VOLUME I OF II

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

Debra McCaslin, Circuit Court Judge

Appellate Case No. 2024-001644

The State of South Carolina, Respondent,

v.

Jabin E. Trapp, Appellant.

RECORD ON APPEAL

Dayne C. Phillips, Esq.

SC Bar No. 77712
Price Benowitz LLP
1614 Taylor Street, Suite D
Columbia, SC 29201
(803) 807-0234

ATTORNEY FOR APPELLANT

Alan Wilson
Attorney General

Donald J. Zelenka
Senior Assistant Deputy Attorney General

Melody J. Brown
Senior Assistant Attorney General

P. Sanders Linker
Assistant Attorney General
SC Bar No. 107688
PO Box 11549
Columbia, SC 29211
(803) 734-6305

Samuel R. Hubbard, III
Solicitor, Eleventh Judicial Circuit
205 E. Main St., Ste. 309
Lexington, SC 29072

ATTORNEYS FOR RESPONDENT

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COURT EXHIBIT #28 (RECORDED INTERVIEW);
COURT EXHIBIT #29 (SPEEDWAY VIDEO FOOTAGE);
COURT EXHIBIT #30 (WALKER BODY WORN CAMERA FOOTAGE)

State of South Carolina	)	Court of General Sessions
County of Lexington	)	Eleventh Judicial Circuit
State of South Carolina,	)	Transcript of Record
vs.	)	2022-GS-32-03843 2022-GS-32-03851
Jabin Elliotte Trapp,	)	
Defendant.	)	

September 5th-6th, 2024
Lexington, South Carolina

B E F O R E:

The Honorable Debra R. McCaslin, Judge

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

Bruce H. Norton, II, Assistant Solicitor
Lucas A. Pincelli, Assistant Solicitor
Jordan A. Cox, Assistant Solicitor

On behalf of the State of South Carolina

Anna Williams Yonge, Esquire
Jason T. Yonge, Esquire
Robert T. Williams, Sr., Esquire

On behalf of the Defendant

STACY S. JOHNSON, RPR
CIRCUIT COURT REPORTER

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(The following proceedings were held September 5, 2024, beginning at 9:36 AM.)

THE COURT: All right. Anything else that I need to take care of before we start the Trapp case? This is the Trapp case, right?

MR. NORTON: That's correct, Your Honor.

THE COURT: All right. Mr. Norton, how about calling the case just for the record along with the case number.

MR. NORTON: Judge, the clerk has the indictments. I'll get them.

Your Honor, the State calls the case of the State versus Jabin Elliotte Trapp, charged with murder. Indictment Number 2022-GS-32-03843, for murder, and Indictment 2022-GS-32-03851, for possession of a weapon during a violent crime. Both true billed by the grand jury.

THE COURT: Okay.

MR. NORTON: Judge, I'll approach with the indictments.

THE COURT: Thank you.

Now this case is set on the trial docket for the 16th of this month; is that right?

MR. NORTON: That's correct, Your Honor.

THE COURT: And I am the judge in that case.

All right. This is a stand your ground hearing.

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MR. NORTON: Yes, Your Honor. And we've also filed motions for a hearing pursuant to Jackson v. Denno and a hearing to determine the admissibility of any character evidence regarding the victim in this case, Parrish Phillips.

Your Honor, we've also filed a motion pursuant to Rule 605 to be able to record the defendant's testimony in this hearing. We have a video camera system set up and we'd be willing to provide a copy to defense counsel and make a copy for the record as well.

THE COURT: Do I have any of those motions?

MR. NORTON: Your Honor, they've been filed.

I'll also bring up the defendant's stand your ground as well.

THE COURT: All right. Let me ask I because I see the Denno hearing. How do you-all want to do this?

MR. NORTON: So, Your Honor, for the State's case we intend to call at this point three witnesses. Officer Norris with the Town of Lexington, Officer Alewine with the Town of Lexington, and the Officer Walker with the Town of Lexington. The defendant make several statements to officers on-scene, he conducts an interview with his attorney present at the Town of Lexington subsequent, before he's charged, but after the incident on June 30th, and then he makes several statements the night of the

incident while he's being detained at the town of Lexington to an officer who is sitting on him waiting for search warrants to be served, so we would offer all of those statements as -- for the Jackson v. Denno hearing, and we believe that the testimony --

THE COURT: Do those need to be separate or can we as we're going through the stand your ground we can also incorporate the Denno hearing?

MR. NORTON: Correct, Your Honor. We think that the testimony you'll hear for the stand your ground hearing would be sufficient for you to make rulings for the Jackson v. Denno hearing and for the State's character evidence motion.

THE COURT: All right. Anything from the defense?

MR. YONGE: No, Your Honor. We consent to doing them all at once.

THE COURT: Okay.

All right. Call your first witness.

MR. YONGE: The defense calls Jabin Trapp.

(Whereupon, Jabin Trapp was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat over here. If you'll state your name and spell your last, please, for the record.

THE WITNESS: Okay. My name is Jabin Trapp and it's

T-R-A-P-P.

JABIN TRAPP,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. YONGE:

Q. Good morning, Jabin.

A. Good morning.

Q. Jabin, did you shoot Parrish Phillips on Sunday, June 27, 2021?

A. Yes, I did.

Q. Okay. Why did you do that?

A. Because he attacked me and threatened me bodily harm and really I was very fearful for my life.

Q. What did you do immediately after you shot Parrish?

A. I made it so I could call 9-1-1 immediately just as soon as I could so I could get him out.

Q. So you called 9-1-1?

A. Yes.

Q. When you woke up that Sunday morning, did you know that you were gonna shoot Parrish that day?

A. No. No. Unh-unh. Not at all. He was my friend.

Q. At any point before this happened, did you want to kill Parrish?

A. No, I didn't want to hurt anybody. I didn't want to kill Parrish, no.

Q. All right. Well, let's rewind a little bit and we'll talk about the events leading up to this incident. Where did this shooting take place?

A. It took place at my residence at [redacted], Lexington, South Carolina, 29072.

Q. Were you living there on June 27, 2021?

A. Yes, I was living there.

Q. If we were gonna drive there from the courthouse we're in right now, how would we get there?

A. We -- we would get on Main Street heading towards Columbia out -- out of Lexington and as you're heading out of Lexington, there's Cedarcrest on your right and on Cedarcrest about a half a mile there's[redacted] on the right. So it's like five minutes away from here.

Q. Is Cedarcrest the one across from like the bowling alley, JC's?

A. Yes. Correct. Yes.

Q. Well, what's the neighborhood like over there at [redacted]?

A. It's nice. It's pretty quiet. It's an older neighborhood. There's not a lot of smaller kids and stuff. Sometimes the -- the neighborhood's quiet, but the traffic uses it as a cut-through during the rush hour, so that's the only time there's like much traffic.

Q. All right. So we've made it to your house. We've

gotten there from the courthouse. We're standing there on [redacted] Drive taking a look at the front of your property. Describe the layout of the property for me.

A. So if you're standing at the road looking at the property, you have the house, you have the circular driveway that goes in front of the front porch and you have part of the driveway that kind of makes like the letter H that goes around to the back where there's an attached workshop and garage.

Q. All right. So if I'm standing on [redacted] Drive there's a circle driveway in the front and then it would be like a lowercase H?

A. Yeah, it's like a lowercase H. You have the straight part that goes to the back of the property and then the hook that goes around to the front of the house.

Q. Okay. So a circle driveway and then a straight driveway going up the left side of the property to the backyard?

A. That's correct, yes.

Q. Okay. All right. If we followed that straight driveway into the backyard, describe the layout of the backyard for me.

A. So if you were to come around to the back side of the house, then the house is gonna be immediately on the right. You'll see a covered back porch, as well as a concrete

patio -- exposed patio, as well as a drive -- sidewalk that goes from the covered back porch and the patio to the detached shop.

Q. And when you say detached shop, is that like a garage?

A. Yes, a garage. Yes, detached garage.

Q. What else is going on in the backyard?

A. So directly straight back is a vacant wooded lot and there's no fence delineating the back of the property or whatever, but there's a fence on the left and there's two storage sheds that I keep like lawnmowers and garden tools and stuff like that in.

Q. All right. So if you follow the driveway to the backyard, you said to the left there's a storage shed?

A. (Nods head.)

Q. So that would be straight ahead?

A. That's correct.

Q. And then if you look off to the right, there's the covered porch which is connected to a detached garage by a concrete path?

A. Yes. Correct. Yes.

Q. All right. How many exterior doors are there on that house?

A. There's a total of three exterior doors. The front door, the back door and the side door. The side door is -- enters into the laundry room. There's like moisture damage

and stuff, so the door was really hard to get open and locked and unlocked, so it's not used. So really the back door and the front door.

Q. So two access points to get inside the house, the front and the back door?

A. That's correct, yes.

Q. And although there's a side door, it had damage and you couldn't really use it?

A. That's correct, yes.

Q. Okay. All right. So continuing on our path to your house, we come around, we're through the backyard. You said there's a covered back porch?

A. (Nods head.)

Q. Is the back door underneath that covered back porch?

A. Yes, the back door's underneath that covered back porch. It's a -- it's a double glass French door that's -- that opens outward, so you -- you have one primary door that swings outward and then the other door, you know, you can unlatch it and open it up if you want to, I guess.

Q. And on June 27, 2021, explain to me how the back porch was set up. What did you have underneath that covered back porch?

A. So there was two -- if you're in the house looking out towards the back porch, there's a -- like a some patio furniture on the left side, the two double doors, and then

the -- there's a high-top table and -- excuse me, I'm sorry -- and there's two high-top bars -- bar chairs next to the table and then over to the right is some -- some construction equipment because I was doing some renovation, but there's also a stool and my -- I had my motorcycle, my Harley, that's kind of parked on one side of the porch.

Q. All right. And I think you were describing it from the perspective of looking out of the backdoor there?

A. Yes, looking out the backdoor from in the house.

Q. So if we flip the perspective and we're standing on the back porch, in the center of the covered patio there's a high-top table with two chairs?

A. That's correct.

Q. And off to the right there's gonna be some patio furniture?

A. That's correct, yes.

Q. And then off to the left is a motorcycle and a stool?

A. Correct, yes.

Q. All right. Take us inside the house now. So we go in through those back doors. What's the layout -- what room do we enter if we come in through those two back doors?

A. So if you come in through the back door, you're gonna be in what we consider like the great room, the living room. There's a fireplace to your right. Directly across from you is the front door. If you looked directly across

you'd see the front door. There's a sectional couch and a pool table that you would be looking at also. It's one big huge great room.

Q. Okay. So just an open room essentially?

A. Yeah.

Q. All right. How many bedrooms and bathrooms are there in the house?

A. It's a total of three bedrooms and two baths.

Q. Okay. Where are the -- from the perspective of that back door, where are the bedrooms and bathrooms located?

A. So if you are standing at the back door looking towards the front of the house, in the great room there's a door to your left that goes into the master bedroom where there's a master bathroom off to the side also and then if you look to the -- look to your right you'd see an opening where you go into the kitchen area. So if you walk into the kitchen area, that takes you to the other side of the house where the two bedrooms and the other bathroom would be.

Q. All right. On June 27, 2021, which bedroom were you living in?

A. I occupied the two back bedrooms because I work from home, so I had a home office in one bedroom and I stayed directly across the hallway in the other bedroom.

Q. Okay. And so that would be the bed -- just to make

sure I've got it clear, we're standing at the back door, we're in a big open great room, a sectional and pool table are in there, and you can see straight through to the front door?

A. (Nods head.)

Q. Off to the left, there's one door on the left and that goes to the master bedroom?

A. That's correct, yes.

Q. And if you were to walk straight towards that front door and go to the right, you would enter the kitchen?

A. That's correct.

Q. And you have to enter through the kitchen to get to those two back bedrooms?

A. That is correct, yes.

Q. One of which is your home office and one of which is your bedroom at the time?

A. Yes, that's correct.

Q. Okay. Why were you staying in the two bedrooms instead of the master bedroom?

A. Well, like I said, I work from home in my home office and so I have the office directly across the hallway, so it just makes it a little easier to be able to get -- you know, to go to work and that sort of thing that my bedroom and my office are right there together.

Q. All right. On -- and when you're in those -- your

back bedroom area there, you -- you can't access the exterior of the house from there, correct?

A. No, not -- not at all. No.

Q. All right. So on June 27, 2021, were you living in -- at [redacted] by yourself?

A. I'm sorry, on what -- on what date?

Q. June 27, 2021.

A. Oh, on that day. I was living there and then Parrish was staying with me.

Q. Okay. And what's Parrish's full name?

A. Parrish Phillips.

Q. Which bedroom was he staying in?

A. So I let him stay in the master suite, master bedroom, which has the master bathroom also.

Q. And how long had he been staying with you at -- at that time?

A. About three and a half weeks.

Q. All right. So early June?

A. Yes, early June. Yes.

Q. How did you know Parrish?

A. I knew Parrish for a number of years going back about ten years ago. I had a -- a girlfriend that I was dating that we had -- our group of friends included a gentleman by the name of Patrick Cave, who I became good friends with. Patrick was also friends with Parrish and so that's

how I got some exposure to Parrish. Over the years, you know, we rode bikes and that sort of thing and so, you know, became friends over the years, you know, from riding bikes and that sort of thing.

Q. Motorcycles?

A. Motorcycles, yes.

Q. Okay. And you said you met him about ten years ago, so we're talking like 2014?

A. Well, 2012, 2011 is more like it, yes.

Q. All right. Since the time you met him in 2012, 2011, were you in constant contact with him until he moved in with you?

A. Oh, no. No. He was a casual friend, just somebody I knew -- you know, I knew. We didn't spend that much time together up until that point.

Q. Okay. When you did hang out, was it exclusively riding motorcycles or did you do anything else?

A. We would do like karaoke at the karaoke bars and stuff like that, sing karaoke and stuff. After -- there were a few -- there were a few occasions in which after we would hang out, you know, sing some karaoke or something, I would have some people come back to my house because I had a pool table and that sort of stuff and I didn't have any kids or anything, so I'd occasionally have people come back to my house and, you know, that sort of thing.

Q. Okay. So sometimes Parrish would come hang out after you-all --
A. Yeah, he'd been over like twice. Two or three times I think, yeah.
Q. What was Parrish like?
A. Parrish was a fun time hanging around. He was a good guy, but -- as far as like, you know, going out with him and laughing and cutting up and stuff. He -- actually we could have some good intellectual conversations, which I totally enjoyed having and stuff. He had a van that he wanted to like, you know, jack up and put some off-road parts on and stuff, so he and I would talk about doing that because I have a shop and, you know, car -- car mechanic stuff.
Q. Okay. He had a van he wanted to fix up?
A. Yeah. At one point in time he had a van that he wanted to fix up and, you know, jack up and make it look like a -- like a -- not zombie apocalypse, but, you know, like a dystopian kind of, you know, off-road kind of van.
Q. Okay. And you said you have a shop. Is that the garage on the property?
A. Yes, that's correct. That's the detached garage that has the sidewalk going to it.
Q. Okay. Did you ever do the work on his van?
A. Oh, no. I mean, I did do a lot of help over the years

with his various vehicles and stuff. Like I worked on his -- his truck a couple of times, I worked on his -- he had a minivan that I worked on a couple of times and stuff like that to help him out over the years.

Q. How would you describe Parrish's personality?

A. He's -- he's got a much, you know, more forward and stronger, you know, outgoing personality than, say, myself. I'm a little more reserved and stuff, but he's -- you know, anywhere you go you know he's there kind of thing.

Q. What do you mean by that?

A. He's just -- you know, he's got -- he's a good presence -- a presence that he's gonna, you know, make himself heard and he's gonna be seen and that sort of stuff, so he's -- you know, he's not a bad person. He's nice to be around.

Q. How about his temperament. What did you know about his temperament?

A. I knew that he could have a hothead. I know that he -- that he had -- had, you know, been -- he had, you know, a hot temper and stuff, but he never -- I'd never seen any -- any of that directed towards me ever. He's always been very complimentary and -- you know, towards me and we'd always had a really good -- really good interaction with each other.

Q. Had you seen him use that -- I think you described it

as anger. I might have misheard you.
A. Yeah, he -- I mean, he -- he has the capability of being angry that -- I knew that he was -- that he had been kicked out of a few bars because, you know, he'd showed out and stuff like that. I was aware of his, you know, violent past in regards to his prior altercations that he had, so I was aware of those type of activities. I mean, I was aware he had the potential to be -- to lose his temper and be angry, yes.
Q. And you said violent past. What do you mean by that?
A. I mean, he did --
MR. NORTON: Your Honor, I'm gonna -- at this point I just want to make it clear for the record that this is getting into the character evidence testimony the State would seek to exclude from trial. So if they want to proffer it for purposes of this hearing, that's fine, but this would be substantive evidence that the State thinks is not admissible at trial.
THE COURT: Any objection?
MR. YONGE: I mean, that would be the argument after the hearing, correct? I think.
MR. NORTON: I just want to make sure the Court's aware that this is what we're -- this kind of testimony is what we would be objecting to.
THE COURT: Okay. Go ahead.

MR. YONGE: Thank you, Your Honor.
BY MR. YONGE:
Q. I apologize. What was it -- you had mentioned he had a, quote, violent past. What was that?
A. Well, I mean, he was charged with attempted murder and he wound up pleading to assault and battery or some sort of lesser charge like that, but he went to prison for a while. So, I mean, I knew he had the capability to be violent because he took on two people and one of them was armed with a knife and he disarmed that person, slashed that person up pretty good, so, I mean, he -- he had the capability to be vicious.
Q. All right. How did you find out about that?
A. I had a mutual friend that was an acquaintance or a friend of the -- the victim, I wasn't sure who it was, but he reached out to me and asked me a few questions about it and he showed me a picture of the -- of the victim that Parrish attacked and he'd been sliced up pretty good. So I never thought that would happen. I mean, I thought -- I thought he -- he and I were good. I never thought I would ever see anything like that from him, so I didn't expect him to be like that towards me.
Q. You said you knew he went to prison. How long ago -- when did he go to prison?
A. Like 2014, 2015-ish, somewhere around that timeframe,

mid 20 -- 2014, 2015. I think he was in jail for about three or four years. I think he got out like right before COVID or something.

Q. Okay. And did you talk to him at all while he was in prison?

A. No. No, I didn't speak to him at all.

Q. And did you find out about him being -- what had happened while he was in prison?

A. I don't recall when I found out that he was attacked in prison, but I know that at some point in time he got attacked in prison and got -- got stabbed in the eye or something, so I don't know what all.

Q. Okay. That's enough. So I apologize. We'll have to break that into multiple parts then. I'm saying the events that led him to be put in prison, what you described as you saw pictures of a man who had been slashed?

A. Right. Yes.

Q. What -- do you know what he had been slashed by?

A. A knife that I think he or the other victim had, that Parrish was able to disarm one of the people that had a knife and used -- turned -- used the knife on those people.

Q. Okay. And you learned about that when?

A. It was probably like while he was in jail, I guess, or while he was in prison, I guess.

Q. Okay. And then just there you mentioned a separate

thing where he was attacked in prison?
A. Yeah. So while he was in prison at some point in time he was attacked and was stabbed in the eye. I think he was stabbed in the stomach somewhere and I think that's part of why he had the -- the intestinal issues and that surgery.
Q. Where did you learn that information?
A. Part of it came from Parrish in regards to telling me like, you know, that -- what happened while he was in prison, that he was attacked by some people because they didn't like his roommate or something to that effect. I didn't -- I didn't drill down into, you know, the specifics of what -- what he was doing there, but -- as far as how he operated in prison or anything, but I just assumed that, you know, stuff like that happens in prison, so I didn't necessarily drill down or inquire to him about, you know, the facts of why it happened and that sort of thing. I just let it go.
Q. Okay. Well, what did Parrish do for a living?
A. I'm not sure really. Parrish did -- he did have a -- a pressure washing business, but -- he made a few YouTube videos and things, but I think he did -- a few hustles here and there, but he sold some weed and did some drug dealing like that on -- on the side.
Q. So you were aware he sold weed?
A. Oh, yeah. I was aware that he sold weed.

Q. Did you ever purchase any weed from him?
A. I didn't smoke like weed, but I would purchase the THC cartridges from him, the weed cartridges.
Q. How often did you do that?
A. Once a month, once every three or four weeks. Something like that.
Q. Why did you purchase weed cartridges from him?
A. Just over the years, you know, I suffer from some anxiety and -- and that sort of thing and tried various prescriptions over the years and whatnot and I just found that the -- the weed helps my -- with my anxiety and whatnot, so. I don't really like the way cigarettes smells, I don't like the way weed smells, but I would use the -- the cartridges because they didn't stink and smell and helped with me relaxation and -- and anxiety in the evenings.
Q. Okay. What was going on with Parrish before he moved in with you in June of 2021?
A. So he had had some intestinal surgery several months prior and he stayed with his mother for a while. He stayed with another friend for a while and then he wanted to move in with me.
Q. What did you know about the intestinal surgery that he had?
A. Just that it had gotten kind of bad before the

surgery, so, you know, some complications from the -- from the surgery, he was in the hospital for a few weeks. I -- I just knew that he had to have a colostomy bag and that at the time when he had the surgery he had like a -- a center -- wound on the center of his abdomen and stomach area and it was closed up, but it was still very raw and like -- like a sunburn where it's -- like it's got like a shiny glistening to it or whatever, so it's very tender and -- and, you know, painful to the touch.

Q. What is this sunburn area? Where is this?

A. So where they did the intestinal surgery and they do the surgery when they -- in the surgery they let it kind of close up naturally. I mean, it's from the inside out, so it kind of -- it kind of grows together and it's all, you know, very tender tissue, so it -- it oozes and it's just really tender tissue because it's like new tissue. It's like red and it's very sensitive.

Q. Well -- and when he moved in -- he didn't move in directly with you from the surgery?

A. Oh, no. No. He had already -- he was -- he stayed with his parents for a while, he stayed with another friend for a while, he was cleared to go back to work, that sort ever thing, so he was not in -- he was not debilitated in that -- that fashion.

Q. What was his condition like when he moved in with you?

A. When he first moved in, he seemed worse off, but -- I mean, when he first moved in I thought, you know, he was in bad shape and within just a few days, you know, he's off doing whatever he wants to do and he's running around all afternoon looking for an Xbox and, you know, seemed pretty -- seemed like he was pretty okay really.

Q. What were his primary complaints when he moved in with you?

A. His primary complaint was that -- that he had this wound vac machine that kept acting up and stuff and when the nurse came by there that -- that one time he was already supposed to have that thing removed like weeks and weeks ago. So it was like he was behind schedule as far as -- not behind schedule, but he was supposed to have all this stuff taken care of and he was already supposed to be much better off than he was and so the doctor -- the nurse was like, you know, we need to get this machine off because you don't need it anymore, that's why it's acting up. Because you're -- you're already healed up, you don't be need a wound machine to suck anything out or whatever.

Q. Was he having any trouble getting around the house?

A. Oh, no. He could get around fine, just do whatever he wanted to do. He would often cook -- you know, cook food for himself. So, I mean, he could cook food and just do whatever he needed to.

Q. Was he -- was he having any -- any problems with the activities of daily living, brushing your teeth, showering, things like that?
A. No, he'd do whatever he wanted to.
Q. Lifting?
A. Yeah, he, you know, would lift. He picked up storage bins and when he moved in he actually, you know, picked up some stuff and moved stuff around. So, yeah, he could -- he'd move around just fine.
Q. So he -- he moved -- helped move his stuff into your house?
A. Yes.
Q. Okay. How did you-all decide he was gonna move in with you?
A. He wanted to -- he'd been wanting to move in with me -- with me for a while, but I would have people staying there periodically. Because it was just me in my house and so oftentimes if somebody needed a room to rent or they needed a room -- a place to stay for a couple of weeks or something like that, I'd let them do that, and so he called like the Thursday prior to -- to moving in with me and he wanted to move in like that day and I said -- at the time I had a friend staying with me, she was actually there with me then, and I said but you can't stay over and stay right now because I have someone here, staying here, and I said

plus before you actually come here and stay here I said we need to sit down and talk about the various rules and expectations and so --

Q. So he --

A. Sorry. Go ahead.

Q. He just called you out of the blue?

A. He -- he had been wanting to move in and I was telling him, you know, you need to get well first and get healed up and stuff and then, you know, we can talk about it then, but he was talking about his mom -- staying at his parents' -- his mom's house, you know, she was elderly and getting too old to enjoy -- he wanted her to enjoy life and stuff, so he didn't want to burden her, and then he was staying at -- at another person's house named Sarah and she was saying -- he was saying that she's got so many cats and stuff that his dog's staying cooped up all day and so he was trying to talk me into -- wanting to move in with me because, you know, I had a, you know, fenced yard and a bigger yard and a nicer house and stuff.

Q. And I think you mentioned there Parrish had a dog?

A. Yes, Parrish had -- had a dog named Max.

Q. Did Max move in with Parrish when he came then?

A. Yeah, he came too.

Q. All right. So he calls you and then -- you said on a Thursday. It was not the Thursday before this incident

happened, correct?
A. Oh, no. No, it's the Thursday before he moved in. So he actually came over -- that Thursday I told him he couldn't come over, that he could come over that weekend and we could talk about, you know, the response -- the rules and expectations that I expected, and so he came over that Saturday and he left his -- he had a minivan, he bought a minivan and left the minivan running while we were talking and -- because he indicated that there was some sort of battery or starter issue that if he left it -- left the car off the battery would die, and so we talked about what my expectations were of him and I said, you know, I have a pretty important job that I don't want to lose, you know, I don't want my livelihood impacted. I said -- so while you're staying with me I said, you know, I -- you know, I can't have you keeping any large amounts of cash or large amounts of money, large amounts of drugs in my house because I don't want to be involved in that side of, you know, that, whatever you do.
Q. Did you tell him that he couldn't have any weed in your house?
A. No, I -- I didn't tell him he couldn't have any weed. I told him he could have his personal bit that he has for himself or whatever and that, you know, if a friend of his stopped by or something like he could give him a bud or

two or something like that, but I didn't want any sort of large scale, you know, drugs -- drugs amount in my house because my daughter just started back to school to finish her master's to go to dental school and I knew my work career was gonna be in place for a number of years, so I wanted to kind of really, you know, make sure that I stayed clean, you know, I keep a very clean -- squeaky clean life because of my job.

Q. What was your job at the time?

A. I was a cyber security engineer for Wells Fargo at the time.

Q. Okay. And how long had you been doing that?

A. I'd been there for about four years. Prior to that I was -- no, wait I was there for eight years. Prior to that I worked for Intel Semiconductor.

Q. Okay. And why were you concerned that Parrish having large amounts of cash or drugs in your house would affect your job?

A. Because any type of felony charge like that would ultimately just end my career and so I wanted to avoid being implicated in anything like that.

Q. Okay. So you told him no large cash and -- no large amounts of cash and no large amounts of drugs, but he could have some to smoke?

A. That's correct, yes.

Q. Any other terms that you had before he moved in with you?
A. That was -- that was the main -- that was the main stuff. I kind of asked him if he could, you know, keep most of his stuff in -- in the room, right, because I basically set up the master bedroom with -- you know, the master bedroom is big enough to where you could have like a little mini living room. There's a -- a double extra-wide recliner couch and a TV and stuff like that, so it's -- it's kind of set up really nice, so I kind of asked him to take his appointments and stuff like that in there.
Q. Did you have him sign a lease?
A. No, I did not have him sign any sort of lease. I -- typically if have a friend of mine that's gonna be staying there for a period of time, you know, paying rent and stuff, I would actually draft up an entire, you know, lease that we -- we would sign, but in this case I just said, you know, you're my friend, you're staying as my house guest to recuperate.
Q. Okay. So were you even charging him rent?
A. No, I wasn't charging rent or anything.
Q. You said Max came to live with Parrish too?
A. That's correct.
Q. Do you have any animals?
A. I -- I did have an animal back in 2019 that I had to

put down because of old age, but no.
Q. In June 2021?
A. I did not have any animals, no.
Q. All right. So Max moved in with Parrish. How was -- how was it having Max around?
A. Max, was a good dog. He's -- he's attentive and -- and whatnot and very loyal to Parrish. I like animals, but when he moved in he actually didn't bring any dog food, didn't have any dog food with him, so, you know, it was like that's how he got fed was when I fed the dog, you know, so he seemed very -- kind of neglectful a little bit with his dog even though his dog was very loyal to him.
Q. Did he tell you anything about Max's training?
A. He told me that Max basically had been trained as, you know, a full K-9, you know, type dog type of thing, that -- that he just missed the cut a little bit, so, you know, he didn't quite make it as -- as a K-9 service dog, so he -- he became a -- you know, like a companion dog or a support dog.
Q. Okay. And so Parrish treated Max that it was a service dog?
A. Yes. Pretty much, yeah. He went everywhere with him.
Q. Okay. Who was Parrish dating when he moved into your house?
A. Parrish was pretty much dating a -- a girl named Liz

or Lizzy.
Q. What was Liz's full name?
A. Elizabeth. I don't -- gosh. Warwick. Warwick is the last name.
Q. Did Lizzy come to live with him too?
A. She was there a good bit of time, yeah. She would -- she would spend almost every night there.
Q. So she would stay the night a lot?
A. A lot, yeah. Not every night, but most nights, yes.
Q. How well did you know Lizzy before Parrish and her moved in?
A. I'd met her like probably less than a year ago. It was like kind of during COVID, so I didn't know her that well, but we hung out a few times. We -- you know, within probably the past six months we -- we hung out a few times there again at the -- you know, karaoke bars or come back to my house type of thing.
Q. Okay. So sort of the same interactions you had with Parrish?
A. Correct. Yes.
Q. Were you-all ever romantically involved, you and Lizzy?
A. No, we were never romantically involved like a -- you know, in like a dating type of scenario.
Q. Were you romantically involved in another type of

scenario other than dating?
A. Well, I mean, myself, as well as Parrish, as well as some other people in our circle, we kind of maintain more of an open kind of relationship status. We don't really get super-attached and stuff and so as far as if you're referring to like sexual or physical type of things, that's not something that there's a lot of boundaries with. So when you say romantic, I wasn't romantic with Lizzy in any shape or fashion, nor Parrish for that matter, but, I mean, there were sexual encounters that occurred between the three of us.
Q. Did you have a threesome --
A. Yes.
Q. -- with Parrish and Lizzy?
A. Yes. Yes.
Q. When?
A. It was probably around February timeframe, around Valentine's Day, somewhere around there.
Q. Of 2021?
A. Yes.
Q. All right. So Parrish and Max and Lizzy occasionally have moved in in June of 2021, correct?
A. That is correct, yes.
Q. How was Lizzy while she was there as a roommate?
A. She -- she was okay, but she -- like I said, she

worked in Chapin and she didn't have a vehicle, so she would have her mom drive from Chapin to my house in Lexington to pick her up and then drive her to work and then when she'd get off work her mother would drive her back to my house and drop her off. And there were times when I'd let her just drive my Caddy so she could keep her mom from driving so much.

Q. You said you'd let her drive the Caddy?

A. Yes.

Q. How many cars did you have at the time?

A. I had a bunch of cars, but I only had two vehicles that were registered to drive on the road. I had my 20 -- 2016 Cadillac and I had a Jeep -- you know, an older Jeep Wrangler.

Q. Did you have the additional cars because of the shop you have in the backyard?

A. Yeah, kind of. I had several cars, but those were the two that I had running. I park -- I typically park the Caddy in -- in the front driveway and then I park the Jeep in the back.

Q. How was Parrish as a roommate?

A. Parrish wasn't a good house guest. He wasn't a good roommate. He wasn't a good house guest. You know, he would fix breakfast and, you know, trash the kitchen and then he would say -- I'd say something to him about picking

up the kitchen and he was like, you know, that's what you've got Lizzy for, she'll clean it up when she gets home kind of thing, and so she'd get off of work and would get home and it would be 11:00 and she's like, you know, I'm kind of tired. She said, you know, I'll -- I'll clean the kitchen first thing in the morning, and I'd be like that's fine, and so she would clean the kitchen first thing in the morning and then he'd dirty it right back up an hour later, so, you know, he wasn't the best house guest.

Q. So he was messy?

A. He was messy, he's bossy. He'd like to watch the TV really loud and the TV that was in the living room is adjacent to my home office and so I'd ask him to turn the TV down and stuff like that. In fact, what I'd asked him to do was just -- like -- like I said, I had that whole master bedroom set up for him to stay in and I said, you know, you can play Xbox in there and do all that sort of stuff, and he'd just try to take over the house and just try to be just bossy, yeah.

Q. All right. Did you ever address any of these issues with Parrish while he was living there?

A. Yeah, a couple of times I'd address it with him and, you know, he was aware of some things that I wasn't pleased with and whatnot, so he just kind of kept doing it and just ignored me and just did what he wanted to do.

Q. Well, what would he say when you told him about it?
A. He was like, you know, just I'm gonna do what I'm gonna do kind of thing. I'm, you know -- or he'll -- he'd say that -- you know, if it's something that was in regards to something being messy, he was like let Lizzy clean it up when she gets back.
Q. All right. So when he first moves in you're not charging him any rent. There's no lease, correct?
A. (Nods head.)
Q. At any point during the course of him staying with you, did you ask him for rent money?
A. Well, he asked me like how much rent I would want to charge if he were to just, you know, stay with me in a long-term fashion and I sat down and did some figuring and I came up with an amount of $1,300 a month which would cover everything. It would cover, you know, wi-fi, electric, groceries. It would cover everything, he wouldn't have to lift a finger, and he kind of balked at that and said well, I can't afford that, and I said well -- I said, you know, you can, you know, find something else or whatever kind of thing, and so a couple of weeks ago by and he hadn't found anything and I said well -- I said, you know, I'll try to work with you a little bit or whatever and that's when he -- we were talking about he could afford like six hundred a month and I said well, if you can do

like six hundred a month for like July and August, twelve hundred a month -- or twelve hundred total for the next two months, I said we can do that. And so I was gonna like draft up a lease and I figured like the next day, you know, he was gonna, you know, go to the bank or, you know, get the money from wherever, you know, he'd have to borrow it or whatever, and later that evening he come walking into the -- when I passed by him he like tossed me a role of like twenties in a -- with a rubber band on it, like here's the twelve hundred or whatever, and that right -- right off the bat kind of made me a little bit nervous about things because like I told him no large amounts of cash in the house and he just throws me a wad of cash that and it -- right off the bat it put me on edge a little bit as far as like he probably wasn't gonna be doing what I was hoping he was -- you know, what he had agreed to.

Q. Okay. So at that point he's I think you said messy, being bossy, kind of loud and taking over the house?

A. Yeah.

Q. And then when you guys discuss him paying rent, he tosses you a role of $1,200 --

A. (Nods head.)

Q. -- and that sets off additional alarm bells because you told him no large amounts of cash?

A. That's correct.

Q. All right. I think you mentioned Parrish had a van?
A. He's had a number of vehicles over the years, but currently at that point in time he had a -- like a minivan.
Q. All right. Was he using that van to get around while he was living with you?
A. No, because, like I said, when he came over that Saturday prior to him moving in he left the engine running. He said that there was some issue with it wouldn't hold a charge and so that following week after -- after he came to stay with me, I offered to -- he told me that he bought the van from a friend of his at a dealership in Orangeburg, and so I offered to drive the van down to the dealership in Orangeburg so he could get it fixed because I had a friend of mine that often drove up from Charleston to Columbia and so I could get a ride with her, so that's what I did. So he didn't have a vehicle he was driving. If he needed to go somewhere, he would drive one of my vehicles -- or he'd drive my Caddy rather.
Q. What was the last part you said there?
A. I said -- I said if he needed to go somewhere he would drive one of my vehicles, but he never drove the Jeep because it was -- it was like jacked up and stuff. He'd drive the Cadillac.
Q. Okay. So you would let him drive the Cadillac when he had to go --

A. That's true. Yes.
Q. -- do stuff while he lived with you? Did you have any concerns about how he used Cadillac while he was living with you?
A. Initially I didn't, but after, you know -- you know, there -- there might have been a few red flags that I'd pick up on at first, but once like that $1,200 situation happened where he threw me the wad of cash, you know, I kind of got a little heightened and so he'd ask to borrow a vehicle to go to a doctor's appointment, like one of his last doctor's appointments for -- to check up on his wound or whatever, and he told me his appointment was at 2:30 and he left very early and I looked and logged onto my Cadillac app to see if he was actually at the doctor's appointment, and he was at the doctor's appointment, he left the doctor's appointment early, so he basically lied to me about what time the doctor's appointment was. And so then he left there and he went to a bar and then he went to one of his person's that helps him sell drugs, her name is Stasia, and then he left there and went to another bar, Tavern on Broad -- yeah, it was Tavern on Broad, and he was at that bar at like 4:30 and he's like oh, I'm just getting out of my doctor's appointment. He said traffic -- traffic is a real pain or whatever and I'm sitting there looking at my car sitting at the parking lot at the bar and I said,

you know, it's probably a real -- real parking lot where you're at.

Q. Let me ask you a couple of questions about what you just said. So you said you looked in my Cadillac app.

A. Yeah.

Q. What is that?

A. Basically it's an app on your phone that, you know, you can remote start your car or you can -- you know, you can check and see what your mileage has been check and see your GPS location, your vehicle history, and things like that.

Q. Okay. So he tells you he's going to a doctor's appointment and during the hours that he's gone you can see exactly where he's going?

A. That's correct, yes.

Q. And you mentioned he went to someone named Stasia's house?

A. Yes.

Q. Who is this?

A. Just one of his associates. I don't know whether -- whether he's good friends with her or not, but that's where he -- it's one of his associates and so I -- I assumed that he was doing some sort of drug activity in my car with this person.

Q. Okay. So you didn't know for sure. You just --

A. I didn't know for sure, but, yeah, I had some suspicion, and when I talked to Parrish about things I said in my house, right, and I just assumed like that would infer my personal items, and so when he got back I said something to him then about, you know, I just want to make sure you're not doing anything, you know, behind my back with my car that you shouldn't be doing kind of thing and -- and he's like oh, no, no, kind of thing, so he was -- I was starting to get some suspicions about him for sure.

Q. Okay. The day before this incident, what was -- well, what was Parrish doing that day on the Saturday before?

A. Yeah, so he -- he had asked if he could borrow my Caddy to drive to Charleston because he had a friend of his that ran a restaurant or something on the beach on -- right there on Folly Beach and he wanted to get some crab legs and get some fresh open air and so he wanted to drive my Caddy, and I said he could. And I reiterated to him then like you're not -- you know, you're not gonna be doing anything, you know, illegal substance in it because like that is my car and I don't want to be implicated in things, you known, and he said oh, no, no, it's just a friend or whatever. And I used the Cadillac app again to confirm where he was at and sure enough went all over Charleston making various stops and whatnot, and that's when I was like if he's not gonna be straight with me, he's not gonna,

you know, tell me the truth, I probably need to really have a talk -- you know, a heart-to-heart talk with him and -- and that's what led to Sunday.

Q. All right. So Sunday June 27, 2021, that's the day the shooting happened, correct?

A. That's correct.

Q. All right. Now Parrish had gone down to the beach the day before. Did he come home that day?

A. Yeah, he come home -- came home later in the evening, yes.

Q. Okay. Did you see him at all after he had gotten home?

A. Yeah, I saw him a little bit later.

Q. What was his demeanor like? What was his attitude like?

A. He seemed like everything was fine, you know, like everything's good. I was, you know, not -- I was not looking to talk to him that evening. I wasn't looking to like, you know, make it -- make -- start something up in the middle of the night kind of thing when things can't be resolved because it's nighttime.

Q. Okay. So the next morning Sunday, June 27, 2021, what time did you wake up?

A. Around 10-ish, 10:15, something like that.

Q. And I assume you woke up in your bedroom at

[redacted]?

A. Yes. That's correct.

Q. All right. What were you plans for the day?

A. I didn't have anything set in stone, but I was probably gonna do some yard work, cut the grass, just work in my garage, things like that.

Q. All right. Well, tell me about what you did that morning starting from the moment you got out of bed.

A. So when I got out of bed, I mean, I knew there was persons up because I could, you know, hear some rustling around and stuff or whatever, and I go out and Parrish is there and -- or Parrish is up and shortly after I'm out there his friend Aubrey comes over and he tells me they're gonna go out to Sunday Funday to LJ's bar. There's this band playing.

Q. Okay. So you get up, you come out, Parrish is already awake?

A. Yes.

Q. And it's about 10:15 AM?

A. Yeah, something like that. Yes.

Q. All right. Where was Parrish when you first saw him?

A. I walked out on the back porch and we chatted out there. That's typically kind of, you know -- I'm either working in my office or if I'm not working I'm gonna go out and get -- want to go outside and get some air, so I go on

the back porch.
Q. All right. How long did you-all talk that morning?
A. Just a few minutes because Aubrey had arrived and once Aubrey arrived, she had her daughter with her and they'd found like a little baby bird that was kind of wounded out in the front yard, so she got my attention and then after that point I was taking care of the baby bird.
Q. Okay. So you're talking -- you come out, you're talking to Parrish?
A. (Nods head.)
Q. Within a few minutes his friend Aubrey arrives?
A. That's correct.
Q. All right. And Aubrey, does she just come in through the front door or how do you first see her?
A. He lets her in through the front door, she comes out on the back -- on the back porch, we chitchat a little bit or whatever, and then that's when the daughter makes -- says something to Aubrey about there's a baby bird in the front yard, so that's when we go out in the front yard and I see the little baby bird and it's -- you know, looks like it's about to die kind of thing, so I pick it up and bring it in inside and I put it in a little box and I feed it some water and some hummus and stuff and the baby bird is like miraculously doing a lot better, so I took it in the cardboard box and I set it on the front porch because you

could hear momma bird and other baby birds in the trees like squawking.

Q. Okay. And you said Parrish and Aubrey and I guess her daughter --

A. Yes.

Q. -- were going to LJ's?

A. LJ's, yes. It's like a bar in Lexington.

Q. Off Old Cherokee Road?

A. Yes. Yes.

Q. Okay. For Sunday Funday?

A. Yes.

Q. All right. What time did they leave about?

A. Probably between 10:30, 10:45, something like that. It was -- they were there fifteen, twenty minutes.

Q. And during this whole time that you're there with Parrish and Aubrey and her kid and you got this baby bird, is there any issue you're having with Parrish?

A. Oh, no. I mean, I was never angry with Parrish or -- and there was never like, you know, in this bad mood. We didn't have any bad blood between us at all.

Q. Was Parrish being angry with you or anyone there?

A. No, he seemed pretty -- in pretty good -- pretty good spirits. Pretty good typical spirits.

Q. Was Lizzy at the house that day?

A. I don't recall if Lizzy was up or if she was up and

around. I don't even recall seeing her that morning, so I don't know if she was awake then yet or not. I don't recall. I didn't see her.

Q. All right. So Aubrey, Parrish and Aubrey's daughter go off to LJ's?

A. Uh-huh.

Q. What do you do while Parrish is gone?

A. I'm doing some yard work outside, just doing some things around the house. At some point I do see Lizzy. She said she's gonna pick up a few things and I tell her then -- I tell her that once I cut the -- part of the backyard that I want -- she had had a kiddy pool that -- that she had Parrish had got her and I'd asked her like once I cut this part of the yard to slide the kiddy pool over so I could cut the other half or whatever, and so once I cut that one-half of the yard I kind of hit her up went and said hey, I'm gonna go mow the front yard or whatever, so I went and mowed the front yard and when I got back to the back yard she had moved the kiddy pool, so.

Q. Okay. And so you were -- what type of lawnmower do you got?

A. It's a pretty much brand new Husqvarna, you know, riding lawnmower.

Q. All right. So you're riding the lawn that morning --

A. Yes.

Q. -- while Parrish was gone. Did you talk -- did you talk to Parrish at all while he was gone?
A. Yeah, he said something to me about he had some clothes in the washing machine he wanted me to throw in the dryer and I think I sent Aubrey a text message about that the baby bird was doing better.
Q. All right. So Parrish called you or texted you? What happened?
A. It was a text message I think. I'm not sure.
Q. Saying that could you --
A. Yeah, throw my clothes in the dryer or something like that. Yeah.
Q. All right. And then you'd messaged Aubrey saying the baby bird was doing better?
A. Yes.
Q. Okay. The entire time Parrish and Aubrey and all them were gone, were you just running around doing yard work and chores?
A. Pretty much, yes.
Q. How much did you interact with Lizzy during that time?
A. Like I said, I didn't recall seeing her that morning when they was there and then after they left I just interacted with her a few times, you know, like with the -- moving the kiddy pool and she said she was gonna clean up and do a few things around the house to help out or

whatever and I didn't pay attention.
Q. What time did Parrish come back from LJ's?
A. I think it was about 4:00, 4:30. 4:15, 4:30. Something like that.
Q. Okay. So 4:15, 4:30, somewhere in there?
A. Yeah.
Q. What were you doing when he got home?
A. When I saw Aubrey's vehicle leave, I was actually still kind of cutting the grass. I think I'd just shut the lawnmower off, but I was just, you know, actually outside doing some yard work.
Q. And when you say you saw Aubrey's vehicle leave, you mean after she had returned back from LJ's?
A. Yes. When she returned back from LJ's to drop Parrish off, I saw her vehicle pulling out, so that's why -- that's why I knew he was home.
Q. Okay. Well, what did you do from there?
A. I stopped what I was doing and went inside to kind of, you know, check on him or whatever.
Q. Okay.
A. And Lizzy was planning on going to a -- a funeral, visitation, Celebration of Life, and originally she was going to go to her mother's house and get ready there before she was gonna go, so she was gonna leave fairly soon, but Parrish said something about well, go and get

ready here and I'll go with you to the thing or whatever, so at that time I was thinking okay, well, that would give me a few minutes to, you know, have a little chitchat with him about, you know, some of the stuff that, you know, I felt like he was doing that, you know, we weren't in sync on as far as like following the rules and stuff.

Q. Okay.

A. I thought I'd just take a few minutes to do that type of thing. I didn't think, you know, it would turn into anything.

Q. When you saw this interaction between Parrish and Lizzy, where were they?

A. They were just inside the house there in the living room kind of area. At one point in time they had both walked outside and were outside talking, so I interacted with him a little bit outside or whatever and that's when I started talking to him because she went inside to get ready, came back outside for a little bit, went back inside, so she was in and out a good bit while she was getting ready when Parrish and I first started talking.

Q. Okay. And did you just tell him like I want to talk to you about few things? What -- what happened?

A. Kind of sort of, yeah. I mean, we sat down and small talked a little bit and I was like, you know, I was doing some thinking and, you know, not sure if this is working

out that great kind of thing, and initially he said why and I was just pointing out a few reasons about, you know, he didn't help out with chores, he wasn't doing this, he wasn't doing that, and his mentality -- or his response was well, you know, I got you on a lease now, so you're -- you're mine for the next two months. You're my bitch.

Q. He said you're my bitch?

A. Yeah. He said you're my bitch now.

Q. Okay. Where were you while you were having this conversation with him?

A. We were outside on the back patio and I'm sitting on the -- so if you're standing on the -- inside the house looking out onto the back porch, there are two high-top tables, the high-top bar top. I was sitting in the right chair and Parrish was sitting in the left chair. The reason I sit in the right chair is from that chair I can see both the back door, as well as the back driveway.

Q. Okay. And just to reiterate what the back porch is set up as, we have some patio furniture over on the left, a high-top table in the middle with two chairs, and then the motorcycle and a stool off to the right?

A. That is correct.

Q. And you're talking to Parrish at the high-top table in the middle. You were sitting in the right chair. Is he sitting in the left chair?

A. That is correct, yes.
Q. Okay. When you start this conversation with him, what's his demeanor like before you get into the issues you're having?
A. Well, before I started anything, I mean, he seemed in pretty good spirits. He seemed like, you know, he was approachable to talk to and stuff or whatever. When I started bringing up some things, you know, he was a little bit irritable towards me about it, but he wasn't like, you know, over the top or anything, you know, rage-wise.
Q. So he was okay at first and then he got a little bit --
A. A little bit -- a little bit turned up or whatever.
Q. Okay.
A. And so because he wasn't the least bit apologetic or like wanting to work on with me on things, I was like well, I'd just rather you find a different place. So I went inside and I think he went inside at that point in time, too, but I was inside for quite a few minutes and just kind of doing some pondering and stuff, but I was in my office and I said well, let me get that $1,200 and I'm just gonna give it back to him and say, you know, find -- just find some other place and -- stay for a couple of weeks and then find a place, and so I went to hand him that money, I went back outside and he's outside at this point and --

Q. Where is he outside?
A. -- then he -- he was sitting in -- so if -- if you're exiting the house, on the back porch he'd be in the left chair. And at that time Lizzy was actually sitting in the -- some of the patio furniture over on the left-hand side as well.
Q. Okay.
A. And then so I walk up and I sit down on that right high-top chair and I set the envelope kind of on -- on the table there and I said here's that twelve hundred back that you can put towards finding a place or whatever.
Q. Are you sitting or standing?
A. I had just walked back outside. So as I'm sitting down, I set the envelope on the table. I didn't sit down, so I'm actually standing, you know, you can get this to, you know, find a -- you know, find place to stay.
Q. And what was Parrish's reaction to that?
A. He got very irritable towards me about it and said, you know, you're -- you know, I own you for the next two months, you're mine kind of thing, and I said well, you -- you can't be -- you can't be doing any illegal stuff in my house. I said you can't be doing any illegal stuff that could implicate me and you've been lying to me about it, and he said you don't know what you're talking about, you know, you're full of shit, this, that and the other, and

said, you know, so what, I -- you know, you don't know what -- you don't know what's going on, that sort of thing, and I said well, I know what you've been doing because I can pull it up on my phone and see where all you've been, and when I showed him the place that he had stopped out in Charleston that Saturday, he said he was going to Folly Beach, but he winds up in Isle of Palms and he's at this house in this neighborhood for like 45 minutes and I said something, you know, about being in this house, you know, for 45 minutes, you know, or whatever, and he was like you're dead and don't even know it yet; you're -- you're -- you're already dead. He's like people die -- people died for -- people died for knowing shit like this, and so he really gets irate at this point and gets all up in my face and telling me like, you know, he owns me and that he might not be able to completely take me out right now, but that once Max gets done -- once Max gets done with me there won't be nothing left but a carcass.

Q. So you tell him you know where he's been going?

A. (Nods head.)

Q. And at that point his demeanor goes -- let's do it this way. You said when you first started talking to him he was normal, okay, you bring up that, you know, you're having problems with him. He turns up I think is what you say?

A. Uh-huh.
Q. Where is he at when you tell him you know where he's been going?
A. He -- on a scale of one to ten at that -- at that point, he's probably like a three or so, but he went from just from that to a hundred like instantly. It was like -- at that point like I'd saw something in him change and like he had this rage and anger and his cheeks were like clinched together and he was like just -- just I've never -- I've never seen somebody so angry before and I -- and I never -- I never thought Parrish would go like that towards me and he was so hard, like just so -- it was scary. Scary.
Q. And he told you -- people have died for knowing what you know?
A. Yeah. And when I went -- and I just assumed like, you know, he saw that I was watching where he was going and -- and I guess he was probably irritated because I kind of caught him in a lie, but he could see that I saw where -- where all he went and he'd actually -- on his way to Charleston he stopped in Orangeburg, you know, and so he saw these things and was just like I was -- I was now the enemy number one.
Q. What's he physically doing while he's telling you all this?

A. So when -- when he got turned up, he -- he got up and started getting really animated and agitated towards me, he got up towards me, and that's when he made the comment about taking me out and that Max, the dog, would leave nothing but a carcass left behind, and so I actually stood up out of my chair, I said you can't talk to me like this in my house, you need to leave, and he said I ain't fucking leaving and -- and so he -- he's right in my face and that's when I saw Lizzy, like she got scared and she left. I don't know if she was scared or not, but she left, and that's when he like head-butted me and -- he just head-butted me like that and I just kind of cowered down and he stormed inside. And when he stormed inside, that's when I'm like, you know, I don't care if I get in trouble at this point, I need to call the police, and so that's when I checked my pocket for my phone and looked on the table, I can't find my phone, and that's when I'm like crap, I left it in the -- in the office just when I was in there a few minutes earlier.

Q. When you were going to get the money?

A. Yes, when I got the money a few minutes earlier.

Q. All right. So what happened next?

A. So he stormed inside and I thought he was going to get a knife, club or something. I thought he was gonna come back and beat the crap out of me and so I actually had to

go inside because I'm going to get my phone because I'm calling 9-1-1, and so I see him ahead of me and he goes towards the left, like towards the master bedroom or like towards the front door, and I go to my right, make a beeline to my office to get my phone.

Q. Okay. And that's -- so we've established this at the beginning. The master bedroom door is off to the left?

A. (Nods head.)

Q. You see him go in that direction, you go up to the right through the kitchen?

A. That's correct.

Q. And back to the bedroom and home office area you've got back there?

A. That's correct, yes.

Q. And you cannot exit from that area, correct?

A. No.

Q. All right. What did you do when you were back there?

A. So I went straight to my office and -- to get my phone and I was pretty sure it was either on the chair or the table because I put the envelope in my -- or the envelope with the $1,200 in it in my desk and so I went to my desk and I looked really quick, I didn't see it, I thought maybe it slipped onto the floor off of my chair or something or out of my pocket. I checked the floor real quick and checked whatever and so I couldn't find it and so I ran

across the hallway to the -- my bedroom, and I didn't recall being in there, but I thought well, maybe I just set it down here for a second. I checked there real quick and so as I'm on the way out of the bedroom to go outside because I'm assuming I must have left it outside where I was working out in the yard, my gun's sitting right there on the dresser, and so I just -- I'm in such fear and such like panicky I grabbed the gun and go to -- outside. And I was trying to like -- I didn't know where Parrish was and I didn't know if he was inside, outside or where he was, and so as I'm coming through the house I looked -- I'm coming through the kitchen and I kind of glanced up at the master bedroom door and it's -- it's partially open, but I can see there's, you know, nobody standing there, so as I go to come around the kitchen into the great room I look to my left and see that the door -- the back door to the back porch is -- is left open, but I'd left it open when I came inside prior and I didn't see anybody on the back porch, so I went in a beeline to go out to the back porch and as I'm coming through the kitchen I was pretty sure that I'd left my phone on the stool outside because I'd been taking -- it was a fairly new phone and I'd been taking pocket pictures, so I'd take it out and set it down and I said I think it's right there. So as I'm going out the back door I look and I see the phone over to my right and I had the gun in my

right hand down by my right thigh.
Q. Was it down at your side the whole time this is happening?
A. Yes, up until the -- at this point it's down on my right-hand side and as I'm walking out and I see my phone on the stool, I can hear him saying a few things that I couldn't make out like he was behind me, like he was inside coming behind me, and I was thinking to myself as close as he is I would -- I would have seen him in the house as I was coming through the house, and so right about then I hear you pull a fucking gun on me and I turn and he's like right there. Like --
Q. Did you point the gun at him at that point?
A. No, at the time the gun was down by my side and I went to say I just want you to leave and I -- I couldn't even get that out of my mouth because he like bum-rushed me, like he was gonna try to tackle me, and so as he's coming towards me, you know, I'm trying to raise the gun up to like get it away from him like this and I'm gonna start to evade to take it away from him and so instead of like block tackling me he kind of drives up and grabs -- grabs my arm and drives me off the back porch and as I'm going off the back porch -- or as he's driving me off the back porch, my arm or back of my shoulder hits the -- this hanging fern basket and we kick over the chair, and I don't

know if I kicked over the chair or he kicked over the chair, but one of us did, but as I go off the porch and he's driving me off the porch, he's like almost on top of me kind of thing, so when I land on the ground I stumble and like trying to get my balance and I'm about to fall and like I'm afraid that if he gets me on the ground he -- he can definitely hurt me because I don't -- I'm not -- I don't know how to fight, I've never fought anybody before, and so he'd be able to just do what he wanted to do with me. And so I'm trying to get away, I'm trying to get away, and I'm actually starting to get my footing back and when we go out on the yard we kind of -- he drives me out going, you know, back towards the -- the shop, the garage, and I tripped and -- and so as we're struggling I'm trying to like get free so we're just doing this side to side motion. And we kind of go out in the yard and we do almost like a horseshoe and turn back towards the house now, right, and at this point in time I'm able to like work my arm back and shaking it back free, so his -- his -- he's losing his grip on my arm, so I'm getting my -- pulling to get my arm free and then all of a sudden while I'm doing that, you know, he's just saying you better pull that trigger, you better pull that fucking trigger or you're a dead man, you're fucking dead, and he's like Max on me. And I was like really shaking back and forth and outside of my periphery

I see Max come out the back -- the back door and I'm like -- I'm like dude, stop; dude, stop, stop, stop, and I saw Max come out the back door and so I brought my arm down a little bit like this and by this point I'd regained my footing so I was -- instead of being like backpedaling, you know, I'm able to stand upright, and so I bring my arm down a little bit, I'm able to get a few paces away from him, and I shot. And when I shot like he just snarled at me and kept -- kept charging towards me, so I just shot him and I kept pulling the trigger until I saw him hit the ground.

Q. So how long did this entire -- from the moment you go out that door to the moment you pull the trigger, how long did this fight last?

A. It was seconds. Like maybe eight seconds, ten seconds tops. It was like -- it all was just a rush. I just -- he just charged me, I mean, right off the bat, like just charged me, you know, like --

Q. Can you -- can you say exactly where you guys were in space at any particular point in this eight seconds of panic?

A. It was just -- it was just a blur. All I saw was his face, that he was snarling at me, and him -- and when I say he was yelling, it was not like a yell like at the top or screaming, it was anger, like a death wish. You better pull that gun or I'm gonna fucking kill you. It was just

-- I don't get it. I relive it every day.
Q. When you -- describe the cadence of the gunshots for me. What was the rhythm? What did it sound like?
A. It was like pop, pop, pop, pop.
Q. Okay. In that period of time?
A. (Nods head.)
Q. So there was no shoot once, shoot twice, shoot three times, four times?
A. No, I shot once and like nothing happened. He just like snarled and just kept driving towards me, so I just kept pulling the trigger and the whole time I'm like -- I'm trying to get distance the entire time, so as I get my footing and I get my arm back up and I see Max come out and I start to shoot, I -- I just continue to get a couple more paces away from him each time, and so as he hits the ground I'm probably another pace or two behind, you know, backed up away from him.
Q. Outside of the context of this eight seconds in your life, if you had time to think about it would you be afraid of Max?
A. Like if I had time to think about being afraid of Max? I wouldn't be afraid of Max, no, but like in that moment I -- I knew that Max being loyal to Parrish and just because of the commotion that Max might have just bit me or nipped at me or something like that, but most importantly it would

have gotten me to the ground and that's what I was afraid of. If Parrish got me to the ground it would be game over.
Q. Did you actually have time to think all those thoughts?
A. Of course not. It's just a blur.
Q. Okay. Tell me what happened after the shooting.
A. So after he falls to the ground, I immediately like go over like another half dozen paces, five or six paces, and I -- I eject the magazine out of the gun and I -- I eject the -- the cartridges, the rounds, that are in the chamber and I put the gun and the magazine and the spent rounds all on the concrete sidewalk, and then I immediately grabbed my iPhone -- my phone out of my back pocket and called 9-1-1.
Q. So you called 9-1-1 within seconds of the shooting?
A. Yes. Yes. Within just -- yeah, just seconds.
Q. What did you do after you called 9-1-1? Walk me through what happened.
A. He was still -- he was still breathing. I could see him breathing and so I got down on my knees right behind him and I could see a little bit -- he was kind of laying on his side and I saw a little bit of blood coming out of his mouth or whatever, and so -- I've had -- I've had all sorts of like CPR training, you know, office AED, heart training and stuff, but like I -- I wasn't prepared for

like a gunshot. I was just like -- and I -- so all I was doing is I was talking to the 9-1-1 operator on the phone and I was holding his head in my hand, my left hand.

Q. And you said you could see him breathing?

A. Yeah, he was trying to breathe.

Q. Did you see Parrish stop breathing?

A. (Nods head.) He -- he would stop breathing and I'm like, you know, breathe and he would breathe or take -- like take a breath and I would be like come on, buddy, come on, breathe, and then he finally just -- he stopped breathing and I saw it when it happened.

Q. Okay.

MR. YONGE: I beg the Court's indulgence for just a moment. That's all the questions I have.

THE COURT: Mr. Norton.

MR. PINCELLI: Judge, I'll be handling the cross. I'd ask for a very brief recess so I can use the restroom before we get started.

THE COURT: Absolutely. We'll be in recess for about ten minutes.

I've got to ask you to stay on stand unless you need to go too and I'll get somebody to walk you because you're still on the stand, you're under oath, and I can't let you speak to anybody.

THE WITNESS: Can I have my water bottle, please?

THE COURT: Absolutely.

THE WITNESS: Thank you.

THE COURT: Anna, can he have some water?

MS. YONGE: Absolutely.

(Recess taken at 10:52 AM.)

(Back on the record at 11:01 AM.)

THE COURT: Are you-all ready?

MR. NORTON: Yes, Your Honor.

THE COURT: All right.

Go ahead, Mr. Pincelli.

MR. PINCELLI: Thank you, Your Honor. May it please the Court?

THE COURT: I want to remind you you're still under oath.

MR. PINCELLI: Thank you.

CROSS-EXAMINATION

BY MR. PINCELLI:

Q. Would you prefer Jabin or Mr. Trapp? We're gonna be speaking for a long time and I want to get it right.

A. Jabin's fine.

Q. All right. Thank you, Jabin.

Jabin, you answered a lot of questions for Jason. I'm gonna go over a lot of that and we're gonna start back at the very beginning with your relationship with Parrish.

You said you had known him for about ten years; is

that correct?
A. Since 2011.
Q. 2011?
A. Yeah.
Q. So that would be about ten years and it's -- you said that you became friends through mutual acquaintances; is that right?
A. That's correct, yes.
Q. That you rode motorcycles together?
A. Yes, that's correct.
Q. And would sing karaoke together; is that correct?
A. Yes, that's correct.
Q. And he would come to your house sometimes afterward?
A. Yes. Correct.
Q. And that you guys became friends. You were friends?
A. Yeah. Yeah, certainly.
Q. And that throughout that experience of living with him, and correct me if I'm wrong, but up until this alleged incident on June 27, 2021, you were friends?
A. Yes. Correct. I considered him a friend, yes.
Q. Some of the things that you described, did you say that he was fun to hang out with?
A. Yes.
Q. That you had fun intellectual conversations with him?
A. Yes.

Q. He was outgoing?
A. Yes.
Q. He had a good presence?
A. Yes.
Q. You mentioned that he could be hotheaded; is that right?
A. Correct. Yes.
Q. But you also said that he had never directed that toward you; is that correct?
A. I'd -- I'd never witnessed him be angry towards me. I never seen him be angry period in person, but towards me especially.
Q. Okay. So you -- you'd never even seen him be angry. You might have heard something, but he's certainly never been angry toward you; is that correct?
A. Yes. That's correct.
Q. And you -- you never seen him be angry at anybody else. You just heard some things maybe?
A. Right.
Q. He had some medical issues that you did know about; is that right?
A. Yes. Correct.
Q. Even before the surgery you said he had something wrong with his eye?
A. Yes. Correct. He's had the eye patch when he --

since he was in prison.
Q. Okay. So he wore an eye patch?
A. That's correct, yes.
Q. Do you know if he could see out of it at all?
A. It was my understanding based off what he told me that he -- he could see without -- from the other eye, but that there was some muscle or nerve damage that caused him to see double and it -- and he had strain and it caused him headaches, so he had to wear the eye patch to keep that from happening.
Q. It's fair to say when he's wearing the eye patch he couldn't see out of that eye at all?
A. Yes.
Q. Did he wear that regularly?
A. Yes.
Q. He had other serious intestinal issues; is that right?
A. Well, he had the -- the surgery, what, a few months prior from the bowel surgery, yes.
Q. Uh-huh. And you described everything that went on with that and you said he had a colostomy bag?
A. That's correct, yes.
Q. And he had another wound and you described that. Was that also on his abdomen?
A. Well, the colostomy bag is just a port, so it caused a wound, but, yeah, he did have the wound from the surgery

itself, yes.
Q. Right. So that's what I'm -- in addition to the colostomy bag, he had something else on his abdomen that was an issue?
A. Yes. That's correct, yes.
Q. And I might go forward and backwards a little bit, but tell me while we're on the -- the topic of his injuries, what kind of treatment did you know him to get for those?
A. Well, he had the surgery itself, but while he stayed with me he had like three different visits. One was from a wound care nurse --
Q. Uh-huh.
A. -- and told him that -- that the pump had been left on too long and it was time to take it off or whatever, he's cleared to go back to work, but he had some like lingering issues with the -- the bandage causing surface pain on the -- on the wound that he had on his abdomen.
Q. Sure. And you said -- remind me when he moved in.
A. So he was gonna move in that -- that Sunday prior, which I think is the 1st or 2nd or 3rd, something, but he actually didn't move in until like midweek on Wednesday or Thursday.
Q. Of --
A. The following week.
Q. The following week in June?

A. Yes.
Q. So we're some time --
A. It was -- what's that, the 7th or thereabouts.
Q. Sure.
A. I didn't keep track exactly what day it was, but it's like midweek he moved in.
Q. And this incident occurred on the 27th?
A. Yes. That's correct, yes.
Q. So he'd lived there about three weeks before any -- before this incident occurred; is that right?
A. That's correct, yes.
Q. So during that three weeks you saw him get treatment at least three times?
A. Yeah, he had three -- he had people come by to, you know -- what do they call that -- home care -- home care specialist or whatever.
Q. And you said when he moved in -- again, we're talking about a span of three weeks, less than three weeks, maybe twenty days?
A. Uh-huh.
Q. You said that he was in bad shape?
A. I said when he -- when he visited me, he was in bad shape, but when he -- when he first moved within a few days I could tell he was in much better shape than I had initially assumed he was as far as -- as far as physically.

Q. Pretty good shape for a guy with a colostomy bag and that other wound?
A. Sure.
Q. That was getting treatment at your house?
A. Yeah, he was getting therapy. Yes.
Q. Sure. And do you remember -- I mean, I think it's fair to say you were pretty cooperative with -- with police throughout this whole investigation. Would you agree with that?
A. I -- I tried to be, yes.
Q. I mean, you -- you talked to them a little bit on the scene?
A. (Nods head.)
Q. There certainly was no issue detaining you; is that correct?
A. That's correct. Yes.
Q. And then later you -- you even sat down for a long interview with your attorney; is that correct?
A. That's correct. Yes.
Q. Do you remember telling police during that that he had a hard time getting around, referring to Parrish, and was always asking for someone to cook for him and would never clean after himself?
A. That's correct. I mean, he could -- he would -- he had a hard time getting around when he first moved in, you

know, like I said.
Q. Okay. And after he moved in, you described some problems. That, you know, he was messy?
A. Right.
Q. Some things like that. And you said there were some rules. Remind me of the timeline. He moves in. When does he pay rent and when do you come up with rules?
A. So when he came -- he wanted to move in with me on Thursday. I asked him to stop by on Saturday so we could talk about rules and what my expectations were and the only rule that I had for him was just no large amounts of cash and no large amounts of drugs in my house. Other than that, I didn't speak about house rules and chores and things like that. I just assumed that was something as an adult you just do yourself kind of thing.
Q. Okay. Let's -- let's focus on the drug use. So you said that you had -- you had a rule he could have -- not have large amounts of cash or drugs?
A. That's correct. Yes.
Q. You told him he could have a small personal amount?
A. That's correct. Yes.
Q. And that seems equitable because you admitted to using THC cartridges; is that correct?
A. That's fair, yes.
Q. You also told Jason a little while ago that if a

friend stopped by he could give them a bud or something?
A. Right. Yes.
Q. Okay. Are you aware that's distribution of marijuana?
A. Yes, I'm aware that's technically distribution of marijuana, but --
Q. Okay. So that --
A. -- amongst a friend, giving them a bud, I -- I wouldn't -- I wouldn't look at that as a risk of law enforcement then charging me with a comparable felony as well.
Q. Right. But you were letting him live in your house knowing that he might be distributing marijuana?
A. True.
Q. Okay. And -- that's your big rule and then at some point you needed to sit down and talk about the other things that are bothering you with him being a messy roommate or something like that and you have some sort of rental agreement going on, right?
A. Well, we were talking about -- he inquired about like well, what would it take for me to stay here and that's when I came up with the $1,300 amount, which he said he couldn't afford --
Q. Sure.
A. -- and then a few weeks later we talked about, you know, I'd like to work with him, you know, I just didn't

want to be like ugly and be like kick him out on the street kind of thing, you know, so I wanted him to find a place, you know, on his own versus having to like to be forced to find a place so to speak.

Q. And had he paid you anything before that $1,300 --

A. No.

Q. -- or the conversation about thirteen? And then we'll get into the other money.

A. Well, he initially offered to give me $400 for a month's rent and I told him, I said just keep the money, I'm gonna have you here as my guest. Let's get you healed up first.

Q. Okay. Are you aware there was a search warrant conducted after all this happened --

A. Yes --

Q. -- of your house? I'm gonna show you a picture that was taken during all of that.

A. That was there, yeah.

Q. Okay. So you recognize that that's -- that's a fair depiction of what was in, I believe, your office?

A. Yeah, that was never -- it was never exchanged. Yeah.

Q. Okay. I'll ask you some more questions about it, but you do recognize this as a fair picture?

A. Yes, it is. Uh-huh.

Q. Okay. Sure.

MR. PINCELLI: Your Honor, at this time I'd like to mark this as State's 1. We don't have anything else in, do we?

MR. YONGE: No other evidence.

MR. PINCELLI: Okay.

THE COURT: Okay. Is it gonna be a Court's Exhibit 1?

MR. PINCELLI: Yes, ma'am. This will be a Court's exhibit. I don't want to confuse all the evidence later.

(Court's Exhibit Number 1 was marked for identification.)

BY MR. PINCELLI:

Q. All right. So your testimony several times now has been that no money's exchanged until that $1,200?

A. Yes.

Q. What -- what is this?

A. Well, when we initially talked about it, I initially agreed to it and I was gonna draft up a completed lease paperwork and everything and after I started thinking about it, it's like, well, let me just not do this and let's just keep him as a house guest for now, and I actually told him that. That -- that stayed in my possession. That was never exchanged to him. We never actually finalized that.

Q. So why did you draw it up?

A. Uh-huh.

Q. Why?
A. Because I like for things to be official. I like for things to be, you know, aboveboard wherever possible and --
Q. Because writing means something; is that right?
A. Yes. Correct.
Q. A signature means something?
A. I agree, yes.
Q. Why did you sign that?
A. Because we were gonna do everything official. It wasn't until when -- when we sat down, we had the talk, and like when he moved in I was like let's just keep it -- you just keep staying here. Because we weren't sure how long he was gonna stay because he might find another place, he might stay there for a while, he wasn't sure, but, yeah.
Q. Well, it sure seems like from that document it was at least June. That says June rent, doesn't?
A. Yeah, it does.
Q. Okay. And you held onto it?
A. Yeah. He should -- he should have had that if I'd given it to him. Again, like I said, we didn't never agree to anything.
Q. Well, why would he have a receipt for something that you said was not an agreement?
A. That wasn't his. We never exchanged that.

Q. Because it was your receipt, wasn't it?
A. It was my receipt, yes.
Q. Okay. So why did you -- because he paid you $400?
A. He -- he bought groceries one time.
Q. But instead of groceries you wrote up this official thing and said rent instead of groceries?
A. Yeah, he applied that money to groceries.
Q. So he was paying rent in June?
A. He bought $400 in groceries.
Q. But you wrote this whole thing -- does it say groceries on there?
A. No, it doesn't say groceries. It says June rent --
Q. Okay. That's all right.
A. -- but that's what I'm saying is he -- he didn't give me the money.
Q. All right. Let's go back. I'm a little confused.
A. Yeah.
Q. Did he give you $400?
A. No, he -- he spent $400 on groceries. He was going to give me $400 and I said no, keep it because at that point in time I said no, I'm not gonna do this because I didn't want to engage in this activity at this point. I said just stay here with me as a friend.
Q. Sure. Okay. Let's go to -- after he paid you $400 for rent, then you changed the rental agreement, correct?

A. It was never an agreement for $400 for a month's rent, no, but I -- I -- he asked me what rent would be going forward in the future --

Q. And what was the agreement there?

A. -- and I said $1,300 a month for everything.

Q. And what did that include, $1,300?

A. That included everything; wi-fi, electricity, groceries, cooking, cleaning. That would do everything.

Q. What was the mortgage on your house?

A. My mortgage was like 750, 760. Something like that.

Q. What do you think utilities might have been?

A. I added all -- I added up all utilities, all -- all expenses, all bills, including lawn care, everything, and it came up to $2,600 a month, and I split that in half.

Q. You do the yard, right?

A. Yes.

Q. You're pretty proud of your work then, huh?

A. I -- I like to do the grass, cut the grass, yes.

Q. Did you ever make a note about how you added everything up?

A. I'm sorry?

Q. Did you ever write it down, did you calculate this? You talked about coming up with $1,300.

A. Yes. I did it on an Excel spreadsheet.

Q. Do you remember doing it on your phone?

A. On my computer.
Q. Okay. Do you remember doing it on your phone?
A. I'm not saying I -- I may have pulled it up on my phone, sure.
Q. Sure. Let me show you something. So this would be the language.
A. Yeah, that looks about right.
Q. That looks right? Those are the correct notes from your phone?
A. Yeah. That looks -- I'm trying to -- yeah, I think it is some notes I took on my phone, yeah, but I did actually put that -- those numbers in my Excel spreadsheet.
Q. Sure.
MR. PINCELLI: At this time I'd like to mark this Court's Exhibit Number 2.
THE COURT: Okay. Go ahead.
(Court's Exhibit Number 2 was marked for identification.)
BY MR. PINCELLI:
Q. So you're saying at least the -- the body of this were your notes. That's how you calculated how much rent was gonna be fair; is that right?
A. That's correct.
Q. Okay. So walk me through it. Electric is $325. Can you see where I'm talking about?

A. Yeah. Yes, I'm looking at it. Yes, I see it.
Q. Okay.
A. I'm just trying to -- some of this information looks like it's my information, but some of it doesn't look -- like I don't recognize the -- some of the like people's names and numbers and stuff. I was trying to figure out what -- what this actual -- is it a screen shot of the -- of my text message or something or my phone or something?
Q. So this says it's a note from your phone.
A. Okay. Note from my phone. Okay. All right. So it does -- some of it looks like my writing.
Q. I mean, you just agreed that it came from your home, right?
A. I said -- it says look up Zillow, rent suggestion, no weed or other drug product left out. Yeah, that's -- that's me.
Q. That's yours?
A. Yeah.
Q. So then all the calculations --
A. Yeah, I was wanting to say that was not something I ever discussed with him about. This was me just taking some notes about some general things.
Q. Okay. And why would you take some notes about that without discussing it with him?
A. These are -- these are just some things on my mind

that not necessarily -- I had necessarily an issue with. And it necessarily -- it wasn't necessarily I would say directed for Parrish per se, but it was just like if I'm having people live with me, here's some -- some things that, you know, you should do if you're there kind of thing.

Q. Sure. And then that's everything that would have added up to -- that's says fourteen. You agreed on thirteen?

A. I said thirteen, but, yeah, fourteen sounds about right.

Q. Okay. With this arrangement, were you looking to pay anything to live in your house?

A. I wasn't looking for -- we hadn't made any sort of arrangement.

Q. Well, when you were calculating the $1,300 and he was gonna pay rent and utilities and yard care --

A. Right.

Q. -- what were you gonna be paying for in the home?

A. I was gonna be paying for all of that, plus I would be the one doing the work. I would be the one cooking, I would be the one doing the yard work. I would be the one doing all the work.

Q. Okay. Do you see where that says $400 security deposit?

A. Yes.
Q. Okay. Is that what this State's {sic} 1 was?
A. No.
Q. No. That says rent.
All right. Do you remember your phone number from that time?
A. Yes.
Q. What was that?
A. It was 315-1706.
Q. Do you know somebody name Shannon Tilford?
A. Yes.
Q. Do you remember communicating with her on your phone?
A. Yes.
Q. Would you have been communicating with her in June, sometime around this incident?
A. Sure.
Q. All right. Jabin, I'm gonna show you -- this is, again, a report, to see if you recognize who you're talking to and what that is?
A. Okay. Yeah.
Q. Okay.
A. Yeah, that's -- that's her wanting me to get a weed vape.
Q. So let's just clear up first. I'm sorry to cut you off. It's just part of the legal stuff we've got to do.

Is that your communication?
A. Yes, that is.
Q. That's accurate?
A. Yes. Uh-huh.
Q. Okay. I'll ask you some questions about it, but --
MR. PINCELLI: At this time I would like to admit this as Court's Exhibit Number 3.
He's ID'd these as his communication. I'd just like to admit it.
THE COURT: That's fine. We'll put it in.
MR. PINCELLI: Okay.
(Court's Exhibit Number 3 was marked for identification.)
BY MR. PINCELLI:
Q. Okay. Describe to me who is Shannon Tilford to you.
A. Shannon's a friend of mine that I've been friends with for about -- again, about ten or twelve years.
Q. And you were certainly friends with her back in June of '21; is that right?
A. Yes.
Q. And then on June 20, 2021, you were having a text communication with her?
A. Right.
Q. And this would be from Shannon?
A. Right.

Q. Hey, sweetheart. I would love it if I could have one of those weed vapes. Do you think you can get me one? How much are they?

That's -- that's what you read her to ask you?

A. Right.

Q. All right. And what do you reply?

A. I totally can. They're forty.

Q. Okay. Where were you getting weed vapes from?

A. I would have got that one probably from Parrish.

Q. Okay. So you knew Parrish had at least more than one. He had enough to give away and sell; is that right?

A. Right.

Q. Okay.

A. He also --

Q. So you're kind of -- were you kind of working with Parrish in distributing marijuana?

A. No.

Q. Then what is this?

A. I was giving -- getting a friend a cartridge to take for anxiety like I have.

Q. And then you need a battery. Does that have to do with that?

A. Yes.

Q. What's the battery for?

A. The little cartridge thing is electric.

Q. Okay. This might be a different context. Do you remember what tension can be cut with a knife? Do you know what that would have been about?
A. I'm not certain based on the context, but I would say it's something unrelated.
Q. Okay. Talks about worry something. There's no weed.
A. Yeah, he didn't have any weed cartridges I think.
Q. Okay. And then later in the day one-eighth for 200. Good stuff. What are you-all talking about?
A. That's what Parrish told me he could get, one-eighth for 200.
Q. Okay. And that would be of marijuana; is that correct?
A. Yes.
Q. And this is still -- Shanaenae 3000 --
A. Yeah.
Q. -- that's Shannon Tilford?
A. Shannon Tilford.
Q. So this is -- we're still -- the same -- the same person you're talking to?
A. Yes. She lives -- she lives in Summerville. It's about an hour and a half away.
Q. Okay.
A. Yeah.
Q. And then this is still on -- oh, this is another day.

This says June 24th and that says from Jabin Trapp 20. So that's your phone, right?
A. Yes.
Q. That's an outgoing message saying so gonna talk to him about rent tomorrow?
A. Yes.
Q. And then I guess had you been communicating with Shannon and she knew that there was some kind of conflict in the rent agreement or something like that?
A. Well, that -- that he was doing some stuff that he wasn't -- he agreed not to do.
Q. Was that stuff selling marijuana?
A. No, it was storing large amounts of cash or large amounts of drugs in my house.
Q. Okay. When an eighth costs $200.00, is $200.00 a large amount of cash to you?
A. I would not consider an eighth a large amount, no.
Q. Okay. Is $200.00 a large amount?
A. I don't know.
Q. Well, I mean, it's your rules. What -- what to you is a large amount of cash?
A. A large amount of cash or large amount of an eighth of a ounce?
Q. I guess, first, what is a large amount of cash to be storing in your home?

A. A large amount of cash I would think -- I would assume to be like more than $5,000.
Q. Okay.
A. Yeah.
Q. And what would be a large amount of drug product or marijuana?
A. At the time I thought like a pound.
Q. Oh, wow. Yeah, that is -- I'll go with you. That's a lot of marijuana.
A. I thought like a pound.
Q. How much marijuana did you know Parrish to have in your house?
A. Like an ounce.
Q. Okay. And then there's some conversations about what you're gonna do, some relatables. And then you reach out to her on June 25th, will you be interested in some edibles. They are great for sleep. Is that marijuana as well?
A. Those were like the -- like over-the-counter ones, I think, or the ones you -- they come in a package. They were -- they were from Parrish, yes.
Q. Okay. All right. And you said I will throw in a couple. So, I mean, it's fair to say that you're conducting this transaction. Whether or not it's Parrish's supply, you're at least the mediator, you're the in-between

guy, the middleman?
A. It's a -- it's a friend. It's a friend, yes.
Q. Sure. Okay. So you know Parrish is selling drugs out of your house?
A. I didn't know he was selling drugs out of my house.
Q. You're -- you're sitting there helping him sell drugs out of your house, Jabin.
A. He -- he informed me that the bulk of his product was at Aubrey's house and I assumed that he had a small amount that he kept at the house, but the majority of it he kept somewhere else.
Q. So the problem to you was where it was, not what was happening?
A. I didn't -- I didn't have a problem with the actual weed thing. I don't have a problem with weed. I don't have a problem with that. I have a problem with the legality aspects of it and being in the job that I have and -- and getting into a legal situation to where I am gonna lose my job and livelihood. And so, yes, I wanted to take the necessary discretion measures to not do anything that's gonna get me in trouble. Now it's one thing for me doing something, taking a risk, but when somebody else is taking a risk that -- that puts someone like me in jeopardy, then that's -- they're taking on an additional responsibility that is gonna impact me.

Q. Right. That impacts your entire livelihood; isn't that right?
A. Yeah.
Q. Your whole way of life?
A. Right. Yes.
Q. Your job?
A. Uh-huh. Yeah.
Q. Your home?
A. Right.
Q. Your relationships?
A. Right.
Q. Something you might get angry about if somebody's disregarding that big rule; is that right?
A. Correct. Yes.
Q. So anyway, you -- you invite Parrish to live with you?
A. No, he -- he -- I didn't invite him to. He -- he -- he asked and continued to ask.
Q. You consent that Parrish can live with you?
A. Yes. Absolutely.
Q. Is that a fair characterization?
A. Yes.
Q. And then there was some receipt that says June rent, but it's not for rent apparently --
A. Right.
Q. -- but -- and he starts living with you and who is

living with him?
A. It was supposed to be just him, but -- but, you know, he said that, you know, Lizzy would be with me; you'd get all the benefits with Lizzy being around.
Q. Okay. What did that mean?
A. I assumed it meant what it --
Q. Sexual?
A. Probably, yeah.
Q. Okay. And maybe cleaning up and stuff; is that right?
A. Yes. Correct, yes.
Q. Okay. And the dog, Max, he came with Parrish?
A. Yes.
Q. Did he come day one?
A. Yes. Well, yes.
Q. Did you know Parrish before -- I'm sorry. Did you know Max before Parrish moved in?
A. No.
Q. You did not?
A. No.
Q. So Max moved in with Parrish earlier in June, maybe the 7th, the 9th, somewhere?
A. Right.
Q. And you said that Parrish did not bring dog food for him; is that right?
A. Yeah, it didn't seem like he had, you know, food and

bowls and that sort of stuff for him.
Q. But you're a nice guy, you let Parrish into your home, you let his girlfriend in your home, you let his dog in your home; is that right?
A. That's correct, yes.
Q. And you even took special interest in caring for that dog; is that right?
A. Yes.
Q. Because Parrish was not to your understanding adequately caring for him?
A. That's fair, yes.
Q. And what was your relationship with that dog? You lived with him about three weeks and you cared for him. How was it?
A. Yeah, he was -- he was an okay dog. I knew him prior to that.
Q. Okay.
A. I mean, I'd seen him out -- out and about because Parrish took him everywhere.
Q. Okay. And what was -- I mean, I guess from that extended relationship, what was your relationship with Max?
A. I was just a person that he knew. I mean --
Q. Yeah.
A. -- we weren't that -- we weren't that tight.
Q. You but knew him. He was -- would you characterize

him as a service animal?
A. I mean --
Q. Maybe he masqueraded as one. He went -- he went out in public; is that right?
A. Yes. Yes. Yes.
Q. Had you ever seen him cause an issue?
A. Never, no.
Q. Okay. Did he ever cause an issue with you personally?
A. No. I mean, not that -- when you say did he do something like to cause me a problem, like he was in the way one time and I like -- I tripped over him type thing, but I wouldn't call that an issue.
Q. Right. Maybe he was underfoot, but he --
A. Yeah.
Q. -- was he ever aggressive with you?
A. Oh, no. No.
Q. Did you ever see him be aggressive with anybody else?
A. No.
Q. So kind of like Parrish. You'd never personally seen either one of them be aggressive; is that right?
A. I -- I knew for fact that Parrish --
Q. Okay. The question was had you ever seen Max or Parrish be aggressive to you?
A. No.
Q. Or anyone else?

A. No. No. Not to me, no.
Q. Let's talk about the car use. You're pretty proud of your Cadillac; is that fair to say?
A. No, not really.
Q. But you had a Cadillac?
A. Yeah.
Q. Did you let -- you let Parrish use it?
A. Yes.
Q. Okay. He used it on Saturday before this Sunday incident; is that correct?
A. That is correct, yes.
Q. What happened the day before, on Friday?
A. The day before, on Friday, he was complaining about his wound being -- burning more, sore than normal.
Q. Okay.
A. He'd -- he'd gone to the doctor a few days prior, that's when he drove the Cadillac again, when he was doing the first drug stuff during his doctor's appointment, and --
Q. Okay. So let me stop you he right there just for clarification. He did go to the doctor that day, but then he did some extra stuff; is that right?
A. That's correct, yes. He --
Q. Okay. So you were telling me about what happened after --

A. He did go to the doctor. Absolutely. And he was excited and thrilled that, you know, he'd gotten good news and stuff, he was feeling better, and so, yeah, he -- we cooked dinner that night. And this would be I think Wednesday -- or Thursday rather.

Q. Okay.

A. And an older friend of mine from way back, Kim, she was having some problems on Facebook and I invited her because she lived close by. I had not seen this girl in twenty something years, I didn't really know her that well, but she had been going through a hard time, so I invited her over, and that's when Parrish and Lizzy were there. Well, this girl Kim and Lizzy really hit it off well and so that Friday when Parrish was experiencing pain, he -- he stated that he wished he had gotten some -- the Dilaudid or pain pills from the doctor because the doctor has offered some more pain pills and he turned it down because he was doing well, and so he had said something about my friend Kim that had came over, that she was a -- a walking -- or her purse was like a pharmacy or whatever, and asked me if I could ask her for some pain pills or whatever --

Q. Sure.

A. -- and I was like well, it's gonna be weird just kind of knocking on her door and saying hey, can I get some

pain pills, and I said, you know, that's gonna be weird or whatever and he was like well -- well, take Lizzy because they hit it off or whatever, and so me and Lizzy went down to Kim's house and, you know, we were there fifteen or twenty minutes --

Q. Okay.

A. -- and I was able to get some pills that she handed me. I don't -- I don't even remember what all she handed me. She just handed me pills that were in a bottle.

Q. Okay.

A. And then --

Q. What did you think they were? Did you think they were Tylenol?

A. She told me what they were, but I don't -- no, I knew it wasn't Tylenol. I think it was Codeine and Xanax, I think.

Q. Okay.

A. Yeah.

Q. And then what did you do with those pills?

A. I took them back to my house where Parrish was and gave them to him and hung out with him.

Q. So then -- so this is Friday night. You distribute those Schedule II controlled substances to Parrish?

A. Correct. Yes.

Q. Okay. And then -- or, I guess, maybe a II and a IV.

But then do you go back to Kim's house? Do you leave Parrish?

A. Yeah, I stayed with Parrish for an hour and a half, two hours or so until he, you know, was getting kind of groggy or whatever and I told him I was gonna go try to get Lizzy wrangled up and get her back here or whatever and he said yeah, don't -- no rush. He said it's like herding cats. I mean, that was something kind of funny he said --

Q. Sure.

A. -- about when you get a bunch of women together it was like herding cats.

Q. Sure. So did you -- I mean, it seems like you were kind of taking care of Parrish; is that right?

A. I was just trying to help. I wouldn't say I was taking care of him per se, but I was just trying to --

Q. Sure. So on that Friday night, what help did he need?

A. What help did he need?

Q. Yeah. Why did you feel like you wanted to help him?

A. Yeah, he was -- he was in pain. He was walking around the house naked, you know, holding his -- holding is -- the gauze over his wound because he said it hurts to tape it up because it was sore and irritating.

Q. So this is the Friday night before the Sunday incident?

A. Yes.

Q. And he's walking around naked in pain?
A. Uh-huh.
Q. Okay. Saturday he borrows the car again and this time he tells you he's going at least to Folly Beach; is that correct?
A. He asked me --
Q. Parrish.
A. Yeah, he asked me if he could drive my Caddy to the beach so he could get some crab legs and some salt air.
Q. And you permitted that. You let him borrow the car; is that right?
A. I -- and I asked him then, I said, you know, you're not gonna be doing anything, you know, illegal in it or whatever and he said no, I just want to get some crab legs and fresh air. I said okay.
Q. How do you think -- I mean, you knew somebody named Stasia that was related to marijuana; is that right?
A. That's correct, yes.
Q. How did you think that Parrish was getting these -- marijuana or cartridges or -- how did you think he was getting any of this drug material?
A. As far as the amount or level of his drug material, he told me that the bulk of his stuff Aubrey had and that the rest he had had at his friend's Sarah's house that he was staying at before.

Q. Okay.
A. But that, you know, according to him he had no large amounts or drugs or weed or cash in my house and that was -- that was my main thing. I just wanted to separate the physical items like that versus, you know --
Q. Sure.
A. -- being in the house.
Q. What -- one of the things that ticked you off to him breaking your rules was where he was going in your car; is that correct?
A. Yes, that's fair enough. Yes.
Q. And then in addition to that, did you -- you were aware of some things in the house before Sunday; is that right?
A. I was aware of some things in the house?
Q. That bothered you. Large amounts of cash?
A. At that point in time I wasn't -- I was not sure if he had large amounts of cash or weed in the house, but he was doing other things that were -- you know, he was not being truthful to me about, and so that led me to believe that he may not be telling me the truth about the large amounts of cash and drugs.
Q. You talked to law enforcement after they had done a search warrant and they took some photos. I'm gonna show you a couple of things.

Do you recognize that?
A. Yeah, that's -- that was the -- that would be the closet that was in the master bedroom.
Q. Okay. What do you think the subject of that photo might be?
A. The -- the -- that -- the bin right there.
Q. Yeah.
A. Yeah.
Q. Had you seen that before?
A. I did see that bin there.
Q. Okay. Is that a fair picture of what that was?
A. I didn't see the bin there. I saw the bin when her -- when him and Lizzy brought it inside, yeah.
Q. Okay. The next photo. Do you recognize anything in that photo?
A. Yes, I recognize those Banger cartridges.
Q. Okay. And is that a fair picture of the inside of -- whose room was that?
A. That's -- that's standing inside the master bedroom, so that's where Parrish would have been saying.
Q. Okay. And those are fair and accurate photos?
A. Yeah, those are Parrish's. Those are Parrish's weed cartridges in that box, yeah.
MR. PINCELLI: All right. I'd like to mark these as State's -- I'm sorry -- Court's Exhibit 4 and 5.

THE COURT: Okay. Go ahead.

(Court's Exhibit Number 4 and Number 5 were marked for identification.)

BY MR. PINCELLI:

Q. Jabin, you saw -- you saw Parrish and Lizzy bring this big yellow tote into that home?

A. I saw them bring that bin in, yes.

Q. And I'm pointing at Court's Exhibit 4. When did you see them bring that into the home?

A. Like a week prior to the incident. A week and -- or maybe two weeks prior, a week and a half prior, something like that.

Q. Okay. Did it have locks all around it?

A. Yeah. It looks like locks all around it, yeah.

Q. What in the world did you think was in that big tote with locks all around it?

A. When I saw that, that's -- yeah, I was like huh, that's a little odd and he's like well, it's his chain of custody thing and it just had those cartridges in it right there.

Q. Okay. So a week or so before the incident you thought he was in possession of all -- all of these?

A. Right. That and -- that and I saw the -- I saw the -- the storage bin with the padlock on it is what really concerned me.

Q. Okay.
A. But the cartridges, I mean, I saw them, but, you know, I -- I didn't necessarily -- I see that and I don't -- I don't think a large amount.
Q. Right. So we're looking at Court's Exhibit 5 and you see -- I mean, I don't want to be pedantic, but let's --
A. Yeah, I know.
Q. -- let's try to count them. I mean, it's 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. Maybe that's twelve wide, ten or eleven. That may be a hundred cartridges; is that right?
A. Yeah, it's a lot.
Q. That's kind of a lot?
A. Yeah.
Q. But you knew it?
A. Right. Well, I don't -- I didn't know how many were in there. I just remember the box and thinking there was a lot of -- a lot --
Q. But so at least a week before this incident, you were aware he had a lot of drug material in the house?
A. Yes. Yeah. And -- and, again, that -- the cartridges, I don't -- I don't know what's considered a large amount, so that -- I didn't know -- I didn't know what was considered a large amount. I just knew that a suit -- or a case with a padlock on it concerned me.
Q. In this case, in this context, me neither, Jabin.

You considered what was a large amount. You said a pound of marijuana. How many cartridges would be a large amount to you?

A. I don't know. I don't know.

Q. But did you maybe not mind that as much because you -- you used the cartridges, correct?

A. Right, but it was more-so a matter of the fact that I didn't -- I assumed he knew that it was from like a legality standpoint and I just didn't want that stuff in my house --

Q. Right. Okay. So I'm gonna show you another --

A. -- and I -- I objected to him doing it.

Q. I'm gonna show you another photo. Where is this in the home?

A. That is the room that I was staying in.

Q. Okay. So that's the room you're staying in?

A. Yeah. Uh-huh.

Q. Okay. Is that a fair and accurate picture of the room you were staying in?

A. Yes, it is. Yes. Uh-huh.

MR. PINCELLI: I'd like to mark this Court's 6.

THE COURT: Go ahead.

(Court's Exhibit Number 6 was marked for identification.)

BY MR. PINCELLI:

Q. This is the -- describe for me what we're looking at in Court's 6 here, Jabin.
A. It's a dresser next to my vanity and it's got --
Q. This is just -- this is a vanity in -- in the room you're staying in; is that correct?
A. That's correct. Yes.
Q. Okay. What's that white box?
A. Yeah, that's the -- you're talking about the white box on the left?
Q. Sure. Yeah.
A. It looks like a cartridge case.
Q. On the vanity in your bedroom?
A. Yes.
Q. Was that the kind that you used?
A. I can't tell from the box, but, I mean, that's -- that's one that he gave me, yes.
Q. Okay.
A. Yes.
Q. Because it certainly looks the same as all these in --
A. Right.
Q. -- Court's Exhibit 5, right?
A. Right. Yes.
Q. On Saturday evening Parrish came home from the beach; is that correct?
A. That's correct.

Q. And you decided not to have any interaction with him about the rent or disagreements at that time; is that right?
A. That's fair enough, yes.
Q. You saved that conversation for a later time; is that correct?
A. Yes.
Q. Because according to your text with Shannon Tilford, you were planning on having a conversation about it, right?
A. I was planning to have a conversation with him, yes.
Q. And we have been jumping around a little bit. I appreciate you sticking with me. Where in the context of all this time, let's use the trip to the beach that Parrish went to, when was the exchange of money for July and August rent?
A. Well, before that took place I would assume like he would have given me the July rent around July versus when he gave it to me like a week prior.
Q. That -- that certainly would make sense, but when did he give it to you?
A. Like a week before that, yeah.
Q. Okay. And at that time I am -- it's a tough situation to be in. I'm paraphrasing your words from somebody else, but he said in regards to giving you all that money you're my bitch?

A. For the next two months, something like that, yeah.
Q. Right. What was the context of that?
A. According to him like because I'd agreed to take the $1,200 that the two months rent is set in stone, now we're roommates and he can do whatever he wants to.
Q. Okay. So then he -- he gives you that money and that bothers you?
A. Well, there was a -- like I said before, there was several things that were kind of red flags before that I didn't really put a lot of, you know, weight to, but just the roll of the money, just that one thing just kind of just didn't sit well with me and it just was the thing that made me start thinking okay, well, maybe this isn't a good idea, I need to back this out.
Q. Sure. Because it's fair for roommates to have disagreements and decide to go their separate ways; isn't that right?
A. That's fair enough, yes.
Q. And that's what you were planning to tell Parrish, this -- this is not working out; is that correct?
A. That -- that told me where I wanted to go. I was -- I was willing to even then that day to like want to even work through it then, but, yes, I was wanting him to find his own place.
Q. So what was your attention -- the conversation you

planned to have with him on Sunday, what was -- what was your intent? What did you want to convey to Parrish? Had everything gone according to your plan, what did you want to say?

A. That I didn't feel comfortable as far as him being -- him and I matching together as roommates and that I'd rather, you know, him find another place. I didn't necessarily want to rock the boat with him in regards to being opposing to his line of work or what he -- how he chose to make his money, it was more-so that he just was not a good house guest, he was not a good -- good person to be around as far as a roommate situation. It's not just -- you know, I work for home, so I'm there all the time and it wasn't working out good and that's primarily why I wanted him out was because he wasn't a good house guest.

Q. But so you wanted to sit down and have a conversation about him getting out, it wasn't working out; is that correct?

A. That's fair enough to say, yes.

Q. And it sounds like what you just told me was it wasn't even necessarily just the drugs, he's just not a good fit; is that right?

A. That's fair enough, yeah.

Q. So now we're to Sunday and you're doing yard work in the morning; is that right?

A. (Nods head.)
Q. And Aubrey Rowe comes over. Is that her name?
A. Yes.
Q. How did you -- did you know Aubrey before that incident at all?
A. Yes. Yes, I knew Aubrey for a long time.
Q. Okay. How did you know her?
A. I knew her through a mutual friend, Jimmy Loftis, and that's his sister, and I'd -- I'd sent numerous, you know, girls, wives, things like that to get their hair done with her.
Q. Okay. So she was a hairdresser?
A. Yes.
Q. Okay. And so Saturday night you decide not to talk to Parrish?
A. Right.
Q. Sunday morning you don't bother with Parrish because you're doing yard work Sunday morning?
A. Yes. He went -- he went out for Sunday Funday. I -- at that time I didn't know he was going anywhere until he left.
Q. So Aubrey gets there and takes him to Sunday Funday; is that right?
A. Yes.
Q. And she had her daughter?

A. Yeah, I know she had her daughter with her. I think she -- I think her daughter might have had a friend with her or something.
Q. Okay. But there was some story about a baby bird and somebody's daughter?
A. Yes.
Q. So whose daughter was that?
A. That was Aubrey's daughter.
Q. Okay. How old was Aubrey's daughter?
A. Roughly ten -- ten-ish or so. I don't know the exact age.
Q. Okay. So Parrish and Aubrey and at least one young lady about ten years old go out to Sunday Funday and they're there for several hours; is that right?
A. Sure.
Q. And then they get home -- or Aubrey brings Parrish back home; is that right?
A. Yes.
Q. Does she come inside when she drops him off?
A. I don't recall seeing her. I -- I just remember seeing the car -- the car pull out.
Q. Okay. When she pulls out, you notice Parrish inside or you hear him from inside? How's that?
A. Yeah, I was outside, then I come inside.
Q. And you said that was about 4:15 or 4:30?

A. Yeah, when he -- when she dropped him off.
Q. And you said that Parrish was in good spirits?
A. He seemed in good spirits, yeah.
Q. And you-all sat down on the back porch?
A. Yeah, because Lizzy was gonna go to this visitation or Celebration of Life and he said go and get ready here and I'll go with you, so he and I had some time to talk while she was getting ready.
Q. And you start with some small talk, right?
A. Yes.
Q. And then you get into the conversation that you've been waiting for at least a few days to have?
A. Right.
Q. About essentially he needs to move on, he's not a good roommate?
A. Yes, fair enough.
Q. And then you brought up the issues and he says -- I guess walk me back through that. Did -- do you go inside? Because you don't have the money for the rent on you when you first sit down; is that right?
A. That's correct, yeah.
Q. Okay. So you-all have a conversation. When do you decide to go in and get the money and why?
A. Because when I was discussing things with -- with him he wasn't like conciliatory as far as like trying to work

-- work on things and work things out.
Q. Sure.
A. He was just being a little bit combative and defensive saying, you know, I'm not gonna -- I'm not gonna change anything kind of thing and I'm like well, I don't want somebody staying here that isn't trying to, you know, be a -- a cooperative person.
Q. Sure. You as the homeowner are setting the rules. He's saying he will not abide by them and you want him out; is that correct?
A. That's fair enough, yes.
Q. So at that time you do go inside to get the money?
A. Yeah, we had -- we had both paused what we were discussing --
Q. Sure.
A. -- and so, yeah, I went inside and --
Q. Where's -- where does Parrish go when you're inside?
A. He went -- at that point in time I think he went inside and went into the master bedroom and, I mean, I don't know what he was doing. I didn't -- I wasn't paying attention. He might have been outside. I went back to my side of the house.
Q. Okay. And you said you were there for a few minutes?
A. Yeah, it was a few, you know, three, four, five minutes. It was -- it was not as long as the second time,

but, yeah.
Q. Okay. And you went to get the money from your office?
A. I did wind up getting the $1,200 envelope out of my office, yes.
Q. Okay. Where was your phone at that time?
A. I don't -- at that -- I've got to say I don't know because I thought it was in my office. I had it on me at that time -- time, but it was -- wound up being on the stool outside.
Q. Okay. So in reality you know it's -- you now know it was on the stool?
A. Yeah. At the time I thought I'd left it in the office.
Q. Do you have trouble losing your phone sometimes?
A. I think we all do sometimes.
Q. Sure. I mean, would you say it's -- you more than others or --
A. I can't say. I mean, I --
Q. Is there any reason you might have been forgetful that day of where you phone was?
A. Is there any particular reason?
Q. Sure.
A. Not that I can think of.
Q. Have you told people in the past that you have ADD?
A. Yes. Yes. Yes.

Q. Did you tell people in the past that you had smoked your weed cartridge that -- that afternoon?
A. I'm probably sure I did tell people I smoked that weed cartridge that afternoon. Sure.
Q. Because -- I mean, because you did, right?
A. Right. Yeah. Certainly.
Q. Okay. So you're under the influence of marijuana?
A. Okay.
Q. You have ADD and maybe misplaced your phone; is that fair?
A. Certainly.
Q. Sure. So you -- you get the money, you come back to the porch. Is Parrish already there?
A. Yes, he is.
Q. Okay. You give him the money immediately or how does that happen?
A. As I come back outside, he's already outside sitting down. Lizzy's outside at this point and, yeah, I come up to -- walk up to the table and I sit down in the chair and I set the envelope on the table and I said here's that $1,200 back and you can -- you can use that to find you a place or whatever.
Q. Right. Because the first part of the conversation did not go well, you've got the money and then you're essentially laying it out?

A. Yeah, I'd like you to find a different place. Yeah.
Q. Okay. And then how does Parrish react once you tell him you can take this money back and find somewhere else to live?
A. He was like tough, you've got this lease. Tough shit you've got this lease, you know, you're mine now, I own you for the next two months kind of thing --
Q. Okay.
A. -- and I said not -- the lease doesn't apply when you're doing, you know, illegal stuff and stuff that you weren't supposed to be doing as far as like keeping lots of drugs and weed in the house.
Q. Right. What did you think your options were at that time?
A. What did I think my options were at that time?
Q. I guess as a landlord or a homeowner.
A. Just to give him the $1,200 back and say, you know, I was gonna offer him to stay there for several more weeks until he found another place.
Q. Okay. He's not reacting well. What happens next?
A. I give him the $1,200 back and he was defiant about that. I told him that the lease doesn't apply because, you know, he's doing illegal stuff or whatever, and he's like tough shit and stuff, he gets up in my face and starts threatening to take me out.

Q. Where's Lizzy?
A. She was sitting on -- at the -- on the patio sectional there outside when we were chatting and then when it escalated to where he was yelling at me in my face, she got up and left.
Q. Why do you think she left?
A. Because she was scared.
Q. Okay. Did you know her to have any issues?
A. Vaguely. Like she had had some trauma -- trauma in the past and stuff, so she was a little bit, you know, touchy as far as, you know, arguments or drama. At least that's what I assumed as she went by.
Q. Where did she go?
A. She went inside. I didn't see her after that.
Q. So it starts getting heated, Parrish stands up. Do you go -- do you stand up and then she goes inside?
A. I'm sitting down when Parrish stands up and he's getting agitated and coming towards me and he's screaming standing right over me and, yes, I stand up and say you can't speak to me like that in the house, you need to leave, and that's when he's talking about he would -- he'd take me down. When Max is done there'd be nothing left but a carcass and, yes, she got up and walked out and left.
Q. Then what happens next?
A. He's yelling at me. He head-butts me and then --

Q. Let me stop you right there. He's yelling at you and then what?
A. He's yelling at me talking about that I'm dead, I'm a dead person because of what I know, and he's -- he's irate about it and he's just like in a rage.
Q. And then he head-butts you?
A. Kind of does -- puts -- where he puts -- yeah, you know, he drives his head up against my head like he's gonna force me over kind of thing and I just have to kind of power back like this.
Q. We started at the beginning and I was giving you credit for being very cooperative with law enforcement. You talked with them on-scene, you've sat down for an interview, you went back out -- is it correct that you went back out for a reconstruction of the incident? Is that right?
A. Yes.
Q. Did you ever tell them that you -- that he head-butted you?
A. I said that he got up in my face and was pushing his head up against my face like that.
Q. If we watched those videos back, would you be surprised if you never said that?
A. Yeah, I wouldn't be surprised --
Q. Okay.

A. -- because there's a lot of stuff I probably left out.
Q. Why would you leave it out? It's pretty important, huh?
A. Yeah, because there's -- you know, things are going through your head and I was trying to answer the -- the investigators' questions, so I was answering the questions they were asking me.
Q. So if you never said anything about head-butting, we just heard it here today for the first time, that would be a surprise?
A. Well, I mean, yeah, I was just trying to answer the questions while the investigators were there.
Q. Okay. After he head-butts you, then what do you do?
A. I said I kind of cowered a little bit and he turns around and bolts into the house.
Q. Okay. It's not fun to get head-butted I would imagine; is that correct?
A. No, not in my house when I'm taking care of somebody.
Q. What were your feelings then?
A. I was scared.
Q. Okay.
A. I was scared.
Q. I'm going to show you -- this is not a picture that you've seen before. I want you to tell me if this is a fair portrayal of your home. And it's not to scale.

A. Yeah, other than not to scale it's a fair portrayal of the home, yes.
Q. Okay. I'm gonna give you a pin -- well, first, you're agreeing that's a fair portrayal of your home?
A. Sure.
Q. How it looked in June of 2021?
A. Uh-huh.
MR. PINCELLI: Okay. Your Honor, I would like to make this Court's Exhibit 7.
THE COURT: Okay. Go ahead.
(Court's Exhibit Number 7 was marked for identification.)
BY MR. PINCELLI:
Q. Can you mark which bedroom is yours and which bedroom that Parrish was staying in?
A. This would be my bedroom right here.
Q. Okay. You can print your name there. That's fine.
A. (Witness complies.)
Q. Okay. And then print where Parrish was staying.
A. Parrish would be staying in this room.
Q. Okay. So when he head-butts you -- this is the back porch area?
A. Yes.
Q. And this indicates the back door to go into the house, so this is inside and this is out on the porch; is that

correct?
A. That's correct, yes.
Q. Okay. So step by step walk me through what happens after he head-butts you.
A. He turns around.
Q. He being Parrish?
A. Yes.
Q. He turns around.
A. And goes straight in the door.
Q. State's Exhibit 7. We're going straight through these back doors and where does he go?
A. Well, about three seconds later like I come inside also at this point.
Q. I'm gonna stop you right there. The man that just physically assaulted you goes inside.
A. Uh-huh.
Q. Why do you follow him?
A. Because I'm retrieving my phone so I can call the cops.
Q. Okay. Is Lizzy inside at that time?
A. I don't know where Lizzy was.
Q. Okay. Did you think about calling out to her; hey, Lizzy, call the cops; I was just assaulted?
A. That -- I wouldn't --
Q. That never crossed your mind?

A. I wouldn't call -- I wouldn't ask Lizzy to call the cops.
Q. Let me stop you right there. After you murder Parrish Phillips, don't you ask her to call the police?
A. I didn't -- I didn't murder my friend, okay? I was upset and -- and scared, okay?
Q. After you shoot Parrish Phillips until he is dead, don't you call Lizzy and say call 9-1-1?
A. I -- I yelled for help for anybody to help --
Q. Why didn't you do it then?
A. I called 9-1-1 right then. I did.
Q. But why didn't you do it after you got head-butted?
A. Because I didn't have a phone.
Q. You didn't have a -- you didn't think you had a phone --
A. At that point in time I wouldn't want to involve Lizzy. The gun -- the gun was not even in the equation at that point because I was -- would I -- would I want to call out in front of Parrish -- call out in front of Parrish and ask his girlfriend to call 9-1-1? No. I'm gonna get my phone. That's what I was gonna do.
Q. So now we're inside looking for your phone. You followed the man that just head-butted you and we're going inside. Where do you go?
A. He goes to the left, I go to the right.

Q. He goes to the left -- left specifically into his room or just somewhere to the left?
A. Well, about where it -- where it says family room, where the R is in the room, is where you would turn to go around the couch, so he -- he went left and I'm behind him, so I go right towards the kitchen.
Q. Up here?
A. Yes.
Q. Okay. And then where do you go from the kitchen?
A. I go back to my office.
Q. Because we are now looking for your phone; is that correct?
A. That's correct, yes.
Q. So you're going all the way around to your office?
A. Yes.
Q. And what happens in your office?
A. I'm looking for my -- looking for my phone, can't find my phone, so I go over to the bedroom just briefly because I'm thinking maybe I did go over there and just set it down somewhere.
Q. Okay. Tell me a little bit about this side door that for the first time today we're hearing is inaccessible. Why does it not work?
A. Because some hardwood flooring was installed down and they put the moulding on wrong and so it caused the water

to get back behind the wall and swell up, so the door is very difficult to open.

Q. Okay. So will not open or hard to open?

A. It's very hard to open.

Q. Okay.

A. It's dead -- deadbolt and locked and so to get it un-deadbolt and unlocked, you have to push and kind of shimmy on it and stuff.

Q. Okay. So you get the phone and what do you do? Oh, wait. You don't get the phone. What do you get?

A. The phone's not there, so on the way out of the bedroom, yes, the pistol was on the -- on the dresser and I grabbed it.

Q. Okay. Why did you grab the pistol?

A. I didn't think about it. I was just scared in the rush and it was -- I was scared and this man's like telling me I'm dead, so, yes, I grabbed the gun. I was not even thinking about it. I just grabbed the gun and wanted to get out of the house at that point. I wanted to get back outside so I could find my phone.

Q. You think you'd needed a gun to find your phone?

A. No, but I think I -- I got the gun because I got the gun. I'm in my house, so I felt feared for my life, so I got the gun.

Q. Okay. So now at this point you're in fear for your

life?
A. I'd been fear -- fearing for my life before that, but, yes, I was fearing for my life.
Q. When did you first start fearing for your life?
A. When he said that I was a dead man and that Max would make me a carcass.
Q. Okay. You're in fear for your life and then right after that you follow him inside?
A. I understand what you're saying.
Q. It's a yes or no.
A. It's my house.
Q. It's a yes or no.
A. It's my house, yes, I followed him inside. Yes, that's fair.
Q. Okay. All right. You go inside. I'm gonna show you another photo from the search warrant. What room is this?
A. Is that -- yeah, that's -- that's the bedroom I was in. Yeah, that's a shotgun.
Q. Okay. Is this a fair and accurate picture of --
A. Yes.
Q. -- that room at that time?
A. Yes.
MR. PINCELLI: Okay. I'd like to mark this as State's 8 -- I'm sorry, Court's Exhibit 8.
THE COURT: Okay.

(Court's Exhibit Number 8 was marked for identification.)

BY MR. PINCELLI:

Q. Jabin, you go inside looking for your phone. You go into your room because you still have not found your phone and you grab a pistol off your nightstand; is that right?

A. Yes.

Q. Because you're in fear for your life at this point?

A. Yes.

Q. Is this a picture of the inside of your home, Court's Exhibit 8?

A. That's a picture of the inside of the home, yes.

Q. What is this item right here leaning up against the wall?

A. That's a -- that's a combat assault shotgun laying up against the corner of the dresser.

Q. Is there a reason you grabbed the pistol instead of that?

A. I -- first of all, I wasn't aware of where that -- where that gun was there. The pistol was just on the top of the dresser right there, you know, where it's in the line of sight.

Q. Okay. But you've got at least a pistol and a shotgun in that room; is that correct?

A. Again, my -- my intention was not any sort of weapon or gun. It was to get the phone. The pistol that was on the dresser I saw there and it was just convenient. It was not --
Q. But the question is inside of your room when you walk in, there was at least a pistol and a shotgun?
A. Yes.
Q. Okay. So after you arm yourself with a pistol, where do you go?
A. I go outside because I want to get outside on the back where my phone was.
Q. Right. So you leave a room that had a pistol and a shotgun and then you go back outside to where you were just head-butted; is that right?
A. That's true, yes.
Q. Okay. Where was Parrish during this time?
A. I'm sorry?
Q. Where was Parrish during this time?
A. At the time I didn't know where Parrish was. I just know he stormed inside --
Q. Okay.
A. -- and that was the last place I saw him.
Q. So you're in fear for your life, you grab a gun, you leave the room with a pistol and a shotgun and you reenter somewhere where you don't know where the man who just

assaulted you was?
A. I didn't reenter. I was trying to exit. I was trying to get out of the house to get outside.
Q. Perfect.
A. Yeah.
Q. Where did you go once you left your bedroom? You start here and then where?
A. I went -- again, this is not to scale obviously --
Q. Sure.
A. -- but I went through the kitchen and --
Q. Okay. Well, you didn't go out the side door because the side door is real hard to open, right?
A. In the laundry, yeah.
Q. Okay. And then where from the kitchen do we go?
A. My thought process was retrieve my phone and I knew the phone was in the back because I had been working in the backyard all day.
Q. Okay.
A. So the whole purpose of going back out the back door was retrieve my phone.
Q. Okay. But you did pass the front door, right?
A. The thought process was not -- it was to get outside, but it was to get my phone.
Q. Okay. So you get outside. You see your phone when you get to the back door?

A. Yeah, when I turned -- when I get out the back door and look to the right, I see my phone on the stool.
Q. Okay. And then what -- what do you do once you see your phone?
A. I'm heading towards my phone and that's when I hear his voice.
Q. Okay. You hear Parrish's voice?
A. Yes.
Q. Okay. What is he saying?
A. I heard him mumble something that I couldn't understand and then I heard him say you pull a fucking gun on me.
Q. What are you doing with this gun at the time?
A. I had it down by my side and I was reaching for my cell phone.
Q. Okay.
MR. PINCELLI: Permission to have the witness step down, please, Your Honor?
THE COURT: Sure.
You can step down.
MR. PINCELLI: And I'd like this on the recording, so if you guys need to stand up and see it I want to make sure everybody's happy here.
Judge, can I have him stand near Otis here, the bailiff, and kind of reenact what he's doing with his

gun?

THE COURT: That's fine.

MR. PINCELLI: Okay.

By MR. PINCELLI:

Q. Jabin, I don't have any special props for you, man. We're gonna do finger guns, okay?

A. Okay.

Q. Can you do this? You've got a gun in one hand. Where's your gun?

A. Right here.

Q. All right. And it's down by your side?

A. Do a -- do a finger motion?

Q. Yeah. Sure, so I can see which -- which is the gun hand.

A. Okay.

Q. All right. You've got the gun down by your side?

A. Uh-huh.

Q. Why are you doing that?

A. Because I was just trying to keep it concealed and I didn't want like to make it present -- I didn't want to present it because I was not trying to present it.

Q. Okay. We'll come back to that. You've got the gun down by your side, you're looking for your phone, you get to the back porch, what do you do?

A. I'm looking towards the right where my stool is for

the phone.
Q. Okay. You see the phone; is that right?
A. Yes.
Q. Let's pretend this is your phone. Go on and get it.
A. First of all, it would be further up here like this.
Q. Even better. Show me how it happened.
A. So I went like this and reached and grabbed it like this right here.
Q. Okay. So you reach it, you put it in your back pocket?
A. It got in my back pocket at some point because that's where it was, but, yeah, I -- I remember retrieving it. I retrieved it and he's like you pulled a fucking gun on me and I turned and looked at him and I turned and looked like that right here.
Q. So it's simultaneous. You're reaching for your phone and he's --
A. All of this was almost all simultaneous, yeah.
Q. All right. I'll take my pen back and you can have a seat. Thank you very much.
A. (Witness complies.)
Q. So you hear him for the first time when you're out on the back porch or as you're walking through the house?
A. As I'm crossing through the threshold of the door to go outside, I just hear his voice. I assume he's behind

me.
Q. Did you see him when you were walking? Because you said you kind of have to make a big loop around the couch. Do you see him at all when you're going back through the house to go outside to get your phone?
A. No. You don't have to loop around. It's just -- again, this is not to scale --
Q. Sure.
A. -- but when you come out of the kitchen you go there and it's gonna be a straight shot from there to go outside.
Q. Okay. Did you see Parrish at any time then?
A. No. When I -- when I looked -- when I approached the family room from the kitchen, I could see out the back door --
Q. Okay.
A. -- and I did not see him either at that table or outside period.
Q. How would you characterize your walking? Are you going fast, are you going slow, you're on a mission?
A. I was -- I wasn't running, but I was -- you know, I was -- you know, I was trying to get outside quickly.
Q. Sure. So you get outside pretty quick, you get to your phone and all of a sudden Parrish is right up on you?
A. He's right there, yes.
Q. Okay. The man that about a day and a half before you

had to distribute drugs for because he was doubled over naked in the house?
A. Right.
Q. He's right upon you, okay? Is that right?
A. Yes, he was right there.
Q. Okay. He's right there and now you're both on the back porch?
A. Yes.
Q. Okay. You're -- you're blading the gun, you hear him. Do you think to say stop Parrish, I have a gun? Did you think to say that?
A. I -- I was focussed on grabbing the gun and at the time I was focussed on if I could get the -- if I could get the phone, then I could just evade and get -- get out of there.
Q. Okay.
A. Because I wasn't thinking about stop or any -- I didn't want -- I didn't even think about using the gun in -- in that fashion, to like stop, I have a gun that kind of thing.
Q. How long had you had that gun?
A. Gosh, I don't know. Probably -- I wouldn't -- I would have to guess. Probably ten years maybe.
Q. Did you have any training for -- for possessing it?
A. I had taken a concealed weapons class, yes.

Q. Okay. Did they ever teach you anything about when you're drawing a gun?
A. When I'm drawing -- when I'm drawing a gun?
Q. Yeah. Why would you pick a gun up?
A. Don't -- don't -- don't have a gun unless you intend to use it kind of thing?
Q. Yeah.
A. Yeah. Absolutely. Yeah.
Q. Okay. What are you doing with that gun?
A. I was in fear for my life and I wanted to flee and get away, so, yeah.
Q. I'm hearing both sides of this though. You're in fear for your life and you grab your gun, right?
A. Uh-huh. Correct.
Q. But you're not in fear for your life enough to show him the gun, present it and tell him to back up?
A. The gun I did not want to be an issue.
Q. Then why did you grab it?
A. Because I didn't -- I felt in fear for my life, so I wasn't --
Q. Then why didn't you show it to him?
A. I understand. I wanted to protect myself, too, and I get that, too, but I was just trying to get out and I didn't see him, he wasn't there, so at that point in time I'm just trying to keep the gun down by my side so I'm not

using it in a threatening manner. I'm not pointing -- I didn't want to point it at somebody and threaten people. That's not the purpose of using a gun. I had it down by my side.
Q. Did you feel like you needed to threaten him with it?
A. At that point in time, I was -- my thought process was getting on my -- getting my phone.
Q. Okay. So he sees it and he goes off; is that right?
A. Yes. Fair enough.
Q. Does he immediately grab for you or what happens?
A. He says -- as he's bum-rushing me he says you pull a gun on me, you won't live to tell about it, and he bum-rushed me and drove me off the back porch.
Q. Okay. I want to walk through this, this is very important, but I want to go back to something you said earlier. This whole incident from right now, you're back on the porch, Parrish is beside you, things are about to get very bad, right? Things end very badly from there?
A. Right. Yes.
Q. That whole incident from start to finish when you're both on the back porch you said about eight seconds?
A. Yes. About eight seconds, yeah. Like when he drives me off the back porch and we're -- we're -- I'm struggling with him, yes, it's about eight seconds.
Q. Okay. So walk me through it. There's not a lot of

room to show what's on the back porch there, but you've described a couple of high-top chairs, you're wrestling on this back porch. Where is Parrish grabbing you? What's happening physically?

A. It happened pretty fast, but we -- we were both --

Q. Do you remember how it happened?

A. Yeah, I remember kind of how things happened and I can explain it to you, but it -- it happened so fast that when you start talking about sequence of events some of those sequences are literally simultaneously, too, you know.

Q. Sure. But you might -- I mean, are you saying you're unsure what happened?

A. No, I'm sure what happens explaining to you as far as the -- the timeframe, so --

Q. Okay. Well, I don't want to force you to go in a sequence that -- that is out of order, that's not correct. You just tell me what happened.

A. No, when you said -- I said it took about eight seconds.

Q. Okay. So eight seconds, Parrish sees the gun and -- and starts talking about the last person that pulled a gun --

A. Right.

Q. -- is dead or something like that, right?

A. So as he charges me, you know, I -- I raise the gun

up to try to, you know, break away from him and he comes towards me.

Q. Let me stop you right there. There's a man that has head-butted you.

A. Uh-huh.

Q. You have gone in your house and armed yourself with a gun. He is charging you again and your first thought is to do this with a gun?

A. There was no thought. It was -- it was just a blur and a reaction and everything happened in just mere seconds.

Q. Okay. All right. What happens from there?

A. He drives me off the -- the porch there about where Number 6 is, to the left side of that, and I go off the porch and there's a drop-down there and we head off towards where it says Number 13 that goes back towards the privacy fence and the property line.

Q. Okay.

A. I'm stumbling and he's driving me forward and trying to kick me and trip me and yelling at me saying you better pull that trigger, you're a dead man, you're a fucking dead man; Max on me.

Q. Okay. During that time he's driving you. He's got your gun hand?

A. Yes.

Q. Where's -- what's -- you have -- your left hand, I guess, is free?
A. I'm not sure where my left hand was, but at some point in time it had the phone, but, yes, I -- my left hand was not like free.
Q. Did he have it?
A. No. It's like --
Q. He's -- he's driving you backwards?
A. Yeah, he's driving me back just like a blocking tackle, like he's push-driving forward.
Q. Okay. So he's going like this?
A. Kind of like that, but his right hand was up and he had mine.
Q. Okay.
A. He's cross -- he's got his arm crossing across his body like that.
Q. Okay. And you don't know where your left hand is?
A. My left hand, I had my -- I thought I had my phone still in my hand, but I had not gotten in my pocket yet, but I don't know where my phone was. I don't even know if I had it in my hand. I just know that --
Q. Boy, that phone is really confusing you.
A. Well, it was something that -- it was like I was in the process of getting it right when I heard him, so all this happened right here and it's like the next move was

when I was calling 9-1-1 I got the phone in my pocket.
Q. So you stumble into the backyard, he's still coming at you?
A. He's still driving me forward, yes.
Q. Where's the big bag of marijuana that he had in his hand?
A. I never saw that bag of marijuana. I never saw it until later, later, later, but he just had his arms tucked -- tucked under my chest like this as he's driving me forward.
Q. Okay. So he's driving you forward, you get -- you spill off the porch right around Number 6 you said, you spill onto the grass, right?
A. It went further out that way and then we looped back around because, again, I'm trying to get my -- my footing and stuff.
Q. Like -- like this?
A. Yes. Well, a little bit -- yeah, like a little horseshoe there.
Q. Okay. And then you get to this area. You gain your footing?
A. I'm beginning to get my footing, yeah. We went back that way and then circling back around and continuing to get my footing, yes.
Q. And then what happens from there?

A. He calls for Max on me.
Q. Okay. Max the dog?
A. Yes.
Q. That you took care of?
A. Yes.
Q. That you had never had an issue with?
A. Yes.
Q. Okay. So what -- what then happens?
A. So as we're struggling and I'm trying to get away, you know, there's a bit of -- like a side to side back and forth, so I can see out of my periphery and stuff, and I see Max come out the back door and --
Q. Okay. So this dog comes out. What happens?
A. Well, I knew that Max could potentially make it so that we'd get down on the ground, either through, you know, just knocking us over or, you know, nipping at my foot or nipping at his foot or just by having him there was gonna cause us to get on the ground and that was what I was afraid of, him taking me to the ground.
Q. So you were afraid of Max?
A. I was afraid of Max having it so that we were on the ground. I was afraid of Parrish having me on the ground because he could, you know, definitely be able to do whatever he -- whatever he would do to me.
Q. Okay. So at that time the dog's there and that

changes the whole situation?
A. I see the dog come outside and that's when I was like -- that's when -- I couldn't -- I couldn't do anything else. I was like -- like I said, it was all happening in just a matter of seconds and --
Q. Yeah. And so you -- at what point do you break free from Parrish?
A. It was a -- it was -- it was never a snap and, you know, a clean break, you break free from trying to get somebody, you're gradually, you know, losing your grip or you're gradually -- you know, you can feel somebody's arms sliding down your -- so it's a gradual getting free kind of thing.
Q. Okay. You don't remember seeing marijuana in Parrish's hands?
A. I didn't -- I didn't see -- I didn't really see his hands period. I just saw him coming towards me and then his arm reaching out grabbing for my arm.
Q. Did you think he was armed at all?
A. I didn't think -- I didn't -- I didn't have a thought process of any of those ways.
Q. Okay. You break free. I'm gonna -- I'm gonna come closer to you, and I know it's a gradual thing, this is not a true step by step incident. I'm gonna start backing up real slowly. When do you fire the first shot? Tell me

when.
A. Well, it's --
Q. Tell me when.
A. No, we're -- closer. It would be right about there. It would be right about there.
Q. Reach out your arm.
A. His arm is up like this and like that.
Q. Okay. And you fire from there?
A. Yes. Yes.
Q. You can stand up if you need to.
THE COURT: I'm gonna let him step down.
MR. PINCELLI: Okay. Sure.
BY MR. PINCELLI:
Q. We can give you some more space.
All right. So I'm crossing over and grabbing your hand --
A. Yeah.
Q. -- and I'm doing this?
A. Uh-huh.
Q. All right. And then what happens?
A. So as -- he has upper -- upper hands, I'm more back like this, he's on top of me driving me over --
Q. Uh-huh.
A. -- and once I get my footing, we're wrestling back side to side like this --

Q. Uh-huh.
A. -- side to side and I was trying to get -- I bring my arm down like this, and shoot, shoot, shoot, shoot, shoot.
Q. Okay. Thank you. You can sit back down.
A. (Witness complies.)
Q. You shoot and then you start backing up?
A. I'm -- I'm trying to get away. I'm trying to get several -- I'm trying to get distance on him the entire time. I'm trying -- trying to break myself free from him, yes.
Q. You've told -- you might have said it today, I know you told law enforcement, he's coming at you?
A. Yes. He's still driving me forward and he's still coming towards me.
Q. Okay. And where -- where do you shoot him?
A. I just shot and I just -- I knew the gun was up in the air at the time and I did point my wrist -- I kind of point my hand and my wrist kind of down towards him or whatever and shot, and then as I'm doing that I'm also trying to like shove him away from me. So -- I'm trying to sling him away from me, so I'm getting distance that way, and I continue to pull the trigger at that time.
Q. Okay. Is he still coming at you and that's why you're pulling the trigger?
A. So as I'm pulling the trigger, I'm beginning to get

space at that point.
Q. Okay. And where are you shooting him?
A. I'm sorry?
Q. Where are you shooting him?
A. I don't know. I just was shooting in his general direction.
Q. Did he hurt you at all? Were you injured from any of these events?
A. Not physically, no.
Q. Okay. Do you remember having photos taken of you at the police department?
A. Yes.
Q. They wouldn't show any injuries, would they?
A. No.
Q. Okay. I'm gonna show you a tough one here, and I'm sorry, but we've got to go through some things like this. Do you recognize this photo?
A. Yes.
Q. Okay. Is that a fair and accurate depiction of the scene in your backyard?
A. No. He's -- he was on his side. This was after either paramedics or he was given aid of some description, but he was more laying on his side.
Q. Okay. If I showed that up on the board, could you show where he was? I mean, you could explain that he was

-- had he just been rolled from his side to his back?
A. He was on his -- laying on his left shoulder and his hip was rolled over a little bit more.
Q. Okay. But after the paramedics rolled him over to treat him --
A. Right.
Q. -- that's where he lay?
A. Right. That's correct.
Q. Okay. He wasn't moved other than being rolled; is that right?
A. Yes. Correct.
Q. Okay.
MR. PINCELLI: Judge, I'd like to mark this State's -- Court's Exhibit 9.
THE COURT: Go ahead.
(Court's Exhibit Number 9 was marked for identification.)
BY MR. PINCELLI:
Q. Jabin, what are we looking at?
A. It's Parrish.
Q. Okay. This is Court's 9. Court's 7 has a few things on there marking their position on-scene, and it is not to scale and we agree on that, right?
A. Yes.
Q. But one of the things it shows is an overturned chair.

Tell me about that overturned chair.
A. I just remember that chair getting hit, knocked over, when we were going off the porch.
Q. Where was that chair before it got knocked over?
A. It was sitting up kind of close to the fern that I -- I hit on as he's driving me off the back porch.
Q. And where did it land after it got knocked over?
A. It just got knocked over. I don't know where it got knocked over exactly.
Q. Okay. Is this the same chair in Court's 9 that we're looking at?
A. Yeah, I see it there. Yes.
Q. Okay. Right next to where Parrish lays down?
A. Yes.
Q. Explain to me, he -- you said Parrish was on his side.
A. Yes. Correct. He was just turned over just a little bit more towards his left.
Q. Okay. On his --
A. It would be on his left side.
Q. On his left side?
A. That's correct.
Q. Okay. We are -- what's this on his chest, his stomach?
A. Oh, that appears to be his colostomy bag, I think. Yes.

Q. Okay. You talked about other wounds or at least a surgical spot or something --
A. Right.
Q. -- that Parrish had. Is that it?
A. No, that's not it. That would have been under his waistband.
Q. Okay. So his -- the other spot, and this might be a little over, you know, exposed or whatever the settings of the camera were, but --
A. Yeah.
Q. -- so he has the other surgical spot down there and he's got his colostomy bag?
A. Right.
Q. Do you think these are the bullet holes?
A. His shirt was closed up. I didn't see anything -- other than the blood coming out of his mouth. I didn't see those wounds on the -- on the side there.
Q. Okay.
A. But, yes, that's -- that appears to be a bullet -- bullet hole.
Q. Okay. What's that in his hand?
A. Yeah, a bag of weed. Yeah, I saw that, too.
Q. Right. You have no idea what that bag of weed is?
A. I never saw it. Never saw it. He was right there and then he attacked me and I never got a chance to see it.

Q. You think he went into a deadly confrontation and attacked a man with a gun with a bag of weed in his hand?
A. No. No. Certainly not.
Q. Then why is it in his hands?
A. I -- at the time I didn't -- I didn't -- I saw him as a threat and I saw him -- he threaten me enough where I feared for my life. Now what was on his mind, I don't know. Was he planning to kill me? I don't know. He probably wasn't, but at the time I thought he was.
Q. We can't really see it. Would you agree that Parrish is wearing flip-flops that day?
A. Yes.
Q. Okay.
A. Uh-huh.
Q. So we've got a man in flip-flops with a colostomy bag, another surgical wound and a bag of marijuana in his hand --
A. Yes.
Q. -- and he's just pushing you all over the yard. Is that what's happening?
A. Pretty much. He was pushing me.
Q. All right.
MR. PINCELLI: I beg the Court's indulgence.
THE COURT: Take your time.
MR. PINCELLI: Your Honor, I'm -- at this time I'm

done with cross-examination of Mr. Trapp.

THE COURT: All right. Before we -- no other -- no redirect?

MR. YONGE: No redirect, Your Honor.

THE COURT: Okay. Then I'm gonna let you step back down to the defense table.

(Witness excused.)

THE COURT: You-all, it's 12:30. I need to take care of a matter, so I'm just gonna say let's go to lunch, okay? And let's come back at 1:30. Does that suit?

MR. NORTON: (Nods head.)

MR. YONGE: Yes, Your Honor.

THE COURT: All right. I'll see you-all at 1:30.

(Whereupon, a luncheon recess was taken at 12:29 PM.)

(Back on the record at 1:51 PM.)

BAILIFF: Court will come to order. Remain seated please.

THE COURT: All right. I'm sorry, but I had you-all's boss in my office, so.

Okay. Let's -- call your next witness.

MR. YONGE: The defense rests on the stand your ground, Your Honor.

THE COURT: Okay.

Mr. Cox, are you ready?

MR. COX: I am, Your Honor. We're calling Officer

William Norris.

(Whereupon, William Norris was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat over there, please. State your name and spell your last, please, for the record.

THE WITNESS: William Norris. Last name is N-O-R-R-I-S.

WILLIAM NORRIS,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. COX:

Q. Officer Norris, could you tell us real quick who are you currently a law enforcement agent with?

A. I'm currently employed by SLED in the active shooter training unit.

Q. Active shooter training?

A. Yes.

Q. All right. And prior to going to SLED, who were you with?

A. Town of Lexington County Police Department.

Q. And is that the agency that you were with in June of 2021?

A. Yes, sir.

Q. What was your role back on June 27, 2021?

A. I was a professional call-taker.
Q. Okay. Were you called out to the scene of a shooting on June 27, 2021?
A. Yes, sir.
Q. Okay. And in your role with the Town, did you have any recording equipment with you?
A. Yes, sir, I did.
Q. Okay. What did you have with you?
A. We had our in-car cameras and also our department-issued body-worn camera.
Q. When you say car camera, front dash?
A. Yes, sir.
Q. Okay. And a body-worn camera?
A. Yes, sir.
Q. Were both of those operational that day?
A. Yes, sir.
Q. Okay. When you responded to this shooting, were you the first on-scene?
A. I was the second right behind Officer Brandon Hassler. We got there five seconds apart.
Q. And so this response -- or the call came in. You and Officer Hassler responded with him just ahead of you?
A. Yes, sir.
Q. All right. As a part of -- following this incident, have you had a chance to review any of those recordings

that day?
A. Yes, sir.
Q. Okay. Did you record your own body cam footage?
A. Yes, sir.
Q. Did you record your own dash footage?
A. Yes, sir.
Q. Did you also review any footage from Brandon Hassler?
A. Yes, sir.
Q. Okay.
MR. COX: Your Honor, may I approach the witness?
THE COURT: You may.
(Court's Exhibit Number 10, 11 and 12 were marked for identification.)
BY MR. COX:
Q. All right. Officer Norris, I'm gonna hand you what has been premarked as Court's exhibits 10, 11 and 12. Do you recognize what I've handed you?
A. Yes, sir.
Q. Okay. Without going into any great details, what is it that I've handed you?
A. DVD-R's with my signature.
Q. Okay. And it's three separate disks?
A. Yes, sir.
Q. Are those your body cam, your dash cam and Brandon Hassler's body cam?

A. Yes, sir.
Q. Okay. And you reviewed those and signed them?
A. Yes, sir.
Q. Do any of them appear to have been altered in any way?
A. No, sir.
Q. Okay. So it's a fair and accurate depiction of the incident as you observed it that day?
A. Yes, sir.
MR. COX: All right. Your Honor, at this time we are offering Court's Exhibit 10, 11, 12 for purposes of this hearing and Jackson v. Denno.
THE COURT: This is a Court's exhibit?
MR. COX: Right.
MS. YONGE: Is it the entirety of the --
MR. COX: These are.
MS. YONGE: They're not edited?
MR. COX: These have not been edited, Your Honor. These are the full recordings, but for the purposes of the hearing I'm only gonna be playing portions of them.
MS. YONGE: Okay. But it is the entirety?
MR. COX: This is the entirety.
THE COURT: Okay.
BY MR. COX:
Q. Officer Norris, just real quick, ballpark it for us, how long from -- how many minutes from when you got the

call to when you arrived on-scene? A few minutes?
A. Four, five, maybe six.
Q. Okay. And if we're playing this, this will -- for the first few minutes this video would show your vehicle driving?
A. Me running code and then Officer Hassler right in front of me eventually.
Q. Okay. While this is firing up, before we get into it, Officer Hassler gets out of his vehicle?
A. Yes, sir.
Q. And you follow behind him?
A. Yes, sir.
Q. What are your first observations when you get on-scene?
A. There's a lady standing out front.
Q. All right. Did you -- what did you do when you got out of your vehicle?
A. I had my department-issued patrol rifle. I was gonna cover security as we approached the rear of the house.
Q. Okay. And just real quick, why -- why did you exit your vehicle with your issued AR?
A. The call came out that a gun was involved and we always want to have a higher level of force if necessary.
Q. And Officer Hassler was also a patrol officer at this point?

A. Yes, sir.
Q. So he was also armed?
A. Yes, sir.
Q. Okay.
MR. COX: All right. I'm gonna play a portion of this video now, Your Honor.
BY MR. COX:
Q. And so this is your vehicle?
A. Yes, sir.
Q. And there's obviously multiple vehicles here, but the one driving the same direction as you?
A. Yes, sir. That's Officer Hassler.
Q. Okay. Is that Officer Hassler?
A. Yes, sir.
Q. Is that yourself?
A. Yes, sir.
Q. Okay. So this obviously is your dash camera. It stays stationary for the remainder of the time?
A. Correct.
Q. All right. Where are the two of you heading?
A. We are heading to the rear of the house.
Q. Okay. And when you get to the rear of the house, what do you observe?
A. I observe a gentleman on the ground injured, another gentleman kneeling on the ground and a dog running around.

Q. Okay. For the gentleman that was kneeling on the ground --
A. Yes, sir.
Q. -- what was your -- well, I guess what was yours and Officer Hassler's response to him?
A. Officer Hassler was giving him verbal commends not to move. At that point I determined he was our primary threat, so I'm watching hands, covering down on him.
Q. Right. Okay. Was he armed?
A. Not at that particular time, but the gun was close by.
Q. Okay. Did -- was that person taken into custody?
A. Yes, sir.
Q. Okay. Did you or Officer Hassler take him into custody?
A. Officer Hassler.
Q. Okay. Did it take very long for him to be detained?
A. No, sir.
Q. All right. And if I play this video a few more minutes, are we gonna -- not obviously the back of the house, but are we gonna see --
A. You'll see Officer Hassler walking the gentleman back up and putting him in the car.
Q. Okay. Is that another responding patrol officer?
A. Yes, sir, it is.
Q. Okay. He does not have his weapon drawn?

A. No, sir.
Q. So at this point you had the female in front of the house, a male subject on the ground you described as injured and then the person taken into custody?
A. Yes, sir.
Q. Okay. Is that person the defendant here today?
A. Yes, sir.
Q. Okay. And that's the dog?
A. Yes, sir, it is.
Q. All right. Is that Officer Hassler bringing the defendant back up?
A. Yes, sir, it is.
Q. So the defendant is now in handcuffs?
A. Yes, sir.
Q. Okay. Officer Hassler does not have his weapon drawn?
A. Correct.
Q. Okay. You're not following behind him with your AR rifle?
A. No, sir.
Q. Okay. And is that -- here in the -- kind of the middle of that video, is that yourself?
A. Yes, sir, it is.
Q. All right. At that point was -- did you believe there to be any other threat from the initial call?
A. Unknown at the time. That's why I took up that

position.
Q. Okay. So you're staying back. You did not follow the defendant to the vehicle?
A. Correct.
Q. Didn't have your gun drawn on him?
A. No, sir.
Q. All right. Officer Norris, I'm gonna move to your body worn camera.
Officer Norris, this is the same body cam footage from that same incident?
A. Yes, sir.
Q. All right. I'm gonna skip ahead to about the same point where you arrived on-scene.
A. Yes, sir.
Q. That person speaking, I'm not moving, I'm not moving, was that the suspect or the defendant?
A. Yes, sir.
Q. All right. So that is a walkway from the shed behind the house?
A. Yes, sir.
Q. Okay. So you observed a firearm on the ground?
A. Yes, sir.
Q. Okay. Your fellow officer just pointed out marijuana in the victim's hand?
A. Yes, sir.

Q. Okay. Officer Norris, is it fair to say for the next few minutes you were at the rear of the house?
A. Yes, sir, it is.
Q. Other than on-scene with the victim here and the initial walk into the house, did you do anything on -- anything else on-scene with the house?
A. I cleared -- I did a protective sweep of the inside of the home.
Q. Okay. So you went inside the home?
A. Yes, sir.
Q. All right. And your body cam was recording at that time?
A. Yes.
Q. I'm gonna skip ahead to that portion, Officer Norris.
Officer Norris, this door to my right, is that the front door of the house?
A. That is the rear of the house.
Q. So -- all right. So this door in the middle --
A. Yes, sir. That's the -- that's the rear.
Q. I apologize I don't have a pointer.
A. To the right of the video screen is the front door, yes, sir.
Q. That's the door you came in at?
A. I came in the rear. Yes, sir.
Q. And the one now to the far right of this video, that's

the open front door of the home?
A. Yes, sir.
Q. Okay. So now you leave the house. You successfully cleared the house?
A. Yes, sir.
Q. Okay. Now you're walking back. Was there anyone else in the house?
A. No, sir.
Q. Okay. So at this point it's fair to say you had secured the scene?
A. Yes, sir.
Q. All right. And from the time you went in the house to clear it to the time that you're exiting did you notice anyone else coming in or out?
A. No, sir.
Q. All right. And when you arrived on-scene prior to clearing the house, did you notice anyone else coming in or out of the house while you were trying to detain the suspect?
A. No, sir.
Q. All right. You said the first person -- first officer on-scene was Brandon Hassler?
A. Yes, sir.
Q. All right. I'm gonna move to his body camera footage that you've reviewed before today. And the same thing,

Officer. I'm gonna jump ahead to when you first arrive.

All right. So at this point this is what we already observed on your body camera footage?

A. Yes, sir.

Q. You arrived on-scene. Officer Hassler is taking the defendant into custody?

A. Yes, sir.

Q. Okay. Or he's detaining him?

A. (Nods head.)

Q. So, Officer Norris, we just observed Officer Hassler reading this person's Miranda rights?

A. Yes, sir.

Q. Do those sound familiar to you --

A. Yes, sir.

Q. -- when you were at the Town of Lexington?

A. Yes, sir.

Q. The same ones you would have read to someone?

A. Yes, sir.

Q. All right. And did the defendant invoke his right to counsel at this point?

A. No, sir.

Q. Okay. Did he remain silent?

A. He started speaking.

Q. Okay. The defendant just said I found out he was dealing drugs?

A. Yes, sir.
Q. That's what we heard?
A. Yes, sir.
Q. And he was addressing it with him?
A. Yes, sir.
Q. I'm gonna skip a little bit further ahead, Officer Norris. When you were reviewing this footage, over the next few minutes did the defendant ever invoke his right to counsel?
A. No, sir.
Q. All right. Officer Norris, did you interact with the defendant after clearing the house?
A. No, sir.
Q. Okay.

MR. COX: Your Honor, if I could have one moment.

THE COURT: Take your time.

MR. COX: That's all I have for Officer Norris.

THE COURT: Ms. Yonge.

CROSS-EXAMINATION

BY MS. YONGE:

Q. Good afternoon.
A. Afternoon.
Q. Are you Agent Norris now?
A. Yes, ma'am.
Q. Okay. Congratulations.

A. Thank you.
Q. Good afternoon, Agent Norris. I'm Anna Yonge. Nice to meet you.
When you arrived on-scene, I believe we heard Hassler say that he got bit by Max; is that correct?
A. Yes, ma'am.
Q. Okay. And he was bitten as soon as he arrived on-scene, correct?
A. That's what Hassler said. Yes, ma'am.
Q. Okay. Did you see him get bitten or are you just --
A. No, ma'am. I didn't actually see the biting.
Q. But Hassler confirmed to you that he was?
A. Yes, ma'am.
Q. And, in fact, seems a little concerned about it in his body-worn camera footage if it keeps going, right?
A. Yes, ma'am.
Q. Okay. When we're going through the Miranda rights, you can't hear Jabin affirmatively state that he wishes to keep talking to him; is that correct?
A. Correct.
Q. Okay. Let me see. I'm trying to find it so that we can -- sorry. I was trying to pause it, but did it look to you right there that the defendant was -- or not the defendant, I apologize, the victim, was kind of on his side?

A. I remember him laying on his back.
Q. You saw him laying on his back?
A. From my recollection.
Q. I'll tell you what. I'm not gonna touch it. I'll let it go.
Did he say he wanted to keep talking to him or did he mumble?
A. Mumble.
Q. He mumbled "I", "I"; is that --
A. Yes, ma'am.
Q. Okay. And have you reviewed this footage in its entirety?
A. About the first half. I guess when I took over the crime scene. Yes, ma'am.
Q. Okay. So if I skip ahead to about the twenty minute mark, are you good to keep talking about it or we'll see?
A. We'll see.
Q. We'll see. Okay.
And who is that on the body-worn camera right now?
A. That's me.
Q. Okay. Did Hassler just tell you that he had not talked to him?
A. Correct.
Q. Okay. And him being the defendant, correct?
A. I assume so. Yes, ma'am.

Q. Okay. Did Hassler just say we're not gonna do any questioning out here. We're gonna have a detective take you back to the police department?
A. Yes, ma'am.
Q. Okay. And the defendant just expressed that he was thirsty and woozy, correct?
A. Yes, ma'am.
Q. Okay. At this point is Hassler expressing concern for the defendant's well-being?
A. Yes, ma'am.
Q. And asking EMS to check him out?
A. Yes, ma'am.
Q. And then over the course of the next several minutes does EMS proceed to check out the defendant?
A. Yes, ma'am.
Q. Okay.

MS. YONGE: No further questions, Your Honor.

THE COURT: Any redirect?

MR. COX: No, Your Honor. We have no further questions for Agent Morris.

THE COURT: Agent, you can step down. Thank you.

(Witness excused.)

THE COURT: Call your next witness.

MR. NORTON: Your Honor, the State calls Special Investigator Earl Alewine.

(Whereupon, Earl Alewine was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat, please. State your name and spell your last, please, for the record.

THE WITNESS: My name is Earl Alewine. A-L-E-W-I-N-E.

EARL ALEWINE,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. NORTON:

Q. And, Investigator Alewine, where do you currently work?

A. The attorney general's office.

Q. Okay. How long have you worked there?

A. Since May of this year.

Q. This year. Where did you work on June 27th of 2021?

A. Lexington Police Department.

Q. Okay. And can you tell the Court how you came to be involved in this case?

A. I was called to a shooting. My role then was a detective and I was called to a shooting on [redacted] Drive.

Q. Okay. Would that be [redacted]?

A. It was.

Q. And that's here in Lexington?

A. Correct.

Q. Okay. And what was the basis of that call?
A. The basis was two individuals got into an altercation and one was shot by the other.
Q. Okay. And generally what time did you arrive on-scene?
A. It was late afternoon; 4:30, 5:00 PM, 5:30, somewhere in there.
Q. So pretty recently in response to the call?
A. Correct. Yes.
Q. Okay. When you arrived on-scene, was the suspected shooter in custody at that time?
A. He was.
Q. And had that person been identified?
A. He was.
Q. And who was that?
A. That was Mr. Trapp.
Q. That would be the defendant?
A. That is correct.
Q. Okay. And was the gunshot victim identified as well?
A. He was.
Q. Okay. And that would be Parrish Phillips?
A. Correct.
Q. And was it your understanding that when you arrived Mr. Phillips was already deceased?
A. He was.

Q. Okay. What did you do upon arriving on-scene?
A. I observed a secure scene and went to the back, observed the rear of the house and the front of the house.
Q. So you were able to observe the front of the house and the rear backyard?
A. Correct.
Q. Did you go inside the house at that time?
A. I did not. No, sir.
MR. NORTON: Your Honor, may I approach the witness?
THE COURT: You may.
BY MR. NORTON:
Q. Investigator, I'm gonna show you a series of photographs and ask if you can identify -- if those look familiar to you?
A. They are familiar.
Q. Okay. And are those photographs a fair and accurate representation of the scene as you observed it that day?
A. Yes, sir. [redacted].
Q. Okay. Haven't been altered in any way?
A. They do not look like it.
MR. NORTON: Your Honor, at this time I would offer 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 as Court's exhibits.
(Court's Exhibit 13 through 25 were marked for identification.)

MR. NORTON: Thank you, Your Honor, and Madam Court Reporter, for indulging me.

THE COURT: Absolutely, Mr. Norton.

BY MR. NORTON:

Q. Okay. So let's look at Court's Exhibit 13. This is the front of [redacted]?

A. It is.

Q. Okay. And who is this person we're looking at right here by the dog?

A. Sitting?

Q. Yes.

A. I can't recall her name, but it was the female that was on-scene at the time of the shooting.

Q. Would that be Elizabeth Warwick?

A. Warwick. Yes, sir.

Q. And who would that be in relation to this case?

A. That was the deceased's girlfriend from what I understood.

Q. Is that Max, the dog, laying down there?

A. It is.

Q. Okay. And so this is where we see the front door of the home?

A. Correct.

Q. And the side door of the home?

A. Correct.

Q. And the driveway leading back to the backyard?
A. Yes, sir.
Q. Okay. Court's Exhibit 14. Side door and then the backyard area?
A. Yes, sir.
Q. Okay. Court's Exhibit 15. And this was the general area of the scene that you were able to observe that day?
A. It is.
Q. And so we see in the lower middle of the picture what appears to be a firearm on the ground?
A. It is, with a separate magazine.
Q. Okay. And then Parrish Phillips lying on the ground on the left middle part of the photograph?
A. It is.
Q. Okay. And then the back porch area in the main frame of the photograph?
A. Yes, sir.
Q. Okay. Court's 16. Just a closer up view of -- we see the firearm, a magazine and then a -- what appears to be a cartridge on the ground?
A. Yes, sir.
Q. All right. Now looking at Court's 17, Mr. Phillips on the ground, we see a chair tipped over and is that a tiki torch?
A. It is.

Q. And then a cell phone that's got a four placard next to it?
A. Yes, sir.
Q. Okay. And while you were on-scene, were you able to observe any shell casings?
A. I did.
Q. Okay. And where would those have been?
A. There were a few near Mr. Parrish's body -- or Mr. Phillips's body, and then I located one on that high table in a wooden box.
Q. So you said one in the wooden box?
A. Yes, sir.
Q. One near Mr. Phillips's body?
A. Yes, sir.
Q. And then where was the third one?
A. I believe it was on the patio behind Mr. Phillips there near the motorcycle.
Q. Would that be where we see the placard in the background of the photograph?
A. Yes, sir, by the front tire.
Q. Near the tire?
A. Yes, sir.
Q. Okay. Court's Exhibit 18. Did you have the opportunity to observe Mr. Phillips's body on-scene?
A. I did.

Q. Okay. And we can see a colostomy bag?
A. Yes, sir.
Q. Did you observe any other what appeared to be medically-related injuries to him?
A. He had a -- a wound bandage or something near the colostomy bag, like a white bandage, and then there were what appeared to be gunshot wounds on his person.
Q. Okay. Now where did you observe the gunshot wounds to Mr. Phillips?
A. On his left side.
Q. Looking at Court's Exhibit 21, are those the same gunshot wounds you referenced?
A. It is.
Q. Okay. So on the left side and then is that one on the back shoulder?
A. Yes, sir.
Q. Did you observe any gunshot wounds to Mr. Phillips's front torso?
A. I did not.
Q. And did you observe any other gunshot wounds to Mr. Phillips besides the ones that we've discussed?
A. That's the only ones that I observed.
Q. Okay. And did you observe a bag of what appeared to be marijuana in his left hand?
A. Grasped in his left hand. Yes, sir.

Q. Okay. Were there any weapons on his person?
A. No weapons that I found.
Q. Okay. Other than the firearm that we just talked about on the sidewalk, were there any weapons near his body?
A. No, sir.
Q. Okay. And you see the chair on the bottom right frame of the picture?
A. Yes, sir.
Q. Did you observe besides the chair and the tiki torch we discussed any furniture knocked over?
A. Just the chair and the tiki torch was the only thing knocked over in disarray.
Q. Okay. Any small items knocked over?
A. No, sir.
Q. Anything else that would have indicated to you there was some kind of a struggle?
A. No, sir.
Q. Okay. You see a number of small items on that patio table, right?
A. Yes, sir.
Q. Can you walk us through what you observed?
A. So there was an envelope with money, a pack of cigarettes, I believe there was a lighter there, there's a purple cup. The wooden box that had the shell casing in

it is right there on the left side of the table.
Q. Okay. And you said -- that Ziploc bag, did that contain what appeared to be marijuana?
A. Oh, yes, sir, it did.
Q. Okay. Now after you arrived on-scene and observed the scene, what did you do next?
A. We obtained a search warrant.
Q. Okay. And that would be for the residence?
A. Correct.
Q. Okay. Where did you go after that?
A. We went to Lexington Police Department with the defendant.
Q. Okay.
MR. NORTON: Your Honor, may I approach the witness?
THE COURT: You may.
BY MR. NORTON:
Q. Do you recognize that photograph?
A. Yes, sir.
Q. Okay. Did you take that photograph?
A. I did.
Q. Okay. What is that a photograph of?
A. That's of the defendant.
Q. Is it a fair and accurate representation of him?
A. It is.
Q. Okay. And that was taken the night of June 27th?

A. Yes, sir.

MR. NORTON: Your Honor, at this time we'd offer the photograph as Court's Exhibit 26.

THE COURT: Okay. That's fine.

(Court's Exhibit Number 26 was marked for identification.)

BY MR. NORTON:

Q. This is a photograph of the defendant taken at the Town of Lexington Police Department?

A. It is.

Q. Okay. Did he appear to have any injuries?

A. He did not appear to have any injuries to my observation.

Q. Did you ask him if he had any injuries?

A. I did.

Q. Okay. And what did he say?

A. No.

Q. Did he ever describe being head-butted?

A. Oh, no, he did not.

Q. Okay. Did you attempt to conduct an interview of the defendant?

A. We talked briefly, but he invoked.

Q. He invoked his right to counsel?

A. He did.

Q. Okay. What was done at that point?

A. At that point I tried to see who his attorney was so we could get them up there to talk to him.
Q. When he invoked his right to -- to counsel, did you terminate questioning?
A. Oh, absolutely.
Q. Okay. Was all that captured on video?
A. It was.
Q. Have you had the chance to review that video?
A. I have.
MR. NORTON: Your Honor, I'm approaching the witness with a disk.
THE COURT: Okay.
BY MR. NORTON
Q. Investigator Alewine, can you identify that disk?
A. This is the video of the first attempted interview, which has my signature and the date.
Q. Have you had a chance to review it?
A. Yes.
Q. Okay. A fair and accurate representation?
A. It is.
MR. NORTON: Judge, Court's 25.
THE COURT REPORTER: No, 27.
THE COURT: 27.
(Court's Exhibit Number 27 was marked for identification.)

BY MR. NORTON:

Q. I'm gonna skip ahead to 23 minutes and 20 seconds.

Now that body in the bottom right-hand corner, is that yourself?

A. It is.

Q. Okay. And who is the person in the right-hand side of the video?

A. That's Detective Voravudhi.

Q. He was Mirandized?

A. He was.

Q. And he invoked his right to counsel?

A. He did.

Q. And you-all terminated the interview at that time and left?

A. Yes, sir.

Q. Okay. What was done with the defendant at that time?

A. At that time we obtained search warrants for several things, including gunshot residue, buccal swab and blood work.

Q. Okay. So he was not released from custody at that time?

A. Not at that time.

Q. Okay. Was he put in the possession of another officer?

A. He was.

Q. And who would that be?
A. I believe it was Paul Walker.
Q. You said he was detained until search warrants could be executed for -- you said buccal swab, blood and gunshot residue?
A. Yes, sir.
Q. Okay. Were those executed that night?
A. It was.
Q. Okay. And was he released from custody after that night?
A. He was.
Q. Okay. Now did you have the opportunity to interview the defendant any other day?
A. Yeah, a few days later he came in with his attorney.
Q. Okay. Would that have been on June 30th of 2021?
A. I believe it was. Yes, sir.
Q. And would his attorney have been Mr. Williams?
A. It was.
Q. Okay. Was that interview recorded?
A. Yes, sir.
Q. Was he Mirandized?
A. He was.
Q. Did he agree to speak with you?
A. He did.
Q. Did at any point in that interview, did he terminate

questioning?
A. No, sir.
Q. Okay. Have you had a chance to review that recording?
A. I have.
MR. NORTON: Your Honor, I'm approaching the witness with what will be Court's Exhibit 28 if admitted.
THE COURT: Okay.
BY MR. NORTON:
Q. You do recognize that disk?
A. It is the video recording from that interview.
Q. Have you had the opportunity to review it?
A. I have.
Q. Is it a fair and accurate representation?
A. It is.
MR. NORTON: Your Honor, at this time we'd offer it as Court's Exhibit 28.
THE COURT: Okay.
(Court's Exhibit Number 28 was marked for identification.)
BY MR. NORTON:
Q. So what did the defendant tell you about how Parrish Phillips came to live with him?
A. He had had some surgeries, some medical issues. He had -- Mr. Phillips had tried some other living situations and eventually asked Mr. Trapp could he come live with him

and he agreed to that.
Q. Okay. What did the defendant say about Parrish Phillips's condition when he moved into the house?
A. That he was in bad shape.
Q. We just heard him describe numerous healthcare visits?
A. Yes, sir.
Q. Four times a week?
A. Yes, sir.
Q. A wound nurse, a physical therapist and other healthcare visits that he had in the living room?
A. Yes, sir.
Q. And what did the defendant say he felt about Parrish having those appointments in the living room?
A. Uncomfortable.
Q. Okay. Did he say anything about whether Parrish was paying him rent when he moved in?
A. Not at that time, but he did say --
Q. During the interview?
A. Yes, he did.
Q. So what did the defendant say about whether Parrish had paid him any money when he moved in?
A. They had agreed on $600 per month and two months upfront.
Q. Okay. What did we hear about $400?
A. That Parrish had tried to pay him $400 per month, but

couldn't -- or Mr. Trapp wanted more than that.
Q. Okay. So based on what you recall from the interview, Parrish paid him $400?
A. Correct.
Q. And Mr. Trapp said you're eating that in groceries. I need more than that?
A. Yes, sir.
Q. Did he ever say anything about giving Parrish $400 back?
A. No, sir.
Q. Okay. So we just heard the defendant reference Friday night. Was that your understanding it was the Friday before the Sunday shooting?
A. Two days prior, yes.
Q. So June 25th?
A. Yes, sir.
Q. And what did he describe about Parrish's physical condition two days before the shooting?
A. That he was in a lot of pain.
Q. Okay. So much so that what did the defendant tell you he did?
A. He went to another friend's house, gathered pain medicine from that person or acquired it from that person, and they gave it to Mr. Parrish.
Q. Did you have any discussions during the interview

about drug activity in the defendant's home?
A. We did.
Q. And what did he tell you about drug activity in his home?
A. Mr. Trapp had said that one of the stipulations for Parrish living there was to not have any drug usage.
Q. Did he ultimately admit in this interview that he knew Parrish Phillips smoked weed?
A. Yes, sir.
Q. Okay. Did he ultimately admit in this interview that he smoked weed?
A. Yes, sir.
Q. Okay. And that he -- he told you he smoked -- what did he call them, THC carts?
A. Yes, sir.
Q. Okay. And did you ask him whether he had consumed any drugs or alcohol that day?
A. We did.
Q. The day of the shooting?
A. We did.
Q. Okay. So the first thing he says -- what does he say when you ask him have you drank any alcohol or done drugs that day?
A. Not that day, no.
Q. So his first response is no and then what does he say?

A. He admitted to smoking around the time or right before he cut the grass that afternoon.
Q. Okay. Did you ask Mr. Trapp if he had any prior disputes with Parrish Phillips?
A. Yes.
Q. Okay. And what was his response?
A. They never had a -- I believe he called it a terse word at each other, never raised their voices or fought.
Q. So never a cross word?
A. Yes, sir.
Q. Okay. And in his opinion Parrish looked up to him?
A. Yes, sir.
Q. Highly respected him?
A. Yes, sir.
Q. Did you ask him about any frustrations that he was having with Parrish as a result of the living situation?
A. We did.
Q. Okay. So we hear talk about the defendant was frustrated with Parrish having medical appointments in the living room?
A. Yes, sir.
Q. And he told you that he believed he was lying about where he was taking his car?
A. Yes, sir.
Q. Okay. And he didn't like having to cook for him?

A. Yes, sir.
Q. Clean up after him?
A. Yes, sir.
Q. And in his words he's weary and tired of him being there?
A. He did say that.
Q. Okay. And at that point we've been -- they had been living together about three weeks?
A. I believe it was more like two, but, yeah, something like that.
Q. Okay. And he told you that Parrish had given him $400 and then another twelve hundred?
A. Yes, sir.
Q. So three weeks and $1,600 and he told you he was weary and tired of him being there?
A. Yes, sir.
Q. Okay. Did you talk to him about what Parrish did the day -- Sunday the 27th in the morning?
A. Yes.
Q. So he told you Parrish went to lunch at LJ's Bar and Grill that day?
A. Yes, sir.
Q. And how did the defendant feel about him being out of the house?
A. He described it as a reprieve.

Q. Okay. And because he was very demanding?
A. Correct.
Q. Did you talk about what happened when Parrish got home?
A. Yes, sir.
Q. So the defendant describes sitting down with Parrish after he gets back from lunch at LJ's?
A. Yes, sir.
Q. And he says that he was addressing with him that the living situation wasn't working out?
A. Yes, sir.
Q. And in his words he's addressing Parrish's lies?
A. Yes, sir.
Q. And he says Parrish starts to get kind of agitated?
A. Yes, sir.
Q. Okay. What does he say Parrish does next?
A. Goes inside.
Q. Okay. And then he follows Parrish inside?
A. Yes, sir.
Q. Okay. At any point in this interview did Mr. Trapp ever tell you that Parrish Phillips head-butted him?
A. No, sir.
Q. Okay. But he did say he went back inside and got the $1,200 Parrish had given him, right?
A. Yes, sir.

Q. And he describes coming back to the porch and Parrish is somehow already back out there?
A. He is back out there. Yes, sir.
Q. Even though Parrish went inside first?
A. Yes, sir.
Q. Okay. Parrish is somehow back out there, he gives him the money?
A. Yes, sir.
Q. And he says they get in a heated argument?
A. Yes, sir.
Q. Okay. He describes that Parrish stands up and -- and puts a finger in his face?
A. Yes, sir.
Q. Okay. What does he say he does in response to that?
A. He also stands up.
Q. Okay. And he says that -- what did he say?
A. It's my house, you're not gonna talk to me like that or something to that effect.
Q. This is my house, you're not gonna talk to me like that, you need to leave?
A. Yes, sir.
Q. Okay. And he describes is getting heated?
A. Yes, sir.
Q. Okay. What did he say happens when it gets heated?
A. I believe he said Parrish went back inside.

Q. Okay. So it gets heated and Parrish goes inside?
A. Yes, sir.
Q. Okay. Nothing about a head-butt?
A. No, sir.
Q. Okay. And is this the first time in this argument that he says he's in fear for his life?
A. Yes, sir. That's the first time.
Q. When Parrish storms inside?
A. Yes, sir.
Q. Okay. And what is the very next he does when he's in fear for his life and the man he's in fear of goes inside the house?
A. He states that he also goes inside the house.
Q. Okay. So follows the man he's in deathly fear of inside the house?
A. Yes, sir.
Q. So why does he say he goes inside?
A. Initially to get his phone.
Q. Okay. And where does he think he left his phone?
A. The office.
Q. Okay. And where does he somehow end up?
A. His bedroom.
Q. Okay. And he says he gets a pistol from his nightstand?
A. Yes, sir.

Q. Okay. Did he ever say dresser?
A. No, sir.
Q. He was very clear nightstand?
A. Yes, sir.
Q. Okay. So how does he describe holding the gun when he gets it from his dresser or nightstand or whatever it is?
A. He tries to hide it behind his leg he says.
Q. Okay. So he conceals it?
A. Correct.
Q. Okay. And then he describes going through the house?
A. Yes, sir.
Q. At any point going through the house does he tell you that he said Parrish, I have a gun, stay away?
A. No, sir.
Q. Okay. At any point does yell for help from Lizzy?
A. No, sir.
Q. Okay. Does he describe trying to go out the side door?
A. No, sir.
Q. Ever describe trying to go out the front door?
A. No, sir.
Q. Where does he go with the gun hidden behind his leg?
A. To the back porch again.
Q. Okay. Where they were just arguing?
A. Yes, sir.

Q. Where he was just in a confrontation that left him in deathly fear?
A. Yes, sir.
Q. Okay. So how does he describe it when Parrish comes out the back door?
A. He's yelling at him. He can hear him yelling as he's coming out.
Q. Okay. And he says at this point he's got his phone in his back pocket?
A. Yes, sir.
Q. Okay. And he describes confronting or having a confrontation with Parrish when Parrish comes out on the back porch?
A. Yes, sir.
Q. So there's no -- he doesn't describe immediately being bum-rushed?
A. No, not bum-rushed.
Q. So how does he describe this physical confrontation occurring?
A. That Parrish came out and there was a confrontation, he has to back up to -- Mr. Trapp has to back off of the porch and Parrish has his arms or one arm -- both arms.
Q. So he describes at one point Parrish having both of his arms?
A. Yes, sir.

Q. Okay. And this apparently spills into the backyard?
A. Yes, sir.
Q. So he describes -- well, how does he describe Max?
A. As a service dog.
Q. Okay. And what else did he believe about Max that he told you?
A. He stated that he believed or heard from other people that it was also a trained attack dog.
Q. A trained attack dog. And did he ever describe seeing Max in attack training?
A. I don't remember him describing that.
Q. Okay. So he describes being afraid that Mr. Phillips is going to issue a secret attack command?
A. A secret or sort of --
Q. Attack command?
A. Yeah, some kind of attack command. That's what he said.
Q. Okay. Did he tell you he knew what the attack command was?
A. No. No, sir.
Q. Okay. But he described being in fear that that was going to happen?
A. Yes, sir.
Q. Okay. And, again, how did he describe -- besides, you know, being a secret attack dog, how did he describe Max's

disposition?
A. Friendly and submissive.
Q. A good dog?
A. Yes.
Q. Okay. So he describes being afraid that Mr. Phillips is gonna issue some attack command?
A. Yes, sir.
Q. And he described seeing the dog in the doorway, correct?
A. Yes, sir.
Q. Does he ever shoot the dog?
A. No, sir.
Q. Ever fire a shot at the dog?
A. He did not describe that.
Q. Okay. He just described shooting Parrish?
A. Yes, sir.
Q. Okay. Did you discuss Parrish's positioning when he was shot with Mr. Trapp?
A. Yes.
Q. So he describes breaking free from Mr. Phillips's grasp?
A. Yes, sir.
Q. Okay. And backing up?
A. Yes, sir.
Q. Okay. And when does he say he fires the shot? Is it

as he's backing away?
A. It is.
Q. Does he ever describe grappling with Mr. Phillips while shooting Mr. Phillips?
A. No, sir.
Q. Now you observed gunshot wounds to Mr. Phillips?
A. I did.
Q. Okay. And's he's adamant that he shoots Mr. Phillips facing him coming towards him?
A. That was his description, yes, sir.
Q. Okay. Was that consistent with the injuries you observed?
A. Not with what I observed.
Q. Okay. And we talked about that chair knocked over on the porch?
A. Yes, sir.
Q. Other than the chair, did you observe any signs of a physical struggle consistent with what he described?
A. A chair and tiki torch. That's it.
Q. Okay. Did you talk about Mr. Trapp's relationship with Lizzy?
A. Yes.
Q. And that would be Elizabeth Warwick, Parrish's girlfriend?
A. Yes, sir.

Q. What did he say about his sexual relationship with Lizzy?
A. Initially he said it was just friends and then they had a threesome about six months prior to the incident.
Q. Okay. And he denied having any intimate contact with her other than that?
A. He did.
Q. Okay. Did he ever change that story in the interview?
A. He did.
Q. Okay. So he said -- initially he tells you he and Lizzy had had a threesome with Parrish one time and no other intimacy besides that?
A. That is correct.
Q. And then later on in the interview, what does he say?
A. That after the surgery they had an intimate moment.
Q. And that would be in the kitchen?
A. Correct.
Q. And he can't recall what it was, right?
A. He can't recall?
Q. He could not recall when specifically it was --
A. Oh, not when. No, sir.
Q. -- but sometime after Parrish had gotten sick?
A. That's correct.
Q. Okay. And he described not wanting -- he didn't want Parrish to find out?

A. Correct.
Q. Okay.
MR. NORTON: I beg the Court's indulgence.
Your Honor, that's all the questions I have at this time.
THE COURT: Ms. Yonge.

CROSS-EXAMINATION

BY MS. YONGE:
Q. Good afternoon, Investigator Alewine?
A. Yes, ma'am.
Q. Is that right?
A. Close enough.
Q. Okay. Hi. I'm Anna. I don't think we've met.
A. I haven't had the pleasure.
Q. So you and the solicitor discussed that you had -- you were able to talk with the defendant about what Parrish did earlier the day of the shooting, correct?
A. Yes.
Q. Okay. But you were able to find out a little bit more about what Parrish did that day, weren't you?
A. I did.
Q. You interviewed Aubrey Rowe, correct?
A. Yes.
Q. And Aubrey is the person that he had left the defendant's house with for the afternoon?

A. Yes, ma'am.
Q. And while you were interviewing her, did you learn of a location that might have some footage that would show Parrish?
A. The LJ's, but they had no video footage.
Q. But you were able to get footage from the Speedway, weren't you?
A. Oh, yes, ma'am. Yes.
Q. Where they had stopped to get cigarettes?
A. Yes, ma'am.
Q. Now as we have just met, you have obviously not reviewed this --
A. No.
Q. -- but if the Court doesn't mind him reviewing it presently, it's -- did you obtain footage from the Speedway?
A. Yes, ma'am.
Q. Okay. And if you were -- you would be able to tell me if you recognize that footage?
A. I would.
Q. Okay.
THE COURT: Go right ahead.
(Discussion off the record.)
MS. YONGE: Your Honor, if I may approach the witness?

THE COURT: You may.
BY MS. YONGE:
Q. Investigator Alewine, have you seen enough of the video to recognize it?
A. I do recognize that location and video.
Q. And is this the same video that you were able to obtain from Speedway that shows Parrish walking in, buying cigarettes and leaving?
A. I believe it is.
MS. YONGE: Your Honor, we would move this in as Court's Exhibit 29.
(Court's Exhibit Number 29 was marked for identification.)
BY MS. YONGE:
Q. And who is that that we see getting out of that vehicle right here?
A. That's Mr. Phillips.
Q. And is that the same clothing he was found in the backyard wearing?
A. It was a little different when I saw him, but it appears to be the same clothing.
Q. Okay. And I'm gonna pause right here. It does appear to have variable speed, correct?
A. Yes, ma'am.
Q. And you didn't have anything to do with that, that's

just how you received it?
A. That's the way they had it. Yes, ma'am.
Q. And I paused it a little late, but there's kind of a blue shadow there. Is that Mr. Phillips again?
A. Yes, ma'am. On the right side of the counter?
Q. On the right side.
A. Yes, ma'am.
Q. Is that a close-up of Mr. Phillips?
A. It looks to be.
Q. He has an eye patch on?
A. Yes, ma'am.
Q. Okay. He doesn't appear to have a hard time getting around, does he?
A. He appears to be walking normal.
Q. There's another view.
And so at any point during that video do you see him clinch his side in pain or stumble about or appear to be anything other than a normal healthy male?
A. I wouldn't describe it as a normal healthy male, but I didn't see him clinching his side as you say.
Q. Or appear to have difficulty walking?
A. No.
Q. Okay.
MS. YONGE: No further questions, Your Honor.
THE COURT: Any redirect?

MR. NORTON: Yes, Your Honor. Briefly.

REDIRECT EXAMINATION

BY MR. NORTON:

Q. Investigator Alewine, the video we just watched shows Mr. Phillips walking into a gas station and buying cigarettes?

A. Yes, sir.

Q. The strenuous task of opening a door?

A. Yes, sir.

Q. Okay. Do we see any jumping jacks?

A. No, sir.

Q. Jogging around?

A. No, sir.

Q. Heavy lifting?

A. No, sir.

Q. You had the opportunity to observe Mr. Phillips in the backyard?

A. I did.

Q. Okay. In that video we saw an eye patch on the left -- on his left eye?

A. Yes, sir.

Q. You observed gunshot wounds to his left side?

A. Yes, sir.

Q. Okay. And he's got a bag of weed in his left hand?

A. Yes, sir.

Q. Okay. He's got a colostomy bag on his left side?
A. Yes, sir.
Q. Okay. Does he appear to be a normal healthy male to you when you see him on-scene?
A. I would not describe him as a normal healthy male.
Q. The picture of fitness?
A. No, sir.
Q. Okay.

MR. NORTON: That's all I have, Your Honor.

MS. YONGE: No further questions.

THE COURT: You may step down.

(Witness excused.)

THE COURT: All right. Can I see the lawyers for a moment?

(Proceedings held at the bench; not reported.)

THE COURT: Call your next witness.

MR. COX: Your Honor, we call Officer Paul Walker.

(Court's Exhibit Number 30 was marked for identification.)

(Whereupon, Paul Walker was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat over there, please. State your name and spell your last, please, for the record.

THE WITNESS: Evening. I'm Paul Walker. Last name

W-A-L-K-E-R.

PAUL WALKER,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. COX:

Q. Good afternoon, Officer Walker. Who are you in law enforcement with?

A. I'm currently employed by the Town of Lexington Police Department.

Q. And were you with the Town of Lexington back on June 27, 2021?

A. Yes, sir, I was.

Q. All right. And what was your role or what was your position?

A. I was a patrol sergeant at that time and I was actually off duty the day of the incident and was called in to help assist.

Q. So you are familiar with the reason we're here today?

A. Yes.

Q. All right. You were off duty. You did not respond to the scene?

A. No, sir, I did not.

Q. And you were called in from off duty for what reason?

A. To help with -- we had manpower issues with keeping people moving and keeping everything working as fast as

they could, so I was asked to sit on the defendant.
Q. To sit on the defendant?
A. Yes, sir.
Q. Okay. Can you briefly explain that to us?
A. It's not the way it sounds. What we're doing was basically an officer would be sitting with the person, the defendant, during the time that they were trying to get the search warrants together and execute the search warrants.
Q. Okay. Were you informed that there was an attempt to interview the defendant?
A. I was informed before I took custody of him that he had -- an attempt to interview had occurred and that he had asked for a lawyer to be present.
Q. So he invoked his right to an attorney?
A. Yes, sir.
Q. All right. But you were -- you took custody of him at that point and watched him?
A. That is correct.
Q. Did you have a body camera on that day?
A. Yes, sir.
Q. Did it work?
A. Yes, sir.
Q. All right. I'm showing what's been marked as Court's Exhibit 30. Do you recognize that disk?
A. I do, sir.

Q. Okay. How do you recognize it?
A. It has my signature on it and bears my name, along with BWC, standing for body-worn camera.
Q. You've reviewed this video?
A. Yes, sir, I have.
Q. Does it appear to be altered or changed in any way?
A. No, sir, it does not.
MR. COX: Your Honor, at this point we offer Court's Exhibit 30 for the purposes of this hearing.
THE COURT: Okay. Thank you.
BY MR. COX:
Q. All right. Officer Walker, while I am getting this ready, how long did you sit with the defendant?
A. It was several hours counting the sitting in the office and transport, I believe.
Q. Is it fair to say that the first hour and change of you sitting with him was pretty uneventful?
A. That's correct, sir.
Q. Okay. At any point did you attempt to interview the defendant?
A. No, sir, I did not. I believe we discussed barbecue.
Q. Barbecue?
A. Right.
Q. During that first hour or so?
A. Yes.

Q. But during the time you were with the defendant, did he ever make any statements related to his case?
A. Yes, sir, he did.
Q. Okay. All right. I'm gonna jump ahead to those statements. Just give me one moment.
Was he cuffed during this time?
A. Yes, sir, he was. I believe he was cuffed to the front.
Q. All right. Did he ever ask you to loosen his cuffs?
A. Yes, sir, he did.
Q. And as you were loosening his cuffs for him, did he make any statements related to this case?
A. I cannot recall if it was at the time I was loosening them or shortly thereafter.
Q. Okay. Now, Officer Walker, just two things. This camera is twisting not because of the camera, you're sitting in a chair?
A. I am sitting at a chair and it is mounted to my vest.
Q. But the camera is operating correctly?
A. Yes, it is.
Q. Now prior to him asking you if he was keeping you from something, did you ask him any questions related to his case?
A. No, sir, I did not.
Q. Did you ask him any questions about anything other

than barbecue?
A. No. No, sir.
Q. Okay. So at that point he tells you he found -- I found out he was a drug dealer, I didn't want any part of that, and things went south really quickly?
A. That's correct, sir.
Q. And, again, that was in no response to any question you asked him?
A. No questions were asked at that time.
Q. Okay. Now in a few seconds there's gonna be another officer who comes into the doorway?
A. Uh-huh.
Q. Who was that officer?
A. I believe that is Lieutenant Stowe, who was the current head of criminal investigations at that time.
Q. Okay. Did Lieutenant Stowe begin an interrogation or an interview with the defendant at that point?
A. No, sir. He was only trying to find out who the defendant's attorney was.
Q. So that lieutenant was actually trying to find the attorney for the defendant?
A. That's correct.
Q. I'm gonna skip ahead a few more minutes. So the defendant asked you have you ever had to draw your weapon on someone?

A. That's correct.
Q. Okay. Again, that was in no response to any question you asked him?
A. No, sir.
Q. And you responded yes, you had unfortunately?
A. That's correct.
Q. All right. So he, again, not in response to any question you asked him, he says I was backing away, trying to get away, he kept coming at me?
A. That is what it sounds -- it appears to say.
Q. Now do you respond to this last statement in any way?
A. Yes, sir. I reaffirmed to him that he had requested a lawyer to be present and that we should not discuss his case.
Q. All right. And after you told him that -- reminding him that he had invoked his right to counsel, he should not speak about his case to you?
A. Yes, sir.
MR. COX: Your Honor, that's all I have for Officer Walker.
THE COURT: All right. Any?
MS. YONGE: No questions, Your Honor.
THE COURT: All right. May I let Officer Walker step down then?
MR. COX: Please, Your Honor.

THE COURT: All right.

(Witness excused.)

THE COURT: Is there another witness?

MR. NORTON: Your Honor, at this time the State rests.

THE COURT: All right. Well, let me hear from you on the Jackson v. Denno. What did -- I know that there's a statement that's given when he's first arrested and placed in the truck. This statement I think would be Number 2. And then Number 3 would be when he's with his lawyer?

MS. YONGE: (Nods head.)

THE COURT: So let me hear about -- are you trying to introduce all of them?

MR. NORTON: Yes, Your Honor. So we would introduce his statements to Officer Hassler, we would introduce his recorded statements in the interview with investigators Voravudhi and Alewine that Your Honor saw, and then the statements to Officer Walker that we just watched, would all be statements the State --

THE COURT: Well, I'd like to take them first because the very first statement I want to hear about is when they place him in the truck where an ambulance attendant has to attend to him. I want to hear about why -- that one first.

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MR. NORTON: So, Your Honor, he's Mirandized. He's put into cuffs --

THE COURT: He is.

MR. NORTON: -- he's Mirandized, he's in custody. He's read his rights. He informs the -- the officer asks whether he understands his rights and when asked if he wishes to speak, gives some kind of a response. We can debate about what he's actually saying. I hear him saying that's fine, but we can -- we can debate about that.

But the question is not does he affirmatively agree to speak to law enforcement, it's does he understand his rights and does he continue to answer questions and is his will overborne by the officers. He's not -- he's standing there beside Officer Hassler and being put into a vehicle with air-conditioning. He's check out by EMS just like any other shooting suspect would be when officers respond to a scene and he says I'm dizzy. I mean, EMS checks him out. He's not taken to the hospital. He appears at least able to understand what's being asked of him. He gives a coherent cogent response.

So the question is under the totality of the circumstances was his will overborne such that the response was not freely, knowingly and voluntarily made. I think it's pretty clear from that video he knows what

he's saying. He's giving a logical, rational, thoughtful response to the question that's asked of him and he indicates he understands his rights. He's able to recall specific details. He's asked about his phone number. He's able to give his phone number. He identifies himself, he identifies Parrish Phillips. He gives logical, thoughtful statements. He's not in any kind of, you know, urgent medical need. So, you know, the question -- was he dizzy and did EMS check him out doesn't make his statement involuntary by any means.

So I think based on the case law, based on State v. Anderson, based on, you know, the question that the Court has to answer, it is a voluntary admissible statement made after he's advised of his Miranda rights and he understands his Miranda rights.

THE COURT: All right. Let me hear from you about this statement.

MS. YONGE: Your Honor, while I agree that Hassler does begin the barrage of questions that indicate that he -- informing him of Miranda, as the solicitor indicated, we would disagree about what Mr. Trapp's final response was when he asked knowing all your rights, do you wish to continue to speak with me. What I hear is I'm, I'm, and that's it. Your Honor, has the video and can interpret for herself what we believe he is saying.

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To me, he appears to be incoherent, dizzy, kind of wide-eyed during the duration of this period when he is in the car. He begins randomly talking about the bachelor party where he was smoking weed with Parrish and not in response to anything. He appears to be tired. Maybe -- the officer himself states he thinks it might be adrenaline. They're not sure what's going on. In fact, the officer didn't believe he was interrogating the witness. He tells another officer I haven't asked him anything yet and then he goes on to tell Mr. Trapp that no one's gonna talk to you here, we're gonna talk to you when we get you to the police station or a detective will speak to you there.

He states that he hasn't eaten anything that day and this is of enough concern to the officer that he goes and gets EMS to check him out, and so I would disagree. I think that his physical condition is such that it brings into question his voluntariness certainly and I would say goes so far as to push it over the edge to appear involuntary. He doesn't really have a -- he is literally picked up off the ground -- well, he's not picked up, but he is handcuffed on the ground where this traumatic event has just occurred. He's walked out while he's being barraged with Miranda, which is not unusual in the event of a crime happening, but he

doesn't get a chance to respond to the end of it before he says all right, then what happened, and then he appears incoherent and all over the place during the duration of the next fifteen minutes or so when he's talking to him to the point where the officer becomes concerned and gets EMS. I don't think it's voluntary.

MR. NORTON: So, Judge, I think it's important to contextualize where we are in terms of when he makes the statement. Officer Hassler is the first officer on-scene to a shooting. He puts the man who is standing there beside a gunshot victim into cuffs and he has the thoughtfulness to read him Miranda. I mean, officers who are responding to a shooting need to know what's going on. So the fact that he reads him Miranda law enforcement shouldn't be penalized for taking the additional step to figure out -- for reading Miranda before figuring out what's going on. He says what in the world happened. He needs to know were there multiple people involved in this, is there someone else we need to be looking for, did someone run away. I mean, this is a -- these are important questions law enforcement has to ask. It's the difference between questions asked when they arrive on-scene, what in the world happened, versus sitting down and interviewing him with a number of questions is the reason why you see, you know,

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Officer Hassler, we're not interviewing him here because they're not. They're not conducting a full-on interview versus asking him preliminary questions.

THE COURT: Well, he told him they weren't gonna interview him until he got to the police station. So then he gets to the police station and what? He invokes his right for a lawyer?

MR. NORTON: So when he gets to the police station he's offered the chance to speak with law enforcement and he invokes his right to counsel, but that doesn't make his prior statements --

THE COURT: And then he goes and sits in this room with this officer and makes these two little statements?

MR. NORTON: That's correct, Your Honor.

THE COURT: And then the third statement is with his lawyer?

MR. NORTON: That's correct, Your Honor.

MS. YONGE: Your Honor, I don't believe we're arguing over the third statement. I believe out of an abundance
of caution --

THE COURT: It's gonna be the first two.

MS. YONGE: Yes, Your Honor.

THE COURT: So let me ask you, what -- what is the hour difference? Because I heard the officer say I sat

with him for a couple of hours by the time he was transported until they got him to the police station. How long did he sit with him?

MR. NORTON: So, Your Honor, he -- the 9-1-1 call comes in around 4:50 and officers immediately are on-scene, put him into custody. Sometime shortly after that he's transported to the Lexington Police Department where he's then given the opportunity to interview with detectives Voravudhi and Alewine when he invokes his right to counsel. He is sat on until around I believe -- I believe it's around an hour before he makes that statement.

So he goes to LPD, invokes his right to counsel and then an hour later makes the statement to Investigator Walker and then he's with Investigator Walker for maybe another hour while they do the search warrants for the buccal swab, they take him LMC and do a blood draw, they do a GSR kit, and then he's released, I believe, to his mother's house at that point.

THE COURT: Will you do me a favor and play that first video over again?

MR. NORTON: I assume the Court's referencing Officer Hassler's video?

THE COURT: The very first statement you-all are trying to get in when they're walking him to the car.

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(Hassler's body cam footage played.)

THE COURT: Thank you.

All right. I'm gonna find that his Miranda was read to him and I'm also gonna find that the statements were made -- freely, voluntarily, intelligently made. I mean, he spouted off his South Carolina driver's license number. He was able to give them his name, the victim's name. He followed instructions. Not very many people know their driver's license number, though I'm one of them, I know mine, but a lot of people don't. Just something else to remember.

So I know that I was concerned when I saw that he said he was dizzy, but, you know, the officer immediately got him EMS and he said he was thirsty and he'd just been involved in a murder and he seemed excited and probably rightfully so, probably more shocked than anything else, but I'm gonna find that at the time he gave that information that it was freely, voluntarily and intelligently made, the first one.

And the second one, the second one he's sitting there. He blurts that out voluntarily and, you know, both of these statements are on video, so you know the video is always the best evidence.

So I'm gonna allow both of them -- or all three of them. I don't think the third one was contested.

MS. YONGE: Correct, Your Honor.

THE COURT: All right. Then I've got a motion in limine, let me take care of this real quick, for improper character evidence. And this is a motion made by the State. I'm not real sure this might be premature until we get to hear some testimony because I have no earthly idea what may be elicited at trial.

Is there something that's on the State's mind?

MR. NORTON: There is, Your Honor, and you heard a little bit about it today. Mr. Phillips does have a criminal history and you heard the defendant testify that while that didn't involve him, he was told by some other person about the details of an assault and battery conviction that Mr. Phillips was convicted of back in 2015 and under the law of this state evidence about that conviction and evidence of any details of that conviction would not be admissible in this trial because it did not involve Mr. Trapp and it was not so closely connected in time that it would have been at the front of either of their mind. It was not some violent act in the hours preceding the assault that Mr. Phillips assaulted some other person that Mr. Trapp would have had to fear him for.

THE COURT: Well, he testified that he wasn't. That there wasn't a --

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MR. NORTON: So --
THE COURT: -- cross word between them.
MR. NORTON: That's correct, Your Honor. And that's -- that's extra-important judge because one of the questions is were there any incidents that were directed at him that would have caused him fear and he -- his own uncontroverted statements were that he never had a cross word with Mr. Phillips.
THE COURT: I heard it.
MR. NORTON: So the basis of the State's motions is, you know, that no evidence of Mr. Phillips's prior criminal conviction should be admitted through testimony or argument at trial.
There's also a statement he makes in the video that the victim was banned from a bar, from Hemingway's. We don't think that's relevant. It doesn't involve Mr. Trapp. He also makes a statement that the victim was a one-percenter. I'm not sure where that comes from. We didn't hear any testimony about it today, but he makes that statement in the interview with Mr. Williams.
All of that would be 404(b) evidence and Mr. Trapp obviously wasn't there for any of it and I'm not sure they presented any evidence that would prove it by clear and convincing evidence, which would be the standard

under 404(b), so the basis for the motion was what was said in the interview which is before the Court.

THE COURT: Well, she might not be going there. Let's ask her.

Ms. Yonge.

MS. YONGE: Well, we're going nowhere near gang-related anything, Your Honor.

THE COURT: Okay.

MS. YONGE: I believe the crux of our defense is that he was terrified for his life and what would lead him to be terrified for his life. Well, prior knowledge that Parrish was in prison. He testified to having conversations with Parrish; although he stayed -- he tried to stay away from the details, but that he learned while he was in prison and he was imprisoned for the assault and battery first, which was a comedown from the attempted murder. So maybe we don't get in that he was originally charged with attempted murder, but while he was in prison Parrish disarmed someone who was attacking him with a knife. Disarmed him, which would explain my client's fear when he is being held by this individual, and then that's how he got the eye patch was because he had the wound. So it's all interconnected.

And so while, yes, this would have happened a few years beforehand, Your Honor, it's -- it goes to his

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state of mind, that he has the capability of disarming someone with a knife and he learned it because Parrish told him about it happening while he was in prison and if we say why he was in prison -- we could just leave it there. We don't have to talk about why he was in prison. I mean, that's -- and then, Your Honor, the defense would be concerned that -- I'm not sure if the State's motion goes so far as to talk about Parrish's hotheadedness, but he had a very strong reputation for having moments of rage. His own parents testified when they're interviewed by the lead investigator that his eyes would go black with rage randomly.

Your Honor, we would say that's fair game because he's never had a cross word and then his eyes would -- you know, he would not -- the point is he is able to have a split second rage, and that's fair game, Your Honor. That is -- that's his whole defense. It just happened and he has this knowledge that he is capable of disarming someone who is stabbing him with a knife and he got this knowledge from prison, so.

THE COURT: Mr. Norton.

MR. NORTON: Judge, 404(a) evidence of the victim's general reputation in the community is absolutely admissible. So if he wants to testify that I knew he had a reputation for having a temper or whatever, I'm

not at this point objecting to that. What I am objecting to is specific instances of conduct that are specifically forbidden by the case law. State v. Day, 431 S.C. 410, testimony about specific instances of conduct are inadmissible unless directed against the defendant or so closely connected in time as to be relevant to the victim or defendant's state of mind at the time of the killing.

It's not just well, seven years ago he got an assault conviction and I happened to be thinking about it. It has to be so closely connected, the physical -- the prior physical act to the current physial act that it's at the forefront of someone's mind. Like this guy just did this and so now I'm scared. Not well, I knew -- someone told me he that he had been to prison and that's how he got the eye patch. That's specifically what State v. Day and South Carolina law forbids be admitted.

THE COURT: And can you give me that cite?

MR. NORTON: Well, I've got the case right here for you, Judge.

THE COURT: If you would, please.

Have you read it?

MS. YONGE: Yes, Your Honor.

THE COURT: So you're just telling me that this

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case right here, and I'm just reading the headnotes, Mr. Norton, I haven't read the whole case, but it's telling me that where four months prior the victim held a shotgun to the witness's head and he's -- and this guy was claiming self-defense, you're telling me that the act itself had to be closely related in time?

MR. NORTON: Yes, Your Honor. So the -- and I point to the headnote on --

THE COURT: And just that his general reputation would not be considered?

MR. NORTON: So 404(a) allows anyone to testify to the victim's general reputation. What it does not permit is specific instances of conduct. So testimony about -- you know, from any prior incidents where his eyes went black are not covered under general specific -- are not covered under general reputation.

404(a) permits general reputation in the community. So I knew he had a reputation in the community as someone with a temper would be permissible, but I knew that he had gotten mad and his eyes went black when he got into an argument with some other person is not 404(a) character evidence.

And I think in Day the specific factual scenario is that there is a mutual friend of both the decedent and the defendant and the decedent held her at gunpoint and

kidnapped her four months prior to the incident in which the defendant in that case killed the victim, and that was close enough in time and close enough in connection to both the victim and the defendant that it was relevant to the state of mind at the time.

What we're dealing with is an assault conviction that did not involve Mr. Trapp that happened some six and a half years prior to this incident and that Mr. Trapp testified he heard through someone else, not even the victim, until he, I guess, talked about how he got the eye patch.

THE COURT: All right. Well, do you know exactly what it is that you're trying to admit? Do you-all want me to rule on this now? Is it gonna be something you-all are gonna use in opening or is it something that when it comes up we can rule on?

MS. YONGE: Your Honor, we could agree to limit any opening reference to just he had a general reputation for a temper. Would that be acceptable? And then we can rule on it as it --

THE COURT: As it comes up.

MR. NORTON: I'm not -- I'm not gonna object to that at this point, Judge, as long as they're not gonna argue in opening that he's a convicted felon charged with attempted murder.

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MS. YONGE: I wouldn't do that anyway, Judge.

THE COURT: All right. Well, then let's -- let's do that. We're gonna agree to -- agree that he had a general reputation for being a hothead.

MS. YONGE: Yes, Your Honor.

THE COURT: And they can use that statement in their opening and then if anything else comes up, I would appreciate it, Ms. Yonge, if you'd kind of give the Court a heads-up --

MS. YONGE: Yes. Your Honor.

THE COURT: -- before we reach it and then we can -- because it might come up and it might not. You know never know. Somebody might open the door. We'll see, but just give me a heads-up so things don't get blurted out in court when they're not supposed to be. Perfect.

All right. So -- and I'm gonna keep this State v. Day case up here with me.

All right. Now let's -- there's a motion to record. You've already recorded all of this.

Am I on the recording?

MR. NORTON: Judge, it should be focussed right at the witness stand.

THE COURT: Well, I hope so or I would have denied this thing.

All right. So now let's talk about the protection

of -- the PPP. I'll be glad to hear your argument.

That's Mr. Williams's motion.

MR. YONGE: Yes, Your Honor.

So as the Court's aware, the Protection of Persons and Property Act provides immunity whenever the defendant can establish every element of self-defense by a preponderance of the evidence. The elements of self-defense are gonna be that the defendant must be without fault in bringing on the difficulty, that either the defendant was actually in imminent danger of death or serious bodily injury or actually believed he was in such imminent danger.

And then there's a reasonable element -- there's a reasonableness element in there is the third one, which is gonna be if it was based on his belief of that imminent danger, then would a reasonably prudent man of ordinary firmness and courage have entertained the same belief, and then if on the opposite side it was because of an actual imminent danger to him, the reasonableness elements can be are the circumstances such that it would warrant an ordinary man of -- a man of ordinary prudence and courage to strike the fatal blow.

And then we come to the final element, which is gonna be a duty to retreat. Was there an alternative? Was there a probable means of avoiding the danger other

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than the act that occurred?

So in this case, I think Jabin's testimony established each element of self-defense by a preponderance of the evidence, and his testimony has been very consistent from the moment they get him to the car right there. He's telling the same story. He calls 9-1-1, he gets out to the car, and the story is that he goes to sit down and talk with Parrish. Parrish is increasingly aggressive, Parrish is the aggressor the entire time, and he works himself up into sort of a rage.

They made mention of the fact that there's no discussion of a head-butt at any point, but Jabin has had an opportunity now to sit down and have a real long -- I mean, he's talked for, what, three hours in here today versus the one hour there at the station, and he's had a chance to really flush out what's happening in this situation.

And so his testimony is increasing anger from Parrish. He's not really reacting to it and saying hey, calm down. Parrish gets up, head-butts him, and Jabin has never seen him like this before and it's like a flip of a switch. All of a sudden there's this rage coming at him and Parrish is telling him you're a dead man. He's using some language like that, I can't remember the exact language off the top of my head, but you're a dead man.

Parrish storms inside. Jabin wants to call the police, but he can't find his phone. So he goes into the house, he goes through to his bedroom frantically searching for his phone, he can't find it, he thinks he left it there when he went to get that envelope, and then he's coming back out with his -- he goes in his bedroom, looks in there, too, he doesn't find it. On his way back out he says I wasn't even thinking. I'm just scared. I grabbed the gun off my dresser. He grabs the gun off his dresser and he's not pointing it, presenting it. He's doing nothing with it. He's keeping it at his side and he's terrified and he comes back through the house, he doesn't see Parrish, gets to the back porch, and before he can get his cell phone in his hand Parrish is on him and the next eight seconds or less are just panic and chaos and he fires some shots to escape a man trying to get a gun off of him.

So I think that story which he tells from beginning -- from the time he's on the scene there until now is very consistent. There might be minor details that are slightly off, but nitpicking it -- I mean, I would be surprised if his story fit exactly what he said in the interviews three years later. I think there will be minor details that are slightly off, but the big picture story is exactly the same and that is Jabin was not

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trying to be aggressive and Parrish was a flip of the switch. Jabin's terrified and I think that -- so in this situation, he didn't bring on the fault.

There's actually a quote in a case that I liked. It's State v. Hendrix, 270 S.C. 653, and I have a copy of it as well.

THE COURT: I'd like it, please.

MR. YONGE: But the quote is, a man arming himself on his own land in a legal manner after he's been threatened is not evidence of his being at fault in bringing on the difficulty.

THE COURT: Well, you know that the victim lived there, too.

MR. YONGE: What's that?

THE COURT: The victim lived there, too.

MR. YONGE: Okay. Yes, Your Honor. And that would go to a different element of this.

So Parrish was living there at the time, but Jabin had every right to be there as well and Jabin had every right to feel safe in his own home while he was there.

Did you want me to pass this up?

THE COURT: I do. I want a copy of it if that's a copy.

MR. YONGE: When he goes inside and he's looking for his cell phone and he comes back out with the gun,

he had -- there was nothing illegal about him grabbing the gun. And at this point he isn't bringing it and going after Parrish, he's trying to get away. So there is nothing he is doing to bring on a fight here. He is trying to get his phone, call the police, get out of the situation, and that is unfortunately not what happened, and that is a tragedy, but Parrish is the one who brought this on, not Jabin, and so Jabin was not at fault for bringing on the difficulty, for bringing this fight on.

When we move onto the second element of imminent danger, I think -- I mean, as soon as you get past the element of Jabin not being -- Jabin not being at fault for bringing on the difficulty, I mean, he's out on the porch and there is just an eight second scramble that is fraught with danger. If Parrish gets that gun, it's probably a reverse and he's sitting here instead.

So there is definitely an actual imminent danger here to Jabin because if Parrish gets the gun, it could kill Jabin, and Jabin reacted the way a normal person would when their life is threatened by pulling the trigger and stopping Parrish from getting it.

And he stays -- he doesn't go hide the gun. He's not running away from this. He immediately puts the gun down, calls 9-1-1 and goes over to Jabin -- I mean, to Parrish. I apologize. So he didn't bring on the

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difficulty. He was actually in imminent danger of his own life being taken and he reacted reasonably under the circumstances.

So the final element is whether or not he had a duty to retreat. One, we think we've proven that he didn't have the opportunity to escape the situation. He was doing a normal reasonable thing; get his phone so he could call the police. That was the alternative here. If he was able -- if he had his phone right away, he could have called the police. So he goes in search of his phone, he gets into this back bedroom -- his back bedroom. There's no way out of the house back there once he's there. If that was a bad decision, that was a bad decision, but once he's there, he's trapped. He can't get out of that situation. He's got to go back through the house. So he comes back through the house and when he's out on the back porch, there's no opportunity for him to get away from that point. Parrish is on him.

But even if --

THE COURT: You mean you're telling me that he couldn't leave his cell phone behind?

MR. YONGE: I think he -- he could have left his cell phone behind, sure, but would that have been a probable means of avoiding the danger?

THE COURT: It sounds like it to me. He could go

out the front door.

MR. YONGE: To go out the front door from the -- without --

THE COURT: Why -- why is the phone so important that it would make you go back if you're scared to death of this person? Tell me that. Why would you have to go get your phone, armed with a gun, when he had the opportunity when he was in his bedroom or office that he had to walk through? I saw the map of the house. The living room -- the front door is that way, the back door is that way. Why?

MR. YONGE: Because I think it would be -- I do not think that that would be a probable means of avoiding the danger that Parrish poses to him. He's gonna have to leave on foot; otherwise, he's got to go get keys, right, to a car. He's leaving on foot from his house down the road with Parrish, who's in a rage.

But I'll grant you even if we can't prove beyond a reasonable doubt -- or not beyond a reasonable doubt, by a preponderance of the evidence that, you know, we met this element of duty to retreat, even if we can't meet that, we still fall under Section 16-11-440(c) here of the persons and protections act. And what that says is if you're not involved -- if the defendant is not engaged in unlawful activity and he's in a place where

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he has a right to be, then he does not have the duty to retreat.

So even if we have not established by a preponderance of the evidence that he met the element of duty to retreat, we do not have to prove that in the stand your ground hearing in order to be successful in our request for immunity.

So that applies here. He was not in the act -- he was in the act of returning rent money and telling him to get out of my house, and he was in his own house, so he had a right to be there.

So that would be our argument regarding immunity, Your Honor, and we would ask for specific factual findings on each element of self-defense.

THE COURT: Absolutely. I think that's what the law requires after the Cookout case came out.

MR. YONGE: Yes, Your Honor. Thank you.

THE COURT: All right. Go ahead, Mr. Norton.

MR. NORTON: Your Honor, I understand it's late in the day. I'll try to be brief.

Judge, I've got a Power Point prepared, but just to make it easier on your eyes I've prepared a copy for you as well.

So, Judge, we're here because Mr. Trapp is moving for immunity from prosecution under the Protection of

Persons and Property Act. I think it's only right the place we start is what was the intent of our Legislature in enacting the Protection of Persons and Property Act; that it is proper for law abiding citizens to protect themselves, their families and others from intruders and attackers.

Well, Your Honor, I think what you've heard today is, first of all, Jabin Trapp is not a law abiding citizen despite what he may want to present to the Court, and that he was not attacked in his home by some unknown intruder or attacker who had no right to be there. He was instead engaged in a verbal argument with his roommate, Parrish Phillips, that he started, that he escalated and that culminated when he got a gun and shot an unarmed man to death in the backyard of his home.

So I believe they're right that the case -- present case of State v. Andrews, State v. Glenn requires that they have the burden of proof to prove the first three elements in this case of self-defense beyond a reasonable doubt before you even consider the statute.

Judge, I don't -- I don't think the duty to retreat is applicable in this case. It's his house.

THE COURT: I don't think so either.

MR. NORTON: So we're only applying first three

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elements, but it's sort of irrelevant because he doesn't even get past the first element.

But looking at Section 440(c), which is the applicable statute since both of them have a right to be in the house, if they both have a right to be there, (a) does not apply, and we look at (c), which is a person who is not engaged in unlawful activity and who is attacked in a place he has a right to be, has no duty to retreat, has a right to stand his ground.

Well, the first thing I point out, Your Honor, is it's pretty clear Jabin Trapp is engaged in a number of unlawful activities at the time this happens.

State v. Glenn, 2019, a defendant cannot as a matter of law claim immunity because he was engaged in an unlawful activity that was at least the proximate cause of the homicide.

What you've heard today is not only is he attempting to unlawfully evict Parrish Phillips from the residence, but he is admittedly engaged in an active narcotics distribution scheme. You've seen texts that he admits were his from two days before where he's selling all kinds of drugs. He's selling marijuana vapes, marijuana, marijuana gummies, to a woman named Shannon Tilford. He is -- if Parrish is selling marijuana, so is he. They're engaged in a scheme to

distribute marijuana.

But let's talk about the unlawful eviction first. So we've heard -- there was a little bit of argument there about whether he was actually paid $400, I'm not sure why, but at the very least he was paid $1,200 in rent for July and August. So Parrish has paid him rent through August 31st and here we are on June 27th and he's trying to kick Parrish Phillips out. As a matter of law, Judge, he does not have a right to do that. He took his money and when he took his money, he took on the legal obligations of being a landlord. He may not want to call it that, he may not see it as that, but that as a matter of law is what he is. He doesn't get to tell Parrish Phillips to leave. If he wants Parrish Phillips out of the house, he could have done two things, which is not take his money or say, hey, man, here's your 30 days written notice, please leave my house, when -- this just isn't gonna work out, but he doesn't just get to say get out of my house, here's your money back. He takes the money, he takes on the burden of being a landlord.

But he starts that argument. He -- he initiates the argument when Parrish gets back from LJ's. He sits him down and says I know you're lying to me about using my car, this just isn't working out, and then Parrish

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starts to get agitated. Before anything turns physical he says Parrish started to get kind of irritated and Parrish goes inside. Well, we've initiated an argument. The person who we're arguing with is clearly getting a little bit upset and leaves the argument. And what does Mr. Trapp do? He goes in his house and he gets the money and comes back on the back porch and gives him the money and says you need to find somewhere else to live.

Judge, that is escalating the argument because now he's giving him the money and telling him to leave. He's attempting to unlawfully evict Parrish Phillips and then when that doesn't work, even though he says he's in fear for his life of the man who just went inside the house, he's gonna follow him inside the house and go get a gun and then come right back to where they were arguing over a phone? Because his plan is to get outside and get help. He lives in a nice neighborhood with plenty of nice people around him. I'm sure any one of them would have been happy to call the police for him, but he needs his phone that is where he was just arguing with the defendant.

He may not have a duty to retreat, Judge, but is that someone in fear for their life that they're gonna walk through a house where they don't know where the man who's a threat to their life is with the gun behind

them? He's not gonna have the gun ready for the unknown threat that could be lurking around any corner? He's gonna walk all the way through the house with the gun hidden behind him and go back to where they were arguing?

So, Judge, I've thrown some case law in there. The law is clear. If he wants to evict Parrish Phillips, if he wants to make him leave, he has to give him 30 days written notice. And even if Parrish didn't leave at that point, he's got to file for ejectment. He's taken his money. He's a landlord. The law says he's doesn't just get to tell Parrish to leave.

You also heard a lot of testimony that started out as no drug activity in my house except for when I want to smoke weed, except for when Parrish smokes weed, except for when I want to sell weed to people, except for when I want to distribute Scheduled II and IV narcotics to Parrish to help him with his pain. I mean, at the best, Judge, he is in constructive possession and implicitly engaged in allowing Parrish to sell marijuana out of his house and at worse he is an active participant. This is two people who are selling drugs who get into an argument about money and I think the law is very clear on the inherent inapplicability of self-defense when drug dealers get into arguments about

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money and bring guns into it, so self-defense doesn't even apply.

So the first thing the Court's gonna look at is the elements of self-defense and he has to prove to Your Honor that it's more likely than not that he needs -- he has proven each element of self-defense.

Judge, the first one is without fault in bringing about the difficulty. Without fault. Judge, he is very clearly, if not more at fault than anyone else, at least in some way at fault. He starts this verbal argument, he escalates it by going and getting the money and telling him to get out, and then he escalates it again after Parrish leaves the argument for the second time and goes and gets a deadly weapon and comes back to the scene of the argument.

The Castle Doctrine rule is predicated on the absence of aggression or fault in the defendant's part in bringing on the difficulty. The doctrine is for defensive and not offensive purposes. He may say that Parrish Phillips was the only one getting upset, but if you listen to the interview he's very clear we got heated. Parrish got in my face and I got in Parrish's face. This is my house. You're not gonna talk to me like that. You need to leave. They're getting back and forth in each other's faces and Parrish is the one that

walks away. He gets a gun and comes back to where they were just arguing. He may say he was in fear for his life. Judge, that is not the behavior of a man in fear for his life.

One who provokes or initiates an assault cannot escape criminal liability for invoking self-defense and a defendant's words alone can be sufficient to bring about the difficulty. The defendant and the victim in State v. Strickland got into a verbal argument where the defendant told the victim to shut his F'ing mouth and the Court said that's evidence of bringing on the difficulty. And I think you've got a lot more evidence here of bringing on the difficulty than just one person telling another to shut your mouth.

The second element. Defendant cannot show he was actually in imminent danger of death or serious bodily or believed he was. Judge, he shoots his unarmed roommate, his friend of almost ten years, who we've heard a lot of testimony about all his medical issues, had a colostomy bag, had a surgical wound in his abdomen, was blind in one eye.

He initiated and escalated this verbal argument and then he says at the point I'm in fear for my life and the man I'm in fear of walks away, the next logical step is to follow that man inside and look for my phone in a

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place that I didn't think I would have left it because he says he left the envelope with the money in it -- or he went to get the envelope with the money in it in his office and he happens to go in his bedroom where he gets the gun. In the interview, he says that he gets it out of nightstand and today he said he got it out of the dresser, so I'm not sure where it was, but at the very least he goes into his bedroom and then now I remember my phone's on the back porch. So I thought I left my phone inside, now it must be on the back porch, so I need to leave my bedroom where I've got a shotgun, I need to go out of my bedroom, walk past the side door, walk past the front door and go all the way back past Parrish's bedroom so the man I'm in fear of could come out at any time.

And, Judge, by the way, we're not stipulating to any of these facts. We -- we contest a lot of these facts, but even taking his word for it, Judge, none of that makes sense. And the fact of the matter is, Your Honor, the only testimony you're gonna hear about what happened on that back porch after Lizzy Warwick left is gonna come from him, which makes his credibility paramount.

And, Your Honor, you've heard a number of different statements, you've heard a number of things that don't

make sense, and Your Honor heard in that interview he made multiple statements that he then changed in the interview. Lizzy Warwick and I are just friends except for one time we had a threesome. Thirty minutes later oh, there was one time where, you know, I had a sexual encounter with her in the kitchen after Parrish got sick and didn't want him to know, don't remember what date that was. No drug activity in my house except for all the drug activity in my house that I'm actively engaged in.

Your Honor, the last element, a reasonable person. Would a reasonable person have been in deathly fear of Parrish Phillips to strike the fatal blow? Judge, a reasonably prudent person who knew Parrish Phillips, who was friends with Parrish Phillips, who lived with Parrish Phillips, who had intimate knowledge of his medical condition would not have been in deathly fear of that man without a weapon. An unarmed man holding a bag of weed.

Judge, the defendant says in his interview that the man who was holding a zip -- a gallon Ziploc bag of weed grabbed both of his arms and was able to struggle with him over a gun and then in the interviews Mr. Trapp says he breaks free and is backing away when he shoots the defendant who is facing him coming at him. He's very

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clear about that.

What we heard today is that Mr. Phillips is bum-rushing him, pushing him with his forearms, and Mr. Trapp is struggling with him when he shoots him like this. Two totally different statements of how this shooting occurred, which alone is enough for the Court to deny immunity. When you have two radically different versions of events, they may say it's nitpicking, they may say the details don't matter, the details are the only thing that matters, Judge. You have two specific versions that -- you have one specific version he gives in the interview, which is the same version he's gonna give in a reconstruction he does at his property with officers I think July 7th -- July 6th, but in the interview you heard I broke free, I'm backing away and he is facing me, coming at me. What we heard today is a weird version where he's pushing him with his forearms and Mr. Trapp is forced to shoot sideways into the victim.

So what Your Honor's heard is testimony that's markedly inconsistent with the physical evidence. Look at the pictures of this back porch, Judge. They managed to get in a physical fight for their lives struggling over a gun and the only thing that gets knocked over is the chair right beside Parrish. Nobody managed to knock

over the stool, nobody managed to knock over the table with all these items on it. The only thing that gets knocked over is the chair. The two men are fighting for their lives back here, Judge.

Your Honor, his testimony is inconsistent with his previous statements to law enforcement and that has to be considered, and there's case law on that, Judge. State v. Cervantes-Pavon from 2019. I believe that's the same case, Your Honor, that also says the fact that the victim is unarmed is evidence that weighs against the finding of immunity. Just the fact that he's unarmed weighs against the defendant, which heightens his burden.

Your Honor, this is not a case in which a defendant should receive immunity. This is not a case in which the Legislature ever conceived that anyone would receive immunity. Mr. Trapp is not a law abiding citizen who was attacked in his own home without provocation. Mr. Trapp is the provocation. He starts the argument, he had planned to start the argument, he had planned to kick Parrish Phillips out and then when it comes time to kick Parrish Phillips out and he starts getting agitated, Mr. Trapp keeps pushing. I'm gonna go get the money and I'm gonna tell him you need to leave. And then when he gets really upset, if you believe that version of events, now I'm gonna follow him in the house even though I'm in

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fear for my life. And we haven't even gotten to the attack dog, Judge.

We heard in that interview he said I saw the dog and I knew there was a secret -- there was an attack command that I didn't know, but I'd heard Parrish talk about and I was afraid that he was gonna issue that command so when I saw the dog come in the doorway, I shot. And what we heard today is I was afraid the dog was gonna run up and we were gonna trip and fall over the dog. I'm not sure why we -- why we forgot about the attack command, but that was certainly a point he focussed on in his interview.

But, Judge, I think this case dies about two minutes into Officer Hassler's body camera where he says we got heated. We got in a heated argument. Judge, if nothing else, he gets in a -- he voluntarily enters into a heated argument with someone before anybody gets physical, before anybody gets a gun, that's bringing on the difficulty.

But as a matter of law, Your Honor, he is engaged in multiple avenues of unlawful activity that not only precludes him from establishing he's without fault, but we're prepared to argue at the appropriate time that as a as a matter of law he's bringing on the difficulty to the extent that self-defense isn't even applicable to this case.

Your Honor, I'm happen to answer any questions you have for me. That's all I've got.

THE COURT: Okay. Anything else?

MR. YONGE: Just briefly.

So I don't think unlawful eviction is gonna be something that would be considered criminal activity that would proximately cause a fight. That's a civil matter entirely. I mean, let's imagine the situation Jabin tells Parrish I need you to leave my house and Parrish says I'm calling the cops, they're coming out, they're gonna arrest you for unlawful eviction. The police are gonna go that's a civil matter. If you're gonna take that up, get a lawyer. That is in no way the -- there is no chance that is what the Legislature intended unlawful activity to mean, an unlawful eviction.

Second, even if they've established that he was doing some illegal activities in his house over the course of the time that Parrish was living there, which would include using weed products and occasionally helping his friend get weed products from Parrish, those were not the proximate cause of what happened here. You do not lose your right to self-defense just because at some point you have done an illegal activity, and just there's no way that that is -- that's what happened here, so.

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And then the final thing I wanted to address is this idea that his story is changing, that in the initial interview he's completely backing away and he's shooting at a man who's straight onto him there, the story is the same from the time he gives the interview to now and the fact that some of the stuff on the table wasn't moved does not mean that they could not have gone through that space and knocked over the stuff that was in the way and then continued to fight into the yard the way Jabin described it.

And Jabin, while he was on the stand here, was describing sort of a fluid situation saying you can't break down each step of this and explain it because it's all happening kind of at once. So while he's explaining things like I'm breaking away and I'm pointing down and I'm getting myself away from him and getting paces, I think is what he said in the interview and here, as he's doing that it's all in one fluid motion and so if he tells it slightly different, he's breaking down something that's happening in two to three seconds.

So I just wanted to address a few points that he had made during his presentation, Your Honor.

THE COURT: Okay. Thank you.

Anything else?

MR. NORTON: I will respond to one point, Judge,

just briefly.

The law doesn't say it has to be an unlawful criminal act. It is any unlawful act reasonably calculated to bring about the occasion. And there's a reason, Judge. I'm glad he brought up evictions and law enforcement saying that's a civil matter. There's a reason that police are the ones who evict people. That you don't get as a landlord to do a self-help eviction. That when you get a notice of ejectment the sheriff shows up and does the eviction because those are contentious situations and forcibly removing someone from a house is asking for conflict, and that's what's happening here. He is inviting conflict trying to kick someone out of a house who's paid him rent for the next two months who has every right to be here.

And you, know, it's funny because they mentioned that if Parrish had gotten the gun we would have been here and Parrish would have been over there. If we had been here for Mr. Phillips, he would have been able to claim immunity under Subsection A because someone with a gun is trying to force him out of his house. Section A applies when someone is trying to force you from a place you have a right to be, so you would have had to presume that Parrish Phillips was in fear for his life. Parrish Phillips would have had a better self-defense argument

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in this case than Mr. Trapp and if anyone in this case would have had a right to use self-defense, it's the man who gets a gun pulled on him when his landlord is trying to kick him out.

So that's all I've got.

THE COURT: All right. I'm gonna look at it and I'll rule on it.

Is there anything else that I need to do? Would you-all like to be here in the morning for my ruling or -- so you'll know how to plan accordingly?

MR. YONGE: Sure, Your Honor.

THE COURT: I'm doing one thing at -- what time -- 9:00 AM. Let's say 9:30 I'll issue my ruling and then we'll go forward. That way you-all will be ready to go on the 16th.

MR. WILLIAMS: May I approach the bench, Your Honor?

THE COURT: You may.

(Proceedings held at the bench; not reported.)

(Whereupon, the proceedings were concluded for September 5, 2024, at 4:46 PM.)

(The following proceedings were held September 6, 2024, beginning at 9:38 AM.)

THE COURT: All right. You-all give me one second because I need to get my notes.

(Pause in proceedings.)

BAILIFF: Remain seated, please. Court will come to order.

THE COURT: All right. I apologize. I just picked up the wrong folder.

All right. Let me know if I miss any of the elements. I don't think I will. I hope I won't, but let me know.

All right. A defendant is entitled to immunity from prosecution under the Protection of Persons and Property Act, which I call the PPP, and I must first consider whether the defendant has proven the elements of self-defense, and there's four elements to self-defense.

The defendant must be without fault in bringing on the difficulty. I listened to the testimony of the officers, but more importantly, the testimony of the defendant in this case, and I do believe that there was a back and forth heated argument that was started by the defendant asking him to leave this home. It was rather confrontational from his testimony and he walks away from that and goes and gets a gun. So I do believe that he had a part of bringing about the difficulty and under State v. Strickland words alone could be sufficient to bring about the difficulty, and I think that's exactly what happened here.

Looking to the second element, the defendant must

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have been in actual imminent danger of losing his life or sustaining serious bodily injury.

Now I heard testimony, and it kind of went back and forth and -- and also there was video in this case, that he feared somehow the victim was going to signal Max, the dog, to attack him. And I watched that video. That dog followed the defendant all the way out to the truck wagging his tail. The dog lived there. He was friendly with the dog. He said he's never had a problem with the animal before. In fact, he was the one who mainly took care of him.

Then I also heard testimony about the victim himself, but I did not see anything, even from the video and the pictures that I saw, that they argued on the back porch. There was a chair overturned. There wasn't anything else disturbed on that porch if that's where the confrontation happened between the two with the gun. And -- and not to mention that the victim was unarmed and also an occupant of the home and had a right to be there and live there. But the thing -- the only thing the victim had in his hand was a bag of marijuana.

So I listened to the testimony going and there's -- the defendant contradicted himself in several of his testimonies, so I would say that while most of his statement was somewhat consistent, it did change.

This Court didn't find from the testimony that he was in any actual imminent danger of losing his life or believed that he was in any danger. I mean, this victim, not to mention the health that he was in, he had a colostomy bag, he I think had some kind of surgical procedure that he had just received, and then on top of that he -- the defendant also testified he knew this defendant {sic} for ten years and they've never had a cross word between each other, they got along fine. He was really trying -- the defendant was trying to help him out with a place to stay. There's no prior animosity between the two of them. I just think the defendant initiated an argument and it escalated and the -- the victim, he went inside, and then I think the defendant followed him. So if there was any fear of being in harm, why follow him? But he -- he goes inside, he follows him and -- and goes and gets a gun.

Now would a person of reasonably prudent ordinary firmness and courage would have entertained the same belief. I don't believe so. I think this was just an argument over rent and money and the defendant wanted him out. That was the testimony. I think it escalated. He got a gun. Whatever confrontation there was wasn't certainly one that rose to the level that they were knocking things off of the porch didn't seem to be a

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violent one. He says they knocked -- got knocked off the porch and went out in the yard and it lasted all of -- by the defendant's own testimony eight seconds I think is what he testified to.

I know that it is a preponderance of the evidence standard, but I don't believe that there's been enough sufficient evidence showing that the defendant was in actual danger or that he reasonably believed that he was in danger.

I do believe from the testimony that he was at fault in bringing on the difficulty or -- or partially at fault for bringing on the difficulty. We've gone over all the elements to ask for the PPP to apply and I don't believe that all elements were met in this case. I don't believe he had a duty to retreat because he lived there.

You know, the Act goes on to say that if an individual can prove that he's not engaged in unlawful activity was attacked -- was in a place he had a right to be and reasonably believed the use of deadly force was necessary to prevent death or great bodily injury. You know, there was testimony about drug dealing, marijuana use. The defendant admitted to that in his testimony. Even if he wasn't in an unlawful activity and a place that he was right to be, I don't believe that the force that he used was necessary to prevent death or

great bodily injury because I don't believe the imminent fear was there.

So I am going to deny the immunity under the Protection of Persons and Property Act, which I call the PPP.

If I have missed anything or I need to address anything according to the case law -- I know that we talked yesterday. I read the Cookout case that came out. I think I've addressed all the elements, but if I haven't I'll be glad to hear from you.

From the State?

MR. NORTON: Your Honor, I think you've sufficiently addressed everything.

THE COURT: From the defense?

MR. YONGE: You've addressed all the elements, Your Honor.

THE COURT: Okay.

All right. Anything else from the State?

MR. NORTON: No, Your Honor.

THE COURT: Anything else from the defense?

MR. YONGE: No, Your Honor.

THE COURT: Thank you.

Now we're gonna start the 16th. Let me tell you-all I'm gonna be on vacation next week, but I'm not going anywhere so I'll be around if you need me. I think the

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jury comes in at 9:30.

Can you tell me how long you think this case is gonna take to try?

MR. NORTON: Judge, we anticipate the State's case going at least until Thursday.

THE COURT: Until Thursday.

Ms. Yonge?

MS. YONGE: Your Honor, just we will probably have a few brief pre-trial motions that we'll file next week given that Your Honor didn't give immunity today, but --

THE COURT: Sure.

MS. YONGE: -- I don't anticipate them prolonging. I think we still should be able to do openings on Monday, Your Honor.

THE COURT: Okay. So we're gonna go forward on Monday.

Are you-all gonna be prepared to go forward, Mr. Norton?

MR. NORTON: Yes, Your Honor, and based on that I request that we handle whatever pre-trial motions Monday afternoon and openings as well and then call first witnesses Tuesday morning.

THE COURT: At least let's just get one witness done if we can. It seems like when we do these types of cases, we don't get a jury picked until noon, then

we come back at two. So if we could just at least get one witness up, that would be good, and then we can move forward from there.

I'm gonna tell you-all I think I have my case resolution on Friday. I think I've got three hundred and some odd people coming, so. I would like to be done by Friday, but I am certainly not rushing anyone and I don't want anyone to feel that way. If I've got to start it late on Friday, we will. But if I could have all motions so I can be prepared no later than Thursday of next week.

MS. YONGE: Yes, Your Honor.

THE COURT: Same with the State?

MR. NORTON: Yes, Your Honor.

THE COURT: Okay.

All right. You-all have a great weekend. Court is adjourned.

MR. COX: Thank you, Your Honor.

MR. NORTON: Thank you, Your Honor.

THE COURT: Oh, let me ask, Mr. Norton.

Well, we haven't started the trial yet. The defendant is out on bond.

MR. NORTON: He is, Your Honor.

THE COURT: Do you -- is there any concerns about that?

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MR. NORTON: Judge, at this point I don't think we need to take up that issue until the trial -- until a jury is selected.

THE COURT: The trial begins.

MR. WILLIAMS: And, Your Honor, on behalf of my client, this client has been wanting to try this case. He's not been bashful about trying this case. He still stands prepared to try this case. He has bugged the solicitor's office to try this case, and I'd ask the record to show that, and that he will be here ready to try the case at all points in time in this case.

THE COURT: Because he understands that his trial will go forward one way or the other, doesn't he?

MR. WILLIAMS: That's right. And he wants it over with and he understands that it will be going forward and he still hasn't changed his mind or his view on what his act meant in this case and what his responsibilities were and what his liability is and whether or not he is guilty or not guilty.

THE COURT: Okay. Well, if I need to address this issue on Monday when trial begins, then I'll address it then, okay?

MS. YONGE: Thank you, Your Honor.

MR. NORTON: Thank you, Your Honor.

MR. WILLIAMS: And if Your Honor wants me to get in

touch with a bondsman, I'll get a bondsman to go ahead and sign whatever is necessary.

THE COURT: Well, really the trial hasn't started. We haven't picked a jury yet, so I'm not asking you to do that.

(Whereupon, the proceedings were concluded for September 6, 2024, at 9:57 AM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned case in Circuit Court September 5th-6th, 2024.

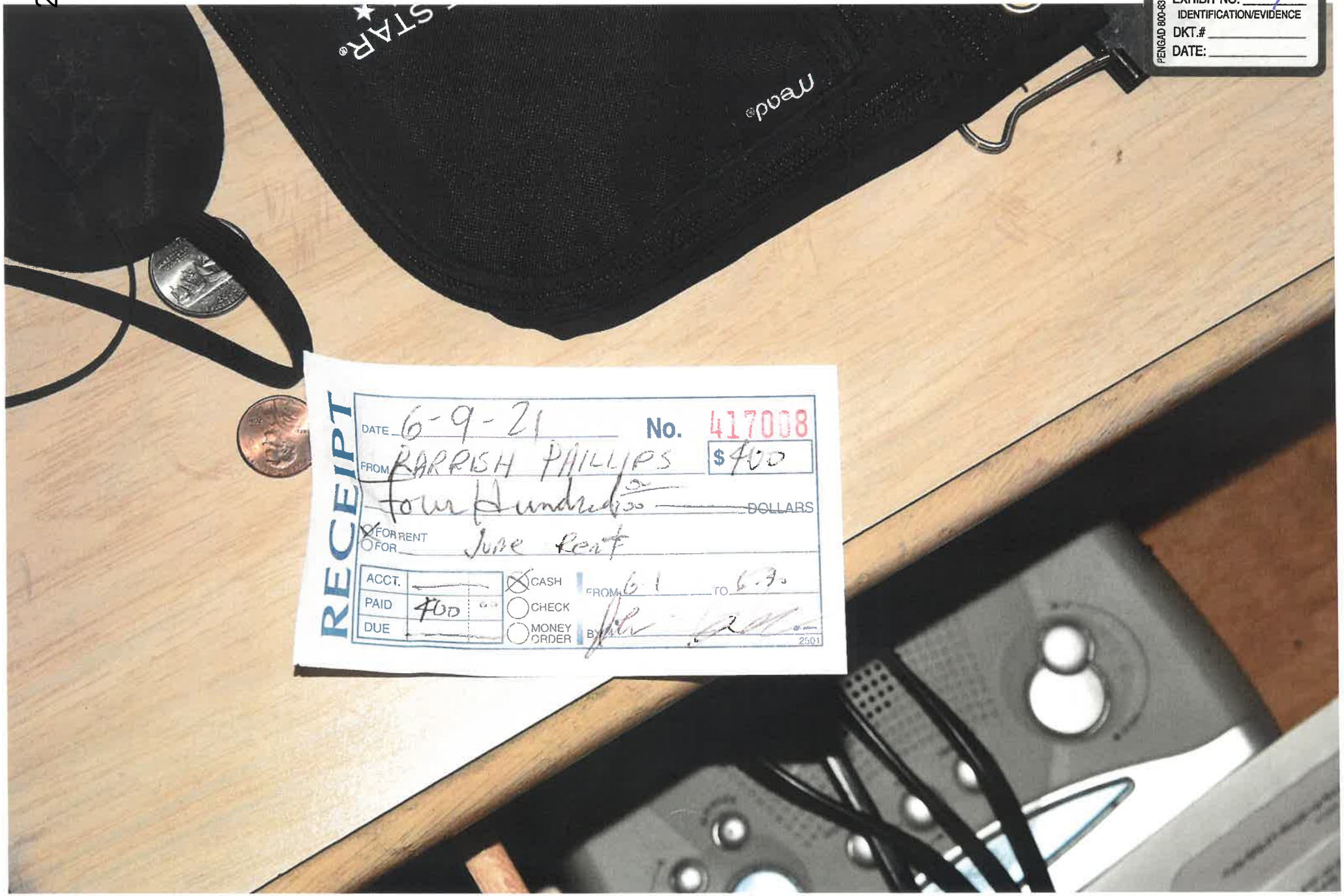
This transcript may contain quoted material. Such material is reproduced as read by the speaker.

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

March 10, 2024

/s/ Stacy S. Johnson
STACY S. JOHNSON, RPR
CIRCUIT COURT REPORTER

COURT'S
EXHIBIT NO. 1
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989



Extraction Report - Google Android Generic

COURT'S
EXHIBIT NO. 2
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

Notes (14)

#	Time	Note	Account	
1	**Created:** 6/18/2021 9:04:56 PM(UTC+0) **Modified:** 6/18/2021 11:25:34 PM(UTC+0)	**Title:** Notes for parrish **Source:** Keep **Labels:** **Body:** If you fire up Kitchen, offer people food Cleanup immediately after eating, sit all day slept. No weed or other drug product left out. Look up Zillow...rent suggestion Rent is 1400, electric 325,water 39, internet 79, housekeeping 200 , lawn care 200, lock charge install 75 , to, pp, laundry det, etc... 200, cash payment fee, or pay via cash app or other financial institution. Grocery fee? July, August, payment due in August, 400 non refundable security deposit. no subletting, Overnight guest privs 200 100 car privs Non profit indigent care Allie aeile alley Katz prom 803-678-8388 **Parties:** **Source Extraction:** File System **Source file:** EXTRACTION_FFS.zip/data/data/com.google.android.keep/databases/keep.db : 0x74CB (Table: tree_entity; Size: 454656 bytes)		
2	**Created:** 6/3/2021 2:58:47 AM(UTC+0) **Modified:** 6/3/2021 4:32:01 AM(UTC+0)	**Title:** Parrish room mate notes **Source:** Keep **Labels:** **Body:** Buy my house Owner financing Rent plus down payment Down payment extra is then amortrize...rent at first mostly goes to down payment...as time goes by more is towards rent...essentially the rent increases over time He pays me cash, I pay him for yard work and such... On paper $1200 up front, 2 months rent up front. rent per month, 400 next month 400 deposit...non refundable, month to month lease, after 3 months rent increases 750 after 12 months rent increases $1200..within a year I will be moving out, if not rent remains 750per month... 2 year amortization schedule. On down paymentp I will clean house, help with laundry and max If you want Rent occurs whether occupied or not! **Parties:** **Source Extraction:** File System **Source file:** EXTRACTION_FFS.zip/data/data/com.google.android.keep/databases/keep.db : 0x7C8D (Table: tree_entity; Size: 454656 bytes)		
3	**Created:** 10/15/2020 2:27:21 AM(UTC+0) **Modified:** 10/15/2020 2:28:10 AM(UTC+0)	**Title:** Sara's VW Car Project **Source:** Keep **Labels:** **Body:** Clean **Parties:** **Source Extraction:** File System **Source file:** EXTRACTION_FFS.zip/data/data/com.google.android.keep/databases/keep.db : 0x7A0D (Table: tree_entity; Size: 454656 bytes)		

Extraction Report - Google Android Generic

COURT'S
EXHIBIT NO. 3
IDENTIFICATION/EVIDENCE
DKT.# _____
DATE: _____
PENGAD 800-631-6989

Participants

jabintrapp20
Jabin Trapp (owner)

shanaynay3000
Shannon Tilford

Conversation - Instant Messages (19)

From: shanaynay3000 Shannon Tilford
To: jabintrapp20 Jabin Trapp (owner)

Hey sweetheart I would love it if I could have one of those weed vapes. Do you think you can get me one? How much are they?

Participant	Delivered	Read	Played
jabintrapp20 Jabin Trapp		6/20/2021 3:16:24 PM(UTC+0)	

6/20/2021 2:03:23 PM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x10C115 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

I totally can, they are 40

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/20/2021 4:31:10 PM(UTC+0)	

6/20/2021 4:00:15 PM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x109676 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

But you need a battery to

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/20/2021 4:31:10 PM(UTC+0)	

6/20/2021 4:00:24 PM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x109676 (Table: Friend; Size: 2052096 bytes)

From: shanaynay3000 Shannon Tilford
To: jabintrapp20 Jabin Trapp (owner)

Tension can be cut with a knife

Participant	Delivered	Read	Played
jabintrapp20 Jabin Trapp		6/20/2021 6:32:34 PM(UTC+0)	

6/20/2021 5:16:29 PM(UTC+0)

Source Extraction:
File System
Source Info:
EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/arroyo.db : 0x797C9 (Table: conversation_message; Size: 606208 bytes)
EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x10C115 (Table: Friend; Size: 2052096 bytes)

From: shanaynay3000 Shannon Tilford
To: jabintrapp20 Jabin Trapp (owner)

It's okay this too shall pass. Hey can you order that for me and I will pay you back because every time I try to pull it up on my Amazon nothing populates.

Participant	Delivered	Read	Played
jabintrapp20 Jabin Trapp		6/20/2021 6:32:34 PM(UTC+0)	

6/20/2021 5:26:08 PM(UTC+0)

Source Extraction:
File System
Source Info:
EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/arroyo.db : 0x796A8 (Table: conversation_message; Size: 606208 bytes)
EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x10C115 (Table: Friend; Size: 2052096 bytes)

From: shanaynay3000 Shannon Tilford
To: jabintrapp20 Jabin Trapp (owner)

There's no weed?

Participant	Delivered	Read	Played
jabintrapp20 Jabin Trapp		6/20/2021 9:15:24 PM(UTC+0)	

6/20/2021 9:05:19 PM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x10C115 (Table: Friend; Size: 2052096 bytes)

From: shanaynay3000 Shannon Tilford
To: jabintrapp20 Jabin Trapp (owner)

How was your day sweetheart? The sky just fell out here

Participant	Delivered	Read	Played
jabintrapp20 Jabin Trapp		6/20/2021 9:19:23 PM(UTC+0)	

6/20/2021 9:05:30 PM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x10C115 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

1/8 for 200... Good stuff

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/20/2021 11:06:34 PM(UTC+0)	

6/20/2021 10:12:49 PM(UTC+0)

Source Extraction:
File System
Source Info:
EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/arroyo.db : 0x75AC6 (Table: conversation_message; Size: 606208 bytes)
EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x109676 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

So gonna talk to him about rent tomorrow

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/24/2021 1:47:28 AM(UTC+0)	

6/24/2021 1:11:17 AM(UTC+0)

Source Extraction:
File System
Source Info:
EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/arroyo.db : 0x81376 (Table: conversation_message; Size: 606208 bytes)
EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x109676 (Table: Friend; Size: 2052096 bytes)

From: shanaynay3000 Shannon Tilford
To: jabintrapp20 Jabin Trapp (owner)

Oh no. I'm sorry sweetheart. I'm calling you tomorrow. I love you. Goodnight.

Participant	Delivered	Read	Played
jabintrapp20 Jabin Trapp		6/24/2021 2:15:38 AM(UTC+0)	

6/24/2021 1:47:59 AM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x10C115 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

So my friend Kim came over

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/24/2021 2:50:40 AM(UTC+0)	

6/24/2021 2:15:51 AM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x109676 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

I have t seen her in 22years

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/24/2021 2:50:40 AM(UTC+0)	

6/24/2021 2:16:06 AM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x109676 (Table: Friend; Size: 2052096 bytes)

From: shanaynay3000 Shannon Tilford
To: jabintrapp20 Jabin Trapp (owner)

Oh wow. That's nice. You are always surrounded by those who love you.

Participant	Delivered	Read	Played
jabintrapp20 Jabin Trapp		6/24/2021 2:50:40 AM(UTC+0)	

6/24/2021 2:50:16 AM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x10C115 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

I wouldn't say that, but she lost her husband about 6month ago... And she lost custoditu of her step daughter who she raised since she was todler

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/24/2021 9:17:47 AM(UTC+0)	

6/24/2021 2:51:29 AM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x109676 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

Was thinking about getting my toes done tomorrow, prolly with Lizzie... Maybe you could meet us at nail salon

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/25/2021 12:54:59 PM(UTC+0)	

6/25/2021 3:54:36 AM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x109676 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

Would you be interested in some. Edibles?! They are great for sleep.

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/25/2021 12:54:59 PM(UTC+0)	

6/25/2021 3:57:12 AM(UTC+0)

Source Extraction:
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From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

I will throw in a couple

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/25/2021 12:54:59 PM(UTC+0)	

6/25/2021 3:57:19 AM(UTC+0)

Source Extraction:
File System
Source Info:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x109676 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

I got too much shit to do, hummus is working... I want to talk to you sometime... Fill me in on Jessica, and Carlos and Sawyer... PrettyPlease???

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/27/2021 8:52:51 PM(UTC+0)	

6/27/2021 8:23:51 PM(UTC+0)

Source Extraction:
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EXTRACTION_FFS.zip/data/data/com.snapchat.android/databases/main.db : 0x109676 (Table: Friend; Size: 2052096 bytes)

From: jabintrapp20 Jabin Trapp (owner)
To: shanaynay3000 Shannon Tilford

I love it!

Participant	Delivered	Read	Played
shanaynay3000 Shannon Tilford		6/27/2021 8:52:51 PM(UTC+0)	

6/27/2021 8:24:20 PM(UTC+0)

Source Extraction:
File System
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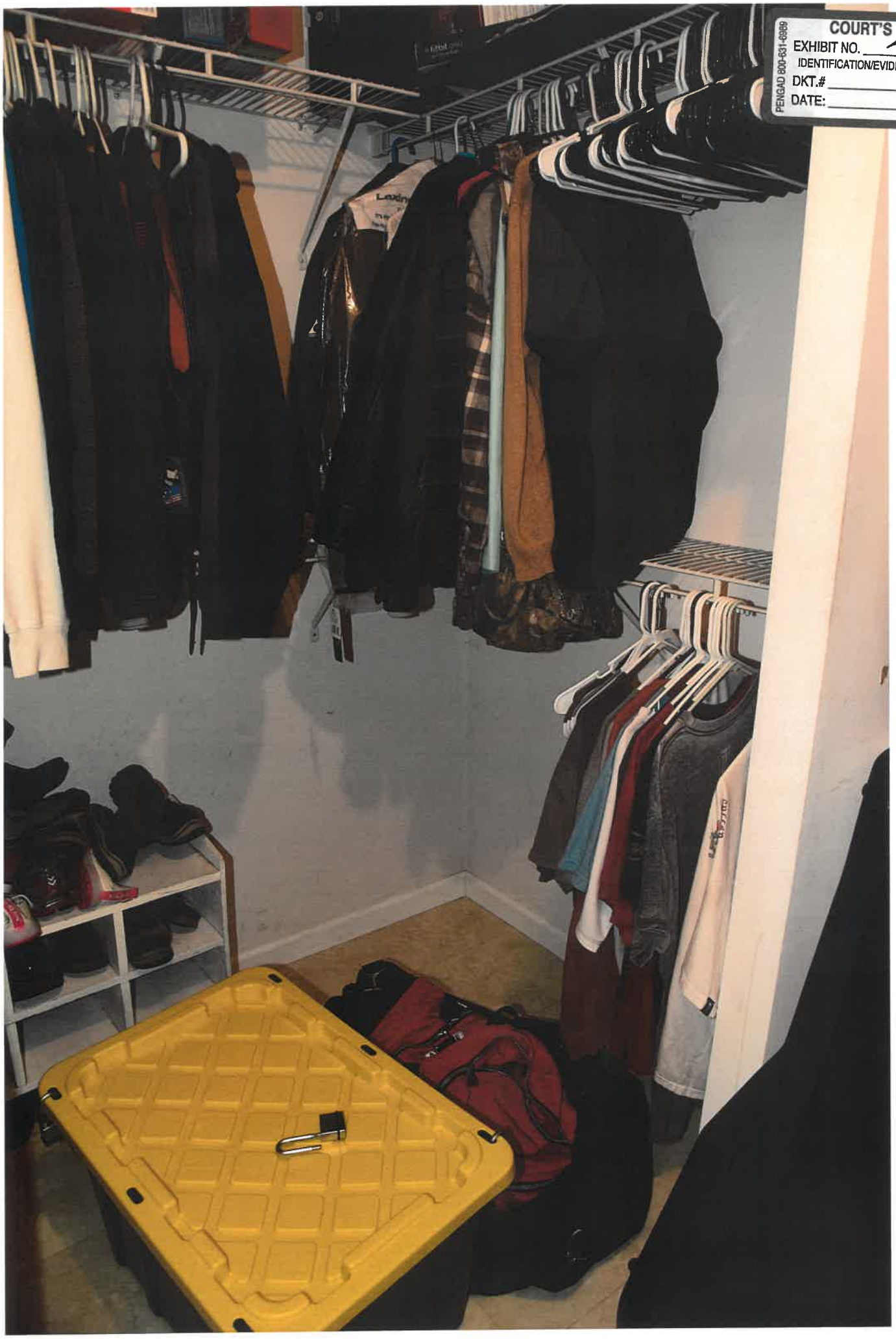
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IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

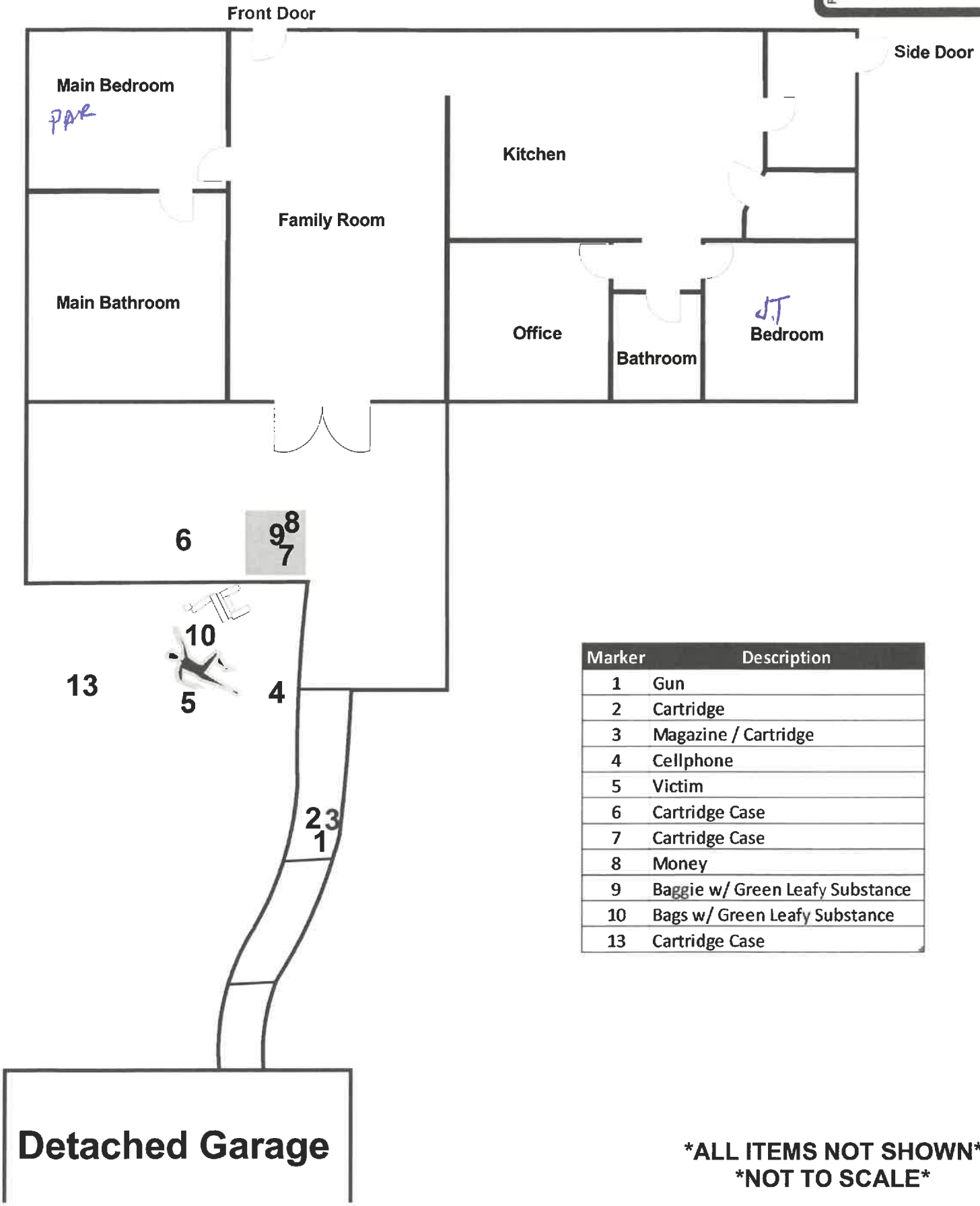
COURT'S
EXHIBIT NO. 5
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989
BANGER
PH

264

COURT'S
EXHIBIT NO. 8
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

COURT'S
EXHIBIT NO. 7
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

Crime Scene Overview
155 Freedom Drive



Marker	Description
1	Gun
2	Cartridge
3	Magazine / Cartridge
4	Cellphone
5	Victim
6	Cartridge Case
7	Cartridge Case
8	Money
9	Baggie w/ Green Leafy Substance
10	Bags w/ Green Leafy Substance
13	Cartridge Case

ALL ITEMS NOT SHOWN
NOT TO SCALE

COURT'S
EXHIBIT NO. 8
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

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COURT'S
EXHIBIT NO. 13
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989
POLICE

COURT'S
EXHIBIT NO. 7 2698
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

COURT'S
EXHIBIT NO. 20
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

270
COURT'S
EXHIBIT NO. 22
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

COURT'S
EXHIBIT NO. 23
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

272

COURT'S
EXHIBIT NO. 25
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

HARLEY-DAVIDSON
HARLEY-DAVIDSON
COURT'S
EXHIBIT NO. 36
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	IN THE COURT OF GENERAL SESSIONS
THE STATE OF SOUTH CAROLINA, Plaintiff, vs. JABIN TRAPP, Defendant.	**Warrant No(s)** **2021A3220500542** **2021A3220500543** **DEFENDANT'S MOTION FOR A PRETRIAL HEARING TO DETERMINE § 16-11-450 IMMUNITY** **(PROTECTION OF PERSONS AND PROPERTY ACT)**

TO BRUCE H. NORTON, II, ASSISTANT SOLICITOR

YOU WILL PLEASE TAKE NOTICE THAT the undersigned attorney for the above-named Defendant, Jabin Trapp, will move before the Court of General Sessions for the Eleventh Judicial Circuit on the tenth (10th) day after service herein, or as soon as counsel may be heard, for a pretrial hearing to determine if the Defendant qualifies for immunity from prosecution based on the Protection of Persons and Property Act ("The Act"). See S.C. Code Ann. § 16-11-410, *et seq*; State v. Duncan, 392 S.C. 404, 709 S.E.2d 662 (2011).

Robert T. Williams, Sr.
Anna W. Yonge
Jason T. Yonge
WILLIAMS, STITELY & BRINK, PC
200 East Main Street
Lexington, SC 29072
(803) 359-9000
ATTORNEYS FOR THE DEFENDANT

Lexington, South Carolina

April 24, 2024

STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	IN THE COURT OF GENERAL SESSIONS
THE STATE OF SOUTH CAROLINA, Plaintiff, vs. JABIN ELLIOTTE TRAPP, Defendant.	**Warrant No(s). 2021A3220500542-543** **CERTIFICATE OF SERVICE**

I, Dana Gooding, a legal secretary with the Law Firm of Williams, Stitely & Brink, PC, do hereby certify that I have this date served a copy of the **Defendant's Motion for a Pretrial Hearing to Determine § 16-11-450 Immunity** upon the individual(s) named below by placing a copy of same in the United States Mail, postage prepaid and return address clearly indicated to the address(es) below:

Bruce Norton, Asst. Solicitor
Eleventh Judicial Circuit
205 East Main Street
Lexington, SC 29072

Dana Gooding

Lexington, South Carolina

April 24, 2024

State of South Carolina	)	Court of General Sessions
County of Lexington	)	Eleventh Judicial Circuit
State of South Carolina,	)	Transcript of Record
vs.	)	2022-GS-32-03843 2022-GS-32-03851
Jabin Elliotte Trapp,	)	
Defendant.	)	

September 16th-19th, 2024
Lexington, South Carolina

B E F O R E:

The Honorable Debra R. McCaslin, Judge

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

Bruce H. Norton, II, Assistant Solicitor
Lucas A. Pincelli, Assistant Solicitor
Jordan A. Cox, Assistant Solicitor

On behalf of the State of South Carolina

Anna Williams Yonge, Esquire
Jason T. Yonge, Esquire
Robert T. Williams, Sr., Esquire

On behalf of the Defendant

STACY S. JOHNSON, RPR
CIRCUIT COURT REPORTER

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(The following proceedings were held September 16, 2024, beginning at 10:46 AM.

THE COURT: All right. Ladies and gentlemen, we are about to begin the trial of the State of South Carolina versus Jabin Trapp.

Let me ask the Solicitor. Please call your case.

MR. NORTON: Thank you, Your Honor.

The State calls Indictment 2022-GS-32-03843. The State of South Carolina versus Jabin Elliotte Trapp, indicted for murder. That on or about June 27, 2021, in Lexington County, the defendant, Jabin Elliotte Trapp, did unlawfully kill another person with malice aforethought, either express or implied; to wit, Parrish Phillips.

THE COURT: Thank you.

And, Ms. Yonge, how does your client plead; guilty or not guilty?

MS. YONGE: The defendant pleads not guilty, Your Honor.

THE COURT: And is he ready for trial?

MS. YONGE: Defense is ready for trial.

THE COURT: All right. Ladies and Gentlemen of the Jury, before we select the jury there are several questions that I need to ask you. If you need to answer any of these questions, please stand and I will call

you on you individually. Please do not stand and start talking. I'm gonna say that one more time. Do not stand and start talking. I will call on you individually.

All right. Before we get started, let me ask the solicitors for the State to please introduce themselves and anyone else assisting in the prosecution of this case.

Mr. Norton.

MR. NORTON: Good morning. My name is Bruce Norton. I'm an assistant solicitor here in the Eleventh Circuit Solicitor's Office. I'm joined by assistant solicitors Luke Pincelli and Jordan Cox. We serve under your elected solicitor, Rick Hubbard, prosecuting criminal cases here in Lexington, Edgefiled, McCormick and Saluda counties. During this trial we'll be joined by senior paralegal Taylor Gillette, Investigator Justin Ashley and Detective Caitlin Voravudhi of the Lexington Police Department.

THE COURT: Thank you.

Now let me ask the defense attorneys to please introduce themselves, their client, and I'm also asking the attorneys to please tell us the name of the law firm with which you are associated with.

MS. YONGE: Good morning. My name is Anna Williams Yonge. I am an attorney across the street at Williams, Stitely and Brink. With me today is my husband, Jason Yonge, our client, Mr. Jabin Trapp, my father, Robert

Williams, also known as Theo, and then our law clerk, Ms. Becca Tewell.

THE COURT: All right. Ladies and gentlemen, the attorneys in this case just introduced themselves to you. Let me ask, has any member of the jury panel ever been represented by any of the attorneys involved in this case or by their law firms? Also meaning the Lexington County Solicitor's Office. If so, please stand.

Is any member of the jury panel related by blood or marriage, know personally or have any religious, political, social or business association with any of the attorneys involved in this case or anyone in their law firms, and also the Lexington County Solicitor's office? If so, please stand.

(Potential juror stands.)

THE COURT: Yes, sir. Your juror number?

POTENTIAL JUROR: 79.

THE COURT: Juror Number 79.

POTENTIAL JUROR: Not with any of the attorneys necessarily, but --

THE COURT: Don't stand and start talking.

POTENTIAL JUROR: Sorry.

THE COURT: I'll get to you, I promise.

All right. Mr. Gordon.

POTENTIAL JUROR: Yes, ma'am.

THE COURT: All right. Mr. Gordon, can you tell me who it is that you know or you're related to or you have any business with?

POTENTIAL JUROR: My cousin is sitting right over here.

THE COURT: Okay. Thank you.

I'm going to go ahead and excuse him for cause. Juror Number 79 is being excused.

Anybody else?

Is any member of the jury panel related by blood or marriage, know personally or have any religious, political, social or business association with the defendant, Jabin Trapp? If so, please stand.

Is any member of the jury panel employed by or related by blood or marriage to or a friend or acquaintance of a member of any law enforcement agency, the attorney general's office, the solicitor's office or any prosecuting attorneys' office? If so, please stand.

(Potential juror jurors stand.)

THE COURT: All right. I'm gonna call you.

Yes, ma'am.

POTENTIAL JUROR: 192.

THE COURT: Juror Number 182.

POTENTIAL JUROR: 192.

THE COURT: 192. Ms. Sullivan, with the Richland

County Sheriff's Department crime scene. So let me ask you, do you know anyone at the Lexington County Solicitor's office?

POTENTIAL JUROR: No, ma'am, but the sheriff's department.

THE COURT: Sheriff's Department.

All right. Well, I'm gonna call out witness names and we'll take that up as we go, but let me ask you, Ms. Sullivan, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

Okay. You've taken too long for me to answer. I'm gonna excuse you.

All right. She's excused. Number 192's excused.

THE COURT: Yes, ma'am. Your juror number?

POTENTIAL JUROR: 149.

THE COURT: Juror Number 149. Ms. Parker.

POTENTIAL JUROR: Just any prosecuting office?

THE COURT: Any prosecuting attorneys's office, any law enforcement agency.

POTENTIAL JUROR: My husband is a partner with Chad Jenkins --

THE COURT: Right.

POTENTIAL JUROR: -- so with prosecutors.

THE COURT: Okay. So, I mean, you're familiar with

some law enforcement.

POTENTIAL JUROR: (Nods head.)

THE COURT: So let me ask you, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm keeping you.

Yes, sir. Your juror number?

POTENTIAL JUROR: 20.

THE COURT: Juror Number 20. Mr. Blakely.

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Who do you know in law enforcement?

POTENTIAL JUROR: I'm a personal friend with sheriff Jay Koon.

THE COURT: Okay. Well, let me ask you. If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm keeping you.

Yes, sir. Your juror number?

POTENTIAL JUROR: 71.

THE COURT: Juror Number 71. That's Mr. Fulmer.

Mr. Fulmer, I know that you were with the Lexington County Sheriff's Department. I think also the fire department.

POTENTIAL JUROR: Yes, ma'am.

THE COURT: So I'm sure you know a lot of law enforcement.

POTENTIAL JUROR: (Nods head.)

THE COURT: Let me ask you, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Absolutely.

THE COURT: I'm keeping you. Thank you.

All right. The following is a list of possible witnesses in this case. The ones that I'm gonna call first are all from the Lexington County police department.

Is that the sheriff's department?

MR. NORTON: No, Your Honor. The Town of Lexington Police.

THE COURT: The Town of Lexington. They're all from the Town of Lexington Police Department. And I can't pronounce that first name. What is it? Vora --

MR. NORTON: Voravudhi, Your Honor.

THE COURT: Okay. Here we go. These are the witnesses. Caitlin Voravudhi. I'm gonna spell that for you. V-O-R-A-V-U-D-H-I. An Earl Alewine. Lewis Black. Dustin Currier. Scott Gugel, and I'm gonna spell that. G-U-G-E-L. A Kenneth Heath. William Norris. Thomas Stowe. Jonathan Taylor. Ronald Paul Walker. And

Marc Mara -- is it Montis?

MR. NORTON: Miramontes.

THE COURT: Miramontes. All from the Town of Lexington Police Department. If you know any of the names that I've just called, please stand.

(Potential jurors stand.)

THE COURT: Your juror number?

POTENTIAL JUROR: 64.

THE COURT: Juror Number 64. Mr. Esposito. Can you tell me who you know?

POTENTIAL JUROR: I recognize several of those names. I don't know any of them personally.

THE COURT: All right. Well, let me ask you if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm keeping you.

Yes, sir.

POTENTIAL JUROR: I know most of them, but Stowe --

THE COURT: Right. I've got to get your juror number just for the record again. I've got to ask you.

POTENTIAL JUROR: 71.

THE COURT: 71. Mr. Fulmer, can you be fair and impartial to both the State and the defense if you were selected as a juror?

POTENTIAL JUROR: Absolutely.
THE COURT: Thank you. I'm keeping you.
Yes, sir. Your juror number?
POTENTIAL JUROR: 156.
THE COURT: 156. Mr. -- is it Posthumus?
POTENTIAL JUROR: Yes, ma'am.
THE COURT: Who do you know on the list?
POTENTIAL JUROR: Officer Voravudhi.
THE COURT: Okay. And if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?
POTENTIAL JUROR: Yes, ma'am.
THE COURT: I'm keeping you.
All right. Now I've got an Angie Gunter from the Lexington County Communications. I've got Jefferson Langston who works for the Lexington County EMS. A Deborah Robinson, also with the Lexington County EMS. A Joan Hudson. A Catherine Aubrey Rowe. Elizabeth Ivy Warwick. A James Jimmy Loftis. A Virginia Livesay Richardson. From the coroner's office, Margaret Fisher and Grey Gain. From the U.S. Secret Service, a Michael Phipps.
Let me ask the jury does any juror know any of the names that I just called? If so, please stand.
(Potential jurors stand.)

THE COURT: Mr. Fulmer, Juror Number 71.

POTENTIAL JUROR: Yes, ma'am.

THE COURT: If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Absolutely.

THE COURT: Thank you. Mr. Fulmer.

Yes, sir.

POTENTIAL JUROR: 64. I know -- I've worked with Jeff Langston, Deborah Robinson and Catherine Rowe, and still currently work with in a way with Angie Gunter because she's in communications.

THE COURT: Because you work for EMS?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Okay. Well, let me ask you, Mr. Esposito, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

All right. The -- I'm gonna continue on.

Jennifer Hutton, H-U-N-T-O-N, from the South Carolina Law Enforcement Division. Maribeth McCormick from SLED. Stephen Curtis, SLED. Celia Modell, SLED. Megan Fletcher from SLED. Brian Malanio, M-A-L-A-N-I-O, from SLED. Adrian Hefney from SLED. Olivia Cartwright

from SLED. Christine Dadabo. I'm gonna spell this. D-A-D-A-B-O from SLED. I'm probably butchering all these names. A Brynne Baxley from SLED. And a Michael Moskal, M-O-S-K-A-L, from SLED.

Do I have any -- anybody in the jury panel who knows the names that I've just called of these witnesses? If so, please stand.

Mr. Fulmer? I just --

POTENTIAL JUROR: No.

THE COURT: All right. Now additional witnesses. Jerry Waller. A Sharon Waller. And a Jabin Trapp.

All right. So let me ask, is there any member of the jury panel related by blood or marriage, know personally or have any religious, political, social or business association with any of the witnesses that I've just called in this case? If so, please stand. Other than what you've already told me.

Thank you.

Also has any member of the jury panel or a family member or close friend ever been the victim of, investigated for or charged with an offense involving assault or homicide? If so, please stand.

POTENTIAL JUROR: Could you repeat the question, please?

THE COURT: Has any member of the jury panel, a

family member or a close friend ever been the victim of or investigated for or charged with an offense involving an assault or a homicide?

(Potential jurors stand.)

THE COURT: I'm gonna ask you to come forward. I'm gonna come down and talk to you on this question.

(The following proceedings were held outside of the hearing of the jury panel.)

BAILIFF: Juror Number 83, Your Honor.

THE COURT: 83. Ms. Hanson.

POTENTIAL JUROR: Yes, ma'am. My husband's cousin was murdered in Asheville.

THE COURT: Okay. Well, let me ask you, if you were selected as a juror --

POTENTIAL JUROR: I'm not sure I could be.

THE COURT: Okay. Then I'm gonna excuse you and we'll just transfer you to another term.

POTENTIAL JUROR: Yes, ma'am. Thank you.

THE COURT: Thank you.

BAILIFF: Juror Number 213.

THE COURT: Number 213. Ms. Watters.

POTENTIAL JUROR: I was assaulted after taking someone home. They tried to choke me and --

THE COURT: All right. Well, let me ask you, if you were selected as a juror in this case, could you be fair

and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm keeping you.

BAILIFF: Juror Number 135, Your Honor.

THE COURT: 135. Ms. Montgomery.

POTENTIAL JUROR: Uh-huh. My biological father was murdered in North Carolina. It was a justified homicide. I have no problem staying and serving.

THE COURT: Yeah, I've got to ask you the magic question for the record that she has to take down.

If you were selected as a juror in this question, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Absolutely.

THE COURT: I'm keeping you.

BAILIFF: Juror 104, Your Honor.

THE COURT: Mr. Kiblin.

POTENTIAL JUROR: I have a family member on my mom's side who was murdered.

THE COURT: If you were selected as a juror in the case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm keeping you.

BAILIFF: Juror Number 95, Your Honor.

THE COURT: Ms. John, how are you?

POTENTIAL JUROR: Very well. Thank you.

THE COURT: Who do you know or --

POTENTIAL JUROR: My grandfather was murdered. Hubert Perry Atkins, Junior, was murder in '79.

THE COURT: If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: I believe I could.

THE COURT: I believe I could is not good enough for me.

POTENTIAL JUROR: Yes. I understood, yes. Excused? Understood.

THE COURT: I'm gonna transfer you. I take the first answer and it's got to be perfect for me. These cases are too important.

POTENTIAL JUROR: They are. I appreciate your sincerity. Thank you.

THE COURT: Thank you.

BAILIFF: Juror Number 113, Your Honor.

THE COURT: Ms. Libbey.

POTENTIAL JUROR: Yes. My brother was the victim of an assault that -- a home invasion in California about eight years ago.

THE COURT: Okay. So if you were selected as a juror

in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm keeping you.

BAILIFF: Juror Number 29, Your Honor.

THE COURT: Hey, Mr. Bryan.

POTENTIAL JUROR: My ex-son-in-law was arrested for -- what did they call that? Well, basically murder. Murder by association. He did eighteen years.

THE COURT: All right. Well, let me ask you this. If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: I think so.

THE COURT: Not good enough for me. I've got to excuse you. We'll call you back on another case, okay?

POTENTIAL JUROR: Okay. Thanks.

THE COURT: Thank you. Number 29 is excused -- transferred.

All right. Anybody else?

All right. Has anyone had any kind of experience with any law enforcement agency that might affect your ability to be fair and impartial in this case? If so, please stand.

Has anybody learned anything about this case in the news media or in the community that would prohibit you

from being fair and impartial in this case? If so, please stand.

Is there any member of the jury panel who is a member of or contributor to any group which has as its primary concern the promotion of law enforcement or victims rights? These groups would include, but certainly not limited to, MADD, SADD, or CAV, Citizens Against Violent Crime. If so, please stand.

Does any member of the jury panel feel so strongly about a person's right to self-defense that they could not set aside their preexisting personal beliefs regarding self-defense and only apply the law regarding self-defense as given by the Court? If so, please stand.

Does any member of the jury panel feel so strongly about gun ownership and the Second Amendment to the Constitution of the United States that they could not set these personal beliefs aside and apply only the law in this case as given by the Court? If so, please stand.

Has any member of the jury panel or any family member or close personal friend ever been in a situation in which that person used deadly force against another, lawful or otherwise? If so, please stand.

Does any member of the jury panel feel so strongly about drug use or distribution that they could not be fair and impartial to both sides in considering the

evidence and applying the law as given by the Court? If so, please stand.

Has any potential juror at any point been employed by a law enforcement agency?

I know I've got Mr. Fulmer, who was -- Mr. Fulmer, will you stand. I know that you've been law enforcement, firefighter --

POTENTIAL JUROR: Yes, ma'am.

THE COURT: -- know just about all the witnesses, but let me ask you again, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm keeping you, Mr. Fulmer. Your juror number?

POTENTIAL JUROR: 221.

THE COURT: 221. And can you tell me what --

POTENTIAL JUROR: It was Department of Corrections.

THE COURT: And can you tell me what years you worked at the Department?

POTENTIAL JUROR: It was '95 to '98.

THE COURT: '95 to '98?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: All right. If you were selected as a juror in this case, could you be fair and impartial to

bolt the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Does any potential juror feel they generally hold a bias towards either the prosecution or the defense? If so, please stand.

Does any potential juror disagree with a citizen's right to own a gun and/or use a gun in self-defense? If so, please stand.

All right. During the course of this trial, all of the jurors will be asked to listen carefully to testimony from witnesses, review and consider various exhibits that get admitted as evidence and follow my instructions on the law in this case. Is there any member of the jury panel who feels that they will not be able to listen carefully to all of the testimony, review and consider various exhibits and follow my instructions on the law in this case? If so, please stand.

Has any member of the jury panel formed or expressed an opinion about any issue or matter involved in this case? If so, please stand.

Does any member of the jury panel have any religious or moral beliefs which would prevent them from passing judgment on another person as a member of the jury? If so, please stand.

Does any member of the jury panel know of any reason whatsoever why he or she should not serve as a juror in this case with particular emphasis being placed on your ability to be fair and impartial to both the State and the defense? If so, please stand.

Does the State have any additional questions it would like to have asked?

MR. NORTON: No, Your Honor.

THE COURT: Does the defendant have any additional questions it would like to have asked?

MS. YONGE: No, Your Honor.

THE COURT: All right. We're going to pick this jury. While they get the paperwork ready, let me tell you what happens next. Your juror number is going to be called. When it's called, you need to gather up all your belongings because if you're selected as a juror, you're going straight to the jury box. You will not return to your seat. So make sure you take everything with you.

I'm gonna get the bailiff to demonstrate for me. When your name is called, I want you to come through these double doors, straight up to the podium and turn around and face the doors just like this bailiff up here is doing. You will hear the State say either present or excuse the juror. If you're excused, please go back to your original seat. Don't leave the courtroom. If they

say present, then the other side's gonna say either seat the juror or excuse the juror. If you're excused, please return to your seat. If they say present, we're gonna show you to the jury box.

I think we're gonna have two alternates in this case. I think I've got enough jurors for two alternates.

Now let me tell you what I tell every single jury panel. Do not get upset if you don't get picked. Because we've had people get upset. Don't do it. We're only picking one jury this week, so if you're not picked I can tell you that you will be excused.

Are we ready down there?

THE CLERK: We're printing it now, Your Honor.

THE COURT: Just to let you know, the computer randomly just mixes up all of your names and puts it on a list and we just go down the list. That's how we're gonna pick a jury. Just letting you know.

Sometimes that works, sometimes it doesn't. Sometimes we've got to write down everybody's juror numbers and pick it by hand, which we've had to do.

All right. Again, if you're an if your juror number's called, come through the double doors, up to the podium, turn around and face the doors, okay?

THE CLERK: Juror Number 149.

(Whereupon, 149, a white female, was called

forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please present Ms. Parker.

THE CLERK: What say you for defense?

MS. YONGE: Please swear Ms. Parker.

THE COURT: It's that easy.

THE CLERK: Juror 104. 104.

(Whereupon, Juror Number 104, a white male, was called forward.)

MR. NORTON: Please present Mr. Kiblin.

MS. YONGE: Please swear Mr. Kiblin.

THE COURT: Have a seat in the jury box, please, sir.

208. 208.

(Whereupon, Juror Number 208, a white male, was called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please present Mr. Vroman.

THE CLERK: What say you for the defense?

MS. YONGE: Please excuse Mr. Vroman from the trial of this case.

THE CLERK: If you'll return to your seat, please, sir.

163. 163.

(Whereupon, Juror Number 163, a white female, was

called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please present Ms. Roman -- Rhoden.

MS. YONGE: Please swear Ms. Rhoden.

THE CLERK: If you'll have a seat in the jury box, please, ma'am.

202. 202.

(Whereupon, Juror Number 202, a white female, was called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please present Ms. Tripon.

THE CLERK: What say you for defense?

MS. YONGE: Please swear Ms. Tripon.

THE CLERK: If you'll have a seat in the jury box, please.

75. 75.

(Whereupon, Juror Number 75, a black female, was called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please excuse Ms. Gardner from service in this case.

THE CLERK: If you'll return to your seat, please, ma'am.

Juror Number 7.

(Whereupon, Juror Number 7, a white male, was called

forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please excuse Mr. Ardis from service in this case.

THE CLERK: If you will return to your seat, please, sir.

201. 201.

(Whereupon, Juror Number 201, a white male, was called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please present Mr. Torok.

THE CLERK: What say you for defense?

MS. YONGE: Please excuse him from the trial of this case.

THE CLERK: If you'll return to your seat, please, sir.

113. 113.

(Whereupon, Juror Number 113, a white female, was called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please present Ms. Libby.

THE CLERK: What say you for defense?

MS. YONGE: Please excuse Ms. Libby from the trial of this case.

THE CLERK: If you'll return to your seat, please,

ma'am.

108. 108.

(Whereupon, Juror Number 108, a white male, was called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please present Mr. Langston.

THE CLERK: What say you for defense?

MS. YONGE: Please swear Mr. Langston.

THE CLERK: If you'll have a seat in the jury box please, sir.

88. 88.

(Whereupon, Juror Number 88, a white female, was called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please present Ms. Hasychak.

THE CLERK: What say for defense?

MS. YONGE: Please swear Ms. Hasychak.

THE CLERK: Have a seat, please, in the jury box.

176. 176.

(Whereupon, Juror Number 176, a white female, was called forward.)

THE COURT: Could you back up just a little. Thank you.

THE CLERK: What say you for the State?

MR. NORTON: Please present Ms. Scholz.

THE CLERK: What say for defense?
MS. YONGE: Please excuse Ms. Scholz from the trial in this case.
THE CLERK: If you'll return to your seat, please, ma'am.
145. 145.
(Whereupon, Juror Number 145, a white male, was called forward.)
THE CLERK: What say you for the State?
MR. NORTON: Please present Mr. Oliver.
THE CLERK: What say for defense?
MS. YONGE: Please swear Mr. Oliver.
THE CLERK: If you'll have a seat in the jury box, please, sir.
78. 78.
(Whereupon, Juror Number 78, a mixed race female, was called forward.)
THE CLERK: What say you for the State?
MR. NORTON: Please present Ms. Gilyard.
THE CLERK: What say for defense?
MS. YONGE: Please swear Ms. Gilyard.
THE CLERK: If you'll have a seat in the jury box, please, ma'am.
195. 195.
(Whereupon, Juror Number 78, a white female, was

called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please present Ms. Swann.

THE CLERK: What say for defense?

MS. YONGE: Please swear Ms. Swann.

THE CLERK: 73. 73.

(Whereupon, Juror Number 73, a white female, was called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please present Ms. Gardipee.

THE CLERK: What say for defense?

Ms. YONGE: Please excuse Ms. Gardipee from the trial of this case.

THE CLERK: If you'll return to your seat, please, ma'am.

135. 135.

(Whereupon, Juror Number 135, a white female, was called forward.)

THE CLERK: What say you for the State?

MR. NORTON: Please excuse, Ms. Montgomery.

THE CLERK: If you'll return to your seat, please, ma'am.

116. 116.

(Whereupon, Juror Number 116, a white female, was called forward.)

THE CLERK: What say you for the State?
MR. NORTON: Please present Ms. Lovett.
THE CLERK: What say for defense?
MS. YONGE: Please swear Ms. Levitt -- Lovett.
THE CLERK: If you'll have a seat in the jury box, please, ma'am.
THE CLERK: 136. 136.
(Whereupon, Juror Number 136, a white male, was called forward.)
THE CLERK: What say you for the State?
MR. NORTON: Please excuse Mr. Monts.
THE CLERK: If you'll return to your seat, please, sir.
Juror Number 80. 80.
(Whereupon, Juror Number 80, a white female, was called forward.)
THE CLERK: What say you for the State?
MR. NORTON: Please present Ms. Greenwich.
THE CLERK: Was say for defense?
MS. YONGE: Please excuse Ms. Greenwich from the trial of this case.
THE CLERK: Juror 14. 14.
(Whereupon, Juror Number 14, a white male, was called forward.)
THE CLERK: What say you for the State?

MR. NORTON: Please present Mr. Barkley.
THE CLERK: What say for defense?
MS. YONGE: Please swear Mr. Barkley.
THE CLERK: If you'll have a seat in the jury box, please, sir.
101. 101.
(Whereupon, Juror Number 101, a white male, was called forward.)
THE CLERK: What say you for the State?
MR. NORTON: Please present Mr. Jumper.
THE CLERK: What say the defense?
MS. YONGE: Please swear Mr. Jumper.
THE CLERK: If you'll have a seat in the jury box, please, sir.
THE CLERK: Alternates, Your Honor?
213. 213.
(Whereupon, Juror Number 213, a white female, was called forward.)
THE CLERK: What say you for the State?
MR. NORTON: Please excuse Ms. Watters.
THE CLERK: If you'll return to your seat, please, ma'am.
Juror Number 36. 36.
(Whereupon, a white female, was called forward.)
THE CLERK: What say you for the State?

MR. NORTON: Please present Ms. Cannone.
THE CLERK: What say for the defense?
MS. YONGE: Please swear Ms. Cannone.
THE CLERK: If you'll have a seat in the jury box, please, ma'am.
THE CLERK: Juror Number 92. 92.
(Whereupon, Juror Number 92, a white male, was called forward.)
THE COURT: What say you for the State?
MR. NORTON: Please present Mr. Hunter.
THE CLERK: What say for defense?
MS. YONGE: Please swear Mr. Hunter.
THE CLERK: If you'll have a seat in the jury box, please, sir.
THE COURT: Can I see the lawyers for just a second?
(Proceedings held at the bench; not reported.)
THE COURT: Well, that concludes jury selection. Thank you for coming. You know, the justice system doesn't work unless we have you, so I appreciate your time. I appreciate you being here. I've got some good news and bad news for you. The good news is that you get paid for being here today. The bad news is that check's in the mail. Honestly they don't mail out your checks until after the term of court, so it won't be mailed until Friday. Please don't get excited and expect some huge

check because with prices these days I'm not sure you're gonna be able to go to McDonald's.

But thank you again for being here. Don't everybody rush to the door at one time. Thank you and hopefully I'll see you later in the year for jury duty.

Thank you. You can be excused.

(Whereupon, the jury panel was excused at 11:32 AM.)

THE COURT: All right. Before I talk to the jury, let me see the lawyers one more time just for scheduling details.

(Proceedings held at the bench; not reported.)

THE COURT: All right. Ladies and gentlemen, you are now the jury in this Chris, so welcome. So let me go over a couple of housekeeping rules with you. We are going to start this case today.

Now cell phones. You are not allowed to have cell phones. The bailiff will take up your cell phones. During a break you may use them, but at no time are you to use your cell phone to call anyone, do any kind of research about this case, look up any information about any attorney or court officer. Period. In fact, I'm going to tell you that you are not allowed to talk about this case even amongst yourselves while in the jury room. You cannot talk about this case at all until I tell you that it's time for you to deliberate, so. And I know

it's tempting to get on the phone and say man, you are not gonna believe this, but I just got picked for jury duty. You wouldn't believe how many times I get to hear that. Don't do it. Don't do it.

You're not allowed to talk about this case at all. You certainly may call your work and let you know you've been selected as a juror and I can tell you I think that you will be here the majority of the week, but I will keep you updated.

The lawyers in this case -- everybody's got a jury badge. Make sure you wear it and wear it proudly because you are the jury in this case. If the lawyers see you and they run, don't take it personally. I've told them to run. It's by my orders that they are not allowed to speak with you, so please don't think they're unfriendly because they're not and please do not try to speak to them or any witnesses in this case at all.

Mr. Oliver? Mr. Oliver, will you do me the honor of being my foreman?

MR. JORDAN: (Nods head.)

THE COURT: Thank you. All right. We're gonna have a special chair for you when you return.

Now what I'm going to do is there's some matters that I need to take up with the lawyers, so I'm gonna send you to lunch, but before you go to lunch I want you

to go to with the bailiff. He's gonna show you the jury room where you should report.

Remember this. When I tell you that court is gonna start at 1:30, we're starting at 1:30. If I'm missing one person we can't start. I must have everybody. So please be conscientious of everybody's time because it effects everything that we do.

So with that I'm gonna let you go to lunch. I'm gonna ask you to be back in the jury room at 1:15. I'd like to start at 1:30. I think we'll be ready. So you-all enjoy your lunch. Remember do not discuss this case at all with anyone, okay?

Have a good lunch and the bailiff will show you where to go.

(Whereupon, the jury was excused for lunch at 11:38 AM.)

THE COURT: Let's catch them and tell them not to come back until two.

I forgot, you-all, I have a meeting with -- at 1:15 that I cannot change with all the judges, so that includes family court and everybody, so it might be if I can catch them 2:00.

All right. So we're gonna start at two.

All right. Let's take up these motions. I saw that the defense filed two motions. A motion to sequester.

MS. YONGE: Yes, Your Honor.

So defense's first motion is a motion to sequester witnesses. Your Honor, obviously this motion would exclude the investigating officer, as well as the victims in this case. So both parents and the officer we would not intend the motion to include them; however, we would request that the State sequester the rest of their witnesses.

THE COURT: Any objection?

MR. NORTON: No, Your Honor.

THE COURT: Granted.

MS. YONGE: Secondarily, Your Honor, defendant moved to exclude multiple references to drugs found within and throughout the home. As Your Honor is aware from the stand your ground hearing, there were two small baggies of allegedly marijuana found in the victim's hand. There was an additional small baggy found on the table. There were copious amounts of things found throughout the home, Your Honor, to include cartridges that are alleged to be THC and large quantities of another leafy substance, as well as Gushers, which have been disclosed by the State to be believed to be edibles.

Your Honor, this is a lot of drugs and no one in this case has been indicted for or arrested for drugs and so we would ask that they not be allowed to start

hypothesizing about what kind of liquid might be in the THC, you know, cartridges or that these Gushers are edibles as opposed to not really Gushers, Your Honor, so I think this could turn into a drug trial very quickly and we're looking for some guardrails on that.

THE COURT: All right. Mr. Norton.

MR. NORTON: Thank you, Your Honor.

Judge, we would oppose the motion. I think the evidence found in the backyard and the evidence found inside the house and officers's observations of that evidence is relevant as a part of the residence side of this case, Judge, and the defendant makes it relevant about two minutes into law enforcement investigating the case when he says I found out he was a drug dealer, so all drug evidence is going to be relevant because the defendant uses that as justification initially for shooting Parrish Phillips.

Additionally, Your Honor, he identifies all of that as drug evidence or most of it as drug evidence in his interview where he says I was smoking my weed cartridge. Parrish had his personal stash in his hand. Your Honor heard his testimony last week where he identified much of that evidence as marijuana. It wasn't tested, Your Honor, because Ms. Williams is right, this is not a drug case. We don't intend to prove beyond a reasonable doubt

the chemical composition of those substances. It's sufficient that it is what it appeared to be, which is marijuana, and officers can testify to their observations of that.

The Banger cartridges she references are labeled as marijuana, so any -- any question about what that is, it's self-identifying evidence to the extent that it appears to be marijuana, it's labeled as marijuana, much of the marijuana found in the house has labeling that label it as marijuana. It is absolutely a part of this case and is an important part of this case and whether or not it was chemically tested and the chemical composition of it does nothing to detract from the relevance and the importance of that evidence in this case.

MS. YONGE: Your Honor, I would -- a few points. Sufficient that they are what they appear to be, we would disagree with that. First off, drug dealers can be fooled like anyone else, so if they're buying Banger cartridges that say they're THC, they might not be THC, Your Honor.

Secondly, Gushers are Gushers. They literally are in a Gusher box, the photo of the Gushers -- or the alleged THC edibles. Your Honor, we might -- I think hypothesizing that it is marijuana at this point, I don't understand why the State can't say a green leafy substance if that's what they wish to say. I don't think the fact that the quantity

of drugs hasn't -- it hasn't ever been weighed, Your Honor, so we can't get into -- the defense is not able to talk about whether this is a large amount of drugs or a small amount of drugs because we don't actually know what the weight is. There's been money interchanged in this case, but we don't know what the State's strategy is, so we are unable to argue that two small bags of weed is not equal to $1,200, Your Honor, because it hasn't been weighed, we think that's a problem.

Furthermore, Your Honor, we would reiterate that it's not relevant because this isn't a drug case. Even if it is relevant, it causes unfair prejudice towards our client to a degree that it might influence someone to convict him of murder when there's a large amount of drugs found in his house, which has nothing to do with the murder.

Finally, Your Honor, there's no other evidence in this case that we would submit that is admissible that would point to Jabin drug dealing. We got into that territory a little bit during the stand your ground during cross-examination and I do think that drugs might be relevant for impeachment purposes certainly, Your Honor; however, if my client chooses not to testify, so I think there need to be guardrails on what comes in because there's a lot, Your Honor, and it hasn't been measured, it hasn't been tested, and it's, frankly, not relevant to

whether or not my client was afraid for his life.

I apologize, Your Honor. I have one other point.

THE COURT: You go right ahead.

MS. YONGE: We are also concerned that this might open the door to discussing Parrish's prior drug conviction, which if the State wishes to do that, we certainly are happy to, but we can go down the line of how many times Parrish has been arrested and/or convicted for drugs since we're gonna be talking about drugs found in Parrish's room.

MR. NORTON: Judge, just to go back to the relevancy, the relevancy is whether he knew or believed it was marijuana and not whether it actually was marijuana. It's sufficient that the defendant believed it's marijuana because he's the one selling it on his phone. You saw the messages in the stand your ground hearing. He's clearly selling marijuana. Your Honor's seen that evidence on his phone. We expect there will be evidence that support that the story he gives law enforcement, that I found out he was a drug dealer and I didn't want any part of that, will be thoroughly debunked and it makes it more relevant to motive as to why he is telling that lie, why he is telling law enforcement I found out he was a drug dealer and I was addressing it with him and that's what started all this, he then changes that story, but as to his initial story,

that's what makes all this relevant, Judge. Certainly what's in the victim's hand when we're saying that he was engaged in a deadly assault on Mr. Trapp, what's in his hand is relevant.

THE COURT: Well, let me ask you this, Mr. Norton, because I do think -- I listened to the Jackson v. Denno and it is kind of all tangled in between about part of his motive, how he didn't want a drug dealer living in his house, he found the marijuana. It was part of his story, so I do think it's relevant and -- and probably admissible under res gestae, but, you know, the other thing that I'm listening to Ms. Yonge say about the weight and it being worth $1,200 because I remember $1,200. You're certainly not implying that that bag of marijuana was $1,200.

You're not gonna be saying that, are you?

MR. NORTON: Judge, we will not have any witnesses testify to the value of the marijuana or the weight of the marijuana, just that what they observed appeared to be --

THE COURT: Or that has been tested to be marijuana.

MR. NORTON: No one -- we will not call any witnesses, Judge, who will say that that was chemically tested or that that is absolutely marijuana.

THE COURT: Well, she can certainly -- that's free game for her on cross.

MR. NORTON: Absolutely.

THE COURT: I'm thinking. Was there any other concern, Ms. Yonge?

MS. YONGE: Your Honor, I would at least request that any mention of, quote, edibles be excluded as they were literally in Gushers boxes, were not tested and did not appear to be relevant to the State's case at least with regard to what we saw during the stand your ground.

THE COURT: I don't remember the Gusher boxes. Is that the box that they found in his room that matched the other stuff?

MR. NORTON: Judge, that's one of the big totes with -- with the Gushers in it. And certainly, Judge, we anticipate there will be evidence of the defendant selling people edibles, so if those items appear to be marijuana edibles, then I think it's relevant. The fact that they're in Gushers boxes doesn't detract from that.

MS. YONGE: Your Honor, we don't believe that the evidence that -- that the State is discussing is actually ultimately admissible in the trial.

MR. NORTON: Well, then let's take that up now because we intend to admit all of that evidence. So if they're moving to suppress any of that evidence, I think that would need to be a pre-trial motion.

THE COURT: Of the Gusher boxes?

MS. YONGE: No, Your Honor, regarding the text

messages that he is discussing with -- I forgot the name, Shannon, Your Honor, these were the text messages that were discussed during the stand your ground hearing. We do not find -- under State v. Ostrowski, Your Honor, which is 435 SC 364, 2021, we don't believe that those text messages are relevant to showing that our client was drug dealing at the time. They might show that he was drug dealing during whatever those text --

THE COURT: Well, you-all are gonna have to show me the text messages because I -- I don't have a motion on this and --

MR. NORTON: And, Judge, I think it's important to note that the case she's referencing, State v. Ostrowski, is a case that stands for the proposition that when you are trying someone for drug trafficking or drug distribution, you can't go into their phone and pull texts from six months ago of them dealing drugs and say this proves they are guilty of them dealing drugs or possessing the drugs they're accused of having in this case.

So it's propensity evidence. We are not using the texts of the defendant selling drugs to prove that he was guilty of selling drugs on a particular date. We're using the texts to show that he didn't just know Parrish was a drug dealer, he was a drug dealer himself. So it's relevant to the motive, which is 404 evidence under Lyle,

if he's saying I found out he was a drug dealer and things went south from there, that's totally different than what Ostrowski is saying, which is you can't use texts of prior drug dealing to prove someone was guilty of dealing drugs when they're charge.

MS. YONGE: Your Honor, to begin with, my client hasn't been charged with drug dealing, so let's just start with that. It's a heavier burden to show why it's relevant in this case when he's been charged with murder. It's not even mentioned on the warrant affidavit, anything about drugs, and we understand, Your Honor, that it is tied in because of my client's claim for self-defense. I understand that, Your Honor.

THE COURT: Right.

MS. YONGE: And I am not saying that the baggies being in the guy's hand aren't admissible because I understand from a self-defense perspective that that is relevant. However, the edibles are irrelevant. Whether or not he was trying to get some for a friend several months prior has nothing to do with whether or not he murdered Parrish.

THE COURT: Well, tell me about these edible texts.

MR. NORTON: First of all, it's seven days prior he's texting Shannon Tilford or sending her Snapchat messages saying that he can get her a weed vape, that they're

$40.00, he's saying one-eighth for 200, good stuff, and then there's another saying would you be interested in some edibles, they are great for sleep.

All of those, Judge, are on either 6-20 or 6-25, two days before the murder.

So it's relevant because he makes it relevant, Judge. His first statement is about I found out he was dealing drugs and I was addressing it with him and we got heated. He says another unprompted statement in the interview -- or when he's sitting there with Paul Walker saying I found out he was a drug dealer and I didn't want any part of that and things went south quick.

So from the beginning --

THE COURT: Well, can you use that to impeach him if he takes the stand?

MS. YONGE: Your Honor, that is my point. And, furthermore, none of these text messages say I'm getting my drugs from Parrish, Your Honor, so I don't know if he -- first off, Your Honor, we contend that it's not drug dealing, but, secondly, there's nothing to tie these to Parrish. It's just Jabin's text saying hey, would you like some edibles.

MR. NORTON: I totally can. They are forty. That sounds like drug dealing. That sounds like he's offering weed vapes for $40. I don't -- I don't know any other

way to read that text, Your Honor. He's being asked if I could have one of those weed vapes, how much are they. I totally can. They are forty. That's clear evidence that he is -- he is selling this person drugs. It doesn't matter if they're friends, it doesn't matter if, you know, he's only doing it once. His -- his story is I found out he was a drug dealer and I didn't want any part of that. So now every piece of evidence that shows that yeah, he did want a part of it and yeah, he did know about it is relevant because then it's well, why are you telling the police that that was your justification for starting this argument.

MS. YONGE: Your Honor, those texts, if we read them -- and this is just for the sake of argument, I don't believe this, but, Your Honor, if he is saying I have drugs and I am selling them to you, the fact that he knows another drug dealer has nothing to do with whether or not he understood Parrish to be a drug dealer. There's nothing in there that ties it to Parrish, Your Honor. So he might have found out that -- he might be -- let's say he's dealing for someone else and then --

THE COURT: No, I think what -- I think what he's saying is, and correct me if I'm wrong, is that he's saying well, this whole thing is he was tired of his roommate being -- messing with drugs when, in fact, he was messing

with drugs himself.

MR. NORTON: And, Your Honor, if we're gonna go into this, I think now is the appropriate time to go into this issue. We intend to introduce texts between the defendant and Parrish Phillips where Parrish Phillips is texting the defendant about all the different drug products he has in -- July 21st of 2020 and the defendant responds by acknowledging all of these different products; edibles, carts, raw marijuana, and the defendant says I told you some time ago I wanted in, have the finances to make it happen.

So we intend to show not only was Jabin Trapp aware of the drugs in his home, not only was Jabin Trapp involved in selling drugs, but Jabin Trapp was directly engaging Parrish Phillips to be involved in a drug conspiracy to sell marijuana.

MS. YONGE: And, Your Honor, if they come in in a certain order, then it may very well be that the State can get it in, but at this time I don't think we can blanket say that a text to a random person saying he has edibles has anything to do with Parrish.

THE COURT: I'll let him lay a foundation for it.

Are you planning on using it in your opening?

MR. PINCELLI: I would, Your Honor. I mean, I'm looking for this ruling. I just -- I think it's relevant

we're talking about a case where we know who did it, so, I mean, it comes down to the credibility of a lot of these witnesses and when the one witness on trial -- or the defendant on trial, we're depending on all a lot of his statements. If we can show that he's not credible because he says he has no idea his roommate had been a drug dealer until right before the conversation.

THE COURT: Well, do you have to be specific until you-all lay a foundation as to whether they come in or not?

MR. PINCELLI: I'd like to be able to say that he had knowledge well before this date and that potentially he was even involved in it. I'd like to at least be able to throw that out there for the jury.

THE COURT: I think he can say that; can he not, Ms. Yonge?

MS. YONGE: Your Honor, we would maintain that we object to any mention -- for the record, we object to any mention of the drugs in the opening.

THE COURT: Well, I'm gonna let them do it. I'm gonna find it relevant and it goes -- it goes with the story for the res gestae and on top of that I've weighed it. I find it not prejudicial, so. But I want to make sure that you-all understand my ruling. I don't want you-all going into saying how much weight it was. I

don't want you saying you drug tested it, that this is absolutely positively marijuana. You-all don't need to be saying that because you hadn't done that because none of that's true.

As far as the specific text messages coming in, I'll rule on those one by one as we get ready to do them. I'm not gonna sit here and rule whether the text message can come in when we haven't even started the trial. So as long as you lay a foundation, I'm gonna allow it.

MR. PINCELLI: Thank you, Your Honor. And I --

THE COURT: I mean, Ms. Yonge doesn't have some kind of prejudicial argument, but right now I find it more probative than prejudicial, so I'm gonna allow -- allow that.

MR. PINCELLI: Thank you, Your Honor. Can we -- and I appreciate Ms. Yonge's objection to any mention of marijuana. Can we agree that we're taking note on the record that her objection keeps moving, and rather that than interrupt pre-trial, I do -- I do plan to say essentially what I said earlier. There's, you know, potentially evidence the jury will see that not only was he aware that Parrish was a drug dealer well before that weekend, that he might have also been engaged in drug use or drug sales. Rather than having an objection during opening, she has a sustained continuing objection.

MS. YONGE: We would appreciate that, Your Honor. We don't want to leap up during Luke's opening either.

THE COURT: Okay. And we will do so.

MR. PINCELLI: Thank you, Judge.

Thank you, Anna.

MR. NORTON: And in the same vein, Your Honor, I know when we left the stand your ground hearing, we had discussed the State's character evidence motion and I think we were on the same page in regards to the defense's ability to reference the victim's character for, I believe the Court phrased it as being a hothead, without going into any specific instances or alleged specific instances or conduct.

MS. YONGE: Your Honor, that's our understanding. I believe only has to do with --

MR. YONGE: I literally have the word "hothead".

THE COURT: Perfect. Perfect.

All right. We'll then we'll start at -- anything else?

MR. NORTON: Nothing from the State, Your Honor.

THE COURT: All right. Then we're gonna be in recess until two. We'll, start back at 2:00 promptly. We're gonna go into openings and --

MR. NORTON: Two short witnesses.

THE COURT: -- and two short witnesses and we'll call

it a day.

MR. NORTON: Yes, Your Honor. Thank you.

THE COURT: No, thank you.

(Whereupon, a luncheon recess was taken at 11:59 AM.)

(Back on the record at 2:06 PM.)

(State's Exhibit Number 1 through 62 were marked for identification.)

BAILIFF: Stay seated. Court will come to order.

THE COURT: All right. Is the State ready?

MR. NORTON: The State's ready, Your Honor.

THE COURT: Defense ready?

MS. YONGE: Defense is ready, Your Honor.

THE COURT: All right. Let's bring the jury in.

MR. NORTON: Judge, we have -- we're gonna substitute one of the exhibits after today. We intend to admit an exhibit through a witness, it's a video, and after he's finished testifying before we rest we'll substitute in a new copy with consent of both parties.

MS. YONGE: Your Honor, it will have additional video clipage on it from minutes 22:25 to or 24:10 and 43:55 to 44:17.

THE COURT. Okay. And this is gonna be one of the witnesses, the first witness?

MR. NORTON: It will be the second witness, William Norris. We will -- you'll be seeing a portion of Officer

Hassler's body-worn camera. Those minutes are not in the exhibit we will admit today, but we will burn a new copy and by consent we'll substitute it.

THE COURT: Okay. And what number is that?

MR. NORTON: It will end up being Exhibit 3.

MR. COX: It will likely be Exhibit 5, Your Honor.

THE COURT: Okay. But was it a Court's exhibit or --

MR. NORTON: No, Your Honor. It will be a State's exhibit.

THE COURT: State's. Okay.

Okay. I was gonna say we haven't introduced anything yet, but that's coming. Perfect.

(Whereupon, the jury return to the courtroom at 2:09 PM.)

THE COURT: All right. Mr. Foreman, the jury ready?

FOREPERSON: Yes, ma'am.

THE COURT: All right. Please be seated.

All right. I'm gonna ask the clerk to swear in the jury, please.

THE CLERK: If you'll stand again and raise your right hand, please.

(Whereupon, the jury was duly sworn by the Clerk of Court.)

THE COURT: All right. Ladies and gentlemen, before we begin the actual trial of this case, I thought it might

be helpful if I explained to you basically how a trial proceeds.

First, the State will make an opening statement. An opening statement is not evidence. It is simply an outline to help you understand what that party expects the evidence will show. The defendant may, if he wishes, present an opening statement, but he doesn't have to for reasons I will explain in a moment.

Following the opening statements, you will hear testimony and evidence in this case. This will consist of testimony from State's witnesses, as well as any physical exhibits which will be introduced into evidence.

Following the completion of the testimony, the attorneys will, again, have an opportunity to make what is called a closing statement or summarize the case from their point of view. Again, these arguments are not evidence.

Following the closing statements by the attorneys, I will instruct you on the law of South Carolina as it pertains to the issues that have arisen in the case. When I have completed my instructions to you, you will then be permitted to begin your deliberations in order to reach a verdict.

I want to take a few minutes to tell you something about your duty as jurors and to give you some

instructions. At the end of the trial, I will give you more detailed instructions and those instructions will control your deliberations. It will be your duty to decide from the evidence what the facts are. You and you alone are the judges of the facts. You will hear the evidence, decide what the facts are and then apply the facts to the law which I will give to you. That is how you will reach your verdict. In doing so, you must follow the law whether you agree with it or not.

The evidence will consist of the testimony of witnesses, documents and other things received into evidence as exhibits and any facts on which the lawyers agree or which I may instruct you to accept. You should not take anything I may say or do during the trial as indicating what I think of the evidence or what your verdict should be.

This is a criminal case brought by the State of South Carolina. The State charges the defendant with murder. The charge against the defendant is contained in the indictment. The indictment is not evidence of anything. It is simply the description of the charge made by the State against the defendant.

The defendant has pled not guilty to the charge and is presumed innocent unless and until proven guilty beyond a reasonable doubt. Proven beyond a reasonable doubt is

proof that leaves you firmly convinced of the defendant's guilt. A defendant has a right not to testify and never has to prove his innocence or present any evidence. The burden of proof is always upon the State of South Carolina.

The following things are not evidence and you must not consider them as evidence in deciding the facts of this case. Statements and arguments of the attorneys are not evidence. Questions and objections of the attorneys are not evidence and testimony that I instruct you to disregard.

Evidence may be direct or circumstantial. Direct evidence is testimony by a witness about what that witness personally saw, heard or did. Circumstantial evidence is indirect evidence; that is, proof of one or more facts from which one can find another fact. You are to consider both direct and circumstantial evidence. The law permits you to give equal weight to both, but it is for you to decide how much weight to give any evidence.

There are rules of evidence which control what can be received into evidence. When a lawyer asks a question or offers an exhibit into evidence and the lawyer on the other side thinks that it is not permitted by the rules, that lawyer may object. If I overrule the objection, the questions may be answered or the exhibit may be received. If I sustain the objection, the question cannot be answered

or the exhibit cannot be received. Whenever I sustain an objection to a question or deny a motion to admit an exhibit into evidence, you must ignore the question or the existence of the exhibit and you must not guess what the answer would have been or what the exhibit would have shown.

Sometimes it may be necessary for me to request that you leave the courtroom when I discuss with attorneys legal questions that come up during the trial. If that occurs, you should not speculate about our discussions or the reason that you were asked to leave the room. This is simply a procedure that the law requires when certain legal issues arise. There also may be occasions where I ask the attorneys to approach the bench. That is to discuss a legal issue with them in private. I will do this as often as possible so you will not be required to leave the courtroom. Again, if I ask the attorneys to step up to the bench or I ask you to leave the courtroom, please do not think anyone is trying to hide anything from you or keep any evidence from you. This is simply a procedure used by all lawyers and by all courts to determine and decide legal questions.

In deciding the facts of this case, you may have to decide which witness to believe and which witness not to believe. You may believe everything a witness says, only

part of it or none of it. In deciding what to believe, you may consider a number of factors including the following. The witness's ability to see, hear or know the things testified to, the quality of the witness's memory, the witness's manner while testifying, whether the witness has an interest in the outcome of the case or any motive, bias or prejudice, whether the witness was contradicted by anything the witness said or wrote before the trial or by other evidence, how reasonable was the witness's testimony when considered in the light of the other evidence which you believe.

Until I advise you to begin your deliberations, you must not discuss this case with anyone, including your fellow jurors, friends, family members or anyone involved in the case. This includes discussions face to face, those by telephone, e-mail, text, blogs, Twitter, Facebook, Google or any other method of communication. You may not use a computer, a cell phone or other electronic device with communication capabilities at any time while in the courtroom or during your deliberations. During your brakes you may use these devices; however, you may not at any time use these devices to get or send information about the case. This includes information about a party, a witness, an attorney or a court officer, news accounts about the case, research

on any topics raised or any topics you may think would be helpful in deciding the case or any testimony presented by any witness. During the trial do not read, listen to or watch any news reports about the case. This includes anything that may be in the newspapers or in the Internet, radio, television. You must not consider anything you may have read or heard about the case outside of this courtroom whether before or during the trial. After the case is submitted to you, you must discuss it only in the jury room with your fellow jurors.

I told you earlier that the lawyers have been advised not to speak with you at all, so if you see anyone involved in the case, don't think they're being unfriendly. They're just following my instructions.

It is important that you keep an open mind and not decide any issue in the case until all of the evidence has been presented, the parties have made their closing arguments and I have instructed you on the law in this case. It is your sole responsibility to determine the guilt or innocence of the defendant and your verdict must be based solely on the evidence as it is presented to you in this trial and on the law as I instruct you during and at the close of trial.

Mr. Foreman, it is your added duty to preside in the courtroom {sic} and you will also be the jury's

spokesperson here in court. It will also be your duty to write the verdict, but I'll give you further instructions later on.

In order to preserve everyone's rights, I will give the parties an opportunity to object to anything I have said.

Any exceptions that I've said by to the jury by the State?

MR. NORTON: No objections, Your Honor.

THE COURT: Any by the defendant?

MS. YONGE: None from the defense, Your Honor.

THE COURT: We will now begin the trial of this case. Mr. Norton. Oh, Mr. Pincelli.

MR. PINCELLI: Thank you, Your Honor. May it please the Court?

THE COURT: Yes, sir.

MR. PINCELLI: Ladies and gentlemen, good afternoon. You were just sworn in as the jury. You heard Mr. Norton earlier. He read the indictment. You are well aware now that we are here for a murder trial. We are here because on June 27, 2021, on a Sunday afternoon Jabin Trapp shot and killed Parrish Phillips. In fact, you will learn early on that is not disputed.

Jabin Trapp shot and killed Parrish Phillips in the backyard of the home they both lived. You don't have to

worry about the who. It's Jabin Trapp. The what, the cause of death, it was a shooting. He suffered four gunshot wounds and died at the hands of Jabin Trapp. The who and the what are taken care of. What you get to do now is focus on the how and the why. Focus on the details. The details are what will matter in this case.

You'll learn a lot of those details from the defendant's own mouth; the recorded calls, body cam videos, recorded interview. You'll hear testimony about a reconstruction that was done. The defendant will tell his version on those. You'll get to see it. Think about the details in those. Think about maybe what his interest might be, his version of the truth.

The first thing you'll hear is a 9-1-1 call from the defendant. That's right. He called 9-1-1. The defendant did. Listen to the details about that. Think about the choice of words. That's one of the first things you'll hear in this trial. 9-1-1. My friend was shot. Was shot. Who shot him? The homeowner. Now there will be a little more clarity as the phone call goes on, but think about those choice of words. Was shot? Not I just shot the man. Who shot him? The homeowner. Not me. It was me. I shot the man. My friend was shot by the homeowner. The details, folks.

Listen to what else he says because you'll get

context throughout the rest of the trial and you'll pick up that context and you'll be able to use it and weigh it against what you hear. He sicced his dog at me. His dog was gonna attack me. Think about that. Hold onto that because one of the very next things he says is gonna contradict that a little bit it sounds like. He'll say to the 9-1-1 operator he attacked me, you'll hear a pause, or tried to. Well, which was it? Did he attack you or did he try to? Think about the details.

More things you'll hear from the defendant. A body cam video. In fact, so close in time it overlaps. The beginning of that body cam video you'll see he's still on the phone with 9-1-1. This is in the moment. This is moments after he shot and killed Parrish Phillips. One of the first things you'll hear, remember the dog, remember that dog that attacked him? One of the first things you'll hear. Don't shoot the dog. He's a good dog. His name is Max. His name is Max. Don't hurt the dog. This dog that was supposedly gonna attack him, that somehow was relevant in the 9-1-1 call as to why he shot and killed his roommate. That's an important detail.

He tells the 9-1-1 operator -- she asked where was he shot. That's a good question trying to assess what kind of medical needs there are, what's going on on-scene. I aimed center mass. Mid torso. Think about that detail.

You'll see where those gunshot wounds were. I'll tell you right now they weren't center mass, mid torso.

On-scene what does he tell the police? Well, he starts out by giving some background. He was a good friend of mine, he'd been living with me, he was getting over a real bad surgery. Well, that checks out. We'll get into more of that in a little bit.

I found out he was doing something I didn't like and I confronted him about it. He confronted him about it. He talks about a heated argument. So there's a heated argument between roommates, this man that lived with him. Well, the officer asked a follow-up question because what you'll see and what will become very apparent throughout the course of this trial, but especially what you'll see on-scene, the victim, Parrish Phillips, where he died in the grass in the backyard of the home he was living, he died with a bag of what looks to be marijuana in his hand.

So what's a reasonable question for law enforcement when they go to the scene where there's a dead man with a bag of suspected marijuana in his hand? Was this a drug deal or something? What's -- what's going on with the drugs I see? You'll hear from Jabin Trapp well, I found out he was dealing drugs and I had to talk to him about it. I think you're gonna hear more about that and I

believe you'll hear he didn't just learn that. Think about that detail. This is his first opportunity to say what happened, to tell the truth. That was not new information to Jabin Trapp. You'll hear that not only was he not just made aware of that, he knew about it for quite some time and perhaps was engaged in it himself. Think about that detail.

And it doesn't just stop there. The defendant sits down with law enforcement two or three days later. He's not under the shock of the event. It's still fresh in time. That should be opportunity to give a long extended interview and to really explain what happened, but what you'll do when you see it on that big screen, is you will be watching him contradict himself over the course of about an hour and a half interview. During one interview he's saying different things. Those are important details. That's about the credibility to judge a witness. He gives a reconstruction days later. Again, close in time, but not under the shock of the events. You would think these would the most clear thoughts he has on the occasion. That reconstruction didn't add up to investigators and you'll see why throughout the course of this trial.

You'll learn a lot and much of it will be from the defendant, but the things the investigators learn was, you know, to start with the relationship between these

two men, the defendant and our victim Parrish Phillips. They had known each other for a decade. They were good friends. They had spent holidays together. Jabin Trapp did let him come live with him. They had a rental agreement. In fact, you'll hear they had never had an argument. Of course, they had an argument that day that ended in a killing, but before that never a cross word. That's important. These men knew each other. They were friends. What happened? Why? How? The details.

You'll learn more about Parrish. Now he had that bag of suspected marijuana in his hands. It's not gonna be a secret. Parish sold some marijuana. Is it illegal? Sure. Maybe not something you want your roommate doing. You might have known about it though, but it is not a reason to kill anybody. You don't just get open season because he has marijuana, but that's not all you'll learn about Parrish. You'll learn he was a very fragile man. He was 50 years old and otherwise was in great is shape except for the fact that earlier in April before this June incident he suffered what people will testify to as a bowel rupture. It required major surgery. He was cut open. He left the hospital after weeks and weeks in the hospital. He left the hospital with still an open wound on his lower abdomen and a colostomy bag. That's an important detail to consider as we go out through the

course of this trial to this man that was apparently aggressive, we'll get more into that later, and tried to assault him. This wounded man that had just had his guts split and was still walking around with a wound and a colostomy bag, and that wasn't it. He had a prior injury. Our victim Parrish Phillips wore an eye patch because he had a prior injury to his eye. So that's a picture of our victim. A man with an eye patch, a colostomy bag and was recovering from recent surgery.

Think of the timeline here. He was shot and killed on June 27, 2021. He had major surgery some time -- all this started in April. He moved in earlier that month of June. He's not far removed from all these serious medical complications. In fact, he was still receiving home wound care from a nurse who would come into his house and help him dress his wounds and look at everything and make sure he was doing okay. Serious stuff, folks.

And how did Parrish come to live with Jabin? Well, they were friends for a long time. They rode motorcycles together, they'd known each other. Parish reached out for a place to stay and Jabin agreed. You'll see they came to an agreement. At least early on they came to a agreement. It wasn't the first of June that Parrish moved in, but it was early June, and they came to agreement for $400 for rent for the month of June. You'll see a receipt

for that, a receipt written out between the two of them.

And that's when in Jabin's heart some tension starts brewing because while it started helping a friend out, $400 rent, it quickly increased. And, again, he moves in in June. He is killed June 27th. That's not a lot of time, but it was enough time for Jabin to say hey, you know what, that $400, I think $1,300 might be more appropriate. You'll see some notes on that. It's a pretty huge increase. Parrish, a man who's asking for help because he just got out of the hospital not too long ago, he says I cannot afford that, and they do come to another agreement. It was $600 a month. And Jabin had him pay for July and August upfront. Again, shot and killed June 27th. He's already paid for June rent, he's put money up for July and for August. $1,600 all told. Parish did whatever Jabin told him to as far as paying that rent.

So what's the issue? Well, as it turns out Parrish, maybe not a great roommate. Taking wound care on the couch. That was something he should have been aware of beforehand, but it was frustrating. Jabin Trapp was not happy with the living arrangement. Tension was building inside of him because he was unhappy in his home.

Now he invited Parrish into his home, he made a rental agreement so Parrish could live in his home, but

very early on he wasn't happy with him. He tried to raise the rent. You'll see communications that he was complaining about the living arrangement. He wasn't happy about it. He was planning to have this talk. Building up inside of him. He was planning to have this talk. It's not working out. And later he does have a talk and we see how it ended, and that's why we're here today.

But everything you learn from this case isn't gonna just come from the defendant. You're gonna learn a lot more. Pictures and videos, testimony from the stand, and we're gonna take this case and condense it into a week and you'll be able to see what the truth is.

Now these men had known each other for a decade, but we're gonna Parrish this down. He's killed on a Sunday afternoon, Parrish Phillips is. I'm gonna take you to Friday. Friday night Parrish Phillips is in such bad shape from his previous medical conditions, he's in such pain that Jabin reaches out to a friend of his he'd recently reconnected with, and gets some pain pills so that Parrish can take them because he's in so much pain and in such bad shape at home.

He gets the pain pills. He comes back and gives them to Parrish and he says, you know what, I'm gonna go back out and spend some time with that friend of mine, and I'm gonna take Lizzy. Lizzy Warwick, folks. That

is our victim's girlfriend. She lived with Parrish. She spent about half the time with him spending the night there at Jabin's house. Well, that Friday not after giving Parrish those pain pills because he was, again, in such bad shape, Jabin goes back out, takes Lizzy with him, and they spend night at that friend's house. I think you're gonna hear that Parrish is a little bit frustrated with that. You can infer a lot of things, but at the very least he was left home alone and he even woke up on Saturday and nobody was there. He didn't love it.

So on Saturday he borrowed Jabin's car with permission and got some space. He went down to Charleston. He took a day for him. He went and had some crab legs, looked at the water, got back late that night. You'll see text communications about that night. No animosity. Yeah, I'm home. Keys on the hook. I'm tired and going to bed. There's a little bit of back and froth, but, again, nothing dramatic. In fact, Jabin asked something like are we good and Parrish says yeah. Friends of ten years. Never had an argument. Are we good? Yes. That's how Saturday ends. The very next day he is shot and killed. That tension was building. Just couldn't wait to talk about that living situation.

So we get to Sunday. Sunday Parrish makes plans with another friend, Aubrey Rowe. You'll hear Aubrey Rowe.

She will come and talk to you. She will testify. She will talk about a day out with her friend. They went to LJ's for Sunday Funday. And, in fact, it was a family outing for Ms. Rowe, she brought her daughters, and turned into a specific family occasion. She learned she was gonna be a grandma for the first time that day at LJ's. So it is a moment in time that she really remembers because she found out she was gonna be a grandma. It's also the last time she saw her friend, Parrish Phillips, alive because after several hours together having fun at LJ's, listening to music, that was the last time she saw her friend.

She'll tell you about Parrish's physical condition that day. He was up. He was able to leave the house, but a grown man of fifty or so years old, she had to get a blanket from her car to sit on. He was in bad shape. He could get around. He wasn't moving fast. She drove him home. She stopped, he got some cigarettes. They get home and she'll describe how he said good-bye. Again, the last time he would see her. I think you'll hear he gave her a kiss on the cheek, said thanks for taking me out. They had a great afternoon. He's happy. He had a good time. He comes home no issues.

How did we get here today? Why are we here today? He gets home and he talks to Lizzy, his girlfriend, who

was at the house. Lizzy is planning to go to a funeral that day. You'll hear Parrish was gonna go with her in support. A friends of Lizzy's had died. Parish talked about that, went out in the backyard to a have a smoke. Again, he had been out all day. He was about to go to a funeral, he was trying to just smoke a cigarette, but that tension, that tension has been building, and Jabin just can't help himself but to have this conversation right now.

Out on the back porch he starts up with Parrish. This roommate thing is not working out. You're -- you're an ungrateful house guest. You're not cleaning up after yourself. They start this argument, and it starts to get heated. He'll tell people it became a heated argument. Listen to his version of events. You'll hear them. Weigh it against everything else. Because as it starts, it's not working out, but when Parrish doesn't say all the right things, he goes inside, fetches that $1,200 in upfront rent money for July and August, and brings it back out. He says here, you need to go find a place, go on. But that's escalating it, folks. This medically-compromised man who's been out all day, who just wanted to have a smoke and then go to a funeral with his girlfriend, suddenly he's getting rent money thrown at him and he's got to find a new place to live. That makes him a little bit angry. I think that's understandable.

He stands up and it's confrontational. This is a heated argument at this point. Lizzy will tell you she was on the back porch with him at this time. Lizzy, like a lot of folks, doesn't love confrontation. Especially something she's not really directly a party to. She went inside after that. That's an important detail.

Lizzy goes inside. Not because she thinks there's about to be a fatal confrontation, but because she doesn't want to listen to this argument between grown men roommates. She goes inside. Max, the dog, is out there with Parrish. She'll tell you Max wasn't gonna leave Parrish's side, she certainly didn't take him inside, and she goes into her room where she stayed with Parrish and shuts the door. She hears them hollering on the -- out back or arguing. She can't really make it out, but she in the bedroom and they're out on the back porch, but she hears -- she hears this. She gets on the phone with her mom. That's an important detail. That will help solidify a timeline because we have Lizzy's call records. We know when she was on the phone with her mom when she was in that room and when 9-1-1 was called. That's an important detail.

Another important detail is she says during that time in the room before she heard loud pops from out back, and we know those loud pops were the gunshots that killed

Parrish Phillips, before she heard those loud pops Parrish had never come back inside the room. That's an important detail and I think it's one she would remember because that would have been the last time she saw her boyfriend alive. I don't think that's something you forget. She didn't even remember anyone coming inside while she was in the room. She didn't hear anybody. She didn't remember anything until after the loud pops. She heard Jabin poke his head in and holler to call 9-1-1, and you'll see a text message where she texted back that she was having a panic attack from everything that -- she'd just heard loud pops, she's been told to call 9-1-1, she can't do it. That's corroborated by the stuff on her phone. You can believe that compared to what the defendant's version of events are.

Again, he gave interviews. He had his opportunity to tell the truth. You will get to be the judge of that. What does he say happened? He says that yes, he did confront Parrish about this roommate situation. Things were not working. And then, yes, when Parrish didn't say all the right things, he did go inside to get the rent money and confront him about it. It got heated, Parrish stood up. What Lizzy remembers Parrish saying is, you know, I might be in this condition, but I could kick your ass. Not a great thing to say, but something that a grown

man, a roommate, might say in an argument. It doesn't say she saw him do anything crazy, but he said that. Jabin's version is he says all sorts of wacky stuff. I could kill you. My dog will leave you as a carcass. Some super villain monologue to him.

And that after that confrontation, when it gets all heated, apparently Parrish goes back inside and Jabin, who at this time says is in fear for his life, after Parrish has gone inside where he's in fear for his life from this argument, he goes right back inside after Parrish, passes where apparently Parrish went, goes all the way through the house, through the living room, through the kitchen, down another little hall, into the study. Well, he says he's doing that because he's looking for his phone. This is an important detail, folks. Don't forget the cell phone.

There's two things here. If he didn't know where his cell phone was, does he know anything that's going on? Think about that when we're talking about all of this because that cell phone comes in pretty handy for him when he can't remember where it is, but he goes apparently looking for his phone, which you'll see and hear, was on a stool several feet from him when he got from up from that argument and apparently went inside. So he goes looking for his phone. He looks in the study where he'd gotten the money from the rent. He goes across the hall from

the study because he didn't see his phone and what he sees is a pistol laying on his dresser. And, again, in fear for his life he picks up that pistol, but he doesn't say Parrish, I've got my gun; you're scaring me, man. He didn't say Lizzy, things are out of hand, I'm scared. His own mouth, folks. He'll say he put it by his side and he didn't go out the front door, he didn't look for another phone or didn't call Lizzy to do anything. He walks all the way through that little hall, back through the kitchen, back through the living room, out those backdoors exactly where they started that argument. Right back to where apparently he was in fear for his life, the whole time holding the gun by his side. Not up at the ready, scared. Down by his side. That's a detail that he says. That's important. Why? How?

And then this medically compromised man that has home nurse care, a colostomy bag, blind in one eye, sneaks up on him like a ninja. Suddenly he's just right on him and he doesn't have time to rack because Jabin notices his phone, so he goes to pick up the phone and right after he picks up the phone and puts it in his pocket, Parrish is just there on him. And, again, there's all sorts of crazy things he apparently said, but then there's a struggle for the gun on this back porch. You'll see lots of pictures of the back porch. There's a high-top table, a couple of

chairs, things all over the table, a pack of cigarettes, a lighter on top of the envelope full of money, a box, there's dog bowls on the ground. The only thing disturbed on the back porch, one of the patio chairs fell over. There was a struggle for the gun. He's grabbing his arms, he gets pushed off the back porch, he's getting pushed all the way through the yard, he's backing up. At some point apparently he's able break away. He's backing up, he has the gun and Parrish apparently makes a call for the dog. Max, on me. Well, that's the command for the dog to come, but that makes Jabin so afraid, so scared for his life that rather than shoot the dog that apparently he's so afraid of, he fires four shots at Parrish Phillips killing him. He doesn't shoot the dog and he apparently was pushed all around the backyard by this guy, breaks free, backing up, shoots him.

Weigh those statements against the evidence you will see, the testimony you will hear; videos, pictures, physical evidence. Think of where they find things on-scene. People will explain where it was found, how it was found. That explains the how. Those are the important details. You will see that Jabin had no injuries from a struggle. He told law enforcement he had no injuries. He was taken to the police department, they took pictures of him. There's not marks on him at all.

Parrish Phillips, you'll hear from a pathologist, a trained medical professional that performs autopsies. She'll tell you about the -- excuse me -- pre-existing medical condition. She'll tell you about his gunshot wounds. There's no evidence of a struggle. She will tell you about those gunshot wounds. Think of this detail. Don't miss this part. Aiming center mass, mid torso. He's got gunshots up his side and in his back from a man apparently coming after him while he's backing up.

You'll hear it's common in these kind of cases for the victims DNA -- or to take scrapings under a victim's fingernail because in the event of a struggle, especially in a fatal case like this, you would expect some clawing and grabbing, you might see some DNA. Well, you'll hear from an expert. A DNA analyst will say there was absolutely one person's DNA under Parrish's fingernails. It was Parrish Phillips's. His own DNA. There's none from the defendant under there. Think of those facts. Think about the evidence. Weigh it against what you hear.

Think about, like I said earlier, that bag of marijuana, suspected marijuana, in Parrish Phillips's hands, clutched in his hand as he lays dead in the hand. What was he doing with that in his hand while he was attacking a man trying to get a gun? Does that make sense? That's a detail to think about.

Now you'll see all these details, you'll see and hear the evidence, and it is our burden of proof to prove it to you. The judge gave you a little bit of law upfront. She'll give you more on the end. It's very important you listen to her and you apply exactly what she says. But, generally, yes, we have the burden to prove this to you beyond a reasonable doubt.

A reasonable doubt. That means you're left firmly convinced. It's beyond a reasonable doubt. It's not beyond all doubt. It's not beyond a shadow of a doubt. And, very importantly, we're not burdened to prove this to you every second of this altercation, every second, every step. It is our burden to you to prove the elements of murder because that's what Jabin Trapp is on trial for.

Again, Judge McCaslin will give you the law on this, but generally murder is the unlawful killing of another with malice aforethought. Malice does not mean premeditation. Listen to the Judge again. But malice just means you had hate in your heart when it happened. You had ill-will. You can infer that through a lot of things like shooting an unarmed man, bringing a gun into a verbal argument with a roommate, not yelling out a warning. You can -- potentially him loading the gun before going outside. You can infer malice through those things.

It is our burden to prove those elements to you. It is also our burden in this case because some of those big elements are already proven. Like I said, at the very beginning, Jabin Trapp did it. He shot and killed him. You heard that. You'll hear it throughout the course of this trial. What this will be about is self-defense and it's also our burden to disprove self-defense.

The judge will give you the law on that. There's several elements. I want you to pay attention to one in particular. Listen to all, apply them all. It is your duty. But really focus on bringing on the difficulty because the law is if you have any fault in bringing on a difficulty, then you cannot legally claim self-defense and be immune and just have that as a defense and not be convicted of murder. Any fault in bringing on that difficulty. You cannot start an argument because tension is building up inside of you about this bad roommate agreement. You can't then escalate it by getting money and telling somebody you've got to get out. You can't then leave that verbal argument, go to your room and get a gun and sneak around with. You can't then use that gun and shoot and kill him and claim self-defense. You can't kick the hornet's nest and get mad when you get stung and say they came at me so I had to hose it down.

You kicked the hornet's nest. What did you think

was gonna happen? You cannot bring on the difficulty and that is exactly what he did in this case and he brought it on, he started it and he sure as heck finished it because Parrish Phillips is dead to today.

And, ladies and gentlemen, it's murder. We will have met our burden of proof on murder and disprove self-defense through the defendant's own words. Listen to what he says. Now the details are important. I submit to you when you look and compare all of the other evidence, you probably won't believe all of it, but even by his own version of events it's murder and it's not self-defense, but you don't have to take his word for it. You get to judge the credibility. You get to think about interest and bias and why people are saying what they're saying. Why doesn't it make sense?

You know, I was thinking about this case the other night and I was -- I was reading a bedtime story, and this seems funny, but it's -- it's the common sense element of this and really all trials. Berenstain Bears. A classic. Berenstain Bears and the truth. It starts out with a quote. No matter how you hope, no matter how you try, you cannot make truth out of a lie.

Why won't this make sense to you? Why when you weigh all the evidence against Jabin Trapp's statements, why will it not make sense? Think about that quote.

Because when you by think about that quote and you use the common sense that you-all walked in here with today, you will see what the real truth is and you will see that we have proved murder beyond a reasonable doubt, we have disproved self-defense beyond a reasonable doubt. And you will find Jabin Trapp guilty.

Thank you.

THE COURT: Thank you, Mr. Pincelli.

Ms. Yonge. Mr. Yonge.

MR. YONGE: Thank you, Your Honor. May it please the Court?

THE COURT: Yes, sir.

MR. YONGE: Good afternoon. My name is Jason Yonge. My wife introduced me to you-all a little bit earlier. I'm an attorney across the street at the Williams, Stitely and Brink law firm, and I represent Jabin Trapp.

You just heard a story about one of the worst days of Jabin's life and Mr. Pincelli gave a pretty compelling opening argument there. It was emotional. He told a compelling story and explained what he says they're gonna be able to prove to you in this case, which is murder. He says they're gonna be able to prove that Jabin murdered Parrish Phillips.

And he asked you to pay attention to the details and I'm gonna ask you to do the same thing because I think if

you do and if you look at the -- if you take the same set of facts he just described, the same evidence, but you look at it in a little bit different way, all of sudden this goes from a case of murder to a case of self-defense.

And he's right, Mr. Pincelli's right, that this isn't a whodunit. There's no question about who shot Parrish Phillips in this case, but I think we skimmed over a little bit why that is. From the moment it happened until right now there's been no question that Jabin shot Parrish Phillips. And the reason it's not a question of whodunit it is because Jabin called 9-1-1. This wasn't crack detective work. It wasn't forensic evidence like blood or fingerprints that pointed to Jabin, that said let's go get him. An eyewitness didn't see him do it and turn him in that day. The police didn't have to track him down and say where were you June 27, 2021. None of that. They didn't have to go looking for the gun. You're gonna hear that the reason we know Jabin shot Parrish Phillips is because he called 9-1-1 that day. Immediately after this happened. There was not no hesitation. He called them immediately.

And there is -- it transitions right from that 9-1-1 phone call up to Officer Hassler, the first person on the scene, seeing Jabin with his phone on the ground talking to 9-1-1. Jabin told the 9-1-1 operator what happened and from the moment the police arrived on the scene that day

Jabin fully cooperated with them.

Officer Hassler shows up. You're gonna see his body camera footage I think today. You're gonna see that Jabin starts talking to Officer Hassler right away. The gun's right there. It's a few feet away from him. It's on the concrete walking path while Jabin's over hear on his knees right next to Parrish Phillips. He says there's the gun. They don't have to go looking for it. As Jabin's being walked to Officer Hassler's car, Jabin answers his questions. As he's sitting in the back of Officer Hassler's car he answers more questions. What happened here? He tell them. It's interrupted a little because Officer Hassler was bitten by Parrish's dog, Max. So Officer Hassler is looking for medical treatment, but he speaks to that officer immediately after this happens.

And he's with the police for hours that day, but they eventually let him go. What does Jabin do? Does he go sit quietly at home? He comes back to the police station a couple of days later with his lawyer and he sits down with detectives and he tells them exactly what happened in this case. He wasn't under arrest. He wasn't required to give a statement. He goes in and he sits down with detectives and he says what do you want to know and they ask him questions for about an hour and he walks them through exactly what happened. He's not hiding here. He

also tells them during that interview that he's willing to reenact this. He's willing to go back to the scene with them and show them what happened live and in-person and so a couple of days later he goes with them to the scene -- or he meets them there and he shows them what happened.

He cooperates time and time again. Is this the behavior of someone that's just committed a crime? Is this what you would expect someone who's just committed murder to do? Or is this the behavior of someone who thought they were acting in self-defense when this happened?

The question isn't whether this information proves Jabin's innocent, it's a question of whether or not you have a reasonable doubt about his guilt because of what you know. It's not Jabin's job to prove his innocence here. Mr. Pincelli pointed that out. It's their burden. Jabin's presumed innocent in this case under the law.

Mr. Pincelli got up and told you his theory about what's happened here, what he thinks the evidence is gonna show you, and I'm asking you to please hold him to it.

One interesting thing he asked you to do, and we talked about it, he asked you to look at the detailed. But then he said we don't have to prove this second by second. Look at the details, but not too closely. Don't

look at it second by second, just broadly look at the details.

It's their burden to prove that not only did Jabin shoot Parrish, but that he did with is a specific state of mind. With malice aforethought. And you don't hold them to that burden by passively accepting the evidence as it comes in. You hold them to it by being critical of each piece of evidence as it's presented to you by questioning it, by putting it in context.

So, for example, like we've been talking about, when they tell you that Jabin was acting with malice aforethought when this happened, that he was acting with an evil intent to do harm, question that proposition. Put it in context of what you will learn about what Jabin was doing that day immediately before it happened and what he was doing immediately after it happened. Does a guilty man behave this way? Does a man commit murder after spending all day doing yard work and caring for a wounded bird that one of the witnesses, Aubrey Rowe, said one of her kids found in his driveway? Does a man do those things and then commit murder and then call the police and say here's what just happened? Is that what a guilty man does? Does he fully cooperate with the police? Or when they you tell you that Parrish couldn't -- or that Jabin couldn't be afraid of parish because of his physical

condition at the time, pay close attention to the details. What was his physical condition at the time?

There's a lot of talk about the surgery he had. He was released from the hospital over a month ago and look specifically about what his complaints of pain were. Was it that he was physically incapable of getting around or doing anything? Or was he having a little bit of pain from this surgery?

Also consider Parrish's temperament, his reputation for being a hothead. I believe Mr. Pincelli described it as kicking the hornet's nest. You don't kick the hornet's nest and not expect them to come out. Well, the hornet's nest in this case is Parrish. And then ask yourself if it would be reasonable for Jabin to be afraid of that man in that moment.

That's all I can ask you to do in this the case is just be critical of the evidence that you see to include Jabin's statements. I don't want you to gloss over those. I want you to look at them second by second. I want you to go through them multiple times after you've had a chance to see them for the first time. I want you to pick them apart and decide is he making something up? Is this all concocted in a sudden moment after he shot his friend in what he thinks is self-defense or is it the truth? Is it what he thinks happened? I mean, this all

happens in a snap. This isn't time to make decisions, let's think about what's happening right now. He's telling them live after the shooting happens what he remembers as fast as he can. Pick it apart. I want you to look at every second of his statements. I think if you do that, you'll be left with a lot of unanswered questions.

It all seems very clear in opening statements, but once you've seen all the evidence I think you're gonna be left wondering about this case and you'll feel hesitant to accept the State's version of events. If you feel that hesitation when this case is over, that is reasonable doubt and that would mean the State has not met its burden, and we would ask you to find Jabin not guilty.

Thank you.

THE COURT: Thank you.

All right. Is the State -- before I say that, Mr. Foreman, the jury okay?

FOREPERSON: (Nods head.)

THE COURT: You may call your first witness.

MR. COX: Thank you, Your Honor.

The State calls Angie Gunter.

(Whereupon, Angela Gunter was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat, please. If you

will state your name and then spell your last, please, for the record.

THE WITNESS: It's Angela Gunter. G-U-N-T-E-R.

THE COURT: If you can pull that mic a little close to so everybody can hear.

If you can't hear, raise your hand.

Okay.

MR. COX: Thank you, Your Honor.

ANGELA GUNTER,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. COX:

Q. All right. Ms. Gunter, if you could really quick introduce yourself to the jury. Where do you work and what is your current title?

A. I'm Angela Gunter. I work for Lexington County Communications, which is the 9-1-1 center for Lexington County. I am the deputy chief of communications.

Q. Okay. So very, very briefly, what are some of your duties as the deputy chief of communications?

A. I'm over operations, with the floor, with the staffing, with the call-taking, maintaining the records, all that stuff.

Q. So is it pretty common in your role to review 9-1-1 calls, records of --

A. Yes.
Q. -- emergency services?
A. Yes, it is.
Q. Okay. And did you have a chance to review the 9-1-1 call as a part of this case?
A. Yes, sir, I did.
Q. All right.
MR. COX: Your Honor, may I approach the witness?
THE COURT: You may.
BY MR. COX:
Q. All right. I'm showing you what we have marked as State's Exhibit 1. Do you recognize it?
A. I do.
Q. And without going into the details of it, what have I handed you?
A. The -- the recording of this call.
Q. Okay. And is that your signature on it?
A. It is.
Q. Was this a fair -- or did this recording appear to be altered in any way?
A. No.
Q. All right.
MR. COX: Your Honor, at this time we offer State's Exhibit 1 into evidence.
THE COURT: Any objection?

MS. YONGE: No objection, Your Honor.
THE COURT: It's admitted.
MR. COX: Thank you, Your Honor.
(State's Exhibit Number 1, a 9-1-1 call, was admitted into evidence.)
BY MR. COX:
Q. Deputy Chief Gunter, while I'm setting up this piece of evidence, briefly for us what happens in Lexington County when someone calls 9-1-1?
A. When you call 9-1-1, we have a call-taker or dispatcher, but normally a call-taker will answer your call, they'll process the call through the CAD system that we have. It records all the information that you give. They type it in. They're listening to you. Everything's recorded, logged, and then it will go to a dispatcher which will dispatch to police, fire or EMS.
Q. And is this what happened in this case?
A. Yes, sir.
Q. All right. Before I get this going, what was the date of this call?
A. 6-27-21.
Q. All right. And do you have an address that this call was made from?
A. [redacted].
Q. And as the Deputy Chief of Communications, this may

sound like a sill question, but what county is that address in?
A. It's in Lexington County.
Q. Did the caller identify themselves?
A. Yes.
Q. And what was the name given?
A. Hang on one second. I'm looking at my notes again. Jabin Trapp.
Q. Jabin Trapp?
A. Yes. Sorry.
Q. No problem. And did you have a phone number? What was one used to call 9-1-1?
A. 803-315-1706.
Q. All right.
MR. COX: Your Honor, may I publish this to the jury?
THE COURT: You may.
(Whereupon, State's Exhibit Number 1 was played.)
BY MR. COX:
Q. Deputy Chief Gunter, what was the time of the 9-1-1 call by the defendant?
A. 16:50.
Q. And for myself, that would be 4:50 in the afternoon?
A. Yes. I'm sorry. Yes.
Q. And who was the primary responding unit?
A. Hang on one second. It looks like Hassler -- Officer

Hassler. Brandon Hassler.

MR. COX: That's all the questions I have.

THE COURT: Ms. Yonge.

CROSS-EXAMINATION

BY MS. YONGE:

Q. Good afternoon, Ms. Gunter. How are you?

A. I'm good.

Q. I think I just have one question for you. What time does it indicate that Officer Hassler got on-scene?

A. 16:55.

Q. Okay. So that's a total time difference of about five minutes?

A. Yes, ma'am.

MS. YONGE: Thank you.

MR. COX: Your Honor, may the witness step down? I have no further questions.

THE COURT: Absolutely.

You can be excused. Thank you, Ms. Gunter.

(Witness excused.)

THE COURT: Mr. Foreman, the jury okay to do another witness?

FOREPERSON: (Nods head.)

MR. COX: Your Honor, may we approach real quick?

THE COURT: Sure.

(Proceedings held at the bench; not reported.)

THE COURT: All right. Mr. Foreman, I'm gonna let you take a break. Remember, there's no discussing this case even amongst yourselves. You're gonna hear me say that a million times before this case is over with. Please don't. I will have you right back in. It won't be long.

Thank you.

(Whereupon, the jury retires to the jury room at 3:18 PM.)

THE COURT: Is there something that we need to take up?

MR. COX: No, Your Honor. I'm -- selfishly, I did need a break myself to kind of step out.

THE COURT: Okay.

MR. COX: But then we have -- we do have few -- we have other people. This is gonna be our last witness today as well.

THE COURT: All right. The last witness a little bit longer?

MS. YONGE: Yes, Your Honor. It shouldn't be terribly long, but certainly longer than Ms. Gunter.

THE COURT: Okay. And what time would you-all like to start in the morning? 9:30?

MR. NORTON: 9:30's fine for the State, Judge.

MS. YONGE: That's fine for the defense, Your Honor.

THE COURT: Okay.

MR. NORTON: And just to keep the Court aware, we anticipate being able to rest early Thursday morning at this point?

THE COURT: Thursday morning?

MR. NORTON: For the State's case, Your Honor.

THE COURT: Maybe we should start at 9:00.

MS. YONGE: Defense has no objection, Your Honor.

MR. NORTON: And I say that, Judge, I don't think we'll have any problem if we start at 9:30 staying on track tomorrow. Do have an anchor witness that will likely need to be Thursday morning regardless and then we only have one more witness after that. So we're kind of married to Thursday morning at this point.

THE COURT: Okay. I probably need to start at 9:30 tomorrow. I've got a 9 AM hearing somebody wants me to do.

Let's do 9:30.

Okay. We're in recess until you-all tell me you're ready.

MR. NORTON: Thank you, Your Honor.

MS. YONGE: Thank you, Your Honor.

(Recess taken at 3:20 PM.)

(Back on the record at 3:31 PM.)

THE COURT: Okay. Let's -- the State ready?

MR. NORTON: The State's ready, Your Honor.

THE COURT: Defense ready?
MS. YONGE: Defense is ready, Your Honor.
THE COURT: Let's bring them back in.
(Whereupon, the jury return to the courtroom at 3:33 PM.)
THE COURT: Mr. Foreman, the jury ready?
FOREPERSON: Yes, ma'am.
THE COURT: Okay. Please be seated.
All right. Mr. Foreman, I just want to keep the jury in the know --
FOREPERSON: Okay.
THE COURT: -- of what we're doing. This is gonna be our last witness for the day. Court will start promptly at 9:30, so I want everyone in the jury room by 9:15, okay?
FOREPERSON: Okay.
THE COURT: I'll remind you again before I let you leave.
I'm gonna ask the State, go ahead and call your next witness.
MR. COX: Thank you, Your Honor.
The State calls William Norris.
(Whereupon, William Norris was duly sworn by the Clerk of Court.)
THE CLERK: If you'll have a seat over there,

please. State your name and spell your last, please, for the record.

THE WITNESS: William Norris. Last name N-O-R-R-I-S is.

WILLIAM NORRIS,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. COX:

Q. If you could real quick, just introduce yourself. Tell us where you work and your current role.

A. My name is William Norris. I work for the South Carolina Law Enforcement Division, commonly referred to as SLED, doing active shooter training.

Q. So it would be Agent Norris?

A. Yes.

Q. Okay. How long have you been at SLED?

A. I've been with SLED about a year and a half now.

Q. And where were you -- were you in law enforcement prior to going to SLED?

A. I was.

Q. Where were you an officer at?

A. Prior to SLED, I worked for the Town of Lexington in the patrol division.

Q. How long were you in the patrol division here in Lexington?

A. It was in the patrol division for roughly five and a half years.
Q. And so that would have been your role back in June of 2021?
A. Yes, sir.
Q. All right. And as part of the patrol division, you routinely responded to emergency services?
A. Yes, sir. Calls for services.
Q. All right. Now were you on duty on June 27, 2021?
A. Yes, I was.
Q. All right. Walk us through, if you will, did you respond to a scene on June 27th?
A. Yes, we responded to [redacted] Drive, which is in Lexington County, in reference to a gunshot.
Q. Possible gunshots?
A. Possible gunshots, yes.
Q. When you say we, were you the first officer on-scene?
A. I was the second one. I was right behind Officer Brandon Hassler. The whole shift was there relatively quickly.
Q. And as a member of the patrol division, when you arrive on-scene are you equipped with any kind of recording devices?
A. Yes. Our cars have audio recording devices and video recording devices on the front and the we also have our

department-issued body-worn cameras.
Q. And you mention Officer Hassler. Would he have also had body cam on that day?
A. Yes, sir.
Q. All right. Before we get into that, Agent Norris, walk us through your first observations when you arrived on-scene.
A. Officer Hassler pulled in roughly five, six seconds before I did. I parked behind him. He took off running towards the rear of the residence. I followed. I had my -- my rifle. We rounded the corner -- well, when we first got on-scene there was a lady out front. We rounded the back corner of the residence where we observed the defendant and the victim in the back. The victim was lying down on the ground, the defendant was kneeling, and I held security on him as we took him into custody.
Q. Okay. I'm showing you what's been marked as State's Exhibit 2. Do you recognize it?
A. Yes. It has my signature.
Q. That's your signature?
A. Yes.
Q. Okay. And what have I handed you without going into the actual detail of it?
A. My body cam DVD.
Q. Okay. So that is your body cam footage from that day?

A. Yes.
Q. Okay. Is -- that disk, does it contain a fair and accurate representation of what you observed that day?
A. It does.
MR. COX: Your Honor, we offer State's Exhibit 2 into evidence.
THE COURT: Any objection?
MS. YONGE: No objection, Your Honor.
THE COURT: It's admitted.
(State's Exhibit Number 2, Officer Norris's Body-Worn Camera footage, was admitted into evidence.)
MR. COX: If I could have just a minute to set up.
BY MR. COX:
Q. Agent Norris, when you arrived on-scene, I think you mentioned a possible victim on the ground and the defendant. Was there anyone else on-scene?
A. There was a lady out front of the house.
Q. Other than the female in front of the house, anyone else?
A. Nobody else was observed in the residence or around.
(State's Exhibit Number 2 playing.)
Q. Okay. Agent Norris, that is your arm we're seeing?
A. Yes, sir.
Q. Who is the other officer in this frame?
A. That's Officer Brandon Hassler.

Q. Okay. And who is he placing into handcuffs?
A. The defendant.
Q. Okay. And when you say the defendant, do you observe the defendant here today?
A. Yes, sir, I do.
Q. If you could point him out and identify by him an article of clothing.
A. Mr. Trapp in the -- I guess that's a reddish shirt, orange shirt.
MR. COX: Your Honor, may the record reflect that he's identified the defendant?
THE COURT: The records reflects that I can't tell what color it is from here.
THE WITNESS: Salmon.
MS. YONGE: Orange, Your Honor.
THE COURT: Orange. Well, you were correct. I just can't see.
THE WITNESS: I'm getting there, Your Honor.
MR. COX: Thank you, Agent Norris.
BY MR. COX:
Q. Before we play any further, to the left side of this frame, is that -- obviously is that an animal?
A. Yes, sir. That is a dog.
Q. Okay. That dog was on-scene when you arrived?
A. Yes, sir, it was.

Q. Were you able to determine who that dog belonged to on-scene?
A. It belonged to the victim.
Q. Okay.
(State's Exhibit Number 2 playing.)
Q. Agent Norris, I believe we heard you point out where a firearm was?
A. Yes, sir.
Q. Okay. And was that on the concrete sidewalk?
A. Yes, sir.
Q. Right there in the back yard?
A. Yes, sir. Currently behind me in the video.
Q. Did you find any other firearms outside near this scene?
A. No, sir.
(State's Exhibit Number 2 playing.)
Q. Okay. The officer who's kneeling down, Agent Norris, who is that?
A. That's Officer Lewis Black.
Q. And what did he identify on the victim at this point?
A. A colostomy bag.
Q. Colostomy bag?
A. Yes, sir.
Q. Okay. And did he identify what he thought may have been in his hand?

A. Marijuana.
Q. Any weapons in the victim's hands?
A. No, sir.
(State's Exhibit Number 2 playing.)
Q. Agent Norris, who were you -- were you directing Officer Hassler to secure the defendant in the vehicle?
A. Yes, sir, I was.
Q. Now you're set up here in the back. What are you doing at this point?
A. I'm holding security. As you saw in the video previously, I checked that back shed making sure there were no persons in there. Currently there's still unknown person or persons inside the residence until we clear it, so I'm just holding security at that spot until we get additional resources.
Q. Okay. And before you go further, do you hold this position for several minutes?
A. Yes, I do.
Q. Outside security from this position, what are your next steps while on the scene?
A. I directed Hassler to put him in the car. I directed Corporal Lawler to go ahead and start getting us in a command setup. I was gonna hold there and request additional units from Lexington County.
Q. Did you ever enter the house?

A. No, sir. Not until Lexington County came on-scene.
Q. Okay. But once Lexington -- once additional units, once more help came on-scene?
A. Yes. Once additional units came on-scene, I went in the house with a deputy.
Q. Okay. Before we -- I'm gonna kind of go back real quick and then we'll jump ahead in the video. Beginning when you arrive on-scene, does anything happen to Officer Hassler?
A. Officer Hassler indicated to me that Max, the dog, bit him; however, when I responded, officers are trained to look at hands and I'm holding somebody at gunpoint, so I'm looking at his hands and everything. I did not observe the dog to bite Officer Hassler.
Q. But that was once you arrived on-scene, correct?
A. Yes.
Q. From the time that you arrived to the time you left, are you aware of the dog biting anyone else?
A. I'm not aware of the dog biting anyone else. The dog just kind of ran around like crazy while we were on-scene.
Q. When you say like crazy, was he attacking anybody?
A. No, sir.
Q. Thank you. And, again, you hold this position and you're securing the scene for several minutes prior to going in the house, correct?

A. Yes, sir.
Q. I'm gonna jump ahead.
(State's Exhibit Number 2 playing.)
Q. Agent Norris, we just heard you say you've got one deceased here?
A. Yes, sir.
Q. And you were referring to the victim who had been laying on the ground earlier in the video?
A. Correct.
Q. So he was pronounced dead on the scene?
A. Correct.
(State's Exhibit Number 2 playing.)
Q. Agent Norris, the room you're about to enter, did that appear to be the master bedroom?
A. Yes, it did.
(State's Exhibit Number 2 playing.)
Q. Okay. Agent Norris, you were able to essentially clear the house?
A. Yes.
Q. No one else was in the house?
A. No one else was in the house.
Q. And when you were leaving, you left through the rear of the house leading to the scene of the shooting?
A. Correct.
Q. Agent Norris, I'm gonna show you what's been marked as

State's exhibits 3 and 4. If you could take a look at those. Do you recognize them?
A. I do.
Q. All right. For Exhibit 3, what have I shown you?
A. So Exhibit 3 is a picture from my body camera showing the back porch of the residence where the victim is lying on the ground.
Q. Okay. And to Exhibit 4?
A. Exhibit 4 is a photo taken from Officer Black's body camera. It shows me covering down on the defendant, Officer Hassler placing handcuffs and the victim lying on the ground.
Q. Are those photos fair and accurate depictions of the scene on June 27, 2021?
A. They are.
MR. COX: Your Honor, at this time we offer State's 3 and 4 into evidence.
THE COURT: Any objection?
MS. YONGE: No objection, Your Honor.
THE COURT: They're admitted.
(State's Exhibit Number 3 and 4, photographs, were admitted into evidence.)
BY MR. COX:
Q. Very briefly, Agent Norris, I'll start with State's 3. If you could, describe for us what we are seeing here in

the middle of the photo.
A. So in the middle of the photo, you have a table. There is a single chair lying down on the ground. The victim is deceased on the other side of that chair and the far right you can see Officer Black standing up.
Q. Now this is -- where is this photo from?
A. This is -- this is the back porch of the house facing out of the house.
Q. So if you were standing in the rear doorway, this is what you would see?
A. Correct.
Q. Okay. Any other turned over furniture?
A. No, sir.
Q. Anything broken on the ground?
A. No, sir.
Q. I'm gonna move onto State's 4. All right. Can you see that okay, Agent Norris?
A. Yes, sir.
Q. All right. So who is that in the top left?
A. That is me in the top left.
Q. All right. And the other officer, is that Officer Hassler?
A. Correct. That's Officer Hassler.
Q. Now how -- this is pretty close when you arrived on-scene?

A. Yes, sir. This is before medical aid was being rendered.
Q. So before anyone had made physical contact with the victim, this is how you found him?
A. Correct.
Q. And that is the victim on the ground with his arm over his face?
A. Yes, sir.
Q. And just to the right of him, is that the turned over chair?
A. Yes, sir.
Q. Thank you, Agent Norris.
As part of this, were you able to review any of your fellow officers's body camera footage?
A. Yes, sir, I was.
Q. All right. Whose footage did you review?
A. Officer Brandon Hassler.
Q. All right. Would you recognize a recording of that footage if I showed it to you?
A. I would.
Q. All right. Agent Norris, I'm showing you what's been marked as State's 5. Do you recognize it?
A. I do.
Q. Okay. And what have I handed you?
A. Officer Brandon Hassler's body cam footage with my

signature on it.
Q. With your signature on it?
A. Correct.
Q. So you have reviewed that disk?
A. I've reviewed the disk.
Q. Does it appear to be changed or altered in any significant way?
A. No, sir.
MR. COX: Your Honor, at this time we offer State's 5 into evidence.
THE COURT: Any objection?
MS. YONGE: Subject to pre-trial motions, Your Honor, and subject to stipulations given to the Court earlier today.
THE COURT: So note for the record. It's admitted.
(State's Exhibit Number 5, Officer Hassler's body-worn camera footage, was admitted into evidence.)
BY MR. COX:
Q. Just so we're clear, Agent Norris, Officer Hassler, he was first on-scene and you were pretty close behind him?
A. Correct.
Q. At the beginning of this video we will see -- it's obviously it's Officer Hassler's video, but you and him arrive on the scene first and view everything for the first time?

A. Correct. Yes, sir.
(State's Exhibit Number 5 playing.)
Q. Agent Norris, after reviewing this did the defendant make statements to Officer Hassler?
A. Yes, he did.
Q. Okay.
(State's Exhibit Number 5 playing.)
Q. All right. Agent Norris, kind of walk us through that. How did the defendant describe his relationship with the victim?
A. They'd been friends for a while.
Q. Okay. Friends for a long time?
A. Yes, sir.
Q. And how did he describe, I guess, his physical condition?
A. I believe he said he just had surgery.
Q. Major surgery?
A. Yes, sir.
Q. Okay. Did you see any evidence on the scene that corroborated major surgery?
A. The victim had a colostomy bag.
Q. A colostomy bag?
A. Yes, sir.
Q. And we heard the defendant say that he was doing some things that he didn't like?

A. Yes, sir.
(State's Exhibit Number 5 playing.)
Q. Right there, Agent Norris, what did the defendant say was the reason he was addressing something with the victim?
A. He said the victim was dealing drugs.
Q. He found out he was dealing drugs?
A. Yes.
Q. And that's why he was addressing it with him?
A. Correct. Yes.
(State's Exhibit Number 5 playing.)
Q. Agent Norris, is that the same dog from earlier in the video and everything?
A. Correct. Yes.
Q. And we heard him ask for an ID from someone. Was that the female on the scene?
A. That was the female that we observed when we pulled up.
Q. So she is in the front yard?
A. Yes, sir.
Q. Is that where she was when you arrived?
A. Yes, sir.
Q. All right. Agent Norris, before we go onto this next one, you reviewed this copy of the disk. These are portions of Officer Hassler's body cam footage, correct?
A. Correct.

Q. He's not turning the camera on and off?
A. Correct.
Q. Okay. Now we just saw the defendant's first statements to Officer Hassler. Did he make any other comments to Officer Hassler?
A. He did.
Q. Okay.
(State's Exhibit Number 5 playing.)
Q. Agent Norris, we just saw Officer Hassler ask the defendant several questions. Did he appear to have any trouble answering these questions?
A. No, sir.
Q. Did he even give his driver's license number?
A. He did.
Q. From memory?
A. Yes, sir.
(State's Exhibit Number 5 playing.)
Q. Again, Agent Norris, this is the same lone bite from the dog Max from the beginning of the video?
A. Correct.
Q. The dog did not bite Officer Hassler again?
A. No, he did not.
Q. Didn't bite anyone else?
A. No, sir.
(State's Exhibit Number 5 playing.)

Q. Agent Norris, here the defendant's telling Officer Hassler he called Max. He called Max. He's referring to the victim?
A. Yes.
Q. Okay. And he says the call's on me, correct?
A. Correct.
Q. All right. The defendant describes his interactions with the victim was we got heated, correct?
A. Yes, sir.
Q. Not that he was attacked?
A. No, sir. We got heated.
Q. We got heated?
A. Yes, sir.
(State's Exhibit Number 5 playing.)
Q. Agent Norris, so here we get a little background of the victim and the defendant's relationship, right?
A. Correct.
Q. He mentions that on his bachelor party the victim brought weed back then, right?
A. Yes.
Q. He also talks about the victim having the surgery and the defendant inviting him into his home?
A. Yes.
(State's Exhibit Number 5 playing.)
Q. So we hear, Agent Norris, the defendant say he give me

money for rent deposit, correct?
A. Yes, sir.
Q. Still referring to the victim, Parrish Phillips?
A. Yes, sir.
(State's Exhibit Number 5 playing.)
Q. Agent Norris, was the victim pronounced dead at the scene?
A. Yes, sir, he was.
Q. Okay. After you were done clearing the house, did you take over the scene?
A. I took over as doing the crime scene log. We turned the scene over once investigators, detectives, started arriving.
Q. Okay. And investigators did arrive on-scene?
A. Yes, sir.
MR. COX: Your Honor, that's all I have.
THE COURT: Ms. Yonge.
MS. YONGE: May it please the Court, Your Honor?
THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. YONGE:
Q. Good afternoon, Agent Norris. How are you?
A. I'm well. How are you?
Q. I'm doing okay. I just want to go back through your testimony real quick so that I understand what you're

testifying to. And I apologize if it's a little bit duplicative. I know you just said it all. So to begin with, you got on-scene and it didn't appear to you that the defendant was running, correct?

A. No, ma'am.

Q. He was compliant with law enforcement's orders; is that right?

A. Yes, ma'am. I believe he was on the phone with dispatch when we got on the scene.

Q. So he was on the phone with 9-1-1 when you-all arrived on-scene?

A. Yes, ma'am.

Q. And then as you-all approached, he appeared to cooperate fully with law enforcement, correct?

A. He was compliant and obeyed our orders.

Q. Okay. He didn't hesitate or fight or anything like that?

A. No, ma'am.

Q. Okay. At that point Officer Hassler takes over, and we'll get to his body camera in a minute, and then you take up a security position, correct?

A. Yes, ma'am.

Q. And then you do a protective sweep eventually once there are enough officers there, correct?

A. Yes, ma'am.

Q. Okay. Did you find anyone hidden in the building?
A. No, ma'am.
Q. So the reason you do a protective sweep is because you never know what you're gonna find when you arrive on-scene, correct?
A. Correct.
Q. And in this case, luckily for everyone involved, you didn't find anything unexpected, correct?
A. Correct.
Q. And the reason you knew what to expect is because dispatch had been informed by the 9-1-1 caller what was going on, correct?
A. For the most part.
Q. For the most part?
A. Yes, ma'am. You -- you never know.
Q. That it's always best practice to do a protective sweep because you can't necessarily trust what you're hearing, correct?
A. Exactly.
Q. Okay. But in this case you could?
A. Sure.
Q. Okay. I'm going to ask you to look at State's 3 if I can make it work.
THE COURT: Thank you, Mr. Cox.
BY MS. YONGE:

Q. All right. Now I believe the solicitor asked you about -- to describe the scene here?
A. Yes, ma'am.
Q. And you stated that the only thing that looked like it had been turned over or knocked over -- let me make sure. I don't want to put words in your mouth, Agent. Nothing else was turned over or broken other than this chair here; is that correct?
A. Correct.
Q. Are you able to see this tiki torch on the ground right there? I know it's --
A. Not --
Q. -- it's kind of hard. Here. Does that make it a little clearer?
A. I see what possibly could be the bottom of a tiki torch. I don't know what the other end looks like, but, yes.
Q. Okay. So potentially based on this photograph, there is at tiki torch on the ground there as well?
A. Potentially.
Q. Okay. But because the photo doesn't show the top end, you can't see?
A. Correct.
Q. Okay. All right. Thank you, Agent Norris.
Going to Officer Hassler's body-worn camera --

A. Yes, ma'am.
Q. -- so from his point of view we see him run up on Mr. Trapp, correct?
A. Yes, ma'am.
Q. And Mr. Trapp is on his knees on the ground with his hands up, correct?
A. Correct.
Q. Okay. And he has his phone in his left hand, correct?
A. I believe it was left hand.
Q. Whichever hand it shows on the video you wouldn't contend it was a different hand?
A. No.
Q. Okay. And then he drops the phone to the ground, correct?
A. Correct.
Q. And then Officer Hassler begins the -- the process of detaining him, correct?
A. Yes, ma'am.
Q. Okay. And then he points out that the gun is over there to Officer Hassler, correct?
A. Yes, ma'am.
Q. And by over there he means where you observed it on the sidewalk, correct?
A. Correct.
Q. Okay. So he freely, voluntarily says hey, the phone

is over there? I mean -- the phone. I apologize. The gun is over there, correct?
A. Yes, ma'am.
Q. Okay. And Hassler begins to walk him to his vehicle to detain him and at some point the -- Max bites Hassler, correct?
A. That's what Officer Hassler said. Yes, ma'am.
Q. Do you think Officer Hassler was fibbing about being bitten?
A. No, ma'am. I just -- I did not --
Q. You just personally cannot attest to it because you did not observe it?
A. Correct.
Q. Okay. But you have no reason to doubt him when he says he was bit by the dog?
A. Correct.
Q. Okay. But you don't know when that was?
A. No, ma'am.
Q. Okay. Listening to his interview with Jabin, at some point you hear Jabin ask where's my phone, correct? Or indicate that he doesn't know where his phone is?
A. Yes, ma'am.
Q. And then Officer Hassler says well, your phone's back there on the ground?
A. Correct.

Q. Indicating that Jabin has in this short period of time forgotten where his phone is?
A. Yes, ma'am.
Q. Okay. And then one of the statements he says is I found out he was -- I want to get it correct. I found out he was dealing drugs, correct?
A. Yes, ma'am.
Q. Okay. And that's a very brief sentence, correct? It's one, two, three, four, five, six -- that's seven words, correct? I'll wait.
A. Let me start over. Sure. Yes, ma'am.
Q. Sure. Okay. It's not a long sentence. In fact, the entirety of this clip is -- is not very long. He gives a very brief statement to the police, correct?
A. Yes, ma'am.
Q. Do you have knowledge of him giving an additional much longer statement to the police?
A. Not to my recollection.
Q. Okay. You wouldn't have any knowledge of him going in later and giving like an hour long statement, much more detailed statement, to the police?
A. I was not a part of that portion of the investigation.
Q. Okay. So all we know right now is this very brief I found out he was dealing drugs and whatever else he said on the body-worn camera, correct?

A. Correct.
Q. Okay. One final thing. Mr. Trapp received medical attention on-scene, correct?
A. I believe EMS checked him out and gave him the good to go.
Q. Okay. Was that -- that was because Officer Hassler expressed some concern for his well-being, correct?
A. Yes, ma'am. I believe Mr. Trapp said he was dizzy.
Q. And then Officer Hassler went and got EMS to come check him out because he was concerned?
A. Yes, ma'am.
Q. But ultimately it was found that he was okay and they could continue with their investigation?
A. Correct.
MS. YONGE: I beg the Court's indulgence.
THE COURT: Take your time.
MS. YONGE: No further questions for Agent Norris, at this time, Your Honor.
THE COURT: All right. Any redirect?
MR. COX: Yes, Your Honor.

REDIRECT EXAMINATION

BY MR. COX:
Q. All right. Agent Norris, when the defendant said that I found out he was dealing drugs, did that statement confuse you at all? Did you know what he -- was it pretty

clear what he meant by that?
A. Yes.
Q. Okay. And when you arrived on-scene, the dog bit Officer Hassler, correct?
A. Sure. Yes.
Q. Okay. Didn't bite anybody else?
A. No, sir.
Q. Did the defendant ever warn you about Max?
A. No, sir. He was telling us not to harm the dog.
Q. He was telling you not to harm the dog?
A. Yes.
Q. Did he ever warn you that the dog might harm you?
A. No, sir.
Q. Did he ever tell you that the dog might attack you and your fellow officers?
A. No, sir.
Q. Did the defendant show any fear of that dog on-scene?
A. No, sir.
Q. And, Agent Norris, is it standard for EMS to clear individuals that are involved in a shooting?
A. That's kind of a broad question. I believe EMS was just there to clear him medically to make sure they don't need to go to the hospital for a doctor.
Q. Fair enough, Agent Norris. So EMS did check out the defendant?

A. Yes.
Q. Okay. He was cleared?
A. Yes.
Q. Was he transported to the Town of Lexington Police Department?
A. Yes, he was.
Q. And I know you -- you were on-scene and was that the extent of your involvement in the investigation?
A. That was the extent of my involvement.
Q. You were not involved in any other interviews with the defendant?
A. No, sir.
Q. You were just on the scene?
A. Yes, sir.
Q. Cleared the house?
A. Yes, sir.

MR. COX: All right. Your Honor, that's all I have on redirect.

THE COURT: Ms. Yonge.

MS. YONGE: No questions on recross and no objection to Agent Norris being excused.

(Witness excused.)

MR. COX: Thank you, Your Honor.

THE COURT: Okay. That concludes the testimony for today, correct?

MR. NORTON: Yes, Your Honor.

THE COURT: All right. Mr. Foreman, I'm gonna let the jury go home. I'm gonna tell you again you are not to discuss this case with anyone. That includes your spouse, your children, your mom, your dad. Nobody. That will be my first question when you come in in the morning, if you talked about this case, have you done any research on this case or has anyone tried to approach you about this case. Don't do it, okay?

I hope you-all have a great evening. We'll start promptly at 9:30. Please be in the jury room at 9:15.

Thank you.

(Whereupon, the jury was excused for the day at 4:16 PM.)

THE COURT: All right. Any -- anything else from the State?

MR. NORTON: Nothing from the State, Your Honor.

THE COURT: Anything from the defense?

MS. YONGE: Nothing from the defense, Your Honor.

THE COURT: I'm gonna get my law clerk. I have taken the liberty of crafting some jury charges. I'm gonna get them to you early just to give you some reading. There mostly my normal ones, okay? We'll talk about them probably on Wednesday. I just wanted to give them to you when I had them.

All right. If there's not anything else, Court's adjourned. We'll start promptly tomorrow at 9:30 in the morning.

MR. NORTON: Your Honor, I think the only issue that we need to take up because I know Your Honor raised the issue at the stand your ground hearing about bond.

I'm not sure if Your Honor wants to take that up now. The trial's has commenced, the jury's been sworn. Under the bond statute, his bond has been fulfilled and I know it's normal practice for him to be taken into custody.

THE COURT: Yeah, it is a serious charge. I normally take them in. I don't care to be burned with somebody running --

MR. WILLIAMS: I just didn't want -- I didn't want you to get the -- get the blowback that's gonna happen right now.

I understand. That's why I'm taking -- that's why I'm taking the face on this, Judge.

THE COURT: Okay.

MR. WILLIAMS: And the reason I'm taking the face on this is we have a bonding company, which has signed something saying that they agreed to stay on his bond. It's David Crawford. This guy was in jail for four months before the judge agreed to let him out on bond.

THE COURT: Is he on electronic monitoring?

MR. NORTON: No.

MR. WILLIAMS: He's not now. He was at one point, I think. The judge thought that he was trusted enough to go ahead and take the monitor off and --

THE COURT: I'm in the middle of a trial.

MR. WILLIAMS: I know that, Judge. I know that. And the reason I'm going -- I'm taking the face on this, and you and I both know why I'm doing it, don't you? But this guy worked at a bank for -- I don't know how many years, head of security there. He has absolutely no prior convictions of any kind whatsoever. This is the same guy that has not fought to stay out of court as perhaps the other person might have, but this person has fought to get to court so that he can try his case, and I think that if there were a bond estreatment there'd be plenty of money to go around if there was a bond estreatment, but he doesn't want that. What he wants is he wants the case tried.

THE COURT: What is his bond?

MR. WILLIAMS: It's $150,000.

MR. NORTON: $150,000, but the point that the State is gonna make is that his bond has been fulfilled. The bond statute says the purpose of bond is to procure the defendant's attendance pending trial. The trial has commenced. We are in trial. There is no bond.

MR. WILLIAMS: Your Honor, that --

MR. NORTON: It doesn't matter if the bond is -- the bonding company's willing to stay on or likes him. None of that's relevant. The bond has been fulfilled. His trial has commenced.

MR. WILLIAMS: That is not the law, Your Honor. I've done enough bond estreatments in my lifetime to tell the Court, as well as the solicitor, that is not the law. Not when someone -- a bonding company agrees to stay on the bond. They continually are contracted to be responsible for that bond, and we can actually pull up some Supreme Court cases that talk about that because there was a case out of Greenville that dealt with a person remaining out on bond while he had actually been found guilty and the State was gonna use that person for a period of time as a -- as a source for other information. I can present that case to the Court, Your Honor.

The bonding company was still on the bond even though this Hispanic didn't show back up a year later. But I'm just telling you -- Your Honor, I assume the Court make someone responsible. If you want Mr. Crawford to come down here and say that he is responsible, then he can acknowledge his responsibility by making that statement to the Court and he is contractually bound. And I can come up with some cases for --

THE COURT: He's looking at a mandatory minimum of

thirty years.

MR. WILLIAMS: Okay. I'm just telling you what the law is, Your Honor, and it's not what the solicitor says.

THE COURT: And I'm just gonna tell you I normally take people into custody once we start trial.

MR. WILLIAMS: She's just handed me a sheet that says Court of Appeals allows for bond if guilty verdict, so that's something in the rules that she's quoting me. Of course, it's in the rules because it is the law that you can remain out. It used to be, Judge, Your Honor remembers what it used to be, that you could be convicted and still remain out of jail while it's on appeal.

MR. NORTON: It sounds like an appeal bond though, right?

MR. WILLIAMS: It is. It's a different type of bond.

MR. NORTON: But he hasn't been convicted yet, so I don't know why we're arguing about appeal bonds. The bonding -- the bond statute stays pending trial. We are not pending trial anymore. We are in trial. We have a growing trend in Lexington County of once trial commences of people fleeing prosecution and their trial. It's happened at least three times this year; twice to Solicitor Pincelli alone. And I know it's standard practice to take people into custody once trial commences and I don't see any reason to deviate from that in this case.

THE COURT: Well, I'm just gonna tell you there's certain occasions that I let people stay out on bond. I do. But they're not as serious as -- as this charge is. This is a murder charge that carries an awful long time. I'm gonna take him into custody.

MR. WILLIAMS: Thank you, ma'am.

THE COURT: Thank you, Mr. Williams.

You-all need to make sure that there's arrangements for --

MR. WILLIAMS: Well, we'll have the -- I don't know quickly the trial's gonna move now since we have all the clothing issues and finding someone to get his clothes, Your Honor, and all those things.

THE COURT: I know, but I'm just telling you to make sure that he has clothing brought in tomorrow for him.

MR. WILLIAMS: We'll do our best, Your Honor.

THE COURT: Okay.

All right. Court's adjourned.

MR. COX: Thank you, Your Honor.

MR. NORTON: Thank you, Your Honor.

(Whereupon, the proceedings for September 16, 2024, were concluded at 4:23 PM.)

(The following proceedings were held September 17, 2024, beginning at 9:27 AM.)

THE COURT: All right. The State ready?

MR. NORTON: The State's ready, Your Honor.
THE COURT: Defense ready?
MS. YONGE: Defense is ready, Your Honor.
THE COURT: Let's bring the jury in.
MR. NORTON: Your Honor, before we do that, can we take up a couple of housekeeping matters?
THE COURT: That's why I asked if we were ready.
MR. NORTON: We're ready to start, but I want to take up a couple of housekeeping matters.
First of all, we believe now that the State's case will be able to conclude on Wednesday afternoon.
THE COURT: That sounds very good.
MR. NORTON: So that is our plan right now. We may have to take up a few legal issues prior to some witnesses tomorrow.
MS. YONGE: It's highly likely that we will have to take up -- there will be some evidentiary hearings that we can probably hold before the witnesses get on the stand because we know what we're gonna argue about.
MR. NORTON: I think it will mostly be over text messages is my understanding.
THE COURT: Okay. Well, I don't anticipate that will take very long.
What witnesses is that gonna be? Today?
MR. NORTON: That would be Michael Phipps, which we

plan to call tomorrow and then --

THE COURT: Okay. Well, we'll take that up at the end of the day then.

MR. NORTON: The second thing, Your Honor, is through consent we have a revised exhibit copy of what would be State's Exhibit 5. That would be Officer Hassler's body-worn camera. We've addressed additional portions of it that both parties have agreed to, so we'd like to substitute that exhibit in.

THE COURT: All right. Well, we talked about that yesterday. I made a note of it. It was admitted and the objection were just the pre-trial objections that we had.

MS. YONGE: Yes, Your Honor.

THE COURT: Okay. So let's swap that out so the exhibits will be correct.

MS. YONGE: And for the sake of preserving the record, can we now mark the previous Exhibit 5 as Court's Exhibit 1, Your Honor?

THE COURT: We sure can. Is that the full --

MS. YONGE: That is the -- it is even shorter version of Hassler's body-worn camera. We've actually adding two snippets to the one that we're putting in.

THE COURT: Okay. If everyone wants it in as a Court exhibit, I'm fine with that.

(Court's Exhibit Number 1 was marked for

identification.)

MR. NORTON: And, Your Honor, the only additional thing is the State's -- two of the witnesses we'll hear from this morning, Officer Alewine and Officer Walker, the State intends to introduce videos that have been redacted. We provided the redacted videos to defense last week. I don't believe there's any objections to the redactions themselves assuming the foundation's laid for the admission of the items.

MS. YONGE: Your Honor, I am double-checking.

Yes, we are -- we reserve our pre-trial motion objections, Your Honor, so -- or the Denno objections we would like to reserve on those, but otherwise we have no new objections to these exhibits.

THE COURT: Okay. And which exhibits are those?

MR. NORTON: They will end up being -- I can say for the record it is the interview with the defendant and his attorney at LPD has multiple muted redactions of the defendant's statements and then Officer Paul Walker's body-worn camera that also contains the defendant's statements has been edited to only show the defendant's statements that were offered during the Denno hearing.

THE COURT: Okay.

All right. When you get ready to introduce them and you lay a foundation, you can let me know your objections

and what exhibit number it is.

MR. NORTON: Thank you, Your Honor.

THE COURT: All right. Anything else?

MS. YONGE: Nothing from the defense, Your Honor.

MR. NORTON: The State's ready, Your Honor.

THE COURT: All right. Bring the jury in.

BAILIFF: Yes, Your Honor.

THE COURT: Where did Mr. Yonge go?

MS. YONGE: Your Honor, he is fixing a mistake that I made. I was so busy preparing things for him, that I left one thing at the office. He is -- he is at the office and coming back. So he will be -- he's here, Your Honor.

THE COURT: Does your client agree to go forward?

MS. YONGE: Do you feel comfortable moving forward with Jason across the street?

THE DEFENDANT: Yes. Yes, I am.

MS. YONGE: He is onboard.

THE COURT: Okay. I just want to make sure.

MS. YONGE: Thank you, Your Honor.

(Whereupon, jury enter the courtroom at 9:41 AM.)

THE COURT: All right. Mr. Foreman, jury ready?

FOREPERSON: We're ready.

THE COURT: Please be seated.

All right. Let me ask my morning question. Have you talked to anyone about this case? Have you done any

research about this case? Or has anyone tried to approach you about this case? If so, please raise your hand.

Perfect.

State, you can call your next witness.

MR. PINCELLI: The State calls Investigator Alewine.

(Whereupon, Earl Alewine was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat. Please state your name and spell your last for the record.

THE WITNESS: My name is Earl Alewine.

A-L-E-W-I-N-E.

EARL ALEWINE,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. PINCELLI:

Q. Good morning, Investigator Alewine.

A. Good morning.

Q. Is that your correct title now, investigator?

A. Yes, sir.

Q. And where do you currently work?

A. The Attorney General's Office.

Q. And do you do with the Attorney General's Office?

A. I work Internet Crimes Against Children.

Q. All right. And were you in law enforcement in 2021?

A. I was.

Q. And where were you working then?
A. The Lexington Police Department.
Q. And what was your role with the Lexington Police Department?
A. A detective.
Q. And is that how you became involved in this case?
A. It is.
Q. And so on June 27, 2021, as a detective with Lexington County -- or I'm sorry, Town of Lexington Police Department, were you dispatched to the scene for this case?
A. I was.
Q. And did you get to the scene right away? Like right after 9-1-1 was call or when did you get to the scene?
A. It was sometime later. I would estimate thirty minutes to an hour after the incident happened.
Q. So when you get to the scene as a detective, what are your duties? What do you first do?
A. Make sure the scene is secure and preserve any evidence.
Q. And when you got there, did you observe the scene to be secure?
A. I did.
Q. At that point, was the defendant still on-scene?
A. He was.

Q. And how about the victim?
A. He was.
Q. Okay. And the scene was secure. How about any evidence on-scene?
A. There was multiple items of evidence that I observed in the backyard.
Q. Was -- had anything been marked yet?
A. I don't believe so. No, sir.
Q. Okay. And when I say that, just generally with your familiarity of working a crime scene, what does that mean?
A. That means the evidence custodian or CSI person has not been on-scene yet because they're the ones generally to mark that, but nothing's been moved.
Q. Okay. So it's a secure scene, it's safe, and you're there. What do you observe as far as the victim? What kind of scene are you walking into?
A. I'm walking into a scene where the victim is deceased, his shirt is open, medical intervention was tried, and I observed gunshots and blood.
Q. Specifically where on the victim's body did you observe those gunshot wounds?
A. His left side and back area.
Q. What else did you observe about the victim's body?
A. He had a colostomy bag and it looked like some kind of bandage around his stomach near the colostomy bag.

Q. And did he appear to have any other injuries about his person?
A. No injuries that I really observed, no. He appeared to be gaunt, kind of unhealthy. Excuse me.
Q. You say gaunt. Like just extremely skinny?
A. Skinny, yeah.
Q. And I say no further injuries. Obviously you just testified he's got bullet wounds it in side and his back, he's got a colostomy bag and another bandage, but did he have anything on his arms or his face or anything like that?
A. No, I didn't see anything like that.
Q. Describe the scene. Where is the victim? What location are you walking into or you observing?
A. So I walk around the left side of the house. There's a patio directly in front of the back door. There's a sidewalk to the -- if you're looking at the back of the house, a sidewalk on the right side of the patio leading up to an external -- or exterior garage area, and the victim is near the concrete patio area right at the edge.
Q. Okay. I'm gonna show you what has been marked as State's Exhibit 3. Is this generally the area that we're -- that you just testified to?
A. Correct. That's the external or exterior garage out there in the -- further out.

Q. Okay. I think up there on the stand you have a laser pointer. It should be beside that water pitcher. Can you show us where the victim is here?
A. Right there.
Q. Okay. What is that in front of the victim's body?
A. Closest to us, right here?
Q. Yes, sir.
A. That's a -- like highchair or chair for that outdoor table.
Q. Okay. And is that how it appeared when you arrived on-scene?
A. It was.
Q. How about everything else on that back porch, that table and everything? Had anything been moved at all by investigators, detectives, anybody on-scene?
A. No.
Q. So I think it was pointed out earlier, beside that chair on the ground -- yes, right there, what are we looking at?
A. That's like a tiki torch on the ground.
Q. Okay. Were those the only two things that looked to have been disturbed on the scene?
A. That was the only thing that I observed in disarray if you'd call it that.
Q. Okay. I'm gonna show you State's 4 now. Can you

describe from your memory and from looking at this picture -- the victim would be the one laying on the ground, correct?

A. In the bluish shirt. Yes, sir.

Q. Okay. What is in his hand and can you show it to us with the laser pointer?

A. The left hand right here?

Q. Yes, sir.

A. It's a large bag of marijuana.

Q. And throughout the course of your investigation, you became very familiar with this scene; is that correct?

A. Yes, sir.

Q. Okay. Just to go back, you showed us what was in the victim's hand. And just so we're clear, it's what you believe to be marijuana, right?

A. A green leafy substance consistent with my training and experience to be marijuana, yes.

Q. Okay. You can't say for sure that it is?

A. Correct.

Q. But certainly through your law enforcement experience what you believed it to be?

A. Yes, sir.

Q. Okay. And going back through your familiarity with the scene, have you seen any diagrams or anything that have helped summarize what this scene looked like?

A. Yes.
Q. Okay. I'm gonna approach you with a diagram. Is that a fair summary, is that a fair depiction, a diagram of what that scene looked like?
A. Yes, it is.
Q. All right.
MR. PINCELLI: I would like to mark this State's 6 and admit it into evidence.
MS. YONGE: Without objection, Your Honor.
THE COURT: It's admitted.
(State's Exhibit Number 6, a diagram, was admitted into evidence.)
BY MR. PINCELLI:
Q. All right, Detective. So you just testified that this is a fair diagram of what the scene was?
A. Yes, sir.
Q. And it's got some numbers on there that correspond with other physical evidence on-scene?
A. Yes, sir.
Q. You observed that physical evidence?
A. I did.
Q. And what items of note did you see on-scene?
A. Shell casings and the handgun and a magazine.
Q. Can you point with your laser to where, first, the shell casings were found?

A. So there was one in this gray area, which is like the high table. There was one there. Number 6, which was near the motorcycle front tire, I believe. And then one near the body.

Q. And then where was the gun?

A. It was near 1, 2 and -- I think it's 1 on this.

Q. And, again, it's pretty obvious, but the little cartoon man. Is that the victim's body?

A. It is.

Q. Okay. After you responded, made sure the scene was secure, observed all this evidence, what -- what did you do after making sure all your duties are completed on-scene?

A. To secure search warrants, if necessary, and interview any potential witnesses.

Q. And what search warrants would those have been for?

A. For the residence.

Q. Okay. What happened to the defendant after being on-scene here?

A. He was taken to the Lexington Police Department headquarters and attempted to interview.

Q. Okay. Did you personally observe him during that time?

A. Yes.

Q. And did you observe him to have any injuries?

A. I did not.

Q. Did you photograph him during that time?
A. I did.
Q. I'm gonna approach you with those view photographs. You said you did take photos of the defendant?
A. I did.
Q. Do you recognize these photos?
A. These are the photos that I took of the defendant.
Q. And are they fair and accurate depictions of the photos that you took that day?
A. Yes, sir.
Q. All right.
MR. PINCELLI: I'd like to mark these State's 7 and 8 and admit as evidence.
THE COURT: Any objection?
MS. YONGE: No objection, Your Honor.
THE COURT: They're admitted.
(State's Exhibit Number 7 and 8, photographs, were admitted into evidence.)
BY MR. PINCELLI:
Q. And why was it important for you to determine if the defendant had any injuries or why would you take pictures of him?
A. Just to document and make sure. You know, it could be a self-defense situation or something, so if he has injuries that could be indicative of something like that.

Q. But you said you didn't observe any?
A. I did not.
Q. Okay. So we're looking at State's 7 now. Who is that in that photo?
A. That is the defendant.
Q. And are there any injuries there?
A. I do not see any, no.
Q. Okay. And now we're looking at State's 8 and, likewise, who's arms are those?
A. That's the defendant's arms.
Q. And did you observe any injuries?
A. I did not.
Q. Following this interaction where you took photographs, did you do anything else as far as getting and securing evidence from the defendant in this case?
A. I secured search warrants for several different things, including a buccal swab, gunshot residue, and blood.
Q. You said buccal swab. What is a buccal swab?
A. It's a DNA swab, if you will, of the inside of the mouth -- or cheeks.
Q. And why would you get a buccal swab or DNA in a case like this?
A. It's just a standard procedure for any kind of homicide where someone's was hurt or killed that we would

do that.
Q. And what would you do with the buccal swab after you secure it -- after you get a search warrant, you get it, then what do you do with it after that?
A. Seal it up, put it into evidence and then it's taken to a testing facility like SLED.
Q. I'm gonna approach you with this envelope.
Do you recognize what that is?
A. This is the envelope that contained the buccal swab that I did. It feels like it's still in there.
MR. PINCELLI: All right. I'd like to mark this as State's 9 for ID only at this time.
THE COURT: Any objection?
MS. YONGE: No. Not for ID only, Your Honor.
BY MR. PINCELLI:
Q. So far, you responded to the scene, you observed both the defendant and the victim, evidence on scene, you've taken photos and gotten a buccal swab. What are your next steps in your investigation?
A. To attempt to interview the defendant --
Q. Okay.
A. -- or any witnesses.
MS. YONGE: Your Honor, may we approach?
THE COURT: You may.
(Proceedings held at the bench; not reported.)

THE COURT: Okay. Go ahead.
MR. PINCELLI: Thank you.
BY MR. PINCELLI:
Q. And, Investigator -- or Detective, you did interview the defendant with his attorney; is that correct?
A. Correct.
Q. And had the defendant been charged at that time?
A. No.
Q. And so when you interviewed the defendant, he was with his attorney?
A. Yes, sir.
Q. And who else was in that interview with you?
A. Detective Voravudhi.
Q. And was that interview recorded?
A. It was.
Q. And was there a videotape of that?
A. It is.
Q. And have you had a chance to review the video of that recording with the defendant and his attorney?
A. I have.
Q. Do you recognize this disk?
A. This is the disk of the interview.
MR. PINCELLI: I'd like to mark that as State's 10 and admit into evidence.
THE COURT: Any objection?

MS. YONGE: Just pre-trial -- subject to pre-trial motions, Your Honor.

THE COURT: So noted for the record. It's admitted.

(State's Exhibit Number 10, a recorded interview, was admitted into evidence.)

BY MR. PINCELLI:

Q. And when -- about how many days after the initial response to this crime scene did this sit-down interview take place?

A. I believe it's two or three days.

Q. Okay. And you said at that time the defendant had not been charged and why is that?

A. We hadn't collected all the evidence necessary.

Q. Do you recall about how long this interview was?

A. Maybe an hour-ish. An hour, maybe a little more.

Q. And during the course of the interview, do you go A to Z in a straight line?

A. Rarely.

Q. So how would you characterize this interview specifically?

A. Normal.

Q. Did it jump around from topic to topic a bit?

A. Yes, it does.

Q. I'm gonna play portions of this video, and there might be a lot of stops and starts, and I'm gonna ask you to help

walk me through it, okay?

A. Yeah. Sure.

(State's Exhibit Number 10 playing.)

Q. Let me stop it real quick. Where are you in this?

A. That's me on the right in the polo shirt.

Q. Okay. And then where's the defendant?

A. In the -- it's like a reddish, purple. Top left.

Q. Top left of the screen?

A. Yeah. Do you want me to point it out?

Q. No, that's okay. He's in the top left though?

A. Yes, sir.

(State's Exhibit Number 10 playing.)

Q. Okay. So this is toward the beginning of the interview; is that right?

A. That's right.

Q. And you're getting some just basic background information on the relationship between the victim and the defendant?

A. Yes, sir.

Q. So what did you learn about them coming to live together and what the arrangement was?

A. They had a mutual friend and I think Parrish had tried a few different living situations that didn't work out, he asked to come live with the defendant, and the defendant agreed.

Q. And they had a mutual friend, but how long had they known each other?
A. Years.
Q. He said exactly -- well, he gave kind of a loose description of when he moved in, but about when did he move in?
A. The second week of June.
Q. And would you agree that the date of the shooting was June 27th?
A. Yes.
Q. Okay. So the second week of June to June 27th they'd been living together about two weeks or so?
A. Yes, sir.
Q. And who else did you say was -- was living at the residence along with Jabin, whose home it was, and the victim, Parrish?
A. The Lizzy person?
Q. Yes. And how was that Lizzy person described?
A. A mutual friend, but Parrish's girlfriend.
Q. And we heard -- what was some of the early frustration that you learned from Jabin regarding Parrish living there?
A. His medical issues and the in-home medical care visits.
Q. And, again, we talked about how things became relevant later in the interview, so I'm gonna jump around a little

bit.
A. Yes, sir.
Q. I'm gonna jump all the way...
(State's Exhibit Number 10 playing.)
Q. Okay. So that -- that scenario that we just talked about, when did that take place?
A. Friday night.
Q. Friday night. And then what date or what day of the week was the shooting?
A. Sunday.
Q. Okay. So that Friday, is that Friday before the Sunday shooting?
A. Correct. That's how I understood it.
Q. And what condition did Jabin say that Parrish was in that Friday night before the Sunday shooting?
A. He said he was in a lot of pain.
Q. So much pain that he did what?
A. He went to a friend's house and obtained narcotic analgesic pills and gave them to Parrish.
(State's Exhibit Number 10 playing.)
Q. So let's get back to the front -- toward the front. I mean, you would agree this is back toward the beginning of the interview again, right?
A. It is.
Q. And one of the agreements that we just heard was what?

What was one of the big rules for Jabin?
A. No drug activity in the house.
Q. But the story that we just listened to before that was he was giving Parrish what?
A. Narcotics.
Q. And on-scene in State's Exhibit 4 you described what you believed to be what in the victim's hand?
A. A bag of marijuana.
Q. And did you observe any other potential drug evidence on-scene outside or on that porch when you got to the crime scene?
A. Yes, sir. On the table there was also some marijuana and maybe some smoking materials and papers for smoking marijuana.
(State's Exhibit Number 10 playing.)
Q. So one the big rules was no drug activity, right?
A. Yes, sir.
Q. But then what does he describe observing and knowing about on-scene?
A. Marijuana.
Q. And then did he make any admissions to you about personal drug use?
A. He did.
Q. What did you take that admission to mean? He said the word "cart". What does that mean to you?

A. Like a cartridge. Like a vape cartridge.
Q. Okay. And in the context, do you believe he was referring to --
A. A THC vape cartridge.
Q. Potentially an illegal vape cartridge?
A. Correct.
Q. So drug activity?
A. Yes, sir.
Q. Would that have been inconsistent with what he said in the beginning of the interview?
A. It was.
Q. Because this is the same interview, right?
A. It is.
Q. This was just about maybe a half hour later?
A. Yes.
(State's Exhibit Number 10 playing.)
Q. So that was a specific admission about what?
A. That he used a weed cartridge earlier in the afternoon -- that afternoon.
Q. And he's saying that afternoon. Given the context of the interview, what afternoon is he referring to then?
A. Sunday.
Q. Sunday, the day of the shooting?
A. Correct.
(State's Exhibit Number 10 playing.)

Q. What did you learn from Jabin in this part of interview about the roommate relationship?
A. He was getting frustrated because he thought that Parrish was lying to him about his whereabouts, the car usage.
Q. And more frustration perhaps about his injury?
A. Yeah, that he felt that -- he was injured and in a lot of pain, but then maybe Parrish was lying to him about how bad off he was.
Q. But then later in the interview he does talk about what happened that Friday night, correct?
A. Correct.
Q. And the immense amount of pain he was in that day?
A. Correct.
Q. Obviously this is a long interview and we're jumping around a little bit, but does he go into specific detail about the day of the shooting?
A. He does.
(State's Exhibit Number 10 playing.)
Q. What day is Jabin describing there?
A. Sunday.
Q. Okay. So is he walking you through the start of the day Sunday?
A. Correct.
Q. And he describes Parrish doing what?

A. Leaving and going out for a little bit.
Q. And how did it make Jabin feel that Parrish was leaving the house?
A. He said it was a reprieve and I assume that's from having to deal with Parrish.
Q. And what did he decide to do when Parrish got home?
A. To confront him about the issues he's been having with Parrish staying there.
Q. And then in his words or your interpretation of what he's telling you, how does that confrontation go?
A. Parrish gets upset about it.
Q. And generally what was this conversation about? Was it about the living situation?
A. It was about the car usage, yeah.
Q. And did you learn more about that living situation and rent agreement?
A. We did, yes.
(State's Exhibit Number 10 playing.)
Q. So he's explaining to you the rental agreement here. Is that -- is that the amounts of money and the figures that we're hearing there?
A. Yes, sir.
Q. And, again, how long have we established that this roommate relationship even lasted?
A. Approximately two weeks.

Q. Okay. So he gets there and he pays him how much?
A. $1,200.
Q. And that's for rent for the following months?
A. Yes, sir. Yeah, three months, I believe.
Q. And then he said that he had paid him $400 when he moved in?
A. Yes, sir.
Q. What is -- but Jabin wasn't happy with that amount, right?
A. He was not.
Q. And hadn't he said before he had been a demanding house guest?
A. Yes, sir.
Q. But then he says that Parrish did pay him all that money?
A. He did.
Q. And this conversation, it came up in the context of why -- why is he telling you about getting this money and giving it back to Parrish?
A. He wants him to leave the house.
Q. Okay. So this is still that Sunday afternoon?
A. Correct.
Q. Is this what is leading up to the fatal confrontation?
A. It is.
Q. So just to walk back through it, Parrish had gotten

back home and Jabin confronts him, right?
A. Correct.
Q. And then this -- this was kind of what happened next?
A. Correct.
(State's Exhibit Number 10 playing.)
Q. So how does he describe Parrish's condition?
A. He's in really bad shape.
Q. Talks about a poopy bag?
A. Yes, sir.
Q. And how did he describe their relationship before then, before this day as far as --
A. They never had a fight or any issues whatsoever.
(State's Exhibit Number 10 playing.)
Q. I want to pause it right there. When he's describing where they're sitting, this is State's 3, is that the area that he's describing?
A. Yes, sir.
Q. Okay. So they're sitting on that back porch in State's 3?
A. Yes, sir.
Q. And those high-top chairs, in fact, one of those is the one that's tipped over that we've already talked about?
A. That's correct.
Q. Okay. So that's a pretty critical area in your crime scene investigation?

A. That's the area. Yes, sir.
(State's Exhibit Number 10 playing.)
Q. Okay. I'm gonna stop. So far Jabin has described what?
A. The interaction or the argument.
Q. Okay. Have we heard of anything physical? Has any assault -- any physical, you know, battery happened at this time?
A. No, sir.
Q. Okay. In fact, after this confrontation that starts to get heated, where does he describe Parrish going?
A. Inside.
Q. Okay. And then -- I might have cut it off a bit too short. Let's listen to that next part?
(State's Exhibit Number 10 playing.)
Q. Okay. So as a result of that verbal argument on the back porch after Parrish goes inside, what does Jabin decide he needs to do?
A. Also go inside.
Q. And then do what?
A. He states he went to look for his phone, but he gets a gun.
(State's Exhibit Number 10 playing.)
Q. Did he ever describe yelling out for help -- through the course of this entire interview, not just this snippet

we watched, not the ones before, in this entire hour and five minute interview, did he ever describe yelling out for help after he gets that gun?

A. He does not.

Q. Did he ever describe yelling at Parrish saying I've got a gun, don't mess with me?

A. He did not.

Q. How did he describe carrying that gun out of his room?

A. Hiding it behind his leg.

(State's Exhibit Number 10 playing.)

Q. We just heard his plan. Where is he describing going back with his gun when he's hiding it by his side?

A. Outside.

Q. Okay. What part of the house outside?

A. The backyard.

Q. Okay. Would that have been this area that we looked at in State's 3 right where that argument was?

A. It is.

Q. Did this house have a front door?

A. It did.

Q. This is the back door, right?

A. That's correct.

Q. So he went right back out to where this argument was with a gun hidden beside him?

A. Yes, sir.

(State's Exhibit Number 10 playing.)
Q. Throughout the course of your investigation, were you ever able to corroborate that Max was an attack doing?
A. I did not.
Q. That he had any specifically TAC training?
A. I never heard that from any other person.
Q. Also isn't it true Jabin says he goes inside to get his phone?
A. Correct.
Q. Where does he later say the phone was?
A. Out by the table. I can't remember if he said on the chair or the table, but it was in that vicinity.
Q. In that area right where they were during the argument?
A. Yes, sir.
(State's Exhibit Number 10 playing.)
Q. We've heard about Lizzy earlier, but, again, who was Lizzy?
A. Parrish's girlfriend.
Q. Okay. And she lived there at the house part-time?
A. On and off. Yes, sir.
Q. Through Jabin's description and through your understanding, where was Lizzy during the fatal confrontation?
A. Not in that area. Somewhere in the house or somewhere

else.
Q. Okay. So who -- after Parrish Phillips dies, who was the only eyewitness to that killing?
A. The defendant.
Q. And he says that he calls out to Lizzy after the killing?
A. Correct.
(State's Exhibit Number 10 playing.)
Q. So he's describing tending to Parrish after the shooting, correct?
A. Correct.
Q. And he had already previously described that he had taken the gun and emptied it and put it down; is that correct?
A. Correct.
Q. Now would this be in the same area of that dog that he was just afraid of described as an attack dog?
A. That he approached and attended to Parrish?
Q. Right. Where was -- to your understanding, where was the dog while all this is going on, while he unloaded the gun?
A. Right there with them.
Q. So the dog was right there?
A. Yes, sir.
(State's Exhibit Number 10 playing.)

Q. Start to finish, how long?
A. A couple of minutes.
Q. And, again, during this interview he tells you that his main goal is what when the confrontation gets heated?
A. To get away.
Q. And to do what else?
A. Get help. Call the police.
Q. Did he ever tell you that he called out for help until after he shot Parrish?
A. No.
Q. What did he tell you about Parrish's physical stance, I guess, during the shooting? What is Parrish doing when he finally shoots Parrish?
A. He described him as being straight on and coming at him.
(State's Exhibit Number 10 playing.)
Q. Based on your observation of the gunshots that actually you've already testified to, did that seem consistent where the gunshots were and how it was described that Parrish was facing him and coming at him? Was that consistent to you?
A. It was not.
Q. We've talked a little bit about Lizzy in here, and, again, we're jumping all around to cover the important things, but did Jabin give you more information about his

relationship with Lizzy, who was Parrish's girlfriend?
A. He did.
(State's Exhibit Number 10 playing.)
Q. So you asked a very explicit question to Jabin about his relationship with Lizzy?
A. Yes, sir.
Q. And how did he answer about any romantic involvement?
A. At first he said they were just friends and then it evolved into -- they had a threesome once, but no sexual contact since the threesome.
Q. Did he later contradict that in this interview?
A. He did.
(State's Exhibit Number 10 playing.)
Q. How would you characterize what was just described? Would that be a sexual relationship?
A. Yes.
Q. So we jump all around the interview, but was that the only inconsistency within this single interview that you noticed from Jabin?
A. The sexual contact being the only?
Q. Right.
A. No.
Q. What other ones were there?
A. The drug usage.
Q. And is it fair to say that he kind of changes

Parrish's condition at some points too?
A. He does just to kind of fit.
MS. YONGE: Objection, Your Honor. Speculation.
THE COURT: Do you want to rephrase it?
BY MR. PINCELLI:
Q. During your interview, how did Jabin describe Parrish's physical condition?
A. He described it as very bad, very poor.
Q. And at other times did he describe it less so?
A. He did.
Q. Did you have another opportunity to meet with the defendant after this interview?
A. We did.
Q. And what was the purpose of that meeting?
A. It was a reconstruction or reenactment of the events at the residence.
Q. And who was present for that reconstruction?
A. Myself, Detective Voravudhi, the defendant and his attorney.
Q. And was that recorded?
A. It was not.
Q. Okay. But you remember and you can tell us a little bit about it?
A. Yes, sir.
Q. Where did that reconstruction take place?

A. At [redacted], that residence. The incident location.
Q. Okay. So right -- right where the shooting took place?
A. Yes, sir.
Q. So you took him right back to the scene?
A. Yes, sir.
Q. And when he's there, does he -- does he essentially -- you say a reconstruction. What is that for the -- for the jury?
A. It's just a reenactment of what transpired in his version.
Q. And generally what did he -- what did he tell you? Was it more or less what he told you in that interview?
A. It was just about the same thing. Yes, sir.
Q. Could you get down and demonstrate how he depicted himself and Parrish?
A. Sure.
MR. PINCELLI: Your Honor, I'd like to have him step down.
THE COURT: He can step down.
Q. Do you want to be Jabin or do you want to be Parrish? Who should I be?
A. You be Parrish.
Q. Okay. All right. So I'm Parrish. You have a gun?

A. Okay.
Q. And then describe how Jabin told you what's happening during the struggle before the shooting.
A. He grabs the gun hand.
Q. Okay.
A. Then he grabs both hands at some point.
Q. Okay.
A. And the defendant backs up, he starts coming toward him. As he's backing up, he's firing.
Q. Okay. And how does he describe, if he does at all, his -- how does he describe the space between them when they're shots?
A. He showed us -- he didn't describe in -- in feet, you know, physically describe it, but he showed us, I guess, how far away, and it was about six to eight feet.
Q. Okay. But, again, it starts with?
A. Grabbing the gun hand behind the leg, then grabbing another hand at -- at some point and then them struggling and him getting away and backing up and the defendant -- or, excuse me, the victim moving forward while he's shooting.
Q. Okay. Thank you very much.
A. Yes, sir.
Q. You can get back on the witness stand, please.
A. Yes, sir.

Q. Now he described being grabbed by both arms; is that correct?
A. Yes, sir.
Q. A -- a struggle for the gun, is that what was occurring during that time?
A. Yes, sir.
Q. Use that laser pointer one more time.
A. Okay.
Q. What's in the victim's hand?
A. That is the left hand and it is a large bag of marijuana.
Q. Okay. But this struggle --
A. What I believe to be marijuana.
Q. Thank you. And during this struggle, the victim is supposed to be using both hands to grab onto the defendant?
A. That's correct.
Q. During the interview or the reconstruction, is there any mention of the victim, Parrish Phillips, having a weapon on him?
A. No, sir.
Q. During the interview and the reconstruction, who starts the conversation?
A. The defendant.
Q. How is it described in both events? After it gets heated, where does the victim go?

A. Inside.
Q. Then where does the defendant go?
A. Inside.
Q. After the defendant arms himself, where does he go?
A. Back outside to where the confrontation had started.
Q. And then how does the victim -- how is it described that this physical altercation took place after the defendant comes outside? How did the victim get there?
A. The victim also came outside. The defendant described him -- hearing him yelling at him as he's coming out and then it just started right by the patio.
Q. Just a sudden altercation?
A. Yes, sir.
Q. A struggle for the gun?
A. Yes, sir.
MR. PINCELLI: I beg the Court's indulgence.
THE COURT: Take your time.
MR. PINCELLI: Thank you, Detective.
THE WITNESS: Yes, sir.
THE COURT: Answer any questions from the defense at this time.
THE WITNESS: Yes, sir.
MS. YONGE: Your Honor, I need --
THE COURT: Before we do cross?
MS. YONGE: Yes, please.

THE COURT: Mr. Foreman, we're gonna take a quick little break because you-all have been at it for quite a while. Remember, no talking about this case amongst yourselves, all right?

(Whereupon, the jury retires to the jury room at 10:50 AM.)

THE COURT: All right. Let's be in recess.

I'm gonna tell you, you're on the stand --

THE WITNESS: Yes, ma'am.

THE COURT: -- and I can't let you talk to anybody, okay?

THE WITNESS: Yes, ma'am.

THE COURT: But you're more than welcome to go to the restroom if you've got to go.

THE WITNESS: Yes, ma'am.

(Recess taken at 10:51 AM.)

(Back on the record at 11:04 AM.)

THE COURT: All right. Is the State ready?

MR. NORTON: The State's ready, Your Honor.

THE COURT: Defense ready?

MS. YONGE: Defense is ready, Your Honor.

THE COURT: Okay. Let's -- during the break, the defendant -- the defense lawyer let me know that they had an objection to the word "marijuana" being used. Obviously none of this had been tested or -- and I think

the State agrees it hasn't been tested, they don't know if it's marijuana or not, but I'll let you put your objection on the record.

MS. YONGE: Thank you, Your Honor.

During the course of Mr. Rankin's {sic} direct testimony, there were multiple occasions in which the word "marijuana" was used, references to drugs, and, Your Honor, we just wanted to make it clear, and this is with the State's consent, we discussed it privately during the testimony, that there's a standing objection throughout this entire trial to the word "marijuana" and to all of this introduction of drugs because it's defense's position that this is a murder trial, not a drug case. All of this in line with defense's pre-trial motion, Your Honor, so we just want to make it clear.

THE COURT: All right. Let me hear from you, Mr. Norton.

MR. NORTON: Your Honor, I have no problem with a standing objection just to preserve time and efficiency.

THE COURT: Okay. Because I think we've addressed this before we --

MR. NORTON: Your Honor's ruled on the issue.

THE COURT: I've already ruled.

Okay. Well, it is a standing objection. You're certainly free to cross him on it.

MS. YONGE: Thank you, Judge.

THE COURT: I think we discussed that, too.

Okay. Now, Ms. Yonge, you told me you wanted to proffer some testimony from the witness who's already sitting on the stand.

MS. YONGE: Yes, Your Honor. Just to see if the -- make sure the Court deems it appropriate and that Mr. Norton has no objections.

THE COURT: Okay.

All right. Then let's go ahead while the jury's out.

EXAMINATION (In-Camera)

BY MS. YONGE:

Q. Okay. So, Investigator Alewine --

A. Yes, ma'am.

Q. -- as part of your job, do you look into the history of all parties involved in a case?

A. Generally, yes.

Q. And generally do you look into the criminal history of a victim?

A. No.

Q. Did you in this case?

A. I don't recall doing it myself, no.

MS. YONGE: All right. Your Honor, we know where it would go.

MR. NORTON: Judge, I don't think -- I think it's now a moot point as to Alewine, but we would -- if they intend to go into it with any other witnesses, the State would object to the victim's criminal history coming in for any witness, but I think that was a moot point for this witness.

THE COURT: Okay.

MS. YONGE: That's why we proffered it, Your Honor.

THE COURT: Okay.

All right. Are we ready to bring the jury back in?

MS. YONGE: Begging the Court's indulgence.

I'm sorry, Your Honor.

Your Honor, would it be all right if I further proffered some testimony along those same lines briefly?

THE COURT: Sure.

EXAMINATION (In-Camera)

BY MS. YONGE:

Q. Investigator Alewine, I believe you testified that the injuries were not consistent with self-defense; is that correct?

A. What injuries?

Q. Exactly. The lack of injuries were -- it was inconsistent with self-defense?

A. I would say the lack of injuries were consistent with not being self-defense.

Q. Yes. And I believe you testified to that during direct?
A. Yes.
Q. Isn't it important to look into the history of all parties involved when making a determination as to whether something is self-defense or not?
A. I would say it depends.
Q. If someone was claiming that someone was attacking them, wouldn't it be useful to know if the person who did attack them had a history of attempting to attack other people?
A. Yes.
MS. YONGE: No further questions, Your Honor.
MR. NORTON: So, Judge, to that we would object because it's now applying to the jury that Parrish Phillips had a history of attacking other people, so they're trying to backdoor in specific instances of conduct.
MS. YONGE: I just asked if it was important to find out, Your Honor. I didn't ask whether he did or not.
MR. NORTON: That's why it's called a backdoor. I mean, that's --
MS. YONGE: They did -- on the stand, I think it's fair game because he said this was inconsistent with

self-defense, that the lack of wounds on his arms is inconsistent with self-defense. So it is fair for me to say well, how do you make that I make that determination and wouldn't this is be important in making that determination. I get to now go into those questions, which opens up whether or not he has history of being aggressive.

MR. NORTON: The fact, that Investigator Alewine didn't observe any injuries doe not suddenly open the door to the victim's history asking about it.

THE COURT: I don't think it does either. I don't think it does either. I don't.

But I'll be happy to hear -- anything you want to add, Mr. Norton, and I'll be happy to hear from the defense, but it is kind of back-dooring it in.

MR. NORTON: Judge, I think --

MS. YONGE: Well, Your Honor, we would then ask that we would be given guide rails as to how close -- how far are we allowed to dive into his expertise with regard to whether or not something is consistent with self-defense since he testified --

THE COURT: Well, number one, I don't think he's an expert. I mean, he hasn't been classified as an expert.

MS. YONGE: That's my point, Your Honor, is he testified that -- he testified that the lack of injuries

on Mr. Trapp was inconsistent with self-defense, which states that he has an opinion regarding what's consistent and what is not, and so it should be fair game for me to be able to ask how do you make that determination.

THE COURT: Well, you're the one who asked him if it was inconsistent.

MR. NORTON: I think we're having some -- I think there's some disagreement over what exactly was testified to.

THE COURT: Right.

Go ahead. Let me hear from you, Mr. Norton.

MR. NORTON: Your Honor, I think that fact that he did not observe any injuries to Parrish Phillips's extremities or his face or anything like that does not suddenly make him an expert in what does or doesn't constitute self-defense. He's not a pathologist. He's not a forensic examiner. She can testify that he doesn't have that -- or she can ask him that he doesn't have the expertise, but we're not suddenly opening the floodgates to go into things that otherwise are completely inadmissible.

MS. YONGE: Can I ask if he's an expert on the topic on self-defense and just ask him that?

THE COURT: He's not an expert. He hasn't -- he hasn't been --

MS. YONGE: I agree, Your Honor. He's not an expert. That's my point.

MR. NORTON: Well, if she -- if that was the point we're gonna make, then the appropriate time to object to that would be when he answered that question.

THE COURT: Exactly. So now you want to ask him if he's an expert in self-defense?

MS. YONGE: Because we let in that comment regarding self-defense, Your Honor. I don't have to object to every single thing that's objectionable. I can't let things in if they --

THE COURT: Why don't you ask him and let's see what he says.

MS. YONGE: Okay.

EXAMINATION (In-Camera)

BY MS. YONGE:

Q. Investigator Alewine, are you an expert on self-defense?

A. No, ma'am.

THE COURT: Why can't she ask that question?

MR. PINCELLI: Judge, I disagree with the fact that he has testified to anything on self-defense. I believe his testimony was that he observed no injuries. I don't think he made any opinion on whether it was self-defense or not and that seems to be the whole reason that we're

getting into his argument.

THE COURT: All right. Let's play back his testimony, Stacy. If we could roll back the tape.

(Whereupon, a portion of the record was played back.)

MR. NORTON: He's not opining that it's inconsistent with self-defense. He's saying he didn't observe any injuries.

MS. YONGE: He doesn't observe any injuries that are consistent with self-defense.

THE COURT: I don't think that makes him an expert or that he's claiming to be an expert.

MS. YONGE: Your Honor, we'll steer clear of that line of questioning.

THE COURT: Thank you.

Now let me see both of the lawyers for a second.

(Proceedings held at the bench; not reported.)

THE COURT: Okay. And for the record, we were talking about Mr. Norton standing up for the State instead of Mr. Pincelli and it's Mr. Pincelli's witness.

Okay. Now with all that said, the proffer done, can I bring the jury back in?

MR. NORTON: The State's ready, Your Honor.

MS. YONGE: The defense is ready, Your Honor.

THE COURT: All right. Bring them back in.

(Whereupon, the jury return to the courtroom at 11:23 AM.)

THE COURT: All right. Mr. Foreman, the jury ready?

FOREPERSON: Yes, ma'am.

THE COURT: Please be seated.

All right, Ms. Yonge. You may continue. Well, you haven't started yet, but go ahead.

MS. YONGE: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. YONGE:

Q. Good morning, Investigator Alewine. How are you?

A. Good morning. Always a pleasure.

Q. Always a pleasure. I'm gonna walk you through your previous testimony. I promise it won't be quite as long because we're not gonna watch the video, but let's start with your arrival on-scene.

A. Yes, ma'am.

Q. So you stated that you arrived on the scene and that you could see the defendant and the victim and various items all around?

A. Correct.

Q. Okay. We're gonna look at State's 4 and, I guess, what is this that we see here on the ground?

A. I can't se from here what that is.

Q. Okay. We'll get to that.

A. Okay.
Q. How about describe to me what the victim looks like?
A. The victim looked as I saw it just as you see in the picture there; generally, a blue shirt. He looks as he appears there.
Q. So blue shirt, black shorts, black flip-flops? Sounds accurate?
A. Yes.
Q. Okay. And you mentioned that the chair was on the ground?
A. Yes, ma'am.
Q. And that you saw gunshots and blood I believe were your words?
A. Gunshot wounds.
Q. Gunshot wounds. I apologize.
A. No, you're good.
Q. Did you see any blood on the chair?
A. I did not.
Q. Do you know if the chair was ever tested for blood?
A. I do not know that.
Q. Okay. And there was also some mention of a large bag of marijuana. Is that what you said?
A. I did say that.
Q. Okay. Do you know for a fact that it is marijuana?
A. I do not.

Q. Do you know what quantity of marijuana is in that bag?
A. I do not.
Q. Do you happen to know whether or not it's actually a large bag?
A. I believe that would be an opinion on what's large and not large, but...
Q. Okay. I'm gonna ask you to look at State's 6. So let's start with Item Number 4, which based on the -- and can you read that or do I need to walk it up to you?
A. No, I can't.
Q. That's perfectly fine.
MS. YONGE: Your Honor, may I approach?
THE COURT: You may.
BY MS. YONGE:
Q. Okay. So -- and I'll pull it back up for the jury in a minute, but looking at Number 4, what does that say it was?
A. It's marked as a cell phone.
Q. Okay. So the black object that I was pointing to in State's 4, that's a cell phone, correct?
A. Yes, ma'am.
Q. Okay. What does it say about -- I believe it's Item 10?
A. Bags with green leafy substance.
Q. Bags. And where was Item 10 located?

A. In the victim's left hand.
Q. In the victim's left hand. So it wasn't, in fact, a large bag of marijuana that was found in a victim's left hand, but it was two smaller bags, correct?
A. I remember it as being one large bag. That's what I observed.
Q. But you also testified that this was accurate, correct?
A. I did.
Q. Okay. So if this says that it was plural, would you then assume that you are perhaps misremembering and it's actually multiple, whatever size?
A. No, I would -- I would stay consistent with my remembrance of it as being one large bag.
Q. Okay. So you're gonna stay with it's one large bag?
A. Yes, ma'am.
Q. Okay. I apologize. I'm trying to take my notes at the same time.

Okay. When did all of this take place?

A. Sunday, I believe it was the 27th.
Q. Of what -- but of what year?
A. 2021.
Q. Which is how many years ago?
A. Three now.
Q. Okay. And are their things that investigators use to

help them remember what happened multiple years ago?
A. Sure.
Q. What are some of those things?
A. Notes.
Q. Notes. Do you happen to have notes on this case?
A. I do, but not with me.
Q. So you stated that you don't have your notes with you?
A. Correct.
Q. But if you were to look at your notes, would that help refresh your memory as to what occurred?
A. Sure.
Q. Okay. So earlier you testified regarding the reconstruction that the victim put both hands on the subject, correct?
A. The victim put both -- grabbed both wrists or both arms of the defendant, yes.
Q. Okay.
MS. YONGE: May I approach, Your Honor?
THE COURT: You may.
BY MS. YONGE:
Q. I'm going to hand you your notes from that reconstruction. I believe it beings at the bottom of the first page.
A. Yes. Uh-huh.
Q. If you will please review those notes and let me know

when you get to the part that says that the victim put both hands on the subject.

A. I don't see those words in the notes.

Q. Okay. But we've already established that you use notes to help recall things, correct?

A. Yes, ma'am.

Q. And that it's been more than three years since you saw this reconstruction?

A. Yes, ma'am.

Q. So it is possible that you are misremembering what the defendant did?

A. No.

Q. It's not?

A. No.

Q. The same way that it is not possible that it is two bags instead of one?

A. Could you rephrase the question?

Q. Sure. You've stated that three years later even though your notes don't describe the victim putting both hands on the -- the defendant that it is impossible that you are misremembering, that this is an accurate depiction three years later, even though it's not in the notes, and so that same impossibility, that's the same impossibility as you not misremembering one bag instead of there being two for the marijuana?

A. I believe my memory is correct on both accounts.
Q. Okay. Even though your notes don't state anything about the victim putting his hands on the subject?
A. Yes, ma'am.
Q. Okay. To lighten the mood a little bit, Investigator, briefly there was some discussion in the interview about romantic -- I believe the defendant denied any romantic interactions and then later came to describe a threesome, and I just -- have you ever had -- I don't want to pry -- it's possible that people have different definitions for romantic interactions and sexual interactions, correct?
A. Absolutely. Yeah.
Q. So it's possible to have sexual interactions with someone without there being any romantic feeling, correct?
A. Yes.
Q. So by saying no, I never had a romantic relationship I with X, Y, Z, I still could have had a sexual relationship with them, correct?
A. Yes.
Q. Okay. Going back to the scene, so we're skipping around like the interview, you mentioned that you saw everything on here, correct?
A. Saw everything?
Q. Well, that this was an accurate depiction of the scene.

A. It is.
Q. Okay. What about Number 13?
A. I can't read it. Sorry. Cartridge case. Okay.
Q. You didn't actually see Number 13, did you?
A. No.
Q. Okay. Who saw 13?
A. I believe it was CSI Miramontes, the crime scene person. I believe.
Q. And that was a day later, correct?
A. Correct.
Q. Okay. So this is a compilation of multiple people's work, correct?
A. Yes.
Q. Okay. Not -- not something that just you saw?
A. I did not draw it or come up with everything on there, no.
Q. Okay. So CSI Miramontes might be able to testify further regarding what happened?
A. If my memory serves correct, yes.
Q. If that is the correct CSI who was assigned to this case?
A. Correct. It's the only one we had, so.
Q. Okay. Was the Jabin under arrest when he came in with his lawyer voluntarily to give a statement to the police?
A. Absolutely not.

Q. In fact, was he arrest when he took you-all out to his house to show you the reconstruction?
A. He was not.
Q. So in this case you went to the scene?
A. Yes, ma'am.
Q. And you interviewed Jabin?
A. Yes, ma'am.
Q. You interviewed Elizabeth Warwick?
A. I don't know if I did or not. I don't recall me specifically interviewing her, but I think she was interviewed.
Q. Okay. And she was the woman -- she's also referred to as Lizzy, correct?
A. Correct.
Q. And she was the other person who was at the scene when you got there?
A. Correct.
Q. Okay. You interviewed Aubrey Rowe?
A. Yes.
Q. Can you tell us who Aubrey Rowe is?
A. It was a friend that Parrish had been with earlier that day, Sunday.
Q. Okay. And as -- you've also testified that you've taken out search warrants in this case?
A. Correct.

Q. Did you take out a search warrant as a result of your interview with Aubrey Rowe?

A. I don't believe I did.

MR. PINCELLI: Objection, Your Honor. This is outside the scope of direct.

THE COURT: I believe that it is, Ms. Yonge. You need to move on. You know what, wait just a second. Let me see the lawyers for a second.

(Proceedings held at the bench; not reported.)

THE COURT: Okay. I'm gonna strike that ruling that I made on myself.

You go right ahead, Ms. Yonge, and you ask your questions.

MS. YONGE: Thank you, Your Honor.

BY MS. YONGE:

Q. Did you take out a search warrant as a result of your interview with Ms. -- Ms. Rowe?

A. As just a result of my interview with her, I don't believe I did, no.

Q. Okay. How about did you request and receive any footage from the day of the event as a result of your interview with Ms. Rowe?

A. Yes, ma'am.

Q. Okay.

MS. YONGE: Your Honor, may I approach?

THE COURT: You may.

MR. PINCELLI: Your Honor, I think I have another objection. Maybe we should approach.

THE COURT: All right. Come on up.

(Proceedings held at the bench; not reported.)

THE COURT: Go right ahead, Ms. Yonge.

BY MS. YONGE:

Q. Okay. I'm gonna ask you to review this and let me know if you recognize it.

A. I do recognize it.

Q. Okay. And what does it appear to be?

A. It's the cameras from the Speedway.

MR. PINCELLI: Objection, Your Honor. I -- I mean, this is gonna be a 901 issue. I don't know that he can authentic any of this. He might recognize it.

MS. YONGE: Okay. Your Honor, I have a couple of questions that might help.

THE COURT: Okay. I'm gonna let her see.

Go ahead.

(Defendant's Exhibit Number 1 playing.)

BY MS. YONGE:

Q. I'm gonna play it a little bit further. Do you recognize the individual that is shown there?

A. I do.

Q. And is it -- and who is it?

A. That is the victim.
Q. And how does he appear?
A. He's wearing the same clothes as he was when I observed him in the backyard.
Q. Okay.
MS. YONGE: Your Honor, I believe I have exhibited enough to authenticate. You know, I'll go a little bit further.
BY MS. YONGE:
Q. Did you personally receive this video footage?
A. I did.
Q. Do you recall who you received it from?
A. I don't.
Q. Okay. If you saw your notes, would that help?
A. That would. I didn't know if you wanted the name, but...
All right. I've reviewed it.
Q. Okay. Who did you receive it from?
A. A person named Brian Seifert.
Q. And who is he associated with?
A. Speedway gas station.
Q. And did you receive this as a result of your request to obtain video footage of the day in question?
A. Yes.
MS. YONGE: Your Honor?

THE COURT: Any objection?

Are you introducing this?

MS. YONGE: Yes, Your Honor. This would be Defense Exhibit Number 1.

MR. PINCELLI: I mean, there would be an objection. We don't know when it was taken. He's not the proper witness to authenticate this. He doesn't have care and custody over this DVD. If we have a name, perhaps that would be the right person to put it in through.

MS. YONGE: Your Honor, he --

THE COURT: Okay. Can you-all just hold on?

Let me ask the jury, can you just step back to the jury room right quick. I'm gonna take up an issue with the lawyers and then I'll have you back in.

Please remember no talking about this case.

(Whereupon, the jury retire to the jury room at 11:41 AM.)

THE COURT: All right. I'll be happy to hear you.

MR. PINCELLI: So, Your Honor, my argument continues to be a 901 argument. Investigator Alewine was not there for the creation of this video. He's not the custodian of this video. He has -- the foundation was laid by something that's not in evidence and I would argue if it's coming in, that entire laptop has to come in.

MS. YONGE: What?

MR. PINCELLI: How else would it not, Your Honor? That's a piece of evidence that has been -- the foundation has been laid what he testified to.

MS. YONGE: I apologize. It's on the USB that's in the laptop, Your Honor; although I'm more than willing to submit --

MR. PINCELLI: But, I mean, on top of that, I don't believe this could come in just based on 901 argument at this time. I don't really have an issue of what's in it. He's not the proper witness to authenticate this.

MS. YONGE: Your Honor --

THE COURT: Why isn't he? He testified that it was part of his investigation that they requested. He testified that he's seen it before. He described it and it is what it claims to be. What else does she need to prove to get this in?

MR. PINCELLI: That he's either the custodian or he was present for the creation of this, for this video. He can't just say he recognizes it and it comes in.

MS. YONGE: Your Honor, it's my understanding that that is one method for getting in video; however, simply having the testimony of a witness with knowledge to get it in is fine. Authentication is a very low barrier. He's testified about the date, he's testified about what the victim was wearing, that it is the victim in the

video and he's wearing the same things, that he obtained it as part of the footage of that date. I believe the fact that the victim is wearing the same thing is enough to cross the threshold, Your Honor.

THE COURT: Well, he identifies that it's the victim. He identifies that it came from Speedway. He says it's part of his investigation. He's looked at it. I'm just trying to figure out what else it is that you want her to prove, that just because she has it? Was this not in discovery?

MS. YONGE: Yes, Your Honor. It was -- we obtained it from the State.

MR. PINCELLI: It was in discovery. I think we're pulling a lot of information out of this witness to lay the foundation that wasn't necessarily there. We don't have a date for this --

MS. YONGE: Your Honor --

MR. PINCELLI: -- a time, and I don't know that the investigator can testify to that. That would be critically important to authenticating it because he's not the one who created it or kept custody over it.

MS. YONGE: They can make that argument on cross, Your Honor. He's already testified he obtained it as a result of his request for video footage of that day.

THE COURT: I'm gonna allow it.

I'm gonna bring the jury back in. Everybody ready?

Let's bring the jury back in. I think he testified enough and she's laid the foundation.

MR. PINCELLI: Well, I think we need to decide how it's gonna be published at this point.

MS. YONGE: Your Honor, if they are -- I can probably hook it up to the projector.

MR. NORTON: If it's on the USB drive, the computer has a USB connector.

MS. YONGE: Yes, it will the USB. It's during the stand your ground, Your Honor, that we had an issue with that, so I think it is probably best we try it now.

Apologies, Your Honor.

THE COURT: Hold on just one second. I'm sorry.

MS. YONGE: I believe we're ready.

THE COURT: Okay. We're ready.

(Whereupon, the jury return to the courtroom at 11:48 AM.)

THE COURT: All right. Mr. Foreman, the jury ready?

FOREPERSON: Yes, ma'am.

THE COURT: Please be seated.

MS. YONGE: Your Honor, I believe I was incorrect. We are having some playback difficulties, but I'll go ahead and -- what you just observed, that was a video you obtained of Speedway where you had information that the

victim had been prior to the gunshot incident, correct?

THE WITNESS: That's correct. Yes, ma'am.

MS. YONGE: At this time, Your Honor, the defense would like to move that video in as Defendant's Exhibit 1.

THE COURT: Okay.

MR. PINCELLI: And, Your Honor, that would just be over objection to authentication, not specifically the contents.

THE COURT: All right. And I've ruled that I think she properly authenticated it, so I'm admitting it.

Go ahead.

THE COURT: Your Honor, it appears that my computer does not want to cooperate, so -- maybe.

So with Your Honor's permission, I will simply hold my laptop for them to view the video at this time or I might be able to do it on the projector or something.

(Defendant's Exhibit Number 1, Speedway video footage, was marked and admitted into evidence.)

BY MS. YONGE:

Q. And this is the victim, correct?

A. It is.

Q. Okay. And we notice that he's a little slow in some parts and a little fast in others, and you had nothing to do with that, correct?

A. Correct.

Q. That's how you received the video?
A. Yes, ma'am.
(Defendant's Exhibit Number 1 playing.)
Q. And we see the victim again at the counter?
A. Yes, ma'am.
Q. Just another view. He's not clutching his side, is he?
A. Clutching his side you said?
Q. Yes.
A. No, ma'am.
Q. He's just standing there, correct?
A. He's just standing.
Q. Okay. And it's your understanding that this video comes from right before he got home and the altercation occurred?
A. That's my understanding.
Q. That's your understanding?
A. Yes, ma'am.
Q. And, again, it's slower here, but you had nothing to do with that?
A. Correct.
(Defendant's Exhibit Number 1 playing.)
Q. Investigator Alewine, to your knowledge is that the only video footage that the investigation ever turned up of the victim on the day of the altercation?

A. It is.

MS. YONGE: Begging the Court's indulgence.

THE COURT: Take your time.

MS. YONGE: No further questions, Your Honor. Thank you.

THE COURT: All right. Any redirect?

MR. PINCELLI: Yes, Your Honor. Thank you.

REDIRECT EXAMINATION

BY MR. PINCELLI:

Q. Detective Alewine, there was a little back and forth about the bag or bags of marijuana in the hand?

A. Yes, ma'am -- yes, sir. Sorry.

Q. I know you were used to it. Is there any question that he died with something in his hand?

A. That -- yes, that's correct. There's no question.

Q. That Parrish Phillips had something in his hand?

A. Yes.

Q. A bag, two bags, marijuana, cabbage, something in is in his hand on the ground?

A. Yes, sir.

Q. When you had your interview with Jabin Trapp and you asked about romantic involvement, do you think he was confused? Do you think he was thinking about a candlelight dinner?

MS. YONGE: Objection to speculation, Your Honor.

MR. PINCELLI: I'll move on from that question.
THE COURT: Thank you.
BY MR. PINCELLI:
Q. He did eventually get to the point that he had both a threesome and said nothing else after that, correct?
A. Correct.
Q. And then later admitted to another sexual encounter?
A. Correct.
Q. We talked about what's State's 6 and you weren't there for the collection of a cartridge casing?
A. That's correct.
Q. But through the course of your investigation, you're aware that the cartridge casing was collected and you even named the CSI individual that would have been on-scene; is that correct?
A. Yes, sir.
Q. And you're aware that this is just a summary diagram of the entire scene?
A. Correct.
Q. We went into a little bit about the reconstruction and you were present for that; is that correct?
A. I was.
Q. Now it is your recollection that the defendant -- or I guess that the victim did what to the defendant during that struggle?

A. Say that one more time. I apologize.
Q. Is it your recollections that the victim in the case did what to the defendant during that struggle for the gun?
A. Grabbed both arms.
Q. Was that -- and that's your recollection?
A. Correct.
Q. Was that the first time you heard that?
A. No.
Q. Because he said that in the video as well, didn't he?
A. He did.
(State's Exhibit Number 10 playing.)
Q. What did he say right here?
A. At some point in time he had both of my arms.
Q. And that's exactly what you remember him saying on the reconstruction?
A. Yes, sir.
Q. Let's talk about the gas station video. It appeared to be -- do you know what a frame rate is in a video?
A. You're probably asking the wrong person.
Q. That's fair. Would you agree that that gas station video skips along?
A. Yes.
Q. It's not a fluid video?
A. Correct.
Q. Is it possible that Parrish Phillips walked in and

clicked his heels and you just didn't see it because of the frame rate?
A. Is it possible?
Q. Yes.
A. Maybe.
Q. Is it also possible that he's limping around on that video?
A. Yes.
Q. You can't really make any depiction other than that he was able to walk in and buy a pack of cigarettes; is that right?
A. I would say that's accurate.
Q. And finally you were asked -- after the interview when the defendant came to the reconstruction, was he under arrest at that time?
A. No.
Q. Was he eventually under arrest for murder?
A. Yes.
Q. And why is that?
A. We collected all of the evidence, looked at all the facts, discrepancies and made that determination, that murder was the best charge in this case.
MR. PINCELLI: Thank you, Investigator.
THE WITNESS: Yes, sir.
THE COURT: Ms. Yonge.

RECROSS EXAMINATION

BY MS. YONGE:

Q. So I might be nitpicking here, but we heard earlier about how it's all in the details, so he says at some point in time he had both of my arms, correct?

A. Yes, ma'am.

Q. But he never says that the victim used both hands on him, correct?

A. That's correct.

MS. YONGE: No further questions, Your Honor.

THE COURT: All right. May I let the agent step down?

MR. PINCELLI: Please, Your Honor. Thank you.

THE WITNESS: Thank you, Your Honor.

(Witness excused.)

THE COURT: Call your next witness.

MR. PINCELLI: The State calls Lizzy Warwick.

MS. YONGE: Your Honor, may we approach?

THE COURT: You may.

(Proceedings held at the bench; not reported.)

THE COURT: All right. Mr. Foreman, they're telling me that the next witness is gonna be a long witness --

FOREPERSON: Okay.

THE COURT: -- and so I don't want to break up the testimony. So we're gonna do an early lunch. I'm gonna

ask you to be back in the jury room -- I'd like to start back at 1:15.

FOREPERSON: 1:15.

THE COURT: So if you-all could be back in the jury room anywhere between 1:00 and 1:15, okay?

Remember, no talking about this case. Enjoy your lunch and we'll start back at 1:15. Thank you.

(Whereupon, the jury was excused for lunch at 12:00 PM.)

THE COURT: Okay. Court will be adjourned until 1:15.

MS. YONGE: Thank you, Judge.

MR. COX: Thank you, Your Honor.

MR. NORTON: Thank you, Judge.

(Whereupon, a luncheon recess was taken at 12:01 PM.)

(Back on the record at 1:46 PM.)

BAILIFF: Court will come to order. Remain seated, please.

THE COURT: I'm sorry I'm running a little late.

All right. Anything I need to take up before I bring the jury in?

MS. YONGE: Your Honor, my co-counsel just stepped out to the gentlemen's room. He'll be right back, so I'd ask you to just wait.

MR. PINCELLI: Judge, I just want to tell the Court

we did not mean to be unnecessarily contentious earlier. There was a little confusion about the contents and the manner of admitting Defense's 1. And, in fact, at this point we've consented to substituting that flash drive for a Blu-ray disk later and we're on track for a speedy rest of our trial.

MS. YONGE: Your Honor, yes. We understand where the confusion arose from. There was apparently another video that I wasn't even remotely attempting to that they were concerned about and would have had a right to be, Your Honor, and so it was a kerfuffle and we apologize to the Court for that occurring.

However, with Your Honor's permission we would like to substitute a DVD-CD in for the USB because apparently that's the computer that goes back to the jury and they won't be able to use my USB drive, if that's all right with Your Honor?

THE COURT: No need to apologize to the Court. We'll do exactly what you-all want.

MR. PINCELLI: Thank you, Judge.

THE COURT: Are you-all gonna substitute it or have you-all already?

MS. YONGE: Your Honor, with your permission, we would substitute tomorrow morning.

THE COURT: That's fine.

MR. COX: And we'll get the copy burned. That way we can make sure that they review it -- we both can review it and make sure it's the video and we'll substitute it first thing in the morning.

THE COURT: And what number is that? Is that Defense's Number 1?

MS. YONGE: Yes, Your Honor.

THE COURT: Okay. So I'm just gonna make me a little note that we're gonna substitute so I can make sure that it's done.

MR. COX: Very good.

THE COURT: Perfect.

All right. Now may I bring the jury in?

MS. YONGE: The defense is ready, Your Honor.

THE COURT: All right. Bring the jury in.

(Whereupon, the jury return to the courtroom at 1:50 PM.)

THE COURT: All right. Mr. Foreman, the jury ready?

FOREPERSON: Yes, ma'am.

THE COURT: Okay. Please be seated.

All right. You may call your next witness.

MR. PINCELLI: The State calls Lizzy Warwick.

(Whereupon, Elizabeth Warwick was duly sworn by the Clerk of Court.)

THE CLERK: Please take a seat on the witness stand.

State your full name and spell your last for the record.

THE WITNESS: Elizabeth Warwick.

ELIZABETH WARWICK,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. PINCELLI:

Q. Could you spell your last name, please, Lizzy?

A. W-A-R-W-I-C-K.

Q. Thank you. And do you mind me calling you Lizzy?

A. No, that's fine.

Q. Thank you. Lizzy, how did you know Parrish Phillips?

A. I dated him. I met him in August 2020.

Q. And before that, were you living in Lexington County?

A. No.

Q. Where did you live?

A. Well, I did live in Lexington County, but I lived in Irmo.

Q. Okay. And then you said you started dating Parrish in 2021?

A. I believe it was 2020. August 2020.

Q. Okay. Tell me about how you came to meet him.

A. I met him at a local bar we both went to, so we kind of saw each other around and then he started talking to me and we hit it off.

Q. And do you remember what month that would have been?

A. It would have been August.
Q. Okay.
A. We had probably seen each other before then, but we didn't start talking until then.
Q. At some point did you come to live with him?
A. Yes. When he got sick, he -- I think he got sick in around February, before he went to the hospital, and I started taking care of him and then he ended up in the hospital in, I believe, April.
Q. Okay. Why don't you tell us a little bit about how he got sick? What was he dealing with?
A. He was dealing with intestinal issues. He had a lot of problems with his guts. I'm not quite sure what it was called. But, you know, he would be in the bathroom a long time every morning and, you know, he would have to watch what he ate and...
Q. And then you said eventually he had to go to the hospital for it?
A. Yes.
Q. Can you tell me about what happened that he had to go to the hospital?
A. He ended up getting sepsis, but he called -- the girl we were staying with at the time, he called her and I think his mother, and they both showed up at the same time and they had to call the ambulance because he wasn't

responding. So he ended up in the hospital and he was in the ICU, I believe, for quite a while and --

Q. And you said -- I'm sorry to cut you off. Go ahead.

A. I was just saying it was either me or his mom, we would switch off, you know. If I was working, she would go see him, and if she couldn't see him, I would go see him.

Q. And you said this was about -- around April?

A. I believe so, yes.

Q. And roughly how long was he in the hospital for all of this?

A. I think it -- I think it was like a month and a half.

Q. And during that time do you recall what they had to do to make him better?

A. Yes. I believe that they -- I know they had to cut out about a foot of his intestines. I believe it was his large intestine. So I'm pretty sure they had to cut through his abdominal muscles and he was on a clear liquid diet for a long time and it took a long time to get him, you know, to a point where he was starting to recover.

Q. And eventually he got out of hospital. When was that do you think?

A. I -- I think it was in May.

Q. And what was he dealing with when he got out of the hospital?

A. So he had a colostomy bag and the nurses taught me how

to help him change it, and he knew how to do it as well, and he also had a wound vac from where they did the surgery that would -- I would guess it would help the blood drain, so he had both of those things sticking out of him.

Q. So that's from his intestinal issues. Did he have any other issues, a previous medical issue that he was dealing with?

A. I'm not exactly sure. I think he had some, you know, lung issues and -- but I don't know for sure.

Q. Did he have anything wrong with his eyes?

A. Yes. He had an eye patch.

Q. And after -- so you said around May maybe he got out of the hospital?

A. Uh-huh.

Q. And you're dating him at that time?

A. Yes.

Q. And you're taking -- helping take care of him?

A. Correct.

Q. Where -- did you live with him at the time?

A. Well, when he first got out of the hospital, he stayed with his parents for a couple of weeks and then he didn't stay with them anymore, so we went back to Sarah's, and that's when I started staying with him again.

Q. Okay. At Sarah's?

A. Yeah, I didn't stay with him at his parents'.

Q. Okay. And what was that setup like with Sarah?
A. Well, he stayed in her downstairs room. There was only one bedroom downstairs, but it was more comfortable for him on the couch, but she had three cats that would, you know, run around and jump in the middle of the night, so it made us both nervous.
Q. Sure. I guess that's understandable.
A. Yeah.
Q. Did you meet Jabin Trapp through Parrish Phillips?
A. Yes.
Q. And how did that happen?
A. It -- I believe it happened after he went into -- to move in with him because we were gonna move out of Sarah's.
Q. Okay. So tell me about that.
A. Well, she -- she asked him to leave because he was -- you know, he was in a lot of pain constantly, so he was just irritable and, you know, with him being on the couch and stuff. She -- she had five kids that would stay with her two nights out of the week and then every other weekend, but it was just a matter of, you know, less stress in the house because he was just irritable.
Q. So obviously it sounds like a lot going on in a one-bedroom house. So he moved out of there and then --
A. Well, it was more than one bedroom. There was only one bedroom downstairs because he couldn't climb the

stairs.
Q. Okay. I understand. So he couldn't climb the stairs at that point?
A. Right.
Q. And, again, this would have been May?
A. Yes, right after he got out -- I guess two weeks after he got out of the hospital, then he went to Sarah's if I remember correctly.
Q. Okay. And then did he talk to you about moving in with Jabin?
A. Yes.
Q. Okay. What was that conversation like?
A. He wanted me to go with him because Jabin didn't want to be his, you know, caretaker, which is, you know, fair enough, but -- so I agreed to move in with him.
Q. And was it just the two of you or did you-all have any pets?
A. He had a service dog.
Q. And what was that service dog's name?
A. Max.
Q. What do you know about Max?
A. He's a sweetheart.
Q. What kind of dog is Max?
A. He's a German Shepherd.
Q. And you described him as a service dog.

A. Yes.
Q. Did he have special training?
A. Yes, he did. He was trained for -- to help him with his vision and also for anxiety and stuff like that. He would put his paw on his shoulder, you know, if Parrish was getting stressed on the road and stuff like that.
Q. And did you get to spend a lot of time with Max?
A. Oh, yeah. He was always there.
Q. Did -- did you ever see Max get aggressive with anybody?
A. No.
Q. Did you know him to have any special commands to get aggressive with anybody?
A. No. Parrish had said something about it, but I never saw any evidence.
Q. Okay. Do you think that could have just been big talk?
A. Yeah.
Q. When did you eventually move in with Jabin or when did Parrish move in?
A. At the same time as Parrish.
Q. And when was that?
A. I'm not exactly sure. My memory's kind of foggy from everything, but I think it was like the beginning of June or very end of May.

Q. And when you moved in, did Max move in with you?
A. Yes.
Q. And what was the living situation like inside of Jabin's house?
A. So me and Parrish and Max stayed in the master bedroom and Jabin stayed in the room that was past the office.
Q. I'm gonna show you what's marked State's Exhibit 6. Can you read what's written inside those boxes?
A. Yes.
Q. Okay. I think there's a laser pointer up there beside you. Could you point to the rooms that you and Parrish stayed in?
A. So that was this one. Sorry.
Q. And then --
A. This one.
Q. Okay.
A. The main bedroom.
Q. And then where did Jabin stay?
A. He stayed in this one.
Q. Okay. How did -- how long had you-all lived there together roughly before Parrish was shot and killed?
A. I believe it was only a few weeks.
Q. How had things been going in those few weeks with that living arrangement?
A. Not bad. You know, at the end there was tension,

about, you know, him not -- well, he had just recently been able to like get up on his own out of bed because, you know, from his back to sitting up was really hard for him, but at the end he could, but it was just very recent. But, you know, Jabin was getting upset about him not -- as well as I can remember, about him not picking up trash or, you know, leaving stuff around or the dishes. Normal stuff.

Q. Normal stuff? Roommate stuff?

A. Yeah.

Q. Just issues living together with somebody?

A. Exactly.

Q. How about drug use? Did you know Parrish to use any drugs?

A. Yes, he did smoke marijuana.

Q. Okay. Did he smoke marijuana in Jabin's house?

A. Not in the house. I don't believe so.

Q. Okay. On the back porch?

A. Yeah, on the back a patio.

Q. Okay. So on the -- on the property, just not inside the home?

A. Correct.

Q. Did you know Parrish to sell some marijuana?

A. From time to time.

Q. Did you know Jabin to partake in any smoking?

A. I'm pretty sure he used one of those pens.

Q. All right. You say pen. Maybe for somebody unfamiliar with --
A. It's -- it's like -- like a marijuana -- they call it a marijuana pen. It's got like a oil in it with THC.
Q. Is it like a vaporizer, like a vape?
A. Right. Correct.
Q. I want to talk to you more specifically about the incident now, okay?
A. Uh-huh.
Q. On Saturday, do you recall where Parrish went?
A. So I didn't wake up until -- you're talking about the day of, right?
Q. I guess the day before.
A. Oh, he went to the beach, I believe, the day before.
Q. And did you go with him?
A. Unh-unh.
Q. How long was he gone?
A. I believe just for the day.
Q. Okay. So he would have come home that night?
A. Yes.
Q. Did you talk to him that night?
A. I do not remember. I -- I believe I would have.
Q. And then the next day would have been Sunday, right?
A. Correct.
Q. What were you doing that Sunday morning?

A. That Sunday morning, like I said, I didn't get up until noon. I remember doing dishes, like loading the dishwasher, I cleaned the cooler out, and I was getting ready because I was supposed to go to my friend's brother's Celebration of Life that afternoon.
Q. Okay. And you say Celebration of Life. Is that kind of like a funeral?
A. Correct.
Q. So you had a plan to go to that later that Sunday afternoon?
A. Yeah, and Parrish was gonna go with me.
Q. Okay. And what was Parrish doing before those plans for later in the afternoon?
A. So he -- he went out with his friend Aubrey.
Q. Okay. Do you know where he went with Aubrey?
A. I believe it was LJ's.
Q. Okay. And what time of day did he leave to -- to go to LJ's with Aubrey?
A. I think it was around eleven, but I was still asleep.
Q. Okay. So sometime before you woke up?
A. Uh-huh.
Q. All right. Do you recall what time he got back?
A. Not exactly, but I'm -- I'm thinking it would have been around one.
Q. Do you remember talking to him when he got back?

A. Briefly, but I was on the back porch and him and Jabin started, you know, talking, so.
Q. Okay. So let's -- let's talk about that. You said you were on the back porch when he got home?
A. I think so. I'm not positive though.
Q. And when you say the back porch, I'm looking at State's Exhibit 6 and I'm pointing to this area right around here?
A. Yes.
Q. Is that the back porch?
A. Yes.
Q. Okay. And I'll show you a different one. This is State's Exhibit 3. Is that more specifically the back porch we're talking about?
A. Correct.
Q. Why don't you show us on State's Exhibit 3 with your laser pointer where everybody was?
A. Okay. I was on this seating down here and then there were -- there's that chair there and then there's another chair sitting up here and I believe Jabin was there and Parrish was there.
Q. Okay. So you're in the corner on a sectional?
A. Uh-huh.
Q. And Jabin and Parrish are on the high-top chairs?
A. Yes.

Q. And you had plans to go back out later with Parrish?
A. (Nods head.)
Q. Would that have been close in time to when he got home?
A. Yeah, we were supposed to leave soon.
Q. Okay. So what did Parrish go on the back porch to do?
A. I think he was just saying hey because he had just got back.
Q. So at that time he comes back just to say hey. He's been out all day.
A. Uh-huh.
Q. What did Jabin do?
A. Jabin brought up the stuff about the dishes, the trash and then about raising the rent.
Q. Okay. How did Parrish respond to that?
A. He was -- he was upset. I think it stressed him out, you know, because he hadn't been able to work lately and...
Q. Did the -- did that conversation, would you say it turned into an argument?
A. Yes, they were arguing back and forth verbally.
Q. Okay. And then what happened?
A. And then -- at the time they were both sitting and then Parrish stood up and -- and he told Jabin, you know, I could still kick your ass, and that's when I went inside.
Q. Okay. And why did you go inside then?

A. Because I have PTSD and any kind of verbal confrontation sends me into a panic attack, so I went inside to get away from it.
Q. And when you went inside to get away from that, it was because of the confrontation?
A. Yes.
Q. Did you think that anything physical or violent was going to occur?
A. No. I wouldn't have gone inside.
Q. Just because of some of the things you'd been though before, is that why you went inside?
A. Correct. Yes. I just wanted to get away from it.
Q. Did your PTSD have anything to do with Parrish?
A. No.
Q. So you went inside?
A. Uh-huh.
Q. What did you do when you went inside?
A. I -- all I know for sure is that I went into the -- the master bedroom where we stayed.
Q. Okay. I'm gonna switch it back to State's 6.
A. And I'm not sure if I had already packed my stuff because I was gonna shower at my mom's house before we went.
Q. Okay. And I'm gonna point. So is it -- are you saying that you went back into this room?

A. Yes. I was actually right there by the nightstand.
Q. Okay. And Parrish and Jabin are still out here?
A. Yes.
Q. Okay. So --
A. And I could hear muffled voices, but it was pretty soundproofed to outside, so I couldn't make out exactly what they were saying.
Q. But you could hear them talking to each other?
A. Yeah, going back and forth.
Q. And what did you do while you were in that bedroom?
A. I was having a panic attack. I called my mom and, you know, asked her to get -- you know, come get me because I didn't know if Parrish was gonna end up going at that point because I didn't know how long they were gonna talk it out or whatever. And then while I was in there having the panic attack, I was sitting on the floor by the nightstand, and I heard what I think was like three pops, but I thought it was like someone getting angry and punching the siding or, you know, furniture being thrown over or something. So at that point I believe I went out front. Like I know I went out the front door, but I don't know if I called my mom before I went outside or after I went out the front door.
Q. But sometime close around hearing that you went outside and you spoke with your mom again?

A. Yeah, within thirty seconds probably.
Q. And you heard the loud pops and you didn't think it was gunshots?
A. No.
Q. Why not?
A. Well, I've never really been around gunshots, so I -- but it didn't sound that loud. I thought it would have been louder if it were a gunshot.
Q. Did you imagine there was any reason anybody should be shooting anything in the backyard?
A. No. I'd never even seen a gun there.
Q. All right. During that time that you were in that back bedroom --
A. Uh-huh.
Q. -- did you remember Parrish ever coming into that room?
A. No.
Q. And you said you were right -- can you put the laser pointer up on State's Exhibit 6?
A. Yeah, I was actually -- I was sitting -- sorry. My hand's shaking.
Q. That's quite all right.
A. I was sitting and my -- my face was facing the entrance to the bedroom door.
Q. Is it fair to say you would have remembered seeing

Parrish because that might have been the last time you saw him alive?
A. Yeah, I believe anyone coming in the room would have jolted me because I was having a panic attack. I would have had some kind of reaction.
Q. Do you recall observing anybody come in the home during that time at all?
A. Unh-unh. I did have the bedroom door closed though, but I don't remember hearing anything.
Q. After all that happened and you hear the pops, what is the next thing you heard from Parrish or Jabin at all?
A. I heard Jabin yell into the door, so he must have opened the patio door, and he said call 9-1-1. With me being in the middle of a panic attack, I texted him back I can't, I'm having a panic attack right now or something to that extent, and -- and I didn't hear anything else. But, like I said, I had no idea that gunshots had been fired, so I thought he was saying call 9-1-1 because he wanted to get him kicked off the premises and I was just in the middle of my panic attack and wasn't thinking it was anything serious.
Q. So you're telling me in this moment you thought the worst case scenario was he wanted the cops because the argument had gotten out of hand?
A. Right. Yeah, I thought he wanted like him legally

escorted off the property.
Q. So you leave the back porch, you go into your bedroom and at some point go out the front door?
A. Correct.
Q. Parrish and Jabin are on the back porch?
A. Uh-huh.
Q. Where's Max?
A. With them. Max never left Parrish's side.
Q. Okay. So where was Parrish this whole time to your understanding?
A. Out back.
Q. So Max would have been also out back the whole time?
A. Yes. I didn't -- I didn't see anybody in the house.
Q. You said you heard Jabin call for you to -- or holler out to call --
A. Yeah, he said to call 9-1-1, and the only reason I know he would have had to open the door to say that is because I heard him clearly. Like I said, you can't hear what voices are saying when you're inside and the doors are closed.
Q. And you said you -- you didn't call. Can you explain?
A. Yeah, I texted him immediately.
Q. What -- what happened after that?
A. I just sat on the front porch. I was -- and I called my mom and I -- I remember because, you know, I -- you

know, with the bangs and stuff I just told her, I said can you hurry, like, you know, I think the fight's getting bad, and she said I'm two minutes away, but within -- I don't know how long it was, it was probably just a minute, there was like a -- I don't know how many, but probably eleven police vehicles pulled up, and I was pretty confused.

Q. Did -- did you eventually talk to police?

A. Uh-huh.

Q. At some point did you even give them your cell phone?

A. Yes.

MR. PINCELLI: I beg the Court's indulgence.

THE COURT: Take your time.

MR. PINCELLI: Thank you very much, Lizzy. Please answer anything from the defense.

THE COURT: Mr. Yonge.

MR. YONGE: Thank you, Your Honor. May it please the Court?

CROSS-EXAMINATION

BY MR. YONGE:

Q. Good afternoon, Ms. Warwick. I have to remind myself in the courtroom every time because there's no windows.

A. I know.

Q. My name's Jason Yonge. I obviously represent Jabin Trapp sitting over there.

A. (Nods head.)

Q. You know Jabin?
A. Yes, I do.
Q. Is it okay if I call you Lizzy, too?
A. Yes, that's fine.
Q. All right. Well, it's nice to meet you, Lizzy.
A. Nice to meet you.
Q. Have you ever testified in court before?
A. No, I have not.
Q. I'll try to make it pretty painless.
A. I'd appreciate that.
Q. Let's walk through some of the things you talked about and then I'll have a few questions for you, okay?
A. Okay.
Q. It sounds like you cooperated with the police --
A. Uh-huh.
Q. -- as soon as they arrived there on the scene.
A. Yes.
Q. Did you speak to them at the scene?
A. Did I what?
Q. Did you speak to any police officers at the scene?
A. I did, and I was also -- you know, I went back to the station with them for four hours right after.
Q. For four hours you said?
A. Uh-huh.
Q. Okay. What happened while you were at the police