE COURT: Mr. White, anything else on redirect?

6 MR. WHITE: Just briefly.

7 REDIRECT EXAMINATION

8 BY MR. WHITE:

9 Q: When you were running over there, Antecia, and even when
10 you're on that phone call -- and I think we can clearly see
11 it.

12 A: Uh-huh.

13 Q: Is it fair to say you were very upset?

14 A: I was. That's no -- no one should see their significant
15 other that way. I don't think no one deserves that at all.

16 MR. WHITE: Thank you, Antecia. I have nothing further.

17 THE COURT: Anything else, Mr. Edgeworth?

18 MR. EDGEWORTH: Nothing further, Your Honor.

19 THE COURT: Ma'am, you may step down. Thank you.

20 MR. WHITE: And, Judge, I would ask if Ms. Lawson could
21 be released from her subpoena.

22 THE COURT: Any objection, Mr. Edgeworth?

23 MR. EDGEWORTH: No, Your Honor.

24 THE COURT: Mr. Ammons?

25 MR. AMMONS: No objection.

TYRIN JONES - DIRECT BY MR. WHITE

1 THE COURT: Ma'am, you're released from your subpoena.
2 You're free to go. Thank you.

3 THE COURT: All right. Call your next witness, please.

4 MR. WHITE: Judge, at this time the State would call
5 Tyrin Jones.

6 (WHEREUPON, there was a pause in the proceedings until
7 the witness entered the courtroom, after which the
8 proceedings resumed as follows.)

9 THE CLERK: Ma'am, please place your left hand on the
10 Bible and raise your right hand. Do you swear that the
11 testimony you will give in this case will be the truth, the
12 whole truth, and nothing but the truth, so help you God?

13 THE WITNESS: Yes.

14 THE CLERK: Please be seated on the witness stand and
15 state your full name for the record.

16 TYRIN JONES, being first duly
17 sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. WHITE:

20 Q: Please state your full name for the record, Tyrin?

21 A: Tyrin Jones.

22 Q: Thank you. Tyrin, I know you're a little bit nervous.
23 Just answer the questions and speak up so this lady to your
24 right, the court reporter, can get everything down. Okay?

25 A: All right.

TYRIN JONES - DIRECT BY MR. WHITE

1 Q: And you've got that microphone here. Let's use it. All
2 right? I know you're soft-spoken. All right. Tyrin, where
3 are you from?

4 A: Florence.

5 Q: And how long have you been living in Florence?

6 A: All my life, 25 years.

7 Q: And do you -- do you have any kids in Florence?

8 A: Uh-huh.

9 Q: What are their ages?

10 A: Six and one.

11 Q: So you've got your hands full?

12 A: Yeah.

13 Q: We appreciate you being up here. I know it takes a lot
14 getting -- you know, getting the kids ready in the morning and
15 that sort of thing. So I appreciate you being here. We've
16 got to have a difficult conversation. I want to ask you about
17 what occurred September 12th, 2019. Is that all right?

18 A: Yes.

19 Q: On that evening, who were you with?

20 A: Ty, Man-Man, and Kami.

21 Q: All right. So let's break it down. When you say Ty, who
22 are you referring to?

23 A: Tirik.

24 Q: And what's his last name?

25 A: Epps.

TYRIN JONES - DIRECT BY MR. WHITE

1 Q: Okay. And would you be referring to Tirik Johnson-Epps?

2 A: Yeah.

3 Q: And then you also said Man-Man, and by Man-Man, who are

4 you referring to?

5 A: Quinterris.

6 Q: Okay. And is his last name Carmichael?

7 A: Yeah.

8 Q: So by Man-Man, you're referring to Quinterris Carmichael;

9 is that right?

10 A: Uh-huh.

11 Q: And the third individual that you named, you said Kami?

12 A: Yeah.

13 Q: Are you referring to Kami Mitchell?

14 A: Yes.

15 Q: And were y'all all together just kind of hanging out?

16 A: Uh-huh.

17 Q: Partying a little bit?

18 A: Yeah.

19 Q: Okay. And where were y'all earlier in the night before

20 you made your way over to Tiger Mart/Speedy Mart?

21 A: We were just chilling. We had, like, a little small

22 little cookout, not really, but we was just chilling.

23 Q: Okay. Now, I'm going to show you surveillance video, and

24 I'm going to try to go through it a little faster than I did

25 yesterday, but I want you to identify certain aspects of the

TYRIN JONES - DIRECT BY MR. WHITE

1 video. Okay?

2 MR. WHITE: And, Judge, at this time I would ask
3 permission to publish again --

4 Which one is that again, Krystal?

5 THE COURT REPORTER: 3.

6 MR. WHITE: State's Exhibit 3, Judge. Yes, 3.

7 THE COURT: All right.

8 (WHEREUPON, State's Exhibit Number 3, surveillance video,
9 was played in open court.)

10 BY MR. WHITE:

11 Q: Now, Tyrin, can you see clearly on the screen there the
12 video in front of you?

13 A: Yes, sir.

14 Q: Okay. Can you see the vehicle approaching?

15 A: Yeah.

16 Q: Then it comes and parks. Whose vehicle is that?

17 A: That's -- that's my -- my car.

18 Q: Okay. And who was driving that vehicle?

19 A: Tirik.

20 Q: And who all else was in that vehicle?

21 A: Me, Tirik, Quinteris, and Kami.

22 Q: Okay. And where was everybody seated? I mean, I know
23 it's been a long time, but to the best of your --

24 A: It's off.

25 Q: Oh. To the best of your recollection, where was

TYRIN JONES - DIRECT BY MR. WHITE

1 everybody seated when y'all pulled up?

2 A: I was on the passenger-side, Tirik was driving, and Man-
3 Man and Kami was in the back.

4 Q: And during that time, were you and Tirik Johnson-Epps
5 dating?

6 A: Yeah.

7 Q: Okay. Now, I'm going to show you the next clip. Tyrin,
8 who were those two individuals who just got out of the
9 vehicle?

10 A: Man-Man and Ty.

11 Q: And can you specifically identify them? Which is which?

12 A: Could you explain? What do you mean?

13 Q: So I'll -- there's one individual that got out of the
14 rear of the vehicle that's got a hood on. Who is that?

15 A: The one in the back is Man-Man. The one in the front is
16 Ty.

17 Q: Okay. And again, Ty is Tirik Johnson-Epps?

18 A: Yes, sir.

19 Q: And Man-Man is Quinterris Carmichael; is that right?

20 A: Yes, sir.

21 Q: Now, during this time -- and you realize that an
22 altercation is about to occur; correct?

23 A: Yeah. Yes, sir.

24 Q: And during that time, where were you seated or where were
25 you when that --

TYRIN JONES - DIRECT BY MR. WHITE

1 A: Still in the car.

2 Q: And then that's the front passenger side?

3 A: Yes, sir.

4 Q: Correct? I am going to show you and get you -- well,
5 I'll tell you what. I'm not going to get you to step down
6 just yet, but I am going to show you a piece of evidence. I'm
7 going to show you State's Exhibit 86, and could you tell me do
8 you recognize that area?

9 A: Yes, sir.

10 Q: Okay. And where is that? What are we looking at?

11 A: Tiger Mart.

12 Q: Okay. I know it's pretty self-explanatory, but I still
13 have to put it on the record.

14 A: Yes.

15 Q: And is that the location where you were that evening?

16 A: Yes, sir.

17 Q: And you're intimately familiar with this area? You
18 recognized it immediately?

19 A: Yes, sir.

20 MR. WHITE: Judge, at this time I'd move State's Exhibit
21 86 into evidence.

22 THE COURT: Any objection, Mr. Edgeworth?

23 MR. EDGEWORTH: No objection, Your Honor.

24 THE COURT: Mr. Ammons?

25 MR. AMMONS: No objection.

TYRIN JONES - DIRECT BY MR. WHITE

1 THE COURT: So admitted, 86.

2 (WHEREUPON, State's Exhibit Number 86, large photo, was
3 admitted into evidence.)

4 BY MR. WHITE:

5 Q: Now, the individual there with hood on -- and I know this
6 is -- it's repetitive, but I've got to -- I have to do it.
7 Who was that with the hood on?

8 A: Man-Man.

9 Q: Now, during this time, obviously, you've got a pretty
10 front-row seat to that; am I right?

11 A: Yes, sir.

12 Q: Did it appear that Man-Man was instigating something with
13 these individuals?

14 A: In the car, I couldn't hear the conversation.

15 Q: Okay.

16 A: But yeah. Yes, sir.

17 MR. EDGEWORTH: Your Honor, may we approach briefly?

18 THE COURT: Yes.

19 (WHEREUPON, a bench conference was held as follows.)

20 THE COURT: Yes?

21 MR. EDGEWORTH: Thank you, Judge. Can I ask that the
22 State refrain from using the street name. I understand if the
23 witnesses have to use it because that's what they know him by,
24 but I think it's just inflammatory that we keep on calling my
25 client Man-Man instead of his name.

TYRIN JONES - DIRECT BY MR. WHITE

1 THE COURT: Well, I mean, they keep referring to him --

2 MR. WHITE: Yeah. I've been trying to avoid it, but they

3 keep bringing it up.

4 THE COURT: And when he says Man-Man, then he has to

5 clarify you're talking about Mr. Carmichael.

6 MR. EDGEWORTH: Okay. All right. Understood.

7 THE COURT: Can you --

8 MR. WHITE: I'll try. I'll do my best, Your Honor.

9 MR. EDGEWORTH: Okay.

10 MR. WHITE: I hear what you're saying.

11 MR. EDGEWORTH: Thank you.

12 (WHEREUPON, the bench conference ended, and the

13 proceedings resumed as follows with the video being

14 played.)

15 BY MR. WHITE:

16 Q: So, again, during this altercation here in the beginning

17 stages, you're still seated in that front passenger seat; is

18 that right?

19 A: Yes, sir.

20 Q: And is it safe to assume you saw the entirety of the

21 beginning of that incident?

22 A: Only the part, like, right where the window is.

23 Q: Gotcha. I'm going to play it again. Now, at that point

24 when the punch is thrown, who all is standing there?

25 A: When he first hit him, it was only them three, but after

TYRIN JONES - DIRECT BY MR. WHITE

1 he hit him, that's when Ty got out.

2 Q: So when you say them three, are we talking about

3 Quinterris Carmichael?

4 A: Yeah.

5 Q: And then the victim, Tydrecus Williams?

6 A: Yes, sir.

7 Q: And then Kareem Jones, who was standing there as well?

8 A: Yes, sir.

9 Q: So it's just the three of them. Eventually, do you lose

10 sight of them as they go around the corner?

11 A: Yes, sir.

12 Q: Now, was there anybody else who also went around that

13 side of the building at the same time that those three

14 individuals did?

15 A: That's when all four of them.

16 Q: Okay. And who was the fourth?

17 A: Ty.

18 Q: And let's -- let's use his full name.

19 A: Tirik.

20 Q: And I know it's repetitive. Is it Tirik Johnson-Epps?

21 A: Yes, sir.

22 Q: If you'll take a look at that video, Tyrin? Is that

23 Tirik Johnson-Epps there?

24 A: Yes, sir.

25 Q: And is this the point where he is walking and following

TYRIN JONES - DIRECT BY MR. WHITE

1 them around the corner?

2 A: Yes, sir.

3 Q: And do you -- do you see in that video something is in
4 his hand?

5 A: Yes, sir.

6 Q: Is it a drink or a beer?

7 A: Yeah, it's a drink.

8 Q: Okay. And you see the timestamp on that. It's almost
9 immediately around the corner that you see them go, but again,
10 you lose sight of them at that point; is that right?

11 A: Yes, sir.

12 Q: Okay. And I want you, Tyrin, to give me a second. I'm
13 going to set this up, and I'm going to ask you to come down
14 and show us exactly what occurred. I'm going to get you to
15 stand on the opposite side of this podium. And what you've
16 got to do, Tyrin, is you've got to speak nice and clear and
17 loud so the court reporter can hear you.

18 MR. WHITE: And I'm going to show her, Judge, what's been
19 moved into evidence as State's Exhibit 86. Permission to
20 publish to the jury?

21 THE COURT: Yes.

22 BY MR. WHITE:

23 Q: All right. Tyrin, come hang out with me down here for a
24 second, if you don't mind, if you'll stand right here. All
25 right? And just kind of convey your voice to the court

TYRIN JONES - DIRECT BY MR. WHITE

1 reporter so she can hear. Now, is this the area where the
2 vehicle comes in initially?

3 A: Yes, sir.

4 Q: And is this the area where you all parked?

5 A: Yes, sir.

6 Q: Now, where, if you can show us on the map, is that self
7 -- or the little window where you go after hours? Right
8 there?

9 A: Uh-huh.

10 Q: Is this the area where you see the punch?

11 A: Yes, sir.

12 Q: And at this point when you see the punch, three
13 individuals are standing there, and you named them as
14 Quinterris Carmichael, Tydrecus Williams, and also Kareem
15 Jones, is that right?

16 A: Yes, sir.

17 Q: And then they start to go around the side; is that right?

18 A: Yes, sir.

19 Q: And then a fourth, being Tirik Johnson-Epps, gets out of
20 the car; correct?

21 A: Yes, sir.

22 Q: And the four of them go around the side?

23 A: Yes, sir.

24 Q: Are those the only four that you saw moving to around
25 that corner?

TYRIN JONES - DIRECT BY MR. WHITE

1 A: Yes, sir.

2 Q: And again, you lost sight of them when they moved around
3 that corner?

4 A: Yeah.

5 Q: Okay. Very good. You can have a seat, and I'm going to
6 ask you just a few more questions.

7 Okay. Once they go around that corner and it doesn't
8 take very long, what happens next? What did you hear?

9 A: They go around the corner, they start fighting, I guess
10 still, and then that's when you hear a shooting.

11 Q: Okay. And you said you guess they were still fighting,
12 but once they went around that corner --

13 A: Yeah.

14 Q: -- you didn't -- you couldn't see?

15 A: No.

16 Q: But you did hear gunshots; is that right?

17 A: Yes, sir.

18 Q: Now, I'm going to go back -- well, go forward. Excuse
19 me. If you could watch the video right there, just moments
20 later, is that Tirik Johnson-Epps getting back in the vehicle?

21 A: Yes, sir.

22 Q: When he's on the way to the vehicle, is he coming back
23 around from that corner?

24 A: Yes, sir.

25 Q: And did you notice at that time, without paying attention

TYRIN JONES - DIRECT BY MR. WHITE

1 to the video, did you know at that time whether or not he
2 still had that bottle in his hand, the drink?

3 A: He still had it in his hand, yeah.

4 Q: Okay. And why did that stick out to you? Why did you
5 notice it?

6 A: Because of how he was holding it.

7 Q: Okay.

8 A: Like, it waste or something.

9 Q: And what do you mean by that? It waste or something?

10 A: Like, you know, when you have a drink, it fizzes, spilled
11 or whatnot, you're going to hold it out.

12 Q: Okay.

13 A: He was just holding it, but I mean, it still was -- from
14 what I remember, it still was in his hand.

15 Q: Okay. And when you -- I think you said it was spilling
16 over?

17 A: Yes, sir.

18 Q: Okay. And you could see it spilling over on his hand?

19 A: Yes, sir.

20 Q: Okay. And at that point, he gets in the vehicle and
21 y'all drive away; is that right?

22 A: Yes, sir.

23 Q: But you don't -- did you make it very far before you
24 stopped again?

25 A: Yeah. No. We didn't -- I mean, it was still, like, on

TYRIN JONES - DIRECT BY MR. WHITE

1 the road part --

2 Q: Okay.

3 A: -- when we first stopped. Then we went to the light.

4 Q: I gotcha. And when y'all pull out -- well, I can show
5 you, but when y'all pull out, who is in the car when y'all
6 pull out of the Tiger Mart after you hear those initial shots?

7 A: Me, Tirik, and Kami.

8 Q: Okay. And then you pull up and you stop a distance
9 away. Who then gets in the car?

10 A: Quinterris.

11 Q: Quinterris Carmichael?

12 A: Uh-huh.

13 MR. WHITE: I beg the Court's indulgence.

14 THE COURT: Is that a yes?

15 THE WITNESS: Yes, sir.

16 THE COURT: Thank you.

17 THE WITNESS: I'm sorry.

18 THE COURT: That's okay.

19 MR. WHITE: Just one second.

20 BY MR. WHITE:

21 Q: And when you're in that car, things changed really
22 quickly; is that right?

23 A: Yes, sir.

24 Q: How were you feeling when you were in that car driving
25 away from the Tiger Mart?

TYRIN JONES - DIRECT BY MR. WHITE

1 A: Scared, but I was also drinking. So it was, like, a lot
2 going on, but scared and not really knowing.

3 Q: Okay. And then later on when you met with law
4 enforcement, you did talk to law enforcement; is that right?

5 A: Yes, sir.

6 Q: How were you feeling when you initially spoke to law
7 enforcement?

8 A: Scared.

9 Q: Okay. Now, Tyrin, important question. Everything you've
10 told us here today, is it the truth?

11 A: Yes, sir.

12 Q: Okay. And in fact, it's corroborated by what's on that
13 video; is that right?

14 A: Yes, sir.

15 Q: Okay. Thank you, Tyrin. I don't have anything else for
16 you. Please answer any questions that these defense attorneys
17 may have for you. All right?

18 A: Yes, sir.

19 Q: Okay.

20 MR. WHITE: Thank you.

21 THE COURT: Mr. Edgeworth?

22 MR. EDGEWORTH: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. EDGEWORTH:

25 Q: Okay. Ms. Jones, I probably need to break down your

TYRIN JONES - CROSS BY MR. EDGEWORTH

1 whole experience in a different way so we make sure that the
2 jury understands. So on this particular night when you went
3 to the store at the Tiger Mart, you were there to get some
4 cigarettes?

5 A: Yes, sir.

6 Q: Okay. And maybe get some drinks?

7 A: Yes, sir.

8 Q: Okay. Y'all were kind of winding down the night from
9 your party?

10 A: Yes, sir.

11 Q: Or your cookout? Okay. And when you get there, did you
12 get out the car at all?

13 A: At first.

14 Q: Okay.

15 A: When we first got there.

16 Q: Okay. And in fact, there was a point in time when you
17 went up to that window you're referring to and got yourself
18 some cigarettes or whatever?

19 A: Yes, sir.

20 Q: Okay. And then you made your way back to the -- to the
21 car?

22 A: Yes, sir.

23 Q: Did you get back in the car?

24 A: After I left the window, yes, sir.

25 Q: Okay. Was there any time that you got back out of the

1 car again?

2 A: Yes, sir.

3 Q: Okay. And what did you do?

4 A: I was telling Kami to get in the car.

5 Q: Okay. But did you leave from the vicinity of the car?

6 A: The only time I left was when I went to the window to get

7 the cigarettes.

8 Q: Okay.

9 A: The only time I got out besides the time I just said with

10 Kami is when I got -- when I got back in the car.

11 Q: Okay.

12 A: So once I went to the window, I got back in the car.

13 Q: Okay. And so at no point in time during your trip did

14 you ever go around the corner, did you not?

15 A: No, sir.

16 Q: Okay. So you don't know what was over there?

17 A: No, sir.

18 Q: You don't know if there were people hanging out?

19 A: No, sir.

20 Q: Okay. You don't know if there were other cars over

21 there?

22 A: No, sir.

23 Q: Okay. Now, you were standing by the car, and you

24 explained that when you saw Mr. Williams and Mr. Jones come

25 up; correct?

TYRIN JONES - CROSS BY MR. EDGEWORTH

1 A: Yes, sir.

2 Q: Okay. And you stated that you heard -- could you hear
3 them talking?

4 A: No, sir.

5 Q: So you have no idea really what everybody was talking
6 about during the -- around the window; right?

7 A: No, sir.

8 Q: Okay. And that went on for a few minutes?

9 A: Yes, sir.

10 Q: Okay. But you weren't paying attention to it, were you?

11 A: Not -- not really, no.

12 Q: Now, at some point in time, you testified that my client,
13 Mr. Carmichael, punched somebody; right?

14 A: Yes, sir.

15 Q: Okay. That was Mr. Jones, was it not?

16 A: Yes, sir.

17 Q: It wasn't the individual that died, was it?

18 A: No, sir.

19 Q: And it didn't appear at any time while you were -- you
20 were watching that Mr. Carmichael had a problem with Mr.
21 Williams, did he? The person that died?

22 A: No, I didn't know that.

23 Q: Right. And the only time you saw anything, if anything
24 at all, was the fact that Mr. Carmichael knocked the drink out
25 of the hand and punched Mr. Jones?

TYRIN JONES - CROSS BY MR. EDGEWORTH

- 1 A: Yes, sir.
- 2 Q: Now, there was no beef with Mr. Tydrecus Williams;
- 3 correct?
- 4 A: Not to my knowledge, no, sir.
- 5 Q: Okay. At some point in time after Mr. Johnson-Epps got
- 6 out of the vehicle, people went around the corner; correct?
- 7 A: Yes, sir.
- 8 Q: And you saw nothing else?
- 9 A: No, sir.
- 10 Q: You did hear gunshots, you say?
- 11 A: Yes, sir.
- 12 Q: You didn't see who shot those gunshots, did you?
- 13 A: No, sir.
- 14 Q: Okay. After the gunshots, Mr. Epps came back to the car,
- 15 did he not?
- 16 A: Yes, sir.
- 17 Q: Okay. And y'all got in the car and started driving off?
- 18 A: Yes, sir.
- 19 Q: But you didn't leave, did you?
- 20 A: Not right then and there.
- 21 Q: Okay. I'm going to ask you a couple of additional
- 22 questions, and I'm going to use the State's little handy-dandy
- 23 old-school easel, since their newfangled easel wasn't working
- 24 yesterday.
- 25 MR. EDGEWORTH: Let's see if there will be a better photo

TYRIN JONES - CROSS BY MR. EDGEWORTH

1 here.

2 THE COURT: What exhibit is that, Mr. Edgeworth?

3 MR. EDGEWORTH: Yes, sir. Your Honor, this is State's
4 Exhibit 81.

5 With the Court's permission, would you please step down
6 here for us?

7 MR. WHITE: And, Judge, just for clarification, I may
8 have already done it, but I'm not sure. I don't know if I
9 moved 81 into evidence or not. No?

10 THE COURT: Is it in?

11 MR. EDGEWORTH: I thought it was in.

12 MR. WHITE: Okay. I just wanted to doublecheck.

13 MR. EDGEWORTH: Okay.

14 THE COURT: It's been admitted.

15 MR. EDGEWORTH: Okay. I'll let you stand right here.

16 BY MR. EDGEWORTH:

17 Q: Now, does this look familiar to you as the Tiger Mart?

18 A: Yes, sir.

19 Q: Okay. And this is the front side right here where your
20 car was parked and that window is?

21 A: Yes, sir.

22 Q: Okay. And this is around the corner that you could no
23 longer see anything?

24 A: Yes, sir.

25 Q: And then you -- y'all got back in the car and you left

TYRIN JONES - CROSS BY MR. EDGEWORTH

1 out of the parking lot?

2 A: Yes, sir.

3 Q: Okay. Now, when you left out of the parking lot, can you
4 see on this photo the stoplight?

5 A: No. You can't see it on this, no, sir.

6 Q: Okay. And where -- or excuse me. My apologies for
7 standing that way. Is the stoplight out of this picture going
8 this way or are we talking about the stoplight here?

9 A: That way.

10 Q: Okay. And when y'all left out, did y'all stop in this
11 area? You stopped right in here?

12 A: Yes, sir.

13 Q: Okay. So not off the -- off the picture; correct?

14 A: No.

15 Q: Okay. So you stopped here; correct? Or no?

16 A: Yes. Somewhere in -- over here somewhere is where we
17 stopped or rolled because it wasn't, like, a long stop.

18 Q: Right. You were on the roadway? You didn't leave very
19 far when you pulled out of the lot; correct?

20 A: Yes, sir.

21 Q: Okay. Now, do you -- and you can go back.

22 Now, after this incident, you were questioned by law
23 enforcement, were you not?

24 A: Yes, sir.

25 Q: Okay. And do you recall during that conversation with

TYRIN JONES - CROSS BY MR. EDGEWORTH

1 law enforcement that initially you didn't want to talk;
2 correct?

3 A: Yes, sir.

4 Q: And that was primarily because you were in a relationship
5 with Mr. Johnson-Epps?

6 A: That wasn't the reason. No, sir.

7 Q: Was that the reason, better asked?

8 A: No, sir.

9 Q: Okay. And was it because you didn't really know
10 anything?

11 A: That, and I was scared.

12 Q: Okay. Do you recall talking to them -- talking to law
13 enforcement about when you left out of the parking lot?

14 A: About stopping?

15 Q: Yes, ma'am.

16 A: Yes, sir.

17 Q: Okay. And do you recall at that time one of -- one of
18 the law enforcement officers was up kind of drawing a diagram?

19 A: Yes, sir.

20 Q: Do you remember that?

21 A: Uh-huh.

22 Q: And they made a notation as to where they -- where you
23 stopped?

24 A: Yes, sir.

25 Q: Okay. Do you recall telling them that Mr. Johnson-Epps

TYRIN JONES - CROSS BY MR. EDGEWORTH

1 got out of the vehicle at that time?

2 A: Yeah. Yes, sir.

3 Q: Okay.

4 MR. EDGEWORTH: No further questions, Your Honor.

5 THE COURT: Mr. Ammons?

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

8 CROSS-EXAMINATION

9 BY MR. AMMONS:

10 Q: Good morning, Ms. Jones. So as you guys were hanging out
11 earlier that day, there was no -- when I say you guys, I'm
12 talking about you and Kami and Mr. Epps and Mr. Carmichael.
13 There was no discussion about wanting to go up to the Tiger
14 Mart and get in an altercation?

15 A: No, sir.

16 Q: There was no discussion about Tydrecus Williams, was
17 there?

18 A: No, sir.

19 Q: There was no discussion about Kareem Jones?

20 A: No, sir.

21 Q: No discussion about wanting to shoot anyone?

22 A: No, sir.

23 Q: So the reason for going to the Tiger Mart was just to get
24 some cigarettes and some drinks?

25 A: Yes, sir.

TYRIN JONES - CROSS BY MR. AMMONS

1 Q: And when the altercation or the exchanges started
2 happening between Mr. Carmichael and Mr. Williams and Mr.
3 Jones, you said you were in the car at that time; right?

4 A: Yes, sir.

5 Q: All right. And Mr. Epps was in the car at that time;
6 right?

7 A: Yes, sir.

8 Q: He wasn't involved in that exchange at all, was he?

9 A: No, sir.

10 Q: And he didn't initiate any conversations or argument
11 between or with Mr. Kareem Jones and Mr. Tydrecus Williams?

12 A: No, sir.

13 Q: All right. And he wasn't encouraging Mr. Carmichael to
14 get into any altercation, was he?

15 A: No, sir.

16 Q: All right. Mr. Carmichael was acting on his own will at
17 that time?

18 A: Yes, sir.

19 Q: All right. And in fact, you and Kami and Mr. Epps, y'all
20 were ready to go, weren't you?

21 A: Yes, sir.

22 Q: All right. You were at the station for quite a while,
23 weren't you? Ten or 15 minutes?

24 A: Not that long, but --

25 Q: There were several people there when you got there;

1 right?

2 A: Yes, sir.

3 Q: And there were conversations with other people other than

4 Mr. Jones and Mr. Williams?

5 A: Yes, sir.

6 Q: There were no altercations with any of those folks?

7 A: No, sir.

8 Q: And as you said, after -- after the altercation happened

9 and the folks went around the corner, you didn't see anything

10 more?

11 A: No, sir.

12 Q: You didn't see what happened?

13 A: No, sir.

14 Q: You didn't see anyone shoot a gun?

15 A: No, sir.

16 Q: All right. You heard shots?

17 A: Yes, sir.

18 Q: Four shots?

19 A: I don't know.

20 Q: Okay. And then Mr. Epps got back in the car without Mr.

21 Carmichael?

22 A: Yes, sir.

23 Q: And y'all speed out of the parking lot?

24 A: Yes, sir.

25 Q: And turn onto Lucas Street, just out of the parking lot

TYRIN JONES - CROSS BY MR. AMMONS

1 on Lucas Street?

2 A: Yes, sir.

3 Q: And then you go a little -- little ways and stop?

4 A: Yes, sir.

5 Q: To wait for Mr. Carmichael to get back in?

6 A: Stopped to get him, yes, sir.

7 Q: All right. And you said Mr. Jones got out of the car,
8 but he didn't go far; right?

9 A: Who?

10 Q: I mean, Mr. Epps.

11 A: Yes, sir.

12 Q: He got out of the car?

13 A: Yes, sir.

14 Q: But did he -- he stayed close by the car; right?

15 A: Yes, sir.

16 Q: All right. He didn't go all the way back to where Mr.
17 Carmichael was?

18 A: I don't --

19 Q: All right.

20 A: I don't -- I don't think so. That's one thing I'm trying
21 to fully -- because I don't know how far he went, but it
22 wasn't long.

23 Q: All right. You weren't stopped for a long time?

24 Q: No, sir.

25 Q: The car wasn't unattended? I mean, you -- you and Ms.

1 Mitchell were in the car?

2 A: Yes, sir.

3 Q: All right. You didn't see Mr. Epps shoot anyone when he
4 got out of the car?

5 A: No, sir.

6 Q: He didn't get out to go shoot?

7 A: No, sir.

8 Q: Do you recall telling law enforcement that you did look
9 out of the window and you saw --

10 A: I corrected that all. I corrected that. I looked out
11 and saw someone, but I didn't see a motion of all the other
12 things.

13 Q: And you said you were scared you had -- once everybody
14 got back in the car, you were scared at that point?

15 A: Yes, sir.

16 Q: But you said you had been drinking, so --

17 A: Yes, sir.

18 Q: All right. Did that drinking impair your ability to
19 remember what went on?

20 A: I'm sorry? Could you repeat that?

21 Q: How much had you been drinking?

22 A: I can't remember, but it was, like, a good bit, like.

23 Q: All right. So enough that your memory is probably not
24 the best?

25 A: No, sir.

TYRIN JONES - CROSS BY MR. AMMONS

1 Q: Not that much?

2 A: Could you ask it?

3 Q: I said you drank enough that it impaired your ability to
4 remember exactly what happened?

5 A: Yes, and then I just didn't know.

6 MR. AMMONS: No further questions, Your Honor.

7 THE COURT: Mr. White?

8 REDIRECT EXAMINATION

9 BY MR. WHITE:

10 Q: But you didn't drink so much that you can't recall things
11 that you've testified to?

12 A: Yes, sir.

13 Q: Everything you testified to you remember clearly; is that
14 right?

15 A: Yes, sir.

16 Q: And again, I just want to reiterate, moments before you
17 hear those four shots or however many shots that occurred,
18 there were four individuals who go around that corner
19 together; right?

20 A: Yes, sir.

21 Q: And prior to that, Tydrecus Williams and Kareem Jones --
22 they arrived together; correct?

23 A: Yes, sir.

24 Q: And then Quinterris Carmichael and Tirik Johnson-Epps --
25 they arrived together; right?

TYRIN JONES - REDIRECT BY MR. WHITE

1 A: Yes, sir.

2 Q: And they're boys; right? They're best friends?

3 MR. EDGEWORTH: Objection. Leading.

4 BY MR. WHITE:

5 Q: Are they best friends?

6 A: I'm not sure. They're close though.

7 Q: Close?

8 A: They were.

9 Q: And again, they arrived together?

10 A: Yes, sir.

11 Q: And the four of them went around that corner; is that

12 right?

13 A: Yes, sir.

14 MR. WHITE: I beg the Court's indulgence for just a

15 moment.

16 Tyin, that's all I have for you. Thank you very much.

17 THE COURT: Anything else, Mr. Edgeworth?

18 MR. EDGEWORTH: Nothing further, Your Honor.

19 THE COURT: Mr. Ammons?

20 MR. AMMONS: Nothing further, Your Honor.

21 THE COURT: Ma'am, you may step down. Thank you.

22 THE WITNESS: Thank you.

23 MR. WHITE: Judge, I would ask if Ms. Jones can be

24 released from her subpoena.

25 THE COURT: Any objection, Mr. Edgeworth?

1 MR. EDGEWORTH: One second, Your Honor. No objection,
2 Your Honor.

3 THE COURT: Mr. Ammons?

4 MR. AMMONS: No objection.

5 THE COURT: All right. Very well.

6 All right. Ladies and gentlemen, what we are going to
7 do, I'm going to -- we're going to take a short break. I'm
8 going to ask you to step to the jury room. Do not discuss the
9 case at all. I'll get you back out here as quickly as
10 possible.

11 One thing I've asked my deputy clerk over here to do,
12 we're going to eat lunch here today. So I'm going to have the
13 clerk come back and take your lunch order for today rather
14 than -- I know it's kind of -- the weather, kind of raining,
15 not raining, raining, not raining, and in an effort to try to
16 keep moving things along, we're going to order lunch in today.
17 So she'll come back there and get your lunch order, and then
18 we'll resume as quickly as possible. Okay?

19 (WHEREUPON, the jury exited the courtroom at 10:25 a.m.)

20 THE COURT: All right. We'll stand down a few minutes.

21 MR. WHITE: Thank you, Judge.

22 MR. AMMONS: Thank you, Your Honor.

23 (WHEREUPON, there was a break in the proceedings at 10:25
24 a.m.)
25

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE	)	2021-GS-21-00472
	)	2021-GS-21-00473
	)	2021-GS-21-00474
	)	2021-GS-21-00475
	)	
	)	
State Of South Carolina	)	TRANSCRIPT OF RECORD
vs.	)	
Quinterris J. Carmichael	)	
Tirik J. Johnson-Epps	)	Florence, South Carolina
<u>DEFENDANT</u>	)	January 25-27, 2023

B E F O R E:

THE HONORABLE D. CRAIG BROWN and a jury.

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

J. RYAN WHITE, ASSISTANT SOLICITOR
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Attorneys for the State

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Attorney for Defendant Carmichael

GREGORY D. AMMONS, ESQ.
Attorney for Defendant Johnson-Epps

KESHIA REED
Official Court Reporter

1 THE COURT: The strong arm robbery conviction
2 does not include a firearm, that is not one of the
3 elements of that offense. He's convicted of strong arm,
4 so I'm not going to allow you to do that, but your
5 objection is noted for the record.

6 MR. EDGEWORTH: Thank you, sir.

7 THE COURT: Mr. Ammons.

8 MR. AMMONS: Nothing, Judge.

9 THE COURT: All right, bring me the jury please,
10 ma'am.

11 (WHEREUPON, the jury came into open court.)

12 THE COURT: Ladies and gentlemen, there was no
13 intention to keep you in the jury room as long you just
14 stayed back there, and I apologize for that. If you'll
15 notice, I have a new court reporter now, okay. My prior
16 court reporter was not feeling well. And unfortunately we
17 don't have court reporters sitting in the back waiting if
18 we have an issue that comes up. So I had to go next door
19 and get Ms. Keshia from Judge Seals next door. It took
20 some time to wind that up and get what was happening over
21 there and get her over here. So I apologize for making
22 you all wait, that is absolutely that was not my intention
23 when you all -- when I sent you out for your break. It
24 was to be a short break and turned out to be quite a
25 lengthy break, so I apologize and I hope you understand.

1 And at this time though we are ready to proceed, and I
2 recognize the State call your next witness please.

3 MR. WHITE: Thank you, Judge. At this time the
4 State would call Kareem Jones.

5 THE COURT: Sir, if you come on up here to be
6 sworn please.

7 THE CLERK: Please place your left hand on the
8 Bible and raise your hand. Do you swear that the
9 testimony you would give in this case will be the truth,
10 the whole truth, and nothing but the truth so help you
11 God?

12 THE WITNESS: Yes, ma'am.

13 THE CLERK: Please be seated on the witness
14 stand and state your full name for the record.

15 THE WITNESS: My name is Kareem Jones. I'm born
16 July 12th 2001.

17 WHEREUPON,

18 Kareem Jones,
19 after first having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. WHITE:

22 Q Thank you, Kareem. And we had a lot of soft spoken
23 witnesses, and you're no different. But just make sure
24 you speak nice and loud and clearly into the microphone so
25 everybody can hear you, okay. Kareem, where you from?

1 A Florence.

2 Q How long you been living in Florence?

3 A All my life.

4 Q Do you know the victim in this case Tydrecus
5 Williams?

6 A Yes, sir.

7 Q And how do you know him?

8 A My best friend.

9 Q Now, I want to get something out the way, and I'm
10 sorry I have to ask personal questions sometimes in the
11 course of my job, but I do have to ask you a personal
12 question, okay. Back in 2018 before all this, isn't it
13 true that you were convicted of common law robbery?

14 A Yes, sir.

15 Q All right. We got that out the way. Now,
16 September 12th 2019, were you hanging out with Tydrecus
17 Williams?

18 A Yes, sir.

19 Q And where were y'all hanging out?

20 A At his girlfriend house.

21 Q And is that Antecia Lawson?

22 A Yes, sir.

23 Q Why did you go over there?

24 A Because I had me and my girlfriend we had just got
25 into it, and she had left me. So I went over there to go

1 chill with him.

2 Q And what were you going to do just talk about what
3 had happened?

4 A Yes, sir.

5 Q And is that what y'all were doing?

6 A Yes, sir.

7 Q At some point did y'all make the decision to leave?

8 A Go to the store.

9 Q Okay. And what were y'all going to the store for?

10 A A Black & Mild.

11 Q All right. And is that something y'all normally
12 would do walk to the store?

13 A Yes, sir.

14 Q And to be clear, we're talking about the Speedy Mart.
15 Some people call it the Tiger Mart just around the corner
16 from Antecia's house, is that right?

17 A Yes, sir.

18 Q All right. When you get there, did you have any idea
19 who all would be there?

20 A No, sir.

21 Q Were you paying attention to anybody when you walked
22 up?

23 A No, sir.

24 Q Okay. And make sure you speak nice and loud, okay.
25 The microphone is catching a good bit of it, but the court

1 reporter has got to get it all down.

2 A I got you.

3 Q All right. Thank you, Kareem. Kareem, I'm going to
4 show you you were aware that the incident that took place
5 was captured on video surveillance?

6 A Yes, sir.

7 Q All right. I'm going to show you that video
8 surveillance. I just need you to identify some people on
9 the video, okay.

10 THE COURT: Mr. Jones, as he's stepping back
11 there to do that, when a question is asked of you, if you
12 would give either yes or no. And if you need to explain,
13 you certainly can do that, give us a yes or no as oppose
14 to uh-huh or uh-uh or even shaking your head yes or no,
15 okay. It's important that we have a verbal response from
16 you, so that it's taken down properly by the court
17 reporter, okay.

18 THE WITNESS: Yes, sir.

19 THE COURT: Mr. White.

20 MR. WHITE: Thank you, Judge.

21 BY MR. WHITE:

22 Q And I do need to back up and make sure I identify,
23 Kareem, one second what I'm playing.

24 MR. WHITE: Judge, permission to publish what's
25 already been admitted into evidence State's Exhibit 3.

1 THE COURT: Yes, sir.

2 BY MR. WHITE:

3 Q Kareem, do you see that on your screen, okay?

4 A Yes, sir.

5 (WHEREUPON, State's Exhibit 3 is being played.)

6 BY MR. WHITE:

7 Q Now, who are those two individuals?

8 A Me and Tydrecus.

9 Q And what are you wearing in that?

10 A A blue and white jacket.

11 Q And Tydrecus Williams is the one wearing the red?

12 A Yes, sir.

13 Q And how long have you and Tydrecus been best friends?

14 A Since seventh grade.

15 Q And at that point when y'all walk over there, did you
16 have any weapons on you?

17 A No, sir.

18 Q Did Tydrecus have any weapons on him?

19 A No, sir.

20 Q Okay.

21 (WHEREUPON, State's Exhibit 3 is being played.)

22 BY MR. WHITE:

23 Q Right there it sounds to me like he's asking y'all if
24 y'all want smoke, is that your recollection of it?

25 A Yes, sir.

1 Q Had you spoken to him at all before he made that
2 comment?

3 A No, sir.

4 (WHEREUPON, State's Exhibit 3 is being played.)

5 BY MR. WHITE:

6 Q And I think I heard him say what's good, what you got
7 in your pockets, is that right?

8 A Yes, sir.

9 Q And what did you respond with?

10 A You ain't taking nothing from me.

11 Q What did you think he meant by what's in your
12 pockets?

13 A I don't know. I just -- he wanted to take something
14 from me.

15 (WHEREUPON, State's Exhibit 3 is being played.)

16 BY MR. WHITE:

17 Q And at this point you can see him he walks back to
18 the car, is that right?

19 A Yes, sir.

20 Q But despite walking back to the car is he continuing
21 to talk to you?

22 A Yes, sir.

23 Q Say things toward you and Tydrecus Williams?

24 A Yes, sir.

25 (WHEREUPON, State's Exhibit 3 is being played.)

1 BY MR. WHITE:

2 Q And what were y'all standing there at the counter,
3 what were y'all waiting on?

4 A We were waiting on the lady to come to the window.

5 Q Okay. And, you know, I mean, correct me if I'm
6 wrong, it didn't seem like you were saying much at all
7 back towards him?

8 A No, sir.

9 Q Were you trying to diffuse the situation?

10 A Yes, sir.

11 Q And, Kareem, I know you are soft spoken, but if
12 you'll just speak up, direct that -- your voice right into
13 that microphone. We can make sure we can hear you.

14 (WHEREUPON, State's Exhibit 3 is being played.)

15 BY MR. WHITE:

16 Q He ask you what you are clutching on here. Were you
17 clutching on anything?

18 A No, sir.

19 Q And in fact that's what you said to him, right? I'm
20 not clutching on anything?

21 A Yes, sir.

22 (WHEREUPON, State's Exhibit 3 is being played.)

23 BY MR. WHITE:

24 Q Now, right here he hits you, right?

25 A Yes, sir.

1 Q And, I mean, you look like a guy that can take care
2 of himself. Why didn't you hit him back?

3 A Cause it wouldn't been a smart thing to do.

4 Q Okay. And why wouldn't it have been a smart thing to
5 do?

6 A I don't know if he had a gun or not.

7 Q Okay. When y'all -- at that point when he hits you,
8 who all was standing there?

9 A Me, him and Tydrecus.

10 Q Okay. And then y'all kind of go around the corner,
11 is that right?

12 A Yes, sir.

13 Q And at that point do you see a gun in anybody's hand?

14 A I seen him kind of clutching.

15 Q Okay. Who was that?

16 A Man Man.

17 Q Okay. And is Man Man go by Quinterris Carmichael?

18 A Yes, sir, I guess so.

19 Q Okay. Now, when y'all go around that corner, was it
20 just y'all three or did somebody walk with y'all?

21 A Somebody came.

22 Q Okay. And was it, Tirik Johnson-Epps, the guy with
23 dreads?

24 A Yes, sir.

25 Q Okay. When y'all go around that corner, was it just

1 the four of you?

2 A Yes, sir.

3 (WHEREUPON, State's Exhibit 3 is being played.)

4 BY MR. WHITE:

5 Q So right here, and you see the guy with dreads there
6 walk by at the bottom, but right here at this time stamp
7 which four individuals are just below that camera?

8 A Us. All four of us.

9 Q Okay. Let's name them if we can?

10 A Me, Tydrecus, and Tirik and Man Man.

11 Q And, again, that's Quinterris Carmichael, correct?

12 A Yes, sir.

13 Q And then shortly thereafter...

14 (WHEREUPON, State's Exhibit 3 is being played.)

15 BY MR. WHITE:

16 Q Now, at that point did we hear you say ain't no way
17 you're doing this in front of the camera?

18 A Yes, sir.

19 Q All right.

20 (WHEREUPON, State's exhibit 3 is being played.)

21 BY MR. WHITE:

22 Q When you hear those shots what, if anything, did you
23 do?

24 A I ran.

25 Q If you'll watch is that you running away?

1 A Yes, sir.

2 Q Kareem, I may have already asked you this. Did
3 Tydrecus -- and I know you guys were close since seventh
4 grade. Did he have a nickname for you?

5 A Yeah, a couple nicknames.

6 Q What was the one he used most often?

7 A Tygee.

8 Q Did he every call you Keem?

9 A Yes, sir.

10 (WHEREUPON, State's Exhibit 3 is being played.)

11 BY MR. WHITE:

12 Q Right there, Kareem, you hear a voice yell out Keem,
13 did you hear it? Was that Tydrecus yelling for you?

14 A Yes, sir.

15 Q After that when you run off, where did you run to?

16 A Antecia crib.

17 Q Did you tell her what happened?

18 A Yes, sir.

19 Q And did she call law enforcement?

20 A Yes, sir.

21 Q And ultimately later did you speak to law enforcement
22 about what had happened?

23 A Yes, sir.

24 MR. WHITE: Beg the Court's indulgence. Kareem,
25 thank you so much. Now, you got to answer any of these

1 questions that the defense attorneys may have.

2 THE COURT: Mr. Edgeworth.

3 MR. EDGEWORTH: Thank you, your Honor.

4 CROSS-EXAMINATION

5 BY MR. EDGEWORTH:

6 Q Mr. Jones, when you walked up to get the Black & Mild
7 that was around 3:30 in the morning?

8 A Yes, sir.

9 Q And do you recall when you got over to Ms. Lawson's
10 house after you had got in a fight with your girlfriend?

11 A I don't recall the time.

12 Q Okay. But at some point in time around 3:30 you go
13 over to Tiger Mart?

14 A Yes, sir.

15 Q Now, the State has asked several times, and you've
16 acknowledged and they pointed out that you say things on
17 the video that you were aware cameras being at the Tiger
18 Mart, correct?

19 A Yes, sir.

20 Q And you testified you been there numerous times,
21 right?

22 A Yes, sir.

23 Q Okay. Had you ever been there before when there was
24 some other type of altercation?

25 A No, sir.

1 Q You never been there in the entire time you gone to
2 that store you never seen any other altercations?

3 A Talking about like had something to do with me?

4 Q Just any in general?

5 A That's North Florence, you know.

6 Q Say that again?

7 A I say that's North Florence, you always see
8 something.

9 Q Okay. So it's fair to say that there a lot of kind
10 of violent and other things that go on ---

11 MR. WHITE: Judge, I would object as to
12 relevance here.

13 THE COURT: Let him finish his question first
14 please. Go ahead, Mr. Edgeworth.

15 BY MR. EDGEWORTH:

16 Q You are aware of other things that have gone on over
17 at the Tiger Mart, correct?

18 A Yes, sir.

19 Q You might not have necessarily been involve ---

20 THE COURT: Hold on, hold on. Yes, sir.

21 MR. WHITE: I would object as to relevance, and
22 it also exceeds the scope of my direct.

23 THE COURT: Well, it is cross-examination. Can
24 the lawyers approach a minute please.

25

1 (WHEREUPON, a bench conference was held in the
2 presence of the jury, but out of the hearing of the
3 jury.)

4 THE COURT: You may continue, Mr. Edgeworth.

5 MR. EDGEWORTH: Thank you, your Honor.

6 BY MR. EDGEWORTH:

7 Q Prior to your contact with, Mr. Carmichael, did you
8 know who he was?

9 A No, sir.

10 Q No, okay. And, obviously, you guys were going on
11 about something, right?

12 A Yes, sir.

13 Q Okay. And at some point in time he walks up to you
14 and knocks your drink out of the your hand?

15 A Yes, sir.

16 Q And then punches you?

17 A Yes, sir.

18 Q Okay. Shortly thereafter everybody goes around the
19 corner, is that right?

20 A Yes, sir.

21 Q Do you physically make it around the corner?

22 A Yes, sir.

23 Q Okay. Now, you testified that you saw my client
24 Mr. Carmichael with a gun, is that correct?

25 A Yes, sir.

1 Q Why in the world would you go around the corner?

2 A Because Tydrecus went around the corner.

3 Q Okay. But after something went down, you went
4 running, right?

5 A Yes, sir.

6 Q Okay. And you only heard gunshots, correct?

7 A Yes, sir.

8 Q Okay. And you don't know who took the shots that we
9 heard on the video, correct?

10 THE COURT: Is that a no?

11 A No, sir.

12 Q Thank you. Were you aware that there was video
13 cameras on the far side of the building?

14 A Yes, sir.

15 Q And is that why you made the comment why are you
16 doing this when there's cameras?

17 A I been knew there was cameras.

18 Q You already knew there were cameras, but is that why
19 you made the comment?

20 A Yes, sir.

21 MR. EDGEWORTH: Court beg the Court's
22 indulgence, your Honor.

23 THE COURT: Yes, sir.

24 (WHEREUPON, a pause in the proceedings.)

25

1 BY MR. EDGEWORTH:

2 Q Now, did you see anyone else with a gun while you are
3 there?

4 A At which time?

5 Q Excuse me?

6 A At which time? At which time?

7 Q Well, when you were there during this incident?

8 A Yes, sir.

9 Q Yes.

10 A Yes, sir.

11 Q Who else had a gun?

12 A Both of them had a gun.

13 Q Okay. And when would you have seen two people with a
14 gun?

15 A I seen both of them with a gun at different times.

16 Q Okay. And when was that?

17 A I seen Man Man with a gun when we went around the
18 corner. I seen Tydrecus with a gun when he stood up in
19 front of the door at the car.

20 Q When he stood up where?

21 A In front of -- like when he stood out the car.

22 Q Is it your testimony that Mr. Johnson-Epps brandish
23 a firearm while you're standing near the car?

24 A Yes, sir.

25 Q Okay. And you recall that all this is recorded,

1 right?

2 A Yes, sir.

3 Q Okay. And your testimony again is -- that was before
4 everybody went around the corner, right?

5 A Yes, sir.

6 Q Okay. And so then at some point in time your
7 testimony is is that Mr. Carmicheal brandished a gun,
8 correct.

9 A Yes, sir.

10 Q And yet you still went around corner with him, right?

11 A Yes, sir.

12 Q Okay. Are you certain that you didn't have a firearm
13 on you?

14 A Yes, sir.

15 Q Are you certain that Mr. Williams didn't have a
16 firearm on him?

17 A Yes, sir.

18 Q Okay. When y'all were at the house, did you -- were
19 you watching him the whole time?

20 A Yes, sir.

21 Q You were watching Mr. Williams the whole time?

22 A Yes, sir.

23 Q It's not possible that he had a gun?

24 A No, sir.

25 Q Okay. Had you ever had a gun?

1 A No, sir.

2 MR. WHITE: Objection, Judge. Can we approach?

3 (WHEREUPON, a bench conference was held in the
4 presence of the jury, but out of the hearing of the
5 jury.)

6 THE COURT: Objection sustained. Next question.

7 MR. EDGEWORTH: Thank you, Judge.

8 BY MR. EDGEWORTH:

9 Q Few more questions, Mr. Jones. You acknowledge on
10 direct examination that you were convicted of common law
11 robbery in December of 2018, is that correct?

12 A Yes, sir.

13 Q And you're aware that it's also referred to as strong
14 arm robbery?

15 A Yes, sir.

16 MR. EDGEWORTH: No further questions, your
17 Honor.

18 THE COURT: Mr. Ammons.

19 MR. AMMONS: Thank you, your Honor.

20 CROSS-EXAMINATION

21 BY MR. AMMONS:

22 Q Mr. Jones, when you and Mr. Williams or Tydrecus got
23 to the Tiger Mart, there was a good bit of people there,
24 wasn't it?

25 A Yes, sir, it was a little bit.

1 Q All right. And why y'all were standing at the
2 window, people were coming around other than
3 Mr. Carmichael and Mr. Epps, correct?

4 A I didn't see them.

5 Q All right. You didn't see them in the video that he
6 just showed you?

7 A I seen the video, but not at that time.

8 Q All right. You don't recall seeing them that night,
9 but you do recall seeing them on the video?

10 A Yes, sir.

11 Q Okay. Safe to say, there's other things that you
12 didn't see on the video that -- or that happen that night
13 that you may not have seen at the incident?

14 A Can you say that again?

15 Q I'm saying you don't remember clearly everything that
16 was on that -- everything that happened except for seeing
17 it on the video, correct?

18 A I do.

19 Q All right. But there were people there that you
20 don't recall that you didn't testify recalling it, but you
21 actually see them on the video?

22 MR. WHITE: Objection asked and answer.

23 MR. AMMONS: I'm just trying to get clarity.

24 THE COURT: I'll allow it. Go ahead.

25 A Can you ask your question again?

1 Q There are people there that you don't recall that
2 were there. The only reason you know they were there now
3 is because they were on the video, correct?

4 A Yes, sir.

5 Q All right. So your recollection of the incident may
6 not be that clear?

7 A It is.

8 Q You saw on the video as well when you guys were
9 walking up Tydrecus kept pulling at his shirt in the back.
10 You notice that on the video?

11 A I notice he was pulling his pants up.

12 Q Kind of look like he was pulling his shirt down to
13 cover something up?

14 MR. WHITE: Objection.

15 THE COURT: Sustained. Objection sustained.

16 A I don't know. I don't see that.

17 Q Okay. Now, when you and Mr. Carmichael were having
18 words, Mr. Epps wasn't talking with you at that point in
19 time?

20 A No, sir.

21 Q He was just over by the car, correct?

22 A Yes, sir.

23 Q Okay. And you said you saw a gun on him there, but
24 you didn't see that on the video, did you?

25 A Yes, sir, I seen this on the video.

1 Q You saw the gun on video?

2 A Yes, sir.

3 Q By the car you see it?

4 A Yes, sir.

5 Q Now, you testified that when you went around the
6 building that the four of you went around the building?

7 A Correct.

8 Q And there was nobody else around the building?

9 A Yes, it was.

10 Q There was other people around the building?

11 A We could see it on the video there was other people
12 around.

13 Q Okay. Were there other people that weren't on the
14 video?

15 A What you mean?

16 Q Are there people around the side that the video
17 didn't pick up on?

18 A No, sir.

19 Q Are you certain about that?

20 A Yes, sir.

21 Q Okay. And once you went around the building, and
22 there was some more fighting, you didn't see the actual
23 shooting though?

24 A No, sir.

25 Q All right. You don't know who shot?

1 A I didn't see, I ran.

2 Q Okay. Now, you said that you thought Mr. Carmichael
3 was clutching. You saw him clutching?

4 A Yes, sir.

5 Q And by clutching, you mean clutching a gun?

6 A Yes, sir.

7 Q Is that common terminology?

8 A He brandish the gun if you want me to put it that way
9 for you.

10 Q I'm asking you about the terminology?

11 A He brandish the gun, yeah.

12 Q I'm asking you you said clutching, and I want to know
13 specifically about the term clutching, that phrase means
14 brandishing a gun?

15 A Yes, sir.

16 Q All right. And the whole time we heard on the video
17 Mr. Carmichael was asking both you and Tydrecus what you
18 clutching?

19 A Yes, sir. Do you see me clutch on something?

20 Q I'm asking you. So when he ask you what you
21 clutching, you knew what he was asking?

22 A Yes, sir.

23 Q All right. And you thought he was clutching, and he
24 thought you were clutching, but you didn't leave?

25 A I didn't think. I knew. I seen with my own eyes.

1 Q And you didn't leave?

2 A No, sir.

3 Q Okay. You went around the corner, and you and
4 Tydrecus not clutching went around the corner with someone
5 you knew was clutching?

6 A Yes, sir.

7 MR. AMMONS: No further questions, your Honor.

8 THE COURT: Any redirect?

9 MR. WHITE: Yes, sir, briefly, Judge.

10 REDIRECT EXAMINATION

11 BY MR. WHITE:

12 Q Kareem, I'm going to ask you a few questions. All
13 right. When you say the first time you saw somebody with
14 a gun, are you referring to when Tirik Johnson-Epps was
15 standing in the doorway of the car?

16 A Yes, sir.

17 (WHEREUPON, State's Exhibit 3 is being played.)

18 BY MR. WHITE:

19 Q Is that right there where you referring to?

20 A Yes, sir.

21 Q In fact, you can see a little bit of chrome poking
22 through, can't you?

23 MR. EDGEWORTH: Objection leading.

24 MR. AMMONS: Objection.

25 THE COURT: Sustained.

1 BY MR. WHITE:

2 Q Could you see the chrome poking through?

3 A Yes, sir.

4 Q Now, just want to be clear the four of you after
5 being punched by this guy right here, are the only people
6 went around the corner, correct?

7 A Yes, sir.

8 Q And they want keep saying that you were talking back,
9 but you weren't really saying anything back to these
10 folks, were you?

11 A No, sir.

12 Q And the fact I heard it on there, correct me if I'm
13 wrong, when they ask you what you clutching on, you told
14 them I'm not clutching on anything, isn't that right?

15 A Yes, sir.

16 Q Okay. So the four of y'all go around the corner.
17 They want to imply that, I guess, because you ---

18 MR. EDGEWORTH: Objection, your Honor. The
19 State continuously and has for a long time is testifying
20 in that fact. I just got to ask we ---

21 THE COURT: Hold on a minute. State the grounds
22 for your objection.

23 MR. EDGEWORTH: Yes, your Honor. Objection
24 leading the State is testifying.

25 THE COURT: Okay.

1 MR. WHITE: I'll rephrase.

2 THE COURT: Rephrase your question please.

3 Sustained.

4 BY MR. WHITE:

5 Q Okay. Kareem, did you hear yourself on the camera
6 saying no way you're doing this in front of the cameras?

7 A Yes, sir.

8 Q What were you trying to do by saying that?

9 A Diffuse the situation.

10 Q Okay. So were you trying to get them to stop?

11 A Yes, sir.

12 Q Were you trying to make them aware that they were
13 about to do something in front of a camera?

14 A Yes, sir.

15 Q Were you trying to save Tydrecus Williams life?

16 A Yes, sir.

17 Q Now, they also brought up that this area can be, I
18 guess, a dangerous place, is that right?

19 A Yes, sir.

20 Q But it's not the area is it that's dangerous?

21 A No, sir.

22 Q It's people like this that make it dangerous, isn't
23 that right?

24 MR. EDGEWORTH: Objection, you're arguing.

25 A Yes, sir.

1 THE COURT: Objection sustained.

2 MR. WHITE: I have nothing further, Judge.

3 THE COURT: Anything else, Mr. Edgeworth?

4 MR. EDGEWORTH: No, your Honor.

5 THE COURT: Mr. Ammons.

6 MR. AMMONS: Nothing, your Honor.

7 THE COURT: Sir, you may step down. Thank you.

8 (WHEREUPON, the witness leaves the witness
9 stand.)

10 THE COURT: Can the lawyers approach while he is
11 stepping away please. You're requesting that he be
12 excused?

13 MR. WHITE: Yes, sir, if he can be released from
14 his subpoena.

15 THE COURT: Any objection?

16 MR. EDGEWORTH: No objection, your Honor.

17 MR. AMMONS: No objection.

18 THE COURT: Sir, you're free to go. You're
19 excused from your subpoena.

20 (WHEREUPON, a bench conference was held in the
21 presence of the jury, but out of the hearing of the
22 jury.)

23 THE COURT: All right. Ladies and gentlemen,
24 what I was inquiring about as far as who was the next
25 witness and how long that witness may take. I've also

1 stand and state your full name for the record.

2 WHEREUPON,

3 Justin Feagin,

4 after first having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. WHITE:

7 Q You'll state your full name for the record?

8 A Justin Feagin.

9 Q Officer Feagin, where are you employed?

10 A The City of Florence police department.

11 Q And how long have you been employed there?

12 A Ten years.

13 THE COURT: Hold on a minute. Can you move a
14 little closer to that microphone please make sure
15 everybody hears, okay.

16 BY MR. WHITE:

17 Q And in what capacity are you currently employed?

18 A Frontline supervisor on patrol right now?

19 Q Now, back in September of 12th 2019, were you
20 involved in the investigation of a shooting that occurred
21 at the Speedy Mart or Tiger Mart convenient store here in
22 Florence?

23 A Yes, sir.

24 Q At that time what was your role for the City of
25 Florence?

1 A I was a crime scene technician.

2 Q And what is a crime scene technician do?

3 A They usually assist the investigators with
4 photographing the scene, collecting evidence, collecting
5 any kind of or identifying any kind of evidence on the
6 scene whether that be fingerprints, blood, any other body
7 fluids, hair, and then maintaining that custody as far as
8 logging into evidence.

9 Q So documenting the scene, collecting evidence and
10 logging it in, is that essentially your task?

11 A Yes, sir.

12 Q Now, in documenting the scene, what do you do or what
13 do you use to document a crime scene?

14 A Usually, in that case, I use my digital camera which
15 was the department, and then evidence markers where the
16 evidence or items might be and then collecting that.

17 Q Now, in this particular case, you mentioned you took
18 photographs of the scene?

19 A Yes, sir.

20 Q Did you take photographs of evidence as you collected
21 it as well?

22 A Yes, sir.

23 Q I'm going to show you if I could State's Exhibits 6
24 through State's Exhibit 79. If you just flip through
25 those briefly and tell me if you recognize these

1 particular photographs?

2 A I do.

3 Q And how do you recognize them?

4 A These are the photos that were taken by me.

5 Q Okay. And is it a fair and accurate depiction of the
6 different scene -- of the scene as well as the items that
7 were collected throughout the investigation?

8 A Yes.

9 Q And have there been any altercations or deletions
10 made to those photographs?

11 A No, sir.

12 MR. WHITE: Judge, at this time I move State's
13 Exhibit 6 through 79 into evidence.

14 THE COURT: Mr. Edgeworth, have you seen the
15 photographs?

16 MR. EDGEWORTH: I believe they were the ones we
17 checked before. Let me look one more time, your Honor.

18 THE COURT: Mr. Ammons, if you walk over there,
19 so you all can look at them together please or vice versa.

20 MR. EDGEWORTH: No objection, your Honor.

21 MR. AMMONS: No objection.

22 THE COURT: Very well. So admitted without
23 objection.

24 (WHEREUPON, State's Exhibits Nos. 6-79 were
25 admitted into evidence.)

1 MR. WHITE: Thank you, Judge. And I would ask
2 for permission to publish these photographs to the jury.

3 THE COURT: Yes, sir.

4 BY MR. WHITE:

5 Q All right, Officer Feagin, we're just going to walk
6 through these kind of one by one. The first tell me how
7 do you document a crime scene? What is your process and
8 what are you looking for?

9 A So first we usually walk through the scene with an
10 investigator. I identify the items that need to be taken
11 if not, and then usually I'll lay out or I'll take general
12 photos of the incident location. And then I'll move in
13 further and take closer photos of the items that are going
14 to be collected.

15 Q Very good. And you're looking for things of
16 evidentiary value as you go, is that right?

17 A Yes.

18 Q I'm going to show you State's Exhibit 6. First, I
19 want to make sure everybody can see that. What do we have
20 here? What is this photograph depict?

21 A That is the Speedy Mart sign in front of the store.

22 Q And is that the incident location?

23 A Correct, yes, sir.

24 Q And do you have the address for that particular
25 location?

1 A That is 207 West Lucas Street.

2 Q Is that in the City of Florence?

3 A Yes.

4 Q In the County of Florence?

5 A Yes.

6 Q State's Exhibit 7 what is that depict?

7 A That is the front picture of the store.

8 Q State's Exhibit 8 what we see here?

9 A That is the left side of that building.

10 Q Now, what side of the road or which road is that side
11 of the building face?

12 A West Lucas Street.

13 Q State's Exhibit 9 is that another photograph ---

14 A That's the same side of that building.

15 Q Are you spanning kind of towards the left as you go?

16 A Correct. I'm trying to get all that evidence in that
17 photograph which is -- if you can look to the left of that
18 photo, there's a really small square yellow evidence
19 marker and that's trying to get that damaged magazine that
20 was left in the road.

21 Q And that brings up a good point. We're going to see
22 those evidence markers in just a minute, but what draws
23 your attention and makes you decide to put down an
24 evidence marker?

25 A If it appears to be have some kind significance to

1 the actual incident itself or if we see something that
2 this might be related to the case as well.

3 Q So sometimes you may document something or put down
4 an evidence marker on something that has no evidentiary
5 value, is that correct?

6 A Sometimes, yes.

7 Q State's Exhibit 10 is that again you're just kind of
8 traveling to the left?

9 A Yes, sir.

10 Q State's Exhibit 11 what we see here?

11 A That is just a square on shot of that side of that
12 building.

13 Q Is it starting to get closer to those evidentiary
14 markers?

15 A Yes, sir.

16 Q And you can kind of see them there on the pavement,
17 is that right?

18 A That's right.

19 Q State's Exhibit 12, again, you're just spanning to
20 the left, is that right?

21 A Yes, sir.

22 Q State's Exhibit 13?

23 A Just the backside of that looking back the other way.

24 Q State's Exhibit 14. I'm going to draw your attention
25 if I could, Officer Feagin. You see that PVC pipe there

1 in the background?

2 A Yes, sir.

3 Q What is that?

4 A That is a piece of a scene -- a curtain that's hiding
5 stuff that we don't want the public to see?

6 Q And in this case is that scene curtain covering up
7 the body of Tydrecus Williams?

8 A Yes.

9 Q So if you can look at that photograph just there to
10 the left is that where his body is laying?

11 A Yes, sir.

12 Q State's Exhibit 15 what is that depict there?

13 A That's just another general photo of that trying to
14 get all that in there, that's all.

15 Q Let's zoom in on your next photograph State's Exhibit
16 16. What evidentiary marker is that?

17 A That is evidence marker number one which is marking
18 the two sandals or flip flops that were collected.

19 Q State's Exhibit 17?

20 A That's just putting one into how they relate to each
21 other. Marker number one to marker number two.

22 Q And then State's Exhibit 2 what do we have there?

23 A That is a cell phone that I collected as well.

24 Q And it looks there's a piece of change there to the
25 right, is that correct?

1 A Yes, sir.

2 Q And, again, correct me if I'm wrong, but you are
3 taking general photographs of the scene, and then you kind
4 of zoom into evidence and zoom back out to show it's
5 relation to other pieces of evidence and to the general
6 crime scene, is that right?

7 A Yes, sir.

8 Q Now, you mention it before this is State's Exhibit 3,
9 is that right?

10 A Yes, sir.

11 Q Or excuse me evidentiary marker three. This is
12 State's Exhibit 20. And going back to State's Exhibit 19
13 can you see evidentiary marker three there in its relation
14 to those particular items?

15 A Yes, I can see it through the two yellow golds right
16 there.

17 Q Okay. Now, State's Exhibit 20 and that's the
18 magazine that was recovered, correct?

19 A Yes, sir.

20 Q Okay. When you -- in State's Exhibit 21, that's just
21 a close up photograph of the same. When you get evidence
22 and you documenting evidence, you come along evidence what
23 do you do with it? You don't just leave it there, do you?

24 A No, sir.

25 Q What do you do you collect it?

1 A I collect it, yes, sir. And then secure it in my
2 patrol vehicle or at that time my crime scene vehicle, and
3 then I take it back to my locker in the CSU lab.

4 Q Okay. In this particular piece of evidence marker
5 three on State's Exhibit 21, and it appeared that that
6 magazine had been run over?

7 A Yes, sir. It appear it had been damaged by
8 something, yes, sir.

9 Q State's Exhibit 22 is that a picture of the same in
10 its to other pieces of evidence?

11 A Yes.

12 Q State's Exhibit 3 or State's Exhibit 23 marker three
13 and that's the spring from the magazine, is that right?

14 A Correct, yes, sir.

15 Q Could you tell -- would have any knowledge of how
16 long that particular item was out there in the roadway?

17 A No, sir.

18 Q Could it have been out there for a day?

19 MR. EDGEWORTH: Objection calls for speculation.

20 THE COURT: He's already answered the question.

21 MR. WHITE: Yes, sir.

22 THE COURT: Move on please.

23 MR. WHITE: Yes, sir.

24 BY MR. WHITE:

25 Q And in State's Exhibit 24 the other picture of the

1 same, correct?

2 A Yes, sir, that is.

3 Q Okay. Now, we're getting into State's Exhibit 25,
4 and you're evidentiary marker four. What is that depict?

5 A That is a photo of a spint casing.

6 Q Okay. And did you find several spint casings there
7 on scene?

8 A I located some and so did patrol.

9 Q Okay. State's Exhibit 26 is that a close up of the
10 same?

11 A Yes, sir.

12 Q State's Exhibit 27 depicts evidentiary marker four,
13 five, six, seven, eight and nine and that's a good picture
14 it shows the relation of all those items to one another.
15 What were all those items?

16 A Most of them were spent casings. I think number nine
17 was something else.

18 Q Okay. We'll go through it, and we'll double check.

19 A Okay.

20 Q State's Exhibit 28 so five would have been a spent
21 casing, is that right?

22 A Yes, sir.

23 Q State's Exhibit 29 that's five and six in their
24 relation to one another?

25 A Yes, sir.

1 Q State's Exhibit 30 your marker six what is that
2 particular item?

3 A Another spent casing.

4 Q State's Exhibit 31 your marker six, and it's relation
5 to the other markers, is that right?

6 A Yes, sir.

7 Q State's Exhibit 32 your marker seven what do we have
8 here?

9 A A spent casing.

10 Q Okay. State's Exhibit 33 marker seven and eight what
11 do we have on this particular photograph?

12 A Just how marker number seven relates to number eight,
13 but they're both spent casing.

14 Q State's Exhibit 34 number eight you testified is a
15 spent casing, is that right?

16 A Yes, sir.

17 Q State's Exhibit 35 eight, seven and nine, and their
18 relation to one another, is that right?

19 A Yes, sir.

20 Q And those were all shell casings that we just
21 covered, is that correct?

22 A Yes, sir.

23 Q Now, I want to show you State's Exhibit 36 and that's
24 your marker nine?

25 A That's right, yes, sir.

1 Q Okay. So we saw that photograph earlier nine was on
2 the ground, but that was just to show the relation because
3 you can't hold nine up, is that correct?

4 A Correct, yes, sir.

5 Q Now, did you have any idea what this hole in the wall
6 is?

7 A It appears to be a bullet hole, I'm unsure.

8 Q But it could not be a bullet hole, correct?

9 A It could.

10 Q Now, where did you say you work and what division are
11 you working now in the City of Florence?

12 A Patrol unit.

13 Q Okay. And so you really don't know how long that
14 hole has been there, do you?

15 A No, sir.

16 Q Okay. You don't know if it was made that night or
17 other night entirely?

18 A That's correct.

19 Q And you also don't know if it's a bullet hole or if
20 it's not?

21 MR. AMMONS: Objection leading.

22 BY MR. WHITE:

23 Q Do you know whether or not that's a bullet hole?

24 A Not definitively, no.

25 Q State's Exhibit 37 and, again, I know it's

1 monotonous, but, you know, I want to paint a picture of
2 the scene. This is in relation of all the items that we
3 previously mentioned, correct?

4 A That's right.

5 Q State's Exhibit 38 your mark ten what do we have
6 there?

7 A A spent casing.

8 Q State's Exhibit 39 your marker ten, 11, and 12. What
9 do we have here.

10 A I'm just showing how ten relates to 11 and 12.

11 Q State's Exhibit 40 marker 11 what does that depict?

12 A A spent casing.

13 Q State's Exhibit 41 this another relation?

14 A Relation, yes, sir.

15 Q Okay. State's Exhibit 42 your marker 12 what is that
16 photograph depict?

17 A A spent casing.

18 Q State's Exhibit 43 is that close up of the same?

19 A Yes, sir.

20 Q Now, we're kind of on the other side of that crime
21 scene curtain that you mentioned earlier State's Exhibit
22 44. This is on the other side of what we just looked at
23 earlier, is that correct?

24 A That's right.

25 Q And is that the crime scene curtain to the left and

1 Mr. Williams body to the right?

2 A Correct.

3 Q State's Exhibit 45 I see you have a marker there
4 marker 13. What is marker 13 indicate?

5 A That labeled as the victim.

6 Q State's Exhibit 46 is that another angle?

7 A Yes, sir.

8 Q State's Exhibit 47 what do we have here, Officer
9 Feagin?

10 A Appear to be items that came from the victim.

11 Q Okay. And they were -- and you can see the blood
12 spots. Those were close to this young man's body?

13 A Yes, sir.

14 Q And I want to draw your attention to the comb there,
15 and then ask you State's Exhibit 48 what does that depict
16 beside the comb?

17 A Some change a nickel and a dime.

18 Q Okay. State's Exhibit 49 and at this point had Mr.
19 Williams body been removed from the scene?

20 A Yes, sir.

21 Q Is that photograph to continue to depict everything
22 you're trying to capture but also the amount of blood?

23 A Yes, sir.

24 Q State's Exhibit 50 you working back toward the
25 roadway, is that right?

1 A That's right.

2 Q And there's some items of evidence a little closer to
3 the road?

4 A Yes, sir.

5 Q State's Exhibit 1 is that one of those items?

6 A Yes, sir.

7 Q State's Exhibit 52 your marker 14, is that right?

8 A Yes, sir.

9 Q State's Exhibit 53 and, again, your marker 14. What
10 was marker 14?

11 A A spent casing.

12 Q State's Exhibit 54 what do we have here?

13 A Just the 14 how it relates to marker number 15.

14 Q And State's Exhibit 55 marker 15 what do we have?

15 A A spent casing.

16 Q Now, how many shell casings were recovered from the
17 scene, do you recall? I told you there were ten will that
18 refresh your recollection?

19 A It sounds right, yes, sir.

20 Q Now, the shell casings specifically what, if
21 anything, did you do with them once you bagged them at the
22 scene?

23 A So as soon as I collected those items, I secured them
24 in my truck, and then took them back to the lab in my
25 locker.

1 Q Are you aware that those items of evidence were then
2 sent to SLED laboratory South Carolina Law Enforcement
3 Division for analysis?

4 A Some of those items, yes, sir.

5 Q Okay. Now, as part of your job duties, obviously we
6 just showed you documenting a scene, correct, but
7 sometimes in investigations there were more than one
8 scenes, right?

9 A Yes, sir.

10 Q And it's not always the incident location?

11 A Correct.

12 Q Is one of your job duties documenting evidence that's
13 collected when a search warrant is executed?

14 A Yes, sir.

15 Q And did you do that in this particular case?

16 A Yes, sir.

17 Q Do you recall executing a search warrant at Sanborn
18 Street which was the residence of Defendant Tirik
19 Johnson-Epps?

20 A Yes, sir.

21 Q And did you document that scene and things that you
22 recovered?

23 A Yes, sir, I did.

24 Q And were you aware of what you were looking for what
25 was specified in the warrant?

1 A Usually, the lead investigators and other
2 investigators they usually are searching those items, and
3 I'm just there to document it and collect those items.

4 Q I understand. Is one of the things that you
5 generally are looking for in any given search warrant is
6 clothes that match the description from the incident?

7 A Yes, sir.

8 Q And is another one ammunition or firearms that may be
9 used in the commission of the crime?

10 A Yes, sir.

11 Q I'm going to show you State's Exhibit 56.

12 MR. AMMONS: Your Honor, at this time I just
13 renew my objection from the previous motion.

14 THE COURT: So noted for the record.

15 BY MR. WHITE:

16 Q State's Exhibit 56 is this inside the home of Tirik
17 Johnson-Epps?

18 A Yes, sir.

19 Q And that's the -- and obviously you took a lot of
20 photographs at that scene, correct?

21 A Yes, sir.

22 Q But specifically the items that you were looking for
23 you always photographed those, right?

24 A Correct.

25 Q State's Exhibit 57 were those jeans there on the

1 hamper were those a particular item of interest?

2 A Yes, sir.

3 Q Is that why you photographed them?

4 A Yes, sir.

5 Q And are these whitewash jeans that were believed to
6 have been worn by Tirik Johnson-Epps?

7 MR. EDGEWORTH: Objection leading.

8 THE COURT: Rephrase your question.

9 BY MR. WHITE:

10 Q Were these jeans believe to been worn ---

11 MR. EDGEWORTH: Objection calls for speculation.

12 THE COURT: Can you all approach please.

13 (WHEREUPON, a bench conference was held in the
14 presence of the jury on the record, but out of the
15 hearing of the jury.)

16 MR. EDGEWORTH: Your Honor, just asking why he
17 photographed the jeans. I don't even think there's been
18 testimony that these things even of interest yet.

19 THE COURT: Well, I'm going to allow him to ask
20 that question. I mean, he can answer it.

21 MR. EDGEWORTH: May I object to facts not in
22 evidence?

23 THE COURT: You can.

24 (WHEREUPON, end of bench conference.)

25 MR. EDGEWORTH: Your Honor, at this time I'd

1 like to object to facts are not in evidence to support
2 the testimony seek to be elicited by the State.

3 THE COURT: Objection so noted for the record
4 overruled. You may ask the question.

5 MR. EDGEWORTH: Thank you, your Honor.

6 BY MR. WHITE:

7 Q Officer Feagin, are you aware that this incident
8 happened at the Speedy Mart where you were documenting?

9 A Yes, sir.

10 Q Are you aware that the incident was captured on video
11 surveillance?

12 A Yes, sir.

13 Q If I showed you a still photograph of that video
14 surveillance, could you tell me whether or not it's a fair
15 and accurate depiction of the crime scene?

16 A Yes, sir.

17 Q I'm going to show you State's Exhibit 87. And if you
18 could, tell me if you recognize that location? And if
19 it's the location that you were documenting on September
20 12th 2019?

21 A That is the location, yes, sir.

22 Q And is it a fair and accurate depiction of that
23 incident location?

24 A Yes, sir.

25 MR. WHITE: Judge, at this time I would move

1 State's Exhibit 87 into evidence. I apologize, Judge.

2 THE COURT: Any objection, Mr. Edgeworth?

3 MR. EDGEWORTH: No objection, your Honor.

4 MR. AMMONS: No objection.

5 THE COURT: Without objection so admitted. What
6 number is that again?

7 MR. WHITE: I'm sorry, Judge, that's State's
8 Exhibit 87.

9 THE COURT: All right.

10 MR. WHITE: Permission to publish.

11 THE COURT: Yes, sir.

12 (WHEREUPON, State's Exhibit No. 87 was admitted
13 into evidence.)

14 BY MR. WHITE:

15 Q Now, Officer Feagin, the gentleman with looks like a
16 cigar hanging out of his mouth, do you see his pants?

17 A Yes, sir.

18 Q I'm going to show you State's Exhibit 58. Are those
19 pants y'all were looking for?

20 A Yes, sir.

21 Q State's Exhibit 59 more of the same?

22 A Yes, sir.

23 Q And, again, just to be clear, this warrant was
24 executed at the home of Tirik Johnson-Epps at Sanborn
25 Street, is that correct?

1 A Yes, sir.

2 Q State's Exhibit 60 those the pants again?

3 A Yes, sir.

4 Q And one of the reasons -- let me ask you this is one
5 of the reasons why you are so careful to document anything
6 really is because -- is it because you take it back to the
7 lab and then document it again?

8 A Yes, sir.

9 Q State's Exhibit 61 now I'm going to show you State's
10 Exhibit 62. What were these items that you found?

11 A That's ammunition and money.

12 Q And here State's Exhibit 63?

13 A That's the same .22 caliber ammunition and money.

14 Q And you said it's a .22 caliber ammunition. If you
15 could recall back to the crime scene that magazine that
16 you found, what was the ammunition in that particular
17 item?

18 A A .22 caliber.

19 Q State's Exhibit 64?

20 A Just another shot of those same items.

21 Q And State's Exhibit 65?

22 A The same item, yes, sir.

23 Q Now, let's turn our focus to those pants. Once you
24 secure those pants there at Mr. Johnson-Epps house, what,
25 if anything, do you do with them?

1 A They are taken back to the lab and secured in my
2 locker.

3 Q Okay. And then do you begin to process those -- that
4 item?

5 A Usually on a later date, yes, sir.

6 Q I'm going to show you State's Exhibit 66. Is this
7 photograph taken inside your lab?

8 A Correct, yes, sir.

9 Q State's Exhibit 67 are these the pants in question?

10 A Yes, sir.

11 Q State's Exhibit 68 the same thing?

12 A Yes, sir.

13 Q State's Exhibit 69 why are you taking so many
14 photographs of the pants?

15 A Usually, as I'm taking all these photos, I'm doing
16 invisible inspection of them just to see if I see anything
17 that pops to me.

18 Q State's Exhibit 70 are you continuing to do just
19 that?

20 A Yes, sir.

21 Q State's Exhibit 71 just taking a photo of the actual
22 tag on the back. And you said you're doing your visuals
23 scan, and is your visual scan produce any results?

24 A Yes, sir, I did locate a dark stain at the bottom of
25 the right pants leg.

1 Q State's Exhibit 72 is that the stain you're referring
2 to?

3 A Yes, sir.

4 Q State's Exhibit 73 are you trying to orient that
5 particular stain?

6 A Just showing where I located that on the pants, yes,
7 sir.

8 Q State's Exhibit 74 what are doing here, Officer
9 Feagin?

10 A Taking photos of that syringe are the actual scapula
11 that I use to cut that sample out.

12 Q State's Exhibit 75?

13 A Just the backside of it until, you know, it was still
14 sealed.

15 Q State's Exhibit 76?

16 A Just another photo of where I located it.

17 Q And State's Exhibit 77 what do we have going on here?

18 A That is the piece removed from the actual pair of
19 jeans.

20 Q This is after you cut it out?

21 A Correct.

22 Q State's Exhibit 78?

23 A Just another picture of where it came from and how it
24 relates.

25 Q And State's Exhibit 79?

1 A All the items used and where that piece of evidence
2 is going to be secured.

3 Q Now, once you cut that piece of pants out what, if
4 anything, did you do with it again?

5 A I packaged it, and then logged into evidence to be
6 sent to SLED.

7 Q Okay. And are you aware if it was in fact sent to
8 SLED?

9 A Yes, sir.

10 Q And who transports those items to SLED is it someone
11 from inside evidence?

12 A Yes, sir.

13 Q And are you aware that that blood spot is tested?

14 A Yes, sir.

15 Q Are you aware that it was tested against the blood of
16 the victim Tydrecus Williams?

17 A Yes, sir.

18 MR. WHITE: Beg the Court's indulgence.

19 BY MR. WHITE:

20 Q Now, after you send items to SLED, they typically
21 send them back to you once they've completed their
22 analysis, is that right?

23 A Yes, sir.

24 Q And going to show you State's Exhibit 85 -- 84 and 85
25 could you tell me do you recognize those particular items?

1 A I do.

2 Q And are those items -- and let me ask you
3 specifically, are those items that you tested or came back
4 to the lab with you, you logged into evidence and then
5 sent to SLED?

6 A Yes, sir.

7 Q Is this how they send them back to you from SLED?

8 A Yes, sir.

9 Q Now, I'm going to show you 88, Officer Feagin. Tell
10 me if you recognize that item?

11 A Yes, sir.

12 Q And is that more items that were collected from the
13 scene and process by you, taken to your lab, and then
14 stored into evidence?

15 A Yes, sir.

16 Q I'm going to show you State's Exhibit 89. Do you
17 recognize that one as well?

18 A Yes, sir, both of those.

19 Q And these two that I have in my hand 88 and 89 are
20 these the shell casings and projectiles that were
21 recovered from the scene at Mr. Williams body?

22 A Yes, sir.

23 Q And these items of evidence that I showed you 84 as
24 well as 85 are these the items, the cutting of the blood
25 spot in a blood spot in which to test Tydrecus Williams?

1 A Yes, sir.

2 MR. WHITE: Beg the Court's indulgence just one
3 moment.

4 (WHEREUPON, a pause in the proceedings.)

5 BY MR. WHITE:

6 Q Before I get you down, Officer Feagin, or turn you
7 over to defense attorneys, tell us a little bit about how
8 evidence is stored there at the City of Florence?

9 A Before I'm able to process it within our lab, it's
10 stored in my crime scene locker. And then after, I'm
11 packaging those items, then I log it into our evidence
12 locker. And those are stored until trial or those items
13 be sent to SLED.

14 Q Now, those items are they secured?

15 A Yes, sir.

16 Q Is just anybody have access to those items?

17 A No, sir.

18 Q Is it secured in a locked facility?

19 A Yes, sir.

20 MR. WHITE: Beg the Court's indulgence. Officer
21 Feagin, I have nothing more for you. Please answer any
22 questions the defense may have okay.

23 THE COURT: Mr. Edgeworth.

24 MR. EDGEWORTH: Thank you, your Honor. Please
25 the Court.

CROSS-EXAMINATION

BY MR. EDGEWORTH:

Q All right. Officer Feagin, on the early morning hours of September 12th 2019, you arrived on the scene.

Do you recall about when you did that?

A As far as the time?

Q Yes, sir.

A I'm not sure. Maybe, it was after three o'clock had to be three o'clock in the morning.

Q Okay. Well, when you came on the scene, they're already officers and responders on the scene, correct?

A Yes, sir.

Q Okay. You weren't the first one on the scene?

A No, sir.

Q Okay. In fact, you probably had to be called to come out there, right?

A I did, yes, sir.

Q And tell me I maybe wrong, but would there had been an investigator already on the scene?

A Yes, sir.

Q Okay. And when you come out on the scene, you weren't together with the investigator, correct?

A Yes, sir.

Q Okay. Do y'all typically go around together?

A Most of the time, yes, sir, unless they're busy.

1 Q Sure. But when you get there, you have a discussion
2 with the investigator, correct?

3 A Yes, sir.

4 Q And he might have already gone around and identified
5 certain things that you need to take pictures of, isn't
6 that true?

7 A Yes, sir.

8 Q Okay. Now, if there comes a time that you identified
9 something that you think needs to take a picture, you
10 would discuss that with the investigator, correct?

11 A Yes, sir.

12 Q Okay. So you work in a team?

13 A Correct.

14 Q All right. Now, you were shown a bunch of photos,
15 and I like to go through a couple of them with you. Is
16 that okay?

17 A Yes, sir.

18 Q Okay. This has been entered into evidence as State's
19 Exhibit Number 12, and you've already identified that
20 photograph, correct?

21 A Yes, sir.

22 Q Okay. And this is out by the roadway, correct?

23 A Yes, sir.

24 Q Okay. So we're actually looking at Lucas Street,
25 isn't that true?

1 A Correct, yes, sir.

2 Q And you got that marker -- we can see a marker, and
3 I'm sorry if I'm touching that thing. We see a marker in
4 that photo, correct?

5 A Yes, sir.

6 Q And do you recall what that marker was?

7 A That was the damage magazine.

8 Q The magazine. When you came out here to the scene,
9 were you told anything about the events that had taken
10 place other than there had been a shooting?

11 A I can't recall. I'm pretty sure, yes, sir.

12 Q Okay. No problem. I'm going to show you again.
13 It's been introduced as number 17, and you identified a
14 pair of, I guess, flip flops?

15 A Yes, sir.

16 Q Took a photo of those?

17 A Yes, sir.

18 Q Okay. And then going towards Lucas Street, there's a
19 photo what you have noted as number two, marker number two
20 and that was a phone?

21 A Yes, sir.

22 Q Okay. Going towards Lucas Street, correct? Close up
23 of that on State's number 18?

24 A Yes, sir.

25 Q That's the same phone?

1 A Uh-huh.

2 Q Again going towards Lucas Street?

3 A Yes, sir.

4 Q In fact, you can see the curb right there or at least
5 where the sidewalk end where it breaks up?

6 A The crack right here at the bottom left?

7 Q Yes, sir.

8 A I think that's still the parking lot.

9 Q But, again, you're standing on the Lucas Street side,
10 correct?

11 A Yes, sir, it's on the side.

12 Q Going back State's Exhibit 12 with that number three
13 marker again the street that now we're in Lucas Street,
14 correct?

15 A Yes, sir.

16 Q You would agree with me that it appears there is a
17 trail of evidence leading to Lucas Street?

18 A Yes, sir.

19 Q There's a close up of number three in Lucas Street
20 State's 20?

21 A Yes, sir.

22 Q Okay. Now, as part of your duties at any time were
23 you privy to or did you watch the surveillance video
24 related -- that's been introduced in this case?

25 A Yes, sir.

1 Q Okay. Did you watch the portion of the video of
2 Mr. Williams getting shot?

3 A Partially, yes, sir. I don't think the full incident
4 was on there, yes, sir.

5 Q Well, just so we're clear which portion did you see?

6 A Where the cameras were on that side of that building.

7 Q Understood. But the State has introduced a piece of
8 evidence that shows gunshots towards Mr. Williams?

9 A Correct.

10 Q And you saw that video?

11 A Yes, sir, I saw that video, yeah.

12 Q Which direction or should we say was Mr. Williams
13 going towards Lucas Street when he was getting shot?

14 A Yes, sir.

15 Q And isn't it true that he actually ended up in Lucas
16 Street?

17 A Yes, sir.

18 Q Do you have any independent knowledge whether that
19 magazine came from Mr. Williams?

20 A No, sir.

21 Q Okay. I'm going to show you what's been introduced
22 as State's Exhibit 36 see that again you've already
23 identified that?

24 A Yes, sir.

25 Q And you took that photo because you identified or

1 believed it to be a bullet hole?

2 A Correct.

3 Q Okay. Do you have any knowledge whether there was
4 any independent testing related to that particular item?
5 There was not, correct?

6 A Correct.

7 Q Okay. Is it fair to say you -- this particular --
8 let me go back a good picture. Here's a picture of that
9 side of the building that far left side of the building,
10 is that right?

11 A That's right, yes, sir.

12 Q And the bullet hole would have been on that far left
13 side of the building?

14 A Yes, sir.

15 Q Back towards -- going looking back towards Lucas
16 Street like from Lucas Street looking towards the
17 building, correct?

18 A Yes, sir.

19 Q So that was a bullet hole it came from Lucas Street?

20 A Yes, sir.

21 Q Since, there was no testing done on the bullet hole
22 that was in the wall, we don't know what caliber of bullet
23 could have caused that, correct?

24 A No, sir.

25 Q We don't know whether it was a .22?

1 A No, sir.

2 Q Now, you took some photos of some personal items that
3 were near Mr. Williams' body, is that true?

4 A Yes, sir.

5 MR. EDGEWORTH: One second, your Honor.

6 (WHEREUPON, a pause in the proceedings.)

7 BY MR. EDGEWORTH:

8 Q Introduce as State's Exhibit 45 and paying attention
9 to facing it any ways be on the left-hand side with the
10 right hand?

11 A Yes, sir.

12 Q Can you see that?

13 A Uh-huh.

14 Q Does it appear to you that there could have been a
15 gun in that hand?

16 MR. WHITE: Judge, objection calls for
17 speculation.

18 MR. AMMONS: Sustained.

19 BY MR. EDGEWORTH:

20 Q Now, you presented to aid and assist in the execution
21 of the search warrant, that you just testified to you just
22 testified to?

23 A Yes, sir.

24 Q And you retrieved items, documented those items, and
25 then subsequently had some set off, correct?

1 A Yes, sir.

2 Q Did you participate in the execution of -- let me ask
3 this a different way. You didn't aid or assist in any
4 other search warrants and obtained any items that
5 purportedly were owned by Mr. Carmichael, did you?

6 A No, sir.

7 MR. EDGEWORTH: No further questions of this
8 witness, your Honor.

9 THE COURT: Mr. Ammons.

10 MR. AMMONS: Thank you, your Honor.

11 CROSS-EXAMINATION

12 BY MR. AMMONS:

13 Q Told the jury yesterday that these gentlemen had done
14 a pretty good job. I won't have too much I believe, but I
15 will walk back up here. Officer Feagin, some pictures
16 shown to you about orienting the scene. I'm trying to
17 figure out which one it is here. But I want to ask you
18 first about your job as a crime scene tech. Is part of
19 that job to collect fingerprints?

20 A Yes, sir.

21 Q All right. And did you collect -- you didn't collect
22 any fingerprints on this scene?

23 A No, sir.

24 Q All right. Particularly, you didn't collect any
25 fingerprints on that .22 magazine, did you?

1 A No, sir.

2 Q And you didn't collect any fingerprints on the .22
3 bullets found at the address at Sanborn, is that correct?

4 A No, sir.

5 Q All right. You recall taking pictures of the
6 magazine back at the crime scene lab?

7 A Uh-huh.

8 Q And those weren't introduced into evidence today,
9 were they?

10 A No, sir.

11 Q All right. But do you recall that that was a -- do
12 you recall that magazine was a Winchester Super Long
13 Riffle .22 magazine?

14 A I know it was a .22 I'm not sure.

15 Q But it could have been a .22 long riffle. Can you
16 tell from the picture?

17 MR. AMMONS: I beg the Court's indulgence. I
18 have a lot of pictures right here.

19 (WHEREUPON, a pause in the proceedings.)

20 BY MR. AMMONS:

21 Q That State's Exhibit 20 you can't tell from that
22 picture, can you?

23 A No, sir.

24 Q All right. But the picture you took in the lab would
25 have a much closer up picture, is that correct?

1 A Yes, sir.

2 Q All right. Do you recall what kind of .22 bullets
3 that were recovered from the house on Sanborn? I'll pull
4 up the picture for you. I think it's State's Exhibit 62.
5 That's State's Exhibit 62. Can you see that?

6 A Uh-huh.

7 Q Now, what kind of .22 bullets are those?

8 A I can't tell by that picture. I think it says short.

9 Q All right. Does it say -- it actually says hollow
10 point .22 short.

11 A Okay.

12 Q All right. That's different from a .22 long,
13 correct?

14 A Uh-huh.

15 Q And those wouldn't be compatible, would they?

16 A No.

17 Q Here's State's Exhibit 63, it's a little bit clearer
18 one, but it does clarify that's hollowed point .22 short,
19 right?

20 A Yes, sir.

21 Q Those are not Winchester?

22 A No.

23 Q Okay. As part of a crime scene investigation, you do
24 collect gunshot residue?

25 A Sometimes, yes, sir.

1 Q And gunshot residue that's just -- it's found
2 typically on the hands correct or even on the body?

3 A Yes, sir.

4 Q And that indicates that you -- it could indicate that
5 you actually fired a weapon or had a weapon fired in very
6 close proximity, is that correct?

7 A Yes, sir.

8 Q All right. You didn't do any GSR test on
9 Mr. Williams, did you?

10 A No, sir.

11 Q Okay. That might have been helpful?

12 MR. WHITE: Judge, objection.

13 THE COURT: Objection sustained.

14 THE WITNESS: May I answer that, your Honor?

15 THE COURT: Sir.

16 THE WITNESS: May I answer that?

17 THE COURT: No, sir.

18 BY MR. AMMONS:

19 Q Show you State's Exhibit 22 again. This magazine is
20 in the forefront of the picture right close to the bottom,
21 is that correct?

22 A Yes, sir.

23 Q And the marker is extended way up several feet away,
24 correct?

25 A Uh-huh.

1 Q And that's because that's where the spring was?

2 A Yeah, that's where the actual magazine was. I think
3 this is a piece of it that broke off.

4 Q And that marker -- what I'm trying to figure out is
5 this exhibit or this marker number three shows the spring?

6 A Yes, sir.

7 Q Okay. And this marker number three shows the
8 magazine?

9 A Yes, sir.

10 Q Was that marker moved to?

11 A Correct. All those items were in the general area of
12 that location.

13 Q So that marker is moved around to sit close to the
14 item?

15 A Correct.

16 Q So the magazine was actually the distance from the
17 spring?

18 A Yes, sir.

19 Q Okay. And the magazine -- see if I could find the
20 one kind of setting the scene State's showed you this one
21 State's Exhibit 19 shows that marker on the far side of
22 those telephone guidewire lines, is that correct?

23 A Yes, sir.

24 Q But with the mark there if that's sitting by the
25 spring, the magazine was actually a lot further down

1 closer to the marker number two, is that correct, right?

2 A Say it again?

3 Q So marker -- the marker if it's sitting by the
4 spring?

5 A At that spot?

6 Q At that point. Then the magazine is actually much
7 closer marker number two down closer back there on Lucas
8 Street, correct?

9 A I believe at that time that was -- it was actual the
10 magazine itself. I think it took us a while to find the
11 spring in the roadway, that's why it was moved.

12 Q You're not certain of that?

13 A What's that?

14 Q I say you're not certain of that?

15 A That marker is marking the magazine?

16 Q Yes.

17 A I'm certain at that photo, yes, sir.

18 Q Okay. And you are aware from the video that
19 Mr. Williams actually stumbled into the street?

20 A Yes, sir.

21 MR. AMMONS: All right. Beg the Court's
22 indulgence.

23 THE COURT: Yes, sir.

24 BY MR. AMMONS:

25 Q Did you notice how many bullets were in that

1 magazine?

2 A Not off the top of my head, no, sir.

3 Q State's Exhibit 21 in front of you. Can you tell how
4 many bullets are in that magazine?

5 A Seven.

6 Q All right. How many -- that magazine holds more than
7 seven bullets, correct?

8 A Yes, sir.

9 Q So there were bullets missing from that magazine? Is
10 that a yes?

11 A If it was filled all the way up, yes, sir.

12 Q All right. But it's clear that this photo it is not
13 full here?

14 A Correct, yes, sir.

15 MR. AMMONS: I don't have any more questions,
16 your Honor.

17 REDIRECT EXAMINATION

18 BY MR. WHITE:

19 Q Officer Feagin, just briefly. You can't tell if that
20 magazine found in the roadway had anything to do with this
21 incident whatsoever, can you?

22 A No, sir.

23 Q And in fact you said you watched the video. You
24 don't ever see the victim with a gun, do you?

25 A No, sir.

1 Q You don't ever see him firing a gun, do you?

2 A No, sir.

3 Q You know you explain to us a pretty exhaustive
4 process in processing the scene, is that right?

5 A Yes, sir.

6 Q When you are processing this scene, did you see a gun
7 anywhere?

8 A No, sir.

9 Q Did you see a gun close to the victim's body?

10 A No, sir.

11 Q Did you see a gun in his pocket?

12 A No, sir.

13 Q Did you see a gun in his hand?

14 A No, sir.

15 Q I want to talk to you a little bit about GSR. Are
16 you aware that victims of gun fire always have GSR on
17 them?

18 A Yes, sir.

19 Q And for that reason that's why SLED no longer test
20 victim GSR, is that right?

21 A Yes, sir.

22 Q So it would have been unfruitful to test GSR ---

23 MR. EDGEWORTH: Objection, your Honor.

24 MR. AMMONS: Objection.

25

1 BY MR. WHITE:

2 Q Would it have been unfruitful to test the GSR?

3 MR. EDGEWORTH: Calls for speculation?

4 THE COURT: Sustained.

5 BY MR. WHITE:

6 Q You did not find a gun on scene or in his hand?

7 A No, sir.

8 Q But you did find blood on the Defendant Tirik
9 Johnson-Epps pants, is that right?

10 A Yes, sir.

11 Q And that was sent to SLED?

12 A Yes, sir.

13 Q To test against the victim's blood, is that right?

14 A Yes, sir.

15 MR. WHITE: Judge, I have nothing further.

16 MR. EDGEWORTH: Your Honor, may I have
17 permission to briefly recross?

18 THE COURT: That's why I looked at you. I'm
19 sorry, Mr. Edgeworth. Go ahead, yes, sir.

20 RECROSS-EXAMINATION

21 BY MR. EDGEWORTH:

22 Q Officer Feagin, are you aware that after Mr. Williams
23 stumbles into the street on video that there is a 16
24 second gap in the video?

25 A I don't know long it was, but, yes, sir, I think it's

1 motion detected. Yes, sir.

2 Q Okay. So we have no idea what happened from the time
3 Mr. Williams went to the street until approximately 16
4 seconds later, correct?

5 A Yes, sir.

6 THE COURT: Mr. Ammons.

7 MR. AMMONS: Beg the Court's indulgence.

8 RECROSS EXAMINATION

9 BY MR. AMMONS:

10 Q You testified you had no idea whether or not that .22
11 magazine had anything to do with a crime?

12 A Correct.

13 Q All right. By that same measure, you have no idea
14 whether those .9 millimeter casings had anything to do
15 with that crime? Correct?

16 A Okay, yes, sir.

17 MR. AMMONS: Nothing further.

18 THE COURT: Sir, you may step down witness.

19 (WHEREUPON, the witness leaves the witness
20 stand.)

21 THE COURT: All right, as he's stepping down,
22 ladies and gentlemen of the jury, we're going to take a
23 short break. We been going about an hour and a half. I
24 could use a stand up for a few minutes myself. I'm going
25 to let you step to the jury room. Do not discuss the case.

1 I'll get you back out here in just a few minutes.

2 (WHEREUPON, the jury retire to the jury room.)

3 THE COURT: All right. We'll stand down for a
4 few minutes.

5 (WHEREUPON, a break was taken.)

6 THE COURT: All right, the defendants anything
7 from the State before I bring the jury back out.

8 MR. WHITE: No, sir, Judge.

9 THE COURT: Mr. Edgeworth.

10 MR. EDGEWORTH: Nothing, your Honor.

11 MR. AMMONS: No, your Honor.

12 THE COURT: Bring me the jury please, ma'am.

13 (WHEREUPON, the jury came into open court.)

14 THE COURT: All right. We have all the jurors
15 back in the courtroom. Madam forelady and ladies and
16 gentlemen of the jury, we are at this time going to
17 continue the trial of the case. State's recognize call
18 your next witness please.

19 MR. WHITE: Thank you, Judge. At this time the
20 State would call Sara Zapata.

21 THE CLERK: Ma'am, if you'll please place your
22 left hand on the Bible and raise your right hand. Do you
23 swear or affirm the testimony you give in this case to be
24 the truth, the whole truth and nothing but the truth so
25 help you God?

1 THE WITNESS: I do.

2 THE CLERK: Please be seated and state your full
3 name for the record.

4 THE WITNESS: Sarah Zapata, that's Z-A-P-A-T-A.

5 DIRECT EXAMINATION

6 BY MR. WHITE:

7 Q Ms. Zapata, where are you employed?

8 A At the South Carolina Law Enforcement Division
9 commonly known as SLED.

10 Q And how long have you been employed there?

11 A About seven and a half years.

12 Q And what do you do for South Carolina Law Enforcement
13 Division?

14 A I am a DNA analyst in the DNA case work department.

15 Q And what is a typical day look like for you? What do
16 you guys do in the DNA department?

17 A We receive evidence either from evidence control or
18 from our serologist. And we'll take evidence through all
19 of our laboratory procedures to try to develop a profile.
20 We'll determine if that profile is suitable for
21 interpretation. We'll also take known standards. So
22 that's a sample from a known individual to compare to the
23 unknown profiles from the evidence. And we will take that
24 sample through all of the same procedures that we took the
25 evidence to also develop a profile, and then we will make

1 comparisons, calculate statistics and prepare a report.

2 Q And are agencies across the state sending you guys
3 DNA to analyze in that capacity?

4 A Yes.

5 Q Now, how does one become a DNA analyst for SLED?

6 A What like the training process?

7 Q Yeah, walk us through your training and education if
8 you would?

9 A Sure. I have a bachelor of science in forensic
10 science from the Pennsylvania State University. And then
11 upon employment at SLED, I went through a training process
12 for approximately a year and a half under a court
13 qualified analyst.

14 THE COURT: All right. Everybody step to the
15 jury room. Do not discuss the case.

16 (WHEREUPON, the jury retire to the jury room.)

17 THE COURT: I'm going to ask you to step down.
18 Do not discuss your case.

19 (WHEREUPON, the witness stepped down from the
20 witness stand.)

21 THE COURT: We going to stand down a few
22 minutes. I've asked court personnel to get the cleaning
23 staff up here. She did throw up. How much I don't know.
24 I'm not going over there to look. I'll let them deal with
25 that, but we'll stand down -- that's got to be cleaned up,

1 (WHEREUPON, a pause in the proceedings.)

2 THE COURT: All right, bring me the jury please
3 ma'am. Come on back up here -- I'm sorry what was her
4 name again?

5 MR. WHITE: Zapata.

6 THE COURT: Ms. Zapata, come on up here and take
7 the stand, so when the jury comes out you'll be on the
8 stand like we were yesterday when we broke, all right.

9 (WHEREUPON, the jury came into open court.)

10 THE COURT: Good morning, ladies and gentlemen,
11 I hope everyone is well today and is ready to proceed here
12 today. At this time I will recognize the State to
13 continue direct examination of this witness.

14 MR. WHITE: Thank you, Judge.

15 DIRECT EXAMINATION CONTINUED

16 BY MR. WHITE:

17 Q Ms. Zapata, let's pick up right where we left off,
18 and you testified yesterday that you're from SLED and you
19 are in the DNA department, is that right?

20 A Yes.

21 Q Could you go over your background, your education and
22 how you came to be in that department?

23 A I have a bachelor of science in forensic science from
24 the Pennsylvania State University. And then upon
25 employment at SLED, I went through a training process for

1 approximately for a year and a half under a court
2 qualified DNA analyst and that covered all of our
3 laboratory procedures, our interpretation process,
4 statistics, writing a report. And then I had to complete
5 several mock cases several were in a oral exam, mock
6 court. And then competency exam before I was actually
7 able to perform case work for real.

8 Q And have you ever been qualified in state court in
9 the field of DNA analysis?

10 A I have.

11 Q About how many times?

12 A 18 I believe.

13 MR. WHITE: Judge, at this time I would move Ms.
14 Zapata as an expert in the field of DNA analysis.

15 THE COURT: Mr. Edgeworth, anything?

16 MR. EDGEWORTH: I have no objections, your
17 Honor.

18 THE COURT: Mr. Ammons.

19 MR. AMMONS: No objection.

20 THE COURT: All right. Ladies and gentlemen,
21 before we proceed any further with this witness'
22 testimony, let me tell you that normally a person cannot
23 give opinion testimony. Normally, when a person
24 testifies, they must testify to what they either saw,
25 heard or sense by smell or something of that nature.

1 However, there is an exception when someone is qualified
2 as an expert because of education or experience. In those
3 situations, they are permitted to give their opinion in
4 certain areas if the Court qualifies them to do so. This
5 witness is being qualified as an expert in DNA analysis to
6 give opinion testimony in that area, that does not mean
7 that you must accept the opinion, but it is evidence for
8 you to use in any way that you see fit and give it the
9 weight and credibility that you believe is appropriate.
10 Mr. White, you may continue.

11 MR. WHITE: Thank you, Judge.

12 BY MR. WHITE:

13 Q Ms. Zapata, how are items of evidence that you are
14 going to test DNA purposes received at SLED?

15 A They are logged in through our evidence control
16 department.

17 Q And do you keep a record of such?

18 A Yes, there is a chain of custody which is our
19 electronic record of how things are received and how
20 things move throughout the laboratory.

21 Q And is that document kept in the ordinary course of
22 business?

23 A Yes.

24 Q And is it show each stop that each item of evidence
25 makes on its way to your laboratory?

1 A From when it is logged into the laboratory as it
2 moves throughout the laboratory until it is returned to
3 the agency that submitted it.

4 Q Very good. I'm going to show you what's been marked
5 as State's Exhibit 90. If you could, tell me if you
6 recognize that particular document?

7 A It looks like the chain of custody four items in this
8 case.

9 Q And is it in fact the chain custody for the items in
10 this case? Does it have the same number?

11 A Yes, it has laboratory case number for this case.

12 MR. WHITE: Judge, I would move State's Exhibit
13 90 chain custody of these items of evidence into evidence.

14 THE COURT: Any objection, Mr. Edgeworth?

15 MR. EDGEWORTH: No, your Honor.

16 THE COURT: Mr. Ammons.

17 MR. AMMONS: No, your Honor.

18 THE COURT: Without objection so admitted.

19 (WHEREUPON, State's Exhibit No. 90 was admitted
20 into evidence.)

21 BY MR. WHITE:

22 Q Now, there were several items tested, is that
23 correct?

24 A Yes.

25 Q But the big ticket item was that cutting from the

1 jeans, is that correct?

2 A Item one.

3 Q Yes, ma'am. I think item one may have been ---

4 A Cutting from the pants.

5 Q Right. Correct. I'm going to show you if I could
6 State's Exhibit 85. If you could tell me if you recognize
7 that particular item?

8 A Yes.

9 Q And is that the item that we're referring to?

10 A Yes, this is a container that has the cutting from
11 the jeans, and then also my extract from the jeans.

12 Q And what is it in? What is that bag?

13 A It's a heat seal pouch.

14 Q And is that how you send it back to the agency as it
15 awaits for trial?

16 A Yes.

17 MR. WHITE: Judge, I would move State's Exhibit
18 85 into evidence.

19 THE COURT: Mr. Edgeworth, any objection?

20 MR. EDGEWORTH: Yes, approach, your Honor.

21 MR. WHITE: This is the cutting of the jeans.

22 THE COURT: Mr. Ammons.

23 MR. AMMONS: No objection.

24 THE COURT: Without objection so admitted.

25

1 (WHEREUPON, State's Exhibit No. 85 was admitted
2 into evidence.)

3 BY MR. WHITE:

4 Q And then when the item such as that cutting from the
5 whitewash jeans comes in, you have to compare against
6 something, is that right?

7 A Yes.

8 Q And what would you be comparing it to in this
9 particular case?

10 A In this case, I received a blood spot ---

11 MR. EDGEWORTH: Objection, your Honor. There's
12 a lack of foundation for this particular portion of the
13 testimony.

14 THE COURT: Restate your question.

15 BY MR. WHITE:

16 Q What did you receive for comparison purposes to
17 compare against the whitewash jeans?

18 A The ---

19 MR. EDGEWORTH: The same objection, your Honor.

20 THE COURT: All right, so noted overruled. You
21 may proceed.

22 A The standard I received for this case was item two
23 blood spot from Tydrecus Williams.

24 Q Is that a blood spot that is drawn from his body?

25 A Yes.

1 Q And that's what you compare against the DNA from the
2 jeans, is that right?

3 A Yes, so we developed a DNA profile from the evidence.
4 And then if there is a profile that is suitable for
5 comparison, we will also develop a profile DNA from the
6 standard to compare.

7 Q I'm going to show you State's Exhibit 84. If you can
8 tell me if you recognize that particular item?

9 A Yes.

10 Q And what is that item?

11 A This is the pouches that was received item two the
12 blood spot, and then my extract all in a heat seal pouch.

13 Q And that's how you send it back the agency, is that
14 correct?

15 A Yes.

16 MR. WHITE: Judge, I move State's Exhibit 84
17 into evidence.

18 THE COURT: Any objection?

19 MR. EDGEWORTH: Yes, your Honor, objection to
20 the lack of foundation for this particular piece of
21 evidence.

22 THE COURT: So noted for the record overruled.
23 Mr. Ammons.

24 MR. AMMONS: Same objection.

25 THE COURT: So noted.

1 (WHEREUPON, State's Exhibit No. 84 was admitted
2 into evidence.)

3 BY MR. WHITE:

4 Q Ms. Zapata, when you're doing your analysis, do you
5 document your findings?

6 A Yes.

7 Q And how do you document your findings?

8 A We prepare a report.

9 Q Is that report then turned over to the agency, and
10 the Solicitor's office who's prosecuting the case?

11 A Yes.

12 Q I'm going to show you State's Exhibit 91. Could you
13 tell me if you recognize that item?

14 A It is the copy of my report for this case.

15 Q Is it accurately depict your findings that you made
16 in your analysis?

17 A Yes.

18 MR. WHITE: Judge, at this time I'd move State's
19 Exhibit 91 report of DNA analysis into the record.

20 THE COURT: Any objection, Mr. Edgeworth?

21 MR. EDGEWORTH: Yes, your Honor. I object to
22 the lack of foundation based on the fact that some of this
23 report includes the previously objectionable evidence.

24 THE COURT: So noted for the record overruled.

25 MR. AMMONS: Join in the same objection.

1 THE COURT: All right, very well.

2 (WHEREUPON, State's Exhibit No. 91 was admitted
3 into evidence.)

4 BY MR. WHITE:

5 Q Now, there were several items tested, is that right?

6 A Yes.

7 Q And they were all -- were they all tested against
8 that blood spot of Tydrecus Williams?

9 A So the only item that was suitable for comparison was
10 the cutting from the pants. There was also an item which
11 was M-Vac collection from items five through 14, which
12 were .9 millimeter casings collected from the scene. And
13 for that item there was no human DNA detected, so there
14 was just not any DNA that was detected by our instruments,
15 so I couldn't make any comparisons to that. And then some
16 swabs from bullets where there was no analysis performed.

17 Q Okay. So the swabs from the bullet, and the shell
18 casings that were recovered, you didn't render any opinion
19 as to those items, is that right?

20 A Correct.

21 Q But you did render an opinion on the cutting of the
22 jeans, is that right?

23 A Yes.

24 Q And I'm going to?

25 MR. WHITE: If I could, Judge, publish State's

1 Exhibit 91.

2 BY MR. WHITE:

3 Q I'm going to turn over, Ms. Zapata, to page two that
4 shows your findings. And, Ms. Zapata, if you could, give
5 you us a break down of your analysis between that cutting
6 from the pants and the blood spot of Tydrecus Williams?

7 A Okay. So the very first thing that we do is once we
8 have the DNA profile is determine is it suitable for
9 comparison according to our protocols. If it is suitable
10 for comparison, then we will calculate a statistic which
11 is called a likelihood ratio. And that statistic is just
12 a comparison of one scenario over another scenario. And
13 it is going to give weight to one scenario over another.
14 And so the first thing that you will see here under the
15 proposition set, it just tells you how many people is this
16 DNA profile. And so the DNA profile was interpreted as
17 single source, so that means DNA from one individual. And
18 then the next two bullet points will be the two scenarios
19 that we are evaluating. And so the first scenario is
20 Tydrecus Williams contributed the DNA profile. And then
21 the second scenario is an unidentified unrelated
22 individual contributed the DNA profile. And then the
23 result of that comparison will be in support of one of
24 those scenarios over the other. So that next bullet point
25 is the DNA profile is approximately 990 octillion times

1 more likely if Tydrecus Williams contributed the profile
2 than if an unidentified unrelated individual contributed
3 the profile.

4 Q And I might have been straightforward, but I want to
5 make sure I cover it. The DNA that we're discussing here
6 on that cut out on those pants is blood that we're
7 discussing, is that correct?

8 A It was presumptive positive for blood.

9 Q And I'm going to flip over to page three, Ms. Zapata,
10 if you could tell me this chart at the top what is that
11 chart?

12 A This chart is a verbal scale that we use to try to
13 further explain what the numbers that we obtained from our
14 statistical comparison mean. And so if you look at that
15 first section of the chart, the supported proposition is
16 the first proposition in this case. So the scale -- the
17 highest value on that scale is one million and that we
18 consider very strong support.

19 Q And to break it down what we're discussing is -- let
20 me ask you are -- is what we're discussing how likely that
21 that blood spot is the blood of Tydrecus Williams?

22 A The way that we calculate the statistic we can't
23 definitely say that it's blood. We can say that it was
24 presumptive positive for blood, and that the DNA profile
25 developed from that spot is approximately 990 octillion

1 times more likely if Tydrecus Williams contributed the
2 profile than if an unidentified unrelated individual
3 contributed the profile.

4 Q And you mention it before, but the strongest support
5 in your analysis or in that likelihood ratio is listed as
6 very strong support, is that correct?

7 A Right. On the chart, the highest we'll go is very
8 strong support and that is capped at one million. And
9 this is 990 octillion. So it is greater than that one
10 million on the scale.

11 Q So very strong support is just one million, correct?

12 A Yes.

13 Q And this is 990 octillion, is that right?

14 A Yes.

15 Q Is that a good bit more than one million.

16 A That would be 27 zeros after 990 and the million is
17 six zeros.

18 MR. WHITE: Beg the Court's for one moment.

19 (WHEREUPON, a pause in the proceedings.)

20 MR. WHITE: Ms. Zapata, excuse me for my voice,
21 but I don't have any more questions for you. Please
22 answer any questions the defense may have.

23 THE COURT: Mr. Edgeworth.

24 MR. EDGEWORTH: Thank you, your Honor. May it
25 please the Court.

1 THE COURT: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. EDGEWORTH:

4 Q Ms. Zapata, refer in a moment to some of these pieces
5 of evidence. And I want to show you what's been entered
6 as State's Exhibit 90, which is the SLED chain of custody.
7 You hold that for a second. This is a document that's
8 generated at SLED?

9 A Yes.

10 Q So the information that would be in this document is
11 something that would have been created by some personnel
12 at your office?

13 A Correct.

14 Q Okay. And when items come in is it true that there's
15 a system in place that says you know like every time
16 something's checked out it's logged in and that's why you
17 had that kind of logged scenario with the time stamped?

18 A Right, every time the item moves, it's scanned either
19 from an individual to a location or from a location to an
20 individual or from an individual to another individual,
21 and that's electronically captured.

22 Q Sorry, I didn't mean to interrupt. So the notations
23 that are in the chain of custody, those are drafted by an
24 in-take person at SLED?

25 A I'm not sure what you mean. Do you mean the item

1 description?

2 Q Yeah, so item number one, there's a kind of grayed
3 out area. Who puts that information in there?

4 A The individual submitting the item.

5 Q Okay. And individual submitting such as the agency?

6 A Yes.

7 Q Okay. And in that particular notation, we're talking
8 about item one which is I believe -- you testified as to
9 the cutting?

10 A Yes.

11 Q Okay. Is it -- isn't it true or does it not note
12 that that piece of evidence or the item was not tested
13 prior to you receiving or SLED receiving it?

14 A Yes, that's how they logged it in.

15 Q So they would have done nothing to that piece -- to
16 the cutting prior to or no test on it prior to SLED
17 receiving it?

18 A That is what -- that is how it was logged in.

19 Q Okay. And, I guess, what you're saying is you don't
20 have knowledge, but that's what it says?

21 A Right.

22 Q Okay, thank you. And that would have been from this
23 particular Florence police department? Sorry, I took it
24 away from you.

25 A Sorry, I have a copy as well. Yes.

1 Q Okay. So the Florence police department is not doing
2 the testing, correct?

3 A That is what they told us when they logged in the
4 item.

5 Q Okay. Now, other than receiving the pieces of
6 evidence that you referred to, do you inquire as to where
7 it comes from otherwise?

8 A It depends on the situation if we need more
9 information on how to test an item. Sometimes we ask for
10 more information.

11 Q Okay. And in this particular case, you didn't ask
12 the Florence police department where the cutting came
13 from, correct?

14 A No, I do not believe I did.

15 Q And I noted on the chain of custody that there's
16 several entries prior to you receiving it, and then some
17 entries after you received it, correct?

18 A Yes.

19 Q Okay. Were you the only individual that performed
20 test on this particular item?

21 A No, one of our forensic serologists, Rachel Wynn, did
22 the blood testing on the item. And then I use the results
23 of her testing to continue the DNA analysis.

24 Q And when you say blood testing are you talking about
25 the analysis that you just testified to?

1 A She did the presumptive test for blood, yes.

2 Q Okay. And the presumptive test is the one you just
3 talked about where you don't actually know that it's
4 blood. It just has DNA material, correct?

5 A Correct.

6 Q As you sit here today, you can't affirmatively
7 testify to absolutely whatever it was on that cutting was
8 in fact blood, correct?

9 A Right. I can say that it was presumptive positive
10 for blood, but there is not a confirmatory test performed,
11 and that is what would tell us definitively that it is
12 human blood or that it is blood, but in our typical work
13 flow if something is positive, presumptive positive for
14 blood, we'll move forward to DNA analysis.

15 Q Understood. But you did not perform a confirmatory
16 test in this particular example, correct?

17 A No.

18 Q Okay. And therefore you can't rule out that the DNA
19 that you extracted from that actually came from blood,
20 correct?

21 A Can you repeat that?

22 Q You evaluated DNA material, that's how you got your
23 results?

24 A Right.

25 Q But you can't say that that particular item was in

1 fact blood as you sit here today, correct?

2 A Correct.

3 MR. EDGEWORTH: Thank you. No further
4 questions.

5 THE COURT: Mr. Ammons.

6 MR. AMMONS: I don't have any questions for this
7 witness, your Honor.

8 THE COURT: Any redirect? Thank you, Mr.
9 Ammons.

10 REDIRECT EXAMINATION

11 BY MR. WHITE:

12 Q The spot on those jeans presumptive positive for
13 blood?

14 A Yes.

15 Q And regardless, it was DNA? You could develop a DNA
16 profile?

17 A Yes, there was a single source DNA profile.

18 Q And, again, it was 990 octillion times more likely
19 that it's Tydrecus Williams, is that correct?

20 A The DNA is approximately 990 octillion times more
21 likely if Tydrecus Williams contributed the profile than
22 if an unidentified unrelated individual contributed the
23 profile.

24 MR. WHITE: Very good. Thank you, Ms. Zapata.

25 THE COURT: Mr. Edgeworth, anything else?

1 MR. EDGEWORTH: Nothing further, your Honor.

2 THE COURT: You may step down. Thank you.

3 (WHEREUPON, the witness leaves the witness
4 stand.)

5 MR. WHITE: Judge, I would ask if Ms. Zapata
6 could be released from her subpoena?

7 THE COURT: Any objection?

8 MR. EDGEWORTH: No objection, your Honor.

9 MR. AMMONS: No, your Honor.

10 THE COURT: Ma'am, you're released from you
11 subpoena. You're free to go. Thank you. Call your next
12 witness please.

13 (WHEREUPON, the witness leaves the witness
14 stand.)

15 MR. WHITE: Judge, at this time the State would
16 call Suzann Cromer to the stand.

17 THE CLERK: Please place your left hand on the
18 Bible and raise your right hand. Do you swear that the
19 testimony you will give in this case will be the truth,
20 the whole truth, and nothing but the truth so help you
21 God?

22 THE WITNESS: I do.

23 THE CLERK: Please be seat on the witness stand
24 and state your full name for the record.

25 THE WITNESS: My name is Suzann Cromer

1 C-R-O-M-E-R.

2 WHEREUPON,

3 Suzann Cromer,

4 after first having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. WHITE:

7 Q Ms. Cromer, where are you employed?

8 A I'm employed by the South Carolina Law Enforcement
9 Division commonly referred to as SLED as a firearm and
10 tool mark examiner in the forensic services laboratory.

11 Q And how long have you been employed in that capacity?

12 A I have been at SLED for 24 years. I started the
13 firearm and tool mark examiner training in 2000.

14 Q Now, obviously, 24 years is a long time. You had a
15 lot of experience, but prior to that, what kind of
16 education and training did you have to get into that
17 field?

18 A I have a bachelors degree from Clemson University. I
19 did some graduate work at the University of South Carolina
20 in criminal justice. And during that program, I did an
21 internship in the SLED firearms department. I was hired
22 on to SLED, and I did their in-house training program,
23 which is a multiyear more of an apprenticeship if you will
24 where we studied under other court qualified firearms
25 examiners. We take written tests, oral tests, practical

1 exercises for each module of our training manual. And
2 then when we complete the training manual we're given a
3 comprehensive final exam that covers terms, practical
4 knowledge, and mock case work. That's graded by our
5 training officer and our lieutenant before we are allowed
6 to receive case work. I have attended numerous seminars
7 with the association of firearm and tool mark examiners,
8 which we call AFTE. AFTE is an international professional
9 organization. We meet once a year for a week-long seminar
10 to discuss relevant fields in our topic. They also offer
11 extra workshops. I've attended such workshops as
12 sub-machine gun conversion, barrel making, high-point
13 firearms familiarization, ethics. I've also taken classes
14 with the South Carolina Chapter of the International
15 Associate of Identification most pertinent being two
16 separate three-day shooting scene reconstruction
17 workshops. I've taken classes with the Bureau of Alcohol
18 Tobacco Firearms and Explosives commonly referred to as
19 the ATF. And serial number restoration and in the
20 National Intergrated Ballistics Information Network, which
21 we call NIBIN. NIBIN is a digital data base for images of
22 cartridge cases whether they are test fired or evidence
23 from a crime scene. I am the NIBIN program administrator
24 for SLED. And I'm also the representative for North and
25 South Carolina for that users group. I've also toured

1 numerous firearm manufactures such as FN, Smith & Wesson,
2 Ruger, Daniel Defense, Para USA. I've toured tool
3 manufacturers such as Ontario Knife Factory, KA-BAR,
4 Cutco, Crescent Tools just to name a few.

5 Q And this probably -- I can probably guess the answer
6 to this next question, but have you ever testified as an
7 expert in state court before?

8 A Yes, I have.

9 Q Do you have any idea how many times?

10 A It's been over 130 times in state and federal court
11 combine.

12 MR. WHITE: Thank you, very much. Judge, at
13 this time I'd move Ms. Cromer as an expert in the field of
14 firearm analysis.

15 THE COURT: Mr. Edgeworth.

16 MR. EDGEWORTH: No objection, your Honor.

17 THE COURT: Mr. Ammons.

18 MR. AMMONS: No objection.

19 THE COURT: All right. Ladies and gentlemen,
20 this individual is being qualified as an expert in the
21 area of firearms examination.

22 MR. WHITE: Yes, sir, Judge.

23 THE COURT: To expert or give an opinion. The
24 previous charge I gave to you as it relates to expert
25 opinion testimony or opinion testimony remains the same,

1 okay. Mr. White, you may continue.

2 MR. WHITE: Thank you, Judge.

3 BY MR. WHITE:

4 Q Now, Ms. Cromer, were you asked to analyze firearm
5 material in this particular case?

6 A Yes, I was.

7 Q Were you asked to analyze shell casings?

8 A Yes, I was.

9 Q Were you also asked to analyze shell casings?

10 A Yes, I was.

11 Q And were you also asked to analyze projectiles?

12 A Yes, I was.

13 MR. EDGEWORTH: Objection, your Honor. No
14 foundation for the evidence referred to in his
15 questioning.

16 THE COURT: I'll allow it at this juncture right
17 now. Objection is noted for the record.

18 MR. EDGEWORTH: Thank you, your Honor.

19 THE COURT: See where he's going.

20 MR. WHITE: Thank you, Judge.

21 BY MR. WHITE:

22 Q I'm going to show you what's been marked as State's
23 Exhibit 88. Could you tell me if you recognize that
24 particular item?

25 A State's Exhibit 88 was my container number B in this

1 case with the ten cartridge cases that I receive to
2 analyze.

3 Q And where did you receive those items from?

4 A I actually received it from another firearms examiner
5 in our department Paul Grier.

6 Q And how are items received and stored and logged in
7 SLED -- at SLED?

8 A When evidence comes into the SLED laboratory, it
9 usually comes in from the submitting agency. In this
10 case, Florence PD brings the evidence to SLED. And then
11 those technicians in our evidence control department
12 determine where it needs to go. If they want DNA testing,
13 it has to go through the evidence processing. If they
14 want fingerprints, it has to go through latent prints.
15 The firearms department is usually the last person to get
16 the evidence. So it's all logged into a computer system,
17 and then we see our assignments from there. So we know
18 that we have a case and where it has to go first before it
19 comes to us. So we will go to evidence control and pick
20 up that evidence from there.

21 Q And is it documented and logged and stored
22 information of where the items travel?

23 A Yes. As you can see this yellow bar code each piece
24 of evidence or each container has a bar code. So any time
25 this piece of -- this envelope moves from like myself to

1 take it to evidence control, we scan that bar code and
2 have to put in a password. So every place it's gone is
3 documented date and time.

4 Q And then do you seal it and send it back to the
5 agency at that point?

6 A I will seal it when I finish with my exam and take it
7 back to our evidence control department, and they can
8 return it to the agency there.

9 Q And the item that you hold in your hand are those the
10 shell casings that you received or SLED received from the
11 Florence Police Department?

12 A It is, and it's still sealed with my initials and
13 seal dates from when I returned it.

14 Q Thank you very much.

15 MR. WHITE: Judge, at this move I would State's
16 Exhibit 88 into evidence.

17 THE COURT: Any objection?

18 MR. EDGEWORTH: Yes, your Honor. There's a lack
19 of foundation for this evidence.

20 THE COURT: Can the lawyers approach a minute
21 please.

22 (WHEREUPON, a bench conference was held in the
23 presence of the jury, but out of the hearing of the
24 jury, but on the record has began.)

25 MR. EDGEWORTH: There's been no testimony to any

1 of this being collected.

2 MR. WHITE: I think it was by Feagin.

3 MR. EDGEWORTH: No, he said he took pictures of
4 it.

5 MR. WHITE: And he collected it on scene and he
6 logged it into the locker.

7 THE COURT: That's my understanding and it was
8 subsequently transported to SLED.

9 MR. EDGEWORTH: Well, no one has testified as to
10 the fragments where they came from.

11 MR. WHITE: We talking about shell casings right
12 now.

13 MR. EDGEWORTH: I'm sure you're going to get to
14 that, that's in the report, what's why I say it's in the
15 report.

16 MR. AMMONS: The fragments that hasn't been
17 entered in.

18 THE COURT: That would have been collected
19 during the medical examination.

20 MR. WHITE: Correct, and the pathologist is
21 going to testify.

22 THE COURT: Okay.

23 (WHEREUPON, a bench conference was held in the
24 presence of the jury, but out of the hearing of the
25 jury, but on the record has ended.)

1 MR. WHITE: Judge, I would move State's Exhibit
2 88 shell casings collected from the scene into evidence.

3 THE COURT: Subject to the objection.

4 MR. EDGEWORTH: Yes, your Honor.

5 MR. AMMONS: No objection, Your Honor.

6 THE COURT: So noted and overruled.

7 (WHEREUPON, State's Exhibit No. 88 was admitted
8 into evidence.)

9 BY MR. WHITE:

10 Q I'm going to show you State's Exhibit 89. If you
11 could tell me, Ms. Cromer, if you recognize that
12 particular item?

13 A State's Exhibit 89 was my container A in this case.
14 You can see my bar code. And then my initials and seal
15 date. It contained the projectiles that I examined in
16 this case.

17 Q Now, as it relates to the shell casings, is it true
18 that sometimes you process items that are collected from a
19 scene of the crime?

20 A Yes.

21 Q Do you also collect items that are received after the
22 course of an autopsy from a body as it were?

23 A Yes, I do.

24 Q And is that what happened in this particular case?

25 A Yes, it was.

1 MR. WHITE: And, Judge, if I could at this time,
2 I would move State's Exhibit 89 into evidence.

3 MR. EDGEWORTH: Same objection, your Honor.

4 THE COURT: All right.

5 MR. AMMONS: Join in that objection.

6 THE COURT: So noted overruled.

7 (WHEREUPON, State's Exhibit No. 89 was admitted
8 into evidence.)

9 BY MR. WHITE:

10 Q Now, Ms. Cromer, when you are doing your analysis,
11 did you prepare a report?

12 A Yes, I do.

13 Q And does it accurately reflect -- well, let me show
14 it to you first. State's Exhibit 92 is that the report
15 that you drafted that shows your analysis in this
16 particular case?

17 A Yes, it is.

18 Q Does it show your analysis of the shell casings as
19 well as the projectiles?

20 A Yes, it does.

21 MR. WHITE: Judge, I move State's Exhibit 92
22 into evidence analysis for Ms. Cromer.

23 MR. EDGEWORTH: Same objection, your Honor.

24 THE COURT: So noted overruled.

25 MR. AMMONS: Same objection.

1 (WHEREUPON, State's Exhibit No. 92 was admitted
2 into evidence.)

3 BY MR. WHITE:

4 Q Ms. Cromer, if I could, I know that you analyzed or
5 at least in your report it list the projectiles first. If
6 it's all right with you, I like to start with the shell
7 casings?

8 A That's fine.

9 Q And I'm going to show you just so the records clear
10 ---

11 MR. WHITE: Judge, State's Exhibit 92 page two
12 items five through 14.

13 BY MR. WHITE:

14 Q Could you tell us everything about your analysis and
15 what you found as it pertains to those shell casings?

16 A Okay, when I receive evidence like this for a case,
17 what I do when I first get that container and start my
18 analysis is I take a picture of the packaging and make
19 sure that I document, that it's sealed. So then I open it
20 up and then I take pictures all the way through to until I
21 get down to my actual evidence. So I'm photo documenting
22 every step of the way. So I opened up each of these
23 cartridge casings individually and took pictures and I
24 take notes. I note the caliber. I note the construction
25 of these cartridge cases, what they're consistent with

1 being made of, what the primer of the cartridge case is
2 made of and the brand of manufacture. Then I actually
3 look at the markers on those cartridge case, what type
4 firing pin impression, what type of breach face markings.
5 Those are markings that are left on that cartridge case by
6 the firing processing. So once I note that they're all
7 the same caliber, then I go to my comparison microscope.
8 And I actually look at these items versus each other to
9 determine whether they were fired by the same firearm or
10 not fired by the same firearm, how many firearms could
11 have been represented in these cartridge cases. We render
12 one of four conclusions. Positive, yes, they were fired
13 by the same gun. Negative, no, these weren't fired by the
14 same gun. Unsuitable, they were too damaged to make a
15 call either way or inconclusive. And so I render my
16 conclusion. And then once I reach a conclusion, and I
17 write it down, I have a second firearms examiner come do
18 the same comparison on the microscope. They have to
19 render a conclusion as long as our conclusions agree, then
20 I can issue my report.

21 Q And what was your opinion as to these particular
22 items of evidence?

23 A It was my opinion that the individual identifying
24 markings were good enough for me to say that these
25 cartridge cases were all fired by one firearm.

1 Q Now, I want to turn our attention to items three and
2 four, and that's on the first page of State's Exhibit 92.
3 Ms. Cromer, could you tell us how you reached your opinion
4 and your analysis in these particular items?

5 A Bullets are a little different. I did the same photo
6 documenting the packing and opening it up, but we do
7 measurements and weigh these projectiles to determine its
8 caliber. And then we look at the actual riffling markings
9 that were left on the gun -- on the bullet by the gun.
10 Riffling is what's put in the gun barrel by the
11 manufacture to put rotary motion on that bullet. Very
12 similar to a quarter back who throws a football, he wants
13 it to go into a tight spiral, so it'll go more accurately
14 towards the target, that's what the riffling is doing. It
15 spins that bullet, so it will fly more accurately through
16 the air. And riffling is made up of different lands and
17 groves raised and depressed areas. So we're looking at
18 first what type of riffling because there's two types of
19 riffling. And then we look at how many lands and groves
20 are represented in that riffling. Then we look at which
21 way it's going to cause the bullet to spin. Is it going
22 to cause it to spin to the right or to the left. So I
23 kind of call it climbing the ladder to be my microscope.
24 So first I determine the caliber. I determine that these
25 bullets were consistent with .9 millimeter Luger caliber

1 bullets. Then I look riffling to see if they have the
2 same type of riffling. These both had conventional
3 riffling. Then I look at how many numbers, lands and
4 groves because you can have three or four, five. You can
5 have up to microgrove, which is in the 20s. So these both
6 had seven lands and groves, and they both were -- had
7 right twists. So meaning it was going to spin to the
8 right. So if anywhere along the way something is
9 different, I don't have to go to my microscope because
10 they couldn't have been fired by the same gun. But these
11 bullets all had the same class characteristics. They were
12 .9 millimeter Luger. They both had conventional riffling.
13 They both has seven lands and groves. They both had right
14 twists. So I went to my microscope and I did my
15 comparison. And in this case I was inconclusive as to
16 whether these were fired by the same gun. And
17 inconclusive means I can't rule them out. I can't say
18 they weren't fired by the same gun, but I can't say they
19 were either. There just wasn't enough information in
20 those individual markings because of damage for me to say
21 either way.

22 Q Now, in order to perform the test that could have
23 given you that information of whether or not it was fired
24 by the same gun, what would you have needed?

25 A To do my exam, I use a -- first, I use a balance to

1 weigh them. Then I use a micrometer to measure the
2 diameter. And then I use the comparison microscope to do
3 my actual physical exam.

4 Q And would it have been helpful in order to test those
5 projectiles to have the gun that was used to fire those
6 projectiles?

7 A If I have a firearm, then I can test fire that
8 firearm and compare those bullets to those test fires and
9 the cartridge cases as well.

10 Q I am going to show you if I could what's been entered
11 into evidence as State's Exhibit 20. Ms. Cromer, have you
12 ever taken a look at this photograph?

13 A No, I haven't.

14 Q I'm also going to show you a close up State's Exhibit
15 21. Have you ever seen this photograph?

16 A No, I haven't.

17 Q It's been previously testified that this is a
18 magazine that was collected from the scene .22 caliber
19 magazine. And I'm going to ask you your opinion as an
20 expert, Ms. Cromer. Could you tell what type of gun this
21 magazine came from?

22 A No, I would assume from a semiautomatic pistol. They
23 usually are loaded by a magazine. It could have been
24 there are some .22 riffles that use a magazine as well.

25 Q So this could have come out of a riffle?

1 A It could have.

2 Q It could have come out of the pistol?

3 A Yes.

4 Q But regardless if it came out of a riffle or a pistol
5 in your expert opinion if there would have been a gun that
6 fired from this magazine, would it have expelled a shell
7 casing?

8 A It should have, yes.

9 MR. WHITE: Beg the Court's indulgence.

10 (WHEREUPON, a pause in the proceedings.)

11 BY MR. WHITE:

12 Q Well, just to make sure, I think you testified to it,
13 Ms. Cromer. If you did, I apologize. But when you
14 testified as to the projectiles, you did say that it were
15 most consistent with a .9 millimeter Luger, is that right?

16 A That is correct?

17 MR. WHITE: Thank you so much, Ms. Cromer. I
18 don't have anything more for you. Please answer any
19 questions the defense may have.

20 THE COURT: Mr. Edgeworth.

21 MR. EDGEWORTH: Thank you, your Honor. May it
22 please the Court.

23 CROSS-EXAMINATION

24 BY MR. EDGEWORTH:

25 Q Good morning, Ms. Cromer.

1 A Good morning.

2 Q Obviously, you were charged with utilizing your
3 skills. And I want to ask you a few things about this.
4 So starting with the items that you listed in your report
5 items five through 14.

6 A Yes, sir.

7 Q Those are the shell casings that you're referring to?

8 A Yes, sir.

9 Q And in your opinion, of course, that those all came
10 from the same file?

11 A That is correct.

12 Q When we go back to the items, I think they been noted
13 as three and four the projectiles. They are of the same
14 caliber?

15 A That's correct.

16 Q And your opinion is that it's .9 millimeter Luger
17 caliber cartridges?

18 A That's correct.

19 Q And that is the same as the cartridges in items five
20 through 14 the shell casings?

21 A That is correct.

22 Q Okay. Now, in your report, I want to make sure the
23 jury understands this. You state that it's due to damage
24 that you cannot confirm whether or not it came from a
25 specific firearm, correct?

1 A Due to damage and insufficient matching individual
2 characteristics.

3 Q Okay. And damage could have come from the fact that
4 it was retrieved from the body?

5 A It could have. It could have been that, you know, it
6 hit something it bounced. Damage can come -- it can be
7 microscopic as well.

8 Q Okay. Either way you were not able to make any
9 further opinions as to where it came from?

10 A That's correct.

11 Q Okay. Now, I note for the purposes of your report,
12 you say -- and if you don't mind, I'll read it to you. It
13 could not be determined whether items three and four those
14 bullets were fired by one firearm or by two different
15 firearms with similar riffling and characteristics, that
16 is an opinion you rendered, right?

17 A Yes, sir.

18 Q Okay. It's fair to say though that you couldn't --
19 you can't rule out because you said it's inconclusive
20 then it could have come from the same gun, correct?

21 A It could have. I couldn't say they came from the
22 same gun, but I can't say they didn't either.

23 Q Understood. But the reason why you said two firearms
24 is because there were two bullets, correct?

25 A Correct.

1 Q Okay. You wouldn't have put in your report, well, it
2 could have come from one or three different guns, correct?

3 A Correct.

4 Q Okay. So the only reason why you put that in the
5 report was to reference the fact there were two bullets?

6 A Correct.

7 Q Okay. You weren't making an opinion or suggestion or
8 an expert opinion that it could have been two, right?

9 A Right.

10 Q You just simply said that because it obviously
11 couldn't have been three?

12 A Right. We only had two bullets.

13 MR. EDGEWORTH: No further questions, your
14 Honor.

15 THE COURT: Mr. Ammons.

16 MR. AMMONS: Thank you, your Honor. May it
17 please the Court.

18 CROSS-EXAMINATION

19 BY MR. AMMONS:

20 Q Ms. Cromer, I'll try to be brief. These gentlemen
21 have done a good job of questioning you so far. As far as
22 the shell casings, you are able to determine that they all
23 were fired from the same gun, correct?

24 A That is correct.

25 Q But you can't determine if they were all fired at the

1 same time?

2 A No, I cannot.

3 Q Simultaneously, you can't tell that?

4 A No.

5 Q All right. You can't determine who fired them?

6 A No, I cannot.

7 Q All right. You can't determine what gun they came
8 from unless you have a gun, correct?

9 A That is correct.

10 Q And you don't have a gun in this case?

11 A No, I did not.

12 Q So you don't know what gun it came from? Correct?

13 A That is correct.

14 Q All right. And you don't have any idea how long it
15 had been since those shells had been fired?

16 A No, I don't.

17 Q All right. So remind me again of the date that you
18 received those?

19 A Date they came to SLED or the date that I receive
20 them?

21 Q The date that they came to SLED?

22 A Let me check my notes please. The cartridge cases
23 were received by Bethany Davidson in our evidence control
24 department on 10-4 of 2019.

25 Q And you have no way of knowing whether or not those

1 cartridges were fired on September 12th of 2019?

2 A No, sir, I do not.

3 Q Okay. And you don't have any way of knowing whether
4 those bullets fragments match those casings?

5 A No, we cannot tell if this is from one gun the
6 bullets and cartridge cases or two guns without a firearm.
7 So there is no exam to match fired projectiles back to the
8 cartridge case.

9 MR. AMMONS: No further questions, your Honor.

10 THE COURT: Mr. White, any redirect?

11 MR. WHITE: Maybe, Judge. I would beg the
12 Court's indulgence for just one moment. I'm sorry, Ms.
13 Cromer.

14 (WHEREUPON, a pause in the proceedings.)

15 REDIRECT EXAMINATION

16 BY MR. WHITE:

17 Q And just briefly, Ms. Cromer.

18 A Yes.

19 Q Items three and four you are able to tell to a great
20 degree of specificity the manufacture for those particular
21 items, is that correct?

22 A That is correct.

23 Q What was that manufacture?

24 A I determine that the only known manufacture at this
25 time to use those rufflings specifications on items three

1 and four projectiles was a SCCY firearm.

2 Q And, again, all the shell casings that you tested in
3 your opinion that they were fired from the same gun?

4 A That is correct.

5 Q But you were not able to tell about the bullets that
6 were recovered from Tydrecus Williams body?

7 A That is correct?

8 MR. WHITE: Thank you, Judge. I have nothing
9 further.

10 THE COURT: Mr. Edgeworth, anything else?

11 MR. EDGEWORTH: One moment, your Honor.

12 THE COURT: Yes, sir.

13 (WHEREUPON, a pause in the proceedings.)

14 MR. EDGEWORTH: No further questions, your
15 Honor.

16 MR. AMMONS: No questions, your Honor.

17 THE COURT: You may step down. Thank you.

18 (WHEREUPON, the witness leaves the witness
19 stand.)

20 MR. WHITE: Judge, I would ask if Ms. Cromer can
21 be released from her subpoena.

22 THE COURT: Any objection, Mr. Edgeworth?

23 MR. EDGEWORTH: No, your Honor.

24 THE COURT: Mr. Ammons.

25 MR. AMMONS: No, your Honor.

1 THE COURT: Ma'am, you are released from your
2 subpoena. You're free to go. Thank you.

3 MR. WHITE: Judge, may we approach for just a
4 moment.

5 (WHEREUPON, a bench conference was held in the
6 presence of the jury, but out of the hearing of the
7 jury.)

8 THE COURT: All right, ladies and gentlemen,
9 before we move on to the next witness, we're going to take
10 a short break, ask you to step to the jury room. Do not
11 discuss the case at all get you back out here when you all
12 are ready to come back. Madam forelady, if you'll knock
13 on the door and let my bailiff know, and we'll get you
14 back in here as promptly as possible, okay. Do not
15 discuss the case.

16 (WHEREUPON, the jury retire to the jury room.)

17 THE COURT: We'll stand down for a few minutes.

18 MR. WHITE: Thank you, Judge.

19 (WHEREUPON, a break was taken.)

20 THE COURT: Anything from the State before I
21 bring the jury out?

22 MR. WHITE: No, sir, Judge.

23 THE COURT: Mr. Edgeworth.

24 MR. EDGEWORTH: No, sir.

25 THE COURT: Mr. Ammons.

1 MR. AMMONS: No, your Honor.

2 THE COURT: Bring me the jury please, ma'am.

3 (WHEREUPON, the jury came into the open
4 courtroom.)

5 THE COURT: All right. We have all the jurors
6 back in the courtroom. At this time we'll continue the
7 trial of the case. Mr. White, you recognize call your
8 next witness please.

9 MR. WHITE: Thank you, Judge. At this time the
10 State would call Investigator Ashley Shelley to the stand.

11 THE CLERK: Sir, please place your left hand on
12 the Bible and raise your right hand. Do you swear that
13 the testimony you will give in this case to be the truth,
14 the whole truth, and nothing but the truth so help you
15 God?

16 THE WITNESS: I do.

17 THE CLERK: Please be seated on the witness
18 stand and state your full name for the record.

19 THE WITNESS: Sheldon Shelley.

20 WHEREUPON,

21 Sheldon Ashley Shelley,
22 after first having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. WHITE:

25 Q Investigator Shelley, where are you employed?

1 A City of Florence Police Department.

2 Q And how long have you been employed there?

3 A Since November of 2009.

4 Q And in what capacity are you employed? What's your
5 role in the City of Florence at this moment?

6 A Currently, Sergeant in evidence.

7 Q Now, back in September of 2019 and specifically
8 September 12th of 2019 in what capacity were you employed
9 at that time?

10 A I was a corporal in the criminal investigations
11 division.

12 Q And did you have occasion to respond to an incident
13 that occurred in the incident location being Speedy Mart
14 sometime referred to as Tiger Mart in the City of
15 Florence?

16 A Correct.

17 Q And that was on September 12th 2019, is that right?

18 A Correct.

19 Q And that is in the City of Florence?

20 A It is City of Florence.

21 Q Is it in Florence County?

22 A It is.

23 Q Now, were you lead investigator in this case?

24 A No, sir.

25 Q Who was the lead investigator?

1 A Investigator Chatlosh.

2 Q And if you were not the lead investigator but you're
3 assisting, what were your roles in a particular
4 investigation?

5 A It varies in a situation like this or depending on
6 the complexity of the case whoever's the supervisor --
7 supervising investigator on the scene will delegate
8 different responsibilities and that can vary from incident
9 to incident.

10 Q Now, correct me if I'm wrong, but in an investigation
11 like this is the lead investigator kind of point guard
12 running point?

13 A Correct.

14 Q And everybody else is just assisting, is that right?

15 A Correct.

16 Q Was that your role here?

17 A Correct.

18 Q Okay. Now, did you become aware at some point on
19 September 12th 2019, that the Speedy Tiger Mart had video
20 surveillance?

21 A Yes.

22 Q And did you watch that video surveillance?

23 A Yes.

24 Q And did recognize anyone on the video?

25 A Yes.

1 Q And who did you recognize?

2 A Quinterris Carmichael.

3 Q Now, based on the video and based on your
4 identification and subsequent identifications of
5 Mr. Carmichael, was he -- arrest warrant sought for
6 Mr. Carmichael?

7 A In this case, yes, sir.

8 Q And then at some point were you involved in taking
9 him into custody and then ultimately interviewing him?

10 A Yes, sir.

11 Q I'm going to show you State's Exhibit 1. If you
12 could tell me if you could recognize that document?

13 A Yes, sir.

14 Q And what is that document?

15 A Standard Florence Police Department waiver of rights
16 form.

17 Q And is that -- let's talk about the waiver of rights
18 the Miranda rights. What are someone's Miranda rights?

19 A Miranda rights are a set of rights that we would read
20 to someone who is lost their freedom of movement or is in
21 custody or that we're gone interrogate that we intend to
22 ask questions that maybe incriminating if that person
23 answer that question, so prior to asking those questions
24 inform that person of their rights. And they have the
25 right to legal counsel. And in short, you know, that

1 we're the police department, and they don't have to speak
2 to us if they don't wish to.

3 Q Now, you don't have to have a form like this when you
4 read someone your Miranda rights, do you?

5 A No, sir.

6 Q But do you keep one of these so that you can go over
7 each and every right?

8 A Yes, sir, read it from the sheet.

9 Q And is this a sheet that you went over Mr. Quinterris
10 Carmichael?

11 A Yes, sir, that is my signature.

12 Q And did he acknowledge each and every one of the
13 rights as you explain them to him?

14 A Yes, sir.

15 Q And did he sign a waiver of those rights at the
16 bottom here?

17 A Yes, sir.

18 MR. WHITE: And, Judge, I would move State's
19 Exhibit 1 Florence Police Department waiver of rights form
20 into evidence.

21 THE COURT: Any objection, Mr. Edgeworth?

22 MR. EDGEWORTH: No objection.

23 THE COURT: Mr. Ammons.

24 MR. AMMONS: No objection.

25 THE COURT: All right, so admitted. What number

1 is that again?

2 MR. WHITE: I'm sorry, Judge, that's State's
3 Exhibit 1.

4 THE COURT: All right, thank you.

5 (WHEREUPON, State's Exhibit No. 1 was admitted
6 into evidence.)

7 BY MR. WHITE:

8 Q Now, this incident occurred when?

9 A The incident occurred September the 12th 2019.

10 Q And I'll hand you the State's Exhibit 1 a reference.
11 When was Mr. Carmichael ultimately taken into custody?

12 A The Miranda form is dated September the 20th 2019.

13 Q Okay. On that time after you've read him his Miranda
14 rights, do you then conduct an interview with Quinterris
15 Carmichael?

16 A Yes, sir.

17 Q And was it audio-video recorded?

18 A Yes, sir.

19 Q And did that recording save to the evidence log the
20 City of Florence and then turned over to the Solicitor's
21 office?

22 A Yes, sir.

23 Q I'm going to show you what's been mark State's
24 Exhibit 2. If you can tell me that's the video and audio
25 in question?

1 A Yes, sir, it is.

2 Q And is it a fair depiction of the interview that you
3 conducted with Quinterris Carmichael on September 20th
4 2019?

5 A Yes, sir.

6 MR. WHITE: Judge, I would move State's Exhibit
7 2 into evidence.

8 THE COURT: Any objection, Mr. Edgeworth?

9 MR. EDGEWORTH: Yes, your Honor, subject to my
10 previous objection.

11 THE COURT: So noted for the record. Court's
12 ruling remain the same.

13 MR. AMMONS: Join in that objection.

14 (WHEREUPON, State's Exhibit No. 2 was admitted
15 into evidence.)

16 MR. WHITE: Judge, at this time I would ask to
17 publish the video.

18 THE COURT: All right, ladies and gentlemen,
19 before this video is published to you all, I'm going to
20 tell you that there may seem to be some redactions in
21 there. And I will tell you they are pursuant to some
22 rulings, some evidentiary rulings by the Court. It's not
23 something intentionally trying to be hidden from you by
24 the Court or anything based upon some evidentiary rulings
25 that this Court made certain things within there were not

1 to be played in front of you, and therefore they were
2 ordered to be redacted and that's why that's the case,
3 okay. Any objection or exception to what I said to the
4 jury from you, Mr. White?

5 MR. WHITE: No, sir, Judge.

6 MR. EDGEWORTH: No, your Honor.

7 THE COURT: Mr. Ammons.

8 MR. AMMONS: No, your Honor.

9 THE COURT: All right, you may publish it.

10 MR. WHITE: Can everyone see?

11 (WHEREUPON, State's Exhibit 2, a video, played
12 for the jury.)

13 BY MR. WHITE:

14 Q Investigator Shelley, is that you conducting the
15 interview?

16 A Yes, sir.

17 Q And who is the other officer in there with you?

18 A That's Lieutenant William Nida.

19 Q What's his role?

20 A He's the supervisor over on the criminal
21 investigations division.

22 MR. WHITE: Beg the Court's indulgence. Thank
23 you, Investigator Shelley. I don't have anything else
24 please answer any questions the defense may have.

25 THE COURT: Mr. Edgeworth.

1 MR. EDGEWORTH: Thank you, your Honor. May it
2 please the Court.

3 CROSS-EXAMINATION

4 BY MR. EDGEWORTH:

5 Q Sergeant Shelley, interrogation that we just watched
6 occurred on September 20th of 2019, is that correct?

7 A Correct.

8 Q Okay. And you agree with me that Mr. Carmichael was
9 in police custody at the time?

10 A Correct.

11 Q In fact, he was in handcuffs?

12 A Correct.

13 Q And you had gone in there and you moved him from the
14 back to the front, didn't you?

15 A Correct.

16 Q Now, as we just seen very early on in the
17 conversation, my client asked for a lawyer?

18 MR. WHITE: Judge, we may approach for just a
19 minute.

20 (WHEREUPON, a bench conference was held in the
21 presence of the jury, but out of the hearing of the
22 jury.)

23 THE COURT: You may continue, Mr. Edgeworth.

24 MR. EDGEWORTH: Thank you, your Honor.

25

1 BY MR. EDGEWORTH:

2 Q So, Sergeant Shelley, again, early on in that video
3 there was initial conversation about a lawyer, correct?

4 A Correct. He did made mention of a lawyer.

5 Q Okay. And then your response to him was if you have
6 one on retainer, is that correct?

7 A Correct.

8 Q Okay. And then you just blew past that and went back
9 into your colloquy or conversation about what you termed
10 was the waiver, is that right?

11 MR. WHITE: Objection as to the
12 mis-characterization of him blowing past. I think he
13 adequately covered his rights. I don't think anybody blew
14 past his rights. They were adequately read to him.

15 THE COURT: Rephrase your question please.

16 MR. EDGEWORTH: Sure.

17 BY MR. EDGEWORTH:

18 Q After that, you went back into the conversation about
19 the form that you were using, is that correct?

20 A Yes, sir.

21 Q Because you hadn't even finished the form before he
22 mentioned something about a lawyer, correct?

23 A Yes, sir.

24 Q Okay. So I'm assuming having seen the video, again,
25 it refreshes your recollection as to what actually took

1 place during that conversation -- that custodial
2 interrogation, correct?

3 A Yes, sir.

4 Q Okay. Now, do you recall having watch this now that
5 you told Mr. Carmichael that this document was simply just
6 so he can understand his rights?

7 A I told him I would read him his waiver of rights form
8 and that his signature would indicate that he understood
9 it. And that if he didn't and he wanted to ask me
10 questions for further clarification, that would be fine.

11 Q Okay. Do you recall having listen to this again that
12 you told him that this was simply to understand his rights
13 on three separate occasions?

14 A I don't recall the exact amount of times that I told
15 him that, but I do remember telling him that at minimum
16 once, yes, sir.

17 Q Okay. And part of this -- what is written at the top
18 of the waiver can you read the third bullet point into the
19 record?

20 A You have the right to talk to a lawyer and to have
21 him present with you while you're being questioned.

22 Q Cause that is in fact his right, correct?

23 A As a portion of them, yes, sir.

24 Q And so after when you handed him the document -- make
25 sure I say this correctly. Do you recall when you handed

1 him the document then you said sign this if you understand
2 your rights?

3 A I don't recall if I said it specifically that way,
4 but typically, yes, I would inform someone that's signing
5 the document is indicating that they understand what I've
6 read to them and that if they don't understand it to
7 please ask me and I clarify for them.

8 Q I understand that. So do you agree with me that
9 that's not the same thing as saying sign this indicating
10 that you are waiving your rights?

11 A I would agree with that.

12 Q Okay. So now during the conversation that you had
13 with Mr. Carmichael, you agree with me that he never
14 raised his voice?

15 A No, sir.

16 Q He answered your questions although it might not have
17 been in the way you wanted him to answer the questions?

18 A Sure.

19 Q Okay. He did not stand up and yell at you?

20 A No, sir.

21 Q He wasn't combative?

22 A No, sir.

23 Q Okay. Ultimately, he stated that he struck the
24 individual and only thing he deserved was an assault
25 warrant, is that correct?

1 A That's correct.

2 Q And toward the end you terminated the conversation
3 because you believe that you were not no longer going to
4 get any information from him, is that correct?

5 A I think the term he said I want my lawyer.

6 Q At that point you now understood that he was wanting
7 his lawyer, is that correct?

8 A Correct.

9 Q So the conversation was terminated?

10 A You know, we couldn't speak any more after that.

11 Q Okay. Now, you recall in that recording since we're
12 stopping this conversation, I've already got the murder
13 warrant ready for you?

14 A I informed him that he did have the warrant for his
15 arrest, that's what he was brought in on, that's why he
16 was in handcuffs.

17 Q He hadn't been served that warrant at that time
18 though, correct?

19 A Correct. I made that statement as well it was about
20 to be read to him.

21 Q Right. So what I'm saying is that you went into this
22 custodial interrogation already knowing that you had
23 obtained a murder warrant for his arrest, correct?

24 A Correct.

25 Q And you didn't tell him that until the end, correct?

1 A I don't recall if I told him he had a warrant or what
2 the warrant was for at that time, no, sir.

3 Q But you do recall that you told him at the end?

4 A I do, yes, sir.

5 MR. EDGEWORTH: Your Honor, I have no further
6 questions for this witness.

7 MR. WHITE: Judge, may we approach for just a
8 minute.

9 (WHEREUPON, a bench conference was held in the
10 presence of the jury, but out of the hearing of the
11 jury.)

12 THE COURT: Mr. Ammons.

13 MR. AMMONS: I have nothing for this witness,
14 your Honor.

15 THE COURT: Any redirect?

16 MR. WHITE: Yes, sir, Judge, briefly.

17 REDIRECT EXAMINATION

18 BY MR. WHITE:

19 Q Investigator Shelley, each right that's covered in
20 the Miranda form, did you go over each and every one of
21 those rights with Quinterris Carmichael?

22 A Yes, sir.

23 Q And did he acknowledge that he understand those
24 rights?

25 A Yes, sir.

1 Q And despite that did he continue to speak to you?

2 A Yes, sir.

3 Q What he said in that video and we watched the
4 surveillance video is what he said in that video or that
5 confession or that statement inconsistent with what you
6 see on the video surveillance?

7 MR. EDGEWORTH: Objection calls for speculation.

8 THE COURT: I'll overrule allow him to answer if
9 he knows the answer to it or if he could answer it.

10 A Ask it again?

11 Q Is what Mr. Carmichael said in his statement
12 inconsistent with what all seen in the video surveillance?

13 A Not entirely by mostly, yes.

14 MR. WHITE: Thank you, Investigator Shelley. I
15 don't have anything further.

16 THE COURT: All right, Mr. Edgeworth, anything?

17 MR. EDGEWORTH: Nothing further, your Honor.

18 THE COURT: Sir, you may step down. Thank you.

19 (WHEREUPON, the witness leaves the witness
20 stand.)

21 THE COURT: Call your next witness please.

22 MR. WHITE: Judge, I would ask if Investigator
23 Shelley could be released from his subpoena?

24 MR. EDGEWORTH: No objection.

25 MR. AMMONS: No objection.

1 THE COURT: Sir, you are released from your
2 subpoena. You're free to go. Thank you.

3 MR. WHITE: At this time the State would call
4 Investigator Justin Chatlosh to the stand.

5 THE CLERK: Sir, please place your left hand on
6 the Bible and raise your right hand. Do you swear that
7 the testimony you give in this case to be the truth, the
8 whole truth, and nothing but the truth so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Please be seated on the witness
11 stand and state your full name for the record.

12 THE WITNESS: Justin Chatlosh.

13 WHEREUPON,

14 Justin Chatlosh,
15 after first having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. WHITE:

18 Q Investigator Chatlosh, where are you employed?

19 A City of Florence Police Department.

20 Q And how long have you been employed there?

21 A For approximately nine and a half years.

22 Q And in what capacity are you currently employed?

23 A I'm an investigator with the City of Florence Police
24 Department.

25 Q And back in September and specifically September 12th

1 of 2019, were you employed in a similar capacity?

2 A Yes, I was in investigation with the City of Florence
3 Police Department.

4 Q And at that time when law enforcement and everybody
5 is responding to the incident location where this
6 occurred, what was your role how -- did you get called out
7 to the scene?

8 A I was called by the patrol supervisor that was
9 working night shift that night to respond to the scene in
10 reference to a homicide that had just occurred.

11 Q And is that mean you were the on-call investigator?

12 A Yes, I was.

13 Q And is that make you also the lead investigator on
14 this case?

15 A Yes, it does.

16 Q And what's your role as a lead investigator?

17 A Normally, once you get to the scene, you talk to one
18 of the -- either the supervisor that's on scene or the
19 initial officer that got to the scene. They kind of walk
20 you through what they've seen, what they've already marked
21 at the scene, and they also -- and then once you see what
22 you have on the scene, then you notify the proper -- other
23 personnel that needs to come out to assist you with the
24 scene.

25 Q Now, were you made aware when you arrived on scene

1 that there was video surveillance from that location?

2 A Yes, I was.

3 Q Now, did that video surveillance become key in the
4 course of this investigation?

5 A Yes, it did.

6 Q And did you have an opportunity to review that video?

7 A Yes, I did.

8 Q Did other officers on scene and back at the city
9 police department have an opportunity to review that
10 video?

11 A Yes.

12 Q Was one person in particular identified almost
13 immediately from that video surveillance?

14 A Yes, there was.

15 Q And who was that?

16 A Quinteris Carmichael.

17 Q At this point do you all start work on identifying
18 the other individuals in this video surveillance?

19 A Yes, I did.

20 Q And where do you work start?

21 A First, we -- once we identified the first person, we
22 normally go to different avenues on social media to see if
23 we're able to identify anybody else from possibly his
24 friends or anything like that he's linked to on social
25 media groups. And then typically after that we venture

1 more into the -- sometimes we go more into other avenues.
2 In this case, we were able to use his social media. One
3 of the other investigators was able to find Facebook. It
4 was through Facebook was friends of his that we were able
5 to link to other people that were in the vehicle along
6 with him.

7 Q Okay. And was one of those individuals that you
8 later identified Tirik Johson-Epps?

9 A Yes.

10 Q And you also see the vehicle that they arrive in, is
11 that correct?

12 A Yes.

13 Q And were you able to identify who the owner of that
14 vehicle was?

15 A Yes, we were.

16 Q And who was the owner of that vehicle?

17 A Tyrin Jones.

18 Q And did you -- were you all -- and I ask this
19 question of Investigator Shelley, but lead investigator
20 are you kind of point guard on each investigation?

21 A Yes.

22 Q Well, not each investigation, but the ones that you
23 are lead on?

24 A Yes.

25 Q And so a lot things are happening behind the scene,

1 is that right?

2 A Correct.

3 Q And based on identifying Tyrin Jones' vehicle, did
4 you or someone in investigations interview Tyrin Jones?

5 A Yes, she was interviewed.

6 Q And did you -- were you able to identify the fourth
7 passenger of that vehicle?

8 A Yes, we were able to identify the fourth one of that
9 vehicle.

10 Q And who was that fourth passenger?

11 A The fourth passenger -- which passenger are you
12 talking about?

13 Q So we discussed Tirik Johnson-Epps, correct?

14 A Yes.

15 Q We've discussed Quinterris Carmichael, correct?

16 A Yes.

17 Q And then Tyrin Jones. Then there's fourth in the
18 vehicle who would that be?

19 A That would be Kami Mitchell.

20 Q And did you bring her in for an interview?

21 A Yes.

22 Q Now, once you identify Tirik Johnson-Epps on that
23 video, do you work to secure an arrest warrant for him?

24 A Yes.

25 Q And were you actively searching for him and for

1 Quinterris Carmichael?

2 A Yes.

3 Q And how's that process work? How do you look for
4 someone?

5 A Normally, once we obtain the arrest warrant for them,
6 we enter them into our data base as wanted which means any
7 agency that gets out with them will get hit back stating
8 that they are wanted. And we will be notified at that
9 point. We use -- there's many different avenues and
10 different agencies that help with the looking for wanted
11 suspects.

12 Q And one particular avenue as far as looking for
13 suspects is that going to their last known address?

14 A Correct.

15 Q And was one of the last known addresses for Tirik
16 Johnson-Epps that residence on Sanborn Street?

17 A Yes.

18 Q And what was that address do you recall?

19 A That was [REDACTED] Sanborn Street.

20 Q And did you execute a search warrant at that
21 particular address?

22 A Yes, we did.

23 Q Were you looking for Tirik Johnson-Epps?

24 A Yes.

25 Q Did you find Tirik Johnson-Epps?

1 A No, we did not.

2 Q You did find a pair of whitewash jeans, is that
3 right?

4 A Yes.

5 Q And did you take those into custody?

6 A Yes, we did.

7 Q And did you log them at the City of Florence Police
8 department?

9 A Yes, they were.

10 Q And was a cutting from those pants ultimately sent to
11 SLED?

12 A Yes.

13 Q And you were in here, you've read the report Tydrecus
14 Williams blood was found on those pants, is that right?

15 A Correct.

16 Q There was also some ammunition found at the home of
17 Mr. Johnson-Epps, is that right?

18 A Yes.

19 Q Do you recall what the caliber was?

20 A It was .22 caliber.

21 Q And, again, you didn't find Tirik Johnson-Epps there
22 when you executed that search warrant?

23 A No, he was not.

24 Q How long did it take you to find Tirik Johnson-Epps?

25 A I believe it was a little bit of time. I can tell

1 you the exact date that he was located.

2 Q That would be great. Thank you, Investigator
3 Chatlosh.

4 A He was located on Friday, October 11th of 2019.

5 Q Is that roughly a month after the incident?

6 A Correct.

7 Q And during that time were you actively looking for
8 him?

9 A Myself or other investigators with the police
10 department or other agencies, yes.

11 Q Were you unable to find him?

12 A Yes.

13 Q Now, we watch the video. You watch the video
14 previously, correct?

15 A Yes.

16 Q And do you see Tirik Johnson-Epps on that video?

17 A Yes.

18 Q And what is the hair style at that time?

19 A He's got dreads, and it looks like it's kind of criss
20 cross together, and it's longer.

21 Q And when you ultimately took Tirik Johnson-Epps into
22 custody a month later, did he have that same hair style?

23 A I was not there when he was actually taken into
24 custody, but the other investigators informed me that he
25 had cut all of his hair off at that point.

1 Q So all the dreads that he had in the video had been
2 removed?

3 A Correct.

4 Q Okay. Now, Quinterris Carmichael during the time
5 between the incident and the time you took him into
6 custody, were you also actively searching for him?

7 A Yes.

8 Q And were you unable to find him?

9 A Correct.

10 Q Now, it's been some talk about State's Exhibit 20 and
11 Investigator Feagin's evidentiary marker three, which is
12 that .22 caliber. Do you recognize that particular item
13 of evidence?

14 A Yes, I do.

15 Q And do you have any way to know how long that item
16 had been there?

17 A No, I do not.

18 Q And is that -- what road is that on?

19 A That's on Lucas Street.

20 Q And is Lucas Street -- does it run -- 52 Highway,
21 correct?

22 A Correct.

23 Q And is it fair to say there's a lot of traffic going
24 through that location?

25 A I would say, yes.

1 Q And, again, you have no idea how long that particular
2 item had been out there?

3 A No, sir.

4 Q And did you -- were you in the courtroom when the
5 SLED firearm expert testified?

6 A Yes, I was.

7 Q Did you hear her say that if that gun holding that
8 magazine had been fired it would have expelled a .22
9 caliber shell casing?

10 A Yes.

11 Q Did you find any .22 shell casings at the scene?

12 A No, we did not.

13 Q Were you also present in the courtroom when we
14 discussed that defect in the wall there at Tiger Mart or
15 Speedy Mart?

16 A Yes.

17 Q Do you have any idea whether or not that would be a
18 bullet hole or just defect?

19 A I do not know.

20 Q So it could have been a weed eater kicked up a rock?

21 MR. EDGEWORTH: Objection calls from
22 speculation.

23 MR. WHITE: I'll withdraw.

24 THE COURT: Sustained.

25

1 BY MR. WHITE:

2 Q But you have no idea what made that defect, is that
3 right?

4 A I do not.

5 Q And you have no idea how long that defect had been
6 there, is that correct?

7 A I do not.

8 Q Okay. But no .22 caliber shell casings recovered
9 from the scene, is that right?

10 A No, sir.

11 Q The only shell casings recovered from the scene were
12 what?

13 A Nine millimeter.

14 Q And I think we saw a photograph, and I don't have to
15 flip through there, but obviously you were on scene,
16 correct?

17 A Yes.

18 Q How quickly were you on scene?

19 A I don't remember exactly how long it took me to get
20 from -- to get on scene after I received the phone call.
21 I would say it's probably within 30 minutes at the most.

22 Q And Investigator Feagin testified that when he's
23 processing the scene you guys kind of walk through it
24 together, is that right?

25 A Correct.

1 Q So you're covering that scene in its entirety, is
2 that right?

3 A Yes.

4 Q Did you locate a weapon at all?

5 A No, I did not.

6 Q Did you locate a gun near the victim in this case?

7 A I did not.

8 MR. WHITE: Beg the Court's indulgence one
9 moment.

10 (WHEREUPON, a pause in the proceedings.)

11 BY MR. WHITE:

12 Q I've asked you this many times I'm sorry,
13 Investigator Chatlosh, but you watched the video several
14 times?

15 A Yes.

16 Q And you watched the video in its entirety?

17 A Yes.

18 Q And you been in law enforcement a while, correct?

19 A Correct.

20 Q Are you familiar with handguns and the like?

21 A Yes.

22 Q But you're not an expert, but you carry one and you
23 deal with them on a regular basis?

24 A Yes.

25 Q Did you see on the video where Tirik Johnson-Epps was

1 firing that handgun?

2 A Yes, I did.

3 Q Do you see where he was positioned?

4 A Yes.

5 Q Is it fair to say that the majority of the shell
6 casings were kicked out just to the right of where he was
7 firing?

8 MR. EDGEWORTH: Object to leading.

9 THE COURT: Sustained rephrase your question.

10 BY MR. WHITE:

11 Q In which direction compared to where he was standing
12 were the majority of the shell casings recovered?

13 A To the right of where he was standing.

14 MR. WHITE: Beg the Court's indulgence.

15 Investigator Chatlosh, thank you so much. Please answer
16 any questions the defense may have, okay.

17 THE COURT: Mr. Edgeworth.

18 MR. EDGEWORTH: Thank you, your Honor.

19 CROSS-EXAMINATION

20 BY MR. EDGEWORTH:

21 Q Investigator Chatlosh, you came on the scene
22 approximately 4:02 a.m., is that correct?

23 A I can't remember exactly what time I came on scene.

24 Q Okay. All right. So you don't recall when you came
25 on. I assume you started working right away?

1 A Yes.

2 Q All right. Now, when you were walking the scene and
3 identifying pieces of information -- what you believe to
4 be evidence, right?

5 A Yes.

6 Q Okay. And at that time due to your training or
7 otherwise, you know what to look for, right?

8 A For the most part right, yes, sir.

9 Q And what do you mean by for the most part?

10 A I mean, sometimes I don't catch all pieces of
11 evidence whenever I'm walking through the scene, that's
12 why there's multiple officers that walk through the scene
13 to make sure that we see everything that we need to.

14 Q Understood. So you have other people that are also
15 looking, but you have knowledge though?

16 A Yes.

17 Q Okay. And as part of that knowledge, that's the
18 reason why you have these little evidence markers,
19 correct?

20 A I don't personally have them, but crime scene has the
21 evidence markers, yes, sir.

22 Q But you're working with the crime scene technician in
23 order to identify certain things that you believe is
24 evidence?

25 A Yes.

1 Q Okay. But you wouldn't like go and take one of those
2 things and put it by something that you did not believe
3 was evidence, correct?

4 A No.

5 Q That would be a waste of your time?

6 A Correct.

7 Q Okay. Now, you -- there was evidence marker near the
8 magazine that's been pictured in State's Exhibit 20
9 though, correct?

10 A Yes, sir.

11 Q Okay. And there was evidence marker put up there
12 near the hole in the wall, correct?

13 A Yes, sir.

14 Q There was evidence markers near the shell casings,
15 correct?

16 A Yes, sir.

17 Q All because you thought that was important?

18 A Yes, sir.

19 Q Okay. Now, when you were on scene, you actually
20 looked at the victim's body, Mr. Williams' body, correct?

21 A Yes, sir.

22 Q Okay. And you took that in for whatever its worth
23 looking for pieces of evidence?

24 A Yes, sir.

25 Q Okay. Sometimes isn't it true that there may be

1 things that you believe to be evidence that is not there?

2 A Can you restate that question?

3 Q Sure. I'll give you an example. So you were looking
4 for a firearm, correct?

5 A Yes.

6 Q Okay. Did not find one?

7 A Correct.

8 Q Okay. And you did that because the individual had
9 appeared to have been shot, correct?

10 A Correct.

11 Q Okay. When you were looking at the body, did you
12 notice his position?

13 A Yes.

14 Q Okay. Did you notice how his legs were laid?

15 A Yes, sir.

16 Q Were you notice how his legs were laid?

17 A Yes, sir.

18 Q Isn't it true that on his right hand ---

19 MR. WHITE: Objection.

20 Q --- it look like he was holding a gun?

21 MR. WHITE: Objection calls for speculation. We
22 have the pathologist who will testify if he wants to talk
23 ---

24 THE COURT: Hold on a minute. State the grounds
25 for your objection, that's the only thing I want to hear.

1 MR. WHITE: Calls for speculation, Judge.

2 THE COURT: Sustained.

3 BY MR. EDGEWORTH:

4 Q You were asked on direct examination to point out the
5 fact there was no gun near the victim, correct?

6 A Yes.

7 Q Could that be because it was taken away from the
8 scene?

9 MR. WHITE: Objection calls for speculation.

10 THE COURT: Sustained.

11 BY MR. EDGEWORTH:

12 Q The State's also elicited testimony from you about
13 your searches for or search in my case -- search for my
14 client Mr. Carmichael, correct?

15 A Yes.

16 Q Okay. And when -- at some point in time during your
17 investigation, you identified him as a person of interest,
18 correct?

19 A Yes.

20 Q Okay. And you as part your process you put it in the
21 data basis, right?

22 A Yes.

23 Q But you're not using every single man hour of your
24 day physically going from this house to this house to this
25 house actively searching for him, are you?

1 A In this case, I can't say a hundred percent there was
2 shortly after this incident happen I had training that was
3 already prearranged, so I was gone for a week and that was
4 during the week that they were looking for Mr. Carmichael.

5 Q Okay. You so don't have any knowledge as to what if
6 any actual affirmative things they were doing to look for
7 Mr. Carmichael?

8 A The officers that were looking for Mr. Carmichael I
9 was still on the phone with him on a regular basis
10 throughout that week, and they were telling me different
11 things that they were doing throughout that entire week
12 that I was not present in Florence for training that they
13 were still looking for him.

14 Q Understood. Okay. So Mr. Carmichael was taken into
15 custody on September 20th?

16 A Yes, sir.

17 Q Okay, because that's when he was interviewed we just
18 saw that?

19 A Yes, sir.

20 Q Okay. That's approximately seven, eight days after
21 the incident?

22 A Correct.

23 Q Okay. That's not unusual is it that you take a
24 person into custody within eight days of an incident?

25 A It depends on the case. It varies between cases.

1 Q Right. But it's not uncommon?

2 A It completely varies between the cases. I mean, some
3 cases we take them into custody within a day or so and
4 some cases it takes longer.

5 Q Okay. Well, in this particular case, he got taken
6 into custody within approximately seven to eight days,
7 that's not unusual, is it not?

8 MR. WHITE: Asked and answered.

9 THE COURT: Go ahead and answer the question.

10 A It varies between case to case. There's no set days
11 of how many days it takes to take somebody into custody.

12 MR. EDGEWORTH: All right. Well, I have further
13 questions. Thank you.

14 THE COURT: Mr. Ammons.

15 MR. AMMONS: Thank you, your Honor.

16 CROSS-EXAMINATION

17 BY MR. AMMONS:

18 Q Investigator Chatlosh, just to start off with
19 Mr. White just ask you a question. And when he ask you
20 the question, he said when Mr. Johnson-Epps shot Tydrecus.
21 There's been no witnesses this week that have said that
22 Mr. Johnson-Epps shot Tydrecus, is that correct?

23 A Correct.

24 Q All right. And the video is inconclusive as to who
25 shot, correct?

1 A From watching the video, we're able to see
2 Mr. Johnson-Epps standing just barely on frame with the
3 drink in his hand and also firing a firearm. You can see
4 his dreads as he's walking through too.

5 Q You can see dreads. And you can see a drink in a
6 hand?

7 A I can see what appears to be the drink that he's
8 carrying from the front camera angle to the side camera
9 angle.

10 Q You're not certain what kind of drink that is?

11 A No, I am not.

12 Q Okay. You can't make out whose arm that is. You
13 just see a drink in the screen, correct?

14 A Yes, sir.

15 Q All right. So you're making the assumption that
16 Mr. Johnson-Epps who's firing?

17 A Yes, sir.

18 Q All right. Now, a lot has been made of the video
19 surveillance this week of this store at Tiger Mart. Those
20 camera angles they do not cover that whole premises,
21 correct?

22 A Correct.

23 Q All right. And the one camera angle that we see the
24 shooting on obviously doesn't cover the rest of the
25 property, correct?

1 A Correct.

2 Q All right. And there's a great bit of property it
3 don't show -- let me rephrase it doesn't show where
4 Mr. Williams body ultimately ends up, does it?

5 A Correct.

6 Q All right. And back there's a whole vacant lot,
7 correct?

8 A I believe there's a building on that lot.

9 Q An abandon building?

10 A Correct.

11 Q All right. And there's no camera view of that
12 building?

13 A No, sir.

14 Q And it's dark back there?

15 A Yes, sir.

16 Q At night at least. And there's no way to tell if
17 anyone came up from the backside of that building, is
18 there?

19 A Not from the camera angles.

20 Q All right. So there's no way to tell if someone
21 came up at all and was there witnessing the shooting or
22 participating in the shooting?

23 A Not from the camera angles.

24 Q All right. Now, the cameras did pick up a lot of
25 people -- several people, correct?

1 A Yes, sir.

2 Q And I'm talking about during the course of that 13 or
3 14, 15 minute video? There's several people.

4 A Throughout the whole entire time that they were
5 there, yes, there was several people coming and going from
6 there.

7 Q Do you have any idea how many people?

8 A I do not.

9 Q Okay. Would it surprise you if it were 14 people?

10 A Not really.

11 Q All right. There were people still there at the time
12 of the shooting on the video as well?

13 A Yes, sir.

14 Q All right. More than just four people -- more than
15 just Tyrin Jones, Kami Mitchell, Tirik Johnson-Epps,
16 Quinterris Carmichael, Tydrecus Williams, and Kareem
17 Jones, there was more than those six people on the
18 premises at that time?

19 A Yes, sir.

20 Q All right. And we haven't heard from any of those
21 people in this trial?

22 A No, sir.

23 Q All right. But you know who some of those people
24 are?

25 A Yes, sir.

1 Q Okay. And you talked to several of them, didn't you?

2 A I talk to some of them, yes, sir.

3 Q Okay. And there a Cadillac right beside where you
4 could see that shooting, right?

5 A Yes.

6 Q Like a Cadillac SUV?

7 A Yes, sir.

8 Q And there were people in that vehicle, weren't there?

9 A Yes.

10 Q All right. We don't know how many people were in
11 that vehicle?

12 A There was two in that vehicle.

13 Q All right. So there's at least two people in that
14 vehicle that were right beside where the shooting
15 happened?

16 A Yes, sir.

17 Q All right. But we hadn't heard from them yet?

18 A No, sir.

19 Q And you said there were no weapons located, but you
20 guys tried to mark everything might be evidentiary,
21 correct?

22 A Yes, sir.

23 Q All right. But you did find a .22 magazine, correct?

24 A Yes, sir.

25 Q Okay. You testified you don't know how long it had

1 been there?

2 A Correct.

3 Q And by that same measure you don't know how long any
4 of the evidence on that scene had been there?

5 A No, sir.

6 Q Okay. All right. We don't know for certain how long
7 those shell casings had been there?

8 A I mean, we do have video of the gun that was fired at
9 the incident location, and you can hear it on the audio of
10 the gun being fired.

11 Q Okay. I got here State's Exhibit 24. It shows that
12 magazine this marker number three, evidence marker number
13 three. Is there another item in that video view? I mean,
14 in that picture view?

15 A Looks like there was possibly a beer bottle.

16 Q All right. Is that marked as evidence?

17 A I do not believe so.

18 Q Okay. Wouldn't it be important -- you don't think
19 that has any evidentiary value?

20 A Not while we were at the scene, no, sir.

21 Q Okay. But there was testimony that Mr. Johnson-Epps
22 had a -- or someone the shooter had some sort of what
23 appeared to be a bottle in his hand?

24 A Yes, sir.

25 Q Okay. Wouldn't there have been some sort of -- if it

1 had in fact been the bottle of the shooter that there
2 might have been some sort of evidentiary value in that?

3 A Yes, sir, there possibly could be.

4 Q And that bottle was also right in the line of where
5 Mr. Williams walk through on -- and stumbled out into the
6 road where he ultimately fell in the road?

7 A Yes, sir.

8 Q Okay. And on that video there was -- when Mr.
9 Williams was actually lying in the road right there .22
10 magazine was, there's a 16 second skip in the video,
11 right?

12 A I don't know exactly how long of a skip, but I do
13 realize the cameras are motion activated, and then there
14 was a skip.

15 Q And when it comes back in Mr. Williams isn't there
16 any more?

17 A Correct.

18 Q So he's move from that spot somewhere else?

19 A Yes, sir.

20 Q We don't know what happened during that time period?

21 A No, sir.

22 Q Okay. We do know at that time period
23 Mr. Johnson-Epps was in the car that had left the scene,
24 correct?

25 A I believe he was getting back into the vehicle and

1 leaving out of the scene, yes, sir.

2 Q Someone at some point made point of the fact that
3 that magazine, that .22 magazine looked like it had been
4 run over. Now, in the video after Mr. Williams is shot
5 and before law enforcement arrived, several cars go back
6 and forth right through that same area, don't they?

7 A I believe so.

8 Q All right. Right in that same lane where
9 Mr. Williams was laying?

10 A I believe so.

11 Q Okay. And no one did any fingerprints on that
12 magazine?

13 A No, sir.

14 Q Well, that could have yielded some evidence, couldn't
15 it?

16 A Possibly.

17 Q Okay. I mean, it would have been important that
18 magazine revealed fingerprints of someone who was on
19 scene, right?

20 A Possibly could have.

21 Q Okay. And just to clarify the ammunition that was in
22 that magazine though it were .22 caliber rounds, they were
23 different type of rounds then the ones in -- located in
24 the -- that were found in the search -- execution of a
25 search warrant?

1 A I did not actually examine the rounds that were
2 actually taken out of the magazine, that was the crime
3 scene tech, but I do believe they were different, yes,
4 sir.

5 Q All right.

6 MR. AMMONS: Beg the Court's indulgence.

7 THE COURT: Yes, sir.

8 (WHEREUPON, a pause in the proceedings.)

9 BY MR. AMMONS:

10 Q Having miss that bottle or not mark that bottle as
11 evidence on the scene was quite possible there was other
12 evidence not found on the scene?

13 A I mean, there's always a possibility that there could
14 be evidence that we do not see because we don't see
15 everything on every single scene.

16 Q There was -- you testified earlier there was blood on
17 the pants found at Mr. Johnson-Epps house, is that
18 correct?

19 A Yes.

20 Q Actually, it's presumptive blood, right?

21 A Correct.

22 Q Which means it could be something else?

23 A Correct.

24 Q All right. So to call it blood really a misnomer?

25 A Yes, sir.

1 Q All right. Be more appropriate to call it DNA
2 material?

3 A Yes, sir.

4 MR. AMMONS: Beg the Court's indulgence.

5 THE COURT: Yes, sir.

6 (WHEREUPON, a pause in the proceedings.)

7 BY MR. AMMONS:

8 Q You said earlier that Mr. Johnson-Epps was on the
9 scene when the shots were fired, is that correct?

10 A Yes, sir.

11 Q And when you say shots, you're only referring to the
12 four that are captured on the video, correct?

13 A Yes, sir.

14 Q All right. And when you say scene, he's on the
15 premises?

16 A He's in camera view, yes, sir.

17 Q He is in camera view at the time of the shooting?

18 A Of the -- he's on the premises when the shots are
19 fired, yes, sir.

20 Q All right. But you can't be certain that's him
21 firing that gun?

22 A I can't say a hundred percent that it's him, but
23 from watching the other camera angles and watching the
24 person that at the angle of the camera that is partially
25 off screen, it appears to be him.

1 MR. AMMONS: All right. I think that's all I
2 have, your Honor.

3 THE COURT: Any redirect?

4 MR. WHITE: Yes, sir, Judge.

5 REDIRECT EXAMINATION

6 BY MR. WHITE:

7 Q I just want to cover a few things with you,
8 Investigator Chatlosh. Mr. Ammons mentioned you can't say
9 it's blood. We got to say it's DNA material. Was DNA
10 material found on the pants of Tirik Johnson-Epps?

11 A Yes.

12 Q Was it presumptive positive for blood?

13 A Yes.

14 Q Did it look like blood?

15 A Yes.

16 Q Okay. Now, when you're going over scenes and when
17 crime scene's going over a scene, you don't know what's
18 important at that point, do you?

19 A No, sir.

20 Q You're documenting everything, is that right?

21 A Yes, sir.

22 Q But, again, what you didn't document you didn't
23 document any weapons, correct?

24 A No, sir.

25 Q Did you document any .22 caliber shell casings?

1 A No, sir.

2 Q Okay. Now, your assertion that it was Tirik
3 Johnson-Epps firing those shots is based on viewing the
4 video in its entirety, is that right?

5 A Correct.

6 Q Is it also based on your statements taken from the
7 witnesses?

8 A Yes.

9 Q Did you speak to any witnesses at all during the
10 course of your investigation that could place a handgun on
11 Kareem Jones or Tydrecus Williams?

12 MR. EDGEWORTH: Objection calls for hearsay.

13 MR. WHITE: I'll withdraw.

14 THE COURT: Sustained.

15 BY MR. WHITE:

16 Q On that video, they wanted to make a big deal that
17 there was a lot of people around, but just prior to that
18 punch, do you see a lot of people leaving?

19 A There's several people leaving at the time.

20 Q And then when the shots are fired do you see
21 everybody else scattering?

22 A Yes, sir.

23 Q Do you see anybody else other than Quinterris
24 Carmichael assaulting Kareem Jones?

25 A No, sir.

1 Q When everybody -- when the shots are fired, everybody
2 scattering. Does Quinterris Carmichael scatter?

3 A No, sir.

4 Q Does he barely flinch?

5 A Yes, sir.

6 Q You mentioned that those -- that video on the side is
7 motion activated is that your understanding?

8 A From my previous experience with using that location,
9 and I believe speaking with the owner of the location it
10 is all motion activated.

11 Q And that's the side angle, correct?

12 A Yes.

13 Q And is that why it sometimes can be a little bit
14 glitchy?

15 A Yes.

16 Q We mentioned all that's based on witness statements
17 and your review of the entirety of the video. I'm going
18 to show you that video, okay.

19 A Yes.

20 MR. WHITE: Permission to publish, Judge.

21 MR. EDGEWORTH: Your Honor, I object. We played
22 it several times. It's cumulative at this point.

23 THE COURT: I'm going to allow it on redirect.
24 based upon cross-examination.

25 MR. WHITE: Thank you, Judge. For the record,

1 that's State's Exhibit 3.

2 (WHEREUPON, State's Exhibit 3 played for the
3 jury.)

4 BY MR. WHITE:

5 Q Can you see it on there, Investigator Chatlosh?

6 A Yes.

7 Q Who is that on screen walking away from the vehicle
8 with the dreads?

9 A Tirik Johnson-Epps.

10 Q And is that the drink in his hand that we are
11 referring to?

12 A Yes.

13 Q I want you to tell me what that time stamp says on
14 there, Investigation Chatlosh?

15 A 0342 and 17 seconds.

16 Q How about now?

17 A 0342 and 19 seconds.

18 Q Thank you, Investigator Chatlosh. And if you could,
19 I'm going to show you what's been marked State's Exhibit
20 86. And ask if you'll with the Court's permission if you
21 can step down here with me for just a moment. When you
22 come down here, Investigator Chatlosh, if you'll stand
23 right here and just speak up so Ms. Keshia Can hear you,
24 all right. Okay, you just saw the video that I played.
25 If you'll back up just a hair so everybody can see. Is

1 this the area where the vehicle was parked?

2 A Yes, sir.

3 Q And that, you know, at the 19 second mark is when you
4 Tirik Johnson-Epps getting out of the car walking, is that
5 correct?

6 A I believe it's at the 17 seconds, and he goes off
7 camera at the 19 seconds.

8 Q Very good. And in what direction is he walking?

9 A He's walking from the location to the south side of
10 the location.

11 Q So is it correct to say he's walking from here to
12 here?

13 A Yes, sir.

14 Q Okay. You can have a seat. Thank you. If you can
15 tell me one more time just so the jury I want them to
16 know? What's the time stamp on that when he is just off
17 camera?

18 A 3:42 and 19 seconds.

19 (WHEREUPON, State's Exhibit 3 is being played
20 for the jury.)

21 BY MR. WHITE:

22 Q What's the time stamp there?

23 A 3:42 and 21 seconds.

24 Q So two seconds later?

25 A Correct.

1 Q And when you said he's walking in that direction to
2 that side of the building, that's where you're referring
3 to, is that right?

4 A Correct.

5 (WHEREUPON, State's Exhibit 3 is being played
6 for the jury.)

7 BY MR. WHITE:

8 Q You see the top of someone's head in that video?

9 A Yes.

10 Q I'm trying to go frame by frame if I can. Is that
11 the one you're referring to as you see dreads?

12 A Yes.

13 Q And, again, this is two seconds after you see him
14 walk off frame and in that direction, correct?

15 A Correct.

16 (WHEREUPON, State's Exhibit 3 is being played
17 for the jury.)

18 BY MR. WHITE:

19 Q And we slowed it down, but do you see on that camera
20 when that beer bottled fizzes up as the shooter is
21 shooting?

22 A Yes.

23 Q Were you in here when Tyrin Jones testified that when
24 Tirik Johnson-Epps gets back in the vehicle that the
25 bottle he was carrying sudding over, sudsing up?

1 A Yes.

2 Q Now, at this point the place is kind of cleared out,
3 is it not?

4 A Yes, sir.

5 Q But we do see ---

6 (WHEREUPON, State's Exhibit 3 is being played
7 for the jury.)

8 BY MR. WHITE:

9 Q We see several things on that video. Number one, the
10 area where the .22 caliber magazine is found are you
11 familiar where the area is?

12 A Yes.

13 Q And, again, that's a high traffic area, right?

14 A Correct.

15 Q That area is right where that magazine is found is
16 also where you see the suspect vehicle riding by, is that
17 correct?

18 A Yes.

19 Q Now, another thing you see on that video is you are
20 aware where Tydrecus Williams body ultimately lies,
21 correct?

22 A Yes.

23 Q Do you see Quinterris Carmichael walking in that
24 direction?

25 A Yes.

1 Q Although, we don't know what happened off the screen.
2 We do know he was shot more times, correct?

3 A Yes.

4 Q Okay. That Cadillac the defense has mentioned, did
5 you interview folks in that Cadillac?

6 A I did not. Lieutenant Nida and Sergeant Clark did?

7 Q They were interviewed?

8 A Yes.

9 Q Did you review the notes and the interview during the
10 course of your investigation?

11 MR. EDGEWORTH: Objection, your Honor. He's
12 trying to elicit hearsay testimony.

13 MR. WHITE: But I'm not.

14 THE COURT: Hadn't gotten there yet.

15 A Restate the question please?

16 Q Are you aware of what they said in their statements
17 to law enforcement?

18 A Yes.

19 Q And are you aware that the primary witness in that
20 vehicle was a Ms. Merlietha Geathers?

21 A Yes.

22 Q Are you aware that we had no idea where Ms. Geathers
23 is?

24 A Correct.

25 Q Based on the entirety of your investigation and the

1 statement taken from Ms. Geathers who would have had a
2 great view, did you develop any other suspects at all ---

3 MR. EDGEWORTH: Objection, your Honor ---

4 Q --- other than Tirik Johnson-Epps?

5 MR. EDGEWORTH: --- hearsay testimony.

6 THE COURT: First, let him finish his question
7 please before you object. I can't have two people talking
8 at the same time makes it very difficult on my court
9 reporter. So make sure please that you let him finish his
10 question.

11 MR. EDGEWORTH: Yes, sir.

12 THE COURT: Based upon that question respecting
13 your objection, I'm going to overrule it okay.

14 BY MR. WHITE:

15 Q You spoke -- or Ms. Geathers was interviewed?

16 A Yes.

17 Q And we don't know where she is to get her here?

18 A Correct.

19 Q But based on that interview in the entirety of your
20 investigation, were you able to develop any other suspects
21 other than two these individuals?

22 A No, sir.

23 MR. EDGEWORTH: Objection once again the same.

24 THE COURT: So noted for the record overruled.

25 A No, sir.

1 Q And correct me if I'm wrong, we saw on that video Ms.
2 Geathers would have had a birds eye view?

3 MR. EDGEWORTH: Objection calls for speculation.

4 THE COURT: Sustained.

5 MR. WHITE: Thank you. Beg the Court's
6 indulgence. Judge, I don't have nothing further.

7 MR. EDGEWORTH: Nothing further, your Honor.

8 THE COURT: Mr. Ammons.

9 MR. AMMONS: Nothing further, your Honor.

10 THE COURT: Sir, you may step down. Thank you.

11 (WHEREUPON, the witness leaves the witness
12 stand.)

13 MR. WHITE: Judge, our witness is Dr. Presnell
14 the pathologist. Her arrival is imminent, but she is not
15 presently at the courthouse.

16 THE COURT: Can the lawyers approach please?

17 (WHEREUPON, a bench conference was held in the
18 presence of the jury, but out of the hearing of the
19 jury.)

20 THE COURT: Ladies and gentlemen, you heard
21 Mr. White, the Solicitor, indicated that we're waiting on
22 the pathologist to get here who's coming from Charleston.
23 It's my understanding -- I been informed just now that
24 they pulling up with your lunch. So rather than make you
25 wait on lunch, I'm going to go ahead and let you go to the

1 whole truth, and nothing but the truth so help you God?

2 THE WITNESS: Yes, ma'am.

3 THE CLERK: Please be seated on the witness
4 stand and state your full name for the record.

5 THE WITNESS: Good afternoon. My name is Susan
6 Erin Presnell. It's P-R-E-S-N-E-L-L.

7 WHEREUPON,

8 Dr. Susan Erin Presnell,
9 after first having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. WHITE:

12 Q Dr. Presnell, thank you for being with us. If you
13 could tell us where are you employed?

14 A I'm a forensic pathologist. I work at MUSC in
15 Charleston, South Carolina.

16 Q And how long have you been employed there?

17 A I was hired on as faculty in forensic pathologist in
18 1999, so almost 23 and a half years.

19 Q And what does a forensic pathologist do?

20 A Well, I always like to back it up a little bit and
21 just talk about pathology, and pathology means a study of
22 disease. And so pathologist most general pathologist
23 diagnose disease. So if you get a biopsy or if you get
24 surgery and get some tissues taken out, the pathologist
25 looks at it, looks under the microscope diagnosis disease,

1 cancer, infection et cetera. So I'm trained in general
2 pathology, but then I did an additional subspeciality in
3 forensic pathology where we're not just looking at a piece
4 of tissue or some organ that's removed. Instead, we're
5 looking at the entire body of someone who's passed. We
6 are looking for disease, but we also evaluate trauma. And
7 ultimately through the process of the autopsy, we'll
8 decide our opinion on the cause and manner of death.

9 Q And you touched on it a little bit. Could you
10 expound on some your training and your expertise in the
11 field?

12 A Let's see so I went to Clemson a long time ago, and a
13 majored in microbiology. And then I moved to MUSC in
14 Charleston for medical school and that's where I stayed.
15 So I did my four years of medical school there and then
16 chose pathology. Pathology was five years training, and
17 then subspecialty of forensic pathology, so that was an
18 additional year. And then I stayed on as faculty during.
19 So during this process, I took the board. So I'm board
20 certified in general pathology as well as forensic
21 pathology.

22 Q And have you ever testified as an expert in forensic
23 pathology in state court?

24 A Yes.

25 Q Do you have any idea about how many times?

1 A It is an estimate, and I'm estimating a 150.

2 MR. WHITE: Judge, at this time I would move Dr.
3 Presnell as an expert in the field of forensic pathology.

4 THE COURT: Mr. Edgeworth.

5 MR. EDGEWORTH: No objection, your Honor.

6 THE COURT: Mr. Ammons.

7 MR. AMMONS: No objection.

8 THE COURT: All right. Ladies and gentlemen of
9 the jury, this doctor is being qualified as an expert in
10 the area of forensic pathology. The previous instruction
11 I gave you as it relates to expert witnesses qualifies for
12 this witness as well. You may continue.

13 MR. WHITE: Thank you, Judge.

14 BY MR. WHITE:

15 Q Dr. Presnell, specifically dealing with an autopsy in
16 this particular case, is that correct?

17 A Yes.

18 Q And is that autopsy of the victim in this case
19 Tydrecus Williams?

20 A Yes, the coroner of Florence County referred Mr.
21 Williams to us for autopsy and transported him to
22 Charleston for us to do the autopsy.

23 Q And just generally, how do you -- where do you start
24 when you're conducting an autopsy, how does that process
25 work?

1 A Well, a standardize autopsy is you received the body
2 as it is. You take photographs document how they arrive.
3 Then next we would take all the clothing off and clean the
4 body again photographs. I do diagrams helps me dictate
5 the report later on. Then we'll document all the injuries
6 if there injuries or diseases. Then after that we go
7 inside, so we look at all the organs again disease or
8 trauma. That also includes the brain. In some cases, we
9 might sample some tissues to look at under the microscope
10 and all of the cases will -- pretty much all will get
11 blood to test for drugs and alcohol. And then so that
12 will be the end of the first part of -- well, the end of
13 the autopsy. And then once we get all the results back if
14 there's tissues to look at under the microscope or the
15 toxicology results, then we put it all together in a final
16 autopsy report.

17 Q I think you mentioned it previously, but your
18 ultimate goal is to determine cause and manner of death,
19 is that right?

20 A Well, part of its interpretation of injuries. So
21 like, you know, the cause death might be obvious, but, you
22 know, interpreting any gunshot wound how many of the holes
23 are entrances, how many are exits, what direction are they
24 going, are they close range distance. It is cause and
25 manner of death, but also like I said interpretation of

1 the injuries.

2 Q And in this case you mentioned before, that you
3 completed a diagram. Let me show you State's Exhibit 93.
4 Could you tell me if you recognize that item?

5 A Yes, so these two pages are copies of one of the
6 diagrams or two of the diagrams I did at autopsy except I
7 kind of -- not kind of. I have written on the front copy
8 to try to put all the gunshot wounds on one page instead
9 of trying to flip back and forth between the two pages.

10 MR. WHITE: Judge, at this time I would move
11 Dr. Presnell's diagram which is State's Exhibit 93 into
12 evidence.

13 THE COURT: Any objection, Mr. Edgeworth?

14 MR. EDGEWORTH: No objection, your Honor.

15 THE COURT: Mr. Ammons.

16 MR. AMMONS: No objection.

17 THE COURT: Without objection so admitted.

18 BY MR. WHITE:

19 Q Dr. Presnell, I'm going to put this on your screen
20 and jury screen. And I was wondering if you could walk us
21 through the evidence of injury that Tydrecus Williams
22 sustained?

23 A Can you straighten it a little?

24 Q Sure.

25 A He's crooked. All right. Okay, so let's see if I

1 can, okay. So what I'll do is we'll go through the
2 gunshot wounds just in order that I'm going to describe
3 them not necessarily the order that they were received,
4 and then we backtrack to any specific ones that would like
5 to be discussed. All right. So we'll start with the
6 head. We're going to go from the head down the right side
7 of the body, and then up the left side of the body. So
8 first -- I don't mean first as in this is the first one,
9 but we have a gunshot wound to the back of the head,
10 that's labeled K, and that is going towards his left
11 temple. So the bullet goes in through the back of his
12 head through the brain and out his left temple. Something
13 else I like to do is kind of pre-label. These are the
14 right sides of his body because flipping the body makes
15 the right and left change sizes there and that's the left
16 side of the body. All right, so we did the one to the
17 back of the head. Then there's one to the right side of
18 the neck that goes through the neck and through the jaw
19 and exits the left side of the jaw. So in through the
20 right side of the neck out through the left jaw breaking
21 the jaw. Another one on the right goes in through the
22 right upper arm, goes through the bone, the humerus, exits
23 the inside of the right upper arm. Then I know it's on
24 this sides of the diagram, but it's also on his right
25 side. It goes on the right butt hip area and goes up and

1 back, and it's just going through some tissue and exits
2 right there. This side of the diagram we have in and out
3 just through soft tissue on the right thigh. Another in
4 and out through soft on the right lower leg. On the left
5 side of the body, we have a gunshot wound on the side of
6 the left thigh that goes in through the femur, breaks the
7 femur and exits. And then we have this of holes right
8 here. And this actually -- there's a gunshot goes into
9 the left thigh exits, reenters and goes into the body
10 through the intestines, through the stomach, and the
11 bullet stops at this -- the chest wall in front of the
12 body. And then the last one that I documented was this
13 gunshot wound to the left hand. I mention the bullet
14 where the X is, that was what we retrieved. And also we
15 got some bullet fragments, chunks of bullet out of the
16 gunshot wound that broke the femur.

17 Q It's a good time to ask you what, if anything, did
18 you do with those fragments?

19 A Well, so the bullet and the bullet fragments
20 transferred to the officer that attended the autopsy.

21 Q Now, Dr. Presnell, turning your attention to some of
22 these wounds specifically, I want to jump to the gunshot
23 wound that severed the femur. What impact, based on your
24 expert in the field, what impact would that have had on
25 the body?

1 A Well, usually I start with fatal, but it broke the
2 femur in half. Certainly, it would be more difficult to
3 walk without a femur.

4 Q And how many in total gunshot wounds did Tydrecus
5 Williams sustain?

6 A That's a good question. There might be one or two
7 that might be a reentry. So then we'll go through them.
8 The one to the back of the head. One, number two to the
9 right side of the neck, three to the right upper arm, four
10 to the right thigh, five to the right lower leg, six to
11 the right hip butt, seven the one through the thigh, eight
12 the one that goes up into the body. And nine the hand,
13 but, again, that some of them might be like a reentry like
14 the one to the hand might have come out from -- the bullet
15 might have gone through after exiting another part of his
16 body, so up to nine.

17 Q And how many of those standing alone would you
18 estimate would have been fatal?

19 A Well, the one to the head that went through the brain
20 it's the fatal gunshot wound in this scenario. We also
21 have the one that entered the body that went through the
22 stomach and the intestines. I mean, eventually somebody
23 that didn't get medical treatment could have gotten an
24 infection and more bleeding, but in this instance, death
25 occurred before that, and it would have been from the

1 gunshot wound to the head.

2 Q And from the, you know just, above mid thigh up were
3 all those gunshot wounds in those patterns were they with
4 upper trajectory?

5 A Yes, so all the gunshot wound to the back of the
6 head, the right neck, the arm, the hip, thigh, and the
7 right lower leg they're all going in the upward direction.

8 MR. WHITE: Beg the Court's indulgence for one
9 moment. Thank you, Dr. Presnell that's all I have for
10 you. Please answer any questions ---

11 BY MR. WHITE:

12 Q Based on your expert medical opinion, do you have an
13 opinion as to cause and manner of death?

14 A I said that the cause of death was the brain
15 disruption due to the gunshot wound to his head and that
16 contributory were the multiple gunshot wounds to his torso
17 and extremities.

18 Q What was the manner of death?

19 A I'm sorry homicide meaning from my perspective death
20 at the hands of another.

21 MR. WHITE: Thank you, Dr. Presnell. Judge,
22 that's all I have.

23 THE COURT: Mr. Edgeworth.

24 MR. EDGEWORTH: I have no questions for this
25 witness, your Honor.

1 THE COURT: Mr. Ammons.

2 MR. AMMONS: I have no questions, your Honor.

3 THE COURT: All right. Doctor, you may step
4 down. Thank you.

5 MR. WHITE: I ask that Dr. Presnell be released
6 from her subpoena?

7 THE COURT: Any objection?

8 MR. EDGEWORTH: No objection.

9 THE COURT: Any objection, Mr. Ammons.

10 MR. AMMONS: No, objection, your Honor.

11 THE COURT: Doctor, you are released from your
12 subpoena. You're free to go. Thank you.

13 (WHEREUPON, the witness leaves the witness
14 stand.)

15 THE COURT: Mr. White.

16 MR. WHITE: Thank you, Judge. At this time the
17 State would rest.

18 THE COURT: All right, can the lawyers approach
19 a minute please.

20 (WHEREUPON, a bench conference was held in the
21 presence of the jury, but out of the hearing of the
22 jury.)

23 THE COURT: All right, ladies and gentlemen of
24 the jury, the State has rested its case. In light of the
25 State resting its case at this point, there are some

1 MR. EDGEWORTH: Thank you, your Honor. May it
2 please the Court. Your Honor, at this time I would ask
3 the Court for a directed verdict on both indictments. The
4 record in this case or the evidence has been submitted in
5 this case is completely devoid of any direct evidence that
6 one my client was in possession of the firearm, two
7 discharged a firearm. Three was the shooter who killed
8 the victim in this case.

9 The only evidence that's in the record is that
10 my client was present, that evidence primarily coming
11 through law enforcement's identification. No
12 identification by a third party or a witness other than
13 placing him at the scene. There's no evidence in the
14 record or any direct evidence of my client doing any of
15 the acts other than punching the individual who is not the
16 decedent in this case. I would also in addition to that
17 my apologies stumbled on those words. I also do not
18 believe that any circumstantial evidence that's been
19 presented before the Court reaches the threshold of
20 allowing this case to go in front of the jury.
21 Circumstances that's been presented by the case is
22 essentially the same as direct evidence.

23 One, my client is there understood. Two,
24 somebody made some initial shots, but no one the State has
25 split a difference on who they believe did those shots.

1 The testimony has been that it could have been Mr. Epps.
2 Three, that circumstances played to the fact that
3 something may have happened after the fact, but there's no
4 other evidence. We got a video that truncates at the time
5 after the shots that are on camera, and I do not believe
6 it would be mere speculation and some type of suspicion by
7 the jury that it was my client that did anything other
8 than punch Mr. Jones. I don't think that the
9 circumstances of the case that the State has presented
10 leads anyone or could lead anyone in that jury to do
11 anything but suspect it could be Mr. Carmichael. And I
12 believe that that would allow and require the Court to
13 enter a directed verdict on not only the murder count, but
14 also the possession of a weapon during the commission of a
15 violent crime. And going back to that your Honor in
16 addition -- well, I believe I made my point, so thank you,
17 your Honor.

18 THE COURT: Thank you, Mr. Edgeworth. Mr.
19 Ammons.

20 MR. AMMONS: Thank you, your Honor. At this
21 point on behalf of the Defendant Tirik Johnson-Epps, I
22 would also -- we seek to enter a motion for directed
23 verdict or move for a directed verdict on both indictments
24 the murder and the possession of a weapon charge as well.

25 Your Honor, it was copious amounts of

1 circumstantial evidence presented, but there was no direct
2 evidence as to Mr. Epps being the actual shooter, that was
3 captured on the video. There no witnesses that positively
4 ID Mr. Epps as the shooter. No witnesses that even -- no
5 lay witnesses that even suspected he was the shooter.
6 Now, there was law enforcement that did speculate that he
7 could be the shooter, but even Chatlosh when he testified
8 said he could not be certain as to who the shooter is.

9 So there was as we said lots of circumstantial
10 evidence none of that would rise to the level of
11 substantial circumstantial evidence that he did in fact
12 commit the crime of murder. The circumstantial evidence
13 that we have is that you see the top of a head of someone
14 who may have dread locks that's in the vicinity, and we
15 see something that may or may not be a beer in the hand of
16 the shooter, that's the basis for identification of
17 Mr. Epps as the shooter. That simply just don't rise to
18 the level of substantial circumstantial evidence.

19 Now, beyond that, Mr. Epps wasn't even involved
20 in any of the altercation that led up to that, showing no
21 motivation. He was in the car the whole time or at the
22 edge of the car while prelude to these events were
23 unfolding. There was nothing indicating that he was going
24 to be involved in any shooting.

25 Your Honor, there was some DNA evidence. Again,

1 it's been called blood. It's called blood on the record,
2 but it was also stated that it could be something else,
3 and so people were around. He was present. He was in
4 close proximity to the victim. It could have been any
5 various number of items your Honor of DNA material that
6 got on to him at that point in time. Just his mere
7 presence there, it's not enough to rise to the level of
8 substantial circumstantial evidence. Additionally, as far
9 as the weapon, I mean, there was some testimony and that
10 there was some chrome flash now that was Mr. White who
11 actually said that, but beyond that, there's no real
12 evidence that Mr. Epps even had a gun. So just mere
13 speculation that the top of a head and a beer and a flash
14 of something that looks like chrome simply doesn't rise to
15 the level of substantial circumstantial evidence. For
16 those reasons, we'd ask that you would grant a directed
17 verdict on both charges.

18 THE COURT: Thank you, sir. Anything in
19 response, Mr. White?

20 MR. WHITE: Judge, obviously, we're dealing with
21 the existence of any evidence not the weight of the
22 evidence, but with that being said, respectfully the State
23 feels that there's an overwhelming amount of evidence.
24 And you have three independent witnesses who say that just
25 prior to the shooting four individuals go around that

1 corner and that there only four that go around that corner
2 and two of those are Tirik Johnson-Epps, Quinterris
3 Carmichael. Kareem Jones is seen fleeing the scene as
4 soon as he hears shots, and then the fourth is Tydrecus
5 Williams who is found shot to death a few feet away.

6 Judge, from where that initial -- those initial
7 shots were fired. Respectfully, Kareem puts guns in both
8 of these individuals hands, and not only that when you
9 view the video in its totality and consider the witness
10 statements, I mean there's really no one else that it
11 could be. Within seconds of Tirik Johnson-Epps getting
12 out of that vehicle, you can see an individual with the
13 same type of hair style walking around the corner, he
14 fired shots. And, Judge, not to mention the person who's
15 standing to his immediate left while he's firing shots is
16 Quinterris Carmichael, and he never flinches. He never
17 moves. Everybody else is running fleeing the scene. This
18 guy doesn't move an inch. You see that beer bottle as
19 soon as those shots are fired it fizzes over. You heard
20 from Tyrin Jones who says she remembers that beer bottle
21 because when he gets back in the car -- I can't remember
22 exactly what she says, but she thought it was wasted. I
23 said what do you mean by that and she said it was spewing
24 over. I mean, there's not enough coincidence in the
25 world.

1 And, Judge, and although we don't see what
2 happens outside the view of that last video, we know what
3 happens. He is shot several more times, and the final
4 shot being to his head execution style. People are
5 fleeing. Everyone's running away from the shots, away
6 from Tydrecus Williams. The only person walking towards
7 that body is Quinterris Carmichael, and he's stalking him.
8 And we know that he shoots him several times off camera.
9 Judge, we have witness statements video surveillance. We
10 also have despite a good argument to the contrary. I
11 mean, it's Tydrecus Williams' blood that's on Tirik
12 Johnson-Epps pants. And it's not just kind of like him.
13 I mean, we're talking about 990 octillion more people than
14 are on planet earth. So, Judge, respectfully, I believe,
15 that this case is an overwhelming evidence, and we'd ask
16 that it be submitted to the jury and get ready to argue
17 and charge in the morning.

18 THE COURT: All right. All right, as you all
19 know if the evidence merely raises a suspicion, the
20 defendants will certainly be entitled to a directed
21 verdict. The Court has to take into consideration whether
22 or not there was any direct evidence or substantial
23 circumstantial evidence reasonably tending to prove the
24 guilt of the accused. If that's the case, then the Court
25 is required by law to submit the case to the jury.

1 The Court after hearing all of the testimony in
2 this case, and I won't go through every witness'
3 testimony, but I believe the record is replete with
4 testimony as it relates to direct evidence as well as
5 substantial circumstantial evidence that reasonably tend
6 to prove the guilt of each of these defendants in which a
7 jury reasonably could return a verdict or could return a
8 verdict of guilt as to each of these charges. Therefore,
9 with all due respect, Mr. Edgeworth, Mr. Ammons, I'm
10 respectfully -- the Court's respectfully denying the
11 motion for direct verdict, but your motions are so noted
12 for the record, okay.

13 All right. At this time what I'm going to do is
14 I'm going to advise the defendants of their rights. I
15 would ask that Mr. Quinterris Javon Carmichael stand as
16 well as Mr. Tirik Jaquan Johnson-Epps. If each of you
17 would raise your right hand please. Do you swear to tell
18 the truth, the whole truth, and nothing but the truth so
19 help you God, Mr. Carmichael?

20 DEFENDANT CARMICHAEL: Yes, sir.

21 THE COURT: Mr. Epps?

22 DEFENDANT JOHNSON-EPPS: Yes, sir.

23 THE COURT: I need you to speak up okay, Mr.
24 Carmichael.

25 DEFENDANT CARMICHAEL: Yes, sir.

1 balance of the day, the State rested its case. Pursuant
2 to the State resting it's case, I will now recognize
3 defense counsel Mr. Edgeworth for Mr. Carmichael.

4 MR. EDGEWORTH: Thank you, your Honor. On
5 behalf of my client Defendant Carmichael, we rest. And
6 also at this time we renew all prior motions, objections
7 previously before the Court.

8 THE COURT: All right. The State as it relates
9 to your prior motions and objections, the Court's ruling
10 remain the same as to such.

11 MR. EDGEWORTH: Thank you, Your Honor.

12 THE COURT: Mr. Ammons.

13 MR. AMMONS: Thank you, your Honor. At this
14 time, the defense on behalf of Tirik Jaquan Johnson-Epps
15 rests. And I also renewing all prior motions and
16 objections.

17 THE COURT: Very well. Thank you, Mr. Ammons.
18 As it relates to all of your prior motions and objections,
19 the Court's rulings remain the same as to those as well,
20 okay.

21 Now, ladies and gentlemen, as you've heard, the
22 defendants have rested as well. What I'm getting ready to
23 do is we're going to go straight into -- I'm going to give
24 you the charge on the law. Once I complete my charge on
25 the law as it relates to this case, then we'll move into

1 closing arguments. The State will go first followed by
2 Mr. Edgeworth and then Mr. Ammons. And then I will have a
3 few conclusory remarks to make to you prior to giving the
4 case to you to begin your deliberation, okay. Please
5 listen very carefully to this charge, ladies and
6 gentlemen.

7 Now, ladies and gentlemen, it is now my duty as
8 the trial judge under the Constitution of this state to
9 charge you and instruct you on the law applicable to this
10 case. It is your duty as jurors to accept and apply the
11 law the law as I will now state it to you. Furthermore,
12 it is your exclusive duty to decide all the issues of fact
13 in this case and to determine the effect, value, and
14 weight of the evidence. Both the State and the defendants
15 have a right to expect that you will carefully consider
16 and evaluate the evidence and apply the law of this case
17 to it so that in the end both the State of South Carolina
18 and the defendants will receive a fair and impartial
19 trial. I want you to understand that when I use the word
20 defendants I refer to Mr. Quinterris Javon Carmichael and
21 Tirik Jaquan Johnson-Epps.

22 Furthermore, it is important to understand that
23 the State of South Carolina charges each defendant with
24 murder and possession of a weapon during a violent crime.
25 And to these charges, the defendants have entered a plea

1 of not guilty. This plea of not guilty places the burden
2 of proof on the State to prove the guilt of the defendants
3 to you, the jury, beyond a reasonable doubt.

4 Now, during the trial, ladies and gentlemen, you
5 and I have separate duties to perform. As the trial
6 judge, it is my responsibility to preside over the trial
7 and also have the duty to rule upon the admissibility of
8 the evidence offered during the process of this trial. In
9 that regard, you are to consider only the competent
10 evidence before you. You are to consider only the
11 testimony which has been presented from this witness stand
12 together with any exhibits admitted into the record.

13 Furthermore, I have the additional duty to
14 charge you on the applicable law of this case, and in that
15 regard, I am the sole judge of the law in this case. It
16 is your duty to accept and apply the law as I state it to
17 you. If you have any preconceived ideas as to what the
18 law is or should be, you are obligated under your oath to
19 abandon these preconceptions because you are sworn to
20 accept the law precisely as I state it to you.

21 Now, ladies and gentlemen, I remind you of the
22 fact that the defendants were arrested, charged and
23 indicted in this case is not evidence in this case and
24 cannot be considered by you as evidence of guilt in this
25 case. Nor does it create any presumption or inference of

1 guilt. The indictment, ladies and gentlemen, is simply
2 the formal written instrument which contains the charges
3 made against each defendant. It is the formal document by
4 which this case is brought into this court. The
5 indictment in this case, ladies and gentlemen, allege
6 murder and possession of a weapon during a violent crime
7 against Quinterris Javon Carmichael and Tirik Jaquan
8 Johnson-Epps.

9 Each defendant or excuse me each indictment
10 charges a separate and distinct offense. You must decide
11 each indictment separately on the evidence and the law
12 applicable to it uninfluence by your decision as to any
13 other indictment. Each defendant may be convicted or
14 acquitted on any or all of the offenses charged. You will
15 be asked to write a separate verdict, madam forelady, of
16 guilty or not guilty for each indictment.

17 Now, there two indictments in this case each of
18 whom as I have told you before is charged with murder and
19 possession of a weapon during a violent crime. The case
20 of each defendant and the evidence and the law concerning
21 each defendant should be considered separately and
22 individually. Your verdict does not have to be the same
23 for both defendants. The fact that you may find one
24 defendant guilty or not guilty should not control your
25 verdict as to the other defendant. Where more than one

1 person is charged with a crime if the evidence warrants
2 it, you may convict one and acquit the other or you may
3 acquit both or you may convict both. It will depend upon
4 your view of the testimony and evidence. You must take
5 each defendant and consider the evidence as to that
6 defendant and my instructions to you on the law. You will
7 then write a separate verdict of guilty or not guilty for
8 each individual defendant as to each charge.

9 Now, ladies and gentlemen, during the trial as I
10 told you from the outset, your duty is to find the facts
11 in this case. You, ladies and gentlemen, are the sole and
12 exclusive judge of the facts. And as I've told you
13 before, I'm the judge of the law. Do not infer that I
14 have any opinion about the facts in this case from
15 anything that I have said during the course of this trial
16 in ruling upon the admissibility of evidence or otherwise
17 or from anything that I say during the course of this
18 charge to you. In this regard, the law simply does not
19 permit me to have an opinion about the facts. As jurors,
20 it is your duty alone to determine the effect, value and
21 weight of the evidence presented during the course of this
22 trial.

23 Now, in determining what the facts in this case
24 are, ladies and gentlemen, you must judge the credibility
25 which simply means the believability of the witnesses, and

1 the value of weight to be given to their testimony. You
2 alone must decide the force and effect of the testimony.
3 Now, in making this decision, there are many things that
4 you may and should take into consideration such as the
5 appearance and manner of the witness on the stand, a
6 characteristic often referred to as the demeanor of the
7 witness, was the witness forthright or hesitant, was the
8 witness' testimony consistent or did it contain
9 discrepancies, what was the ability of the witness to know
10 the facts about which he or she testified, did the witness
11 have a cause or reason to be biased and prejudice in favor
12 of the testimony he or she gave, was the testimony of the
13 witness corroborated or made stronger by other testimony
14 and evidence or was it made weaker impeached by such other
15 testimony and evidence.

16 As jurors, please understand that you have the
17 right to believe a small portion of a witness' testimony
18 and discard the larger portion or vice versa. You may
19 believe all of a witness' testimony or none. You may
20 believe the testimony of a single witness against that of
21 many witnesses or the other way around.

22 Now, in exercising your mental processes in
23 attempting to decide the verdict, the law simply requires
24 that you exercise your good judgment, your common sense,
25 your sense of logic and reason and your experiences in

1 life. You then apply these attributes to the evidence and
2 apply the law as I state it to you and thus arrive at a
3 verdict.

4 Now, ladies and gentlemen, it is vital, vital to
5 understand that a defendant is presumed under the law to
6 be innocent of the crimes for which he is charged. A
7 defendant has no obligation to prove his or her innocence.
8 It is a fundamental rule of our law that a defendant
9 irrespective of the seriousness of the charge against him
10 or her is always presumed innocent of the crimes for which
11 he or she is charged unless and until his or her guilt has
12 been proven by evidence that satisfies you, the jury,
13 beyond a reasonable doubt.

14 The presumption of innocence is not a mere legal
15 theory or a legal phrase. The presumption of innocence is
16 very important and you need to understand that this
17 presumption accompanies a defendant from the time of his
18 or her arrest and appearance in this court and continues
19 with a defendant even after you retire to the jury room to
20 deliberate. In other words, a defendant receives the
21 benefit of the presumption of innocence until the very end
22 of this trial when you, the jury, would deliberate upon
23 the evidence and decide whether the State has proven guilt
24 beyond a reasonable doubt.

25 Now, ladies and gentlemen, what is a reasonable

1 doubt in the law. A reasonable doubt is the kind of doubt
2 that would cause a reasonable person to hesitate to act.
3 Proof beyond a reasonable doubt is proof that leaves you
4 firmly convinced of the defendant's guilt. Now, there
5 very few things in this world we know with absolute
6 certainty, so even in criminal cases the law does not
7 require proof that overcomes every possible doubt. If
8 based on your consideration of the evidence, you are
9 firmly convinced that the defendant is guilty of the
10 crimes charged, you must find him or her guilty. If on
11 the other hand, you think there is a real possibility that
12 he or she is not guilty, you must give them the benefit of
13 the doubt and find them not guilty.

14 Please understand, ladies and gentlemen, that
15 reasonable doubt may arise from evidence which has been
16 presented in the case or from the lack of evidence in the
17 case. It is your responsibility to determine whether or
18 not reasonable doubt exists as to the guilt of each
19 defendant. Now, I charge you that each defendant is
20 entitled to every reasonable doubt arising in the whole
21 case. If upon any issues of fact essential to conviction
22 and a verdict of guilty, you have a reasonable doubt as to
23 how that issue should be resolved, it would be your duty
24 to resolve that reasonable doubt in favor of the
25 defendant. Thus in summary, it is important to understand

1 that a defendant is not required to prove his innocence.
2 Instead, the State is required by law to prove every
3 essential element of the offense charged against the
4 defendant by evidence which satisfies you of guilt beyond
5 a reasonable doubt, only then can you convict a defendant
6 and find him or her guilty.

7 Now, there are two types of evidence which are
8 generally presented during a trial direct evidence and
9 circumstantial evidence. Direct evidence directly proves
10 the existence of a fact and does not require deduction.
11 Direct evidence is the testimony of a person who claims to
12 have actual knowledge of a fact such as an eyewitness. It
13 is evidence which immediately establishes the main fact to
14 be proved. Circumstantial evidence is proof of a chain of
15 facts and circumstances indicating the existence of a
16 fact. It is evidence which immediately establishes
17 collateral facts from which the main fact may be inferred.

18 Circumstantial evidence is based on inference
19 and not on personal knowledge or observation. Crimes may
20 be proven by circumstantial evidence. However, to the
21 extent the State relies on circumstantial evidence all of
22 the circumstantial evidence must be consistent with each
23 other and when taken together point conclusively to the
24 guilt of the accused beyond a reasonable doubt. If these
25 circumstances merely portray the defendant's behavior as

1 suspicious, the proof has failed. The law makes
2 absolutely no distinction between the weight or value to
3 be given to either direct or circumstantial evidence. Nor
4 is a greater degree of certainty required of
5 circumstantial evidence than of direct evidence. You,
6 ladies and gentlemen, should weigh all of the evidence in
7 this case. If after weighing all the evidence you are not
8 convinced of the guilt of the beyond a reasonable doubt,
9 you must find the defendant not guilty. The burden rest
10 with the State regardless of whether the State relies on
11 direct evidence or circumstantial evidence or some
12 combination of the two. The State has the burden of
13 proving the defendant guilty beyond a reasonable doubt.

14 And during the trial, ladies and gentlemen, you
15 heard the testimony of a witnesses that were qualified as
16 expert witnesses. As I told you before, the rules of
17 evidence ordinarily do not permit witnesses to testify to
18 opinions or conclusions. An exception to this rule exist
19 for witnesses that we call expert witnesses. A witness
20 who by education and experience has become expert in some
21 art, science, profession or calling may state an opinion
22 as to a relevant and material matter in which the witness
23 claims to be an expert, and may also state the reason for
24 the opinion. You should consider any expert opinion
25 received in evidence in this case and like any other

1 evidence give it the weight that you think it deserves.
2 If you decide that the opinion of an expert is not based
3 on sufficient education and experience or if you conclude
4 that the reason given in support of the opinion are not
5 sound or that the opinion is outweighed by other evidence,
6 you may disregard the opinion entirely. Furthermore, an
7 expert witness' testimony is to be given no greater weight
8 then that of other witnesses simply because the witness is
9 an expert. Further, you are not required to accept an
10 expert's opinion even though it is not contradicted.

11 During the trial, ladies and gentlemen, you also
12 heard the testimony of an individual with a prior criminal
13 record. I will tell you that a person who has a past
14 criminal record is competent to testify during a trial. A
15 past record does not affect the ability of that witness to
16 testify. The past record may only be considered by you if
17 at all in determining the witness' believability.
18 Remember, you are the sole judges of the facts in this
19 case and of the believability of any and all of the
20 witnesses.

21 Now, you also, ladies and gentlemen, heard
22 evidence of an allege statement by Defendant Carmichael,
23 that particular statement was admitted into evidence in
24 this case. Now, while the Court has determine that the
25 statement is admissible, I instruct you that you make the

1 ultimate decision of whether or not the defendant made the
2 statement. If a defendant did make the statement, you
3 must determine whether the statement was made by the
4 defendant voluntary or voluntarily and of his own
5 freewill. This means that the statement was not caused by
6 pressure, force, fear threats, coercion or intimidation or
7 by hope or a promise of leniency or a reward of any kind.
8 In determining whether the statement was voluntary, you
9 should consider both the characteristics of the defendant
10 and the details of the questioning. Some of the factors
11 you must consider are the age of the defendant, the
12 defendant's education or lack of education, the
13 defendant's mental ability or capacity, defendant's IQ or
14 intelligence, the defendant's background and environment,
15 the place and length of detention, and the nature of the
16 questioning.

17 The State has the burden of proving beyond a
18 reasonable doubt that the allege statement was voluntary.
19 If you determine it was, you may give the statement any
20 further consideration that you deem proper. You must
21 decide what weight, if any, should be given to the allege
22 statement. If you determine that the allege statement was
23 not the free and voluntary statement of the defendant, you
24 should not consider the statement at all.

25 Now, ladies and gentlemen, I instruct you and I

1 emphasize that the fact that the defendants in this case
2 did not testify is not -- is not a factor to be considered
3 by you in any way during your deliberations. And in your
4 consideration on the question of the guilt or the
5 negligence of either defendant. It must not, ladies and
6 gentlemen, be considered by you in any manner whatsoever.
7 A defendant has the constitutional right to remain silent,
8 and the assertion of this right must not be considered by
9 you in your deliberations. I repeat under your oath you
10 are to draw no conclusion whatsoever from the fact that
11 the defendants in this case did not testify. The fact
12 that the defendants did not testify should not even be
13 discussed in the jury room.

14 The burden of proof as I have stated to you is
15 on the State. A defendant is not required to prove his
16 innocence. The burden of proof remains on the State to
17 prove guilt beyond a reasonable doubt.

18 Now, ladies and gentlemen, in order to establish
19 criminal liability, criminal intent is required. For
20 example, the mental state required to be proven by the
21 State for a particular crime might be purpose, intent,
22 knowledge, recklessness or criminal negligence. Criminal
23 intent must be proven by the State beyond a reasonable
24 doubt. Criminal intent is always a matter that must be
25 determined by the jury from the circumstances surrounding

1 the situation.

2 Now, ladies and gentlemen, there is no way to
3 prove intent to a mathematical certainty. There is no way
4 that medical science can dissect a person's brain and
5 determine what the person had in mind. So the law says
6 that criminal intent may be inferred from the
7 circumstances shown to have existed. This is how you make
8 a determination of whether or not the element requiring
9 intent was present. It is not necessary, ladies and
10 gentlemen, to establish intent by direct and positive
11 evidence. But intent may be establish by inference in the
12 same way as any other fact, by taking into consideration
13 the acts of the parties and all the facts and
14 circumstances of the case. Criminal intent is a mental
15 state, a conscious wrongdoing. It is up to you to
16 determine what the defendant intended to do based on the
17 circumstances shown to have existed. Criminal intent can
18 arise from action or a failure to act. It may arise from
19 negligence, recklessness or an indifference to duty or to
20 consequences that is considered by the law to be the
21 equivalent of criminal intent.

22 Now, as I told you, ladies and gentlemen, each
23 defendant is charged with the offense of murder. The
24 State must prove beyond a reasonable doubt that the
25 defendant killed another person with malice aforethought.

1 Malice is hatred ill will or hostility towards another
2 person. It is the intentional doing of a wrongful act
3 without just cause or excuse and with intent to inflict an
4 injury or under circumstances that the law will infer an
5 evil intent. Malice aforethought does not require that
6 malice exist for any particular time before the act is
7 committed, but malice must exist in the mind of the
8 defendant just before and at the time the act is
9 committed. Therefore, there must be a combination of the
10 previous evil intent and the act.

11 Malice aforethought may be expressed or
12 inferred. These terms express and inferred do not mean
13 different kinds of malice, but merely the manner in which
14 malice may be shown to exist. That is either by direct
15 evidence or by inference from the facts and circumstances
16 which are proved. Express malice is shown when a person
17 speaks words which express hatred or ill will for another
18 or when the person prepared beforehand to do the act which
19 was later accomplished. For example, lying in wait for
20 a person or any other acts of preparation going to show
21 that the deed was within the defendant's mind would be
22 express malice. Malice may be inferred from conduct
23 showing a total disregard for human life.

24 Now, as I told you before, each defendant is
25 also charged with possession of a weapon during the

1 commission of a violent crime. The State must prove
2 beyond a reasonable doubt that the defendant was in
3 possession of a firearm or visibly displayed what appeared
4 to be a firearm during the commission of a violent crime.
5 A firearm means any machine gun, automatic riffle,
6 revolver, pistol or any weapon which will as design to or
7 may be readily converted to expel a projectile. In order
8 to find the defendant guilty of possession of a weapon
9 during the commission of a violent crime, you must first
10 find the defendant guilty of committing a violent crime.
11 I will tell you that murder is a violent crime. The State
12 must prove beyond a reasonable doubt that the weapon
13 further advanced or helped in the commission of the crime.

14 Now, ladies and gentlemen, if a crime is
15 committed by two or more people who are acting together in
16 committing a crime, the act of one is the act of all. A
17 person who joins with another to commit an unlawful act is
18 criminally responsible for everything done by the other
19 person which happens as a probable or natural consequence
20 of the acts done in carrying out the common plan and
21 purpose. For example, two people can be guilty of killing
22 another person when only one of the two had a gun. There
23 was only one bullet and only one of the two fired the shot
24 that caused the death. If two or more people are acting
25 together -- are together assisting each other in

1 committing the offense, the act of one is the act of all
2 or as it is sometime said the hand of one is the hand of
3 all.

4 Prior knowledge that a crime is going to be
5 committed without more is not sufficient to make a person
6 guilty of that crime. Mere knowledge that another person
7 is going to commit a crime even if the defendant is
8 present when the crime is committed is not sufficient to
9 convict the defendant as a principal. Guilt as a
10 principal is shown by actual or constructive presence at
11 the scene as a result of prior arrangement. Therefore, a
12 finding of a prior arrange plan or common scheme is
13 necessary for a finding of guilt as a principal. The State
14 must prove beyond a reasonable doubt by competent evidence
15 the theory of the hand of one is the hand of all.

16 A principal in a crime is one who either
17 actually commits the crime or who is present aiding,
18 abetting or assisting in committing the crime. When a
19 person doesn't act in the presence of and with the
20 assistance of another, the act is done by both where two
21 or more acting with a common plan or intent are present at
22 the commission of a crime, it does not matter who actually
23 commits the crime all are guilty. The hand of one is the
24 hand of all. Present at the commission of a crime means
25 to be sufficiently near to aid and abet and assist in the

1 commission of the crime. However, mere presence at the
2 scene of a crime is not sufficient to convict one as a
3 principal on the theory of aiding and abetting. A
4 defendant's presence where a crime is being committed or
5 mere association with a person who commits a crime does
6 not make a defendant an accomplice or aider and abettor of
7 the person committing the crime.

8 Intent is also a necessary element, but there
9 must have been a common design to or intent to commit the
10 crime and the crime must have been committed pursuant
11 thereto with the person aiding and abetting by some overt
12 act. Intent means intending the result which actually
13 occurs not accidentally or involuntary. Intent may be
14 shown by acts and conduct of the defendant and other
15 circumstances from which you may naturally and reasonably
16 infer intent. The State must prove these elements beyond
17 a reasonable doubt.

18 If you find after reviewing all of the evidence
19 that the State has proven the defendant was only present
20 at the scene of a crime and that they have not proved
21 beyond a reasonable doubt any other participation in the
22 crime, then you must find the defendant not guilty. The
23 law is that proof of mere presence at the scene of the
24 crime is not sufficient to find someone guilty. Also,
25 ladies and gentlemen, a person who was present at the

1 scene of the crime and intentionally or through a common
2 plan aided, abetted or assisted in the commission of that
3 crime through some overt act is guilty as an accomplice.
4 To be liable as an accomplice, the defendant must have
5 knowledge of the principals criminal conduct. Again, mere
6 presence at the scene is not sufficient to establish guilt
7 as an accomplice. Intentionally means willfully intending
8 the result which actually occurs not accidentally or
9 involuntarily.

10 Now, ladies and gentlemen, I have given you the
11 charge on the law applicable to this case. What we are
12 going to do now is I told you before are closing
13 arguments. The State will go first followed by
14 Mr. Edgeworth on behalf of Mr. Carmichael. And Mr. Ammons
15 on behalf Mr. Epps. I will tell you, ladies and
16 gentlemen, that arguments of counsel are not evidence in
17 this case. It is not evidence in this case. As I've told
18 you before, the evidence in this case comes from this
19 witness stand and or by exhibits that are admitted during
20 the course of this trial. Any exception or objection to
21 anything I've said to the jury at this juncture by the
22 State?

23 MR. WHITE: None on behalf of the State, Judge.

24 THE COURT: Mr. Edgeworth.

25 MR. EDGEWORTH: None, your Honor.

1 THE COURT: Mr. Ammons.

2 MR. AMMONS: No, your Honor.

3 THE COURT: All right. We will now move into
4 closing arguments. The State so recognize.

5 MR. WHITE: Confrontational. You want smoke.
6 You want smoke. Aggressive. I will walk down on you,
7 Bruh. Murderous. I will pop you out your fucking shoes.
8 And unfortunately, ladies and gentlemen, that's exactly
9 what they did. They popped him right out his shoes. And
10 when they did, they took away a boyfriend, a son, a
11 brother and a best friend, and left him right on the
12 pavement a couple blocks from where we're seated here
13 today for nothing at all. And if you have any question
14 that people hurting, and they are reeling from the lost of
15 Tydrecus Williams. All you have to do is listen to his
16 girlfriend, Antecia, when she called 9-1-1, and you hear
17 her screams when law enforcement arrived.

18 (WHEREUPON, State's Exhibit 4 played for the
19 jury.)

20 MR. WHITE: Ladies and gentlemen, you've heard
21 it. You heard all the evidence from that witness stand.
22 And the defense in this case has done what defense
23 attorneys do, and they always will do to try to confuse
24 the issues. They try to present what's called a **red**
25 **herrings**. They want you to look over here instead of

1 looking at the big picture. An attorney in our office
2 says they want you focusing on the string bean hanging off
3 the plate instead of the meat and potatoes. And what were
4 they, there's that .22 caliber magazine laying in the
5 roadway. Ladies and gentlemen, there is not one shred of
6 evidence how that magazine got there. There is no
7 evidence when it got there, who's it was, what kind of gun
8 it came from, could it have been a riffle, could it have
9 been a pistol. But I'll tell you this there wasn't a .22
10 caliber shell casing showing that that magazine was in a
11 gun that had been fired. And there was no evidence
12 whatsoever at all that the victim, Tydrecus Williams, ever
13 had a gun on him. You heard it from the witnesses off
14 that witness stand. Antecia said and this is his
15 girlfriend. I never saw him with a gun. His best friend,
16 Kareem, said he never saw him with a gun. Watch the
17 video, you never see him with a gun ever. Law enforcement
18 gets to his body, there's no gun. You're going to see it.
19 You saw it there. You see it there's no gun around at
20 all.

21 And what type of person did they say he was.
22 They said he was laid back. He's soft spoken. You're
23 going to hear it in a second. You got to listen up to
24 hear him on that video. He's a laid back dude. Then what
25 was telling Kami Mitchell, who was dating Quinterris

1 Carmichael, at the time that these men murdered Tydrecus
2 Williams. She said, yeah, I knew of him. He was a laid
3 back guy. He wasn't about that life that everybody else
4 was about.

5 The other thing they want to point your
6 attention to is that defect in the wall, and that's all
7 you can say is that it's a defect in the wall. You can't
8 say that it's a bullet hole. And if it was a bullet hole,
9 you don't know when it got there. It could be a rock had
10 kicked up from the weed eater. And the last one that they
11 want you to pay attention to is sickening. It's that this
12 young man's hands are squeezing in a position that shows
13 that he had a gun in his hand. Ladies and gentlemen, one
14 of his hands has been shot, tendons severed. He has been
15 shot nine times. One of the bullets completely severing a
16 bone in his leg. He's then shot down like a dog in the
17 back of his head and in his throat. And if his hands are
18 gripped, it's because he was gripping onto the last bit of
19 his life.

20 The other thing they want to point your
21 attention to is that it happened after midnight, which is
22 a bad time of night. And it happened two blocks away from
23 here, so it's a bad part of town. There is no bad time of
24 day. There are no bad places in town. There are only bad
25 people. This is not a self-defense case, ladies and

1 gentlemen. You didn't hear the judge charge you on
2 self-defense because they can't claim it.

3 There's no evidence that Tydrecus Williams had a
4 gun, but if he did, he would have been able to claim it,
5 so let's call it what it is. Let's call it murder. And
6 you heard it from the judge. It's the willful, felonious
7 killing of a human being with malice aforethought either
8 express or implied. Malice is hatred or ill will intent
9 on injuring another person. Malice does not necessarily
10 mean ill will toward the individual injured but signifies
11 rather depraved or wicked spirit intent on doing wrong, you
12 going to see all that in that video just a second. Malice
13 may be conceived at the very moment the act occurs. You
14 can have malice in your heart like that and kill somebody
15 and that's murder or you can talk a bunch of junk that
16 some kids are just minding their own business. You can go
17 back to your car, and you can sit and you can think about
18 it. You can sit down in the car, and you can continue to
19 threaten them and tell them you gone kill them and that's
20 malice too. It can be expressed malice a deliberate
21 intention unlawfully -- to unlawfully to take the life of
22 another. It can be implied malice, reckless or wanton
23 disregard for human life. Ladies and gentlemen, they're
24 both present in this case.

25 The most important one if you want to hang your

1 hat on it hand of one is the hand of all. Ladies and
2 gentlemen, they arrive together. They're close friends.
3 And you can see it, and you watch it on that video. They
4 are covering each other at every turn. It's amazing when
5 you break down the video to see how well they move in
6 concert. One ask the other one is right there ready to
7 go. One's talking junk. The other one is waiting in the
8 apex of the door making sure things go the way they want
9 to.

10 And here they are and pay attention to the time
11 stamp because these stamps are going to be important, and
12 I want to draw your attention to them as we go along here
13 they are arriving. Tirik Johnson-Epps driving.
14 Quinterris Carmichael seated directly behind him. Kami
15 Mitchell beside Quinterris Carmichael. And then Tyrin
16 Jones in the front passenger seat and this is her vehicle.
17 If you have any questions about how these guys move in
18 concert, take a look at this video, ladies and gentlemen.

19 (WHEREUPON, State's Exhibit 3 is being played
20 for the jury.)

21 MR. WHITE: In for a penny, in for a pound.
22 3:39 34 Kareem Jones and Tydrecus Williams life is about
23 to change. You can see it. And you can see it. You can
24 see Quinterris Carmichael's attention diverts, and he
25 immediately fixates on the individuals coming up the

1 pathway.

2 Now, ladies and gentlemen, you are going to hear
3 a lot of discussion on that audio, that video that has the
4 audio on it. And I am not ashamed to say that I have
5 listen to that audio so much, that it keeps me up at
6 night. But I have written it out so when you go back to
7 that audio, and I play it for you, you can hear exactly
8 what's going on. Man Man when these boys walk up, he
9 immediately fixes on them. He says what's up. Tydrecus
10 says -- well, you can barely hear him. He says what's up.
11 Man Man says what you looking like that. Tydrecus, what
12 you mean? You can tell he's confused. Man Man, you want
13 smoke. You want smoke. Where's your strap at? You don't
14 want no smoke. Your hand in your pocket. I'll make you
15 strip right now. And does that sound like somebody who
16 doesn't want trouble or does that sound like somebody
17 who's seeking at all costs. Tydrecus -- and this is I
18 think particularly telling. He says are you on that Perc
19 on something. I mean, this guy he's talking about
20 Percocet. Are you high man? You ever had somebody walk
21 up to you on the street, and you're like, hey, are you
22 outside of your mind. What's going on. He's confused.
23 Man Man acknowledges it. Am I on that Perc or something.
24 Go with your move and get moved out the way. Yeah, I'm
25 high. Is you high? Do your thing, you gangster. You

1 talking real gangster. I'm like that. I'm real like
2 that. You know that. You feel me. Who that your brother
3 or something? That your little brother? And Kareem
4 they're not brothers, they're best friends. He said,
5 yeah, that's my brother. Man Man immediately what's up,
6 what you got in your pockets. Your good. Kareem -- I
7 mean, rightfully so you're not taking nothing from me.
8 What's in my pockets? You not taking nothing from me.
9 Man Man says, Kareem, you ain't taking nothing from me.
10 Man Man, what you mean? Kareem, you ain't taking nothing
11 from. Man Man, I understand. He walks back to the car.
12 He has made his mind up right there. He's been
13 disrespected in his mind, not in reality in his mind.

14 (WHEREUPON, State's Exhibit 3 is being played
15 for the jury.)

16 MR. WHITE: This the definition of minding their
17 own business. You see it the whole time Tirik
18 Johnson-Epps is watching, and it's interesting because
19 I've watched this guy's demeanor in the background. He's
20 trying to say bye to these guys he was just talking to and
21 realize. Hey, look at him, he realizes they fixated on
22 these guys now. And the defense wants to draw your
23 attention to there being all these people around. People
24 were leaving. The spots clearing out. The only people
25 left are two men bent on murder. And these two other guys

1 who just waiting on a lady to come to the window.

2 And, ladies and gentlemen, this is where Kareem
3 says he saw Tirik flashing a gun. Now, you'll see in just
4 a minute where he standing in the apex of that door is
5 very close to where Kareem is leaning on that counter
6 incredibly close. I want to make sure y'all get the
7 picture. Their vehicle is parked right here, ladies and
8 gentlemen, here is the counter. I'm going to show you a
9 clear picture in just a second. This is the counter.
10 They are a couple of feet away from each other. This is
11 the corner. Camera that has the audio video goes down
12 right here, and there's a camera that shows this side of
13 the car. And this camera captures the shooting. This is
14 how close they are to rounding that corner, and I will
15 further explain in a moment. And then when he walks back
16 to the car Man Man, Quinterris Carmichael, he keeps on
17 talking. He keeps on talking. You in front of the
18 cameras. You know, they wanted to make a big deal about
19 Kareem knowing that those -- they're the ones that knew
20 where the cameras were. We in front of the cameras I know
21 you gone tell. Kareem said I ain't snitching on nothing.
22 Man man, I know what time it is. And he did. He knew
23 what time it was. You know what time it is. You really
24 know what time it is. I'll beat this shit in the county
25 excuse my language. Meaning, whatever I'm about to do,

1 I'll beat it. You know, what time it is, I'll take the
2 shoes off your feet. And Kareem he's laughing trying to
3 diffuse the situation says for real. Man Man, you in
4 front of the cameras right now, you walking, Bruh. And
5 what he means by that, ladies and gentlemen, they're in
6 the car. They know that Kareem and Tydrecus walk there.
7 And what he saying is you walking, yeah, I'll pop you out
8 your fucking shoes. You got something to do with Little
9 Tyson. Huh, you got something to do with Little Tyson.
10 Kareem you can hear his confusion. Hell, no. I'll walk
11 down on you, Bruh. You think you gangster, I'll take your
12 chain. I'm awake. I ain't even got to be in the car.
13 He's saying I'll stand right here with you. I ain't got
14 to wait until you walk out and do a driveby, I'll do it
15 right here.

16 Kareem just says, I mean, to his credit he says
17 aw man, aw man. Man man, what you clutching? Kareem aw
18 man. You can hear Kami for the first time. She knows
19 who's in the wrong here. You can hear her say no, no.

20 (WHEREUPON, State's Exhibit 3 is being played
21 for the jury.)

22 MR. WHITE: You hear Kami no. And don't
23 discredit for a second this guy is drunk and high. And he
24 has become fixated on anything that will give him an
25 excuse to kill these boys. So when you hear him saying

1 what you clutching on or later drop the strap, drop the
2 strap because in his mind he's justifying murdering these
3 guys. It's not because they actually have a gun on them.
4 There's no evidence of that, none. I mean, Tydrecus you
5 couldn't have a less aggressive posture. I mean, he's
6 looking like he would prefer to be anywhere else in the
7 world. And you can see him walk back, and he's talking
8 the whole time. He don't ever stop. In an offense,
9 wanted to make it seem like Kareem was talking back.
10 Where do you hear that? Where do you hear anything other
11 than a guy trying to diffuse a situation with a mad man.

12 Judge, may we approach for just one moment?

13 JUROR: Use the restroom.

14 THE COURT: Somebody need to use the restroom?

15 JUROR: Yes, your Honor.

16 THE COURT: All right. I'm going to ask you all
17 to step to the jury room. Do not discuss the case. Knock
18 on the door whenever you're ready to come back out, okay.

19 (WHEREUPON, the jury retire to the jury room.)

20 THE COURT: Is that what you needed to approach
21 for?

22 MR. WHITE: Yes, sir, Judge. I'm sorry.

23 THE COURT: All right. We'll stand down for a
24 few minutes.

25 MR. WHITE: Thank you, Judge.

1 (WHEREUPON, a break was taken.)

2 THE COURT: All right, anything before I bring
3 the jury back out?

4 MR. WHITE: No, sir, Judge.

5 THE COURT: Mr. Edgeworth.

6 MR. EDGEWORTH: No, your Honor.

7 MR. AMMONS: No, your Honor.

8 THE COURT: Wait until the defendants get back
9 in here.

10 (WHEREUPON, a pause in the proceedings.)

11 THE COURT: We have the defendants back in the
12 courtroom. Bring me the jury please, ma'am.

13 (WHEREUPON, the jury came into open court.)

14 THE COURT: We have all the jurors back in the
15 courtroom. Mr. White, you may continue.

16 MR. WHITE: Thank you, Judge. Welcome back,
17 ladies and gentlemen, that was a perfect time for an
18 intermission because the first half of that I showed you
19 shows no doubt their intent. And the next half will leave
20 you firmly convinced that they're guilty of murder. Where,
21 we left off you can see Mr. Carmichael continuing to talk
22 Tirik Johnson-Epps waffe (sic). And I'm going to show you
23 just how close these individuals are to Tydrecus and
24 Kareem, but you can see he's just trying his best to
25 instigate a confrontation. And when he fails to get them

1 to react by his words, he chooses violence.

2 What you're going to hear next he says what you
3 clutching on Bruh. Again, they have given no reason.
4 Kareem's got his hands resting up on the counter. Tirik
5 is not even facing those guys. They are not even in any
6 kind of aggressive posture. They're trying to diffuse the
7 situation. He's obsessive with anything at all that jump
8 off, so he can kill him. And Kami knows it she's
9 screaming Man Man. You can hear her just a second.
10 Kareem walks up to him ain't nobody clutching or Kareem
11 says ain't nobody clutching on nothing. You hear it in
12 his voice, ladies and gentlemen. He's genuine ain't
13 nobody clutching on nothing man. I ain't taking nothing
14 from what. I ain't taking nothing from what. And Kareem
15 in front of the camera, Dog. And what he is saying by
16 that he's already heard them talking about the cameras.
17 So he wants to remind them, Hey, Man, you in front of the
18 cameras don't do it, don't kill us. And you hear him say
19 that in a minute when they're just about to murder
20 Tydrecus. Kami's screaming, Man Man, come on, Man Man.
21 Man Man give me that thing, give me your chain, ride out.
22 Kami chill chill.

23 (WHEREUPON, State's Exhibit 3 is being played
24 for the jury.)

25 MR. WHITE: Now, the defense at one point wanted

1 to make a big deal that Tydrecus and Kareem somehow choose
2 to go around this corner. You know, I think the question
3 was, well, then why did you go around the corner with
4 them. Ladies and gentlemen, where could they have gone.
5 You got one approaching them, striking them, and one
6 approaching with a gun what would have been option. Where
7 else they could have gone. But you heard for yourself
8 exactly what was said. You heard who said it and more
9 importantly who didn't say anything. Let's hear it from
10 Man Man.

11 (WHEREUPON, State's Exhibit 2 is being played
12 for the jury.)

13 MR. WHITE: That's his story he says. You got a
14 low tolerance for stuff like that. And this is the
15 orientation I want to draw your attention to. Ladies and
16 gentlemen, if you look there you can see the cup that was
17 knocked out of Kareem's hand, that silver metallic metal
18 there that's the counter. The vehicle is parked very
19 close right here. So I just want to show you how close
20 this car is and not only this window, but to this corner
21 here that goes around to the other side of the building,
22 look how close the car is. Look how close Tirik
23 Johnson-Epps is. He would have been close enough to see
24 if he had a gun and if he was showing it. I mean, this is
25 close. And you can see again the car is parked right

1 here. There's a ramp that goes right up there towards the
2 cup and towards the window. The car is parked just on the
3 other side of this ramp. And this is going around to the
4 left. So, again, I ask you where would they have gone. I
5 mean, they were forcing them through that area.

6 (WHEREUPON, State's Exhibit 3 is being played
7 for the jury.)

8 MR. WHITE: Then you see Tirik Johnson-Epps.
9 Ladies and gentlemen, pay very close attention to the
10 stamp. At 13, he gets out, beer in hand. At 19, he's
11 around that corner at 19 just on the other side of the
12 corner.

13 (WHEREUPON, a video is being played for the
14 jury.)

15 MR. WHITE: And just like Investigator Chatlosh
16 said -- you know, he said, yeah, maybe from this angle you
17 can't tell a hundred percent certainty that that's Tirik
18 Johnson-Epps. But what he also testified to is when you
19 look at it in its entirety, you can tell it's Tirik
20 Johnson-Epps. And if you slow it down, you can definitely
21 see it 42:19. So, again, 42:19 is when he's rounding the
22 corner. Look the locks on this person's head, that's
23 Tirik Johnson-Epps, ladies and gentlemen. Just seconds
24 later, you're going to see Man Man in a hood, here comes
25 Man Man. Right beside each other. The hand of one is the

1 hand of all. You can see Tydrecus at that point. It's
2 clear that one of those shots is the one that severed his
3 femur. You know, at that point any movement that he makes
4 is pure adrenaline, and it is going down. And it won't be
5 long before any movement he makes along that ground is
6 crawling. I'm going to slow it down again and draw
7 attention to the beer bottle, ladies and gentlemen. If
8 you look on the right side of the screen midway up right
9 where the gun comes in the picture you can see a beer
10 bottle and it spews as he's firing. Beer bottle spews.
11 Man Man there clearly, and you just see Tirik Johnson-Epps
12 walk up. You see him round that corner. You see him get
13 out of the car right here. You see him on camera round
14 that corner with a beer bottle in his hand at 19 mark. At
15 20, you see someone with dreadlocks walking here, come out
16 here, and then you see a bottle spew over. And remember,
17 ladies and gentlemen, Tyrin says that she remembers that
18 bottle because when he gets back in the car still beer in
19 hand she said it looked like he had wasted it. I said
20 what do you mean by that. She said it was spewing
21 everywhere. So let's put it together 15, 16, 17, 18, 19
22 rounding that corner 19, 20, here he comes.

23 (WHEREUPON, State's Exhibit 3 is being played
24 for the jury.)

25 MR. WHITE: And you hear in the background Kami

1 still screaming Man Man and you see the reverse lights.
2 That car right there law enforcement talk to those folks
3 remember that. They're getting out of there. Kareem you
4 going to see him in a second he's running out of there.
5 The guy with his hands up though right here waiting in
6 line. He's running out of there. There's nobody else
7 around. Everybody's running. Even Tirik Johnson-Epps
8 once he fires those shots, he runs to the car. But Man
9 Man never flinches. He's standing right beside Tirik
10 Johnson-Epps when he fires at Tydrecus. One of those
11 shots severing the bone in his leg. Does he run back to
12 the car, get in it, drive the other way. No, no, he
13 stays. He waits. And if you have any question that the
14 hand of one is the hand of all just look where they go
15 next, okay. He could have got in that car, they could
16 have driven away, but he stays. He tracks him like a deer
17 who had just been shot and needs to finish him off. Tirik
18 Johnson-Epps gets in the car and goes around waits on him
19 to be picked up. Here's Kareem running. The man was
20 waiting in line, running. The girl was getting back in
21 the car. Everybody is running, shots have been fired.
22 Here comes Tirik Johnson-Epps beer in hand rounding that
23 corner getting back in the car, pulling off, here comes
24 the car pulling away. And you see the break lights,
25 ladies and gentlemen. They don't go far.

1 (WHEREUPON, State's Exhibit 3 is being played
2 for the jury.)

3 MR. WHITE: So there's several things I want to
4 point your attention to on that video. You got to listen
5 clearly. Ms. Elaine, can we crank it up just a little
6 bit, turn it down because it was a little too loud
7 earlier just a bit.

8 The first thing I want to turn your attention to
9 is you can hear Tydrecus on this video and audio. You can
10 hear him screaming, and you can hear him scream Keem. You
11 can hear him screaming for his friend, that's the first
12 thing. Second thing, Quinterris Carmichael is still
13 obsess with drop the strap, drop the strap. Well, there's
14 always been -- even when there was no evidence that they
15 had guns on them, he's asking them you got the strap. You
16 got the strap. This is just an excuse in his mind. It's
17 no evidence that these guys had a gun in their hand. And
18 look how dark it is when he's walking here. And if you
19 can see the curtain, this is where Tydrecus ultimately
20 dies where that curtain is. Look how dark it is. And
21 that's the blue light.

22 Law enforcement is all over this scene. They
23 got blue lights lit up. It would have been darker. He
24 wouldn't have been able to see a gun in his hand walking
25 here with him limping. What he was probably reaching for

1 with his severed finger or maybe it was his mid section or
2 maybe it was his ankle. I mean, his body at this point is
3 riddled with bullets.

4 The next thing I want to draw your attention to
5 on this -- is the direction that he takes, and it's going
6 to be important when I show you where the shell cases land
7 very important. You can see him walk. He's walking
8 behind that car. He's got his hand like this. And he
9 starts to make his way in the direction of where Tydrecus'
10 body is ultimately found. You see that, but he makes a
11 sharp left this way'. And then the camera cuts, and you
12 heard Investigator Chatlosh say it's a motion sensor.
13 And you can see that in a second. If there's a lull and
14 there's nothing new, it would jump until there's movement,
15 that happens. But pay special attention to that, okay.
16 And pay special attention to the jump ahead it's about 16
17 seconds, all right. Right before the jump ahead when he's
18 walking to where Tirik would have parked the car, listen
19 to what's said. And right after listen to what's said,
20 and what's said is he's walking towards that car. Tirik
21 says you got him. And then right after that 16 seconds
22 later, you can hear Kami say, Baby, come on. And that's
23 important because 16 seconds after that break, he's still
24 at the body.

25 (WHEREUPON, State's Exhibit 3 is being played

1 for the jury.)

2 MR. WHITE: Your hear it, but I can play it
3 again. I will play it again. You hear just before it
4 breaks you got him. And just after 16 seconds after,
5 baby, come on, that's Kami. Quinterris Carmichael
6 is executing Tydrecus Williams.

7 (WHEREUPON, State's Exhibit 3 is being played
8 for the jury.)

9 MR. WHITE: And this shows how that camera
10 operates. I just want to bring your attention to it. You
11 can see it. If there's a lull, you'll see the jump. It
12 will jump to the next time car moves. It's motion
13 activated. I wish it wasn't, but just what it is. I
14 wish, you know, hear all the shots being fired, but we
15 know exactly what happened on that camera. At this point
16 Kareem has run home. Antecia has called law enforcement.
17 And they arrive quickly. They arrive. They are on the
18 scene within a matter of minutes. You see law
19 enforcement's already on scene. That's Antecia's cousin
20 the one dropped out of -- ran over with them. Officer
21 Davis body worn. You see the angle of the body here,
22 ladies and gentlemen, where he ultimately rests. The
23 shell casings, ladies and gentlemen, ten of them recovered
24 from the scene. And they are consistent with the State's
25 theory. This is where shots are fired just in here. So

1 shell casings that's in or the .9 millimeter shell casings
2 would have kicked to the right as Tirik Johnson-Epps is
3 firing. Fires four times one, two, three, four, but then
4 you going to see, ladies and gentlemen, there's more shell
5 casings around this area. And the reason is because in
6 just a second you can see how close his body is to where
7 he's first shot, okay. He's first shot here. He runs
8 here, and then he's crawling back this way. So if you
9 shooting here this way shell casings are going to kick to
10 right here. And if you're shooting this way, shell
11 casings are going to kick to the right here. And what's
12 back here where he was crawling to, he was trying to get
13 home, but he never made it. There he is there, ladies and
14 gentlemen.

15 And then there's two shell casings at the road.
16 And I always wondered what explains those two shell
17 casings, and it dawned on me. It dawned on me when I saw
18 the way Quinterris Carmichael is walking towards the body,
19 and he makes a sharp turn to where Tirik Johnson-Epps is
20 parked and you hear you got him. He's handing him the
21 gun. He's handing him that nine. Although, Kareem
22 testified both had guns on them, but it's a rule in the
23 streets. One body one gun. One body one gun. You
24 already got shell casings on the scene, give me that. He
25 grabs it, ladies and gentlemen, and he fires his first two

1 shots from here.

2 At this point, ladies and gentlemen, Tydrecus is
3 trying to get away. He's been shot. He is injured badly
4 and he's shot again. One bullet misses because it's a
5 good distance. One bullet hits him. And this is where
6 the shell casings would be, and that's where he fires
7 first. And he walks up on him. Look at how the body is
8 positioned, ladies and gentlemen. Somebody who is shot in
9 the back of the head does not fall like that, okay. He's
10 crawling. His finger severed. He's crawling away. And
11 Quinterris Carmichael comes up behind him and shoots him
12 right in the back of his head. What did the pathologist
13 tell you said there was upward trajectory to the back of
14 the wound to the head shot. That's the only way to
15 achieve that trajectory. He falls, and then he is turned
16 over, but his leg bent and his face to the right, he shot
17 one last time in his neck coming out of his jaw.

18 The last piece of evidence that you have to tie
19 together is how Tirik Johnson-Epps fires from here while
20 Tydrecus is running away. And then Quinterris Carmichael
21 fires the fatal shots. That was Tydrecus' blood get on
22 Tirik's pants. It's easy. It's easy. He went through
23 his pockets, sets that gun down in his blood. He riffles
24 through his pockets, and you could see his credit card,
25 his Chapstick, his comb, change was lying around him, and

1 went through his pockets, and he did laid that gun down.

2 Then whenever they got back wherever they were
3 going he hands that handgun back to Tirik and the blood
4 drops on his pants. And they want to make a big deal and
5 say, well, it's DNA, and it's maybe not blood. Ladies and
6 gentlemen, that's blood, all right. It was presumptive
7 positive for blood. The DNA SLED analyst does not have a
8 dog in this fight who's an expert in her field said it's
9 990 octillion. The blood on the pants retrieved from
10 Tirik Johnson-Epps bedroom belongs to the victim who was
11 shot down and execute a couple blocks from here.

12 Ladies and gentlemen, the defense can say
13 whatever they like to, and they have to that's their job.
14 And listen to them and be respectful by all means, but
15 there is nothing that can change the facts of this thing.
16 There's no evidence of a gun even if there was still be
17 murder. And it still be a cold blooded, calculated,
18 devastating execution style murder of an 18-year-old kid.
19 Times are not dangerous. Places are not dangerous.
20 People are dangerous. And when dangerous people commit
21 murder, that's what we call it when we find them guilty of
22 murder. Thank you.

23 THE COURT: Mr. Edgeworth.

24 MR. EDGEWORTH: Thank you, your Honor. Ladies
25 and gentlemen of the jury, you stood up and down a lot

1 throughout the trial, heard a lot, says a few things about
2 myself and talk about my client. My name is Josh
3 Edgeworth. I'm from Florence. I now live in Quinby. I
4 grew up playing church league basketball for Saint Paul.
5 I played baseball for West Florence, went off to college
6 became a lawyer, and probably not for the reason that you
7 think.

8 When I was five years old, I went to my great
9 grandfather's birthday party. It's because he was turning
10 a hundred. And I never met him before and found out that
11 he was a lawyer. I was like I would like to live to be a
12 hundred, so I want to be a lawyer. I didn't know what it
13 was. Fast forward four years later, and here I am in my
14 chosen profession doing what I'm here to do, which is to
15 stand up for a system of justice and stand up for
16 Mr. Carmichael.

17 Now, that system of justice has one of the most
18 spectacular component and that is that each and every one
19 of you have to find each and every component of this case
20 beyond a reasonable doubt in order to convict. This man
21 right here is sitting there innocent, doesn't matter all
22 the stuff you've heard this far. You have not made it to
23 your jury room. He is innocent. And I told you in my
24 opening that I wish I could stand, so instead I bring this
25 ladder that I'm now going to call a ladder of justice.

1 When you determine the facts of this case, each and every
2 one of them have to be beyond a reasonable doubt which is
3 this step here beyond a reasonable doubt. And what does
4 every single ladder have on the top step a warning, a
5 warning. That is that hesitation that the judge talk to
6 you about. Does a reasonable man hesitate to act. Does a
7 reasonable man hesitate before they go to the top step.
8 That is reasonable doubt. If you can't make a decision in
9 this case on each and every element by taking that last
10 step, you have to find Mr. Carmichael not guilty. So how
11 do we get there.

12 Now, the State has conveniently now turned your
13 eyes from the beginning of this case telling you you're
14 going to see, you're going to see. Now, they're telling
15 you not to look. They won't you to take the step to that
16 top rung there because you can't see what has happened.
17 They want you to ignore that hesitation, ignore it. They
18 kind of jumped the gun here right and said the defense has
19 done, and the defense has done that. That's because
20 there's reasonable doubt. It is a top step.

21 What did we actually hear? Ms. Kami
22 Mitchell testified the first person up there. She was
23 purported the friend or girlfriend or whatever of
24 Mr. Carmichael, but what did she actually tell you. She's
25 waiting to go home to have sex. And there ain't no time

1 throughout any of this transaction did you not hear her
2 refer to him as Man Man, right. The State went out of
3 their way to keep on calling him Man Man. A name he has
4 actually had since he was born, a nickname. But now at
5 the end of this case and they're trying to tell you that
6 something, you know, real suspect is going on, that all of
7 a sudden she calls out from the car, Baby, come on. No
8 way. She wouldn't do that.

9 You heard from Ms. Lawson. She lost a mother no
10 one disputes that, no one. That she didn't see anything.
11 She said she heard some gunshots when she was at home.
12 She don't know where they came from. And she said that
13 her cousin woke up, I guess, and ran over there. I'm sure
14 that you saw when that last video was played that the
15 cousin beat everyone over there, even the cops. And when
16 that video turns around, and you see her coming and the
17 cop has to hold her back after Officer Davis got there and
18 drops a couple of F bombs because of the scene. Do you
19 see the cousin? He is nowhere to be found. And if
20 Mr. Williams had a gun, and he came up on that body rest
21 assured he took it. You heard from Ms. Jones. Girlfriend
22 of Mr. Epps didn't really have a whole lot to say because
23 she was standing at the car for the most part. She did go
24 up and get some cigarettes or whatever she got Black &
25 Mild as they called them. And when the action went around

1 the corner, she doesn't see anything else. She has no
2 idea what happened. She doesn't know who shot what or who
3 or when or how. What she does say is that when they got
4 in the car, and they drove away, that they stopped just
5 beyond that power pole and Mr. Epps got out. Baby, come
6 on, not Man Man. Baby, come on. You heard from
7 Mr. Kareem Jones the friend.

8 And as much as the State wants you to believe
9 all of those narratives that were shown during their
10 closing, what was said, that is not evidence. In fact,
11 you shouldn't even consider any of that. That is his
12 argument. That's what he believes it says. No one
13 testified of that. In fact, most of the time they
14 testified they couldn't even hear what was going on. And
15 when Kami gets out the car and yells at my client, that's
16 because he punched someone, punched someone, far cry from
17 killing someone. And he admitted that with law
18 enforcement took him in to talk. I don't have nothing to
19 do with anything. I hit him if anything give me a warrant
20 for assault. He admitted to that.

21 Now, that the State has shifted their focus from
22 what you can see or will see since you didn't see it let's
23 talk what you don't see. Well, let's talk about it. Just
24 because the evidence doesn't show that they had a gun
25 meaning Kareem Jones and Tydrecus Williams, does not mean

1 that they didn't have one. Let's talk about why, okay.
2 Well, Mr. Kareem Jones was out late at night with his
3 friend as the State tells you he knows he's in this
4 argument. He's in an argument with this fellow and it
5 became physical, but not deadly. Mr. Jones isn't dead.
6 Yet, after allegedly seeing the gun on Mr. Epps, he
7 decides, yeah, let's go around the corner together. The
8 State would have you believe that there was nowhere to go.
9 I beg to differ. You see on that video. They came from
10 one direction. They could have sure as hell left that
11 direction. No one stopped him. So if you believe someone
12 has a gun, and you going to go around the corner with them
13 if you ain't got one I don't think so. I don't think so.
14 Just because Mr. Jones said he and Mr. Williams didn't
15 have a gun doesn't mean that he didn't or they didn't.
16 Every bit of reason to not tell truth on that one. His
17 friends did. He ran away.

18 Again, I bring your attention back, and I will
19 do it over and over until I'm done. The State starts out
20 telling you this is what you're going to see. And now I
21 don't want you to look at it. Law enforcement testifies
22 they go out there, and they identify pertinent pieces of
23 evidence and they mark them. They don't mark them if they
24 don't think they're important. The State now wants you to
25 believe it's no longer important. It was some fancy

1 lawyer trick that I invent that evidence. Law enforcement
2 took pictures. They thought it was important, but what
3 did they not do, follow up on them. Not one lick of
4 following up on anything. They found a magazine in a road
5 where Mr. Williams fell. You all of saw it. A .22
6 caliber not the gun used. That was a .9 millimeter. They
7 didn't have it tested. They didn't dust it for
8 fingerprints. They didn't swab it for DNA, did absolutely
9 jack.

10 Officer Feagin and Investigator Chatlosh
11 identified what appears to be a bullet hole in the wall
12 back towards the place where it would presumably be coming
13 from Mr. Williams out at the road. The State keeps
14 telling you the magazine was full. We don't know. We
15 have no idea. They didn't do anything with the gun. You
16 see bullets in it, but we don't know. It could have been
17 fired. They didn't test it. But they identify it, and
18 then what do they do jack nothing. Oh, well, no big deal.
19 No big deal. And today guess what happened here we didn't
20 do anything with it just ignore it. It's not important,
21 has nothing to do with anything. Keep moving on folks
22 don't look here.

23 I'm not trying to make light. I'm just trying
24 to say -- we're sitting here saying if we had more
25 information. What's another good piece of information we

1 could use. Almost laughable. And again, I'm not laughing
2 at the fact that a person is dead, but I almost laugh when
3 they said we don't test for GSR any more on victims,
4 that's the most insane thing I've ever heard. I seen it
5 numerous times where you go and see a trash bag over the
6 hands. They transport them down to MUSC to do the
7 autopsy, and they have to take the bags off and take
8 pictures just like you saw on plenty of dead people. They
9 did not do that here. This is not worth our time no big
10 deal. Keep on moving nothing to see here. Had they done
11 that, they could have told us something. They make it
12 seem like it doesn't take anything. Did he have shotgun
13 GSR on the hand. The hand where in the picture it looks
14 like he could have had a gun in his hand. You cannot
15 dispute that. It looks like it. I don't know. They're
16 asking you to believe the narrative here too. But they
17 have to prove it I don't.

18 The cousin runs in front of everybody and beats
19 everyone there. You don't think if he saw a gun in his
20 cousin's hand that he's not taking it out or running away
21 because that's what it look like on the video to me. But
22 we didn't hear from him from the witness stand. He ain't
23 here to say what happened, wonder why, wonder why. They
24 say they talked to everybody. They want you to ignore
25 things that they didn't put up and try to say it's our

1 fault that we proved it. They didn't prove it, but that's
2 not the burden. That's not how this works. They have to
3 prove it. They have to take that cloak as they call it of
4 innocence off of my client, and they ain't done it. They
5 want you to jump up there hope the ladder don't fall over.

6 Some of the things that no one disputes they
7 brought in experts. Pathologist said Mr. Williams was
8 killed with multiple gunshots, that the shot probably
9 killed him was the one to the head. No one disputes that
10 whatsoever. Young man is dead. I feel terrible for his
11 family. It's been many years coming to get to these days,
12 but the same for my client too to have his day. A day for
13 you guys to evaluate this evidence.

14 The firearms expert and I think you all could
15 agree highly knowledgeable in her field, tons of
16 experience. And she says that the projectiles all ten of
17 them that they collected came from the same gun, same gun.
18 I believe that the projectiles that were removed, it was
19 just inconclusive. But all of the shell casings that were
20 found came from the same gun. In the beginning of this
21 case, the State theorize that both people had a gun.
22 Magically, today there was some epiphany that says there
23 was a random hand off. And why do you think they doing
24 that because without a hand off, they can't fix the fact
25 that one gun killed this man. And without the hand off

1 they can't try to have the hand of one.

2 You heard the State it came to me where was that
3 when we were having people testify. We didn't hear any of
4 that, that is a theory. They just came up with that. And
5 they are hoping, they are hoping that that will connect
6 the dot for you. But that ain't evidence, that you can't
7 use that. There's no fact anywhere and no one testified
8 to that hand off nothing. They are trying to fill the
9 holes in this chain of circumstantial evidence. You heard
10 the, Judge. These links they have to connect those beyond
11 a reasonable doubt, to the top rung, past the hesitation
12 and the warning.

13 Now, you heard I think it's Sergeant Shelley
14 testify about my client's statement, and he told them what
15 he did. They just didn't want to believe it, that's why
16 he went on. They were waiting for him to tell something
17 different because that ain't what they want to hear. If
18 it doesn't fit their theory, it's not the truth. That
19 ain't how this works. They're the ones who stopped
20 analyzing the evidence. They're the ones who decided not
21 to interview other people. The State isn't the ones who
22 didn't bring up other witnesses that maybe could have fill
23 holes for them, but they just want you to believe their
24 argument. And that's not how it works.

25 There are no facts to support anything beyond my

1 client punched Mr. Jones. Mr. Carmichael punched Mr.
2 Jones he did that. We all saw it. The State wants you to
3 believe he was some antagonistic, you know, out to kill
4 somebody from the moment he got there. He was there
5 first. Ain't gone ride up on them. They were there
6 first.

7 And I can't stress it enough the testimony that
8 you heard from law enforcement. You did not hear them say
9 that they spoke to anyone, saw anyone, got evidence
10 otherwise that says Mr. Carmichael shot Mr. Williams,
11 that's just what they want you to believe. That is not
12 evidence. That is theory. That is their investigation.
13 We have to think of something. How did it happen. They
14 just want you to believe that and that is not your job.
15 This isn't a faith base. It's evidence base. And unless
16 you can get to that top rung with no hesitation, you have
17 to find him not guilty.

18 So those are the facts. That's the evidence in
19 the record. The judge has told you that's what you're
20 going to use to make your decision. It's not the
21 speculation from the State. It's not the story that they
22 come up with to fit the holes in their case. It's a tough
23 job. No one's disputing that.

24 There were gunshots that were fired but not by
25 my client. And the State wants you to believe that

1 another set of shots were fired but not by my client. The
2 State wants you to believe that there was some magical
3 hand off to fill a hole in their case not by my client.
4 He got left where was he suppose to go. The first shots
5 were fired that person ran. They want to say because he
6 didn't run, he didn't do it or he did it. How does that
7 make sense. The other person they say that did shoot did
8 run, which way do you have it. You can't have it both
9 ways. They want you to convict two people because they
10 don't have to know who did it. Does that feel right to
11 you. Zero. Zero direct evidence that that young man
12 right there did anything other than punch Mr. Jones.
13 Zero.

14 The rest is him asking you to make steps of
15 faith when the job is to make all the dots connect beyond
16 a reasonable doubt, beyond the hesitation to say did they
17 prove that. Did they prove that? That's hesitation. Ask
18 yourself a question that's hesitation, but you can't
19 resolve the question it's hesitation. Hesitating to act
20 means you don't make it clear, and that means
21 Mr. Carmichael is not guilty of either of the crimes.
22 Thank you, your Honor.

23 THE COURT: Mr. Ammons.

24 MR. AMMONS: Thank you, your Honor. May it
25 please the Court.

1 THE COURT: Yes, sir.

2 MR. AMMONS: Counsel. Ladies and gentlemen of
3 the jury, well, it's been a long week, a difficult week I
4 think for all of us. We been dealing with a difficult, a
5 tragic topic. And I'm sure that your hearts go out to the
6 family and love ones of Mr. Tydrecus Williams as do mine.

7 We've heard all the evidence now. You've heard
8 it, seen all the evidence. And as I told you at the first
9 of the week, I'm kind of batting clean up, and so here I
10 am here again and this is the last to that. You paid
11 attention like I ask you to do, I know you have. And I
12 want to thank you for that.

13 You heard a lot about the law. The judge
14 instructed you on the law. Mr. White instructed you on
15 the law. Mr. Edgeworth instructed you and told you about
16 the law. And so I'm not going to beat you over the head
17 with it any more. I do want to tell you that just like I
18 told you at the very beginning of the week as he sat there
19 Tuesday, there's a presumption of innocence. He was
20 innocent as he sat there. And the judge has already told
21 you that presumption still applies right now as he's
22 sitting there. And, obviously, you've heard about
23 reasonable doubt, and Mr. Edgeworth did a great job
24 illustrating that for you guys. The same principles apply
25 to Mr. Epps.

1 I want you to imagine that if everything said
2 here this week was transcribed and written out in a book
3 or something. I want you to imagine that everything said
4 this week by Mr. White in that book is written in red.
5 And everything said by the witnesses written in black, and
6 I know a lot of you probably thinking this imaginary of
7 the Bible. I love Mr. White. I think lot of him. I'm
8 not trying to equate Mr. White with Jesus, but I do want
9 you to imagine everything he said in red. Overwhelmingly
10 everything that's been said this week has been about
11 Mr. White. More than what the witnesses testify to
12 themselves. And why is that. Because he was spoon
13 feeding them the whole way, guiding them on what to say.
14 I'm going to give you a couple of examples. The first
15 example Ms. Kami Mitchell. You see that fizzy beer in his
16 hand right there don't you. That wasn't her idea. She
17 didn't see the fizzy beer. He gave that to her, right.
18 And he did that same thing with you today. Majority of
19 what he told you today was theory that he was planting in
20 your head not evidence.

21 Now, I told you at the first of the week that
22 the State was trying to print -- trying to paint a picture
23 for you. And I told you they wouldn't be able to complete
24 that picture. Well, the State is trying to show you
25 something this week that they think look like this. They

1 think they've given you a Mona Lisa, a master piece, but
2 the truth is they didn't have all paint to paint this
3 picture. They didn't have the right brushes, the right
4 pools to complete this picture for you. What they have
5 given you looks a little more like this. They want you to
6 fill it in. They want you to make assumptions, that would
7 eventually affect the lives of these two defendants.
8 Particularly, the life of Mr. Johson-Epps. But we're not
9 dealing in art here. This is the court of law. We deal
10 with laws. We deal with facts, deal with evidence. So I
11 want to run through with you a little bit of what we have
12 been presented. Point out some key points.

13 Now, the story's been told over and over this
14 week. Pardon me. Story's been told over and over this
15 week about them arriving Mr. Epps, Mr. Carmichael, Ms.
16 Kami Mitchell, and Ms. Tyrin Jones arriving at the store.
17 Now, they arrive at the Tiger Mart a little bit before
18 3:30 in the morning. I think it was around 3:27. They
19 weren't having any altercations with anybody. They were
20 talking friendly jovial with everyone, no issues. About
21 ten or so minutes later, Mr. Williams, Tydrecus Williams
22 and Kareem Jones come up and you see it clearly on the
23 video. There are some verbal exchanges. Now, I don't
24 know that we can make out all of what was said. I think
25 Mr. White's done an exemplary job trying, but that's not

1 evidence. But there was an altercation at which time
2 Mr. Johnson-Epps was in or at the car, not starting
3 anything with anybody, mind his own business. Now, the
4 State wants you to believe that because they both got out
5 of the car at the same time somehow that means they had
6 some scheme, some plan to create some havoc, but you heard
7 both of the ladies that were in the car testified. It was
8 no plan. There was no talk of going to the store and
9 causing any trouble. They were simply going to the store
10 to get some Black & Mild's and something to drink. There
11 was no plan, no scheme, no intent to do anything except
12 get some smokes some Black & Milds.

13 We know the altercation goes around the corner.
14 We know there four shots fired. That's all the video
15 shows. The video don't show who made those shots.

16 Now, the State's done a great job of trying to
17 push this fizzy beer theory that gives a positive ID to
18 who the shooter was. We don't know. We do know Mr. Epps
19 gets in the car, leaves the site, drives out of view with
20 Ms. Jones and Ms. Mitchell. We know at that time
21 Mr. Carmichael still on the scene. We did hear testimony
22 that at some point they reunite with Mr. Carmichael,
23 that's the extent of what we know. Everything else is
24 theory. Part of this painting the State's tried to create
25 for you.

1 Now, I want to talk a little bit about some of
2 what these witnesses told us. First witness we saw is
3 Kami Mitchell. She told us no plans to get in any
4 trouble. She told us she didn't see anyone shoot. She
5 told us that they drove off. Mr. Epps, Mr. Jones, and Ms.
6 Mitchell the three of them drove off. She told you
7 Mr. Epps didn't get out of the car when they stopped. She
8 also told you she was ready to go. They were ready to go
9 that's why she was calling. Come on, they were ready to
10 go. She said Mr. Epps was ready to go. I asked her is
11 Mr. Epps ready to go. She said we all were. We were all
12 ready to go. There was no plan for anything to happen.
13 Ms. Mitchell gave us some reasonable doubt. We have Ms.
14 Robinson.

15 Of course, we had Mr. Darius Davis and Ms. Lizzy
16 Robertson. I contend that Mr. Davis only purpose for
17 putting him up was to get his body cam in so that you can
18 see Ms. Lawson cry, so that you can see the body and hear
19 his reaction. It was just to get a reaction to create
20 some sort feeling in you. It had no evidentiary value.
21 There's nothing evidentiary about that.

22 Then we have Ms. Robertson 9-1-1. She was here
23 simply so we could get the 9-1-1 call into evidence.
24 Again, so you could hear Ms. Lawson on the phone crying to
25 evoke some emotion out of you. Then we have Ms. Lawson

1 herself, again, feel bad for Ms. Lawson, I really do. Her
2 testimony didn't add any evidence. We just got to see her
3 be upset having to listen to the thing again.

4 Then we had Tyrin Jones. She was in the car
5 too. She confirmed what Ms. Mitchell said there was no
6 plan, scheme to go get into any trouble. That it was
7 Mr. Carmichael who was having the altercation outside the
8 car. That Mr. Epps was there by the car, all that's
9 confirm again. She did indicate that Mr. Epps went around
10 the corner, but she knows -- has no idea what happened
11 around the corner. She heard shots. Mr. Epps got back in
12 the car. She said he had a beer. Got back in the car,
13 they leave. They head out of the parking lot. She says
14 they go down to the stoplight significantly down the road
15 and they wait for Mr. Carmichael.

16 Now, unlike Ms. Mitchell she said Mr. Epps did
17 get out of the car. She couldn't testify to where he
18 went, how far he went. One thing interesting that she
19 said is Mr. White asked her how did you feel when
20 everybody got back in the car. Were you scared? She said
21 I was scared, but I was drunk so. And I asked her about
22 it. I said, you had a lot to drink. She said I had a
23 good bit to drink. So how much of her story can we count
24 on. I submit to you that Ms. Mitchell was more credible
25 witness than Ms. Jones.

1 Then we had Kareem Jones. And by the way with
2 Ms. Tyrin Jones, there's more reasonable doubt. There's
3 plenty of reasonable doubt in her testimony too.
4 Mr. Kareem Jones I think he's got some credibility issues.
5 He told you he didn't see anybody around the corner other
6 than the four that went around the corner. That was his
7 initial comment, but then after seeing the video, he did
8 see that there was a gentlemen there standing on the
9 screen. There was also a car right beside the shooter,
10 that he didn't recall seeing that that wasn't part of his
11 initial testimony. What else didn't he see, who else
12 didn't he see. What doesn't he remember. Does he not
13 remember that he had a gun. He told us he didn't have a
14 gun.

15 Mr. Carmichael was asking him from the start
16 what you clutching. Now, when Mr. White questioned him
17 and asked him what he meant by that, he said I don't know.
18 I think maybe he wanted something I had. But later in the
19 same testimony when Mr. White was questioning him, he said
20 I saw them clutching. The same comment that he said he
21 didn't know what clutching meant, and then he said he saw
22 them clutching. So I asked him what's clutching mean, he
23 said brandishing. So if Mr. Carmichael was asking him
24 what you clutching, was he asking what's he brandishing.
25 He obviously thought he had a gun. You saw on the video

1 Mr. Williams walking in the video, pulling his shirt,
2 adjusting his shirt the whole time. Whole time,
3 Mr. Carmichael's talking to him, rubbing his pants,
4 holding his pants, pulling at his shirt. Mr. Kareem Jones
5 when he says what you clutching, Mr. Kareem Jones turns
6 and does like that. He said what you clutching. He said
7 aw man. I think, there's plenty of evidence to suggest
8 that they might have been clutching, but even he went
9 around the corner knowing -- he said I know that they were
10 clutching. Because I asked him I said they thought you
11 were clutching. You thought they were clutching. He
12 said, no, I know they were clutching. Yet, he went around
13 the corner. When he was asked why he went around the
14 corner, he said because Tydrecus went around the corner.

15 And by that same measure, we're suppose to
16 assume that because Mr. Epps went around the corner when
17 his friend went around the corner just like Mr. Jones went
18 around the corner when his friend went around the corner,
19 that he had to go around the corner to do something
20 nefarious to shoot, to murder someone. That's the leek
21 that the State's trying to get you to believe to make, to
22 make that leap that it's okay for Mr. Jones to go around
23 the corner with his friend but not Mr. Epps, more
24 reasonable doubt.

25 Then we had Officer Feagin. He was crime scene

1 investigator, and I questioned him about .22 magazine,
2 question him about fingerprints, no fingerprints taken on
3 that magazine. The magazine that was found right where
4 Mr. Williams body fell the first time. The State's tried
5 to tell you that look like it's been run over. Of course,
6 we saw the cars come by in the video right after he fell
7 down. We also saw Mr. Feagin testified look like there
8 were bullets missing from that magazine. And he testified
9 that they did know about gunshot residue test. Why.

10 Then we heard from Ms. Zapata about the
11 presumptive blood said it could have been any DNA
12 material, but it's presumptive blood. But Mr. White ask
13 you a question he asked her what was the big ticket item
14 that was sent to you for testing. The big ticket. You
15 saw it look like the size of a ink dot on those pants, big
16 ticket. You saw the scene blood everywhere. Mr. Epps had
17 been around that body. There more than that dot on those
18 pants. He was not around that body. He was around Mr.
19 Williams when they all went around the corner at first
20 right. There was some punches thrown, some scuffling. It
21 would have been very reasonable that some DNA material
22 dropped to his pants at that moment.

23 Next person we have was Miss -- and that's again
24 more reasonable doubt. We're just stacking reasonable
25 doubt. Next witness Ms. Suzann Cromer firearms expert.

1 She testified that that shell casings -- the ten shell
2 casings would have been fired from the same gun. She
3 couldn't give any identification as to the gun, as to who
4 fired the gun, as to how long it had been since the shell
5 casings had been fired as to how long they had been on the
6 ground. And she couldn't match the bullet fragments
7 found in Mr. Williams to any shell casings. Again, more
8 reasonable doubt.

9 We had Sergeant Shelley and I think
10 Mr. Edgeworth covered that one with you, but he was
11 primarily dealing with his conversation with
12 Mr. Carmichael. Then we had Investigator Chatlosh who if
13 we talked about the crime scene, and we talked about he
14 said -- I want to make sure I say exactly what he said.
15 He acknowledged that they don't catch all the pieces of
16 evidence on the scene. The State wants to keep talking
17 about no .22 casings found. Now, I told you before there
18 were cars coming up and down the road right around where
19 that magazine was.

20 You saw a bottle in a picture without an
21 evidence marker by it. There's no telling what kind of
22 evidentiary material might have been on that. The State
23 didn't think it was necessary to do any kind of
24 investigation into that. He also acknowledged that the
25 cameras there don't cover the entire scene. In fact, all

1 we get from the shooting is a hand with a gun. I don't
2 know what this is. They call it a fizzy beer. I don't
3 see it. But the cameras don't go beyond that. They don't
4 go to where the body finally ended up, where Mr. Williams
5 finally ended up.

6 They don't show the sidewalk at all. There's a
7 sidewalk down that side of the building. You don't see
8 that sidewalk. You don't know who's there. We have no
9 idea who's there. Mr. Jones doesn't know who's there. He
10 said it was only four people there. We know that's not
11 true.

12 We do know there was a Cadillac there. The
13 Cadillac was right beside the shooter, right beside
14 shooter. I don't know if there's one or two shooters.
15 The State doesn't know. Whoever the shooter is it was a
16 Cadillac right beside that person. The State talks to
17 them. They had the best view of anybody, better than the
18 cameras to tell us what happened who shot. We didn't hear
19 from them. The next best view the guy who's standing
20 there watching and he takes off running. We don't hear
21 from him. He would have been a good person to talk to to
22 hear from.

23 One key thing Mr. Investigator Chatlosh said, I
24 asked him you can't be sure that that person fires those
25 first shots, that shooter. You can't be sure that's Tirik

1 Johnson-Epps. He said no. He can't be sure. That's
2 reasonable doubt. Not a single witness testified that
3 they saw who the shooter was not a single witness. The
4 only testimony as to who the shooter is and from law
5 enforcement was trying to tell us because they don't know
6 that that person, that hand belong to Mr. Johnson-Epps.
7 But they don't know, that's reasonable doubt.

8 The last witness we had was Dr. Presnell. And
9 she testified that the cause of death was gunshot wound
10 to the head cerebral disruption, that shot ended his life.
11 There were some other shots that had upward trajectory.
12 One that went into the thigh into the chest cavity. That
13 she said could have killed if they were not treated. If
14 they were not treated and they got infected, that was her
15 testimony then could have been the cause death. But the
16 defendant didn't cause the death. It was a gun shot wound
17 to the head. That did not happen from the four shots that
18 we see on the video. Four shots that the State's trying
19 to tell you Mr. Johnson-Epps shot to the head, any shot
20 that killed did not come from that first shooter, and I
21 don't know who the first shooter is or who fired those
22 first four shots. But whoever it was those first four
23 shots did not kill Mr. Tydrecus Williams.

24 I told you to listen, to pay attention to what
25 you see, what you hear. Mr. Johnson-Epps was not

1 identified by any witness that was there at the scene as
2 the shooter. The video doesn't show who the shooter is,
3 and law enforcement admitted that you can't be sure.
4 There were a ton of people there. I mean, at a minimum 14
5 people there. You heard from three of them, and those
6 three didn't see anything. They heard. They didn't see.
7 They heard shots. See on the video the whole time
8 Mr. Epps is not the aggressor. He is not instigating
9 anything. The only thing he did was go around the corner
10 like Kareem Jones when his friend went around the corner.
11 That's not a plan or intent to do harm. Mr. Epps left
12 after the first shots. He left the scene. The only thing
13 we know about Mr. Epps' involvement at the time of the
14 shooting said he was merely present. He was there. So
15 was Mr. Jones. So was Mr. Carmichael, so was Tyrin Jones,
16 and Kami Mitchell. So was two people in the Cadillac. So
17 is another man standing with his hands up and whoever else
18 might not have been on that video, not to mention the
19 clerk inside the store. You hadn't heard anything from
20 that person either.

21 One thing the State said in their closing that I
22 want to touch on. Scratch that. I do want to say the
23 State told you in the beginning they laid out. You have
24 multiple theories. Multiple charges counts on which to
25 find these people, these two defendants guilty. Why they

1 do that because they don't have a clear theory. They
2 don't know. They're trying to throw a bunch at you to see
3 what sticks. It's all part of that painting that they
4 think -- they think they've given you the Mona Lisa the
5 master piece, that's what you got. It's a lot of debate
6 about what to call this picture. What the title of it is.
7 One option was not proving your case, but a better title
8 for that picture came up not guilty. The State has not
9 proven their case. We ask that you find Mr. Epps not
10 guilty on both counts.

11 THE COURT: All right. Ladies and gentlemen,
12 now that you've heard the closing arguments of counsel let
13 me give you a few brief final instructions here. I want
14 you all, ladies and gentlemen, to clearly understand that
15 you are not partisans or advocates for the State of South
16 Carolina or the defendants. It is your duty by your joint
17 deliberation to determine the facts in this case giving to
18 the defendants the benefit of every reasonable doubt on
19 each and every issue. Then to the facts which you
20 determine to be true, you should take and apply the law
21 which has been given to you by this court, and thus arrive
22 at a verdict in the case as to each charge. Thus, when
23 you have accomplished these responsibilities, you will
24 have satisfied your oath as jurors, and you will have
25 discharged your duty to this court.

1 And once you retire to the jury room, the
2 bailiff, madam forelady, will give the verdict forms to
3 you. When you, the jury, arrive at a verdict as to the
4 offenses charged in this case, the forelady will select
5 the verdict as to that offense on the verdict form. If
6 the State has failed to prove guilt defendant's beyond a
7 reasonable doubt, your verdict will be not guilty.
8 Likewise, if the State has proven the guilt of the
9 defendants beyond a reasonable doubt, your verdict will be
10 guilty.

11 Now, once a decision has been made, madam
12 forelady, you will check whichever choice is the verdict
13 of the jury as to the offenses charged. The verdict that
14 you render in this case, ladies and gentlemen, must be the
15 verdict of each and every juror. It must be your
16 unanimous verdict. All 12 of you must agree on the
17 verdict which you authorize the forelady to write for the
18 jury.

19 Now, ladies and gentlemen, I want you to further
20 understand that the order in which the choices of verdict
21 appear on the verdict form are not suggestive of any
22 verdict on the part of this court. The verdict in this
23 case is to be determined by you, the jury, not the Court.
24 Furthermore, please understand that even though I will
25 give the verdict form to the forelady, it is not her

1 verdict alone. It is the verdict of all 12 of you, and I
2 emphasize again that your verdict must be unanimous.

3 I'm also going to give you all a copy of these
4 instructions in written form. During your deliberation
5 you may refer to the instructions to guide your decision
6 making. You must consider the instructions as a whole and
7 not follow some and ignore others. Please, madam
8 forelady, return these instructions to the Court at the
9 time that your verdict is rendered.

10 Now, I'm going to ask you all to step to the
11 jury room, but do not, do not begin your deliberations
12 until you are told to do so. The law requires that I
13 consult with the attorneys to make sure that I have not
14 left anything out of these instructions. After I've
15 spoken with the attorneys, the bailiff will bring in a
16 copy of these instructions along with the verdict forms
17 and the items of evidence which have been introduced
18 during the course of this trial. And should you have any
19 instructions or excuse me any questions during
20 deliberations, madam forelady, it will be your
21 responsibility to reduce such question to writing, knock
22 on the door let my bailiff know that you have a question
23 give it to her. She will in turn give it to me, and after
24 I consult with the attorneys, will determine how to answer
25 the question if need be.

1 Likewise, the bailiff will be right outside the
2 jury door. Once you all have reached a verdict as to the
3 charges in this case as to each defendant and you have
4 filled out the verdict forms, signed and dated those
5 verdict forms, if you will knock on the door and let the
6 bailiff know that you all have reached an unanimous
7 verdict. And we will get you in the courtroom -- back in
8 the courtroom as quickly as possible.

9 I know that more than one item of evidence was
10 introduced that were on CDs, okay. If you all find a need
11 to either watch or listen to those CDs again, if you let
12 the bailiff know by virtue of writing that down. And we
13 can bring you back in the courtroom for you to view or
14 listen to any CDs that were introduced as evidence during
15 this trial, okay. Now, again, I'm going to ask you to
16 step to the jury room. Do not begin your deliberations
17 until you're instructed to do so, okay.

18 (WHEREUPON, the jury retire to the jury room.)

19 THE COURT: All right. Any exceptions,
20 objections or anything from the State at this time?

21 MR. WHITE: No, sir, Judge. Thank you.

22 THE COURT: Mr. Edgeworth.

23 MR. EDGEWORTH: Nothing, your Honor.

24 THE COURT: Mr. Ammons.

25 MR. AMMONS: No, your Honor.

1 THE COURT: All right. Have you all gone
2 through all these items of evidence everything in order.
3 You all look at the verdict forms.

4 MR. WHITE: Yes, sir.

5 MR. AMMONS: Yes, sir.

6 THE COURT: All right. We'll stand at ease.

7 (WHEREUPON, the jury begin deliberations at
8 12:34 pm.)

9 THE COURT: All right. It's my understanding
10 that the jury has reached a verdict in this case. I'm
11 going to tell everybody in the courtroom that no matter
12 what the verdict is keep your emotions in check. Failure
13 to do so could result in you being held in contempt of
14 court. Sentence to a period of incarceration and or a
15 fine. If you do not believe you can keep your emotions in
16 check, now is your time to leave the courtroom. Anything
17 from the State before I bring the jury out?

18 MR. WHITE: No, sir, Judge.

19 THE COURT: Defense, Mr. Edgeworth?

20 MR. EDGEWORTH: No, your Honor.

21 THE COURT: Mr. Ammons?

22 MR. AMMONS: No, your Honor.

23 THE COURT: All right. Bring me the jury please
24 ma'am.

25

1 (WHEREUPON, the jury came into open court at
2 2:30 pm with a verdict.)

3 THE CLERK: Madam forelady, has the jury a
4 reached verdict?

5 FORELADY: Yes, ma'am.

6 THE COURT: All right. The verdicts appear to
7 be in order. The State of South Carolina vs. Quinterris
8 Javon Carmichael on indictments 2021-GS-21-00472 and
9 2021-GS-21-00473, as to the charge of murder: We, the
10 jury, unanimously find beyond a reasonable doubt the
11 Defendant Quinterris Javon Carmichael guilty. As to the
12 charge of possession of a weapon during a violent crime:
13 We, the jury, unanimously find beyond a reasonable doubt
14 the Defendant Quinterris Javon Carmichael.

15 The State of South Carolina Tirik Jaquan
16 Johnson-Epps indictment number 2021-GS-21-00474 and
17 2021-GS-21-00475 this is the charge of murder: We, the
18 jury, unanimously find beyond a reasonable doubt that the
19 Defendant Tirik Jaquan Johnson-Epps guilty. As to the
20 charge of possession of a weapon during a violent crime:
21 We, the jury, unanimously find beyond a reasonable doubt
22 the Defendant Tirik Jaquan Johnson-Epps guilty.

23 Madam forelady, ladies and gentlemen of the
24 jury, if this was and still is your verdict, please
25 indicate by raising your right hand. All right, let the

1 record reflect that all 12 jurors have raised their hand
2 pursuant to the question that I've asked of this jury.
3 All right, at this time anything, Mr. Edgeworth, at this
4 time?

5 MR. EDGEWORTH: Your Honor, I'd move to have
6 each of the jurors individually polled.

7 THE COURT: All right, Mr. Ammons?

8 MR. AMMONS: I join in that motion, your Honor.

9 THE COURT: All right. Can the lawyers approach
10 please?

11 (WHEREUPON, a bench conference was held in the
12 presence of the jury, but out of the hearing of the
13 jury.)

14 THE COURT: All right, defense counsel has asked
15 that each individual juror be polled. I have previously
16 asked this jury whether or not this is their verdict and
17 whether or not it is still their verdict, as I indicated
18 on the record, each of those 12 jurors have raised their
19 hands. I believe that that is sufficient under the
20 circumstances, and therefore I'm not going to individually
21 poll each juror. I've given an opportunity for them to
22 respond pursuant to my question, and they've responded and
23 I think that's appropriate under the circumstances.

24 MR. EDGEWORTH: Thank you, your Honor.

25 MR. AMMONS: Thank you.

1 THE COURT: All right. Anything from the State
2 at this time?

3 MR. WHITE: No, sir, Judge.

4 THE COURT: All right. Ladies and gentlemen of
5 the jury, I want to thank you for your service this week.
6 I know jury service never ever comes at a convenient time,
7 but I can't stress to you how vitally important your
8 service as a juror is. I tell people that jury service is
9 really the only true remaining service that we have as
10 citizens in this country any more. It's not a situation
11 where individuals can be drafted and sent off in the
12 military like individuals were years ago.

13 In jury service, you can only be summons at
14 least up here once every three years. And that doesn't
15 mean you can't get summoned in city court, magistrate's
16 court or federal court, but I hope if you're summoned to
17 serve again, you'll willing to serve like you did this
18 particular week. What I'm going to do -- what we will do
19 now is we will move into the sentencing part of this
20 matter. You are welcome to stay, but you are not required
21 to stay. If you do not wish to stay in the courtroom
22 during the sentencing, I'm going to ask you to step back
23 to the jury room and remain in there until that process is
24 complete. And then I will release at you at that time.
25 If you wish to stay in here, you certainly may. If not,

1 you can step out to the jury room.

2 (WHEREUPON, the jury retired to the jury room.)

3 THE COURT: All right, Mr. White.

4 MR. WHITE: Thank you, Judge. I'm going to pass
5 up the sentencing sheets now.

6 MR. EDGEWORTH: Your Honor, before we move into
7 sentencing, I do have a motion.

8 THE COURT: Go ahead.

9 MR. EDGEWORTH: Thank you, your Honor. May it
10 please the Court. Your Honor, at this time I would move
11 for a new trial. The basis for this motion is I believe
12 the jury verdict is the result of inflamed passion and the
13 resulting prejudice that arose from a couple of the
14 following things. One is the State's use in closing of
15 the transcript of the video from the scene of the incident
16 that in discovery that was provided is largely inaudible.
17 And when it was played even during the modified version
18 that was in during the trial still largely inaudible.

19 Yet, the State chose to use a transcript that
20 they created was never introduced by a competent witness
21 so that my client's Sixth Amendment confrontation ability
22 to confront any witness against him could be asserted. We
23 don't know where the transcript came from other than the
24 Solicitor's office. We don't know who validated it,
25 corroborated it and even sworn to its veracity much like a

1 transcript of sworn under oath. It was used by the State
2 for the sole purpose to inflame this jury. And I think
3 the resulting -- it was something that quite honestly your
4 Honor was largely unable to be overcome by any assertion
5 by myself or defense counsel to say, well, just ignore it
6 because it's not evidence.

7 Well, it was overlayed on top of evidence that
8 was in the record. And I believe that that was something
9 insurmountable. It baffles my mind that they would even
10 choose to do that because it's not there. It's their
11 opinion. It's not even argument when you overlay on top
12 of evidence and not having the opportunity to inquire into
13 any nature as it relates to that piece of evidence, I
14 think push the burden. Quite honestly, I thought whenever
15 they chose -- the State chose to back-door hearsay
16 evidence where they had the opportunity to bring what they
17 put in discovery was an eyewitness allegedly pointing to
18 my client.

19 They had every opportunity on the planet to
20 bring that person and have that person testify before your
21 Honor and this court. And they throw their arms up and
22 say, well, we can't find them. So what we'll do we'll
23 have Investigator Chatlosh testify that he interviewed
24 multiple people, and then in a way to bolster what would
25 have been her testimony, and now the absence thereof say,

1 well, we didn't have any other witness that didn't which
2 is negative inference that didn't change our mind about
3 what the theory was. Again, confrontation issue. I can't
4 cross-examine that. I can't cross-examine someone who is
5 just bolstering someone that's one not there. And I quite
6 honestly, again, I can't even believe they even tried to
7 do that. They didn't need to do that.

8 So, again, all of in an effort to prejudice this
9 jury, so that they ignore what were the facts in evidence
10 and instead take things that they told the jury as
11 evidence. And I don't think there's any way around saying
12 that that wasn't the purpose and the intent of using not
13 only the testimony. It was the last witness, so what are
14 we going to do throw it in there. And then what are we
15 going to do. If I hadn't seen out the corner of my eye
16 while they were practicing this thing, they didn't tell us
17 in advance. I mean, normally what you would do if you're
18 going to do some type of like demonstrative evidence is
19 you would under the rules bring it to, you know, your
20 Honor or myself and give us the opportunity to review it
21 and make any argument that could or should have been made
22 and to make sure that quite honestly that it was
23 verifiable. We got no opportunity, zero. And so
24 understanding your Honor's in the moment ruling, I just
25 don't think that -- that there was no other reason for

1 that piece -- that to be done other than to prejudice this
2 jury. And I would ask the Court to grant a new trial on
3 that basis.

4 THE COURT: Thank you, Mr. Edgeworth.

5 MR. EDGEWORTH: Thank you, your Honor.

6 THE COURT: Mr. Ammons, anything?

7 MR. AMMONS: Nothing, your Honor.

8 THE COURT: Any reply from the State?

9 MR. WHITE: No, sir, Judge.

10 THE COURT: All right. With all due respect,
11 Mr. Edgeworth, I'm going to respectfully deny your motion,
12 and I'll try to in part the record speaks for itself. And
13 you made your argument, a very good argument I would say,
14 but I think the evidence in this case while there's no
15 direct evidence of either one of these defendants killing
16 the victim in this case. There is substantial
17 circumstantial evidence in this case.

18 Ms. Mitchell, Mr. Jones, Ms. Jones each of which
19 identified both defendants being with them, dating them in
20 some capacity getting out of the car. The video in this
21 case of the individual identified is Tirik Johnson-Epps
22 shooting at the victim. The video of Mr. Quinterris
23 Carmichael continuing to walk in the direction of where
24 the victim ran and was ultimately found. That in and of
25 itself separate and apart is circumstantial evidence. You

1 have some direct evidence of the shooting. You got
2 substantial circumstantial evidence of what ultimately
3 happen to the victim here. With regards to -- so I do
4 believe that there was, again, and at the directed verdict
5 stage respectfully denied such indicating that I believe
6 that there was more than mere suspicion here that that
7 there was direct evidence as well as substantial
8 circumstantial evidence reasonably tending to prove the
9 guilt of each of these individuals.

10 As it relates to the testimony of Officer
11 Chatlosh which you argue to the Court, again, with all due
12 respect, I think that an officer, any officer has the
13 right come in here and in essence testify that through
14 their investigation that they did not develop any other
15 suspects. That coupled with what was seen on the video of
16 what happened out there that night, I don't think that it
17 had ran a foul of any Sixth Amendment right of your
18 client, but, again, I respect your argument on that as
19 well. But I'm making my rulings on the record, okay.

20 Now, with regards to the demonstrative evidence
21 as far as the transcript of what happened out there that
22 night, certainly that was argued beforehand and do believe
23 that that in and of itself could have been attacked in
24 some way by replaying that audio for the jury and your
25 closing argument addressing the issue or your concerns

1 about the ability to interpret and decipher what exactly
2 was being said. So for those reasons, I respectfully deny
3 your motion, but they are so noted for the record.

4 MR. EDGEWORTH: Thank you, your Honor.

5 THE COURT: All right.

6 MR. WHITE: Thank you, Judge. May I pass up the
7 sentencing sheets now. Judge, the victim, Mr. Tydrecus
8 Williams, family is present in the courtroom and present
9 all week, and they been patient with our office through
10 Covid. And they're some of the nicest people you ever
11 want to meet. And two of them would like to speak his
12 mother and his brother would like to address the Court at
13 the appropriate time.

14 THE COURT: Hold on just a second. Bennett, can
15 you come up here just a second.

16 (WHEREUPON, a bench conference was held.)

17 THE COURT: Can the lawyers approach a minute
18 please?

19 (WHEREUPON, a bench conference was held.)

20 THE COURT: All right. I'm going to stand down
21 for just a minute.

22 (WHEREUPON, a break was taken.)

23 THE COURT: Be seated please.

24 MR. AMMONS: Your Honor, I would like to clarify
25 one thing. I would join with Mr. Edgeworth in his motion.

1 THE COURT: So noted. And also I don't know you
2 specifically did it, but I want to make sure and I'm going
3 to state on the record that all of the defendants prior
4 motions and objections, and this court states that they
5 been renewed once again and the Court's rulings remain the
6 same as it relates to all of those. But I want to make it
7 clear that that's the way the Court's proceeding not only
8 your motion for new trial, but those prior motions and
9 objections as well.

10 MR. EDGEWORTH: Thank you, your Honor.

11 MR. AMMONS: Thank you, your Honor.

12 THE COURT: All right, now, Mr. White.

13 MR. WHITE: Thank you, Judge. You heard the
14 facts. I want belabor the point. Your Honor, defense
15 counsel mention in his opening that there were just some
16 places in Florence that after hours you can kind of expect
17 to be shot and killed. And, you know, I'm on a mission to
18 make sure that that's not the case. Judge, there is no
19 such thing as dangerous places. There's just dangerous
20 people. And, Judge, you had in your courtroom this week
21 two of those dangerous folks.

22 And the senselessness of this tragedy cannot go
23 overstated. I mean, this young man, Tydrecus Williams,
24 you can see the body language on the video. He at not
25 once postures in a way where he intends anybody harm. And

1 you heard from several witnesses about his laid back
2 nature and that is echoed from each and every person that
3 we have spoken to in regards to this case. His family
4 echos those sentiments. I mean, this from all advantage
5 points was a kid who was just soft spoken and as nice as
6 he could be, and they shot him down like a dog, executed
7 him not two blocks from where we are here today. Judge,
8 this is quite frankly a life case, and that's what we're
9 asking for lifetime two for Carmichael and for
10 Johnson-Epps. At this time I'd ask for you to hear from
11 the family who would like to address the Court.

12 THE COURT: All right. Tell me your name for
13 the record please?

14 RASHEEDA KEITH: Rasheeda Keith.

15 THE COURT: You can take your mask down while
16 you talk to me.

17 RASHEEDA KEITH: Rasheed Keith.

18 THE COURT: Keith.

19 RASHEEDA KEITH: K-E-I-T-H.

20 THE COURT: Thank you, ma'am. Yes, ma'am, Ms.
21 Keith.

22 RASHEEDA KEITH: I'm Tydrecus Williams' mom. So
23 this is the day. I waited three years still didn't get an
24 answer why. I don't understand. He is missed. He would
25 be missed. I asked for the max. I ask that they are not

1 know, reiterate discussion we had earlier in the week that
2 Mr. Carmichael was captured on the jail phones seemingly
3 tampering with this jury an issue that we had throughout
4 the duration of this trial and caused increased security
5 throughout the courthouse.

6 THE COURT: I'm going to put this on the record,
7 but I want to make it abundantly clear. There's no
8 evidence -- right now there's no evidence that either one
9 of these defendants had anything to do with things that
10 happened this week. During this trial that in the 13
11 years I've been on the bench, I've never had happen.
12 During jury qualification on Monday and as I do with every
13 jury, ask them a series of questions to determine their
14 qualification to serve on this jury. And one of the
15 questions that I always ask is whether or not the panel
16 knows of any reason, any reason whatsoever why he or she
17 should not serve on that particular jury, with particular
18 emphasis being placed upon their ability to be fair and
19 impartial to both the State and the defendants.

20 On Tuesday morning, there were two jurors that
21 said that they did not feel comfortable -- we selected the
22 jury Monday. The jury was released after they were
23 selected. When the jury returned Tuesday morning, I
24 received word from the bailiffs that two jurors indicated
25 that they did not feel comfortable serving on this jury,

1 brought each of those jurors into the courtroom
2 individually. One of those jurors was excused after my
3 questioning of the juror, and observing that she was --
4 appeared to be very shaken to the point that she was
5 crying as she talked to me. Certainly, I asked her if
6 anyone reached out to her, and she said that they had not.
7 So I respected that, but in any event, I released her from
8 this jury panel. Pursuant to my releasing of her from the
9 panel, an alternate was seated.

10 It was on Wednesday -- I don't recall if it was
11 Tuesday or Wednesday. I think it was on Wednesday, but
12 I'm not sure the record can reflect. The alternate that
13 had been seated on the jury received a message via
14 Facebook and that message did not appear to be -- and I
15 read that message into the record, but it was not a
16 message that was beneficial or would have appeared to have
17 been coming anybody from the defendant side.

18 In any event of out of an abundance of caution
19 after what transpired with that, I restricted anyone
20 coming into the courtroom to observe this trial unless
21 they were mother, father, brother, sister or grandparent
22 of the victims or the defendants before. Before that,
23 there was a multitude of individuals in the audience that
24 after having implemented that restriction did not reappear
25 in court. That was done out of my concern and in an

1 effort to make sure that these proceedings were protected.
2 It was brought to my attention that I believe that law
3 enforcement received a list of individuals who were --
4 fell into that category of mother, father, brother, sister
5 or grandparent. One of the individuals that was listed as
6 a sibling of Defendant Carmichael by Mr. Carmichael was
7 not in fact his brother. Law enforcement in their efforts
8 confirmed that.

9 I know it was provided to me Wednesday morning
10 sent to me by Mr. White. I believe copied Mr. Edgeworth
11 and Mr. Ammons on the jail recording. And in that jail
12 recording quite honestly, I couldn't make out what the
13 other individual who Mr. Carmichael allegedly or who he
14 was talking to. But was able to make out certain parts of
15 it and did hear them discussing the jury or a juror on
16 there was certainly gave me some concerns, which again
17 played into my decision of restricting those in attendance
18 of this trial to immediate family so to speak.

19 Today, during the break or after the case went
20 to the jury, it was brought to my attention that four
21 rounds of ammunition were found in the men's bathroom up
22 here. In discussing that issue with law enforcement, I
23 believe law enforcement in essence cleared the building
24 had everyone come back through downstairs screening. And
25 that was done in an effort to make sure that everyone in

1 these proceedings were protected not only victims family
2 but defendants as well.

3 In addition, I had this courtroom searched by
4 law enforcement under seats, under chairs, under desks
5 everything before anyone was allowed back in the
6 courtroom. US Marshall's office brought their dog over
7 here to go through the courtroom as well. I believe that
8 the sheriff's department brought their dog up here as
9 well. And from my understanding, no firearm was found in
10 the courthouse. And I'm putting all of that on the record
11 in an effort to explain my limitations of who was in this
12 courtroom as well as concerns that I had throughout the
13 trial. And let me make it abundantly clear, there's no
14 indication that either one of these defendants or anybody
15 on their behalf had anything to do with that. But it was
16 done out of an effort to ensure that everyone was safe
17 during these proceedings.

18 As I listen to the testimony over the last few
19 days as it relates to this case and watched the video
20 surveillance of what was captured on the night of this
21 incident, it was disturbing to me of the complete and
22 utter disregard for human life. Unfortunately, if you
23 turn on the television, pretty prevalent there as well.
24 And unfortunately that seems to be where we are as a
25 society. I can't imagine what the victim's family has

1 gone through here in losing a son under such
2 circumstances. And likewise, I can't what the defendants
3 family must be dealing with either. There's absolutely no
4 winners, no winners at all under these circumstances.

5 As it pertains to the State of South Carolina
6 vs. Quinterris Javon Carmichael 2021-GS-21-21472, the
7 State of South Carolina vs. Tirik Jaquan Johnson-Epps
8 under indictment 2021-GS-21-00547, each of those charges
9 are indictment numbers pertaining to the murder
10 conviction, each of those defendants are hereby sentenced
11 to the state department of corrections for the balance of
12 their natural life.

13 As it pertains to Mr. Carmichael under
14 2021-GS-21-00473, Mr. Epps on 2021-GS21-00475 each of
15 those indictments pertaining to the possession of a weapon
16 during a violent crime, pursuant to the life sentence as
17 it relates to the murder section 16-23-490(a) does not
18 authority a sentence being imposed on those particular
19 indictments, therefore no sentence is being imposed on
20 them. On each of those sentences as it relates to the
21 murder conviction, each of those defendants -- each of the
22 defendants have been given credit for the days that
23 they've done and the number of days as provided to me by
24 their respective attorneys. Anything further from the
25 State?

1 MR. WHITE: No, sir, Judge.

2 THE COURT: Mr. Edgeworth.

3 MR. EDGEWORTH: No, your Honor.

4 THE COURT: Mr. Ammons.

5 MR. AMMONS: Nothing, your Honor.

6 THE COURT: All right. Thank you.

7 END OF REQUESTED TRANSCRIPT

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WITNESSES

Justin Chatlosh Florence Police Department

APP418

Ryan White

ARREST WARRANT NUMBER

2019A2120201729

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

5/6/24

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021-GS-21-00474

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

May TERM 2021

THE STATE

vs.

TIRIK JAQUAN JOHNSON-EPPS

Indictment for

Murder

2021 MAY 14 PM 3:10
CLERK OF COURT
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR

Murder

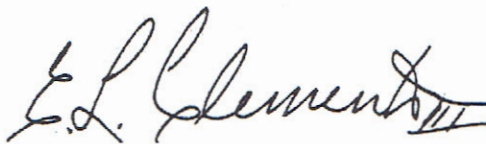
At a Court of General Sessions, convened on May 6, 2021 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE – MURDER

CDR: 0116 16-03-0010,0020

That Tirik Jaquan Johnson-Epps did in Florence County, on or about September 12, 2019, willfully, feloniously, and intentionally kill the victim, Tydrecus Williams, with malice aforethought, either express or implied, by means of gunshot, and the victim did die as a proximate result thereof on or about September 12, 2019 in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

WITNESSES

Justin Chatlosh Florence Police Department

APP420

Ryan White

ARREST WARRANT NUMBER

2019A2120201730

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021-GS-21-00475

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

May TERM 2021

THE STATE

vs.

TIRIK JAQUAN JOHNSON-EPPS

Indictment for

Possession of a Weapon During a Violent
Crime

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR

Possession of a Weapon During a Violent Crime

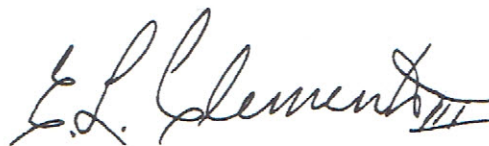
At a Court of General Sessions, convened on May 6, 2021 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE – POSSESSION OF A WEAPON DURING A VIOLENT CRIME

CDR: 0549 16-23-0490

That Tirik Jaquan Johnson-Epps did in Florence County, on or about September 12, 2019, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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

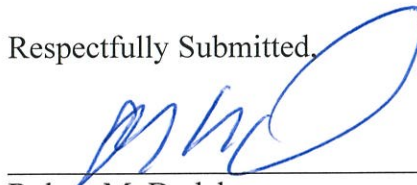


E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Sep 23 2024

SC Court of Appeals

This 23rd day of September, 2024.

RECEIVED

Sep 23 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

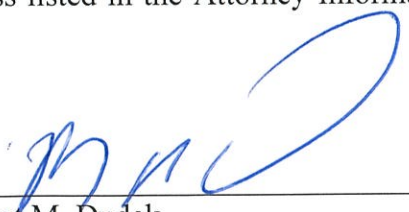
TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT

APPELLATE CASE NO. 2023-000179

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon W. Joseph Maye, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 23rd day of September, 2024.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Oct 14 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT

APPELLATE CASE NO. 2023-000179

FINAL BRIEF OF APPELLANT

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ATTORNEY FOR APPELLANT

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The court erred by allowing state's exhibit #2, the interview of co-defendant Carmichael, into evidence where law enforcement improperly told Carmichael he was only entitled to the assistance of "retained" counsel since this violated the commands of <u>Miranda v. Arizona</u> 384 U.S. 436 (1966), and the failure to honor Carmichael's initial invocation of his right to counsel allowed appellant to be implicated in the crime based on Carmichael's involuntary and unintelligently tendered statement.	7
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STATEMENT OF ISSUES ON APPEAL

1.

Whether the court committed reversible error by refusing appellant's request to individually poll the jurors after the guilty verdicts were announced since appellant was entitled to individual polling?

2.

Whether the court erred by allowing state's exhibit #2, the interview of co-defendant Carmichael, into evidence where law enforcement improperly told Carmichael he was only entitled to the assistance of "retained" counsel since this violated the commands of Miranda v. Arizona 384 U.S. 436 (1966), and the failure to honor Carmichael's initial invocation of his right to counsel allowed appellant to be implicated in the crime based on Carmichael's involuntary and unintelligently tendered statement?

STATEMENT OF THE CASE

Appellant was indicted at the May 6, 2021, term of the Florence County grand jury for the offenses of murder and possession of a weapon during a violent crime. R. 418-421. Appellant's case and that of co-defendant, Quinterris Carmichael, were called to trial on January 23, 2023, before the Honorable D. Craig Brown, and a jury. Appellant was represented by Gregory Ammons. William "Josh" Edgeworth, III, represented co-defendant Carmichael. J. Ryan White was the assistant solicitor.

On January 27, 2023, the jury found appellant and co-defendant Carmichael guilty of murder and possession of a weapon during a violent crime. R. 400, ll. 6-22. Judge Brown sentenced appellant and Carmichael to life imprisonment for murder. R. 416, ll. 5-12.

This appeal follows.

STANDARDS OF REVIEW

Issue One: Polling the jury individually: “If the request [for individual polling] is made, a poll must be taken.” State v. Linder, 276 S.C. 304, 309, 278 S.E.2d 335, 338 (1981). The refusal to individually poll the jury upon request is reversible error. State v. Wright, 432 S.C. 365, 370, 373, 852 S.E.2d 468, 471-72 (Ct. App. 2020) *aff’d* State v. Wright 439 S.C. 101, 886 S.E.2d 206 (2023).

Issue Two: Voluntariness of a statement: The question of the voluntariness of a statement presents a mixed question of law and fact. The appellate court reviews the trial court's factual findings regarding voluntariness for any evidentiary support. However, the ultimate legal conclusion—whether, based on those facts, a statement was voluntarily made—is a question of law subject to de novo review. State v. Miller, 441 S.C. 106, 119, 893 S.E.2d 306, 313 (2023).

ARGUMENTS

1.

The court committed reversible error by refusing appellant's request to individually poll the jurors after the guilty verdicts were announced since appellant was entitled to individual polling.

Introduction

This case involves a shooting at the Tiger Mart gas station and convenience store in Florence, South Carolina on the night of September 12, 2023. Co-defendant Carmichael, "Man Man" was driving the car that evening, and appellant, "Ty," was sitting in the back seat when they went to the Tiger Mart that night to purchase cigars and soft drinks. Their female friends, Tyrin Jones, and Kami Mitchell were with them in the car.

An altercation and shooting occurred at the Tiger Mart, which was captured on a surveillance camera from several different angles. R. 44, l. 16 – 48, l. 23. See State's Exhibit 3 on file with this Court. Appellant was said to be the young man with dread locks on the surveillance tape.

Relevant facts

After closing arguments and the charge on the law, the jury began deliberating at 12:24 p.m. R. 399, l. 18 – 400, l. 8. The jury reached a verdict and came back into open court at 2:30 p.m. R. 401, ll. 1-2. The jury verdicts of guilty of murder and possession of a weapon during a violent crime were then announced in open court. R. 401, ll. 5-22.

The judge asked the jurors collectively to raise their hand if this was their verdict. R. 401, l. 23 – 402, l. 4. Both defense attorneys then moved to poll the jurors individually. R. 402, ll. 5-8. The judge ruled that although the defense attorneys had asked him to poll the jurors

individually, that he had collectively asked the jurors if this was still their verdict, and all twelve jurors raised their hands. Therefore, the judge ruled that he was not going to individually poll the jurors. R. 402, ll. 14-24.

Discussion

In State v. Wright 439 S.C. 101, 886 S.E.2d 206 (2023), our Supreme Court held that it was reversible error to deny the defendant's request for individual polling of the jury. In this case, defense counsel Ammons joined in the motion for individual polling of the jurors. The trial judge refused to individually poll the jurors.

Further, there was a motion for a new trial based upon the jury's verdict being the result of the inflamed passions and prejudices based upon the state's closing argument which used an unofficial transcript as a demonstrative exhibit to urge what was being said the defendants at the time of the shooting where this was "largely inaudible" on the surveillance tape that was introduced into evidence and shown to the jury. R. 404, l. 9 – 410, l. 9.

In State v. Wright, the Supreme Court affirmed this Court's "well-reasoned opinion" but further cited State v. Linder 276 S.C. 304, 308, 278 S.E.2d 335, 338 (1981), stating "polling is a practice whereby the court determines from the jurors individually whether they assented and still assent to the verdict." State v. Wright 439 S.C. 101, 102, 886 S.E.2d 206, 207 (2023). (Court's emphasis). The Supreme Court in State v. Wright also wrote "this takes us to the rule we set forth in Linder: 'if the request [for individual polling] is made, a poll must be taken.' Id. at 309, 278 S.E.2d at 338. However, the holding in Linder is not an empty one, and we agree with the Court of Appeals that the denial of a defendant's request for individual polling is reversible per se." State v. Wright 439 S.C. 101, 103, 886 S.E.2d 206, 207 (2023).

As in State v. Wright the request for individual polling came immediately after the collective polling of the jurors -- whereby raising their hands was concluded. The judge here committed reversible error by refusing to individually poll the jurors as requested by trial counsel. State v. Wright 439 S.C. 101, 886 S.E.2d 206 (2023)

2.

The court erred by allowing state's exhibit #2, the interview of co-defendant Carmichael, into evidence where law enforcement improperly told Carmichael he was only entitled to the assistance of "retained" counsel since this violated the commands of *Miranda v. Arizona* 384 U.S. 436 (1966), and the failure to honor Carmichael's initial invocation of his right to counsel allowed appellant to be implicated in the crime based on Carmichael's involuntary and unintelligently tendered statement.

Relevant facts

Prior to trial, a *Jackson v. Denno* 378 U.S. 368 (1964), hearing was held on the admissibility of co-defendant Carmichael's statement to the police. Investigator Ashley Shelley, of the City of Florence police department, testified that he was working on the night of September 12, 2019. That was the day the shooting occurred at the Tiger Mart gas station and convenience store. R. 4, ll. 1-15.

Shelley interviewed co-defendant Carmichael after his arrest on September 20, 2019. A copy of that interview -- which was played for the jury -- is on file with this Court. See State's Exhibit #2. R. 5, ll. 1-21. Shelley testified that he went over Carmichael's *Miranda*¹ warnings with him prior to asking him questions. R. 6, ll. 3-23. Shelley testified that he "alluded to my familiarity with him, my personal knowledge, but no speculation." R. 7, ll. 18-22.

During the interview, Shelley called Carmichael by his nickname "Man-Man." Shelley told Carmichael that he knew that he often went to the Tiger Mart. Shelley also informed Carmichael that he knew Carmichael was well-aware of the fact that there were many surveillance cameras at the Tiger Mart.

¹ *Miranda v. Arizona* 384 U.S. 436 (1966)

On cross-examination, at first, Shelley claimed that he could not remember telling Carmichael that he had the right to have a lawyer present *if he had one on retainer*. R. 12, ll. 13-24. Shelley did admit that Carmichael asked if he could get a lawyer at the 5:33 “mark of this video.” R. 13, l. 10 – 14, l. 12.

The tape, watched by the judge, showed Shelley telling Carmichael he had the right to talk to a lawyer and to have him or her present during questioning, and that if he could not afford to hire a lawyer one would be appointed “to represent you before any questioning if you wish, you can decide at any time that is your right to not answer any questions or make any statements, do you understand that part of it?”² State’s Exhibit 2 at 5:05 – 5:52

Carmichael immediately responded: “Can I get my lawyer up here right now?” Shelley then tells Carmichael: “I mean, if you have one on retainer they can come up here.” The subject of the redacted interview then changes to Carmichael signing the form stating he is giving a statement “without threat or reward.” State’s Exhibit 2 at 5:05 – 5:52

Shelley ultimately did admit during the hearing that he told Carmichael that he could have a lawyer if he had one on retainer “in this particular instance.” R. 14, ll. 13-15.

Defense counsel Edgeworth asked Shelley to admit that co-defendant Carmichael asked for a lawyer “multiple times Shelley responded “I don’t recall the exact times. No, sir.” Shelley admitted that at 5:33 into the interrogation, Carmichael asked if he could have a lawyer, and Shelley continued speaking with Carmichael anyway. R. 18, ll. 13-19.

Defense counsel Edgeworth argued that Carmichael’s statements should be suppressed. Counsel said Shelley admitted -- and it was clear from watching the redacted video itself -- that

² There was no transcript of this interview available, and the quotes come from undersigned counsel listening to State’s Exhibit 2 countless times to try and have a completely accurate account of the interview for this Court.

Carmichael asked for an attorney and Shelley “kind of side-stepped and continued on.” R. 20, l. 16 – 21, l. 5. Counsel noted that Carmichael asked for an attorney on multiple occasions and that Carmichael’s statement should be suppressed. R. 20, l. 16 – 22, l. 7.

The judge stated that he was bothered by investigator Shelley’s statement that co-defendant Carmichael could have a lawyer if he had one on retainer. R. 26, l. 23 – 27, l. 8. The judge noted that after Shelley told Carmichael that he could have a lawyer if he had one on retainer that the Miranda form discussion and the interview continued. R. 27, ll. 4-19.

The judge ruled that Carmichael’s statement that “I can get my lawyer up here right now” was not an unambiguous request for counsel. The judge stated that at approximately 12:55 into the video, Carmichael said: “I need my lawyer, bro,” and he ruled only that was an unambiguous request for counsel. R. 26, l. 23 – 28, l. 22. The judge ruled under the totality of the circumstances that the state had proved by a preponderance of the evidence that Carmichael’s statement was tendered voluntarily. R. 28, l. 23 – 29, l. 4.

On the interview with Carmichael on file with this court, Carmichael asked “can I get my lawyer up here right now?” Investigator Shelley answers if you have one on retainer. This is at approximately 5:34 on the interview tape. During questioning, Carmichael also stated that he knew the police have talked with the **“little dude with the dreads”** about what happened at the place with all of the cameras that night - - meaning the Tiger Mart. See State’s Exhibit #2 at 8:50 - 8:55. It was clear during the playing of the surveillance tape that appellant was the man with the dreadlocks. See State’s Exhibit 3.

Co-defendant Carmichael also told Shelley during the interview that he had nothing to do with the gun shots. He said that he would “take an assault charge” for admittedly hitting one of

the victims. See State's Exhibit #2 at 10:31. When Shelley continuously pressed Carmichael and asked him, "tell me who you were with?" Carmichael then asserted that he needed a lawyer.³

When State's Exhibit #2, the interview with Shelley and Carmichael, was introduced into evidence, defense counsel Ammons for appellant joined in the Carmichael objection.⁴ R. 267, l. 6 – 268, l. 12.

Discussion

Co-defendant Carmichael requested an attorney. He was told he had could have an attorney if he had retained counsel. Carmichael's assertion of his right to counsel was not equivocal. See State v. Kennedy, 333 S.C. 426, 429-31, 510 S.E.2d 714, 715 (1998) (acknowledging invocation of right to counsel where defendant stated, "Well, I think I need a lawyer"); State v. Henderson, 286 S.C. 465, 469, 334 S.E.2d 519, 521-22 (Ct. App. 1985) (finding where defendant asserted in the first interrogation that he would make no statement until he spoke with an attorney, he invoked the right to counsel); State v. Cox, 287 S.C. 260, 262, 335 S.E.2d 809, 810 (Ct. App. 1985), *aff'd in part, rev'd in part on other grounds*, 290 S.C. 489, 351 S.E.2d 570 (1986) (finding defendant made unambiguous assertion by stating to police, "I'll tell you about it when I talk to my lawyer").

"The United States Supreme Court has held the trial court is to consider whether the accused's statement "can reasonably be construed to be an expression of a desire for the assistance of an attorney. McNeil v. Wisconsin, 501 U.S. 171, 178 (1991). If the desire for counsel is presented 'sufficiently clearly that a reasonable police officer in the circumstances would understand the statement to be a request for an attorney,' no ambiguity or equivocation

³ At 6:49 on the interview, Carmichael again asked if his lawyer could "still come."

⁴ The proceedings of January 25-27, 2023, were taken by a different court reporter and renumbered. This portion of the record is referred to as "Transcript 1 or Tr. 1"

exists, and all questioning must cease until the person can consult counsel or the accused voluntarily reinitiates conversation. Davis v. United States, 512 U.S. 452, 459 (1994).” State v. Kennedy, 333 S.C. 426, 430, 510 S.E.2d 714, 715 (1998).

Here it was apparent Carmichael wanted an attorney, and Investigator Shelley told him he could have a lawyer if he had one on retainer. Carmichael then made statements implicating himself and appellant.

In State v. Pillar, 359 N.J. Super. 249 (2003), the court held that a misrepresentation by police may result in an inadmissible involuntary statement where the misrepresentation “contradicts and thereby neutralizes” Miranda purposes, or the misrepresentation effectively overbears the defendant’s will. In Pillar the court found “an acquiescence to hear an off-the-record statement which the officer *ought to know* cannot be off-the-record totally undermines and eviscerates Miranda warnings with respect to a statement” State v. Pillar, 359 N.J. Super. 249, 268 (2003).

Here, the police investigator contradicted Miranda warnings by conditioning the presence of an attorney upon Carmichael’s existing retainer of an attorney. This misrepresentation neutralized at best or contradicted Miranda protections and rendered Carmichael’s subsequent statements involuntary.

Pillar cited Bram v. United States, 168 U.S. 532 (1897), emphasizing “the Court held that ‘the impact of the conversation’ between the defendant and the police officer was not to be considered “from a mere abstract point of view, but by the light of that it was calculated to produce on the mind of the accused, situated as he was at the time the conversation took place” State v. Pillar, 359 N.J. Super. 249, 270 (2003). Conditioning co-defendant Carmichael’s right to an attorney on that attorney being retained counsel effectively eviscerated the letter and spirit

of Miranda, and since Carmichael implicated appellant as being present at the scene of the shooting as the man with “dreads” and by stating that he, Carmichael, only “assaulted” one of the victims was very prejudicial. Carmichael was able to “corroborate” what appeared on the surveillance tape, State’s Exhibit 3, which appeared to show a man with dreads firing a gun while Carmichael said he only punched one of the victims. Appellant joined in the objection to the introduction of Carmichael’s inculpatory statement, and appellant should be granted a new trial since Carmichael’s statement implicated appellant in the crime.

CONCLUSION

By reason of the foregoing arguments, appellant's convictions should be reversed and this case remanded to the Florence County Court of General Sessions for a new trial.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 14th day of October, 2024.

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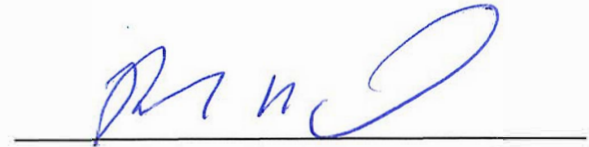
Oct 14 2024

SC Court of Appeals

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

This 14th day of October, 2024.



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Oct 14 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

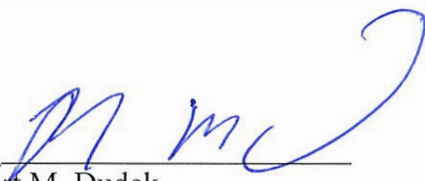
TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT

APPELLATE CASE NO. 2023-000179

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Final Brief of Appellant in the above-referenced case has been served upon W. Joseph Maye, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 14th day of October, 2024.



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Date: Monday, October 14, 2024 9:18:00 AM
Attachments: [2023-000179 The State v. Tirik Jaquan Johnson-Epps Final Brief of Appellant.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Final Brief of Appellant which will be filed today, October 14, 2024, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

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Oct 14 2024

SC Court of Appeals

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal from Florence County
The Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT.

Appellate Case No. 2023-000179

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APPELLANT'S ISSUE PRESENTED

I.

Whether the court committed reversible error by refusing appellant's request to individually poll the jurors after the guilty verdicts were announced since appellant was entitled to individual polling?

II.

Whether the court erred by allowing state's exhibit #2, the interview of co-defendant Carmichael, into evidence where law enforcement improperly told Carmichael he was only entitled to the assistance of "retained" counsel since this violated the commands of *Miranda v. Arizona*, 384 U.S. 436 (1966), and the failure to honor Carmichael's initial invocation of his right to counsel allowed appellant to be implicated in the crime based on Carmichael's involuntary and unintelligently tendered statement?

STATEMENT OF THE CASE

Tirik Jacquan Johnson-Epps (hereinafter “Appellant”) was indicted at the May 6, 2021, term of the Florence County grand jury for murder (2021-GS-21-00474) and possession of a weapon during a violent crime (2021-GS-21-00475). Appellant and co-defendant, Quinterris Carmichael, were tried from January 23-27, 2023, before the Honorable D. Craig Brown, and a jury. Appellant was represented by Gregory Ammons. William “Josh” Edgeworth, III, represented co-defendant Carmichael. J. Ryan White was the prosecuting assistant solicitor for the case.

On January 27, 2023, Appellant and Carmichael were both found guilty of murder and possession of a weapon during a violent crime by the jury. (R.p. 401, lines 6-22). Appellant and Carmichael were sentenced to life imprisonment for murder. (R.p. 416, lines 5-12). This appeal followed.

STATEMENT OF FACTS

The Murder

At approximately 3:30 AM on September 13, 2019, Appellant and Carmichael, along with two black females arrived at the Tiger Mart gas station and convenience store in Florence, South Carolina. The quartet had come from a club named “Willy’s” and had been “partying a little bit.” (R.p. 53, line 15; p. 120, lines 17-18). Kareem Jones, a friend of the victim who was with him that night, testified that Carmichael approached he and the victim and asked if they “wanted smoke.” (R.p. 154, line 23-p. 155, line 3). Carmichael then proceeded to unleash a profanity laced tirade at Jones and the victim, stating that he would pop them out of their “f*****g shoes.” (R.p. 37, line 22-p. 38, line 14).

Jones and the victim tried to ignore Carmichael’s outburst and diffuse the situation, opting to wait for the store clerk to serve them, but their efforts were to no avail. (R.p. 156, lines 2-10). Carmichael then turned the incident violent by striking Jones. (R.p. 156, lines 24-25). Jones did

not strike back, fearing that Carmichael had a gun. (R.p. 157, lines 1-6). At this point, Carmichael, the victim, and Jones were standing together. (R.p. 157, line 9). The trio went behind the store, with Appellant following them. (R.p. 157, lines 19-24). From the surveillance footage, the jury was able to hear Jones say “ain’t no way you’re doing this in front of the camera.” (R.p. 158, lines 16-18). Once they were around the corner of the Tiger Mart, Appellant opened fire on the victim, and Jones fled from the scene back to the victim’s girlfriend’s apartment where he and the victim had left from. (R.p. 158, lines 22-24; p. 159, lines 12-18).

Dr. Presnell, a forensic pathologist at the Medical University of South Carolina in Charleston, testified that the victim was shot up to 9 times. (R.p. 321, line 16). The lethal shot was a gunshot to the back of the head that went through the brain and exited through the left temple. (R.p. 321, lines 19-20). She would also testify that one of the shots that went through the stomach and intestines would also have killed the victim, but he was already dead when this shot went through his body. (R.p. 321, line 20-p. 322, line 1).

Identification of Appellant and Carmichael as Suspects

The State produced a substantial amount of evidence linking Appellant and Carmichael to the shooting at the Tiger Mart. The first piece of evidence was video surveillance from the Tiger Mart on that evening. According to the lead investigator in the case, Officer Justin Chatlosh, police were able to identify Carmichael “almost immediately” from the video surveillance footage. (R.p. 278, lines 2-16). After identifying Carmichael, officers used social media to identify the other three passengers in the car, including Appellant. (R.p. 279, lines 2-9). Warrants were subsequently issued for the arrest of Appellant and Carmichael. (R.p. 280, line 22-p. 281, line 11). When Appellant was apprehended, he had shaved off the dreadlock hairstyle he wore at the time of the murder. (R.p. 283, lines 21-25).

Witness testimony also identified the Appellant and Carmichael as the perpetrators of the murder. Kareem Jones was with the victim the night of the shooting. When the surveillance video, State's Exhibit 3, was played in court, Jones identified himself, the victim, "Tirik" (Appellant), and "Man-Man" (Carmichael) as the individuals in the footage. (R.p.158, lines 5-12). Jones was struck by Carmichael, and escorted around the corner by him, where Appellant would fire fatal shots at the victim. (R.p. 156, line 24-p. 158, line 24).

Kami Mitchell, an associate of Carmichael's who had "sexual dealings" with him, was with Appellant and Carmichael the night of the murder. (R.p. 51, lines 6-20). She testified that Carmichael was known to use drugs, something he stated to Jones and the victim during his altercation with them. (R.p. 52, lines 7-8; *see* p. 37, lines 24-25). Mitchell detailed that Appellant and Carmichael knew Jones and the victim from school. (R.p. 54-55). Mitchell testified that she attempted to corral Carmichael back to the car so they could "go have sex". (R.p. 57, lines 6-7). Carmichael, however, continued to escalate the situation, prompting Appellant and Mitchell to exit Mitchell's car. (R.p. 59, line 24-p. 60, line 8). Mitchell testified that Appellant and Carmichael, both of whom she identified in court, went around the side of the building, which is where the murder eventually took place. (R.p. 61-66; *see* p. 67, lines 16-25).

Much the same, Tyrin Jones identified Appellant and Carmichael as the perpetrators of the murder. Jones was with "Ty [Appellant], Man-Man [Carmichael], and Kami [Kami Mitchell]" on the night of the murder. (R.p. 119, line 20-p. 120, line 14). She testified to owning the vehicle the quartet used that night, Appellant was the driver of the vehicle. (R.p. 121, lines 16-21). She stated that after Carmichael hit Kareem Jones and began to proceed around the corner with Kareem Jones and the victim, Appellant exited the vehicle and followed. (R. p. 125, line 23-p.126, line 17).

Appellant, Carmichael, Kareem Jones, and the victim were the only four individuals who went around the corner at the time of the murder. (R.p. 128, line 24-p.129, line 1).

Other evidence pinned Appellant and Carmichael as the primary suspects in the murder. Officer Justin Feagin executed the search warrant on Appellant's residence. (R.p. 190, lines 17-20). Whitewashed jeans were photographed on the scene and seized by officer Feagin; they were secured by Feagin. (R.p. 195, line 22-p. 196, line 2). A portion of the pants with what appeared to be a blood stain was cut out and sent to SLED. (R.p. 197, line 17-p. 198, line 9). SLED analyst Sarah Zapata, a qualified expert on DNA analysis, testified that the blood spot from the jeans was compared with the victim's blood. (R.p. 228, lines 22-25). Using a two-scenario outcome—one scenario being the likelihood that the victim's blood was the one identified on the jeans and the other being that the blood on the jeans came from another, unidentified individual—Zapata concluded that it was *990 octillion* times more likely that the victim contributed to the blood profile than another individual. (R.p. 230, line 7-p. 231, line 3).

Moreover, Suzann Cromer, a SLED firearm and tool mark examiner in SLED's forensic services laboratory, testified that it was likely that all cartridges found on the scene around the victim's body were fired by the same gun. (R.p. 249, lines 23-25). Although the murder weapon was never found, and the bullets lodged in the victim were unable to be analyzed due to damage, Cromer, who has testified over 130 times as an expert in firearm examination at the state and federal level, stated with a high degree of certainty that the shell casings were from the same firearm. (R.p. 259, lines 2-7).

Jury Polling

After two hours of deliberation, the jury returned to court with a verdict. (R.p. 401, lines 1-2). Carmichael was unanimously found guilty of murder and possession of a weapon during a

violent crime. (R.p. 401, lines 6-14). Appellant was found guilty of the same crimes. (R.p. 401, lines 15-22).

Following the reading of the verdict, Judge Brown polled the jury by asking the jury members to raise their hand if the guilty verdict was and remained each juror's respective verdict. The record demonstrates that all jurors complied and that all twelve jurors raised their hand to individually confirm their verdict. (R.p. 401, line 23-p.402, line 2). Defense counsel then moved for the court to poll the jurors individually. (R.p. 402, lines 5-8). A bench conference was held after Carmichael's and Appellant's respective counsels motioned for individual polling. (R.p. 402, lines 11-13). It is unclear what occurred during the bench conference. However, after the conference, Judge Brown declined to poll the jury further. (R.p. 402, lines 14-21). Judge Brown stated that the raising of hands by each juror was "sufficient under the circumstances." (R.p. 402, lines 19-20). Further, he stated, "I've given an opportunity for them to respond pursuant to my question, and they've responded, and I think that's appropriate under the circumstances." (R.p. 402, lines 21-23).

The circumstances alluded to by the court are a likely reference to the numerous bizarre occurrences that took place during the trial. During pre-trial, and on the record, Mr. White stated that witnesses had been getting phone calls from "no caller ID numbers." (R.p. 36, lines 15-16). Mr. White stated that the people on the other end of those calls would simply say "do not go," after which they would hang up. (R.p. 36, lines 17-18). Phones also had to be confiscated from individuals in the gallery. (R.p. 86, line 12-p. 87, line 6).

One juror was dismissed because he was sent a Facebook message about the trial. The message read: "Eric, both [sic] them boys killed Mrs. Betty's grandson, bug son. Shot him 11 times and one in the head. I had to leave and go to work. Please give them the justice they deserve."

(R.p. 89, lines 7-9). This juror was dismissed based on *Remmer v. United States*, which stated that when there's improper contact by a third party, there's a presumption of prejudice. Judge Brown ruled that only immediate family would be allowed in the courtroom because of concerns with jury tainting. (R.p. 101, lines 5-10).

Additionally, Mr. White alleged that Carmichael used a jail phone to contact another individual. (R.p. 101: 18-19). He reportedly told another individual not to "worry about looking for Dee's [a juror who had been excused] girlfriend anymore." (R.p. 101, lines 20-21). Judge Brown then admonished the conduct of attendees, and potentially one of the defendants, stating:

Well, the Court is vitally concerned and tremendously disturbed about what may be going on here. Therefore, I want to do everything within my power to protect the integrity of this process and ensure to the best of my ability that there is no improper contact by anyone with these jurors, that these defendants receive a fair and impartial trial, and that this jury decide his case based upon the evidence and testimony presented in this courtroom, uninfluenced by anything outside of this courtroom.

(R. p. 102, lines 5-13). Clearly, Judge Brown was concerned throughout the trial with issues of jury tampering and potential interference.

Judge Brown would state after the trial that there were things that happened during the trial that he had never seen in his thirteen years on the bench. (R, p. 412, lines 7-11). One juror was dismissed after stating she did not feel comfortable serving on the jury. (R.p. 413, line 2). During questioning by Judge Brown, the Judge stated that she appeared to be "shaken to the point that she was crying as she talked to me." (R. p. 413, lines 2-5). However, she stated that no one had reached out to her and Judge Brown respected that. (R.p. 413, lines 5-6). Nevertheless, she was released from the jury panel, and an alternate was seated. This alternate was the one who received the Facebook message, which Judge Brown stated on the record did not come from either defendant based on the content. (R.p. 308, lines 7-9).

Moreover, because of these events, Judge Brown ordered that only immediate family would be allowed in the courtroom. (R.p. 413, lines 18-22). After that order, a “multitude of individuals” who were previously present did not reappear. (R. p. 413, lines 22-25). Judge Brown made the order to ensure that the proceedings were properly insulated from impropriety. (R.p. 414, line 1). One individual listed as a sibling of Carmichael was not, in fact, his brother, which was confirmed by law enforcement. (R.p. 414, lines 5-8).

Regarding the phone call from Carmichael, Judge Brown stated that he was unable to make out the entirety of the phone conversation, but he did hear certain parts where Carmichael was discussing the “jury or a juror.” (R.p. 309, lines 9-18). Judge Brown stated that the phone call from Carmichael factored into his order to restrict access to the proceedings.

Additionally, after the case went to the jury, it was brought to the Judge’s attention that four rounds of ammunition were found in the men’s bathroom on the floor of the courthouse where the proceedings were being held. (R.p. 414, lines 19-22). This prompted Judge Brown to order law enforcement to evacuate the building and have all attendees come through “downstairs screening.” (R.p. 414, lines 22-24). The courtroom was thoroughly searched by law enforcement and the US Marshall’s and local Sheriff’s Office both brought in a dog to go through the courtroom. (R. p. 415, lines 3-9). Fortunately, no firearm was found at the courthouse. (R.p. 415, lines 9-10).

Regarding these many issues of potential impropriety, Judge Brown stated, “I’m putting all of that on the record in an effort to explain my limitations of who was in this courtroom as well as concerns I had throughout the trial.” (R.p. 415, lines 10-13).

STANDARD OF REVIEW

In criminal cases, the appellate court sits to review errors of law only. *State v. Elwell*, 403 S.C. 606, 609, 743 S.E.2d 802, 804 (2013). Therefore, this Court is bound by the trial court’s factual

findings unless the appellant can demonstrate that the trial court's conclusions either lack evidentiary support or are controlled by an error of law. *Id.* “Rulings on the admissibility of evidence are within the trial court's sound discretion and will not be disturbed on appeal absent an abuse of that discretion resulting in prejudice to the complaining party.” *State v. LaCoste*, 347 S.C. 153, 160, 553 S.E.2d 464, 468 (Ct. App. 2001).

ARGUMENTS

I. The trial court committed reversible error under existing law, but juror polling should not be a structural error issue warranting per se reversible error review.

While the record demonstrates that each of the jurors individually confirmed their guilty verdict at the request of the trial court, and there is nothing within the record to suggest that Appellant's conviction was not unanimously reached and delivered, Respondent acknowledges that the trial court's ruling was reversible error in light of the South Carolina Court of Appeals holding in *State v. Wright* that was in effect at the time.

In *Wright* the clerk collectively asked the jury to individually assent to their verdict by a raising of their right hand. Each juror did so. This was then followed by an individualized polling request from defense counsel that was denied. The case at hand presents the same scenario, with the only difference being the trial court, rather than the clerk, posing the question to the jury.¹

In review of the issue in *Wright*, this Court found that the trial court's method of polling was insufficient and set forth the holding that a request for individualized polling requires that each juror be separately asked to verbally confirm the verdict in question. *State v. Wright*, 432 S.C. 365, 370, 852 S.E.2d 468, 472 (Ct. App. 2020), *aff'd*, 439 S.C. 101, 886 S.E.2d 206 (2023).

¹ At the time of trial, the State's petition for writ of certiorari in *State v. Wright* had been granted and was pending review at the time of Appellant's trial. (June 28, 2022 Order, Appellate Case No. 2021-000146).

This Court went on to hold that “[i]t is our firm view that depriving a defendant of his or her polling right is not a technicality, but a material and prejudicial error.” *Id.* In so holding, this Court found that the denial of a requested individual polling of the jury is a “structural” error in a defendant’s trial that constitutes “per se” reversible error. *Id.* at 372-73. Respectfully, this Court’s application of the structural error doctrine in *Wright* was flawed.

The structural error in question is not whether a specified means of polling is conducted, but whether the defendant’s right to a unanimous verdict conviction was protected. *Weaver v. Massachusetts*, 582 U.S. 286, 295, 137 S. Ct. 1899, 1907, 198 L. Ed. 2d 420 (2017) (“The structural error doctrine is to ensure insistence on certain basic, constitutional guarantees that should define the framework of any criminal trial.”). This Court acknowledged that jury polling was not, in and of itself, a *constitutional* right. *Wright*, 432 S.C. at 369, 852 S.E.2d at 470. It is merely a trial court right designed to protect the structural right to unanimous guilty verdicts. It is here that Respondent respectfully submits a per se finding of error fails – because the right *can be* proven protected even if the highly specific “verbal” approach is not used.² This Court’s structural error analysis was therefore flawed.³

² Under *Linder*, this was a right protected by the court to the satisfaction of the court, with discretion as to the manner of polling once such a trial court right was invoked. *State v. Linder*, 276 S.C. 304, 309, 278 S.E.2d 335, 338 (1981). While the Court in *Linder* framed the issue correctly, Respondent would respectfully submit that *Wright* drew the issue too narrowly to question whether polling was *optimal*, not whether the constitutional right to a unanimous verdict was ensured.

³ The various forms of “structural error” addressed by courts, such as the denial of the right to an attorney, denial of the right to self-representation, and denial of the right to public trial, all share a common characteristic of being binary in nature. They are either provided or not provided. Denial of a unanimous guilty verdict is likewise a binary structural error, but this Court’s analysis in *Wright* strayed from a focus on whether that right was ensured, to whether the method of polling was optimal. Error can potentially arise in a trial court’s handling of polling methodology, but to deem such per se reversible error is to assign the right law to the wrong target. Per se reversible error should be reserved for cases where the right to unanimous verdict was not protected, not for cases where there is record proof of each juror’s attestation to the verdict, but such was simply not obtained verbally.

This Court's legal holding falters when a closer examination is taken of structural error, and how *Weaver v. Massachusetts* was applied in *Wright*. This Court first noted that *Weaver* offered a "rational way out" of the structural error/trial error dilemma by harkening to the 3-point analysis for identifying structural error, and finding all three points present in Wright's case.

Weaver instructs that a structural error can include instances where "the right at issue is not designed to protect the defendant from erroneous conviction but instead protects some other interest." *Id.*, 582 U.S. at 295. This Court asserted that Wright's case met this standard. Yet, assuring the jury reached a unanimous verdict of guilty *can only be considered* a right protecting against an erroneous conviction. Unanimity is the structural requirement, not the specific method of polling. The implementation of a per se error standard *as to the method of polling*, is to confuse the two and draw the issue too narrowly under *Weaver*.

Weaver next instructs that an error can be deemed structural if the effects of the error are simply too hard to measure. *Id.* The structural error is the right to unanimity of a guilty verdict. Such an error could not be more easily measured. If the right was not protected, the verdict was improper. However, even if this question were applied to the non-structural issue of polling methodology, this Court's analysis in *Wright* erred in the presumption that the unanimity needed to be *further* measured at all. The verdict was reported and each juror independently confirmed that verdict in open court. Unanimity is the structural requirement, not the specific polling method, and per se reversal for such is improper.

Lastly, *Weaver* sets forth the notion that structural error does not necessarily lead to fundamental unfairness in every case. *Id.* at 296. However, the denial of a the right to unanimity of a verdict will always be fundamental unfair. Here, as in *Wright*, the record set forth fundamental unfairness was avoided *because* the court conducted a polling of the jury to confirm each juror's

verdict. Unanimity is the structural requirement, not the specific polling method, and the rule requiring per se reversal deserves reconsideration.

Respondent acknowledges that South Carolina jurisprudence, as it existed at the time of trial, requires reversal of Appellant's convictions and a remand for new trial. However, if this Court is interested in revisiting this issue, which Respondent urges, Respondent would seek to argue against precedent as detailed above.

II. The trial court did not err in admitting Exhibit 2.

Carmichael was fully advised of his *Miranda* rights and he was not advised that his right to an attorney was only applicable to retained counsel. There is no error in relation to admitting the recorded interview of codefendant Carmichael.

The record demonstrates that Carmichael was read his *Miranda* rights before questioning began. (State's Ex. 2, 5:10). During the reading of his *Miranda* rights he asked for clarification of his right to counsel by asking "I can get my lawyer up here right now?" to which Officer Shelley correctly stated that "if you have one on retainer, he can come up here." (State's Ex. 2, 5:30-6:00). This was an accurate response that juxtaposed the difference between the immediate availability of an attorney on retainer, and the time that obtaining assigned counsel would require.⁴ It was in no way an assertion that Carmichael *only had the right to retained counsel*, and that point was made clear to Carmichael moments later. To wit, Officer Shelley provided *further clarification* by explicitly stating that "any time you want a lawyer, you can ask for a lawyer. Now what you need to understand is, any time you ask us for a lawyer, we're done. I can't talk to you anymore. I can't hear anything you've got to say." (State's Ex. 2, 6:49-7:02). All of this took place during the

⁴ Had Officer Shelley simply said "yes", as Appellant argues, he would have been misinforming Carmichael because assigned counsel is not immediately available in the fashion that Carmichael was asking.

reading of his *Miranda* rights and prior to substantive questioning. Carmichael thereafter agreed to participate in a voluntary interview with police.

The trial court correctly concluded that the Carmichael's question on whether "[he] can get [his] lawyer up here right now?" was not an unequivocal request for counsel. The trial court did express some initial concern regarding the mention of having an attorney on retainer, in isolation, but noted that the continued advisement of the right to counsel and the implications of invoking that right cured any such concern and made Carmichael's statements thereafter voluntary and admissible. (T. p. 27-29).

The trial court's ruling was correct under *State v. Kennedy*, 333 S.C. 426, 430, 510 S.E.2d 714, 715 (1998) and its progeny. A defendant's request for an attorney must be unequivocal; Carmichael's was not. *Id.* A defendant has the right to an attorney and may invoke that right to end questioning from police; Carmichael was so informed.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that Appellant's conviction is subject to reversal under existing law, should this Court not wish to reconsider its holding from *State v. Wright*.

Respectfully submitted,

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October 14, 2024

RECEIVED

Oct 14 2024

SC Court of Appeals

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal from Florence County
The Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT.

Appellate Case No. 2023-000179

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to W. Joseph Maye, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Final Brief of Respondent has been forwarded to Appellant's counsel, Robert M. Dudek, Esq., via email today, October 14, 2024 to RDudek@sccid.sc.gov, and to his assistant at kwarren@sccid.sc.gov.

I further certify that all parties required by Rule to be served have been served.

This 14th day of October, 2024.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
W. Joseph Maye
Assistant Attorney General
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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Tirik Jaquan Johnson-Epps, Appellant.

Appellate Case No. 2023-000179

Appeal From Florence County
D. Craig Brown, Circuit Court Judge

Unpublished Opinion No. 2025-UP-135
Submitted April 16, 2025 – Filed April 23, 2025

REVERSED AND REMANDED

Chief Appellate Defender Robert Michael Dudek, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Deputy
Attorney General Donald J. Zelenka, Senior Assistant
Deputy Attorney General Melody Jane Brown, and
Assistant Attorney General William Joseph Maye, all of
Columbia, and Solicitor Edgar L. Clements, III, of
Florence, all for Respondent.

PER CURIAM: Tirik Jaquan Johnson-Epps appeals his convictions for murder and possession of a weapon during a violent crime and sentence of life imprisonment. We reverse and remand pursuant to Rule 220(b), SCACR.

We hold the trial court erred by denying Johnson-Epps's request to individually poll the jurors because the denial of his right to an individual poll of each juror is reversible per se. *See State v. Adams*, 409 S.C. 641, 647, 763 S.E.2d 341, 344 (2014) ("[An appellate] court reviews questions of law de novo."); *State v. Wright*, 439 S.C. 101, 102, 886 S.E.2d 206, 207 (2023) ("The denial of a defendant's request [that the jury be individually polled] is reversible per se."). Because we reverse the trial court's finding regarding individual jury polling, we decline to address Johnson-Epps's remaining arguments. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (declining to address remaining issues when resolution of a different issue was dispositive).

REVERSED AND REMANDED.¹

KONDUROS, MCDONALD, and HEWITT, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

May 08 2025

SC Court of Appeals

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal from Florence County
The Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT.

Appellate Case No. 2023-000179

PETITION FOR REHEARING

Pursuant to Rule 221(a), SCACR, counsel for Respondent petitions this Court for rehearing.¹ Counsel respectfully submits that this Court has misapprehended certain factual and legal matters in arriving at its holding. Respondent would respectfully argue:

1. While Respondent acknowledges that this Court is obliged to follow established precedent from the South Carolina Supreme Court, the unusual circumstances of this case warranted the trial court's decision to forego verbal jury polling in favor of relying upon the raising of hands by each juror. As the trial court noted, "in the 13 years [he's] been on the bench" he had never had anything happen like what took place during the course of this trial. (R. p. 412). The numerous occurrences impacting juror safety, courthouse safety, and juror

¹ A Petition for Rehearing is required before a party can seek a Writ of Certiorari from the South Carolina Supreme Court. Rule 242, SCACR.

tampering created a basis for distinction from *Wright* and an environment wherein departure from the verbal affirmation was necessary. As the record demonstrates conclusively that Appellant's guilty verdict was unanimous, there is no reversible error stemming from "structural error."

2. As Respondent argued, the potential for structural error does not exist within the *method* of polling, but in the black and white assurance that a unanimous verdict was secured. The distinction is a vital one, and it demonstrates the underlying error that is set forth in *State v. Wright*, 439 S.C. 101, 886 S.E.2d 206 (2023). The jury delivered a unanimous verdict. The record demonstrates that there is *no evidence* to the contrary, and the trial court polled the jury to further ensure such. No structural error exists that warrants the overturning of the jury's conviction.

CONCLUSION

Based upon the above arguments, Respondent asserts that this Court has misapprehended certain facts and law that led to an improper result in this case. Respondent respectfully petitions for rehearing on this matter, and that for all the foregoing reasons, the judgments of the trial court, along with the defendant's convictions and sentences should be affirmed.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

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May 8, 2025.

By: s/W. Joseph Maye
ATTORNEYS FOR RESPONDENT

RECEIVED

May 08 2025

SC Court of Appeals

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal from Florence County
The Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT.

Appellate Case No. 2023-000179

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to W. Joseph Maye, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Petition for Rehearing has been forwarded to Appellant's counsel, Robert M. Dudek, Esq., via email today, May 8, 2025 to RDudek@sccid.sc.gov and to his assistant at kwarren@sccid.sc.gov.

I further certify that all parties required by Rule to be served have been served.

This 8th day of May, 2025.

s/ Donna D'Alessio

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The South Carolina Court of Appeals

The State, Respondent,

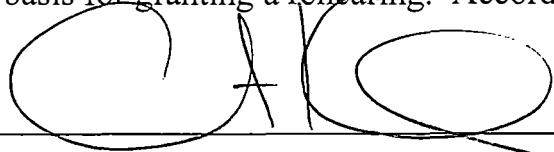
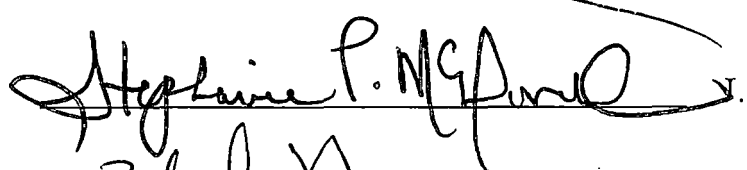
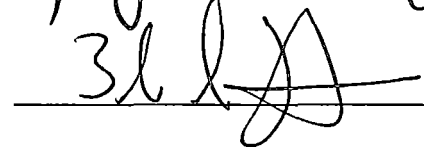
v.

Tirik Jaquan Johnson-Epps, Appellant.

Appellate Case No. 2023-000179

ORDER

After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.


_____. J.

_____. J.

_____. J.

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire
Donald J. Zelenka, Esquire
Melody Jane Brown, Esquire
William Joseph Maye, Esquire
Edgar Lewis Clements, III, Esquire

FILED
May 22 2025

Robert Michael Dudek, Esquire
The Honorable D. Craig Brown