

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

Debra McCaslin, Circuit Court Judge

Appellate Case No. 2024-001644

RECEIVED

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SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Jabin E. Trapp,

Appellant.

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THE LEXINGTON
COUNTY CLERK OF COURT’S OFFICE: IMMUNITY HEARING**

COURT EXHIBIT #9 (PHOTOGRAPH);
COURT EXHIBIT #10 (NORRIS DASH CAM VIDEO FOOTAGE);
COURT EXHIBIT #11 (NORRIS BODY WORN CAMERA FOOTAGE);
COURT EXHIBIT #12 (HASSLER BODY WORN CAMERA FOOTAGE);
COURT EXHIBITS #15 – 19 (PHOTOGRAPHS);
COURT EXHIBIT #21 (PHOTOGRAPH);
COURT EXHIBIT #24 (PHOTOGRAPH);
COURT EXHIBIT #27 (MIRANDA EXCERPT FOOTAGE);
COURT EXHIBIT #28 (RECORDED INTERVIEW);
COURT EXHIBIT #29 (SPEEDWAY VIDEO FOOTAGE);
COURT EXHIBIT #30 (WALKER BODY WORN CAMERA FOOTAGE)

1 station for four hours?

2 A. They were just questioning me about the situation.

3 Q. Okay. So it was a 4-hour interview?

4 A. That and they were checking for gunshot residue on me
5 and all that stuff. It's -- it's kind of a blur because I
6 was in shock.

7 Q. Yeah. And you had mentioned that on your direct
8 testimony, too.

9 A. Yes.

10 Q. Let me see what you said. You said your memory is
11 kind of foggy about all of this?

12 A. Uh-huh. Just the major parts are what I remember.

13 Q. Okay. Let's start from the morning of June 27, 2021.

14 A. Okay.

15 Q. That's when this incident happened, correct?

16 A. Yes.

17 Q. What time did you say you woke up?

18 A. I believe it was twelve.

19 Q. 12:00 PM?

20 A. PM, yes.

21 Q. So afternoon?

22 A. Yes.

23 Q. When you come out of the bedroom that day, what's the
24 first thing you see?

25 A. The kitchen most likely.

1 Q. Okay. Was anyone in the area?

2 A. No, I believe Jabin was doing yard work.

3 Q. He was already doing yard work when you woke up?

4 A. I believe so.

5 Q. Okay. Do you remember your interview with the police
6 that day?

7 A. I do remember parts of it. It was pretty traumatic.

8 Q. Sure. Do you think you said anything different to
9 them about whether Jabin was doing yard work when you first
10 woke up that day?

11 A. Possibly because it was the day of and not three years
12 after.

13 Q. Sure. So three years later it's harder to remember --

14 A. Uh-huh.

15 Q. -- than it would have been right then at the time this
16 happened?

17 A. Right, but I didn't -- I know he did yard work that
18 day, but I don't remember exactly the first thing I saw.

19 Q. Okay. So is it possible you spoke to him before he
20 started doing yard work?

21 A. It's possible.

22 Q. You just don't remember right now?

23 A. Right.

24 Q. Okay. All right. So you know Jabin was doing yard
25 work that day. What's the first thing you were doing?

1 A. I'm -- I'm not exactly sure the first thing I did.
2 Probably the dishes.

3 Q. Okay. And you said the kitchen was directly across
4 from the bedroom?

5 A. Uh-huh.

6 Q. And that was the master bedroom you were staying in?

7 A. Correct.

8 Q. Okay. So you were doing dishes in there?

9 A. Uh-huh.

10 Q. About how long did that take?

11 A. Probably about twenty or thirty minutes.

12 Q. Okay. What's the next thing you remember doing?

13 A. I think cleaning out the cooler.

14 Q. Where was the cooler at?

15 A. I believe it was in the kitchen.

16 Q. Maybe we're saying different definitions of cooler
17 here and I'm misunderstanding. What is a cooler to you?

18 A. Just like -- like a little -- a portable cooler.

19 Q. Okay. So like a little icebox you would carry around
20 to a tailgate or something?

21 A. Yes. Correct.

22 Q. All right. You were cleaning that out in the kitchen?

23 A. Yes.

24 Q. All right. What did you do after you cleaned out the
25 cooler?

1 A. I think I cleaned out -- I had like a little -- like
2 inflatable kiddy pool outside and I think I cleaned that
3 out.

4 Q. Okay.

5 A. I don't remember what order.

6 Q. Okay. But you just did those things?

7 A. Right.

8 Q. You did dishes, you cleaned out the ice chest or
9 cooler and then you did something with the kiddy pool?

10 A. I think so. Yes.

11 Q. And what was the kiddy pool?

12 A. It was something I would lay out in.

13 Q. Okay.

14 A. Yeah.

15 Q. All right. What happened after -- how long did all
16 of that take you that morning? So you wake up at twelve.
17 What time is it from then?

18 A. I believe only like an hour and a half or so because,
19 like I said, I had to go to the Celebration of Life.

20 Q. On direct examination here did you mention that you
21 thought Parrish got home around 1:00 that day?

22 A. I'm -- I'm not sure, but I think so because I'm -- I
23 just can't remember the time that the Celebration of Life
24 was, but I know it was very soon to when we needed to leave
25 when he did get home.

1 Q. So you think it was around 1:00 PM?

2 A. I think so. Yes.

3 Q. Did he call you before he got home?

4 A. I do not remember.

5 Q. Okay. So he gets home sometime around 1:00 is what
6 you remember today?

7 A. (Nods head.)

8 Q. And what's the first -- where do you see him first?

9 A. Coming out the patio door.

10 Q. Okay. And what did he physically do from there?

11 A. I don't remember at that point. I just remember them
12 talking.

13 Q. Where was he on that -- here let me show you this
14 again. Let me show you this. I believe it was Exhibit 3.

15 All right. You still have that laser pointer up
16 there?

17 A. Yes, I do.

18 Q. All right. Show me again where you were when the --
19 when they started talking.

20 A. I was on this seat over here.

21 Q. So off to the left there?

22 A. Correct.

23 Q. What is that over there?

24 A. It's -- it's like a little sectional patio seating.

25 Q. Okay. Where was Parrish?

1 A. Parrish was here.

2 Q. Parrish was sitting in the right chair?

3 A. Correct.

4 Q. And where was Jabin?

5 A. On the left chair.

6 Q. All right. And you remember this because it's one of
7 those major things?

8 A. Uh-huh.

9 Q. Do you remember giving the interview to the police
10 that day?

11 A. I remember parts of it, yes.

12 Q. Did you tell the police that that was what the seating
13 situation was?

14 A. I believe so.

15 Q. Okay. Let's --

16 MR. YONGE: Do you mind if we approach briefly, Your
17 Honor?

18 THE COURT: Sure. Come on.

19 (Proceedings held at the bench; not reported.)

20 BY MR. YONGE:

21 Q. And I apologize. Just a second to get this set up,
22 all right?

23 A. (Nods head.)

24 Q. All right. Well, we're trying to work out some
25 technical difficulties. What else is new?

1 THE COURT: You-all need a little break?

2 MR. YONGE: No, Your Honor. We can just keep going
3 with some questions until.

4 THE COURT: Okay.

5 MR. YONGE: Thank you.

6 BY MR. YONGE:

7 Q. So we'll get back to that.

8 A. Okay.

9 Q. The living arrangement you had mentioned before this
10 incident had happened, one of the things you said was
11 Parrish was just recently able to get out of bed?

12 A. Uh-huh. On his own.

13 Q. On his own. How long did it take him to get there?
14 What date would that have been that he could have gotten
15 out of bed on his own?

16 A. I don't remember exactly, but I knew that it was very
17 recent, within the past two, maybe three weeks.

18 Q. So in the prior two to three weeks before this
19 happened he was able to get out of bed on his own?

20 A. Just in the two to three weeks before he was able to,
21 yes.

22 Q. Okay. What kind of stuff could he do once he was able
23 to get out of bed on his own?

24 A. He -- he couldn't walk that well yet. He still kind
25 of shuffled is how I would explain it. He -- he was still

1 very slow moving.

2 Q. Okay.

3 A. Very weak.

4 Q. You mentioned after he got out of the hospital that
5 day --

6 A. Uh-huh.

7 Q. -- or when did he get out of the hospital?

8 A. I believe it was in May.

9 Q. Does May 12, 2021 sound correct?

10 A. I think so.

11 Q. Okay. Where did he go first after that? Where was
12 he living?

13 A. His parents', I believe.

14 Q. Okay. Why did he stop living with his parents?

15 A. I think mainly it was his age and he didn't want to be
16 at his parents' house, if that makes sense. You know, he's
17 a grown man.

18 Q. All right. And how long did he live with his parents
19 after he got out of the hospital?

20 A. I think it was a couple of weeks. I'm not exactly
21 sure, but I'm the one he called to pick him up.

22 Q. Okay. And then why did he leave -- from there he went
23 to stay with Sarah you said?

24 A. Correct.

25 Q. Why did you-all leave from there again?

1 A. Just because, you know, he was irritable because he
2 was in such a tremendous amount of pain all the time.

3 Q. Okay. Well -- and so was it a mutual decision that he
4 leave?

5 A. I believe so. It wasn't -- you know, I wouldn't say
6 that she kicked him out, you know. I think it was more
7 like, you know, it's time for you to go and he said well,
8 I'll figure something out.

9 Q. Okay. So you don't think she kicked him out?

10 A. I'm -- I'm not positive. I don't -- I don't think so.

11 Q. Okay. All right. I'm gonna show you portions of your
12 interview to the police --

13 A. Okay.

14 Q. -- on June 27, 2021. Is that you sitting there?

15 A. That is.

16 Q. Is that what you were wearing the day this happened?

17 A. I believe so, yes.

18 Q. Okay.

19 MR. PINCELLI: Judge, can we approach real quick?

20 THE COURT: You may.

21 (Proceedings held at the bench; not reported.)

22 THE COURT: Mr. Foreman, I'm gonna have to ask the
23 jury to go back to the jury room just for a few moments.
24 It won't be long. I'll have you back in. Please remember
25 no talking about this case.

1 FOREPERSON: Yes, ma'am.

2 (Whereupon, the jury retire to the jury room at
3 2:30 PM.)

4 THE COURT: You-all come up here just for a second.

5 (Proceedings held at the bench; not reported.)

6 (Recess taken at 2:30 PM.)

7 (Back on the record at 2:38 PM.)

8 THE COURT: All right. Let's bring the jury in.

9 Ms. Warwick, I remind you you're still under oath,
10 okay?

11 THE WITNESS: Yes, ma'am.

12 (Whereupon, the jury return to the jury room at
13 2:40 PM.)

14 THE COURT: All right. Mr. Foreman, the jury ready?

15 FOREPERSON: Yes, ma'am.

16 THE COURT: Please be seated.

17 All right. Continue on, Mr. Yonge.

18 MR. YONGE: Thank you, Your Honor.

19 BY MR. YONGE:

20 Q. All right. Ms. Warwick, Lizzy, when you spoke to the
21 police on June 27, 2021, didn't you tell the police that --
22 let's see here. When Parrish got out of the hospital he
23 was staying with his parents, correct?

24 A. Correct.

25 Q. And he stayed there for a few weeks, right?

1 A. Yes. I was in shock and it was three years ago, so
2 it's hard to remember exactly what I told them.

3 Q. No, I understand. I'm not questioning that, but I
4 just want to make sure we're getting it right. So you said
5 he got of the hospital, he was staying with his parents and
6 stayed there for a few weeks. Did you also say but he got
7 in a fight with his mom and she told him to leave?

8 A. If that's what I said, yes.

9 Q. Is that what you said?

10 A. I don't remember.

11 Q. Okay. If you reviewed the video from your interview,
12 would that help you remember what you said?

13 A. Of course.

14 Q. Okay. When you spoke to the police that day --

15 A. Uh-huh.

16 Q. -- and you told them you guys moved in with Sarah, did
17 you tell them that you had to -- he had to leave because he
18 got a temper with Sarah and she told him he had to leave?

19 A. Most likely.

20 Q. That's most likely what you said?

21 A. I -- I don't remember.

22 Q. Do you remember whether he had a temper with Sarah?

23 A. I remember that he was irritable, yes.

24 Q. Okay. About what?

25 A. Because he was in pain.

1 Q. And how did that irritability manifest itself?

2 A. Just vocally.

3 Q. What did he say?

4 A. I don't remember.

5 Q. Okay. But you just know that -- well, if you reviewed
6 the police interview tape, would that help fresh your
7 memory about that statement?

8 A. It would, but I know he was irritable.

9 Q. Okay. Did you ever tell the police what he had a
10 temper about with Sarah?

11 A. I -- I don't remember.

12 Q. I apologize. So did you tell the police that Parrish
13 was short-tempered?

14 A. I'm not sure.

15 Q. Okay. I know this is painful and -- but it's just how
16 we have to do it to get the evidence in, all right?

17 A. Yes.

18 Q. Did you tell the police that --

19 MR. PINCELLI: Objection, Your Honor. I'm sorry.
20 If we could approach real quick.

21 (Proceedings held at the bench; not reported.)

22 THE COURT: Go ahead, Mr. Yonge.

23 MR. YONGE: Thank you, Your Honor.

24 BY MR. YONGE:

25 Q. All right. You said you're not sure whether or not

1 you said Parrish was short-tempered to the police?

2 A. Right.

3 Q. Did you tell the police that he called me the C word
4 a few weeks ago and he said he needed me like a second
5 butt hole, so I walked outside, and this is when we were
6 at Sarah's, that's why she told him to leave?

7 A. I don't remember that.

8 Q. Okay. Would seeing the police interview refresh your
9 memory about whether you told the police that?

10 A. Yeah.

11 Q. Okay. You mentioned that Parrish sold a little bit of
12 weed, I think, on direct examination, right?

13 A. Uh-huh.

14 THE COURT: You have to say yes or no because the
15 court reporter can't take down a head nod.

16 THE WITNESS: I'm sorry. Yes.

17 THE COURT: Thank you.

18 BY MR. YONGE:

19 Q. Did you ever see Jabin selling weed?

20 A. No.

21 Q. Did you ever see Jabin smoking green leaf marijuana?

22 A. No, just the pen.

23 Q. Just the pen?

24 A. Uh-huh.

25 Q. Okay. What was Parrish's condition like on the day

1 this incident happened?

2 A. He was -- I didn't see him long before I went inside,
3 so it's kind of hard to say because his condition was, you
4 know, ever-changing. I assume he was tired because he had
5 been out earlier.

6 Q. And I apologize. So in, let's say, the two to three
7 -- 3-day span around when this happened, how was he moving
8 around? Was he able to do everything he needed to do?

9 A. He -- he was still shuffling. He was moving a little
10 better.

11 Q. Was he in pain?

12 A. Yes.

13 Q. All right. What kind of pain?

14 A. Severe pain. He didn't like to take his pain meds.

15 Q. All right.

16 A. He would sometimes, but he preferred not to.

17 Q. When you spoke to the police, did you tell them that
18 he complained about pain all the time, but it was mostly
19 because of the tape he had to keep around the bag
20 irritating his skin?

21 A. I don't remember exactly.

22 Q. Would reviewing the police interview help refresh your
23 memory about whether you said that or not?

24 A. Yes.

25 Q. Okay. Do you also remember telling the police that

1 Parrish when he had to do something it seemed like he could
2 really do a lot, he just chose not to do a lot?

3 A. I don't remember saying that.

4 Q. Would reviewing the police interview help refresh your
5 memory about whether you said that or not?

6 A. Yes, it would.

7 Q. All right. When Parrish and Jabin are out there on
8 the back porch -- and you're sitting there on the porch
9 furniture, right?

10 A. Correct.

11 Q. Tell me again what happened in that moment.

12 A. Jabin brought up about -- as far as I can remember,
13 Jabin brought up about the dishes, you know, and him
14 picking up his trash and that he wanted to raise the rent
15 and that's when -- Jabin was still sitting down. That's
16 when Parrish stepped up and said I could still kick your
17 ass.

18 Q. He said I could still kick your ass?

19 A. Yes, and that's when I went inside.

20 Q. So the reason you went inside was because Parrish
21 stood up?

22 A. Was because they were getting confrontational. They
23 were both raising their voices.

24 Q. When Jabin approached Parrish about this, what was his
25 tone of voice at the time?

- 1 A. Pretty stern.
- 2 Q. Stern?
- 3 A. Uh-huh.
- 4 Q. Okay. Was he standing or sitting?
- 5 A. He was still sitting.
- 6 Q. Okay. So he was sitting there?
- 7 A. Uh-huh.
- 8 Q. And he brings this up with Parrish and Parrish stands
- 9 up and then you get up and leave after you hear that
- 10 Parrish says I could still kick your ass?
- 11 A. Yes.
- 12 Q. Okay. When Parrish stood up, was it quick?
- 13 A. No.
- 14 Q. Okay. He stood up slowly?
- 15 A. Not super slow, but, yeah, it wasn't quick.
- 16 Q. Okay. And that scared you?
- 17 A. No, them arguing was scaring me.
- 18 Q. Okay. You said you thought Jabin was gonna kick him
- 19 out of the house, right?
- 20 A. Yes. When -- when he told me to call 9-1-1, that's
- 21 what I thought he was talking about.
- 22 Q. You said that you didn't think anything physical was
- 23 gonna happen?
- 24 A. No, I did not.
- 25 Q. Why not?

1 A. Because Parrish was so weak.

2 Q. Okay. Had Parrish ever been physical with you before?

3 A. No, he was very gentle with me.

4 Q. What was Parrish's temper like?

5 A. He could be, you know, hotheaded sometimes, but I
6 never saw anything physical. It was more just -- it was
7 all verbal.

8 Q. Okay. And how could he be hotheaded?

9 A. You know, just verbally get upset about things, but I
10 never saw him get in a fight.

11 MR. YONGE: So at this point, Your Honor, we'd like
12 to refresh her memory on the portions of the testimony
13 that she says she can't remember.

14 THE COURT: Okay.

15 All right. Mr. Foreman, I'm gonna ask the jury
16 to go back to the jury room and we'll have you back in
17 shortly. Remember, do not discuss this case.

18 (Whereupon, the jury retires to the jury room at
19 2:53 PM.)

20 THE COURT: All right. Let's go ahead.

21 EXAMINATION (In-Camera)

22 BY MR. YONGE:

23 Q. All right. So we're gonna show you some of your
24 interview --

25 A. Okay.

1 Q. -- and starting at 12:35 or as close as we can get it.

2 (Interview playing.)

3 Q. I'm sorry. Can you hear it?

4 A. Yes.

5 Q. Okay.

6 MR. PINCELLI: And I don't have any objection to
7 you-all just bringing it straight up to her because it's
8 really just to refresh her, so if that's easier for her to
9 hear or see.

10 MS. YONGE: Okay. Would that be all right, Your
11 Honor?

12 THE COURT: Yeah. That's fine. Any time you-all
13 can agree I'm happy.

14 (Interview playing.)

15 MS. YONGE: That was the first one.

16 MR. YONGE: The next one is about 1:13:30.

17 (Interview playing.)

18 MR. YONGE: And, Your Honor, I think if you wouldn't
19 mind, I would just have her proffer it now and see if we
20 need to go into impeachment or not based on that.

21 THE COURT: Any objection?

22 MR. PINCELLI: I think that's completely appropriate,
23 Your Honor.

24 THE COURT: Okay. Let's go ahead then.

25 BY MR. YONGE:

1 Q. All right, Lizzy. So you've now had a chance to
2 review the interview you gave to police, correct?

3 A. Correct.

4 Q. All right. So what you testified to on direct
5 examination was that -- well, let's just do it this way
6 for right now. Do you now recall after reviewing that
7 police interview telling the police that when you got --
8 when he got out of the hospital he was staying with his
9 parents, he stayed there for a few weeks, but he got in a
10 fight with his mom and she told him to leave?

11 A. I do.

12 Q. You do remember saying that?

13 A. Yes, I do remember that.

14 Q. All right. And then when you went back to Sarah's, he
15 got a temper with Sarah, so she told him we had to leave?

16 A. Yes.

17 Q. And when he had that temper with Sarah, having
18 reviewed the police interview now, do you remember
19 testifying that he called me the C word a few weeks ago
20 and said he needed me like a second butt hole, so I walked
21 outside, and this is when we were at Sarah's, that's why
22 she told him to leave?

23 A. Yes. And, like I said, he could have a mouth on him
24 sometimes, so that --

25 Q. Sure.

1 A. Yeah.

2 Q. But in the two weeks -- if we can -- we just need to
3 get through this so we have it on the record and then we
4 can do it.

5 A. Okay.

6 Q. And then finally -- or no. Two more things. So
7 having reviewed the police interview now, did you say that
8 he complained about pain all the time, but it was most --
9 mostly because of the tape he had to keep around the bag
10 irritating his skin?

11 A. Yes. I saw that I said that, but I -- I recall he
12 was in more pain than that, but that is what I said on the
13 tape.

14 Q. Okay. And then finally having reviewed the police
15 interview, did you remember saying that Parrish's condition
16 was -- that he told me he vacuumed one day, so he would
17 just kind of lay around when people were around, but when
18 he had to do something it seemed like he could really do a
19 lot. He just chose not to do a lot.

20 A. Yes. He would also overexert himself though.

21 Q. Okay. But do you remember saying that?

22 A. I do, yes. I do remember saying that.

23 MR. YONGE: So I think we've refreshed her memory
24 and we can go with that.

25 MR. PINCELLI: If you're just gonna ask the same

1 questions, that's fine.

2 THE COURT: Everybody okay?

3 MR. YONGE: I believe so, Your Honor.

4 THE COURT: Any objection to what he's gonna ask?

5 MR. PINCELLI: My understanding, Judge, based on
6 the recollection now, the refreshing, he's just gonna ask
7 these same questions and now she'll have the recollection
8 to answer.

9 THE COURT: Okay.

10 All right. Then can I bring the jury in?

11 MR. PINCELLI: The State's ready, Your Honor.

12 MR. YONGE: Yes, Your Honor.

13 THE COURT: And then, Mr. Norton, did you tell me
14 we had another witness after this?

15 MR. NORTON: Judge, we are prepared to call three
16 additional witnesses today. They're all present and ready
17 to be called. It will be two CSI witnesses and then the
18 forensic pathologist.

19 THE COURT: Okay.

20 MR. NORTON: And one short witness for a snippet of
21 body camera that Your Honor has already seen and ruled on.

22 THE COURT: So that's four witnesses?

23 MR. NORTON: Four, yes.

24 THE COURT: That's fine.

25 (Whereupon, the jury return to the courtroom at

1 3:04 PM.)

2 THE COURT: The jury ready, Mr. Foreman?

3 FOREPERSON: Yes, ma'am.

4 THE COURT: All right. Please be seated.

5 All right. Continue on.

6 MR. YONGE: Thank you, Your Honor.

7 THE COURT: Thank you.

8 CONTINUED CROSS-EXAMINATION

9 BY MR. YONGE:

10 Q. All right. Lizzy, I said I would try to keep this as
11 painless as possible, and I'm not sure I'm doing a great
12 job, but now you've had an opportunity to take a look at
13 the police interview that you gave, correct?

14 A. Correct.

15 Q. All right. So having reviewed that police interview,
16 do you now recall saying that when Parrish got out of the
17 hospital he went to stay with his parents for a few weeks?

18 A. Yes.

19 Q. But he got in a fight with his mom and she told him to
20 leave?

21 A. Yes.

22 Q. All right. Then you guys moved in with Sarah, but he
23 got a temper with Sarah so she told him he had to leave,
24 correct?

25 A. Yes.

1 Q. And that temper had to do with he was short-tempered
2 and he called me the C word a few weeks ago and said he
3 needed me like a second butt hole, so I walked outside, and
4 this is when we were at Sarah's, that's why she told him to
5 leave?

6 A. Yes.

7 Q. All right. So it wasn't that he was too old to live
8 with his mom at this point, correct?

9 A. I think that's why he was frustrated at his parents'
10 house.

11 Q. Okay. And you think that's what caused the fight with
12 his mom?

13 A. Yes, frustration about his deteriorating health and
14 that he was back with his parents.

15 Q. From May 12th to the time you-all moved in with Jabin,
16 which was early June, correct, so just a couple -- a few
17 weeks, Parrish was asked to leave two places where he was
18 living, right?

19 A. Right.

20 Q. All right. Now another thing that you had a chance
21 to review, after reviewing the police interview do you
22 now recall that Parrish complained about pain all the time
23 around the time of this incident, but it was mostly because
24 of the tape he had to keep around the bag irritating his
25 skin?

1 A. Right. That's what I said.

2 Q. Okay. Thank you. And then finally was Parrish --
3 let's see. The last statement you had to review was
4 Parrish told you -- and around the time of this incident,
5 Parrish told you he vacuumed one day, but he would just
6 lay around when people were around, but when he had to do
7 something it seemed like he could really do a lot. He just
8 chose not to a lot.

9 A. Yes, that's what I said. But like I said a minute
10 ago, I feel like he overexerted himself sometimes.

11 Q. Sure. But -- and I just -- one final thing.

12 A. And I was definitely in shock in that interview.

13 Q. I understand. One last thing.

14 A. Okay.

15 Q. You mentioned earlier that it's harder to remember
16 these things now --

17 A. Uh-huh.

18 Q. -- and it was easier then?

19 A. As far as the specifics.

20 Q. Right. The specifics of what happened here.

21 A. Yes.

22 Q. Okay.

23 A. As far as exactly what I said that day.

24 Q. Okay. Was it harder -- sitting here right now, is it
25 harder to remember everything that happened back in June

1 of 2021 than it would have been on the day you gave that
2 police interview?

3 A. Yes.

4 Q. Okay.

5 MR. YONGE: Thank you. No further questions, Your
6 Honor.

7 THE COURT: Any redirect?

8 MR. PINCELLI: Briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. PINCELLI:

11 Q. Lizzy, you just got asked a lot of questions and then
12 were refreshed.

13 A. Uh-huh.

14 Q. Perhaps some of the details on this you weren't clear
15 on; is that fair to say?

16 A. Yes.

17 Q. And afterwards you were more clear on them?

18 A. Correct.

19 Q. Okay. So when you said like what time he got home,
20 maybe not exactly clear on that?

21 A. Yes.

22 Q. But you were clear on what exactly happened before
23 Parrish was shot and killed to death, right?

24 A. Correct.

25 Q. There was an argument on the back porch?

1 A. Correct.

2 Q. And you got up because of the argument?

3 A. Correct.

4 Q. And you also said that you went in because of the
5 confrontation?

6 A. Right.

7 Q. Not because you were scared of Parrish standing up,
8 but because the argument itself --

9 A. Right.

10 Q. -- was triggering a traumatic incident for you?

11 A. Right. Is it okay if I say something?

12 Q. I would rather just ask the questions right now.

13 A. Okay. Yes.

14 THE COURT: Yes, you can only answer. You don't get
15 to ask questions.

16 Go ahead.

17 BY MR. PINCELLI:

18 Q. And you were asked some very specific questions on
19 Parrish's physical condition?

20 A. Right.

21 Q. But generally he was still very ill; is that fair to
22 say?

23 A. Yes, it is.

24 Q. You said around that time he was still shuffling?

25 A. Yes.

1 Q. He was still in severe pain?

2 A. Yes.

3 Q. Parrish might have been hard to live with during this
4 period of recovery; is that true to say?

5 A. Yes.

6 Q. He was irritable; is that fair?

7 A. Uh-huh. Yes.

8 Q. And you said you think it was because he was in an
9 immense amount of pain?

10 A. Correct.

11 Q. Was he ever violent?

12 A. No.

13 Q. And you have said that --

14 A. Right.

15 Q. -- these -- these incidents where he was moving out
16 of houses, you said were him being irritable, right?

17 A. Correct.

18 Q. And having maybe a verbal exchange, but that was it,
19 right?

20 A. Absolutely.

21 Q. That's how that started on the back porch on Sunday,
22 correct?

23 A. Yes.

24 Q. And it ended when Jabin shot and killed him?

25 A. Right.

1 MR. PINCELLI: Thank you, Lizzy.

2 THE COURT: Anything else, Mr. Yonge?

3 MR. YONGE: I think we can do this much more briefly
4 just based on that brief little set of questions.

5 THE COURT: Go ahead.

6 RECROSS EXAMINATION

7 BY MR. YONGE:

8 Q. Lizzy, did you also give a written statement to the
9 police?

10 A. I did.

11 Q. You just testified that you weren't scared of Parrish
12 at the time, correct?

13 A. Correct.

14 Q. All right. You were just triggered by the argument
15 generally?

16 A. Yes.

17 Q. Did you tell police that I was emotionally triggered
18 by the volume of the voices and Parrish's threats, so I
19 went back into the bedroom with my purse?

20 A. Yes.

21 Q. Okay. So it was the volume of the voices and
22 Parrish's threats?

23 A. Yes, it was the argument.

24 Q. And I apologize. It's just was it the volume of the
25 voices and Parrish's threats?

1 A. Yes.

2 Q. Okay.

3 MR. YONGE: That's all the questions I have for you.
4 Thank you.

5 THE COURT: All right. May I let this witness step
6 down, please?

7 MR. PINCELLI: Please, Your Honor.

8 THE COURT: Ms. Warwick, thank you. You're excused.
9 (Witness excused.)

10 THE COURT: Call your next witness.

11 MR. COX: The State calls Paul Walker, Your Honor.

12 (Whereupon, Ronald Paul Walker, Jr., was duly
13 sworn by the Clerk of Court.)

14 THE CLERK: Please take a seat on the witness stand.
15 State your full name and spell your last for the record.

16 THE WITNESS: My full name is Ronald Paul Walker,
17 Junior. W-A-L-K-E-R.

18 RONALD PAUL WALKER, JR.,
19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. COX:

22 Q. All right. Officer Walker, if you could tell us what
23 agency you work for and what's your current rank.

24 A. I work for the Town of Lexington Police Department.
25 I am currently a patrol sergeant.

1 Q. Sergeant Walker, how long have you been with the Town
2 of Lexington?

3 A. I've been there since 2003.

4 Q. Okay. And you were obviously with them in June of
5 2021?

6 A. That is correct.

7 Q. All right. On June 27, 2021, were you on or off duty?

8 A. I was off duty.

9 Q. Okay. But did you get called in to help out with the
10 case?

11 A. Yes, I was called in as extra manpower to help out
12 with a case.

13 Q. Extra manpower. Did you ever go out to the scene?

14 A. No, sir, I did not.

15 Q. Okay. Did you go to the Town of Lexington Police
16 Department?

17 A. That's correct. I was called in to sit with the
18 person that they thought was the subject of the crime at
19 that time.

20 Q. Okay. And is that the defendant?

21 A. That is correct.

22 Q. Okay. When you were called in, were you in uniform?

23 A. That is correct.

24 Q. All right. Were you equipped with any recording
25 equipment?

1 A. Yes, I was equipped with my body-worn camera at the
2 time.

3 Q. All right. At the time that you were sitting with the
4 defendant, was that body cam operational?

5 A. My body cam was operational during that time.

6 Q. Have you had a chance to review the footage from that
7 day?

8 A. Yes, I have.

9 Q. All right.

10 MR. COX: Your Honor, may approach the witness?

11 THE COURT: You may.

12 BY MR. COX:

13 Q. All right. Sergeant Walker, I'm showing you what's
14 been marked as State's Exhibit 11. Do you recognize it?

15 A. Yes, I do, and it does bear my initials and the date.

16 Q. Okay. So you signed that disk?

17 A. That's correct.

18 Q. Okay. Without going really into the details, what is
19 that a recording of?

20 A. This is a recording from my body-worn camera that was
21 used during the time that I was sitting with the defendant.

22 Q. All right. And on this disk, the portions of your
23 body cam, are those a fair and accurate depiction of your
24 time with the defendant?

25 A. That is correct.

1 MR. COX: Your Honor, at this time we offer State's
2 Exhibit 11 into evidence.

3 THE COURT: Any objection?

4 MS. YONGE: Subject to pre-trial motions, Your Honor.

5 THE COURT: So noted and it's admitted.

6 (State's Exhibit Number 11, Walker Body-Worn Camera
7 footage, was admitted into evidence.)

8 BY MR. COX:

9 Q. Sergeant Walker, real quick while I get this set up,
10 during your time with the defendant did he make any
11 statements related to his case to you?

12 A. Yes, he did.

13 Q. All right. Other than those statements, how long do
14 you estimate did you spend with the defendant?

15 A. Somewhere in the area of about two hours.

16 Q. Two hours. For most of that time, were you-all
17 talking about the case?

18 A. No, we were not.

19 Q. Okay. In fact, did you ask him any questions related
20 to this case?

21 A. No, I did not.

22 Q. All right. Now when you were sitting with the
23 defendant, when he gave you the statements related to the
24 case where were you located?

25 A. We were located in the sergeant's office in the patrol

1 room.

2 Q. Does that look just kind of like a normal office room?

3 A. Pretty much.

4 Q. Okay. And is that what we're gonna see on this
5 recording?

6 A. Yes, sir, it is.

7 (State's Exhibit Number 11 playing.)

8 Q. Sergeant Walker, what did the defendant tell you he
9 found out about the victim in this case?

10 A. He found out that he was a drug dealer.

11 Q. And how did he -- how did he say things went on the
12 scene that day?

13 A. He stated that he didn't want any part of it and it
14 went south.

15 Q. Okay. Did he make any other statements about the
16 case?

17 A. Yes, sir, he did.

18 (State's Exhibit Number 11 playing.)

19 Q. Sergeant Walker, he's speaking sort of softly there,
20 what -- did he first ask you about your firearm?

21 A. He asked me if I had ever drawn my weapon.

22 Q. And you told him you had?

23 A. That's correct.

24 Q. And what were his comments about the victim?

25 A. His comments were I thought for sure I was backing

1 away, walking away, still coming after me.

2 Q. Did the defendant make any other statements to you
3 about this case?

4 A. No, sir, he did not.

5 Q. Did you have any other involvement in the
6 investigation of this case?

7 A. I had no further involvement besides escorting him to
8 the hospital and then taking him home.

9 MR. COX: Your Honor, those are all the questions I
10 have for Sergeant Walker.

11 THE COURT: Ms. Yonge.

12 MS. YONGE: No questions for Sergeant Walker.

13 THE COURT: Okay. May I let Sergeant Walker be
14 excused?

15 MR. COX: Yes, Your Honor.

16 Thank you, Sergeant Walker.

17 THE COURT: Sergeant, thank you for coming.

18 THE WITNESS: Thank you, ma'am.

19 (Witness excused.)

20 THE COURT: All right. You can call your next
21 witness.

22 Mr. Foreman, it's my understanding we have three
23 more witnesses. I think they might be short.

24 MR. PINCELLI: Your Honor, the State calls Marc
25 Miramontes.

1 (Whereupon, Marc Miramontes was duly sworn by the
2 Clerk of Court.)

3 THE CLERK: Please take a seat on the witness stand.
4 State your full name and spell your last for the record.

5 THE WITNESS: Marc Miramontes. M-I-R-A-M-O-N-T-E-S.

6 MARC MIRAMONTES,

7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. PINCELLI:

10 Q. Good afternoon, Mr. Miramontes. And what is your
11 title?

12 A. My title is evidence custodian and crime scene
13 investigator.

14 Q. And who are you a crime scene investigator for?

15 A. With the Town of Lexington Police Department.

16 Q. And what does the crime scene investigator do for the
17 Town of Lexington?

18 A. We -- basically we get called out whenever they have
19 serious crimes, burglaries, shootings, deaths sometimes.
20 If it's not a natural death, they'll call us out for it.

21 Q. And you said part of your title was as an evidence
22 custodian. How does that overlap with your duties as a
23 crime scene investigator?

24 A. Since the Town is a small department, most of the
25 time I'm in charge of the evidence room and whenever --

1 occasionally when a crime scene happens, that's when I get
2 called out to that, but the majority of my workday through
3 the week is being in charge of the evidence room.

4 Q. And how did you become involved in this case, State
5 versus Jabin Trapp?

6 A. When this happened, I was actually the crime scene
7 investigator at the time and Lieutenant Stowe called me to
8 come out and assist with the processing of the crime scene.

9 Q. Okay. So generally what does that mean to process a
10 crime scene?

11 A. Normally you come out and find out what happened, what
12 they're looking for, what the situation is, and then I'll
13 start by photographing the -- if it's a home, it will be
14 from the front all the way around to the back and then you
15 continue to wherever the scene happened and also the entire
16 inside of the house.

17 Q. And did you do that in this case?

18 A. I did.

19 Q. You photographed the house?

20 A. Yes, sir.

21 Q. And then did you also later collect some physical
22 evidence?

23 A. I did.

24 Q. I'm gonna approach you now with what's premarked
25 State's 12 through 51. Take your time and flip through

1 these. And actually now I have 52 through 57, so now we
2 have 12 through 57. Go ahead and take a look at those.

3 A. Yes, sir.

4 Q. Have you had time to review those?

5 A. Yes, sir.

6 Q. And what do you recognize those photos to be?

7 A. This is the -- the pictures I took from the outside of
8 the house and then before the search warrant was executed
9 inside.

10 Q. Okay. And were these fair and accurate depictions of
11 what you saw? These were your photographs?

12 A. Yes, sir.

13 MR. PINCELLI: I would like to admit State's 12
14 through 57, crime scene photos, into evidence.

15 THE COURT: Any objection?

16 MS. YONGE: Subject to pre-trial motions, Your Honor.

17 THE COURT: All right. So noted for the record, but
18 they're admitted.

19 (State's Exhibit Number 12 through 57, photographs,
20 were admitted into evidence.)

21 BY MR. PINCELLI:

22 Q. Investigator Miramontes, I'm gonna walk through these
23 with you. I think some of them are self-explanatory, so
24 we'll move quick. This is State's 12. What are we looking
25 at here?

1 A. This is the front of the house from the -- if you're
2 standing looking at the house, it would be on the left side
3 next to the driveway.

4 Q. Okay.

5 THE COURT: What number was that?

6 MR. PINCELLI: That was 12.

7 THE COURT: 12. Thank you.

8 BY MR. PINCELLI:

9 Q. State's 13. Is that the same house?

10 A. That is the same house and the previous picture would
11 be at the front right corner of that picture, so you're
12 looking from the back forward.

13 Q. So this is like the back of that same house?

14 A. Correct.

15 Q. State's 14. Would this be another view of the back of
16 the house?

17 A. Yes, sir. Looking at the house from the garage.

18 Q. State's 15. Is that a little bit closer view of the
19 back of the home?

20 A. Yes, sir.

21 Q. And does this depict what you mostly focussed on with
22 your crime scene?

23 A. Correct.

24 Q. Okay. And what are some key items that you see in
25 this photo?

1 A. On the sidewalk, it was the -- the weapon that the
2 individual had told the dispatcher that he had cleared the
3 weapon and it was laying down on -- on the floor, a
4 magazine and a bullet.

5 Q. I'm gonna point, you know, to the left side of the
6 photo, State's 15. Who is that laying here?

7 A. And the victim was laying on the ground.

8 Q. State's 16. This is a little bit different angle and
9 you see more items on the ground; is that correct?

10 A. Yes.

11 Q. State's 17. Can you describe where this is in
12 relation to the other photos we've seen?

13 A. Basically would be -- my back would be to the entrance
14 into the house. So that would be -- I believe it's a
15 sliding door, so you're looking out into the yard.

16 Q. Okay. You say entrance to the house. Would that be
17 the back entrance to the house?

18 A. The back entrance.

19 Q. Okay. State's 18. What are we looking at?

20 A. This -- this is the victim of the shooting.

21 Q. Okay. And did you mark that as Number 5?

22 A. I did, sir.

23 Q. Okay. And would this be the obvious -- one of the
24 obvious wounds that you can see in this picture?

25 A. Yes, sir.

1 Q. Okay. State's 19. Now we have some markers on-scene.
2 What are those?

3 A. These are the -- 1 through 3 is marking the weapon,
4 the magazine and the round that was taken out.

5 Q. Okay. State's 20. Is that closer up --

6 A. Yes, sir.

7 Q. -- of the same things?

8 A. The same things.

9 Q. The gun, the magazine and the ejected round.

10 State's 21. We're looking at Marker Number 4. What
11 is that right there?

12 A. It was a cell phone that was laying on the -- on the
13 grass.

14 Q. Okay. State's 22. This might be a bit more of a
15 challenge.

16 A. There was a casing that was ejected and it was laying
17 next to the front tire of the motorcycle.

18 Q. Okay. So you say a casing. Is --

19 A. It was a fired bullet.

20 Q. Okay. So like when a bullet fires, that's a shell
21 casing?

22 A. Yes, ejected from -- from the weapon.

23 Q. And that -- looking back at State's 17, you said
24 that's by the motorcycle tire?

25 A. Yes, sir. That's the front tire just on the -- on the

1 other side of the tire.

2 Q. Going to State's 23. You've got some more markers
3 here. Is that the back porch area you described earlier?

4 A. Yes, sir. This is the patio table that was in the
5 back and the open box, the wood box, had a casing, a fired
6 casing, that was laying on top.

7 Q. Okay. Would -- State's 24, would that be the open box
8 you were referring to?

9 A. Yes, sir.

10 Q. And what are we looking at there?

11 A. That's a fired -- an empty casing that was -- somehow
12 landed on the open box.

13 Q. Okay. And would that be the same piece of evidence?
14 You said there was a Marker Number 6 beside the motorcycle
15 tire?

16 A. Correct.

17 Q. And this is the same thing you're describing?

18 A. Yes.

19 Q. Okay. And, again, we're going back to State's 23.
20 That's the open box on the back porch?

21 A. Yes, sir.

22 Q. And this is just is a closer picture of the inside of
23 that box?

24 A. Yes, sir.

25 Q. This is State's 25. Do you recall what's been marked

1 there? What did Number 9 appear to be to you?

2 A. Number 9 is basically inside -- I'm sorry, on top of
3 the patio table, and Number 9 is a bag that had some green
4 leafy substance that appeared to be marijuana.

5 Q. And Number 8, why was that marked? Why was that
6 significant?

7 A. Number 8 is an envelope, a white envelope, and it had
8 a stack of money in it.

9 Q. And was this how you found it, just with that lighter
10 laying right on top?

11 A. Yes, sir. Exactly how it was.

12 Q. This is State's Number 26. Why did you mark Number
13 10? What did that appear to be?

14 A. Number 10 is basically marking the -- the two bags
15 of -- another green leafy substance that appeared to be
16 marijuana.

17 Q. And is that a hand that those appear to be in?

18 A. Yes, sir. He's still -- he's still clutching the two
19 bags.

20 Q. When you say he, is that the victim in the case?

21 A. Yes, that's the victim.

22 Q. Moving onto another evidence marker in State's 27.
23 We're looking at 13 in the middle of the grass. Do you
24 recall what that is?

25 A. Yes, sir. That was the last fired casing that was

1 located in the area -- in the grassy area in the back of
2 the house.

3 Q. Okay. So State's 28. That's a closer up picture of
4 13. Can you use -- I think there's a laser pointer up
5 there. Can you point to the actual piece of evidence here?
6 It's a little bit hard to see.

7 A. It's gonna be right here.

8 Q. Okay. And, again, that's a shell casing from an
9 ejected, fired round?

10 A. Yes, sir.

11 Q. And this one -- it's dark outside when these are
12 taken. Why is that?

13 A. Yeah, we were losing light pretty fast and we had
14 already gone through this whole area.

15 Q. Okay. Was this located maybe some time after the
16 other items were marked?

17 A. Yes, sir.

18 Q. And why was that?

19 A. That was -- we knew there was -- there was one missing
20 because there were so many shots and we had found three of
21 them and we knew there was one missing and Lieutenant Stowe
22 was still walking around after we had tried to find the
23 casings with the metal detector and we weren't able to find
24 anything, but he kept walking around looking to see if he
25 could find anything.

1 Q. Okay. So you found this one later?

2 A. Yes, sir.

3 Q. And you said you went and took pictures of the inside
4 of the home as well?

5 A. Yes.

6 Q. We're looking at State's 29. Do you recall what that
7 area is, the perspective of where we're looking?

8 A. Basically this is you're looking into the house from
9 the backyard. That's the back door looking to the --
10 towards the front of the house and that's the front door.

11 Q. So what I'm pointing to here on State's 29 is the
12 front door?

13 A. Yes, sir. That's the front entrance to that house.

14 Q. Okay. Here on State's 30, is that just a different
15 view looking inside from the back of the home?

16 A. Yes, sir. Almost the same spot. Just moved over a
17 little bit to the left.

18 Q. Okay. State's 31. Is this kind of the reverse angle
19 of that?

20 A. Yes, sir. This is looking from the front to the back
21 and that's the -- the back exit towards the backyard to the
22 patio.

23 Q. Okay. State's 32. This is that same area, correct?

24 A. Correct.

25 Q. And we're looking on -- the coffee table is the

1 subject of this; is that correct?

2 A. Yes.

3 Q. Still inside, State's 33, what area do we have here?

4 A. This is -- you're looking from the kitchen towards the
5 front door. Up there in the middle, that's the front door.

6 Q. That's the front door. State's 34.

7 A. This is from the area of the front room towards the
8 laundry room through the kitchen.

9 Q. Okay. State's 35. That's just a little bit closer?

10 A. Yes, sir.

11 Q. State's 36.

12 A. This is -- there is -- this was three-bedroom house.
13 This, I believe, this is second bedroom.

14 Q. Okay. State's 37.

15 A. Same bedroom.

16 Q. 38.

17 A. This is gonna be the master bedroom.

18 Q. Okay. Did you determine who was living in there or
19 were you just taking photos of everything?

20 A. At this time I was just taking photos. I wasn't sure
21 whose room belonged to who. I assumed the homeowner would
22 have been the master.

23 Q. But that might not have been the case, correct?

24 A. Yes, that is correct.

25 Q. State's 39. We looking into another room. It's kind

1 of dark. Do you recognize where that might have been?

2 A. I can't tell.

3 Q. Maybe if I give you more context with State's 40.

4 A. That's gonna be the third bedroom, which is the -- it
5 looked like it was turned into an office.

6 Q. Okay. So State's 39, that's from the doorway?

7 A. Yes, sir.

8 Q. And 41, is that the same room we were just looking at?

9 A. Yes, sir.

10 Q. And specifically, it's a little hard to see, what is
11 between those pieces of furniture?

12 A. There's a rifle in the middle. I believe it was a --

13 Q. Some sort of firearm?

14 A. Yes. I'm trying to remember the correct...

15 Q. In State's 42, can you point out where that was?

16 A. It's right there between the two dressers, the small
17 one and the big one.

18 Q. Right there?

19 A. Yes, sir.

20 Q. And 43, are we still in that same room there?

21 A. Yes, sir.

22 Q. Okay. So this would have been a study or an office?

23 A. Yes.

24 Q. Okay. And what do we see on top of one of those
25 dressers?

1 A. A cell phone on top there.

2 Q. And 44, this is -- looks like a door. Where's that
3 door on the home?

4 A. This is from the kitchen looking into the laundry room
5 and then the door that goes to the driveway on the side of
6 the house.

7 Q. Okay. So this is the door to the side of the home?

8 A. Yes.

9 Q. And we'll go to State's 45. Where was this?

10 A. This is the breakfast bar in the kitchen.

11 Q. And why was -- why was this relevant? Why did you
12 take this photo?

13 A. Well, there was some pills laying on there. There was
14 -- that little Tupperware, so I just -- I started taking
15 pictures of it.

16 Q. State's 46. Is that that same island in the kitchen?

17 A. Yes, sir. This is the other end of the island, the
18 breakfast bar, and it had a straw and a credit card and it
19 had the little metal container laying there.

20 Q. Whose name is on that credit card?

21 A. Mr. Trapp.

22 Q. And is that the same credit card and straw?

23 A. Yes, sir. I was trying different angles to try to
24 photograph the -- the powder that was on the straw on the
25 counter and the credit card.

1 Q. State's 48. And we already looked at -- is this the
2 same -- in State's 48, are we looking at the same table as
3 in State's 23?

4 A. Yes, sir, that is the same one.

5 Q. Okay. So this is just a little bit of a different
6 view?

7 A. Yes, sir.

8 Q. And State's 49, do you recall which room of the home
9 this was?

10 A. This is the second bedroom right behind the kitchen.

11 Q. Okay. And what's the subject of this photograph?

12 A. That's -- a rifle is sitting there.

13 Q. Okay. Some sort of long gun there?

14 A. Yes, sir.

15 Q. And I'm gonna do these a little bit out of order.
16 State's 52, are we in that same room?

17 A. Yes, sir. This is still the second bedroom.

18 Q. Okay. And looking at the top of a dresser is that
19 right?

20 A. Yes, sir.

21 Q. Okay. So State's 51, is this a little bit closer view
22 of that?

23 A. Yes, sir.

24 Q. And what do you notice on top of the dresser?

25 A. There's -- there was four bullets, unfired bullets, on

1 the dresser.

2 Q. Okay. And in State's 50, is this a closer up image of
3 some of those?

4 A. Yes, sir.

5 Q. And this is on top of the dresser in what you're
6 saying is the second bedroom?

7 A. Yes, sir.

8 Q. We have what's already in evidence as State's 6. I
9 want you to use your laser pointer, please, and tell me
10 what you're referring to as that second bedroom.

11 A. The second bedroom is gonna be this one. The office
12 is directly cross and this is the second bedroom. The
13 master would be over here on the other side of the house.

14 Q. 53. What are we looking at here?

15 A. That's the long gun there that was next to the dresser
16 there.

17 Q. And that was in what you described as like the
18 converted bedroom to an office?

19 A. Yes, sir.

20 Q. I'll do this out of order as well. State's 55. Why
21 was that significant?

22 A. I was told at one point that one of the individuals
23 was renting, so that looked like it was a payment for rent,
24 so I took a picture of it.

25 Q. And 54, is that where you found that? It's a little

1 out of focus, but is that generally where that was found?

2 Is that the receipt?

3 A. Yes, sir, that is the same picture.

4 Q. Okay. And what room was that found in?

5 A. That was in the -- the second bedroom from what I
6 remember.

7 Q. Could that have possibly been in the main bedroom?

8 A. I'm sorry. That was in the master bedroom, if I'm
9 correct. I'm trying to remember the -- the picture.

10 Q. I'll try to give you some context. I'm gonna jump
11 through a lot of these. This is State's 38.

12 A. Yes, sir. It's right there on the right side the
13 master.

14 Q. I guess I see a distinguishing feature, but I don't
15 know if those are some kind of lamp or what that is, but in
16 State's 54, is that the same thing we're looking at?

17 A. Yes, sir.

18 Q. And, again, once we reference that, the receipt was
19 found on the top of the bedside table, correct?

20 A. Correct.

21 Q. And looking at State's 6, which bedroom was that in?

22 A. It would have been the master right here.

23 Q. Okay. Looking at State's 56, do you recall which
24 bedroom this one was?

25 A. This is the second bedroom.

1 Q. Okay. Was this item I'm pointing to on State's 56,
2 this white cardboard looking box, was that significant in
3 your photograph?

4 A. Yes, sir. That was -- that was cartridges for the
5 vape pens. It's like an oil that they use for smoking.

6 Q. All right. And in State's 57, is that a box of a lot
7 of those?

8 A. Yes, sir.

9 Q. Was this in that same bedroom or somewhere else?

10 A. That was in a different bedroom. That -- that box was
11 -- was inside this envelope and the -- the cartridge was in
12 the other bedroom.

13 Q. So this would have been in what you're referring to as
14 the main bedroom?

15 A. Yes, sir.

16 Q. And this one is what you've been referring to as in
17 the second bedroom?

18 A. Correct.

19 Q. But they appear to be the same brand?

20 A. Yes, sir.

21 Q. Thank you for going through all those photos with me.

22 A. Yes, sir.

23 Q. You said you took photographs on-scene and another
24 part of your duties were to collect physical evidence; is
25 that correct?

1 A. Yes, sir.

2 Q. Of that physical evidence, was it a lot of the things
3 we have looked at in those photographs?

4 A. Yes, sir. As the investigators are doing the --
5 executing the search warrant, they'll call me over between
6 rooms back and forth to photograph anything that they have
7 located that is of interest for the case.

8 Q. Of the things you seized, did you seize electronic
9 devices?

10 A. Yes, sir.

11 Q. And were they from multiple different rooms?

12 A. Correct.

13 Q. Do you recall seizing an iPad from inside of the
14 study?

15 A. Yes.

16 Q. Or perhaps the second bedroom?

17 A. Yes.

18 Q. And obviously you seized the firearm; is that correct?

19 A. Yes.

20 Q. And then the shell casings that we've looked at?

21 A. Correct.

22 Q. And pretty much anything that had a marker you -- you
23 seized, right?

24 A. Yes. Some of the items were collected by SLED and
25 then I collected the rest of them.

1 Q. Okay. I'm gonna walk up with a bundle of things.

2 MS. YONGE: Your Honor, may I approach as well?

3 THE COURT: Absolutely.

4 MS. YONGE: I'll look over your shoulders.

5 BY MR. PINCELLI:

6 Q. And I'm approaching you with 58 through 62. Can you
7 tell me if you recognize those items?

8 A. Yes, sir.

9 Q. And are those items of evidence that you collected
10 from the crime scene?

11 A. Yes, sir.

12 Q. And you know that how?

13 A. We have the label. It's basically made for -- from
14 our office and also the description is usually the way I
15 describe them and I usually put my -- collected by me.
16 This one's collected by -- found in the living room by
17 Investigator Heath.

18 Q. But then you collect those items?

19 A. Yes.

20 MR. PINCELLI: At this time I'd like State's 58
21 through 62 admitted into evidence.

22 THE COURT: Any objection?

23 MS. YONGE: Your Honor, I believe it would be for
24 ID at this time for some of them.

25 MR. PINCELLI: Let's just marked them as ID.

1 THE COURT: For all of them?

2 MR. PINCELLI: Sure.

3 THE COURT: ID 58 through 62.

4 MR. PINCELLI: Yes, Your Honor.

5 THE COURT: Okay. I don't even know what they are.

6 MR. PINCELLI: I'll run through them real quick.

7 THE COURT: Thank you.

8 BY MR. PINCELLI:

9 Q. Well, I'll just let you keep these up here. Can you
10 just briefly describe what each item that was collected
11 there is?

12 A. This one has -- this was one 12-gauge shotgun shell.

13 Q. And that's 58?

14 A. Yes, sir. And it also has a hollow tip .380 bullet,
15 four.

16 Q. And 59?

17 A. This was a black in color Samsung cell phone, damaged
18 top right corner.

19 Q. And 60?

20 A. 60's gonna be a white iPhone in a black case.

21 Q. 61?

22 A. It's a -- from Placard Number 8, white envelope, with
23 \$1,200 cash.

24 Q. And 62?

25 A. This is Marker 13, one casing, a .380 auto.

1 MR. PINCELLI: And so this would be 58 through 62
2 ID only at this time.

3 THE COURT: Okay.

4 BY MR. PINCELLI:

5 Q. Investigator Miramontes, State's 3 is already in
6 evidence. We're looking at that back porch area. What
7 we just got into evidence or for ID, was that all of the
8 things you collected or were there more things that you
9 collected?

10 A. Oh, there's a lot more stuff that we collected.

11 Q. Was one of those things this chair that's tipped over?

12 A. Yes, sir.

13 MR. PINCELLI: I beg the Court's indulgence. We're
14 gonna bring in that chair.

15 THE COURT: We're bringing in a chair?

16 MR. PINCELLI: That's correct, Your Honor.

17 Mr. Miramontes, can I get you to step down
18 please with Your Honor's permission?

19 THE COURT: Absolutely.

20 BY MR. PINCELLI:

21 Q. Do you recognize this item?

22 A. Yes, sir. This is one patio chair we collected from
23 the patio of this home.

24 Q. And is --

25 A. This is our label.

1 Q. This is your marker?

2 A. Yes, sir.

3 Q. And this is how you collected it? This is what you
4 collected?

5 A. Correct.

6 MR. PINCELLI: I would like to move this into
7 evidence as State's 63.

8 THE COURT: Any objection? You're gonna move this
9 into evidence?

10 MR. PINCELLI: Into evidence, Your Honor.

11 THE COURT: Okay. Let me -- let me see the lawyers
12 just for a second.

13 (Proceedings held at the bench; not reported.)

14 THE COURT: All right. It's admitted without
15 objection.

16 (State's Exhibit Number 63, a patio chair, was
17 marked and admitted into evidence.)

18 THE COURT: Go ahead. And you wanted the witness
19 to step down?

20 MR. PINCELLI: Just to identify it.

21 THE COURT: Okay.

22 MR. PINCELLI: And at this time -- I think this will
23 be without objection, Your Honor, what had been marked
24 previously for ID only State's 58, State's 62 and 61, I
25 would like to move into evidence.

1 THE COURT: Any objection?

2 MS. YONGE: No objection, Your Honor.

3 THE COURT: All right. Then 58 is admitted without
4 objection, along with 61 and 62.

5 MR. PINCELLI: Correct.

6 (State's Exhibit Number 58, an unfired shotgun
7 shell and bullets, and State's Exhibit Number 61, \$1,200
8 cash, and State's Exhibit Number 62, a cartridge case,
9 were admitted into evidence.)

10 MR. PINCELLI: I beg the Court's indulgence.

11 THE COURT: Take your time.

12 BY MR. PINCELLI:

13 Q. I think I have one last photo for you. Do you
14 recognize that photograph?

15 A. Yes, sir.

16 Q. Would that have been one that you took during your
17 crime scene investigation?

18 A. Correct.

19 Q. And it's a fair and accurate depiction of what you saw
20 that day?

21 A. Yes, sir.

22 MR. PINCELLI: I'd like to move 64 into evidence.

23 THE COURT: 64. Any objection?

24 MS. YONGE: Without objection, Your Honor.

25 THE COURT: It's admitted.

1 (State's Exhibit Number 64, a photograph, was
2 marked and admitted into evidence.)

3 BY MR. PINCELLI:

4 Q. And where in the home -- which bedroom is this?

5 A. This is the master bedroom.

6 Q. Okay. Again, what we've been calling the main
7 bedroom?

8 A. Yes.

9 Q. Just so there's no confusion, this one here?

10 A. Yes, sir.

11 Q. I was pointing on State's 6 to the main bedroom.

12 MR. PINCELLI: Thank you, sir. That's all the
13 questions I have for you. Please answer anything from
14 the defense.

15 THE COURT: Ms. Yonge.

16 CROSS-EXAMINATION

17 BY MS. YONGE:

18 Q. Good afternoon, CSI Miramontes.

19 A. Yes, ma'am.

20 Q. Hi, I'm Anna. I don't believe we've had the pleasure.

21 Very briefly because we've just been through a lot of
22 evidence. So you collected \$1,200 cash in an envelope from
23 the table, correct?

24 A. Correct.

25 Q. Okay. And when you approached the victim, you

1 collected two bags of what -- of green leafy substance from
2 the victim, correct?

3 A. From his hand. There's two bags.

4 Q. Two small bags?

5 A. Yes.

6 Q. Not one large?

7 A. No, there's two of them.

8 Q. Okay. And then you mentioned that you collected three
9 cartridges?

10 A. I'm trying to recall.

11 Q. I just am trying to clear this up a little bit because
12 I think there was some -- so it looks like there's a
13 cartridge on the ground over here, there's one -- I believe
14 the motorcycle was here, and then there is --

15 A. Number 7 is the other one.

16 Q. In a wooden box?

17 A. Yes. I know that, yes.

18 Q. So you were not able to recover the fourth cartridge,
19 correct?

20 A. No, we were not.

21 Q. Okay.

22 MS. YONGE: Those are all the questions I have,
23 Your Honor.

24 THE COURT: Any redirect?

25 MR. PINCELLI: No, ma'am.

1 THE COURT: May I excuse this witness, please?

2 MR. PINCELLI: Thank you, Your Honor.

3 THE COURT: Thank you. You may be excused.

4 (Witness excused.)

5 MR. NORTON: Judge, can we approach real quick?

6 (Proceedings held at the bench; not reported.)

7 THE COURT: All right. We're gonna take a short
8 break, Mr. Foreman. You might not need a break, but I've
9 got some people out here that need a break right quick.
10 It's gonna be short. Remember, don't talk about this case
11 and I'll have you back in shortly.

12 (Whereupon, the jury retires to the jury room at
13 4:00 PM.)

14 (Back on the record at 4:12 PM.)

15 (State's Exhibit Number 65 through 95 were marked
16 for identification.)

17 THE COURT: Are we ready?

18 MR. NORTON: Judge, we're ready. I just want to put
19 one thing on the record real quick.

20 THE COURT: Okay.

21 MR. NORTON: We've premarked a number of exhibits
22 for the next witness. The defense was gonna object to
23 one of the pictures as cumulative. Rather than fight
24 about it, we're just not gonna admit it -- but we're just
25 gonna skip Exhibit 68. So let the record reflect there

1 will be no State's Exhibit 68. It will be a nullity.

2 THE COURT: Okay. And so what all did you-all agree
3 on?

4 MR. NORTON: Just to skip -- I showed her all the
5 evidence we intend to admit. I don't anticipate there
6 being an objection.

7 MS. YONGE: No, ma'am.

8 THE COURT: Well, how far do your numbers go?

9 MR. NORTON: So it will be -- it will start at 67
10 skip, 68 and then go in sequential order until 85.

11 THE COURT: Until 85.

12 MR. NORTON: Yes, ma'am. And some of them -- some
13 of them will be for ID only, but we'll make that clear
14 on the record as we go through.

15 THE COURT: Okay. Well, let me ask you this. No 65
16 and no 66?

17 MS. YONGE: Those are the two she's talking about.

18 MR. NORTON: Yes, we will have a 65 and a 66, Judge.

19 THE COURT: Okay. Just want to make sure you'll are
20 not messing up my exhibit numbering.

21 MR. NORTON: No, Your Honor. The only one is 68.

22 THE COURT: All right. Can I bring the jury in?

23 MR. NORTON: Yes, Your Honor.

24 (Whereupon, the jury return to the courtroom at
25 4:17 PM.)

1 THE COURT: All right. Mr. Foreman, the jury ready?

2 FOREPERSON: Yes, ma'am.

3 THE COURT: Thank you.

4 All right. Call your next witness.

5 MR. NORTON: Your Honor, the State calls Special
6 Agent Jennifer Hunton.

7 (Whereupon, Jennifer Hunton was duly sworn by the
8 Clerk of Court.)

9 THE CLERK: Please take a seat on the witness stand.
10 State your full name and spell your last for the record.

11 THE WITNESS: Jennifer Hunton. H-U-N-T-O-N.

12 JENNIFER HUNTON,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. NORTON:

16 Q. Good afternoon.

17 A. Good afternoon.

18 Q. Could you please tell the jury where you work?

19 A. I work at the South Carolina Law Enforcement Division,
20 also known as SLED.

21 Q. What do you do at the South Carolina Law Enforcement
22 Division?

23 A. I'm a special agent assigned to the crime scene
24 investigations unit.

25 Q. And what does the crime scene investigations unit do?

1 A. So SLED in general is an assisting agent, so in crime
2 scene any police department or sheriff's office can request
3 us in the state of South Carolina. If they don't have a
4 crime scene team of their own, they can request us to
5 assist, so we respond to all crime scene requests all over
6 the State.

7 Q. And in being a crime scene investigator, do you have
8 experience responding to violent crimes?

9 A. Yes, sir.

10 Q. Does that include shootings?

11 A. Yes, sir.

12 Q. Have you received any special training in your role as
13 a crime scene investigator?

14 A. Yes, sir.

15 Q. Okay. Could you tell the jury a little bit about
16 that?

17 A. So I received my bachelor's degree in forensic science
18 with minors in biology and chemistry from Williamsburg
19 University in Southwestern Pennsylvania. We do an in-house
20 training program at SLED that's approximately a year in
21 length. During that time we're assigned a training officer
22 where we respond to crime scene requests just like the case
23 I'll be testifying here today. That's how we get our
24 experience. And then we're divided into training blocks
25 where we have to read certain materials on pretty much

1 anything that we can encounter on crime scenes;
2 photography, evidence collection, latent print evidence,
3 firearms evidence, bloodstain pattern analysis. We do
4 these readings, we have to test out of the section, and
5 then once our training is complete we have to do a
6 competency test which consists of a mock crime scene and
7 a mock court and then we're proficiency tested yearly
8 after that.

9 Q. So just to break that down a little bit, you have to
10 be certified in order to become a crime scene investigator
11 with SLED?

12 A. They do an in-house training program. The
13 certification I have is just my Class 1 law enforcement
14 officer certification from the South Carolina Criminal
15 Justice Academy.

16 Q. But there's a testing program?

17 A. Yes.

18 Q. And you receive continued testing or performance?

19 A. Yes, sir.

20 Q. Have you previously been qualified as an expert
21 witness in this field?

22 A. Yes.

23 Q. And what was your area of expertise?

24 A. Crime scene investigation.

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

1 would offer Special Agent Hunton as an expert in crime
2 scene investigation.

3 THE COURT: Any objection?

4 MS. YONGE: No objection, Your Honor.

5 THE COURT: All right. Let me tell the jury. I
6 told you earlier that witnesses are allowed to testify to
7 things that they can see, hear or they did. We have an
8 exception to that rule and it's called expert witnesses
9 where by their education and experience they are allowed
10 to give an opinion in a case, and this witness here will
11 be allowed to give an opinion in forensic crime scene
12 analysis.

13 Is that correct, what she's an expert in?

14 MR. NORTON: (Nods head.)

15 THE COURT: You can give her testimony the weight
16 you think it deserves, okay?

17 Go ahead, Mr. Norton.

18 BY MR. NORTON:

19 Q. Agent Hunton, on June 27, 2021, did you have occasion
20 to respond to [REDACTED]?

21 A. Yes, sir.

22 Q. And why did you respond to that location?

23 A. We received a crime scene request from the Lexington
24 Police Department for a shooting that occurred.

25 Q. And I believe you testified earlier that's pretty

1 standard in your line of work as a CSI for SLED?

2 A. Yes, sir.

3 Q. Okay. Around what time did you respond to [REDACTED]

4 [REDACTED]?

5 THE WITNESS: Your Honor, may I refer to my notes?

6 THE COURT: You may.

7 THE WITNESS: We arrived at approximately 6:24 PM.

8 BY MR. NORTON:

9 Q. Okay. And who do you recall was on-scene when you
10 arrived?

11 A. Lieutenant Stowe and Detective Miramontes.

12 Q. Okay. What did you first do upon arriving on-scene?

13 A. So we meet with whoever Lexington Police Department
14 has out there, their investigators, they give us some basic
15 information about what they received that happened, and
16 then we do an initial walkthrough of the scene.

17 Q. Okay. And this was a residence that you responded to?

18 A. Yes, sir.

19 Q. And was the scene generally in the backyard area of
20 that residence?

21 A. Yes, sir.

22 Q. So you did a walkthrough of that area?

23 A. Yes.

24 Q. Okay. And while you were on-scene, are you aware of
25 whether a search warrant was obtained for the residence?

1 A. Yes, sir. By the Lexington Police Department.

2 Q. Okay. Were you able to document any photographs while
3 you were on-scene?

4 A. Yes.

5 MR. NORTON: Your Honor, I've shown these to opposing
6 counsel. I'm approaching the witness.

7 THE COURT: Okay.

8 BY MR. NORTON:

9 Q. Agent Hunton, I'm gonna show you what's been marked as
10 State's Exhibit 65, 66 and 67 through 76, and ask you to
11 look at these and tell me if you recognize them.

12 A. Yes.

13 Q. And how do you recognize them?

14 A. These are the crime scene photographs that were done
15 by me and my partner at the residence at [REDACTED] Drive.

16 Q. And are those fair and accurate depictions of the
17 scene as you observed it that day?

18 A. Yes, sir.

19 MR. NORTON: Your Honor, at this time we would offer
20 these into evidence with the exception of State's 68.

21 THE COURT: Any objection?

22 MS. YONGE: No objection, Your Honor.

23 THE COURT: They're admitted.

24 (State's Exhibit Number 65, 66, 67, 69, 70, 71,
25 72, 73, 74, 75 and 76, photographs, were admitted into

1 evidence.)

2 BY MR. NORTON:

3 Q. I'd like to go through these. I'll start with State's
4 Exhibit 67. Can you walk us through what we're looking at
5 in this photograph?

6 A. That is the back of the residence, the little
7 sidewalk there that leads to the rear -- rear entry to the
8 residence.

9 Q. Okay. And there were already these markers that we
10 see here on-scene?

11 A. Yes, sir. Markers 1 through 11, I believe those were
12 placed by Lexington Police Department before we got there.

13 Q. And State's Exhibit 69, can you tell us what we're
14 looking at here?

15 A. That is the back porch right outside that backdoor of
16 the residence.

17 Q. State's Exhibit 70.

18 A. That is just a side picture of the back of the
19 residence.

20 Q. And this would be the shooting victim?

21 A. Yes, sir.

22 Q. Okay. And going to State's Exhibit 71?

23 A. Those are on the sidewalk in the backyard that's
24 leading up to the rear of the residence. Those are markers
25 1 through 3.

1 Q. 72.

2 A. That is a picture of Marker 6. There's a motorcycle
3 on the back porch, so that's in front of the tire.

4 Q. And this would have been in front of the front tire?

5 A. Yes.

6 Q. Okay. Now going to State's Exhibit 74, what did --
7 what did this item appear to be?

8 A. So the way that we label it is a green leafy substance
9 in a clear plastic baggy. Just based on my experience it
10 appeared to be marijuana. I'm just not the one that does
11 the confirmatory test.

12 Q. Absolutely. And did that appear to be two bags?

13 A. Yes, sir.

14 Q. Okay. And Exhibit 75, would that be one of the rounds
15 that you described earlier on the sidewalk next to the
16 firearm?

17 A. Yes, that is an unfired round.

18 Q. Okay. And 76 is just a close-up of that?

19 A. Yes, sir.

20 Q. Okay. And then looking at State's Exhibit 65?

21 A. That is a chair that's on the back porch with a tiki
22 torch that's broken on the ground.

23 Q. Okay. I'm gonna ask you to take a look at State's
24 Exhibit 63 and tell the jury if you recognize this item.

25 A. It appears to be the chair from that photo.

1 Q. In the picture?

2 A. Yes, sir.

3 Q. Okay. Looking at the State's Exhibit 66, what are we
4 looking at here?

5 A. So that was where the chair was on the ground and when
6 we lifted it that was the impression that was there in the
7 ground.

8 Q. Okay. Going back to 65, would that be the impression
9 you were discussing?

10 A. Yes, sir.

11 Q. Okay. Why was that documented?

12 A. So any time we're obviously given a scene with an
13 altercation, any disturbance we see, there was a chair
14 knocked over, saw the tiki torch that was broken, we
15 document those things.

16 Q. Okay. And by altercation you mean shooting?

17 A. Yes.

18 Q. Going back to that, so the armrest of the chair was
19 imbedded into the ground?

20 A. Yes, sir.

21 Q. Okay. And did that appear to you to be consistent
22 with the chair just having been knocked over?

23 A. There would have been some more force, just not it
24 falling over by itself. The ground was hard. There wasn't
25 any mud or rain or anything. It wasn't soft ground.

1 Q. So based on your observations, there was some level of
2 weight or force behind making that indentation?

3 A. Yes, to create that impression.

4 Q. Okay. Now you didn't just photograph evidence, did
5 you?

6 A. Can you repeat that?

7 Q. You didn't just photograph evidence on-scene?

8 A. No, sir.

9 Q. What else did you do?

10 A. We collected the evidence as well.

11 Q. Okay. I'm gonna approach with some items. I've
12 already shown these to defense counsel. I'll start with
13 State's Exhibit 78. Do you recognize that item? You can
14 open it.

15 A. Yes.

16 Q. Okay. And how so?

17 A. This is our packaging that we use that has the lab
18 number, date and initials and what the items are, which
19 these are two cartridge cases that were found on-scene.

20 Q. And those were the two cartridge casings that we
21 viewed in the photographs by the motorcycle tire and in
22 the wooden box?

23 A. Yes. They were markers 6 and 7.

24 Q. Okay. And those were collected by you on-scene?

25 A. Yes, sir.

1 Q. Okay.

2 MR. NORTON: Your Honor, at this time we would admit
3 State's Exhibit 78 as evidence.

4 THE COURT: Any objection?

5 MS. YONGE: No objection, Your Honor.

6 THE COURT: It's admitted.

7 (State's Exhibit Number 78, cartridge cases, were
8 admitted into evidence.)

9 BY MR. NORTON:

10 Q. I'm gonna ask you to next look at State's Exhibit 79.
11 Do you recognize that item?

12 A. Yes. This is an unfired cartridge. Yeah, it's one
13 of the unfired cartridges, so Marker 2.

14 Q. And that was collected on-scene by you?

15 A. Yes, sir.

16 Q. Okay.

17 MR. NORTON: Your Honor, at this time we'd offer
18 State's Exhibit 79 as evidence.

19 THE COURT: Any objection?

20 MS. YONGE: No objection, Your Honor.

21 THE COURT: It's admitted.

22 (State's Exhibit Number 79, an unfired cartridge,
23 was admitted into evidence.)

24 BY MR. NORTON:

25 Q. Moving onto State's Exhibit 80, if you could open that

1 and tell me if you recognize that item.

2 A. This is the magazine and unfired cartridge that were
3 on the ground at markers -- at Marker 3.

4 Q. And that was what we looked at with the firearm on the
5 sidewalk?

6 A. Yes, sir.

7 Q. Okay. And you collected that?

8 A. Yes, sir.

9 MR. NORTON: Your Honor, at this time we'd offer
10 State's Exhibit 80 as evidence.

11 MS. YONGE: Without objection, Your Honor.

12 THE COURT: It's admitted.

13 (State's Exhibit Number 80, a magazine and unfired
14 cartridge, was admitted into evidence.)

15 BY MR. NORTON:

16 Q. Okay. And then finally State's Exhibit 85. Do you
17 recognize this item?

18 A. Yes, this is the firearm that was at Marker 1.

19 Q. And you collected that item?

20 A. Yes, sir.

21 MR. NORTON: Your Honor, at this time State's
22 Exhibit 85 for evidence.

23 THE COURT: Any objection?

24 MS. YONGE: No objection, Your Honor.

25 THE COURT: It's admitted.

1 (State's Exhibit Number 85, a Taurus handgun, was
2 admitted into evidence.)

3 BY MR. NORTON:

4 Q. So that would be the firearms evidence that you
5 collected?

6 A. Yes.

7 Q. Just to make sure everything's clear, the cartridge
8 in the wooden box on the table in State's Exhibit 73?

9 A. That is a cartridge case.

10 Q. And that's one of the items you collected?

11 A. Yes, sir.

12 Q. Okay. And then all of the firearms evidence on the
13 sidewalk we see there in State's Exhibit 71?

14 A. Yes, sir.

15 Q. Okay. And then the shell casing in State's
16 Exhibit 72?

17 A. Yes.

18 Q. Okay. Now you -- also in addition to collecting the
19 firearms evidence, did you take any -- any kind of DNA
20 swabs on-scene?

21 A. Yes, sir.

22 Q. Okay. And what would those have been from?

23 A. The chair that was -- that chair that's right in front
24 of you.

25 Q. So you swabbed State's Exhibit 63 for DNA?

1 A. Yes, sir.

2 Q. Okay. Is that a part of your normal job duties as a
3 CSI?

4 A. Depending on the scene, yes.

5 Q. Okay. Can you tell the jury a little bit about how
6 you go about taking a DNA swab from an item?

7 A. So we use sterile swabs that basically look like giant
8 Q-tips. Once we get them out of the packaging, we wet one
9 of the swabs with deionized water and leave the other one
10 dry. The wet one just breaks up any particles, DNA, and
11 the dry one kind of picks it up, so they're both getting
12 onto the swabs, and then we just swab whatever surface
13 that's in question.

14 Q. Okay. And so in this case how did you go about
15 swabbing this chair?

16 A. So the way that I just mentioned and then we -- we
17 swabbed everything to include the armrest, the seat and the
18 seat backing of the chair.

19 Q. Okay. And what did you do with those swabs once you
20 took them?

21 A. We packaged them and we return them to the lab after
22 we're done with the scene and they get submitted for
23 analysis.

24 Q. I'm gonna show you what's been previously marked as
25 State's Exhibit 84 and ask you if you recognize that?

1 A. These are the swabs that we took from the chair.

2 Q. And those were packaged that way when you took them?

3 A. Yes, sir.

4 Q. Okay.

5 MR. NORTON: Your Honor, State's Exhibit 84 for ID
6 only.

7 THE COURT: Thank you.

8 BY MR. NORTON:

9 Q. So you arrive on-scene, you photograph the scene, you
10 collect firearms evidence on scene, you swab the chair?

11 A. Yes, sir.

12 Q. And then what do we do next?

13 A. Once we completed the scene, we responded to the
14 Lexington County Coroner's Office where we collected some
15 additional evidence from the victim.

16 Q. Okay. And that would have been that night? Actually
17 let me back up. I'm sorry. What efforts did you make to
18 look for any additional evidence while you were on-scene?

19 A. We used a metal detector to try and find any
20 additional cartridge cases, bullets, any firearms evidence
21 out there.

22 Q. And would that include the backyard area of the home?

23 A. Yes, sir.

24 Q. Okay. And so the yard area we see here in State's
25 Exhibit 71?

1 A. Yes.

2 Q. Okay. So it's fair to say you made a diligent search
3 for additional evidence?

4 A. Yes, sir.

5 Q. Okay. And in your experience as a crime scene
6 investigator, is it normal to not find every piece of
7 evidence in a case on-scene?

8 A. It's -- just depending on the scene and conditions,
9 yes.

10 Q. It happens?

11 A. Any -- there can be many factors that go into why we
12 can or can't find something.

13 Q. Okay. But you took the additional step of getting a
14 metal detector to search for additional evidence?

15 A. Yes, sir.

16 Q. Okay. Now you said you responded to the Lexington
17 County Coroner's Office?

18 A. Yes, sir.

19 Q. Okay. And was the body of the deceased there when
20 you arrived?

21 A. Yes, sir.

22 Q. Okay. And what did you say you did on arriving at
23 the coroner's office?

24 A. We collected a gunshot residue kit from him, as well
25 as fingernail scrapings, postmortem major case prints,

1 which are his fingerprints, and buccal swabs, his DNA.

2 Q. Okay. I want to show you what's been previously
3 marked as State's Exhibit 81 and ask you if you recognize
4 that?

5 A. These are the postmortem major case prints from the
6 victim. In other words, his fingerprints.

7 Q. And you collected those that night?

8 A. Yes, sir.

9 MR. NORTON: Your Honor, State's Exhibit 81 for
10 evidence.

11 THE COURT: Any objection?

12 MR. NORTON: Do you want to do ID only?

13 ID only for fright now, Judge.

14 BY MR. NORTON:

15 Q. And you also said in addition to his fingerprints you
16 collected a buccal swab?

17 A. Yes, sir.

18 Q. Okay. I'm showing you what's been previously marked
19 as State's Exhibit 82 and ask you if you recognize that.

20 A. These are the buccal swabs collected from the victim.

21 Q. And is the process of collecting a buccal swab from
22 an individual different from the process of collection a
23 buccal swab from, say, a chair?

24 A. Yes. So I mentioned earlier that we wet one of the
25 swabs with deionized water. We don't wet them in this

1 case, they just get placed into whoever's mouth, living or
2 deceased, and you're swabbing the inside of their cheeks.

3 Q. And did you follow that process in collecting the
4 buccal swabs from the victim?

5 A. Yes, sir.

6 Q. Okay. You had no issues there?

7 A. No, sir.

8 Q. Okay.

9 MR. NORTON: Your Honor, State's Exhibit 82 for ID
10 only.

11 THE COURT: Okay.

12 BY MR. NORTON:

13 Q. And then I believe you mentioned you collected
14 fingernail scrapings?

15 A. Yes, sir.

16 Q. And can you tell the jury how you go about doing that?

17 A. So our fingernail scrapings come in a sealed envelope.
18 We open those up and there's two plastic wands with like a
19 pointed tip in there. There's also two pieces of paper
20 folded up that are labeled L and R, for left and right
21 hand. So we place the -- we open the paper up, place it
22 under the hand and then use the pointed tip wand to scrape
23 under the nails. Any debris or anything that comes off
24 from the nail goes onto the paper. The wand and whatever
25 debris fell into the paper get folded up and placed and

1 sealed back into the envelope that it came from.

2 Q. Why did you take fingernail scrapings in this case?

3 A. We were provided information that some kind of
4 argument or altercation occurred, so any time that happens
5 we -- if people were touching each other, if there was
6 a fight or anything, we take their DNA under their
7 fingernails in case they came into contact with each other.

8 Q. To potentially look for other people's DNA?

9 A. Yes.

10 Q. Okay. And so we took the --

11 A. It is common practice for us to do it with every
12 deceased person as well.

13 Q. Okay. I'm gonna show you what's been previously
14 marked as State's Exhibit 83 and ask you if you recognize
15 that?

16 A. These are the fingernail scrapings that we collected.

17 Q. And those are collected from the victim by you that
18 night?

19 A. Yes, sir.

20 Q. And packaged in the same manner as you packaged them
21 at the time?

22 A. Yes, sir.

23 Q. Okay.

24 MR. NORTON: Your Honor, State's Exhibit 83 for
25 ID only.

1 THE COURT: That's okay. I've got it.

2 BY MR. NORTON:

3 Q. After you collected these items from the coroner's
4 office from the victim, what did you do next?

5 A. We were cleared at that point. We transported all of
6 the evidence that we collected from the scene and from the
7 victim to the laboratory and then whenever we log it in it
8 gets submitted to whatever department it needs to go to for
9 testing.

10 Q. Okay. So just to be clear, the firearms evidence we
11 see here, the gun, the magazine, the cartridge, the two
12 shell casings, the DNA swabs you took of the chair and then
13 the evidence you obtained from the coroner's office, you
14 took all of that back to SLED for evidence processing?

15 A. Yes, sir.

16 Q. Okay. Did you have any further involvement in this
17 case?

18 A. No.

19 MR. NORTON: I beg the Court's indulgence.

20 That's all the questions I have for you at this
21 time, Agent Hunton. If you could please answer any
22 questions from defense counsel.

23 CROSS-EXAMINATION

24 BY MS. YONGE:

25 Q. Good afternoon, Agent -- I believe it's Hunton now,

1 correct?

2 A. Yes. Good afternoon.

3 Q. Did you observe there to be any blood on that chair?

4 A. I don't recall of there being any blood on the chair.

5 Q. Okay. If you had observed blood, would that have
6 changed what you did?

7 A. We still would have swabbed the chair for what we call
8 as touch DNA. If there was blood, we would have swabbed it
9 -- swabbed the blood specifically.

10 Q. Okay. Do you have any training in blood splatter
11 analysis?

12 A. I've taken a course in it, but I'm not an expert in
13 it.

14 Q. Did you see any evidence of there being any blood
15 splatter at this scene to analyze?

16 A. No, ma'am.

17 Q. Okay. In what kind of situations would you expect
18 there to be blood splatter?

19 A. You could have high impact stains, so it really
20 depends on the scene. Like if you're using a weapon and
21 it's being, you know, brought back and forth multiple
22 times coming into contact with someone and blood is flying,
23 those would give you pattern stains. That's just one
24 example.

25 Q. So, for instances, in this case we know it was a gun.

1 If you are shooting someone and they have a through and
2 through injury, would that create a blood pattern on the
3 opposite side of the entry?

4 A. It depends on what's behind them.

5 MR. NORTON: Your Honor, I think that response calls
6 for expertise that she's said she does not have.

7 THE COURT: She answered.

8 MS. YONGE: It depends on what's behind them.

9 I'll leave off on this line of questioning.

10 THE COURT: Okay. Thank you.

11 BY MS. YONGE:

12 Q. There was some testimony regarding an impression that
13 was made from the chair and you testified that you took a
14 picture of it because you believed that it had been left
15 because of some force, correct?

16 A. We documented it because it was a disturbance within
17 the scene. That's not a common thing for a chair to be
18 knocked over or a tiki torch to be broken, so any
19 disturbance we document those things. The chair where it
20 had fallen with the armrest to me was not consistent with
21 it just being knocked over. There was -- it left a deeper
22 impression in the ground.

23 Q. Are you able to ascertain what force would have caused
24 that impression?

25 A. I don't know.

1 Q. Okay. So while you believe it to be inconsistent
2 with someone knocking it over, it could be from someone
3 stumbling over it or from someone physically pushing it
4 down, a number of things, correct?

5 A. Yes, ma'am.

6 Q. Okay. Just that it is inconsistent with someone only
7 knocking it over and there not being an additional force
8 applied?

9 A. Yes.

10 Q. Okay. I believe my final question has to deal -- or
11 series of questions, you mentioned that you used a metal
12 detector in the backyard; is that correct?

13 A. Yes, ma'am.

14 Q. But with that metal detector you were not able to find
15 the third cartridge, correct?

16 A. Correct. We didn't locate any additional firearms
17 evidence.

18 Q. So your department, SLED, was only able to locate two
19 firearms cartridges, correct?

20 A. Yes, ma'am.

21 Q. Okay.

22 MS. YONGE: Thank you.

23 No further questions, Your Honor.

24 THE COURT: Any redirect?

25 MR. NORTON: Yes, Your Honor.

1 REDIRECT EXAMINATION

2 BY MR. NORTON:

3 Q. Agent Hunton, you were asked a little bit about
4 blood. Is it common in responding to shooting scenes
5 that there may not be a lot of blood or you may not see
6 any blood?

7 A. That's possible. Yes.

8 Q. Okay. In fact, the only blood that you documented
9 was blood from the victim's body or what appeared to be
10 from the victim's body?

11 A. Yes, sir.

12 Q. Okay. And so just because you don't visually see
13 blood on a surface doesn't mean that, you know, there is
14 no blood or it's -- it's not visible to your eye, correct?

15 A. Can you --

16 Q. Sorry. Let me rephrase that question. You did not
17 visually observe any blood on the chair?

18 A. No.

19 Q. Okay. But in your training as a CSI, that doesn't
20 mean that -- let me rephrase. When you're observing a
21 scene and looking at blood or where someone may have been
22 shot or not shot, blood isn't determinative of any of that,
23 is it?

24 A. No.

25 Q. Okay.

1 MR. NORTON: I think that's all the questions I
2 have for you.

3 If she can be excused, Your Honor.

4 THE COURT: Ms. Yonge.

5 MR. YONGE: No questions, Your Honor. She may be
6 excused.

7 THE COURT: All right. I'll let her step down.
8 Thank you for coming.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 THE COURT: Is this the last witness for today?

12 MR. NORTON: It is, Your Honor.

13 THE COURT: This is the last witness for the day.

14 MS. YONGE: Your Honor, may we approach briefly?

15 THE COURT: You may.

16 (Proceedings held at the bench; not reported.)

17 THE COURT: Your next witness.

18 MR. NORTON: Your Honor, at this time the State
19 calls Dr. Virginia Richards.

20 (Whereupon, Virginia Richards was duly sworn by
21 the Clerk of Court.)

22 THE CLERK: Thank you. Please take a seat on the
23 witness stand. State your full name and spell your last
24 for the record.

25 THE WITNESS: Dr. Virginia Richards. R-I-C-H-A-R-D-S.

1 VIRGINIA RICHARDS,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. NORTON:

5 Q. Dr. Richards, good afternoon.

6 A. Good afternoon.

7 Q. Can you, please, tell the jury where you currently
8 work and what you do there?

9 A. I work at the Medical University of South Carolina and
10 I'm a forensic pathologist.

11 Q. Okay. And what is a forensic pathologist?

12 A. A forensic pathologist is a medical doctor who's
13 trained in the field of pathology. Pathology is the study
14 of disease and forensic pathology is extra subspecialty in
15 which additional training is required to understand the
16 difference between disease, such as a natural illness,
17 versus injury.

18 Q. Okay. And is a part of your role as a forensic
19 pathologist performing autopsies?

20 A. Yes.

21 Q. Okay. And can you give the jury a rough guess of how
22 many autopsies you've performed in your career?

23 A. More than 2,000.

24 Q. Okay. And generally what is the purpose of an
25 autopsy?

1 A. The purpose of an autopsy is to determine why a person
2 died.

3 Q. And can you tell the jury about any specialized
4 training that you have received in your work in becoming a
5 forensic pathologist?

6 A. Yes. Do you want me to go back to college?

7 Q. We can start with after that.

8 A. Okay. So after college I went to medical school for
9 four years at the Medical University of South Carolina. I
10 then completed a 4-year pathology residency at New York
11 University in New York City. I then completed a 1-year
12 forensic pathology fellowship training at the Office of the
13 Chief Medical Examiner of Virginia.

14 Q. And, Dr. Richards, have you previously testified in
15 court as an expert witness?

16 A. Yes.

17 Q. And in what field were you qualified in?

18 A. Forensic pathology.

19 Q. And how many times roughly have you been qualified as
20 an expert witness?

21 A. More than thirty.

22 MR. NORTON: Your Honor, at this time the State
23 would offer Dr. Richards as expert in forensic pathology.

24 THE COURT: Any objection?

25 MS. YONGE: No, Your Honor.

1 THE COURT: Again, I'll tell the jury this witness
2 is gonna be an expert and she's gonna be allowed to give
3 her opinion in forensic pathology. You give her testimony
4 the weight you think it deserves.

5 Go ahead.

6 BY MR. NORTON:

7 Q. Dr. Richards, I'm gonna ask you about June 29, 2021.
8 Did you have the occasion to perform an autopsy on Parrish
9 Phillips?

10 A. Yes.

11 Q. Okay. And generally when you begin performing an
12 autopsy, what are the first steps?

13 A. I photograph the body as it comes to my office. I
14 then make note of what the person's wearing if they have
15 any clothing on, any medical apparatus such as if they've
16 been resuscitated, intervenous catheters, that sort of
17 thing, any apparent injuries to the outside of the body
18 and also characteristics of the body; height, weight, that
19 sort of thing.

20 Q. So when you began performing an autopsy of Parrish
21 Phillips, did you document how old he was?

22 A. Yes.

23 Q. How old was he?

24 A. I actually don't recall. May I consult my records?

25 Q. Yes.

1 A. Forty-nine years.

2 Q. Okay. And what was his height and weight?

3 A. So he weighed 150 pounds and his height was seventy
4 and half inches, which is the same thing as five foot ten
5 and a half.

6 Q. Okay. And I believe you testified that you took
7 photographs of his body?

8 A. Yes.

9 Q. Okay. I'm gonna approach you with some exhibits.
10 I'll show you what's been marked as State's Exhibit 86, 87,
11 88, 93, 89 and 94, and ask you if you could look at those
12 and tell me if you recognize them.

13 A. Yes, sir.

14 Q. Okay. And how so?

15 A. These are photographs I took at autopsy.

16 Q. Okay. And are they a fair and accurate representation
17 of Mr. Phillips when you began your autopsy?

18 A. Yes.

19 MR. NORTON: Your Honor, at this time we'd offer
20 these as State's exhibits.

21 THE COURT: Any objection?

22 MS. YONGE: No objection, Your Honor.

23 THE COURT: With no objection.

24 (State's Exhibit Number 86, 87, 88, 89, 93 and 94,
25 photographs, were admitted into evidence.)

1 BY MR. NORTON:

2 Q. I'm also gonna ask you before we look at those, did
3 you have the occasion to create any sort of diagrams
4 documenting injuries you observed?

5 A. Yes.

6 Q. Okay. Is that common in performing an autopsy?

7 A. Yes.

8 Q. Okay. I'll show you now what's been premarked as
9 State's Exhibit 95 and ask you if you recognize that item?

10 A. Yes.

11 Q. Okay. And what is it?

12 A. That is the autopsy diagram.

13 Q. Okay. And is it a fair and accurate representation of
14 the results of your autopsy of Parrish Phillips?

15 A. Yes.

16 Q. Okay.

17 MR. NORTON: Your Honor, at this time State's
18 Exhibit 95 as evidence.

19 THE COURT: Any objection?

20 MS. YONGE: No objection, Your Honor.

21 THE COURT: It's admitted.

22 (State's Exhibit Number 95, an autopsy diagram, was
23 admitted into evidence.)

24 BY MR. NORTON:

25 Q. So, Dr. Richards, what is generally captured in this

1 diagram?

2 A. So this is an external -- a diagram of his external
3 surfaces of his body, so I'm just making note of the marks
4 on his body that may correspond to injuries.

5 Q. Okay. And did that observe both old and new injuries
6 or injuries that may have been older and may have been more
7 recent?

8 A. Yes. In addition to injuries, I guess I should have
9 said other external marks that might not represent so much
10 injury as surgical defects.

11 Q. Okay. Dr. Richards, I'm gonna ask you what is this
12 right here that's circled?

13 A. So that denotes a colostomy, which is an opening from
14 the abdominal wall with communication with the colon, the
15 large intestines.

16 Q. Okay. And what is this teardrop shaped marking here?

17 A. My notes say that it is an open defect in the
18 abdominal wall there.

19 Q. I'm gonna show you State's Exhibit 86. I know these
20 aren't fun to look at, Doctor, but is this the colostomy
21 bag you referenced?

22 A. Yes, sir.

23 Q. Okay. And you described that as a surgical defect?

24 A. Yes.

25 Q. Okay. And this pale line along the abdomen, how would

1 you characterize that?

2 A. That's a scar consistent with a surgical laparotomy.
3 It's healed, so it indicates many months to even years of
4 age.

5 Q. Okay. And you described this as an open surgical
6 defect?

7 A. Yes.

8 Q. Okay. And that would be abdominal tissue we're seeing
9 there.

10 A. Yes.

11 Q. Okay. Did Parrish Phillips have any injuries to his
12 hands or forearms that you observed?

13 A. No.

14 Q. Okay. If you did, would you have notated it on your
15 diagram?

16 A. Yes.

17 Q. Okay. Did you observe any gunshot wounds to Parrish
18 Phillips?

19 A. Yes.

20 Q. I'm gonna ask first about Marker A or what you've
21 labeled as Point A. What is that?

22 A. A corresponds to a gunshot wound of his left side of
23 his upper back.

24 Q. Okay. And is that the injury we see in State's
25 Exhibit 88?

1 A. Yes.

2 Q. Okay. And that would be an entry point, an entry
3 wound?

4 A. Yes.

5 Q. Okay. And can you tell us the path of that gunshot
6 wound through Parrish's body?

7 A. So that projectile travelled left to right, back to
8 front and downward, and in the process it injured his left
9 lung, his heart and ended its course in the right lung.

10 Q. So it's going from his back to his front and left to
11 right and downward?

12 A. Back to front, left to front and downward, yes.

13 Q. Okay. And you said it struck his lungs and heart?

14 A. Yes.

15 Q. Okay. Would that wound have been fatal?

16 A. Yes.

17 Q. Okay. Were you able to recover a projectile from that
18 wound?

19 A. Yes.

20 Q. Okay. And generally what kind of projectile was that?

21 A. A bullet.

22 Q. Okay. Moving onto Injury B, can you tell us about
23 that?

24 A. That's another gunshot entry wound on the side of his
25 left upper arm.

1 Q. Okay. Looking at State's Exhibit 94, would that
2 appear to be the -- would Injury B be the upper wound?

3 A. Yes.

4 Q. And what was the directionality of that wound?

5 A. Left to right on his body.

6 Q. Okay. Were you able to recover that projectile?

7 A. Yes. That was imbedded within the skin just inside
8 his upper arm, left upper arm.

9 Q. So looking at State's Exhibit 93, would that be the
10 projectile exiting the underside of his arm?

11 A. Yes.

12 Q. Okay. And did you observe any abrasions on his torso
13 opposite of where that round exited?

14 A. Yes.

15 Q. Okay. And is that the red spot closest to the
16 projectile in State's Exhibit 93?

17 A. Yes.

18 Q. Okay. And that appeared directly opposite of where
19 the bullet exited his arm -- or partially exited his arm?

20 A. Yes.

21 Q. Okay. Moving onto Point C, can you describe that to
22 the jury?

23 A. That was another gunshot entrance wound a little bit
24 lower down on the side of his left upper arm.

25 Q. Okay. And what was the path of that projectile?

1 A. So that one actually did course completely through the
2 left upper arm and exited on the inside or medial aspect of
3 his left upper arm.

4 Q. So that fully exited the arm?

5 A. Yes.

6 Q. And that would be the lower wound we that see on
7 State's Exhibit 94?

8 A. Yes.

9 Q. And is Point D the exit point of that wound?

10 A. Yes.

11 Q. Okay. Now we'll move onto what you have labeled as
12 Point E. Can you describe to the jury what that is?

13 A. So E is a gunshot entry wound on the left side of the
14 chest kind of near his armpit area.

15 Q. Okay. And what was the path of that gunshot wound?

16 A. That bullet path injured his -- may I refer to my
17 notes, please?

18 Q. Yes.

19 A. Thank you. That one injured his stomach and the
20 bottom of his heart.

21 Q. Okay. And what was the directionality of that wound?

22 A. That wound was also left to right, back to front, and
23 slightly downward.

24 Q. So from the left side to the right side and downward?

25 A. Right.

1 Q. Okay. And then moving onto -- actually were you able
2 to recover a projectile from that wound?

3 A. Yes. So that bullet was lodged in the chest muscles
4 on the right side of his chest.

5 Q. Okay. And Injury F, can you describe that to the
6 jury?

7 A. So that's another gunshot entry wound on the left side
8 of his chest a little lower down than the one I just told
9 you about and that one went pretty level across from left
10 to right and that bullet was lodged in his liver.

11 Q. Okay. And looking at Exhibit 87, these would be
12 E and F?

13 A. I can't see them. Yeah, can you bring it closer to
14 me, please?

15 Q. Sure.

16 MR. NORTON: Can I approach the witness, Your Honor?

17 THE COURT: Absolutely.

18 THE WITNESS: Yes.

19 BY MR. NORTON:

20 Q. Okay. So E and F and then that is the abrasion
21 directly opposite the bullet that is partially exiting
22 the left arm?

23 A. Yes.

24 Q. Okay. And we may have already gone over this. I
25 just want to make sure. The directionality and pathway

1 of Injury F?

2 A. Was left to right.

3 Q. Okay. So from the -- all of them were from the left
4 side to the right side?

5 A. Yes.

6 Q. Okay. And were you able to recover that projectile?

7 A. Yes.

8 Q. Okay. And how many projectiles were you able to
9 recover from Mr. Phillips's body?

10 A. Four.

11 Q. And those were all bullets?

12 A. Yes.

13 Q. Okay. What would have been -- would any of these --
14 aside from potentially B and C, looking at the shots to the
15 back and torso, would those have been fatal?

16 A. Can you restate that?

17 Q. Sorry. Would Injury A, which you said struck both of
18 his lungs and his heart, would that have been fatal?

19 A. Yes.

20 Q. Okay. Would Injury E have been fatal?

21 A. Yes.

22 Q. Would Injury F have been fatal?

23 A. That could have been survivable.

24 Q. Okay. Doctor, were x-rays taken of Parrish Phillips's
25 body?

1 A. Yes.

2 Q. And is that normal in an autopsy?

3 A. Yes.

4 Q. Okay.

5 MR. NORTON: Your Honor, I'm approaching the witness
6 with what's been previously marked as State Exhibit 90
7 and 91.

8 BY MR. NORTON:

9 Q. Doctor, do you recognize these items?

10 A. Yes, sir. These are x-rays taken at autopsy.

11 Q. Okay. And they appear to be fair and accurate
12 representations of what you documented?

13 A. Yes.

14 MR. NORTON: Your Honor, at this time State's
15 Exhibit 90 and 91 for evidence.

16 THE COURT: Any objection?

17 MS. YONGE: No objection, Your Honor.

18 THE COURT: It's admitted.

19 (State's Exhibit Number 90 and 91, x-rays, were
20 admitted into evidence.)

21 BY MR. NORTON

22 Q. So just briefly looking at State's Exhibit 90, can you
23 tell the jury what we're looking at here?

24 A. So this is the left side of his chest and you can see
25 part of his left upper arm with a fracture of the humerus

1 bone and just between the arm and the body is a bullet.

2 Q. Okay. And that would be the one that entered in
3 Injury B and partially exited the arm?

4 A. Right. It did not quite exit the arm.

5 Q. Okay. And then moving onto Exhibit 91, can you tell
6 the jury what we're looking at here in State's Exhibit 91?

7 A. So when you're looking for something metal, you're
8 looking for bright white and you see four bright white
9 things, which you'll see that one of them is a sideways R.
10 I don't know if you can see that. That's our label just
11 to let us know we're looking at the right side. The other
12 three are bullets, one recovered from the lung on the
13 right, one recovered from the chest wall, and one recovered
14 from the liver.

15 Q. Okay. And so those collectively would be the four
16 rounds that you collected from Parrish Phillips?

17 A. Yes.

18 Q. Okay. And you collected these rounds and took custody
19 of them when you did the autopsy?

20 A. Yes.

21 Q. Okay. I'm gonna show you what's been previously
22 marked as State's Exhibit 77 and ask if you recognize any
23 of those labels?

24 A. I actually don't recognize these labels.

25 Q. Okay. We may need to open it.

1 A. Yeah.

2 Q. But you transferred the items. The rounds, the
3 projectiles you collected, what happened to them?

4 A. So I photographed them with a label identifying them
5 as from the autopsy of Mr. Phillips and our case number
6 and then they get packaged in a little small envelope and
7 sealed with that label from our office. Those get signed
8 over to law enforcement and they sign a chain of custody
9 form and what happens after that I don't know. So they
10 were at some point put into that envelope, I assume.

11 Q. And you turned over those projectiles to law
12 enforcement?

13 A. Yes.

14 Q. Okay. Now in any of the gunshot wounds did you
15 observe any soot or stippling?

16 A. No.

17 Q. Okay. And can you tell the jury what soot -- first of
18 all, let's break it down. What is soot?

19 A. Soot is carbonaceous gas that exits the muzzle of the
20 gun when it is fired and it produces a kind of black gray
21 powdery material around an entrance wound if the gun is
22 close enough to the skin or the clothing at the time that
23 it was fired.

24 Q. Okay. And so what would a finding of soot on any
25 of those -- Mr. Phillips's gunshot wounds have been

1 potentially indicative of?

2 A. It would tell us that the gun was very close to his
3 skin or clothing.

4 Q. But you did not observe any soot?

5 A. Not on his skin.

6 Q. Okay. Now what about stippling?

7 A. So stippling are abrasions or scrapes that look like
8 freckles, they're very small specks of unburned powder
9 that's also emitted from the gun at the discharge, and that
10 also like soot can give us a sense of how far the person
11 was from the gun when it was fired.

12 Q. Okay. And did you observe any stippling on any of
13 Mr. Phillips's gunshot wounds?

14 A. No.

15 Q. Okay. And so what would that be indicative of?

16 A. There's nothing to say that this gentleman was within
17 a couple of feet of the gun when it was fired.

18 Q. Okay. Dr. Richards, as a part of this case have you
19 had the opportunity to assist in creating a 3D model of
20 your autopsy findings?

21 A. Yes.

22 MR. NORTON: I beg the Court's indulgence.

23 THE COURT: Take your time.

24 MR. NORTON: Your Honor, I'm gonna ask the witness
25 be allowed to step down.

1 THE COURT: Absolutely.

2 Doctor, you can step down.

3 BY MR. NORTON:

4 Q. Dr. Richards, do you recognize this item?

5 A. Yes.

6 Q. Okay. And did you assist in the creation of this
7 item?

8 A. Yes.

9 Q. Okay. And does this fairly and accurately represent
10 your findings at autopsy?

11 A. Yes.

12 Q. Okay. Now I'd like to start with what we talked about
13 as Point A. Can you describe in looking at this dummy what
14 we're looking at with Gunshot Wound A?

15 A. So Gunshot Wound A is the one that we saw the picture
16 of entering the left upper back and so then the bullet
17 entered, but at this angle going from back to front, from
18 left to right and downward.

19 Q. So it enters into his left upper back, goes through
20 both his heart and both his lungs?

21 A. Right. And so the bullet that corresponded with this
22 path was recovered from the right lung.

23 Q. And it's coming to his front?

24 A. (Nods head.)

25 Q. And can we talk about Gunshot Wound Number B?

1 A. B was the one on the side of his arm, his left upper
2 arm, that didn't fully exit the skin. So there was a
3 bullet right there and that one broke his humerus bone.

4 Q. And then referring back to State's Exhibit 87, can you
5 tell us where the abrasion was on his torso?

6 A. So I did notice an abrasion right in his -- below his
7 armpit, but right in that area that would have been easily
8 met there by that exit -- or not exit, but the bullet
9 stopping there.

10 Q. And that would have been directly opposite of where
11 the bullet exits his arm in Gunshot Wound B on his torso?

12 A. Directly opposite, yes.

13 Q. Would that have been consistent in this position with
14 his arm being down when he's struck by Gunshot Wound B?

15 A. It is consistent with that, yes.

16 Q. Okay. Moving onto Gunshot Wound C, can you --

17 A. So C was the entrance wound a little bit lower down
18 on the left upper arm and then Number C was the one that
19 actually did go all the way through the left arm and exited
20 the arm on the inside of the left arm.

21 Q. Okay. And would either injuries E or F be consist
22 with a reentry from where it exits under his arm back into
23 his torso?

24 A. It is possible that when the bullet -- this bullet
25 that entered at C exited, it is possible that if the arm

1 was close to the -- or in line with one of these, that same
2 bullet could have caused one of these injuries.

3 Q. And assuming that to be the case, would that also be
4 consistent with his arm being down in this position when he
5 is shot?

6 A. Yes.

7 Q. Okay. And then both E and F travel you said from the
8 left side of his body to the right side of his body?

9 A. Yes.

10 Q. Okay. Now where did you observe the colostomy bag
11 that you noted?

12 A. So that was on the left side of his abdomen lower
13 down.

14 Q. Okay. And where would the surgical defect have been?

15 A. In the midline of his abdomen lower down.

16 Q. Okay. Doctor, in your opinion to a reasonable degree
17 of medical certainty are any of these gunshot wounds
18 consistent with Mr. Phillips advancing at the person who
19 shot him facing him?

20 MS. YONGE: Objection, Your Honor. Outside the
21 realm of her expertise.

22 MR. NORTON: I can rephrase it, Judge.

23 THE COURT: I think -- try to rephrase it,
24 Mr. Norton.

25 BY MR. NORTON:

1 Q. Dr. Phillips -- or Dr. Richards, all of these rounds
2 are to the left side of his body, correct?

3 A. Yes.

4 Q. Did you document any gunshot wounds entering the front
5 of his body going to the back?

6 A. No, I did not.

7 Q. Okay. So none of the gunshot wounds entered on the
8 front side at all?

9 A. Correct.

10 Q. Okay. And you said that your observation of both --
11 the abrasion opposite of where the bullet partially exits
12 in Injury B would be consistent in this position with his
13 arm being down when he's shot?

14 A. Yes.

15 Q. Okay. And C reentering into either E or F would also
16 be consistent with his arm being down when he is shot?

17 A. Yes.

18 Q. Okay. Doctor, did you observe in any of your findings
19 anything that would be inconsistent with Parrish Phillips
20 being in a seated position when he was shot?

21 A. No, I did not.

22 Q. Okay. And, Doctor, what was the cause and manner of
23 death for Parrish Phillips?

24 A. The cause of death was gunshot wounds of the torso and
25 the manner of death is homicide.

1 MR. NORTON: No further questions, Your Honor.

2 THE COURT: You can return to the stand, Doctor.
3 Thank you.

4 THE COURT: Ms. Yonge.

5 MS. YONGE: May it please the Court, Your Honor?

6 THE COURT: Yes, ma'am.

7 CROSS-EXAMINATION

8 BY MS. YONGE:

9 Q. Good afternoon, Dr. Richards. How are you?

10 A. Good. Thank you.

11 Q. Going back to the mannequin, to be clear this isn't
12 a hundred percent physically accurate, correct? The
13 mannequin.

14 A. Correct.

15 Q. Because this is, to start with, a female?

16 A. (Nods head.)

17 Q. And the victim was a male, correct?

18 A. Correct.

19 Q. And there may be some height and weight differences,
20 correct?

21 A. Yes.

22 Q. Okay. What, if anything, are you able to tell us
23 about the order in which these wounds took place?

24 A. I cannot tell you anything about that.

25 Q. Okay. What, if anything, can you definitively tell

1 us about how the victim was positioned when he was wounded?

2 A. I cannot tell you anything about that definitively.

3 Q. Okay. You were -- I believe there was some testimony
4 and you were testifying that certain things were consistent
5 with him sitting or consistent with his arm being down,
6 but because you testified that something is consistent
7 with something else it doesn't necessarily mean that there
8 is not another scenario it is also consistent with,
9 correct?

10 A. Correct.

11 Q. Okay. There was some testimony regarding whether or
12 not there was soot or stippling. Did you look at his
13 clothing for whether or not there was soot or stippling on
14 it?

15 A. I don't recall.

16 Q. Okay. And can clothing sometimes affect whether or
17 not you would observe soot or stippling on the skin?

18 A. Yes.

19 Q. Okay. Are you able to definitively tell us how far
20 away the gun was from the victim when it was fired?

21 A. No.

22 Q. Just a few more questions. When you are determining
23 the cause of death, do you also order a toxicology report?

24 A. Yes.

25 Q. And did you receive a toxicology report?

1 A. Yes.

2 Q. And are you able to tell us what it said?

3 A. I can read from it, yes.

4 Q. Please do.

5 THE WITNESS: May I find it in my notes?

6 THE COURT: You may.

7 THE WITNESS: Okay. So a sample of peripheral
8 blood was collected and submitted to lab called NMS and
9 their report is as follows. Ethanol, which is the alcohol
10 you commonly drink, was 27 milligrams per deciliter, so
11 that is equivalent to a .027 percent. Caffeine and
12 cotinine, cotinine is a metabolite of nicotine, so
13 cigarette smoke typically, they were just positive. And
14 then amphetamine was 42 nanograms per millimeter.

15 Q. What, if anything, are you able to tell us about that
16 concentration of amphetamines?

17 A. I'm not a toxicologist, nor do I prescribe medication;
18 however, when I consult charts of desired ranges for
19 dosing, this is within the range of appropriate dose.

20 Q. Okay. And based on your findings of the toxicology
21 report in conjunction with the physical findings, you were
22 able to determine the cause of death, correct?

23 A. Yes.

24 Q. Okay. And then a final line of questioning, I'm not
25 gonna say it's the final question, regarding when you begin

1 your autopsy, do you collect everything from the victim,
2 the items of clothing that -- he might be wearing clothing,
3 correct?

4 A. If he's wearing clothing, we take it off of him.

5 Q. Okay. And in this case were you able to collect any
6 items from the victim prior to beginning your autopsy?

7 A. Items such as personal effects?

8 Q. Yes, items such as personal effects.

9 A. Yes.

10 Q. Are you able to tell me what they were?

11 A. Yes. So my notes say that within the clothing are
12 twenty-four \$20 bills. Is this the sort of thing you were
13 asking for?

14 Q. Yes. Thank you.

15 A. One \$10 bill, one \$5 bill and four \$1 bills. There
16 was a wallet containing various plastic and paper cards,
17 a pack of cigarettes containing a capsule, a small pill
18 fragment and a paper towel were also within the clothing.

19 Q. Okay. So those personal effects, the money, the
20 cigarette pack with the capsule, the additional pill that
21 you found, those items, who did you turn them over to?

22 A. I can't pronounce the name. Can I spell it?

23 Q. Yes, please.

24 A. Okay. C-V-O-R-A-V-U-D-H-I.

25 Q. So C. Voravudhi?

1 A. Oh, C initial.

2 Q. Would that be correct?

3 A. Yes.

4 Q. Okay.

5 MS. YONGE: Thank you, Dr. Richards. I have no
6 further questions.

7 THE COURT: Any redirect?

8 MR. NORTON: Yes, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. NORTON:

11 Q. Doctor, you heard his personal effects were a wallet,
12 some money, some cigarettes. Normal items?

13 A. Yes.

14 Q. Okay. You were asked about his toxicology and you
15 said his blood alcohol level would have been equivalent to
16 a .027?

17 A. Yes.

18 Q. Okay. Can you tell us what, if anything, that means
19 to you?

20 A. So we don't usually think about how much alcohol we
21 have in our body in numbers, but you often -- or you
22 probably know that the legal driving limit is .08. So just
23 that gives you a frame of reference that beyond .08 is
24 deemed by law enforcement that it's not safe to be driving.

25 Q. Okay. So his would have been .02 and we're saying .08

1 is the driving limit?

2 A. Right.

3 Q. Okay. And he had what you described as a prescription
4 dose of amphetamine in his system?

5 A. It was in the therapeutic range.

6 Q. Okay. And that would be consistent with a drug like
7 Adderall?

8 A. It could be.

9 Q. And he had some caffeine and some nicotine?

10 A. Correct.

11 Q. Okay. And then lastly, Doctor, we heard about -- you
12 were asked a little bit about consistencies and what they
13 could mean and couldn't mean. I want to be very clear.
14 You observed no gunshot wounds to his front torso, did you?

15 A. Correct.

16 Q. Okay. No gunshot wounds anywhere on the front body
17 going towards the back?

18 A. Correct.

19 Q. And, in fact, a number of the wounds you documented
20 were from the back going to the front?

21 A. One's from the back.

22 Q. And I think we said that the directionality of B
23 was --

24 A. The back of his arm angled a little bit forward, yes.

25 Q. Okay.

1 MR. NORTON: Your Honor, that's all the questions
2 I have.

3 THE COURT: Okay.

4 MS. YONGE: Just briefly.

5 RECROSS EXAMINATION

6 BY MS. YONGE:

7 Q. Dr. Richards, that cigarette pack that you recovered,
8 it contained a capsule, correct?

9 A. Yes.

10 MS. YONGE: No further questions, Your Honor.

11 THE COURT: May I let the doctor be excused?

12 MR. NORTON: Yes, Your Honor.

13 THE COURT: Thank you, Doctor, for coming.

14 (Witness excused.)

15 THE COURT: All right. Let me see the lawyers real
16 quick.

17 (Proceedings held at the bench; not reported.)

18 THE COURT: Ladies and Gentlemen of the Jury, this
19 will kind of be our scheduled plan. We're gonna start --
20 believe it or not, I'll probably start before you-all do
21 -- you-all get here.

22 All right. We're gonna start at 9:30 in the morning
23 because I have a WebEx at nine. We're gonna start at
24 9:30. Please be in the jury room at 9:15. I'm gonna tell
25 you tomorrow's gonna be a full day. A full day. I'm

1 gonna have lunch brought in for you-all. We will have
2 a working lunch; meaning I'll give you-all a break for
3 lunch and when you finish you can knock on the door and
4 we'll just keep right on working so we can get through
5 this case. I don't want to have to keep you-all for the
6 weekend, so we're gonna work through it.

7 All right. I'm gonna let you go. You know the
8 rules. Don't talk about this case to anyone, don't do
9 any research, don't go looking on the news, the Internet,
10 any of that.

11 I hope you-all have a good evening and I will see
12 you in the morning.

13 Thank you.

14 (Whereupon, the jury was excused for the day at
15 5:28 PM.)

16 THE COURT: Okay. Let's start -- I'd start at 9:00
17 in the morning, but I've got a 9:00 WebEx I have to
18 do, so we're gonna start at 9:30.

19 MR. NORTON: Your Honor, that's fine.

20 I want to put one thing on the record very briefly.

21 One of the pictures that we had discussed at the
22 bench was mixed in with the pathologist. It was State's
23 Exhibit 89. It was the one with the two rods through
24 the arm per what we discussed at the bench should not
25 have come in, so we're fine striking that.

1 THE COURT: And it wasn't shown to the jury.

2 MR. NORTON: It was not published and I caught it
3 before any of the photos were published. I just realized
4 that it had been one of the ones I listed as coming in,
5 but it should not have.

6 THE COURT: Okay. I just don't remember it being
7 published to the jury.

8 MS. YONGE: It was not, Your Honor.

9 MR. NORTON: And I let Ms. Yonge know before I even
10 put up the pictures what had happened, so it was never
11 published.

12 THE COURT: All right. So I'm scratching off 89 as
13 no exhibit.

14 MS. YONGE: Yes, Your Honor.

15 THE COURT: All right. Anything else I need to take
16 up before Court's adjourned for the day?

17 MS. YONGE: Nothing from the defense, Your Honor.

18 THE COURT: Okay. And you-all think you-all are
19 gonna have some kind of legal issue tomorrow?

20 MR. NORTON: It will be about the text messages we
21 will attempt to put into evidence tomorrow, Your Honor.

22 THE COURT: It sure would be nice if you-all share
23 those and look at them.

24 MS. YONGE: Yes, Judge.

25 THE COURT: If there's an issue -- some legal issue,

1 how about sending me a text so I can be prepared tomorrow
2 to rule on it.

3 MS. YONGE: Yes, Judge.

4 MR. NORTON: Yes, Your Honor.

5 THE COURT: All right. I hope all of you-all have
6 a good evening. Court's adjourned.

7 (Whereupon, the proceedings were concluded for
8 September 17, 2024, at 5:30 PM.)

9 (The following proceedings were held September 18,
10 2024, beginning at 9:32 AM.)

11 (State's Exhibit Number 96 through 103 were marked
12 for identification.)

13 THE COURT: All right. Everybody ready?

14 MS. YONGE: Defense is ready, Your Honor.

15 THE COURT: All right.

16 MS. YONGE: Your Honor, we have the substituted a
17 DVD for Defense's Exhibit Number 1. We've shown it to
18 the State. They agree it's an accurate substitution.

19 THE COURT: All right.

20 MS. YONGE: Your Honor, we would ask that we make the
21 original USB Court's Exhibit Number 2.

22 THE COURT: All right. You want as Court's Exhibit
23 Number 2 --

24 MS. YONGE: Is the original USB, Your Honor, and then
25 the substituted DVD so that the jury can play it has been

1 renumbered as Defendant's Exhibit Number 1. It's the same
2 content.

3 (Court's Exhibit Number 2 was marked for
4 identification.)

5 THE COURT: Can I bring the jury in?

6 MR. NORTON: Judge, just briefly, we've been working
7 diligently this morning to try to resolve a number of
8 pre-trial issues to make sure things go expeditiously. I
9 think we're largely in agreement on some things. We are
10 going to need some legal rulings on text messages later in
11 the day that we intend to admit. I believe that we'll be
12 able to properly lay the foundation and show the relevance
13 of it, but we will still need to make arguments on those.
14 I think we're in agreement on a number of things about the
15 text messages.

16 And then the second thing, Your Honor, is we're,
17 again, likely to encounter some character evidence issues
18 today with at least one of the witnesses. The State has
19 no objection to asking witnesses about a reputation or an
20 opinion about a character trait under Rule 404. We do
21 have issues with asking about specific instances of prior
22 conduct, which the rule does not permit. And I think in
23 my discussions with Ms. Yonge, I don't anticipate that
24 being an issue, but we may need to proffer testimony if
25 they intend to go into specific instances.

1 MS. YONGE: Your Honor, at this point in time we
2 don't anticipate it being an issue, but the State and I
3 agree that there is a circumstance where it could become
4 an issue and we may need to stop for an additional legal
5 ruling.

6 THE COURT: You-all need to let me know.

7 MS. YONGE: We only -- those are the only legal
8 issues we anticipate today.

9 THE COURT: Now can I bring the jury in?

10 MR. NORTON: Yes, Your Honor.

11 THE COURT: Let's bring them in.

12 (Whereupon, the jury enter the courtroom at 9:38 AM.)

13 THE COURT: All right. Mr. Foreman, the jury ready?

14 FOREPERSON: Yes, ma'am.

15 THE COURT: All right. Let me ask my morning
16 questions. Have you talked to anyone about this case?
17 Have you done any research on this case or any parties or
18 issues that have arisen during this trial or has anyone
19 approached you or tried to approach you about this case?
20 If so, please raise your hand.

21 Perfect.

22 Call your next witness.

23 MR. COX: Your Honor, the State calls Joan Hudson.

24 (Whereupon, Joan Markey Hudson was duly sworn by the
25 Clerk of Court.)

1 THE CLERK: Please take a seat on the witness stand.

2 State your name and spell your last for the record.

3 THE WITNESS: Joan Markey Hudson.

4 JOAN MARKEY HUDSON,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. COX:

8 Q. Good morning, Ms. Hudson.

9 A. Good morning.

10 Q. Real quick. Where do you live?

11 A. [REDACTED], Lexington.

12 Q. And is that where you lived back in June of 2021?

13 A. Yes, sir.

14 Q. Okay. And is that home that you live at across the
15 street from [REDACTED]?

16 A. Yes, sir.

17 Q. All right. I want to kind of jump right into it,
18 Ms. Hudson. Were you at home on June 27, 2021?

19 A. Yes.

20 Q. All right. Do you remember an incident happening that
21 day?

22 A. Yes.

23 Q. Okay. Were you there that afternoon? Were you at
24 home?

25 A. Yes, sir.

1 Q. Where were you at your home?

2 A. I was on my back porch.

3 Q. All right. Were you with anyone else?

4 A. Yeah, a friend. We were having a cigarette and I
5 remember it being a hot day.

6 Q. A hot day in June here?

7 A. Yes.

8 Q. Yes, ma'am. So you and your friend were out on your
9 back porch. Now is that a screened in porch?

10 A. Yes, sir.

11 Q. Okay. But it is outside?

12 A. Yes.

13 Q. All right. We don't need an exact length or anything,
14 Ms. Hudson, but being across the street from [REDACTED]
15 [REDACTED], are you close to that house?

16 A. Yes.

17 Q. Okay. It's not like -- you're not across a four-way
18 highway or anything?

19 A. No, sir.

20 Q. All right. That afternoon, Ms. Hudson, did you hear
21 anything?

22 A. Yes, sir.

23 Q. Okay. Did you hear anything that you thought came
24 from [REDACTED]?

25 A. Across the street.

1 Q. Okay. What did you hear?

2 A. I heard gunshots.

3 Q. Gunshots?

4 A. Bam, bam, bam, bam.

5 Q. So that was four gunshots?

6 A. Yes, sir.

7 Q. And you heard that clearly?

8 A. Yes, sir.

9 Q. All right.

10 A. It was loud.

11 Q. It was loud?

12 A. Very loud for me.

13 Q. Okay. But you did hear that clearly?

14 A. Yes, sir.

15 Q. Ms. Hudson, did you hear any noise prior to those
16 gunshots coming from across the street?

17 A. No. There wasn't any activity other than what we
18 were out on the porch. No noise, no yelling, no music,
19 no barking dogs, nothing like that. It was a quiet
20 afternoon.

21 Q. A quiet afternoon until those four shots?

22 A. Until the four shots.

23 MR. COX: Thank you, Ms. Hudson.

24 Your Honor, I have no further questions for

25 Ms. Hudson at this time.

1 THE COURT: Ms. Yonge.

2 CROSS-EXAMINATION

3 BY MS. YONGE:

4 Q. Good morning, Ms. Hudson. I'm Anna Yonge. It's nice
5 to meet you. I just have two questions for you. The first
6 is where is your screened in porch located?

7 A. The back of my kitchen.

8 Q. The back of your kitchen. Okay. Is that -- if I'm
9 facing your house and here is your front door and then
10 there's a side here, a side here, is the screened in porch
11 towards the street or is it on the other side of the house?

12 A. The other side of the house.

13 Q. It's on the other side.

14 A. By the backyard, yeah.

15 Q. Okay. In the back. And my second question would be
16 did you hear sirens shortly after those gunshots?

17 A. Yes. The police were there I would say within like
18 five minutes, I think. Five minutes. It was quick.

19 Q. Okay. So you heard gunshots and then within five
20 minutes the police were there?

21 A. Yes, ma'am.

22 MS. YONGE: Thank you, Ms. Hudson. I appreciate it.

23 THE COURT: Any redirect?

24 MR. COX: No, Your Honor.

25 THE COURT: May I excuse, Ms. Hudson?

1 MR. COX: Please, Your Honor.

2 THE COURT: Ms. Hudson, you may be excused and thank
3 you for coming.

4 (Witness excused.)

5 THE COURT: Call your next witness.

6 MR. NORTON: Your Honor, the State calls Investigator
7 Caitlin Voravudhi.

8 (Whereupon, Caitlin Voravudhi was duly sworn by the
9 Clerk of Court.)

10 THE CLERK: Please take a seat on the witness stand.
11 State your full name and spell your last for the record.

12 THE WITNESS: Caitlin Voravudhi. V-O-R-A-V-U-D-H-I.

13 CAITLIN VORAVUDHI,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. NORTON:

17 Q. Good morning, Detective Voravudhi. Can you tell the
18 jury where you work?

19 A. I work at the Lexington Police Department.

20 Q. Okay. And what specifically what was your role in
21 this case?

22 A. I was the investigator assigned to the case.

23 Q. Okay. And just for our purposes right now, did that
24 role include collecting evidence?

25 A. Yes, sir.

1 Q. And transferring evidence?

2 A. Yes, sir.

3 Q. Okay. Did you have the occasion to attend the autopsy
4 of Parrish Phillips on June 29, 2021?

5 A. I did.

6 Q. Did you collect evidence at that autopsy?

7 A. I did.

8 Q. Okay. I'm gonna show you what's been previously
9 marked as State's Exhibit 77 and ask if you recognize that
10 item?

11 A. I do.

12 Q. Okay. And how so?

13 A. The labels that I printed out.

14 Q. Okay. And what would that item be?

15 A. It is the bullets that were collected from Parrish's
16 body.

17 Q. Okay. And you collected those items from the autopsy?

18 A. Yes.

19 Q. Okay. And what did you do with them?

20 A. I dropped them into evidence.

21 Q. Okay. And that would be at the Lexington Police
22 Department?

23 A. Yes, sir.

24 MR. NORTON: Your Honor, at this time State's
25 Exhibit 77 for ID only.

1 THE COURT: Okay.

2 BY MR. NORTON:

3 Q. Did you also have the occasion in your role as lead
4 investigator to collect a cell phone in this case?

5 A. I did.

6 Q. I'm gonna show you what's been previously marked as
7 State Exhibit 96 and ask you if you recognize that item?

8 A. I do.

9 Q. Okay. And how so?

10 A. Per my label that I printed for evidence.

11 Q. Okay. And what is that item?

12 A. This is Elizabeth -- Lizzy's phone.

13 Q. Okay. And how did you collect that item?

14 A. When I interviewed her, I took it from her.

15 Q. So you personally collected that item?

16 A. I did.

17 Q. Okay. And what did you ultimately do with that item?

18 A. I put it in evidence and then I took it to Secret
19 Service to have a phone extraction completed.

20 Q. And who at Secret Service did you provide the phone
21 to?

22 A. Agent Phipps. Mike Phipps.

23 Q. Okay. At any time was there any indication that the
24 item had been tampered with or anything like that?

25 A. No, sir.

1 Q. Okay.

2 MR. NORTON: Your Honor, at this time State's Exhibit
3 96 for ID only.

4 THE COURT: Okay.

5 BY MR. NORTON:

6 Q. Did you also collect other phones that had been seized
7 from [REDACTED]?

8 A. Yes, sir.

9 Q. Okay. And those were already in evidence when you
10 took custody of them?

11 A. Yes, sir.

12 Q. Okay. I'm gonna show you what's been previously
13 marked as State's Exhibit 59 and 60 and ask if you
14 recognize those?

15 A. Yes, sir.

16 Q. And just individually, can you -- how do you recognize
17 each of those?

18 A. The evidence labels on them.

19 Q. Okay. And what is State Exhibit 59?

20 A. 59 is Mr. Trapp's cell phone.

21 Q. Okay. And what is State Exhibit 60?

22 A. 60 is Parrish's cell phone.

23 Q. Okay. And you collected those phones from evidence at
24 LPD?

25 A. Yes, sir.

1 Q. And what did you do with them?

2 A. I took them with Lizzy's phone to Agent Phipps at
3 Secret Service to have extractions completed.

4 Q. Okay. And at any time was there any evidence of
5 tampering in the phones?

6 A. No, sir.

7 Q. Okay.

8 MR. NORTON: Your Honor, at this time State's 59
9 and 60 for ID only.

10 THE COURT: I already had them as for ID.

11 MR. NORTON: I beg the Court's indulgence.

12 THE COURT: Uh-huh.

13 MR. NORTON: Detective Voravudhi, please answer any
14 questions Ms. Yonge has for you.

15 CROSS-EXAMINATION

16 BY MS. YONGE:

17 Q. Good morning, Detective. How are you?

18 A. Good morning.

19 Q. Briefly, you stated that you collected items from the
20 autopsy; is that correct?

21 A. Yes, ma'am.

22 Q. Would those include a sealed packet containing black
23 wallet, Marlboro cigarette box, half an orange pill and
24 red, white and blue pill?

25 A. Yes, ma'am.

1 MS. YONGE: Thank you, Your Honor. No further
2 questions.

3 THE COURT: Any redirect?

4 MR. NORTON: No, Your Honor. May the witness be
5 excused subject to recall?

6 THE COURT: All right. Investigator, you're not
7 excused, you're subject to recall.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Thank you.

10 (Witness excused.)

11 THE COURT: Call your next witness.

12 MR. NORTON: Your Honor, the State calls or re-calls
13 Investigator Marc Miramontes.

14 (Whereupon, Marc Miramontes was duly sworn by the
15 Clerk of Court.)

16 THE CLERK: Please take a seat on the witness stand.
17 State your full name and spell you last for the record.

18 THE WITNESS: Marc Miramontes. Last name
19 M-I-R-A-M-O-N-T-E-S.

20 MARC MIRAMONTES,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. NORTON:

24 Q. Hello again, Investigator Miramontes.

25 A. Hello.

1 Q. In your role -- you previously testified your role in
2 this case included collecting evidence?

3 A. Yes, sir.

4 Q. Okay. Did you also transport evidence in this case?

5 A. I did.

6 Q. Okay. I'm gonna show you what's been previously
7 marked as State's Exhibit 9 and ask if you can identify
8 that item?

9 A. Yes. This is gonna be some swabs that were brought
10 in by Investigator Alewine and I transported them to SLED
11 and this is the date that it was taken to SLED.

12 Q. Okay. And that would be swabs of the defendant, Jabin
13 Trapp?

14 A. Yes.

15 Q. And you collected those from evidence at the Lexington
16 Police Department?

17 A. That's correct.

18 Q. And you transported them to the custody of SLED?

19 A. Yes.

20 Q. Okay. At any time was there any evidence of tampering
21 on this item?

22 A. No, sir.

23 Q. Okay.

24 MR. NORTON: Your Honor, it's already in evidence
25 for ID only, but State's Exhibit 9.

1 THE COURT: Okay. You're moving it into evidence?

2 MR. NORTON: No, Your Honor. The witness has
3 identified State's Exhibit 9.

4 THE COURT: Okay. Because I have it as ID only.

5 MR. NORTON: It is. It's still ID only, but he's
6 identified it.

7 THE COURT: Okay.

8 BY MR. NORTON:

9 Q. Did you also have the occasion to transport other
10 evidence to SLED?

11 A. Yes.

12 Q. Okay. I'm gonna show you what's been previously
13 marked for ID only as State's Exhibit 77. Do you recognize
14 that item?

15 A. Yes.

16 Q. Okay. And how so?

17 A. These are the labels that we created. This is a SLED
18 label --

19 Q. Okay.

20 A. -- and seal.

21 Q. Okay. And what are those items?

22 A. These are gonna be the bullet collected from left arm,
23 bullet collected from the right lung, bullet collected
24 from the liver, and bullet collected from the right chest.

25 Q. Okay. So bullets from autopsy. And you collected

1 those from evidence at the Lexington Police Department?

2 A. Yes.

3 Q. And you transported them to evidence at the State Law
4 Enforcement Division?

5 A. That's correct.

6 Q. Okay.

7 MR. NORTON: I beg the Court's indulgence.

8 And, Judge, I believe both of these, Exhibit 9 and
9 77, are already in evidence as ID only.

10 THE COURT: I've already got them already marked as
11 ID only.

12 MR. NORTON: I have no further questions. Please
13 answer any questions Ms. Yonge may have.

14 MS. YONGE: No questions, Your Honor.
15 Thank you.

16 THE COURT: Thank you, Ms. Yonge.
17 Investigator, thank you.

18 Can he be excused?

19 MR. NORTON: Yes, Your Honor.

20 THE COURT: You're excused.

21 (Witness excused.)

22 THE COURT: Call your next witness.

23 MR. NORTON: Your Honor, the State calls Stephen
24 Curtis.

25 (Whereupon, Stephen Curtis was duly sworn by the

1 Clerk of Court.)

2 THE CLERK: Thank you. Please take a seat on the
3 witness stand. State your full name and spell your last
4 for the record.

5 THE WITNESS: Stephen Curtis. C-U-R-T-I-S.

6 STEPHEN CURTIS,

7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. NORTON:

10 Q. Good morning, Mr. Curtis.

11 A. Good morning.

12 Q. Where do you currently work?

13 A. For my wife at home. I'm -- I'm retired from SLED.
14 I just do what she tells me.

15 Q. Okay. So you previously worked for the State Law
16 Enforcement Division?

17 A. Yes, sir, I did.

18 Q. And how long did you work there?

19 A. I worked for SLED for a total of about seventeen
20 years. I originally was assigned to the crime scene unit
21 and then was transferred over to internal affairs and then
22 I retired and then they asked me to come back about six
23 years after that and I worked for another seven up until
24 October of 2021.

25 Q. Okay. And can you tell the jury a little bit about

1 what you did at SLED in the past few years specifically?

2 A. Okay. Well, like I said, I had been in the crime
3 scene unit over there and prior to that I had been a
4 detective at the Richland County Sheriff's Office and
5 worked crime scene and -- and violent crimes, homicide
6 and robbery over there, but I went to work for SLED in
7 1998, worked crime scene for a number of years, like I
8 said, and then moved into internal affairs. After I
9 retired, originally I taught for Horry-Georgetown Technical
10 College teaching forensic classes and then was invited to
11 come back to SLED, like I said, in 2014, I believe it was,
12 and I was assigned to the latent fingerprint department.
13 In that department you don't have to travel around too much
14 like I did in crime scene working around the state, so in
15 the forensic laboratory. So I did that, processing cases
16 for potential latent print evidence on items from crime
17 scenes, and also in processing for latent prints nowadays,
18 you also have to consider touch DNA, so I was trained in
19 that as well.

20 Q. So can you tell the jury specifically a little bit
21 about your training in latent print analysis and touch DNA
22 processing?

23 A. Okay. Like I said, when I was at Richland County,
24 I was promoted into the crime scene unit, so I got
25 approximately somewhere in the neighborhood of 400 hours

1 of training in reference to death investigation and the
2 aspects of crime scene processing, which would be latent
3 prints, footwear, tire tread and bloodstain pattern
4 analysis. More specifically, I've probably got 260 hours
5 of various latent print training through the South Carolina
6 Criminal Justice Academy and then some private vendors that
7 SLED hired to come in and train the analysts. Like I said,
8 it's probably two-thirds of my total training for that.

9 Q. So it's fair to say you've had substantial training
10 in --

11 A. I mean, I can -- I've got a -- kind of a resume. I
12 don't know if you want a specific number, but it gets
13 boring.

14 Q. How many times in your career with SLED have you
15 performed latent print analysis only?

16 A. It's thousands of times. Back again originally when
17 I was in the crime scene unit from 1998 until 2006, we
18 would go out and process crime scenes, we would attempt to
19 get latent prints then and then whatever items we would
20 bring back we were responsible for processing in the
21 laboratory. When I went back to SLED in 2014 just being
22 assigned to the latent print department, the cases are
23 brought in either by SLED crime scene or by local agencies
24 that want things analyzed for latent prints. A rough
25 number is probably twenty-five cases a month give or take

1 depending on the size of the case and what's going on and
2 so I was in there for seven years. I majored in political
3 science, not math, but I'm thinking that's 2,500, 3,000
4 cases comfortably I could say that I processed just from
5 2014 through 2021.

6 Q. And would you give the same kind of rough estimate for
7 processing for touch DNA?

8 A. Pretty much nowadays, and so nowadays going back when
9 I went back into the -- or went into the latent print
10 department in 2014, it was pretty much standard at that
11 point that almost everything coming in to be processed for
12 latent prints they also wanted you to consider potential
13 touch DNA evidence as well. So it just became part of the
14 protocol. You would, you know, examine the item, swab
15 areas that you think potentially had some touch DNA on
16 them, and then go ahead and continue to process the item
17 for latent fingerprints.

18 Q. Have you previously been qualified as an expert
19 witness in the context of latent print analysis and touch
20 DNA processing?

21 A. Yes, sir, I have.

22 Q. Okay.

23 MR. NORTON: Your Honor, at this time we would offer
24 Mr. Curtis as an expert witness in the field of latent
25 print analysis and touch DNA processing.

1 THE COURT: Any objection?

2 MS. YONGE: No objection, Your Honor.

3 THE COURT: All right. Let me tell the jury this
4 witness is gonna be an expert and he's gonna be able to
5 offer his opinion. You give his testimony the weight you
6 think it deserves.

7 Go ahead, Mr. Norton.

8 MR. NORTON: Thank you, Your Honor.

9 BY MR. NORTON:

10 Q. Mr. Curtis, specific to this case, what was your
11 involvement?

12 A. I was -- in the latent print department, you're not
13 typically assigned cases, but as the evidence comes into
14 SLED to the evidence control unit they disburse it to the
15 different departments that are going to do the analysis on
16 it and in latent prints we had a locked room with large
17 lockers in it and the cases would be put in there until an
18 analyst was ready to work them. So in this instance back
19 on July 16th of 2021, I pulled the items from this case to
20 go ahead and to start physically processing them for touch
21 DNA and latent prints.

22 Q. Okay. So you received items from evidence at SLED?

23 A. Yes, sir.

24 Q. And processed them for latent prints and touch DNA?

25 A. Yes, sir.

1 Q. Okay. Let's start with the first item you received.
2 What was that?

3 A. Now I've got my listing of numbers, so I know that's
4 probably gonna be different from the crime scene and how
5 it was logged in, but my Item 1 is a Taurus handgun from
6 Marker 1 was how it was described.

7 Q. I'm gonna show you what's already been admitted into
8 evidence as State's Exhibit 85 and ask if you recognize
9 this item?

10 A. Yes, sir. That is the handgun that I processed. And
11 one of the things that we do in the packaging, like right
12 here is the plastic bag that I put it in, we put the case
13 number and our initials, and then my initials were up here,
14 but they've been smeared, and then also on the exterior,
15 somewhere here on the -- on the tape, here's my initials
16 and the date that I sealed this in the box.

17 Q. Okay. And there was no evidence that the item had
18 been altered or tampered with when you tested it?

19 A. No, sir. When I came, it was completely sealed in the
20 box.

21 Q. Can you tell us -- and I'm gonna put up just a picture
22 for reference.

23 MR. NORTON: I beg the Court's indulgence.

24 THE COURT: Take your time.

25 BY MR. NORTON:

1 Q. Looking at State's Exhibit 20, does that appear to be
2 the same firearm?

3 A. Just by the physical look of it, yes, sir.

4 Q. Okay. And just so -- using this as a -- you should
5 have a laser pointer up there; is that correct? Do you?

6 A. No, sir.

7 Q. We'll get you one. Okay. Can you tell us how you
8 began processing Item 1?

9 A. Well, like I said, the Taurus handgun and the way
10 that they had described it in the paperwork as being
11 from Marker 1, so I wanted to keep, you know, at least
12 throughout my paperwork so nothing got confused in case
13 there were additional firearms, but basically I processed
14 the gun and the cartridge casing and the magazine as well,
15 but the initial process -- and it's just a standard
16 protocol. You get them and you're checking the seal on the
17 packages, are they in a sealed container when you get it
18 out of the evidence locker to start processing, opening it
19 up and making note of the condition, how it was packaged,
20 what it looked like. You do a visual examination to see
21 if there's any latent prints on it. Latent prints are
22 generally not visible. So it's an impression from the
23 friction ridges on your hands or fingers or even the soles
24 of your feet and it's in basically oils that we secrete
25 on those friction ridges and perspiration or water, so

1 they're very fragile. They're generally clear so you
2 often don't see them. You know, sometimes if somebody's
3 got blood or paint or chicken grease on their fingers, they
4 will leave it on an item and you can actually physically
5 see it. So in this instance, very carefully looking at it
6 to see because they're so fragile you don't want to destroy
7 them. Once looking at them and not seeing any visible
8 fingerprints, the next step in terms of doing touch DNA
9 then is to swab whatever the item is and you can see here
10 on Item 1, the gun, you're looking for the most likely
11 places that touch DNA would be left. So touch DNA is
12 generally the fingerprint residue and skin cells that come
13 off. We're continually shedding skin cells. So looking
14 at that gun you can see on the grip there's a textured
15 area. You can see up on the slide there's some ridges.
16 And, again, that's -- that's to help create friction.

17 Q. I'm gonna give you a laser pointer just so you can
18 make this a little more smooth.

19 A. Okay.

20 Q. Can you show us again what you're -- what you're
21 referencing?

22 A. Okay. So on Item 1, on the grip here, you can see
23 these -- these areas. That's a textured surface to try to
24 enhance the grip so the gun doesn't slip out of your hand.
25 Up here on the slide right at the back where you pull it

1 to rack a round in, there's another area that's got some
2 texture to it, and then, of course, the trigger and I
3 believe in the trigger there's an actual textured area,
4 too, but those are the most likely places on a firearm that
5 it's gonna be if you're gonna pull it out of a pocket or a
6 holster or you're gonna point it or shoot it or whatever
7 you're gonna do with it. So in order to facilitate both
8 processes, the latent print process and the touch DNA, you
9 have to be careful on how you're handling it and where
10 you're gonna take it from. So in those instances the
11 chances of leaving residue and skin cells are most likely
12 on a textured surface because as you pull that slide back
13 or you're holding that grip, skin cells are coming off and
14 moisture is coming off and adhering to the gun. Possibly.
15 So I took two basically Q-tips; one of them is wet with
16 deionized water, the other one is dry, and rubbed it on
17 those areas. So in this instance I took one set of swabs
18 from the trigger, which is my Item 1.1. Item 1.2, two
19 swabs from the textured area of the grip and slide, and
20 then Item 1.3 -- there was actually, and I don't see it in
21 that picture, there was some kind of unknown substance on
22 the -- and it may be -- may be up there, but I don't know
23 what it was, but it was on the side of the slide near the
24 ejection port of the handgun, so I also collected that. It
25 did not appear to be blood in my opinion after, you know,

1 many years of looking at it, but it could possibly be or
2 something else, so I collected it and forwarded that to the
3 DNA department with Item 1.1 and 1.2.

4 Q. So you took -- just as to your Item 1, you took three
5 sets --

6 A. Three sets of swabs.

7 Q. -- of two swabs?

8 A. Yes, sir.

9 Q. And that would be one of the textured grip area you
10 referenced?

11 A. So one 1.1 came from the trigger and 1.2 came from
12 textured area of the grip and the slide back here, and
13 then 1.3 was whatever that substance was on the side of the
14 slide.

15 Q. So the unknown substance that you said didn't appear
16 to be blood, but just some --

17 A. You know, blood's a tricky thing, but generally in
18 most instances if you look at it and then as it dries it's
19 got certain characteristics and stuff and, you know, if
20 it's mixed with something or I just don't know, that's
21 something for one of the scientists to make a decision on,
22 so. But it's my job to collect it and potentially if it
23 has any bearing on the case or not, and then forward it to
24 in this instance the DNA department.

25 Q. But regardless whatever the unknown substance was,

1 you swabbed it?

2 A. Yes, sir.

3 Q. And submitted the samples to the DNA casework
4 department?

5 A. Yes, sir.

6 Q. Did you swab any other items for touch DNA?

7 A. Well, the -- I also got my Item Number 2 was the
8 Taurus magazine and it had one cartridge and I believe that
9 was -- I think that was inside the magazine, but I swabbed
10 the magazine. And, again, the side of the magazine on all
11 four sides is smooth metal for the most part, so that's a
12 fairly good area to get latent prints if there are any on
13 there. So protocol we would process or -- or swab the
14 bottom of the magazine because, again, if the magazine, you
15 know, was out of the gun and somebody fills it up with
16 bullets or whatever and they slam it home into -- into the
17 port there on the bottom of the grip, again, you may have,
18 you know, left some residue or some skin cells on -- on the
19 edges or bottom of the magazine, so that's where we would
20 swab that.

21 Q. Sure. And I want to ask about your Item 2
22 specifically. What do you have that listed as?

23 A. I have that listed as one Taurus magazine and one
24 cartridge from Marker 3.

25 Q. I'm gonna show you what's previously been admitted

1 into evidence as State's Exhibit 79 and 80 and ask you to
2 open those and identify them.

3 A. Okay. That's the cartridge and my initials are here
4 on one of the seal tapes on one of the envelopes.

5 Q. And so that would have been the round that you swabbed
6 and tested?

7 A. Yes, sir.

8 Q. Okay. And then going to State's Exhibit 80.

9 A. And then here's the magazine. Again, I see my
10 initials on the packaging and another cartridge, and that
11 one, I believe, was inside the magazine when I got that.

12 Q. Okay.

13 A. But those would have been swabbed. I guess
14 explaining back to the magazine, swab the bottom of the
15 magazine. In terms of cartridges or shell casings, the
16 two cartridges in this case, you know, the side is smooth
17 metal, so potentially leaving a fingerprint on the side
18 is -- I won't say a good chance, but there is that chance.
19 So the bottom of the cartridge has got some grooves on it
20 and some -- some letters or, you know, company name or
21 whatever that's stamped into the metal. That's a good
22 place to swab for potential touch DNA as well. And, again,
23 I don't know, you know, how everybody's familiar with guns,
24 but if you're loading cartridges into a magazine generally
25 that last place is you're -- you've got your thumb on that

1 cartridge and you're pushing it into the magazine and your
2 thumb's gonna be on the back end of the cartridge, the
3 headstamp is what firearms examiners call that, and so
4 that's the area where I would swab on an unspent round or
5 cartridge.

6 Q. Okay. And so looking here at Item 3, that would be
7 the magazine?

8 A. Yes, sir.

9 Q. Okay. And you swabbed that as well?

10 A. Right.

11 Q. Okay. How many total swabs of the items we've
12 discussed did you take?

13 A. All right. So there are three from Item 1; 1.1, 1.2
14 and 1.3, and then Item 2, which is the magazine, I took one
15 swab -- or two Q-tips, but it was one set of swabs, from
16 the base of the magazine and the headstamp of one cartridge
17 that was with the magazine.

18 Q. So that would be eight total swabs?

19 A. Yes, sir.

20 Q. Okay. I'm gonna show you what's previously been
21 marked as State's Exhibit 97 and ask generally if you can
22 identify that?

23 A. Looking at the one I can see clearly, that is my
24 handwriting on the outside of the envelope and here's my
25 initials and the date I sealed these. So once the swabs

1 are taken, they're set in a -- in a chamber and just
2 allowed to air dry, you know, for, I don't know, an hour
3 or two, and then once they appear to be dry, then they're
4 taken and put into a small envelope like that and sealed so
5 that they don't get mixed up with any of the other swabs.

6 Q. So these would be the eight swabs that you took and
7 sealed?

8 A. Yes, sir.

9 Q. Then what did you do with them?

10 A. Well, once I sealed them -- ultimately I put them in
11 a sealed -- heat-sealed pouch like this, a plastic bag,
12 and then I put them into our evidence locker vault is what
13 they called it, and we had designated boxes that once
14 you're done with this, you know, you can send it to the
15 DNA department. So the guns went back into the locker into
16 the pile that was gonna go over to firearms for them to
17 examine and the swabs or the envelope went to the pile or
18 box that was gonna be sent to the DNA unit.

19 MR. NORTON: Your Honor, at this time State's 97
20 for ID only.

21 BY MR. NORTON:

22 Q. So the eight swabs that you took from the firearms
23 evidence you received were submitted to the DNA casework
24 department?

25 A. Yes, sir.

1 Q. Okay. Did you stop there in terms of what you did
2 with this firearms evidence?

3 A. Well, I turned over the -- the actual gun, magazine
4 and cartridges would go to the firearms department. I
5 believe they had a firearms exam -- firearms examination
6 request on that as well.

7 Q. So let me rephrase. Did you do anything in the
8 context of latent print processing?

9 A. Yes, sir. On those items, yes, sir. I'm sorry. I
10 misunderstood you.

11 Q. And can you tell the jury about how you begin
12 processing an item for latent prints?

13 A. Okay. Again, latent prints are extremely fragile so
14 you have to be careful how you handle them and like I
15 explained a little while ago I do a visual examination and
16 if I don't see any fingerprints, then I'm gonna try to swab
17 the areas for the touch DNA, and then once that's done then
18 I will take, in this instance the magazine, the cartridge
19 and the firearm, and put it in a tank and submit it to
20 superglue or cyanoacrylate. This glue is put into a --
21 into a heating element and so once it gets to a certain
22 temperature it turns to a fog or a mist and fills up the
23 chamber and then adheres to moisture. And it's only left
24 in there for a few minutes because if you leave it in there
25 it eventually will just completely coat the whole thing.

1 And the concept behind this is the fragility and the
2 problem in seeing latent impressions on items, this kind
3 of overcomes that in that the mist will adhere to the
4 moisture on the item and generally will show the outline
5 of fingerprints if there's any there and so it makes them
6 white so you can actually see them and it also kind of
7 solidifies them a little bit because, again, they're
8 basically 97, 98 percent moisture, so it's just not much
9 for them to evaporate or to get wiped off.

10 So taking the -- again, we'll just use the gun for an
11 example. Take the gun out of the tank, and there's a whole
12 system that vents out the fumes and everything. I, again,
13 do another visual examination looking to see are there
14 useable fingerprints. And by useable fingerprints we're
15 talking about is there enough quantity, is there enough of
16 the print there, and quality, is the print clear enough,
17 because, you know, prints are often smudged or smeared, for
18 me to do something with and take that unknown print off an
19 item of evidence and actually compare it to a known set of
20 inked prints, and then that's the process for trying to
21 make an identification. In this instance, the prints did
22 not appear to be of value, enough quality and quantity
23 present, for me to use.

24 So then the last step that we do -- or I guess the
25 next to the last step is we hose the item down with a dye

1 stain, MBD in this instance, and I can't tell you what the
2 name is, it's about twenty letters long, and it simply
3 makes the cyanoacrylate residue fluoresce and so we take
4 an alternate light source and use those orange goggles so
5 you can see it, and it really brings out the contrast and
6 really makes them fluoresce. Again, in this instance there
7 was no latent impressions on any of these items that in my
8 opinion had the value for me to be able to compare them to
9 a known set of inked prints.

10 Q. So let's break that down little bit. When you begin
11 chemically processing an item for potential fingerprint
12 evidence is you first look to see whether or not there
13 are any partial or potential fingerprints after chemical
14 processing?

15 A. Well, you visually look at it, do you see any, you
16 know, initially no, then you use the cyanoacrylate and you
17 visually examine it again to see if there's any prints that
18 become visible and then if the answer's no, you go to the
19 dye stain and then the alternate light source to see if
20 you've got anything to work with.

21 Q. So let's go through that one by one. The Item 1, the
22 Taurus handgun, when you visibly observed it did you see
23 any fingerprints?

24 A. No, sir.

25 Q. Okay. After you used the cyanoacrylate, did you

1 observe any potential fingerprints?

2 A. There were some partial impressions on the frame above
3 the magazine release button.

4 Q. Okay. Can you use that laser pointer and show the
5 jury the specific spot you're talking about?

6 A. We're talking about right in here. If you can see
7 this little knob on the side right there, that is one of
8 the magazine releases, you press it and the magazine will
9 drop out of the bottom. And if you think about the way
10 it's held, that's where somebody's finger or thumb,
11 depending if they're right or left-handed, would go, and
12 so it's gonna be right generally in this area. But, again,
13 in looking at it after all -- all three steps they were
14 just partial. It just was not good enough for me to do a
15 comparison with.

16 Q. Absolutely. But you didn't observe either visually
17 or through chemical processing any fingerprint evidence
18 anywhere else on the gun?

19 A. No, sir. That was the only one I saw was right there
20 by the magazine release.

21 Q. Okay. And were you provided any fingerprint -- known
22 fingerprint standards to use to compare?

23 A. Yes, sir.

24 Q. Okay. What would that be?

25 A. That was my Item Number 11 and it was one set of

1 postmortem major case prints of Parrish Phillips.

2 MR. NORTON: Your Honor, I'm gonna show -- I'm
3 approaching the witness with what's previously been marked
4 for ID only as State's Exhibit 81.

5 BY MR. NORTON:

6 Q. Do you recognize that?

7 A. Yes, sir.

8 Q. Okay. And what would that be?

9 A. This would be a set of postmortem major case prints
10 and down here on the bottom, I opened up the bottom,
11 because we make scanned copies of these kind of things to
12 go in our case files, and there's my initials and the date
13 that I sealed it on the bottom there.

14 Q. And was this properly packaged and sealed when you
15 received it?

16 A. Yes, sir. It was just like that except for I put the
17 tape on the bottom and then I sealed.

18 Q. Okay. And what would you have done had it not been
19 properly sealed?

20 A. We would have contacted the department that submitted
21 it and let them know. In this instance, you know, with
22 the inked fingerprints, I mean, it's nothing you're gonna
23 be able to damage it short of shredding it or marking it
24 or something like that. But, you know, sometimes people
25 forget if you've got a lot of evidence and stuff, but if

1 it's something like a gun or something, it's a little
2 different, we're talking about a major problem. In this
3 instance, simply some cards where they've taken the
4 impressions from the deceased.

5 MR. NORTON: Your Honor, at this time we'd offer
6 State's Exhibit 81 as evidence.

7 THE COURT: Any objection?

8 MS. YONGE: No objection, Your Honor.

9 THE COURT: It's admitted.

10 (State's Exhibit Number 81, postmortem major case
11 prints of victim, was admitted into evidence.)

12 BY MR. NORTON:

13 Q. So you had postmortem case prints for Parrish
14 Phillips. You observed you said some fingerprint evidence
15 on the magazine release button?

16 A. Yes, sir.

17 Q. But no fingerprint evidence anywhere else on the gun?

18 A. No, sir.

19 Q. Visually or through chemical processing?

20 A. No, sir.

21 Q. Okay. Let's move onto your Item 2. Can you tell us
22 about the results of the latent print analysis on that
23 item?

24 A. Yes, sir.

25 Q. Okay.

1 A. I didn't observe any friction ridge skin impressions
2 on the magazine through the first visual exam. After I
3 used cyanoacrylate, I didn't notice any more, and then I
4 used the MBD, the dye stain, and then used the alternate
5 light source to look at the item, and there was some
6 partial friction ridge or latent fingerprints on the side
7 of the cartridge and the sides of the magazine.

8 Q. Okay. So some partial fingerprint evidence on the
9 side of the cartridge and the magazine. Was that suitable
10 to make any kind of comparison?

11 A. No, sir.

12 Q. Okay. Now after you completed your latent print
13 analysis, what was done with your items 1 and 2?

14 A. I would seal them in one of my bags and then put them
15 back in the original packaging and then transfer them as
16 far as custody and physically put them in the -- in the
17 latent print evidence vault to go to the next department
18 that were gonna deal with them if any.

19 Q. And just to wrap things up, the entirety of your
20 analysis you did not observe or match any fingerprints on
21 any of this evidence to Parrish Phillips?

22 A. No, sir. I never developed any latent impressions
23 that were of sufficient quantity and quality for me to set
24 them side by side with inked prints and do a comparison.

25 Q. Understood.

1 MR. NORTON: Your Honor, I beg the Court's
2 indulgence.

3 THE COURT: Take your time.

4 MR. NORTON: Mr. Curtis, that's all the questions I
5 have for you. Please answer any questions of defense
6 counsel.

7 THE COURT: Ms. Yonge.

8 CROSS-EXAMINATION

9 BY MS. YONGE:

10 Q. Good morning, Agent Curtis. How are you?

11 A. Good morning. Fine.

12 Q. Just one question. Did you recover any latent prints
13 whatsoever that you could compare to anything?

14 A. Not on the pieces of evidence that I had and I did not
15 go to the crime scene, so that's all I had to work with.

16 MS. YONGE: Okay. No further questions, Your Honor.

17 THE COURT: All right. Any redirect?

18 MR. NORTON: No, Your Honor.

19 THE COURT: All right. May I excuse the agent,
20 please?

21 MR. NORTON: Yes, Your Honor.

22 (Witness excused.)

23 THE COURT: Let me ask, Mr. Foreman, the jury okay?
24 Do you-all need a break?

25 FOREPERSON: I think we're fine. We're okay.

1 THE COURT: Very good. Call your next witness.

2 MR. NORTON: Your Honor, can we approach briefly?
3 I'm sorry.

4 THE COURT: Sure.

5 (Proceedings held at the bench; not reported.)

6 THE COURT: Mr. Foreman, the lawyers need to take
7 a quick break, and it will be quick, so I'm gonna let
8 you-all go to your jury room and stretch your legs and
9 I'll have you back in in just a little bit. Remember,
10 no talking about this case.

11 FOREPERSON: Yes, ma'am.

12 (Whereupon, the jury retires to the jury room at
13 10:24 AM.)

14 THE COURT: Okay.

15 (Recess taken at 10:25 AM.)

16 (Back on the record at 10:48 AM.)

17 THE COURT: All right. We're gonna go ahead and put
18 this on the record.

19 During the break it was brought to my attention about
20 a legal issue that they have that's coming up with one of
21 the witnesses, so we went ahead and discussed it. I'd
22 like to put it on the record at this time.

23 So, Mr. Norton, I'm gonna call on you first. It's
24 my understanding that you intend to introduce a text
25 message that you told me that's approximately ten months

1 old that the defendant had with the deceased concerning
2 drugs.

3 MR. NORTON: Yes, Your Honor.

4 THE COURT: I'll be happy to hear from you.

5 MR. NORTON: Thank you, Your Honor.

6 Judge, at the appropriate time the State would admit
7 a conversation between -- that was extracted from the
8 defendant's cell phone. That will be a Samsung S21. The
9 extraction was done by Michael Phipps. He will testify
10 to that. It is a conversation between the defendant's
11 phone and Parrish Phillips from July 21st of 2020. It
12 is a complete text exchange -- what the State would submit
13 is a complete conversation that begins with Yo, from a
14 phone with the contact name as identified as Parrish
15 Phillips, the defendant's phone responds hey, hey.
16 Parrish Phillips responds just a reminder, if you or
17 anyone you know needs THC carts or anything like that,
18 send them to me. THC only, of course.

19 On the second page, the defendant's phone responds
20 how much? The contact, Parrish Phillips, responds
21 depends on what they get; i.e., got carts, smoke, edibles.
22 The defendant's phone responds what kind of edibles. On
23 the next page, the contact, Parrish Phillips, says gummy
24 worms, big bag, very potent. The defendant's phone
25 responds gotcha, how much for those? The contact, Parrish

1 Phillips, responds I'm checking now. Usually around
2 twenty-five to \$30. The carts are nice too, usually \$40.
3 The defendant's phone responds okay, cool. The contact,
4 Parrish Phillips, says trying to get my money and get
5 back in the game and the defendant's phone responds I
6 hear you, I told you some time ago I wanted in, have the
7 finances to make it happen.

8 The next text between these two phones is not until
9 four days later. We submit that that is a complete
10 message chain for rule of completeness purposes. That
11 message chain, Judge, is incredibly relevant to this case.

12 Your Honor has heard that from the moment law
13 enforcement responds to the scene the defendant's first
14 statements to Officer Hassler are he was doing some stuff
15 I didn't like him doing, I found out he was dealing drugs
16 and we got heated. He then says in an unprompted statement
17 to Officer Paul Walker I found out he was a drug dealer
18 and I didn't want any part of that. In his interview,
19 Your Honor, he says I smoked my THC vape pen, but that was
20 the extent of my involvement.

21 And, Judge, I think these messages are incredibly
22 relevant because they show that from the beginning the
23 defendant's own statements that he's made to law
24 enforcement are now absolutely -- what the State would
25 submit is absolutely not true. These show clear knowledge

1 that Parrish Phillips did sell marijuana, what kind of
2 marijuana he sold, and that the defendant was not only
3 aware of it, but actually wanted in on it. I have the
4 finances to make it happen. I told you some time ago I
5 wanted in. That directly contradicts the statement the
6 defendant made to Paul Walker I didn't want any part of
7 that and things went south quick.

8 So, Your Honor, it's clearly relevant to this case.
9 He knew at least ten months prior. It's absolutely
10 relevant to his credibility, which is clearly at issue
11 because his story is that he shot and killed Parrish
12 Phillips in self-defense and he gives a long interview
13 to law enforcement that is in evidence and the jury
14 absolutely has to be able to understand and weigh his
15 credibility and it makes it -- these text messages put
16 that entirely in the context of credibility and his
17 knowledge and contradict the statements that are in
18 evidence that he said to law enforcement.

19 So the State would submit that these messages are
20 relevant and admissible. They're statements from the
21 defendant's phone. Officer Phipps -- or Agent Michael
22 Phipps will testify to that. It's clear who he's
23 communicating with, Your Honor, and so the State's
24 position is that this is a complete chain of messages,
25 it's relevant, and admissible.

1 THE COURT: All right. Ms. Yonge, let me hear from
2 you.

3 MS. YONGE: Your Honor, we would begin with saying
4 that we believe that these messages are, again, irrelevant.
5 We are now taking a murder trial that we've turned into a
6 bit of a drug possession trial and now we're gonna get it
7 into a drug conspiracy trial, which, Your Honor, I think
8 takes us far outside the realms of the reason we are here
9 today, and I don't know how deep the rabbit hole goes on
10 this one.

11 Regarding this specific text in question, I believe
12 that he shows that he wanted -- I don't believe that it
13 shows, but the State would have you believe -- or would
14 have the jury believe that this shows that he wanted in
15 on a drug dealing job, business, ten months beforehand
16 and the obvious inference that they want the jurors to
17 draw from that is that well, if he was into it ten months
18 beforehand, he's into it today. It's overly prejudicial.
19 That has nothing to do -- that's an incorrect inference.
20 It's been ten months, Your Honor. Ten months in between
21 that text and the time at issue.

22 In State v. Ostrowski, which admittedly is a drug
23 case on trafficking, so it's a little bit more relevant.
24 I didn't know, you know, but since we're turning it into
25 it a drug case, Your Honor, they state we decline to

1 say precisely how far back in the history of the text
 2 messages the State could go or even if text messages over
 3 a shorter period of time would be permissible in this case
 4 to prove the defendant was the owner of the meth. We
 5 concede that the closer the messages were to the date of
 6 the appellant's arrest, the closer this case would become;
 7 however, we believe in this case that three weeks is too
 8 long and six weeks is certainly too long for the handful
 9 of text messages that fall that far before the appellant's
 10 arrest.

11 Now, Your Honor, this is not about whether or not my
 12 client had possession of drugs or was trafficking drugs,
 13 but let's say that we go with the State's inference that
 14 because he was interested in a drug business ten months
 15 prior, then he must be interested on as the date of the
 16 shooting. It's overly prejudicial, Your Honor. That is
 17 so far back. It's not the week before. It's not the
 18 month before. You can change your mind. Maybe he was
 19 drunk at the time, had a crazy whatever, and now we're
 20 taking this -- this one text ten months prior and we're
 21 saying oh, clearly he was in this drug dealing business
 22 with -- with the victim or he was interested in it or
 23 whatever and that's why he shot him. That inference is
 24 outside of context or we're missing context, Your Honor.

25 I apologize. I'm getting notes from my co-counsel

1 at the same time.

2 So, furthermore, Your Honor, we would like to submit
3 as a Court's Exhibit Number 3 the entirety of the text
4 messages between the victim and the defendant from the
5 date and time of that text message to the time of the
6 shooting.

7 Your Honor -- as Your Honor can see, it goes from
8 page 147 to 347, so it's 200 pages of text messages,
9 Your Honor, and I don't believe the State will disagree
10 with me when I say that none of the other ones have to
11 do with a drug dealing business.

12 And so, Your Honor, you know, if you should find
13 against us and find that that message is relevant, which
14 we believe it is not, we would ask that we put the entirety
15 of it in so that we can show the jury exactly how remote
16 and distant this text message is.

17 May I have your permission to put this in as Court's
18 Exhibit 3?

19 THE COURT: Sure.

20 MS. YONGE: Thank you, Your Honor.

21 (Court's Exhibit Number 3 was marked for
22 identification.)

23 MR. NORTON: Your Honor, if I could respond briefly?

24 Again, I would vehemently oppose the idea that these
25 are not relevant to this case. He's on trial for murder,

1 but he's made this relevant with his own statements. His
2 credibility is the key to this case and these text messages
3 strike directly at the heart of his credibility and what
4 he said to law enforcement and why would he say things to
5 law enforcement that are clearly untrue. His credibility
6 is already at issue because his full interview with law
7 enforcement is already in evidence. Regardless of whether
8 or not he makes the decision to testify, the jury's gonna
9 have to watch that interview and weigh his credibility
10 and what he says to law enforcement. His credibility is
11 key.

12 In responding to the State v. Ostrowski argument,
13 Your Honor, he's not on trial for drug dealing. We're
14 not using these text messages to prove that he's guilty
15 of drug dealing on a specific day. We're using them to
16 show knowledge of something he has denied -- and is
17 evidence that he denied to law enforcement makes it
18 incredibly relevant and he gives that statement in the
19 context of what happened that day and why the argument
20 happened. I found out he was a drug dealer and I didn't
21 want any part of that and things went south quick. And
22 if that's not true, Your Honor, and these messages I
23 submit show that's not true, then why would he make that
24 statement? It makes it incredibly relevant.

25 And the age makes it even more relevant. Not only

1 did he know that Parrish Phillips sold marijuana, he knew
2 it ten months ago. It wasn't something he found out last
3 week or when he moved in. The age makes it more relevant.

4 And, Your Honor, all evidence is prejudicial, but
5 what is the probative value? The probative valve strikes
6 directly at the heart of what he said to law enforcement
7 on the day he shot and killed Parrish Phillips. He puts
8 this at issue. We're not here to prove that he's guilty
9 of murder just because he had knowledge of Parrish
10 Phillips selling marijuana. He puts it at issues with
11 his own statements. He makes it relevant. His statements
12 make it directly relevant to this case.

13 And, Your Honor, the last thing is I heard some
14 arguments about context. Judge, that's a complete
15 conversation. That starts with a greeting, yo, and ends
16 with a message that's not responded to until four days
17 later. And if they have any text messages they think add
18 context where Jabin says hey, I changed my mind about
19 wanting to be involved in the drug dealing, please don't
20 contact me anymore, then they're free to try and admit
21 those. But suggesting that the entirety of the text
22 exchange between two people over ten months is what gives
23 a conversation context is not correct and it doesn't make
24 any of the messages in between relevant. They have to
25 establish the relevancy.

1 So, Your Honor, I think it's clearly admissible, I
2 think it's clearly relevant to the heart of this case
3 and what he says to law enforcement on that day. And
4 Ostrowski is not relevant because this is not a drug case
5 and we're not using it to convict him of drugs. He's on
6 trial for murder, he's made statements and it's relevant
7 to the heart of those statements.

8 MS. YONGE: Your Honor, briefly.

9 I agree with the State that he's not on trial for
10 drugs and, Your Honor, that would make this evidence kind
11 of cumulative at this point. I believe that they have
12 enough evidence -- more than enough evidence in that
13 could be viewed as -- with regard to a witnesses's
14 credibility regarding whether or not he knew that Parrish
15 sold drugs, and I think the more that we put in, the more
16 dangerous the ground gets. And the inference the State
17 clearly wants the jurors -- I hear the State's argument,
18 but the inference they clearly want the jurors to make
19 here is that he wanted to get into the drug dealing
20 business ten months prior, he wants to get into it today,
21 so that's why he shot him.

22 MR. NORTON: The inference I want the jury to make
23 is that he's not telling the truth to police about what
24 happened. It's his statement of what happened that day
25 and this goes to show that that is not true. That's the

1 inference I want to make, is that he's not telling the
2 truth to police even in unprompted statements. I found
3 out he was a drug dealer. I didn't want any part of that.
4 That's not true. Why are you saying that? What really
5 happened. That's the -- that's the heart of why this is
6 relevant to this case.

7 THE COURT: All right. Is this gonna be taken up
8 with the next witness?

9 MR. PINCELLI: It will be not be.

10 MR. NORTON: No, Your Honor. It will be taken up
11 this afternoon.

12 THE COURT: All right. I'm gonna finish reading the
13 case law here and I'll let you-all know.

14 Can I bring the jury back in with the reminder that
15 I have lunch coming for them at noon. This will be a
16 working lunch today. I put everybody on notice yesterday
17 so we could finish this trial in a timely fashion.

18 If you-all are ready, I'll bring them in.

19 MS. YONGE: Defense is ready, Your Honor.

20 THE COURT: All right. Let bring them in.

21 (Whereupon, the jury return to the courtroom at
22 11:03 AM.)

23 THE COURT: Mr. Foreman, the jury ready?

24 FOREPERSON: Yes, ma'am.

25 THE COURT: Okay. We're gonna do another witness.

1 We're having lunch brought in. Everybody got a sheet
2 that they got to circle for what they wanted for lunch?

3 FOREPERSON: Uh-huh.

4 THE COURT: It should be here at noon and, like I
5 said, we'll have a working lunch today, okay?

6 Thank you.

7 Go ahead, Mr. Cox.

8 MR. COX: Thank you, Your Honor. The State calls
9 Adrienne Hefney.

10 (Whereupon, Adrienne Hefney was duly sworn by the
11 Clerk of Court.)

12 THE CLERK: Thank you. Please take a seat on the
13 witness stand. State your full name and spell your last
14 for the record.

15 THE WITNESS: Okay. Adrienne Hefney. H-E-F-N-E-Y.

16 ADRIENNE HEFNEY,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. COX:

20 Q. All right. Is it Agent Hefney?

21 A. It is for the most part.

22 Q. All right. Agent Hefney, if you could very briefly
23 tell us where you currently work and what is your title.

24 A. Sure. I work with the South Carolina Law Enforcement
25 Division, more commonly known as SLED, and I'm a senior

1 forensic DNA analyst there assigned to the DNA casework
2 department.

3 Q. How long have you been with SLED?

4 A. I joined SLED in November of 1997 and then I was
5 promoted to analyst in March of 1999, and I've been with
6 SLED a little over twenty-seven years.

7 Q. And, Agent Hefney, did you analyze evidence and
8 generate results from that analysis as a part of this case?

9 A. I did.

10 Q. All right. And more specifically was that Lab Number
11 L-21-10528?

12 A. It is.

13 Q. Okay. Agent Hefney, before we get into your analysis,
14 would you please give us your education background?

15 A. Sure. I have a bachelor of science degree in biology
16 from the University of South Carolina. I also have a
17 master's of business administration from Winthrop
18 University. I studied on the job or trained on the job by
19 a court-qualified analyst, but every year we have to do at
20 least eight hours of continuing education and we can get
21 that from either in-house training, like vendors or
22 suppliers coming to us and train, or we may attend a
23 conference or symposium.

24 Q. Any other postgraduate coursework or anything?

25 A. Sure. I have postgraduate coursework in the field of

1 population genetics and cell molecular biology. I've also
2 taken the DNA -- FBI DNA QAS Auditor Training to where we
3 go around to different labs across the country, mainly in
4 this region, and audit them.

5 Q. And, Agent Hefney, have you ever testified in a case
6 such as this one?

7 A. I have. I've testified in general sessions or in
8 state, Federal and civil courts.

9 Q. And how many times -- have you ever testified as an
10 expert?

11 A. I have.

12 Q. How many times?

13 A. About 107 times now.

14 Q. 107 times. And what field were you qualified as an
15 expert in?

16 A. In forensic DNA analysis.

17 Q. All right. Just a few more questions, Agent Hefney.
18 Without going into your results on this case, what is DNA?

19 A. Sure. DNA is a chemical substance that's found in
20 certain cells of our bodies that just makes us who we are.
21 We get half of it from our mom and the other half of it
22 from our dad and so no two people will have the same DNA
23 with the exception of identical twins.

24 So in forensics we use that fact that no two people
25 have the same DNA to make comparisons. So we're gonna

1 compare evidence that was left behind at a crime scene
2 against known standards and the known standards will be
3 buccal swabs, which are swabs from the inside of your
4 cheek, or blood standards, which are taken directly from a
5 person's vein, and we do that in the field of forensic DNA
6 analysis.

7 Q. And you mentioned the swabs, the buccal swabs, is that
8 the kind of evidence that you used in this case to form an
9 opinion?

10 A. I couldn't hear that.

11 Q. Is that the type of evidence that was submitted to you
12 for analysis?

13 A. Sure. We can get DNA from swabs or cuttings and we
14 can get it from different types of evidence such as blood,
15 semen, saliva, skin cells, sweat, bone, teeth. Those are
16 different types that will contain DNA.

17 Q. Walk us through, if you could, how does the analysis
18 actually work? What do you do with the swabs when they're
19 submitted to you?

20 A. Sure. We'll take a cutting from a swab into a tube
21 and we'll add reagents that's gonna release the DNA into
22 a solution and then that extracts for a period of time,
23 usually overnight, and then the next morning we'll come in
24 and we'll put it on an instrument that will clean up any
25 extra cellular material and just gives purified DNA. Once

1 that's done, we're gonna put it on an instrument that will
2 quantitate it. So it will tell us how much DNA we're
3 working with. It can be a very small amount to a very
4 large amount. If it's a small amount, we can concentrate
5 it to try to get more. If it's a large amount, we can
6 normalize it to make it to the amount of concentration we
7 find useful and be able to get a DNA profile from.

8 Q. And do you -- you mentioned some of the instruments.
9 Is it common to only find a single DNA profile or can there
10 be mixtures?

11 A. I wish it were common to find a single DNA profile,
12 but oftentimes it's a mixture, which just means there's
13 more than one person contributing to that stain or that
14 swab that was taken.

15 Q. And, Agent Hefney, when you receive evidence that
16 contains a mixture of DNA profiles, what steps do you take
17 to try to quantify that evidence?

18 A. Absolutely. We have this computer software program
19 that we brought on a few years back known as STRmix.
20 STRmix helps us deconvolute mixtures. So we'll say I'm
21 looking at this profile and I can see that I have, say,
22 three contributors and we'll tell the computer program that
23 we have interpreted it having three contributors. Well,
24 what it does is it takes that DNA profile and breaks it
25 down. It will tell us about the percentage that it feels

1 that each contributor is contributing and then we have
2 known standards. After we've broken it down, we'll put the
3 known standards in there to many make the comparison and it
4 will give us what's known as a likelihood ratio, and I'll
5 break that down. That's just a statistic that we use at
6 SLED with this program, STRmix. And if you think about it,
7 likelihood ratios are like, say, I have a plate of cookies
8 or I baked a plate of cookies and I put it on the counter
9 in the kitchen and then I went out of the room to do
10 whatever and then I have two kids in the house. I have a
11 5-year-old that walks, talks, climbs up on everything and I
12 have a baby that can't walk and can't talk yet and just
13 crawls around. I come back in the room and the cookies are
14 gone, so who is most likely to have eaten the cookies? The
15 5-year-old that can walk, talk, climb up on the counter and
16 get them or the baby who can't walk yet, just crawls on the
17 floor, could they have crawled up and gotten the cookies.
18 Or we could have a totally different factor, someone from
19 the outside smelled cookies baking, broke in the house,
20 came in, ate the cookies and then left all before I even
21 had a chance to see them. So that's what we do when
22 comparing like -- developing likelihood ratios and making
23 comparisons to the evidence and known standards that were
24 received.

25 Q. All right. Agent Hefney, you broke down for us the

1 different steps you take to analyze evidence. Is that
2 similar to what you conducted in this case?

3 A. It is.

4 MR. COX: Your Honor, at this time we offer Agent
5 Hefney as an expert in the field of forensic DNA analysis.

6 THE COURT: Any objection?

7 MR. WILLIAMS: Without objection, Your Honor.

8 THE COURT: All right. I'm gonna tell the jury this
9 witness will be an expert in DNA analysis. You can give
10 her testimony the weight you think it deserves.

11 Go ahead, Mr. Cox.

12 MR. COX: Thank you, Your Honor.

13 BY MR. COX:

14 Q. Agent Hefney, as part of this case did you review
15 buccal swabs that were submitted as DNA standards?

16 A. I did.

17 Q. Okay.

18 A. In this case, I did receive buccal swabs from both
19 Parrish Phillips and Jabin Trapp.

20 Q. And those were submitted following normal protocols
21 for SLED?

22 A. It was -- they were.

23 Q. Okay. And they were packaged and sealed for you?

24 A. Yes, sir, they were.

25 Q. All right.

1 MR. COX: Your Honor, I'm approaching the witness.

2 THE COURT: Yes.

3 BY MR. COX:

4 Q. Agent Hefney, I'm showing you what's been previously
5 ID'd as State's Exhibit 9 and 82. If you could take a look
6 at those.

7 A. This is -- State's Exhibit 82 is our Item 10, which is
8 buccal swabs from Parrish Phillips, and I recognize them
9 because it has my initials and date right here on the seal,
10 as well as -- I can't see it, but it will be back here on
11 the seal as well.

12 Q. Okay. And how about State's Exhibit 9?

13 A. This is SLED's Item 28 as denoted right here on this
14 seal. It's State's Exhibit Item 9, and I also see my
15 initials and date back here on this seal, and it's a known
16 standard for Jabin Trapp that's written right here.

17 Q. And are these the items that you were able to develop
18 a DNA profile for in this case?

19 A. Yes, sir. These are the known standards that I used
20 for comparison.

21 Q. All right. And when you used them in your analysis,
22 when you reviewed them, had they appeared to have been
23 tampered in any way?

24 A. No, sir.

25 MR. COX: Your Honor, at this time we offer State's

1 Exhibit 9 and 82 into evidence.

2 MR. WILLIAMS: Without objection, Your Honor.

3 THE COURT: They're admitted.

4 (State's Exhibit Number 9, buccal swab from Parrish
5 Phillips, and State's Exhibit Number 82, buccal swab from
6 Jabin Trapp, were admitted into evidence.)

7 BY MR. COX:

8 Q. All right. Agent Hefney, you covered it very well
9 when you identified those pieces of the evidence, but just
10 to be clear, State's Exhibit 9 is -- were you able to
11 develop a DNA profile from that swab?

12 A. I was.

13 Q. And who was that for?

14 A. Okay. State's Exhibit 9, which I believe was our
15 Evidence Item 28, those are buccal swabs from Jabin
16 Elliotte Trapp, and the DNA profile developed is suitable
17 for use as a known standard.

18 Q. And how about 82?

19 A. Which will be buccal swabs from Parrish Phillips.
20 The DNA profile developed is suitable for use as a known
21 standard.

22 Q. All right. Now was there physical evidence submitted
23 to you for analysis to compare to those known standards?

24 A. There was.

25 Q. All right. I'm gonna show you what's been ID'd

1 previously as State's Exhibit 97. Take a look at that and
2 do you recognize what I've handed you?

3 A. I do. There are my initials here on this date and
4 seal, as well as here on this one, so, yes. And then it's
5 SLED item numbers 1.1, 1.2, 1.3, and 2.1.

6 Q. And were you able to use these items in your analysis
7 in this case?

8 A. I was.

9 Q. And when you conducted your analysis and opened the
10 evidence, did the evidence appear to have been tampered in
11 any way?

12 A. No, they did not.

13 Q. All right.

14 MR. COX: Your Honor, at this point we offer
15 State's 97 into evidence.

16 MR. WILLIAMS: Without objection, Your Honor.

17 THE COURT: Those were the buccal swabs?

18 MR. COX: Yes, Your Honor.

19 THE COURT: Okay. They're admitted.

20 (State's Exhibit Number 97, touch DNA swabs, was
21 admitted into evidence.)

22 BY MR. COX:

23 Q. All right. Agent Hefney, generally these items that
24 you just described in Exhibit 97, what were they?

25 A. Okay. These were swabs from a gun known as --

1 Item 1.1 came from Item 1, which was a Taurus PT738 380 TCP
2 handgun.

3 Q. Agent Hefney, there were several swabs from what
4 appeared to be the same firearm?

5 A. That's correct. I have swabs from 1.1 and 1.2 and
6 1.3, and all of those would have come from that Taurus
7 PT738 handgun, and then I also had a swab in there from
8 2.1, which was from the base of the magazine and headstamp
9 of cartridge of Item Number 2, which was a magazine
10 containing one cartridge from Marker 3.

11 Q. Agent Hefney, did you compare the swabs from Exhibit
12 97 to the known standards from Jabin Trapp to and Parrish
13 Phillips?

14 A. I was not able to compare the swabs from the two known
15 standards received to these four swabs because there was a
16 partial DNA profile developed from each one and due to the
17 limited information obtained there was no further -- no
18 further interpretation was offered, and that was for
19 Item 1.1, as well as Item 1.2. Also on Item 1.2 I couldn't
20 tell how many people.

21 Remember I was saying that we could see if it's three
22 people we could input that and I couldn't tell how many
23 people were contributing to that, so due to the limited
24 information obtained and the inability to determine the
25 number of contributors no further interpretation will be

1 offered. 1.3 was due to the limited information obtained
2 and no further interpretation was offered. And so it was
3 the same for 2.1.

4 Q. All right. Agent Hefney, I'm now gonna show you what
5 we previously ID'd is State's 84. Do you recognize that
6 item?

7 A. State's Exhibit 84 is Item 6, as denoted right here on
8 the label and as well as on the bag, and I see my initials
9 and date right here on the seal.

10 Q. And what -- without going into your analysis of the
11 item, what was that item submitted for?

12 A. Item 6 says contains swab from chair knocked over from
13 back porch.

14 Q. All right. And when that item was submitted to you,
15 did it appear to be tampered it anyway?

16 A. No.

17 Q. And were you able to develop results from your
18 analysis on that item?

19 A. I was.

20 MR. COX: Your Honor, at this time we offer State's
21 Exhibit 84 into evidence.

22 MR. WILLIAMS: Without objection, Your Honor.

23 THE COURT: It's admitted.

24 (State's Exhibit Number 84, swabs from chair, was
25 admitted into evidence.)

1 BY MR. COX:

2 Q. Agent Hefney, what were your results of your analysis
3 for this set of swabs?

4 A. Sure. There was a DNA profile suitable for comparison
5 developed and I used likelihood ratios to be able to get a
6 statistic for it. It was interpreted as originating from
7 three individuals and I compared each of the two standards
8 that I received to that DNA profile that was developed
9 from these swabs from that chair and the DNA profile --
10 and I also compared it. So we set up our what we know as
11 propositions, that is what each standard generates. It's
12 where we say the prosecutor's hypotheses -- I don't know
13 what this prosecutor's hypotheses is, it's just in general
14 that the person on trial is the one that did the crime
15 while the defense hypothesis will be anyone other than the
16 person on trial did the crime. So each proposition set was
17 set up in that way to see as the comparison to alternative
18 scenarios so to speak.

19 So the prosecutor's hypotheses it says the person of
20 interest, which would be those two standards I received,
21 and two unidentified unrelated individuals contributed to
22 the mixture, and that's just because remember I said
23 there's three people contributing to this, so one would be
24 the standard it's gonna compare and then the other two will
25 be the two unidentified unrelated individuals to make up

1 that three. The defense hypothesis would be three
2 unidentified unrelated individuals contributed to the
3 mixture. So that's just like that person off the street
4 came in and ate the cookies, it's gonna compare the
5 likelihood of that as well.

6 So when I compared these two standards, the DNA
7 profile is approximately 53 septillion, that's a 5 followed
8 by twenty-five zeros or 5.3 followed by twenty-four zeros,
9 times more likely if Parrish Phillips and two unidentified
10 unrelated individuals contributed to the mixture than if
11 three unidentified unrelated individuals contributed to the
12 mixture.

13 When I compared Mr. Jabin Trapp to it, the DNA
14 profile is approximately two hundred times more likely if
15 Jabin Trapp and two unidentified unrelated individuals
16 contributed to the mixtures than if three unidentified
17 unrelated individuals contributed to the mixture.

18 So what that's telling me is it looks like I have
19 inclusionary likelihood ratios for both Mr. Parrish
20 Phillips and Mr. Jabin Trapp, so that's two of the three
21 people that I said may have been contributing to this.

22 So I generated another proposition set where I put
23 both of them in this mixture; the prosecution's hypothesis,
24 Parrish Phillips, Jabin Trapp and an unidentified unrelated
25 individual contributed to the mixture. The defense's

1 hypothesis would be three unidentified unrelated
2 individuals contributed to the mixture. And the results,
3 the DNA profile's approximately 47 octillion times, that's
4 a 4.7 and (e) 28, so the 28th power, times more likely if
5 Parrish Phillips, Jabin Trapp and unidentified unrelated
6 individual contributed to the mixture than if three
7 unidentified unrelated individuals contributed to the
8 mixture.

9 Now when you're considering Mr. Trapp, is more likely
10 put it on that 200 than that 47 octillion because what that
11 means he's not gonna go from 200 contributing all the way
12 to 47 octillion, but it's just the number is higher because
13 you have two people contributing.

14 Q. Agent Hefney, so you broke this down into two
15 proposition sets?

16 A. Uh-huh.

17 Q. All right. And to a reasonable degree of scientific
18 certainty, in your opinion which proposition set is more
19 accurate?

20 A. Well, all of it's accurate.

21 Q. Right.

22 A. Okay. But so what we're doing is when we compare
23 Parrish Phillips, we have 53 septillion. When we compare
24 Jabin Trapp, we have 200, so you see that big difference.
25 When we put both of them in there, we still get an

1 inclusionary likelihood ratio that both of them could be
2 contributing, but when we want to put more emphasis on the
3 200 for Jabin Trapp, then we do the 47 octillion for the
4 both of them being in there.

5 Q. Are you able to break that down like into a percentage
6 for us?

7 A. Sure. So this whole mixture -- remember when I said
8 we put it in STRmix and it breaks it down into like
9 contributor percentages? I'm gonna look in my case file
10 here to my report that was generated by that software
11 program known as STRmix and so it's saying -- I said it had
12 three contributors and it's saying okay, I can see three
13 contributors, and if there is three we will have one at
14 89 percent, 89.79 percent, so almost 90 percent, one at
15 6.54 percent, so right about 7 percent, and one at
16 3.67 percent. So that's telling me we have a very high
17 contributor and two lower contributors. When I did the
18 likelihood ratios, Item 10, which was the standard from
19 Parrish Phillips, was in that first contributor spot where
20 it's like 89 percent, which is indicative of that high
21 number that I read earlier. When I compared Standard 28,
22 which would be Jabin Trapp's standard, it was in that
23 second position, so that would be indicative of that 200
24 likelihood ratio that it gave us, and then the third
25 position still remains unknown.

1 Q. Agent Hefney, when you are analyzing likelihood
2 ratios, there's a lot of numbers in everything we're going
3 through --

4 A. Uh-huh.

5 Q. -- do you -- in your role at SLED do you use any other
6 scales or any other wording to help describe this evidence?

7 A. We do. We have at the back of each report towards the
8 last page we'll add what's known as a verbal scale. So
9 the verbal scales translates those numbers, big numbers,
10 into words and anything when the -- when you have an
11 inclusionary LR, which means the prosecutor's hypothesis
12 is supported, anything over a million is very strong
13 support. Anything -- like if you have a one, that would
14 be uninformative or inconclusive. If you have anywhere
15 -- a likelihood ration from two to 99, that would be weak
16 support. From a hundred to 9,999 that will become moderate
17 support. 10,000 to 999,999 is strong support. And
18 anything, again, over a million very is strong support.

19 Q. And what was the verbal scale for Parrish Phillips's
20 contribution?

21 A. Okay. So since Parrish Phillips's likelihood ratio
22 was 53 septillion, that's very strong support because
23 that's way over a million. For Jabin Trapp at 200, that
24 would be moderate support because 100 to 9,999 range is
25 moderate support.

1 Q. Agent Hefney, the swabs that you tested, they were
2 listed as coming from a chair?

3 A. That's correct.

4 Q. The chair coming from a home with multiple persons in
5 it, what -- in your opinion what sort of factors could
6 contribute to that big of a disparity from 90 percent to
7 7 percent?

8 A. I would say this must have been Parrish Phillips's
9 favorite chair. I mean, it was one he must have sat in the
10 most or contributed in or, you know, was in -- just had the
11 highest concentration of DNA left behind on that chair.

12 Q. Agent Hefney, was there a third submission for
13 analysis in this case?

14 A. A third submission like?

15 Q. Did you test anything else in this case?

16 A. Fingernail scrapings. Yes, sir.

17 Q. I'm showing you what's been marked as State's
18 Exhibit 83, Agent Hefney. And, again, if you could take a
19 look at that and do you recognize what I've handed you?

20 A. Yes. This is Item 9 listed as DNA fingernail
21 scrapings. My initials and dates are right there and right
22 there, as well as on the back of this envelope that you
23 can't see. But, yes, I do recognize it.

24 Q. Were you able to analyze the -- I'll call it a
25 substance, but were you able to analyze the item that was

1 submitted?

2 A. I was. So it was submitted as Item 9, which were
3 fingernail scrapings from Parrish Phillips. We break it
4 down into right hand and left hand fingernail scrapings.

5 Q. I'm gonna -- Agent Hefney, I don't want to cut you
6 off.

7 MR. COX: But, Your Honor, at this time I'm gonna
8 offer State's Exhibit 83 into evidence.

9 MR. WILLIAMS: Without objection, Your Honor.

10 THE COURT: It's admitted.

11 (State's Exhibit Number 83, victim's fingernail
12 scrapings, was admitted into evidence.)

13 BY MR. COX:

14 Q. Agent Hefney, so let's break it down. Exhibit 83,
15 what were you handed to -- or what was submitted for you to
16 analyze?

17 A. So inside of that envelope is usually two smaller
18 white pieces of paper wrapped up that's marked R and L,
19 so right hand and left hand, and inside of that will be
20 a little stick, almost like a -- almost like a plastic
21 toothpick which you would use to scrape out from underneath
22 your fingernails, and those who collect, they scrape out
23 from under the fingernails, any debris will fall onto the
24 paper and then they also place the stick into the paper
25 and wrap it up and put it inside the envelope, and that's

1 for both the right and the left hands.

2 So when I open the envelope, I separate it and make
3 Item 9.1, which were the right-hand fingernail scrapings
4 from Parrish Phillips, and also 9.2, which were the left
5 hand fingernail scrapings, and both -- I was able to
6 develop a DNA profile from both. 9.1, a partial DNA
7 profile. It was a partial profile, which means I didn't
8 get the full profile, but I did get enough to say it was
9 attributable to Parrish Phillips, and so nothing unusual
10 there. We expect our fingernails to have our DNA
11 underneath or on them. And 9.2 the partial DNA profile
12 developed is attributable to Parrish Phillips as well.

13 Q. So, Agent Hefney, the way you assist law enforcement,
14 what reasons are they asking you to look for a DNA profile
15 under fingernail scrapings?

16 A. Well, usually it's in cases like -- especially sexual
17 cases where the victim may have clawed or scratched the
18 suspect, we will get a DNA profile underneath -- from
19 underneath the fingernails. I mean, in fact, I testified
20 last month in a case that we got a full profile from the
21 suspect underneath the victim's nails.

22 Q. And would it be common for you to analyze fingernail
23 scrapings if there was evidence of an individual -- with
24 the fingernail scrapings, grabbing another individual?

25 A. We would, but you would have to grab and scratch while

1 you're grabbing to get skin cells from that other person
2 underneath their nails.

3 Q. And, Agent Hefney, just to be clear, who was the only
4 DNA profile that you were able to attribute from those DNA
5 scrapings -- or from the fingernail scrapings?

6 A. From the fingernail scrapings, Parrish Phillips. The
7 DNA profile was from Parrish Phillips.

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

9 THE COURT: Take you time.

10 MR. COX: Thank you, Agent Hefney.

11 Your Honor, those are all the questions I have at
12 this time.

13 THE COURT: Mr. Williams.

14 MR. WILLIAMS: May it please the Court?

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. WILLIAMS:

18 Q. Good morning.

19 A. Good morning.

20 Q. Now you're agent, not doctor?

21 A. Correct.

22 Q. We've met before.

23 A. We have?

24 Q. We have.

25 A. Well, it's been a lot of years.

1 Q. It has been. So you were describing in good terms I
2 think the issues involving the DNA and your ratios and
3 stuff like that. You talked about the cookies?

4 A. Yes, sir.

5 Q. And you talked about how if you had a 5-year-old and
6 you had an infant which one was more than likely to have
7 eaten the cookies.

8 A. Yes, sir.

9 Q. And all of that's in relationship to time, isn't it?
10 Because if your husband comes home a little bit later, he
11 might have gotten the cookies before you go out and check
12 on it, so it's related to when the cookies eaten, too.

13 A. It could be that unidentified person that came in.

14 Q. That snuck in and got those cookies. So knowing that,
15 does your DNA collection, does that depend upon when you
16 take the DNA sampling, meaning is DNA something that
17 sometimes disappears if it sat for a while?

18 A. Well, the only thing that can hurt DNA is extreme heat
19 and moisture. So -- and it doesn't tell a time. So if --
20 and it's pretty stable if its void from extreme heat and
21 moisture, so we can't tell time by DNA.

22 Q. So you would expect to find DNA if someone were
23 touching something outside if it was -- if the DNA sampling
24 was taken immediately after it was touched, right?

25 A. Maybe. Now with touch DNA, that's tricky because it's

1 going to depend on your skin cells being sloughed off,
2 whether you're sweaty and clammy. Like say if I touched
3 this banister just like that and you come right there and
4 swab that spot where I just touched, you may or may not get
5 my DNA profile, but if I like handle this banister and
6 spend some time with it and scrubbing on it and then you
7 come back and swab it, then you're probably more likely to
8 get my DNA from there.

9 Q. So is your science based more on inclusion than
10 exclusion or more based on exclusion than inclusion?

11 A. I'm not sure what you're asking there. If we talk
12 about exclusionary, exclusionary LR's, which are likelihood
13 ratios, these were inclusionary that I read to you.

14 Q. So you're only able to testify to what you found and
15 the fact that you didn't find something doesn't mean it
16 wasn't there, it just didn't appear when you were testing
17 it?

18 A. Or it wasn't swabbed.

19 Q. Or it wasn't swabbed.

20 A. Yes, sir.

21 Q. Let me ask you about that chair. You were -- you were
22 talking about the chair and you went through these analyses
23 involving two people, one person, three people, and you
24 said I guess kind of comically, not comically in this
25 situation, but that it must have been his favorite chair.

1 Is that based on your calculation of the number of times
2 that you think somebody would have sat in the chair or is
3 it based on when was the last time that somebody sat on the
4 chair?

5 A. It could be either. It's based on the concentration
6 of DNA that was left behind on that chair from him versus
7 others that were left behind.

8 Q. And the fact that there were three people who came
9 back to that chair, does that mean that at least two other
10 people have sat in that chair?

11 A. Sat in or touched it or left some type of DNA behind
12 on it.

13 Q. Does it tell you when?

14 A. It does not. DNA does not date.

15 Q. So none of this regarding DNA that you find on the
16 chair will tell you when that occurred?

17 A. That is correct.

18 Q. Okay. Now let's talk about the items that you
19 actually tested. You tested -- and we'll refer to --
20 let's just refer to the gun and those items that you tested
21 with the gun. I mean, I guess you tested the trigger, you
22 tested the -- the handle of the gun?

23 A. Sure. Item 1.1 was from the trigger, Item 1.2 was
24 from the textured area -- or described as the textured area
25 of the grip and the slide of the gun, and then Item 1.3 is

1 described as from the ejection port side of the slide and
2 the frame of Item 1, which was the gun.

3 Q. And what was 2.1?

4 A. 2.1 were swabs from the base of the magazine and
5 headstamp of the cartridge of Item 2, which was a magazine
6 containing one cartridge.

7 Q. And I believe you referenced when you were testifying
8 in regards to what you were able to find, you found that
9 there were partials on 1.1, 1.3 and 2.1; is that correct?

10 A. Yes. It was actually a partial DNA profile developed
11 from each one of them. So 1.1, 1.2, 1.3, and 2.1.

12 Q. And what was the difference between 1.2 and the rest
13 of them?

14 A. 1.2 had -- it was partial, but I saw like what's known
15 as peaks or whatever when we look at a DNA profile, but I
16 couldn't tell -- it looked like it was more than a certain
17 number of people on there, so I couldn't even tell the
18 number of contributors there. The others were so partial
19 that it was just so limited I couldn't do anything with it.
20 There was no further interpretation offered, so --

21 Q. I'm sorry. Keep going. I have a tendency -- I drank
22 too much coffee this morning, so I may cut you off. Go
23 ahead.

24 A. Okay. So -- and I wasn't able to develop a DNA -- I
25 mean, wasn't able to interpret a DNA profile from any of

1 them.

2 Q. So in remarking that the 1.2 was different as opposed
3 -- it is more than one person that you're dealing with, but
4 you don't know who it is. Is that essentially what you're
5 saying?

6 A. That's essentially because it's just -- basically it
7 was nothing on there but just a bunch of peaks and so
8 nothing called -- nothing that I could interpret, but it
9 wasn't as partial as the rest of them, but still not enough
10 to be able to make a conclusion on.

11 Q. So in looking at those items, can you tell -- you
12 can't tell, again, when DNA was placed on the gun, correct?

13 A. That is correct.

14 Q. And with 1.2, all you can say is it may be more than
15 one person who touched that 1.2 whoever that 1.2 was or
16 wherever it was?

17 A. That's -- 1.2 was the item, so I'm just saying it
18 may be more than one person that had touched that, but
19 still not enough to leave a DNA profile that could be
20 interpreted.

21 Q. And what is 1.2?

22 A. The grip of -- the textured area of the grip and slide
23 of Item 1.

24 Q. All right. Fingerprints -- or the fingernail
25 clippings.

1 A. Okay. Yes, sir.

2 Q. So I think you said the scrapings were taken
3 underneath the deceased, Parrish Phillips's fingernails,
4 and you looked at those to see what type of DNA was found
5 in those and it was consistent with Parrish Phillips; is
6 that correct?

7 A. That is correct. There were partial DNA profiles
8 developed that were attributable to Parrish Phillips on
9 both the right and left fingernail scrapings.

10 Q. And what you're actually looking for underneath the
11 fingernail is you're checking for -- I don't want to use
12 the word "organic", but when you're checking underneath
13 fingernails, you're checking for evidence of skin cells
14 from somebody else; isn't that true?

15 A. Or any biological material.

16 Q. Or any biological material?

17 A. Yes, sir.

18 Q. So if I'm doing this --

19 A. Uh-huh.

20 Q. -- I may or may not be collecting skin cells, correct?

21 A. Well, on your jacket -- or if you were to touch your
22 skin, you may be able to. If you're scratching your skin,
23 you may be able to. You won't from your jacket.

24 Q. You won't from your jacket. So in those -- in those
25 questions that were asked of you about why you would check

1 and you were talking about when there was an attack or
2 there was a scraping or something like that, that's clearly
3 scraping of the neck or some part of the human body?

4 A. Typically. Yes, sir.

5 Q. But you could certainly be involved in grabbing and
6 scraping somebody's clothing when you're grabbing them
7 and not get fingernail -- cell material underneath your
8 fingernails, right, scrapings?

9 A. Unless there's skin cells on the outside of the
10 clothing.

11 Q. You only had two samples that you tested; is that
12 correct, Mr. Phillips and Mr. Trapp?

13 A. Two samples?

14 Q. Meaning, did you have any other known things that you
15 tested?

16 A. I did have one other comparison standard. It was
17 submitted as an alternate known standard, but I didn't use
18 it for comparison. What an alternate known standard is, is
19 sometimes at crime scenes our crime scene agents, they'll
20 collect like blood that was from underneath the victim to
21 use as a known standard in the event that we don't get a
22 known standard from the coroner's office or autopsy. So
23 there was a DNA profile developed that was suitable for use
24 as an alternate known standard for Parrish Phillips and it
25 was swabs from suspected blood from where the victim was

1 laying.

2 Q. But you had no other sample from any other individual
3 that you tested and applied towards what you were testing?

4 A. No, sir. I just received from Parrish Phillips and
5 Jabin Trapp.

6 Q. So essentially when law enforcement brings those
7 samples to you, they're excluding -- they're focussed on
8 those two people that they're checking out, they're not
9 focussed on anybody else in regards to anything else on
10 that, right?

11 A. I suppose so. They didn't submit it to me.

12 MR. WILLIAMS: Your Honor, that's all the questions
13 I have at this time.

14 THE COURT: Any redirect?

15 MR. COX: Yes, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. COX:

18 Q. Agent Hefney, Mr. Williams asked you about scratching
19 and was kind of scratching at his clothing and how that
20 could affect the biological material that collect under
21 fingernail scrapings, correct?

22 A. Correct.

23 Q. All right. Let's say I'm wearing a gray T-shirt and
24 my arms were exposed and someone grabbed me on the exposed
25 parts of my arm, okay, your clothing wouldn't be blocking

1 potentially the collection of biological material at that
2 point, correct?

3 A. Correct.

4 Q. All right. And let's say that I had been outside
5 cutting grass all day and I was sweaty and someone grabbed
6 my arms, could that sweat be collected as biological
7 material in the fingernail scrapings?

8 A. That's a possibility, but it will be low level I'm
9 sure and it would probably be -- like sweat from your arms,
10 if somebody was to -- and this is just possibilities --
11 grab you underneath your arms where you're sweating and
12 with their fingernails with the clothes there, then you may
13 get a trace amount of DNA, but that's in theory.

14 Q. In theory. But in this case the only DNA profile that
15 you found under his fingernails belonged to who?

16 A. To Mr. Parrish Phillips.

17 MR. COX: Thank you. No further questions, Your
18 Honor.

19 MR. WILLIAMS: Just one question in follow-up.

20 RECROSS-EXAMINATION

21 BY MR. WILLIAMS:

22 Q. And obviously your testimony is based on what you did,
23 I guess, with SLED. You don't have any knowledge about
24 what type of clothing or how anybody was grabbed or how
25 anything else was grabbed, do you?

1 A. I do not. I just receive the swabs and test those and
2 the fingernail clippings.

3 Q. And what type of cookies you were using?

4 A. My favorite is chocolate chip.

5 THE COURT: All right. May I excuse this witness?

6 MR. COX: You may, Your Honor.

7 THE COURT: Agent, thank you. You may be excused.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 THE COURT: Do we have a fifteen minute witness?

11 MR. NORTON: Judge, we have an another witness
12 ready. I'm not sure -- Judge, we may -- in total it may
13 take a little more than fifteen minutes and I don't want
14 to deprive the jury of lunch, so.

15 THE COURT: Do you-all want to do it?

16 FOREPERSON: We can keep going.

17 THE COURT: This jury wants to keep going. I'm all
18 for it. They're paying attention. They're ready to go.

19 MR. PINCELLI: The State calls Brian Malanio.

20 (Whereupon, Brian Malanio was duly sworn by the Clerk
21 of Court.)

22 THE CLERK: Thank you. Please take a seat on the
23 witness stand. State your full name and spell your last
24 for the record.

25 THE WITNESS: My name is Brian Malanio.

1 M-A-L-A-N-I-O.

2 BRIAN MALANIO,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. PINCELLI:

6 Q. Good morning. Is it Agent Malanio?

7 A. Agent is fine, yes.

8 Q. And, Agent Malanio, where are you employed?

9 A. I'm employed at the South Carolina Law Enforcement
10 Division, commonly known as SLED.

11 Q. And what do you -- what's your role at SLED?

12 A. I'm a forensic scientist in the firearms department.

13 Q. And as a forensic scientist in the firearms
14 department, what do you do? What's your day to day? What
15 do you do with firearms?

16 A. In general as a forensic scientist in the firearms
17 department, I receive fired ammunition components from
18 crime scenes such as fired bullets or cartridge cases to
19 determine if they were fired by a particular firearm.

20 Q. And to be employed as a firearms analyst with SLED,
21 how did you get there? What kind of education and training
22 was required to be able to do that?

23 A. So I have a bachelor's degree in forensic science
24 from Syracuse University, as well as a biology degree --
25 excuse me, a bachelor's degree in biology from Syracuse

1 University. I was hired at SLED in September of 2020 where
2 I began the in-house training program. In October of 2021,
3 I was accepted into the National Firearms Examiner Academy
4 or also known as NFEA. This is a Federally funded year
5 long training program sponsored by the Bureau of Alcohol,
6 Tobacco, Firearms and Explosives in Ammendale, Maryland.
7 This was a nearly year long intensive training program. At
8 the end of this program, I graduated and then returned to
9 SLED to continue the in-house training program. This was
10 in October of 2022. Then in August of 2023 I was deemed
11 competent to begin casework at SLED.

12 Q. And after all that education and training, did you
13 have an opportunity to examine evidence from the case that
14 we're here for today?

15 A. Yes, I did.

16 Q. And what date -- without going into any more of it,
17 what date was your report?

18 A. May I refer to my notes?

19 Q. Absolutely.

20 A. My report was issued on June 20, 2024.

21 Q. So after all that extensive training and being found
22 competent working for SLED?

23 A. That's correct.

24 MR. PINCELLI: Your Honor, at this time I'd like to
25 offer Agent Malanio as an expert in the field of forensic

1 firearm analysis.

2 THE COURT: Any objection?

3 MS. YONGE: No objection, Your Honor.

4 THE COURT: I'm gonna tell the jury again. This
5 witness is gonna be allowed to give his opinion in the
6 area of forensic firearm analysis. You give the testimony
7 the weight you think it deserves.

8 Go ahead, Mr. Pincelli.

9 BY MR. PINCELLI:

10 Q. Agent, in order to -- to create a report and have
11 findings, did you receive some things from law enforcement
12 to test?

13 A. Yes, I did.

14 Q. And what were some of those items?

15 A. I received one pistol, one magazine, one unfired
16 cartridge -- excuse me, one unfired .380 auto caliber
17 cartridge, two fired .380 auto caliber cartridge cases,
18 and four fired bullets.

19 Q. And you say there's four fired bullets. I'm gonna
20 approach you with what's marked -- previously marked
21 State's 77. Do you recognize this item?

22 A. Yes, I do.

23 Q. And how do you recognize it?

24 A. This item has the SLED lab number. This is a unique
25 case number that's associated with the SLED forensics lab

1 designated by the yellow sticker and this also bears my
2 initials and the package is also sealed with my initials
3 and the date.

4 Q. And what are the contents of that envelope?

5 A. This envelope is the outer container containing the
6 four fired bullets I received in this case.

7 Q. All right. And is it -- has it been tampered with in
8 any way?

9 A. This envelope is still sealed.

10 MR. PINCELLI: Your Honor, at this time I would like
11 to move State's 77 from ID into evidence.

12 MS. YONGE: No objection, Your Honor.

13 THE COURT: All right. Then it's admitted.

14 That's 77?

15 MR. PINCELLI: Yes, Your Honor.

16 THE COURT: Thank you.

17 (State's Exhibit Number 77, four bullets from
18 autopsy, was admitted into evidence.)

19 BY MR. PINCELLI:

20 Q. And, Agent, you stated that you tested a firearm?

21 A. Yes.

22 Q. And you looked at an unfired round?

23 A. Yes, I did.

24 Q. Some empty shell casings; is that correct?

25 A. Yes, I received two fired cartridge cases.

1 Q. And then what we just talked about in 77 were the
2 projectiles that were removed from the victim's body?

3 A. They are listed as having come from autopsy, yes.

4 Q. So let's start with a little bit of education in
5 general for perhaps members of the jury that aren't as
6 familiar with firearms. We're starting with what kind of
7 weapon did you analyze?

8 A. The particular firearm that I received is a Taurus
9 Model PT 738 TCP semiautomatic pistol and a .380 auto
10 caliber bearing Serial Number 58854C.

11 Q. And is this photo, State's 20, is that consistent with
12 the firearm that you tested?

13 A. That could be the firearm, yes.

14 Q. Okay. We have here in evidence State's 85. If you'd
15 take a look at that. And what you're seeing is a firearm
16 that's been made safe, correct?

17 A. Yes, this pistol is unloaded and safe.

18 Q. All right. And is that the item that you analyzed?

19 A. Yes, it is.

20 Q. All right. Would you feel comfortable demonstrating
21 from that some of the workings of that firearm or would you
22 maybe like to point at a picture? How would you be more
23 comfortable?

24 A. I can handle it.

25 Q. Because you've confirmed that it is unloaded, it's in

1 a locked position?

2 A. Yes, it is.

3 Q. Why don't you walk through for me and for the jury how
4 does a semiautomatic pistol, and specifically that pistol,
5 how does that operate?

6 A. So this pistol works by inserting a magazine into the
7 bottom of the pistol here, known as the magazine well.
8 This magazine contains cartridges and in this position --
9 let me move the lock. In this position this part of the
10 pistol -- the top part of the pistol is known as the slide.
11 This is -- and this position is locked to the rear. When
12 a magazine is inserted, I can then release the slide, and
13 this lock is preventing the slide from fully going forward,
14 but the slide will then close which will strip the top
15 cartridge from the magazine and then push it into the
16 chamber. From this position there are no safeties on this
17 pistol. You simply -- once this slide is closed, you pull
18 the trigger and the gun will fire.

19 Q. And describe that action to us. Pulling the trigger
20 fires the gun. What happens to the ammunition inside at
21 that time?

22 A. Once the firing pin inside the slide strikes the
23 primer of the chambered cartridge, that primer will
24 detonate causing sparks to go into the main essentially
25 chamber of the cartridge igniting the powder creating a

1 small explosion. That will propel the bullet out the
2 muzzle of the gun seen here at the bottom. The opposite
3 action of forcing the bullet out will also push back this
4 way on the cartridge case. This will allow the slide to be
5 pushed back. Once this pistol slide is fully to the rear,
6 the fired cartridge case is then ejected out of the pistol.

7 Q. Okay. So you just explained it's kind of like an
8 explosion inside the barrel of the gun, correct?

9 A. That's correct.

10 Q. And then we're gonna look at State's 50. I think you
11 have a laser pointer up there. Yeah. Could you point out
12 -- would you agree these are rounds of ammunition?

13 A. They do appear to be rounds of ammunition, yes.

14 Q. Okay. Could you point to the part that is the
15 projectile?

16 A. The projectile is this portion here or it's also this
17 portion here.

18 Q. Okay. And then when we look at State's 24, what are
19 we looking at there?

20 A. This appears to be a fired cartridge case.

21 Q. Okay. So that would be the empty part that does not
22 go out the barrel. What happens to that empty cartridge
23 case when the gun is fired?

24 A. When the pistol is fired, again, the slide will move
25 to the rear and that cartridge case will be pulled out of

1 the chamber and then ejected from the pistol.

2 Q. Okay. And generally speaking with that firearm -- did
3 you test fire that firearm?

4 A. Yes, I did.

5 Q. Okay. So the one you're holding that is in evidence,
6 was it in working order when you test fired it?

7 A. Yes, it was.

8 Q. Okay. So generally speaking with your familiarity
9 specifically with that firearm and your expertise in
10 firearms, how does a cartridge eject from that firearm?

11 A. In a very general sense cartridges or fired cartridge
12 cases will eject out and to the right of this pistol.

13 Q. And so let's go back to specifically your findings.
14 You created a report, correct?

15 A. Yes, I did.

16 Q. And through that report we just talked about that you
17 test fired that pistol, right?

18 A. Yes, I did.

19 Q. Through the test firing of that pistol, did you find
20 any abnormalities?

21 A. I did not.

22 Q. Did you find it to be consistent with other items that
23 you examined?

24 A. Yes. The caliber of this pistol is consistent with
25 both the fired cartridge cases, as well as the four fired

1 bullets.

2 Q. Okay. So you say the fired cartridge casings. This
3 was collected from the scene and there's been testimony
4 that it was then submitted to SLED, it got to you. This is
5 one of those cartridge casings. So you're saying that that
6 cartridge casing was consistent with coming out of that
7 firearm?

8 A. It is the same caliber as this pistol here.

9 Q. Tell me more about the collected projectiles that you
10 said came from autopsy. How do you test that and how can
11 you say it's consistent with coming from that firearm?

12 A. After opening the outer packaging and completing a
13 very basic external exam, I'll look at the projectile under
14 low magnification to determine general characteristics
15 of the fired projectile such as the number of lands and
16 grooves, direction of twist. I also determine the caliber
17 both by measuring the diameter of the projectile, as well
18 as weighing the projectile.

19 Q. And I believe you already testified that the caliber
20 was .380; is that correct?

21 A. That's correct.

22 Q. And that -- those rounds recovered were consistent
23 with a .380 just like the firearm you're holding?

24 A. That's correct.

25 Q. And did you use anything to compare? Did you do a

1 test fire to compare a projectile to that or what did you
2 use for comparison?

3 A. Yes. I test fired this pistol three times using
4 ammunitions from our ammunition reference collection.

5 Q. And was it important to you to use a consistent
6 ammunition?

7 A. It can be helpful to use the same type of ammunition
8 that I received, yes.

9 Q. And what type of ammunition was that in this case?

10 A. In this case I found it consistent with Remington
11 Golden Saber ammunition.

12 Q. And tell us a little bit of how you came to the
13 determination that you should use Remington Golden Saber.
14 I would assume there's multiple different kinds of brands
15 for this caliber .380. Why Remington Golden Saber?

16 A. Remington Golden Saber, specifically the projectiles,
17 have a very distinct feature. They are considered hollow
18 point projectiles, meaning the nose of the projectile is
19 actually hollow. It's designed for the bullet to expand
20 when it hits a soft target. On a Remington Golden Saber
21 there are small grooves cut into the nose of the bullet.
22 These are call skives. On Remington Golden Saber, these
23 skives are slightly curved and the material of the jacket
24 of this projectile appears to be brass. Both of these
25 characteristics are very well known to be Remington Golden

1 Saber.

2 Q. So after you used that Remington Golden Saber
3 ammunition for your test fire and you compared it to the
4 projectiles that you got from the autopsy, what were your
5 findings?

6 A. I concluded that items -- SLED items 15 through 18
7 were fired by the Item 1 pistol based on matching
8 individual identifying characteristics.

9 Q. And back a little bit to the education of this
10 firearm, how it works, what it does, how many rounds will
11 fit in that firearm?

12 A. May I refer to my notes?

13 Q. Yeah, please.

14 A. The magazine capacity of this pistol is six cartridges
15 and then one can fit in the chamber, so the total capacity
16 of this firearm is seven.

17 Q. Okay. So to load it with seven rounds of ammunition,
18 what would you have to do?

19 A. I'm sorry. Could you rephrase that?

20 Q. If you wanted to fully load that pistol with seven
21 rounds of ammunition, to the maximum amount it would hold,
22 how would you do that?

23 A. In order to completely load this pistol, you would
24 have to insert six cartridges into the magazine and then
25 one cartridge directly into the chamber, close the slide

1 and then insert the magazine.

2 Q. If you just loaded the magazine and put it in the gun,
3 how many rounds would that hold?

4 A. If the magazine was fully loaded there would be six
5 total.

6 Q. And we spoke about the specific type of ammunition,
7 Remington Golden Saber. You made a visual analysis to come
8 to the conclusion that it was likely Remington Golden
9 Saber, correct?

10 A. That's correct.

11 Q. Using your expert opinion, State's 50, do either of
12 these pieces of ammunition appear to be Remington Golden
13 Saber to you?

14 A. This cartridge on the right, as I described Remington
15 Golden Saber before with the brass colored jacket on the
16 projectile, as well as the curved skives towards the nose
17 of the projectile, this cartridge here could be consistent
18 with Remington Golden Saber.

19 Q. And just to recap in general your findings, the
20 projectiles submitted to you and tested, your findings were
21 that they were fired by Item 1, which was the pistol, and
22 based on matching individual identifying characteristics,
23 correct?

24 A. That's correct.

25 MR. PINCELLI: I beg the Court's indulgence.

1 THE COURT: You're fine.

2 BY MR. PINCELLI:

3 Q. Agent, I'm approaching you with what's been marked
4 State's 58 that's already in evidence. Inside of that is
5 ammunition collected from the home. Do you mind opening
6 that up and observing some of that ammunition? If you need
7 scissors or a knife, I can get you some.

8 A. I can get it.

9 Q. Could you explain the contents of that package? What
10 did you just pull out of that envelope, please?

11 A. This paper bag contains one shot shell and four
12 unfired .380 auto caliber cartridges.

13 Q. Would you right now with those in front of you be
14 able to make a visual inspection and make a guess as to the
15 brand of any of those .380 unfired cartridges?

16 A. In order to determine the brand of the cartridges, I
17 can examine the bottom of the cartridge, which is known as
18 the headstamp. This typically contains information such
19 as caliber, as well as the brand of ammunition. In this
20 case, this headstamp reads ELD, which is not a brand I'm
21 familiar with. These two are also headstamped ELD which,
22 again, is not a brand I'm familiar with. This cartridge is
23 headstamped RP, which is Remington.

24 Q. And I'm not as concerned with the shotgun shell, but
25 specifically that Remington round, would that be a

1 Remington Golden Saber?

2 A. As I described before, based on the characteristics
3 of the projectile this is consistent with Remington Golden
4 saber.

5 Q. So we've looked at State's 50 and you indicated this
6 one to the right here could be consistent with Remington
7 Golden Saber; is that right?

8 A. That's correct.

9 Q. Now holding it in your hand, you believe that one
10 round is what?

11 A. Based on the characteristics I described earlier, this
12 is consistent with Remington Golden Saber.

13 MR. PINCELLI: Thank you, Agent. Please answer
14 anything from the defense.

15 THE COURT: Ms. Yonge.

16 CROSS-EXAMINATION

17 BY MS. YONGE:

18 Q. Good afternoon, Agent Malanio?

19 A. Good afternoon. Yes.

20 Q. Okay. Just one question. You only tested two
21 cartridge cases, correct?

22 A. That's correct.

23 Q. Okay.

24 MR. YONGE: Thank you, Your Honor.

25 THE COURT: Thank you, Ms. Yonge.

1 Any redirect?

2 MR. PINCELLI: No redirect, Your Honor.

3 THE COURT: All right. May I excuse the agent,
4 please?

5 MR. PINCELLI: Please. Thank you, Your Honor.

6 THE COURT: Thank you so much for coming. You're
7 excused.

8 MR. PINCELLI: Your Honor, before he is allowed
9 to leave, can he repackage the firearm and the ammo,
10 please, as the only expert in the room.

11 THE COURT: Please. I mean, it does have the safety
12 cord on it, a lock? Thank you. No bullets are in it? I
13 don't want any --

14 THE WITNESS: There's ammunition over here, the same
15 caliber, so I could repackage it.

16 THE COURT: You're putting it in a separate package,
17 right?

18 THE WITNESS: Yes. Yes, ma'am.

19 THE COURT: Just making sure. And now we're gonna
20 excuse you.

21 THE WITNESS: Thank you.

22 THE COURT: Thank you.

23 (Witness excused.)

24 THE COURT: All right. Mr. Foreman, Ladies and
25 Gentlemen of the Jury, I think your lunch is here, so

1 I'm gonna let you-all go eat lunch.

2 Mr. Foreman, how about just knock on the door when
3 you-all are finished. I'm not rushing you. Please don't
4 think I'm rushing you because I'm not.

5 FOREPERSON: Okay.

6 THE COURT: I want you-all to enjoy lunch and knock
7 on the door when you're ready and we'll have you back in,
8 okay?

9 FOREPERSON: Okay.

10 THE COURT: All right. Thank you.

11 And no discussing this case over lunch.

12 FOREPERSON: Okay.

13 (Whereupon, the jury is excused for lunch at
14 12:13 PM.)

15 THE COURT: All right. Anything from the State?

16 MR. NORTON: Nothing from the State, Your Honor.

17 THE COURT: Anything from the defense?

18 MS. YONGE: Nothing from the defense, Your Honor.

19 THE COURT: And how many more witnesses do we have?

20 MR. NORTON: Your Honor, I believe four.

21 THE COURT: Because we've been through like six this
22 morning. I thought yesterday was seven. We added some?

23 MR. NORTON: So, Judge, we had to recall two chain
24 witnesses that we -- for scheduling purposes yesterday had
25 to recall this morning, those were not anticipated, but

1 remaining we have Catherine Rowe, Jimmy Loftis, Michael
2 Phipps and then Caitlin Voravudhi.

3 THE COURT: Okay. All right. You-all don't go very
4 far. We're in recess.

5 MR. COX: Thank you, Your Honor.

6 (Whereupon, a luncheon recess was taken at
7 12:14 PM.)

8 (Back on the record at 1:07 PM.)

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

11 THE COURT: Okay.

12 (Proceedings held at the bench; not reported.)

13 THE COURT: All right. Let me put that on the record
14 right quick.

15 All right. We -- over lunch I told you I'd take
16 under advisement about the text message that was ten
17 months prior to all of this happening and I just find
18 that I think it's more prejudicial than probative. I
19 just think that the jury could -- just the speculation
20 that the jury could draw from this text message, I think
21 it goes over the line from everything about this case.

22 It has not been made into a drug case, but the
23 defendant's statement references drugs as a motive so to
24 speak or what started the argument. This message goes a
25 little bit further than that and starts saying I want in

1 on the business and referring drug dealing. I think
2 that's not what we're here for and I don't want to lose
3 sight of it, so I think that's probably more prejudicial
4 than it is probative. I've also considered that it's
5 cumulative also and I think it's remote in time being the
6 ten months.

7 So unless the door is opened or the defendant takes
8 the stand, all depending it could be used for impeachment
9 that way, but as of right now I'm not allowing the
10 statement, okay?

11 Now there was some other text messages that we took
12 up during pre-trial that were I think the week before the
13 murder or the shooting. I should say that I think the
14 Court's already ruled was I was going to let them in.

15 So with that said, is there anything that I misstated
16 or anything the lawyers want to add to the record?

17 Mr. Norton?

18 MR. NORTON: No, Your Honor. That's a correct
19 summation.

20 Just for scheduling purpose we intend to call the
21 witness who would be admitting the messages after the
22 next witness and we would just ask for a brief time to
23 prepare all the exhibits before he takes the stand and
24 testifies.

25 THE COURT: Okay. Anything else from the defense?

1 MS. YONGE: Nothing from the defense, Your Honor.

2 THE COURT: All right. Now --

3 MR. PINCELLI: Your Honor, I'm sorry. One more
4 brief point. I had spoken with Mr. Yonge this morning
5 about stipulating to something coming in through the cell
6 phone witness. I believe he wants to probably put it up
7 through cross. I'm just stipulating it is authentic, it
8 comes from that device, we may need to proffer beforehand
9 the witness, but we're clear on that piece of cell phone
10 evidence coming in through this witness.

11 THE COURT: Is that correct, Mr. Yonge?

12 MR. YONGE: Yes, Your Honor.

13 THE COURT: So there's no question about
14 authenticity?

15 MR. YONGE: No, Your Honor. It's the device event
16 report from Jabin Trapp's phone. We just didn't want to
17 get caught up if Agent Phipps was gonna have to go pull
18 up a Cellebrite thing and confirm this was all pulled
19 from there, so.

20 MR. PINCELLI: It saves us probably a couple of
21 hours.

22 THE COURT: You're gonna clue the witness in on that?

23 MR. PINCELLI: Yes, Your Honor.

24 THE COURT: Okay. That sounds good to me.

25 Let's bring the jury in.

1 (Whereupon, the jury returns to the courtroom at
2 1:18 PM.)

3 THE COURT: All right. Mr. Foreman, the jury ready?

4 FOREPERSON: Ready.

5 THE COURT: All right. Good.

6 Call your next witness.

7 MR. PINCELLI: The State calls Aubrey Rowe.

8 (Whereupon, Catherine Aubrey Rowe was duly sworn
9 by the Clerk of Court.)

10 THE CLERK: If you could take a seat on the witness
11 stand. State your full name and spell your last for the
12 record.

13 THE WITNESS: Catherine Aubrey Rowe. R-O-W-E.

14 CATHERINE AUBREY ROWE,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. PINCELLI:

18 Q. Good afternoon, Ms. Rowe. Could you spell your last
19 name for the record, please?

20 A. R-O-W-E.

21 Q. And is it okay if I call you Aubrey?

22 A. Yes.

23 Q. Thank you, Aubrey.

24 You understand the reason why we're here?

25 A. Yes.

1 Q. Do you know -- or did you know Parrish Phillips?

2 A. Yes.

3 Q. How did you know Parrish?

4 A. I met him through my brother, Jimmy Loftis.

5 Q. And about how long ago was that?

6 A. I want to say about ten years ago.

7 Q. And you said you met him through your brother. I
8 guess they were close friends?

9 A. Yeah, he was close friends. We would go the Social
10 and he'd do karaoke, so I know him through there.

11 Q. And so throughout that ten years up until June 27,
12 2021, had you continuously spent time with him?

13 A. Yes.

14 Q. And what kinds of things would you do together? You
15 said karaoke. Did you ever do any other events together?

16 A. We hung out together at different places. Like I
17 said, Social. We did things with Max. We went to the
18 lake.

19 Q. Who's Max?

20 A. Max was the dog. His dog, service dog.

21 Q. Okay. And how did you know Max? How long had you
22 known him?

23 A. As long as Parrish had him. I'm not sure exactly how
24 long that was, but for a good -- a good time.

25 Q. Was he a puppy when you met him or was he already a

1 pretty big dog?

2 A. He was still -- he was still a full-grown dog.

3 Q. Okay. And what did you know about Max?

4 A. He was sweet, you know. He would bring him just about
5 everywhere he went. When we would go to the Social, he
6 would bring him and people would come and ask him if they
7 could pet him and, you know, he was nice and sweet to
8 everybody.

9 Q. And what about Jabin Trapp? Did you know Jabin?

10 A. Yes, I did.

11 Q. And would you spend time with him as well?

12 A. Yes.

13 Q. How did you know Jabin?

14 A. Also through my brother Jimmy.

15 Q. Okay. So would it be fair to say that your brother
16 Jimmy and Parrish and Jabin were all friends?

17 A. They were all, yeah, really like best friends.

18 Q. And what was that timeline like? When did they start
19 hanging out?

20 A. They would start hanging out I'd say in the beginning,
21 I first met Parrish when he was married to his first I
22 believe -- I can't remember her name. I'm sorry. And then
23 Jabin and my brother, they all kind of rode motorcycles
24 together and went on trips together, so I knew them through
25 that, but I did not hang out with them on those occasions.

1 That was, you know, their couple time when they would go
2 places and do things.

3 Q. Sure. Going forward to June of 2021, were you still
4 friends with Parrish?

5 A. Yes.

6 Q. What about did you still keep in contact with Jabin?

7 A. We had -- not in contact. We were social media
8 friends and we would see each other occasionally, you know,
9 if he went to the Social or things like that. We were
10 friendly.

11 Q. And let's go to the Friday before Parrish was killed.
12 Did you have any contact with Parrish that day?

13 A. Not on that Friday.

14 Q. Okay. When -- when after that did you have contact?

15 A. That Saturday.

16 Q. Okay. And --

17 A. He had called me.

18 Q. And what was that about?

19 A. He called around noontime and asked if I wanted to go
20 to Folly Beach, which was rare, and I -- I said well, I
21 have my kids, why are you asking me to go to Folly Beach,
22 and he explained that Jabin and Lizzy had been out the
23 night before, they were supposed to go get him some pain
24 medicine, they did not return until noon the next day, and
25 he was not very happy about it and he said that he was

1 gonna take his car and drive to Folly Beach and have a
2 cigarette in his car because he knew that Jabin didn't like
3 that, so he was just mad and wanted to have a trip and get
4 away.

5 Q. But he invited you to go?

6 A. Yes.

7 Q. And you did not go with him?

8 A. I did not go.

9 Q. After that when is the next time you spoke with him?

10 A. That night.

11 Q. That Saturday night?

12 A. That Saturday night he had posted that he was at
13 Folly Beach and that he was tired, so I sent him a text
14 and said did he need me to come get him, he said no, he
15 would sleep in the car if he needed to, but he thought he
16 would be okay and he would let me know if he needed to have
17 any help.

18 Q. And then finally that next day, Sunday, did you speak
19 with Parrish?

20 A. I did. Yeah, he called me -- or I actually texted
21 him to see that he made it home Sunday morning and he
22 called me, I was at the funeral home with my mother, my
23 grandmother had just passed away, and he said that he had
24 made it back and asked me what I was doing that day.

25 Q. And did you make plans with him?

1 A. I did. I told him that I was going with my children.
2 We were all kind of getting together for like a Sunday
3 brunch, lunch together, and he asked if he could tag along
4 and so I told him sure, he could. He had just had that
5 surgery, so, yeah.

6 Q. Describe your children for me. Describe the group of
7 people that were going to the Sunday Funday with you.

8 A. We had my 28-year-old daughter Gabby, my 24-year-old
9 and my twins, and they're fifteen now. At the time my
10 24-year-old daughter was pregnant. I did not know and --
11 well, my daughter -- my daughter Gabby had kind of told me
12 just a heads-up we're gonna get together for lunch because
13 they asked me to get together and Morgan's gonna tell you
14 she's pregnant. So I kind of knew ahead of time that that
15 was gonna happen, so it was all of us, and then Jabin -- I
16 mean, not Jabin -- Parrish.

17 Q. So Parrish was coming along to what was really a
18 family get-together?

19 A. It was a family get-together, yes.

20 Q. And did you go pick him up or how did he join in?

21 A. Yeah, I went and picked him up. After I left the
22 funeral home with my mom, I went to my house, I got my
23 girls and then I went and picked up Parrish at Jabin's
24 house a little after one.

25 Q. Okay. Tell us about that interaction when you went

1 and picked up Parrish. Did you go inside?

2 A. Uh-huh, I did. I went inside. Jabin and Parrish
3 were sitting on the back deck at some high stool chairs
4 and a table. Everything seemed to be fine, like normal.
5 They were kind of talking and everything seemed to be good.
6 One of my twin daughters Gracie came running in because
7 there was a wounded bird in the backyard -- or in the
8 driveway and so she came running through the house and was
9 like mom, there's a bird in the driveway, so I said okay,
10 we'll check it out. Parrish said just give me a few
11 minutes, you know, I'll be right out there, I'm gonna grab
12 my stuff, and I said okay. So I went to the car and waited
13 for him and he came out just a few minutes later.

14 Q. Do you remember what kind of stuff Parrish had to
15 grab?

16 A. All his medical stuff. He had a colostomy bag and
17 he had a bag with his, you know, like Advil, Ibuprofen,
18 things like that. So just all of his medical stuff.

19 Q. And remind me, so after you go inside and there's
20 something about a baby bird and you leave. You said this
21 is after one?

22 A. Yeah, right after -- a little after one, yeah.

23 Q. Okay. And then where do you go from there?

24 A. We went to LJ's where we met with my older two and
25 also my 24-year-old, her boyfriend at the time, so it was

1 all of us. I forgot about Oscar. Sorry. The baby's
2 father.

3 Q. And so what -- what happens at LJ's? What are you-all
4 doing there?

5 A. We're just hanging out. We had lunch and my daughter
6 presented me with a gift bag that had a pregnancy test in
7 it. I was a little bitter just because her dad found out
8 before me, but -- so I said to Parrish, should I be upset
9 about this and he said well, you know, I understand, but
10 this is the part you just nod your head and say okay. So
11 then he ordered us a drink, a celebratory little shot for
12 the occasion. We listened to Trent Jeffcoat and Chris
13 Ferrell who play up there just about every Sunday for
14 Sunday Funday and they played, and that was pretty much it.

15 Q. So I want to go back to the celebratory drink or shot.

16 A. Yes.

17 Q. Obviously we know the occasion now, that you found out
18 you were gonna become a grandmother.

19 A. Yes.

20 Q. Did Parrish drink anything else?

21 A. No.

22 Q. I mean, alcohol. Did he have any more alcohol there?

23 A. No, not that day.

24 Q. And how about Parrish's physical condition when he was
25 inside LJ's with you? How was he doing?

1 A. He was not good. Now his physical was really bad. He
2 had lost probably down to about 140 pounds, I'm not really
3 sure, but he had a hard time. He could walk, but he had a
4 hard time moving. He was slow. The chairs at LJ's are
5 like the wooden chairs so it was hard for him to sit, so he
6 asked if I could -- I had a blanket in the back, I'm a mom,
7 so I had a blanket in the back of my car, so I brought that
8 out and folded it up so that he could have some sort of
9 cushion that he could sit on. So his health was not good,
10 but it was, you know, slowly moving.

11 Q. And how about -- you talked about a little bit of
12 frustration he had on that Saturday I guess from something
13 on Friday night. How was his mood when you picked him up?
14 You said everything was fine at home. What else did you
15 learn about his mood?

16 A. He was very positive actually. I was kind of
17 surprised from Saturday because he was kind of upset that
18 they had been out all night and that's why he went to
19 Folly Beach. So Sunday when I saw them conversing like
20 old friends, he got in the car and I asked him, I said so
21 you and Jabin are okay and he said yeah, I can't really be
22 mad at him. He's a grown man, he can come and go as he
23 pleases, so him and I are good. He said but, you know,
24 kind of my issue is with Lizzy because she should have told
25 me if she wasn't gonna come home, and I said okay, that's

1 good, and then I asked him well, where was Lizzy and he
2 said she was there at the house is sleeping, but I didn't
3 see her.

4 Q. So when you went inside the home you didn't see Lizzy?

5 A. No. Yeah, I didn't see her.

6 Q. So back at LJ's. He's sitting on a blanket, you-all
7 are listening to music, how long do you stay?

8 A. About two hours, maybe two and a half hours.

9 Q. And after that, what was the reason for leaving? Was
10 it just time to go?

11 A. He was tired. It took a lot out of him. He was in
12 a good mood though because we had talked about -- the
13 doctors had told him that if he could gain about twenty
14 pounds they could reverse the colostomy bag and then he
15 had talked about his fiftieth birthday coming up and that
16 we should go back to Folly Beach in August and celebrate
17 and kind of make it a weekend thing and I was telling my
18 kids, you know, we should all go, you know. We should
19 get a bunch of people together, but for the first time
20 he wasn't depressed, which is what I would say he was
21 probably over the last month over his situation, and he
22 was starting to see that, you know, things were looking
23 up.

24 Q. So you said after a couple of hours he's tired and
25 then you leave LJ's. Where do you go? Does he go with

1 you?

2 A. Yes. Yeah, he goes with me and he asked if I would
3 stop at a gas station, so I said yes, of course, you know.
4 He made a phone call, I don't know who he called, and he
5 walked inside and got some cigarettes and then came back
6 and I took him back to his house -- or Jabin's.

7 Q. Okay. Tell me about taking him back to his house --
8 or to where he was staying with Jabin.

9 A. It wasn't far from the gas station. Just a few -- I
10 would say five, less than ten minutes, and we -- I pull up
11 and I asked him if he needed help getting inside because,
12 again, he was very tired and weak and at this point he had
13 a hard time just with his energy level. So he said no, I'm
14 okay, I'll get it, and he turned around and looked at my
15 kids in the backseat and --

16 Q. Take your time.

17 A. -- he said it was good to see you-all. He gave me a
18 kiss on the cheek and I watched him walk up the steps until
19 he got inside.

20 Q. And was that the last time you saw Parrish?

21 A. That was the last time I saw him.

22 MR. PINCELLI: Thank you very much, Aubrey. Please
23 answer anything from the defense.

24 THE WITNESS: Uh-huh.

25 THE COURT: Ms. Yonge -- Mr. Yonge.

1 CROSS-EXAMINATION

2 BY MR. YONGE:

3 Q. Good afternoon, Ms. Rowe.

4 A. Hey.

5 Q. Is it okay if I call you Aubrey as well?

6 A. Yes.

7 Q. Thank you. I'm sorry about Parrish and I'm sorry I
8 have to ask you a bunch of questions about it.

9 A. Yes, sir. Thank you.

10 Q. You got to Jabin's house around 1:00 PM that day you
11 said?

12 A. Yes.

13 Q. You walked in and Jabin and Parrish were sitting on
14 the back porch?

15 A. Yeah.

16 Q. And if you could, respond yes or no.

17 A. Yes. I'm sorry. Yes.

18 Q. That's okay. And they're sitting at a high-top table
19 on the back porch, correct?

20 A. Correct. Yes.

21 Q. You talked to them both?

22 A. I talked to both of them.

23 Q. Everything seemed cool?

24 A. Everything seemed fine.

25 Q. No fighting?

1 A. No fighting.

2 Q. You didn't see Lizzy around though?

3 A. I did not, no.

4 Q. Did you know whether she was home or not?

5 A. I did when I got in the car because Parrish told me
6 she was there, but I didn't know until -- when I was in
7 there.

8 Q. And you mentioned a wounded bird.

9 A. Uh-huh.

10 Q. You said one of your twins -- what was her name again?

11 A. Gracie.

12 Q. Gracie.

13 All right. Gracie comes running in and she says
14 there's a wounded bird?

15 A. Yes.

16 Q. Where did she find the wounded bird?

17 A. It was in the driveway.

18 Q. So --

19 A. So when we pulled in the front of the driveway, it was
20 somewhere in the -- in the driveway.

21 Q. You didn't actually see it out there?

22 A. I did see it, but I didn't see -- I couldn't tell you
23 exactly where. The driveway kind of goes in a loop.

24 Q. Sure. So at Jabin's house, and correct me if I'm
25 wrong, there's a front sort of circle driveway?

1 A. Yes.

2 Q. And then off to the left -- if you're looking at the
3 house from the street, a front circle driveway, and off to
4 the left there's just a straight driveway, almost like a
5 lower case H. Does that sound right?

6 A. I think so, yeah. I can't remember. I just remember
7 the circle.

8 Q. Was it in the circle driveway?

9 A. Yes.

10 Q. All right. So it was out front?

11 A. It was in front.

12 Q. Okay. And Gracie comes running inside and says
13 there's a wounded bird?

14 A. Yes.

15 Q. What happened to the wounded bird?

16 A. Well, when we were at LJ's, Jabin sent me a private
17 message on Messenger and told me that he had gotten the
18 bird and put the bird -- well, he said let your daughter
19 know that the bird is okay. I put it in the nest with the
20 momma bird.

21 Q. Okay.

22 A. So I don't know exactly what happened, if the bird
23 lived or not. He said to let her know that the bird was
24 okay.

25 Q. Okay. Did he send you a picture as well?

1 A. I can't remember. He might have. He might have,
2 yeah.

3 Q. All right. So you and Parrish leave from Jabin's
4 house and you go to LJ's?

5 A. Correct.

6 Q. On Old Cherokee Road?

7 A. Yes, sir.

8 Q. The one that's always just completely packed?

9 A. Yes, that's the one.

10 Q. All right. And you-all were there from -- would it
11 be fair to say about 1:30 to 4:00?

12 A. Correct. Yes.

13 Q. And did Parrish have his phone with him the entire
14 time?

15 A. Yes.

16 Q. Okay. You-all stayed at LJ's from 1:30 till 4:00 and
17 after that you go to the Speedway gas station; is that
18 correct?

19 A. Yes.

20 Q. Okay. And Parrish made a phone call out to someone?

21 A. Yes.

22 Q. And you said you don't know who it was?

23 A. No, I don't.

24 Q. Do you remember what he said?

25 A. He asked if -- if they needed anything.

1 Q. Okay.

2 A. So I was assuming that he was talking to Lizzy, but I
3 don't know.

4 Q. Okay. So assumed it was Lizzy, but you can't say for
5 sure?

6 A. Correct.

7 Q. Was it a quick phone call?

8 A. It was quick, yes.

9 Q. Is there any chance you guys got back to Jabin's house
10 from LJ's at 1:00 PM that day? That's not a trick
11 question. I promise.

12 A. No.

13 Q. Okay. You got back sometime after four, correct?

14 A. Correct. Yes, sir.

15 Q. You weren't present when this incident happened,
16 right?

17 A. No.

18 Q. You weren't still in the driveway or on the street?

19 A. No.

20 Q. Okay. So you couldn't tell us what happened here?

21 A. No, I can cannot.

22 Q. Did Parrish have a temper?

23 A. From hearsay I heard he did. I never witnessed it.

24 Q. Okay. Would you -- would you describe his temper as
25 explosive?

1 A. I knew he did, you know, a little bit of time, years
2 back and I had heard my brother talk about it, but I don't
3 know. I never saw him explosive.

4 MR. YONGE: Can we meet at the bench for just a
5 moment, Your Honor?

6 THE COURT: Sure. I'll be glad to. Be glad to.

7 (Proceedings held at the bench; not reported.)

8 THE COURT: All right. Go ahead.

9 BY MR. YONGE:

10 Q. I'm sorry, Ms. Rowe. Aubrey.

11 A. Sure.

12 Q. Let me ask you very specifically, yes or no, does
13 Parrish have a reputation in the community for being
14 violent?

15 A. No, I wouldn't say violent.

16 Q. What would you say?

17 A. I would say there was a reputation that maybe he had
18 -- had lost his temper before.

19 Q. Okay. And as a result? As a result of -- it's not
20 you. I promise. As a result of losing his temper --

21 MR. PINCELLI: Objection, Your Honor.

22 We need to come back up and talk about it. I think
23 this has been asked and answered at this point.

24 THE COURT: I'm gonna let him go on. Go ahead.

25 BY MR. YONGE:

1 Q. You said he does not have a reputation for violence,
2 correct?

3 A. Honestly, I've only heard of one time that he was
4 violent. That is the only thing that I knew of.

5 Q. Okay. And what was that?

6 MR. PINCELLI: Objection, Your Honor. This is
7 specific instance conduct now.

8 THE COURT: All right. You-all come back up.

9 (Proceedings held at the bench; not reported.)

10 THE COURT: Okay. Continue on.

11 BY MR. YONGE:

12 Q. Aubrey, did you speak to the police after this
13 incident happened?

14 A. Yes.

15 Q. Okay. Did you tell the police that Parrish had a
16 temper and that his temper was explosive?

17 A. I may have said that as to -- as far as hearsay when
18 it came to -- I never saw --

19 THE COURT: Okay. All you need to do is answer the
20 question, that's yes or no, and let's move on.

21 MR. YONGE: And, Your Honor, and I apologize, but
22 she hasn't said yes or no at this point.

23 THE WITNESS: I would say yes, I said he had a temper.

24 BY MR. YONGE:

25 Q. Okay. And was that temper explosive?

1 A. I don't know. I never saw him get explosive around me
2 or anyone else. So, no.

3 Q. No, his temper was not explosive?

4 A. No.

5 Q. Okay. And did he have a reputation for getting in
6 fights?

7 A. Yes.

8 Q. All right. If I showed you the police interview where
9 you said -- if I showed you the police interview, would
10 that refresh your memory about whether you said during that
11 interview that Parrish had a temper and it was explosive?

12 A. You can show that to me. I'm not saying that I didn't
13 say that three years ago.

14 Q. I know.

15 A. But personally I had never seen him get explosive.
16 I'm going off of yes, his reputation as far as when he got
17 into a fight a long -- a long time ago.

18 Q. And not you seeing him be explosive personally, did he
19 have a reputation for being explosive?

20 A. I just knew only of the one time that he was
21 explosive, but --

22 Q. Okay. So one time --

23 A. -- and I still don't even know the whole story. Yes.

24 Q. He was explosive one time and he had a reputation for
25 being in fights; is that fair?

1 A. Yes, but I only knew of one fight.

2 Q. Thank you.

3 A. Okay.

4 MR. YONGE: I believe that's all the questions that
5 I have, Your Honor.

6 THE COURT: Thank you, Mr. Yonge.

7 Any redirect?

8 MR. PINCELLI: Yes, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. PINCELLI:

11 Q. Aubrey, before that last time you saw Parrish, you'd
12 known him about ten years; is that right?

13 A. Correct. Yes.

14 Q. During that time had you ever seen him be violent?

15 A. No.

16 Q. How did he act toward you and to other people when you
17 saw him?

18 A. He was gentle, he was loving, he was kind. He was --
19 he was a friend. He would do anything for anybody who was
20 his friend.

21 Q. Can you describe his physical condition that day? You
22 had him sit on a blanket, right?

23 A. Correct. Yes.

24 Q. Before he left the house he had to bring his medical
25 bag, right?

1 A. Yes.

2 Q. Do you think he would have even been in any condition
3 to fight anybody in the condition you left him on June 27,
4 2021?

5 A. No.

6 Q. And, in fact, the last interaction you had with him
7 was what?

8 A. He was positive and he was in a good mood and he was
9 tired, but he was positive for his future --

10 Q. And that was a great change --

11 A. -- and he was happy.

12 Q. I'm sorry to interrupt you. But you said that was a
13 positive change because prior to that the last couple of
14 months had been what for him?

15 A. Very depressing. He had had a wound vac and a
16 colostomy bag and all of these things had changed and he
17 was very upset that his life had been turned upside down
18 like that, so it was very hard for him.

19 Q. But on the day when you left him you had to ask him if
20 he needed help getting up the stairs; isn't that right?

21 A. Yes.

22 MR. PINCELLI: Thank you very much, Aubrey.

23 THE WITNESS: You're welcome.

24 MR. YONGE: No further questions.

25 Thank you, Your Honor.

1 THE COURT: May I let this witness step down,
2 please, and be excused?

3 MR. PINCELLI: Please.

4 THE COURT: You may be excused. Thank you for
5 coming.

6 (Witness excused.)

7 THE COURT: All right. You can call your next
8 witness.

9 MR. PINCELLI: Your Honor, our next witness would
10 be Agent Mike Phipps. We'll need a brief recess to
11 organize some exhibits based on prior rulings.

12 THE COURT: All right. Mr. Foreman, we need just a
13 few minutes before we can continue, so I'm gonna let you
14 return to the jury room. No talking about the case.

15 FOREPERSON: Yes, ma'am.

16 (Whereupon, the jury retires to the jury room at
17 1:49 PM.)

18 (Recess taken at 1:49 PM.)

19 (Back on the record at 1:58 PM.)

20 THE COURT: All right. Are you-all ready for the
21 next witness?

22 MR. NORTON: I'll get Mr. Pincelli, Your Honor.

23 MS. YONGE: Your Honor, would it be all right to put
24 the bench conference on the record?

25 THE COURT: Sure.

1 MS. YONGE: Your Honor, during the break we
2 approached regarding whether or not the door was now
3 open for us to approach the victim's 2015 prison time
4 conviction for assault and battery first. Our argument
5 was we did not open the door, the witness just volunteered
6 the information an, therefore, it's fair game.

7 I'll let the State make their argument.

8 MR. NORTON: The State's argument is that 404 and
9 405 are very clear that the State has to intentionally
10 elicit testimony of character evidence before the door
11 can be opened and that a State's witness on cross who
12 says something does not then open the door under 404 and
13 405.

14 THE COURT: And he is correct, and also not only
15 that, but I don't believe that they've made an unfair
16 prejudicial use of related evidence on direct examination
17 and that is the precedent that's all set here in South
18 Carolina law.

19 So I don't believe the door has been opened, so I'm
20 not going to allow it.

21 MS. YONGE: Thank you, Your Honor.

22 MR. NORTON: Thank you, Your Honor.

23 MR. PINCELLI: Thank you, Your Honor. I just
24 wanted to make sure we're not putting anything in that's
25 been ruled against and I think everything's cleaned up

1 and ready to go.

2 THE COURT: Okay. Let's bring the jury in.

3 (Whereupon, the jury returns to the courtroom at
4 2:07 PM.)

5 THE COURT: All right. Mr. Foreman, the jury ready?

6 FOREPERSON: Yes.

7 THE COURT: All right. Call your next witness.

8 MR. PINCELLI: The State calls Agent Mike Phipps.

9 (Whereupon, Michael Phipps was duly sworn by the
10 Clerk of Court.)

11 THE CLERK: Please take a seat on the witness stand.
12 State your full name and spell your last name for the
13 record.

14 THE WITNESS: Michael Phipps. P-H-I-P-P-S.

15 MICHAEL PHIPPS,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. PINCELLI:

19 Q. Good afternoon. Is it Agent Phipps?

20 A. Analyst now.

21 Q. Analyst Phipps. Analyst Phipps, where are you
22 currently employed?

23 A. With the United States Secret Service.

24 Q. And how long have you been with the United States
25 Secret Service?

1 A. Coming up on one year. It was November 20th of last
2 year.

3 Q. And before the Secret Service, where were you
4 employed?

5 A. With the Lexington County Sheriff's Department.

6 Q. And what kind of roles -- I guess what role do you
7 hold currently with the Secret Service and what were you
8 doing with the sheriff's department?

9 A. Currently I do digital forensics. My title is network
10 intrusion forensic analyst, but it primarily encompasses
11 just analyzing any electronic items for evidence in
12 criminal prosecutions. Prior to that, I worked for the
13 sheriff's department. I started out on the road like
14 most, went into the crime scene unit, worked fourteen
15 years in the crime scene unit, and during that time I had
16 a collateral duty of examining digital evidences, cell
17 phones primarily, and that turned into sort of a full-time
18 gig at the sheriff's department in 2015, and then I think
19 it was 2018 I moved over to the Secret Service as a
20 full-time task force officer.

21 Q. And what kind of education or training was required to
22 make that move in your career to digital forensic analysis?

23 A. Well, it started early on, probably around 2005, I
24 believe, but 2010 is when I actually joined the -- it was
25 called the Electronic Crimes Task Force back then, but it

1 was a task force stood up by the Secret Service that
2 concentrated on doing digital forensics and the Secret
3 Service would send you to training, send you back to your
4 agency with the equipment and the knowledge to do those
5 types of exams.

6 Q. And what kind of specific -- were there tests or
7 specific courses that you took?

8 A. Yes. I mean, it's like anything else, and especially
9 anything in the technology field, it's an on-going thing,
10 so you're going to courses and renewing your knowledge in
11 various areas constantly. So over the course of the time
12 I've been there probably over 800 hours of instruction in
13 various aspects of digital forensics.

14 Q. And based on all that education and training, have
15 you ever been called upon to testify as an expert in that
16 field?

17 A. I have. Yes, sir.

18 Q. And what field was that?

19 A. Various names, but primarily in the area of either
20 just digital forensics, cell phone forensics or the
21 examination of cell phone records.

22 Q. And roughly how many times have you testified as an
23 expert in those fields?

24 A. I think it's around thirty-five times now.

25 MR. PHILLIPS: At this time I'd like to qualify

1 Analyst Phipps as an expert in the field of cell phone
2 analysis.

3 MR. YONGE: Without objection.

4 THE COURT: Okay. And I'll tell the jury again this
5 witness is gonna be declared an expert in cell phone
6 analysis and he'll be able to give his opinion, but you
7 give his testimony the weight that you think it deserves.

8 Go ahead, Mr. Pincelli.

9 MR. PINCELLI: Thank you, Judge.

10 BY MR. PINCELLI:

11 Q. And, Analyst Phipps, how did you become involved in
12 the case we're here for today?

13 A. The whole concept of the task force is that we
14 conduct forensic exams for agencies that don't have that
15 capability. So within the Lexington area, it's not
16 uncommon for us to take in casework for local jurisdictions
17 throughout the Lexington area and even outside of that
18 throughout South Carolina. In this instance, the Town of
19 Lexington had a case they needed some assistance with.

20 Q. And while you assisted the Town of Lexington, did you
21 have the opportunity -- did someone bring you cell phones
22 to analyze?

23 A. Yes, they did.

24 Q. All right. And was it more than one?

25 A. Yes, sir.

1 Q. I'm approaching with what is in for ID only currently
2 as 59, 60 and 96. Take a look at these items and tell me
3 if you recognize them, please.

4 A. Yes, sir, I do.

5 Q. And can you tell us what those items are?

6 A. State's 59 is a Samsung S21 Ultra cell phone
7 attributed to Jabin Trapp. State's 60 is an iPhone 8
8 Plus attributed to Parrish Phillips. And State's 96 is a
9 Samsung J3 Orbit cell phone attributed to Lizzy Warwick.

10 Q. And how do you know what these items are?

11 A. I had -- from my examination notes, I made notes of
12 both the unique number that was assigned by the Town of
13 Lexington, their case number, and then from the exam we
14 were able to determine ownership based on what we found
15 during the exam.

16 MR. PINCELLI: Your Honor, at this time I'd like to
17 move 59, 60 and 96 into evidence.

18 THE COURT: Any objection?

19 MR. YONGE: No objection, Your Honor.

20 THE COURT: All right. You will have to tell me
21 those again. 59.

22 MR. PINCELLI: 60 and 96.

23 THE COURT: Admitted.

24 (State's Exhibit Number 59, Trapp Samsung A21
25 cellphone, State's Exhibit Number 60, victim's iPhone 8

1 Plus cellphone, and State's Exhibit Number 96, Warwick
2 Samsung A3 Orbit cellphone, were admitted into evidence.)

3 BY MR. PINCELLI:

4 Q. And, Analyst Phipps, tell us a little bit -- when you
5 get those physical cell phones, what do you have to do as
6 an expert to get the information out of them?

7 A. Well, obviously like any piece of evidence we document
8 it and photograph it. We examine it to see if -- if it's
9 functional. Most times cell phones are locked by the user.
10 There's a PIN code or password associated with it. If
11 that's the case, we have to go through a process of either
12 obtaining that code from the case officer or social
13 engineering that or using forensic tools to brute force
14 that PIN code.

15 Q. And did you do that for the devices that are now in
16 evidence that we talked about?

17 A. Yes. We were able to get what we call extractions or
18 pulling the data off of those phones for all three.

19 Q. And what kind of program do you use?

20 A. It varies. Like I said, for the more advanced tools
21 for having to do brute force attacks, we use either a
22 product from Grayshift called Graykey or from Cellebrite
23 their Physical Analyzer or Cellebrite Premium product.

24 Q. And when you use those program, do you generate a
25 report based on the evidence you find?

1 A. We do. It's a two-step process. So we pull the data
2 off and then we post-process that data in a second tool,
3 sometimes the same manufacturer, sometimes a different
4 company, to actually generate a readable -- human readable
5 document that you can tell what was in the phone.

6 Q. And you said -- did you generate reports for each of
7 those devices?

8 A. I did.

9 Q. I'll approach you with what are marked 98, 99 and 100.

10 A. Yes, I recognize these.

11 Q. What are those?

12 A. They're Blu-ray disks containing the reports that were
13 generated from those three phones.

14 Q. And would that be the total report from those phones?

15 A. It is everything that was capable of being generated
16 at the time. So the problem we run into is you may pull
17 all the data you can pull off the phone, but the forensic
18 tool may not parse out, meaning it may not make it
19 readable, for all applications on the phone. So there's
20 hundreds of thousands of different third-party apps, so
21 technically there could have been an app or something on
22 the phone that isn't represented in this document here.

23 Q. But --

24 A. It's everything we could get at the time.

25 Q. So that's everything that you could get and you

1 recognize those disks to be those reports of everything
2 you could get?

3 A. That is correct.

4 MR. PINCELLI: Your Honor, at this time I'd like
5 to move 98, 99 and 100 in for ID only.

6 THE COURT: Okay.

7 BY MR. PINCELLI:

8 Q. And, Analyst, more specifically, you said that those
9 contain everything that you could get off of a device; is
10 that correct?

11 A. Yes, sir.

12 Q. So that would be from the very first time you use that
13 phone and everything in between, whatever that program
14 could grab, right?

15 A. Yes, sir.

16 Q. Have you been able to review more specific reports
17 related to this case?

18 A. Yes, I have.

19 Q. I'm gonna approach you with State's 101 and 102. Can
20 you tell me if you recognize those items?

21 A. Yes, I do. Yes, sir.

22 Q. And how do you recognize those?

23 A. The cover sheet here lists the device information,
24 so it lists some very granular information as far as the
25 model of the phone, the phone number to the phone, the

1 serial number of the phone, and this is what the software
2 generates as a cover sheet to the subsequent reports that
3 we generate from that data.

4 Q. So are you saying that 101 and 102 are the more
5 specific corresponding reports for what we have just put
6 in from disks?

7 A. Well, the cover page is unique to the device --

8 Q. Sure.

9 A. -- identifying the device. And then the following
10 pages are very selective portions of what was recovered
11 from those phones.

12 Q. And so those are fair and accurate reports from what
13 is already in as ID?

14 A. Yes, sir.

15 MR. PINCELLI: All right. I'd like to move
16 State's 101 and 102 into evidence it.

17 MR. YONGE: Without objection.

18 THE COURT: They're admitted.

19 (State's Exhibit Number 101 and 102, extraction
20 reports, were admitted into evidence.)

21 BY MR. PINCELLI:

22 Q. Analyst Phipps, you have done -- you've been very
23 helpful explaining some of these things, but I think it
24 might be helpful with context. We're looking at
25 State's 101 now and you said you could identify some

1 things about the cell phone from this cover page. Can
2 you walk me through -- I guess we can see the top. What
3 is that very top part telling us?

4 A. It lists the Samsung -- the actual model that Samsung
5 gives that phone and lists it as -- a Galaxy J3 Orbit is
6 the model name.

7 Q. And then what other specific identifying information
8 can you tell from these -- these numbers here?

9 A. It has various aspects of the phone as far as the
10 carrier, who the service was through. At some place there
11 should be the actual phone number.

12 Q. If I was to point out --

13 A. It's -- yes. The MSISDN number right under carrier
14 name. It's about the middle of the page there.

15 Q. I think you have a laser pointer up there, but am I
16 pointing to it?

17 A. Yes, sir. That's it.

18 Q. Okay. That would be the phone number?

19 A. Right. In this case, it's 803-638-1101.

20 Q. Okay. So that's the phone number for this device?

21 A. Yes, sir.

22 Q. And based off of your extractions and analysis, who
23 did this device belong to?

24 A. That was attributed to Lizzy Warwick.

25 Q. And through your extraction of the device, do we learn

1 about user accounts?

2 A. So that -- user accounts, it aggregates all the
3 accounts that it can find on the phone; meaning, if you've
4 got a Facebook account, you've got a Snapchat account,
5 you've got various e-mail accounts, all of those people
6 usually register under their actual name, so that's a good
7 place or starting point that we go to to try to determine
8 who owned the phone or who is the primary user. It's not
9 uncommon to find some other names in their because you may
10 hand your phone to someone else and they log into their
11 Facebook page, but you're gonna see the vast majority of
12 the accounts being attributed to the primary user of the
13 phone.

14 Q. So this is a way to corroborate that the device -- who
15 it belongs to?

16 A. That's correct.

17 Q. And just looking through some of these, what's the
18 name attributed to most of these accounts?

19 A. Most of them had variations for Lizzy Warwick.

20 Q. Okay. I see several -- would you agree like Number
21 11, it says Chrome, it says Elizabeth Warwick at gmail.com?

22 A. Yes, sir.

23 Q. And that would be for something at Target.com?

24 A. Yes.

25 Q. Okay. Analyst Phipps, tell me about the timeline

1 feature on an extraction report.

2 A. So another feature of our software is it tries to
3 correlate all the artifacts, whether they're text messaging
4 or notifications that the phone gives you, in a strictly
5 timeline sequence so that you can get a sense of what's
6 going on at a particular point in time.

7 Q. And would this be an example of a timeline pulled from
8 this phone from a specific date and time?

9 A. It is.

10 Q. And can you read the date on these?

11 A. I can barely make it out, but I know what the date is,
12 so June 27th of 2001.

13 Q. 2021?

14 A. '21. I'm sorry.

15 Q. Okay. And you see that here in this column?

16 A. That is correct.

17 Q. Okay. And can you just explain briefly the headings
18 so we know what we're looking at in each column?

19 A. Being a timeline, there could be other types of
20 artifacts in there. Primarily you're seeing under type
21 being -- being pulled from the call log, which is either
22 an incoming or outgoing phone call, so under type there.
23 And then under description -- or direction, it's telling
24 you for that call whether it was an incoming phone call or
25 an outgoing phone call, and then two columns over you've

1 got timestamp and then party. So an incoming call would be
2 someone from the outside calling the phone that we examined
3 and here it lists the particular name of the person who
4 they had in their address book, so the name is whatever the
5 person decided to enter for that phone number, and then
6 under description it can be various things, but for the
7 purpose of call logs it gives you a duration of the call
8 there being 17 seconds.

9 Q. Okay. So let's follow up on that. The description
10 gives you the duration. So let's look at Row 1 as an
11 example. Under the -- under the table for description we
12 see 00 colon 00 colon 17 and you're saying those last two
13 digits are the unit in seconds?

14 A. That is correct. Yes, sir.

15 Q. So would that be a 17 second phone call?

16 A. It is.

17 Q. Okay. And the party you said is how that number is
18 saved in the user's phone, correct?

19 A. That's correct.

20 Q. So this would be an incoming call from Parrish that
21 lasted 17 seconds?

22 A. It is, yes.

23 Q. Okay. And then I guess two, three and four are fairly
24 similar, right? They all seem to be incoming and they all
25 seem to be from someone listed as "Ma"?

1 A. Yes.

2 Q. And is it fair to say that's a 39 second call?

3 Number 4 is a three second call? Why might we see zero
4 seconds?

5 A. If it's -- the phone still registers a call even if
6 you don't pick up or the other party hangs up, so you can
7 have a call that wasn't connected.

8 Q. And those were incoming. And then is there -- in
9 Row 5 we see an outgoing call to that same contact "Ma"?

10 A. Yes.

11 Q. And tell me about the timestamps in this. Were you
12 able to verify this is the correct Eastern Standard Time?

13 A. Yes. The time listed there in this instance, 4:00 PM
14 in the afternoon, the UTC minus four is just the time
15 offset. So most time is recorded in phones in UTC time
16 and our software applies the appropriate offset to bring
17 it back to Eastern Daylight or Standard Time.

18 Q. So UTC is some kind of a general time for technical
19 purposes?

20 A. Yes, it's a global time.

21 Q. Okay. But for our purposes when it says in Row 2
22 4:43:13 seconds PM, that's the correct time as it was in
23 Lexington County?

24 A. That's correct.

25 Q. Okay. So then after all these calls there's a

1 different type of listing in Row Number 6. Instant
2 Message, is that what it sounds like?

3 A. Yes.

4 Q. Okay. And, again, the party would be who it's saved
5 in the phone as?

6 A. That is correct.

7 Q. So this one is listed as Jabin. That's how the user
8 would have had it saved in their phone?

9 A. Right, and this is -- this is an outgoing.

10 Q. And so we know this is Lizzy's device, so Lizzy is
11 sending an Instant Message to Jabin at 4:53 PM. Is this
12 all accurate from this?

13 A. Yes, sir.

14 Q. All right. And then under the description would that
15 be the content of the message that was sent?

16 A. Yes, that's what Lizzy would have sent to that phone
17 number. Reading it says "I can't call 9-1-1, I'm having a
18 panic attack".

19 Q. Moving onto State's 102. We're back to this
20 preliminary device report page and this one at the top
21 says Google Android generic. Why does it just say generic?

22 A. That has to do with the way her data was extracted
23 and the way the tool interprets the header for the data.
24 It doesn't have a lot of meaning. It's just the generic
25 Android extraction that it parsed out.

1 Q. Were you still able to determine which user belonged
2 to this phone -- whose phone this was?

3 A. We were.

4 Q. And who's that?

5 A. In this instance, it's Jabin Trapp.

6 Q. And would this be -- looking over, would we be looking
7 at more user account information here?

8 A. Yes, that is correct.

9 Q. Okay. And many of these say JaySouth2000 and then as
10 we keep going many more of those. How about Number 37?
11 Can you see that row up toward the top of the screen?

12 A. You'll have to zoom in for me.

13 Q. Sure thing.

14 A. All right. 37?

15 Q. Sure. Can you indicate with your laser pointer,
16 please?

17 A. Yes.

18 Q. And that is Jabin.Trapp@WellsFargo?

19 A. That's correct.

20 Q. And in this device were there very many rows of user
21 account information?

22 A. Yeah, there was significantly more than I normally see
23 for user accounts in cell phones.

24 Q. Okay. But they all seem to correspond with most of
25 the same usernames; JaySouth2000, Jabin Trapp, and, like

1 you said, there could be other possible logins, but what
2 are some reasons for that?

3 A. You hand your phone to someone, they want to borrow
4 it to check something, one of their accounts, the phone's
5 gonna log that, but that doesn't necessarily mean that
6 they're the primary user of the account.

7 Q. And this very bottom one here? 763. Can you see that
8 one?

9 A. Yes. Facebook Messenger, Jabin Trapp.

10 Q. Okay. So all of that corroborates what you already
11 knew from your report that this was a device belonging to
12 Jabin Trapp?

13 A. Yes.

14 Q. Along with the timeline feature of the report, can
15 you go into specific communications within that device?

16 A. Yes. It -- obviously you have all types of
17 applications that are capable of sending messages back
18 and forth and it tries to bring all of those under one
19 heading so you can review them under either chats or
20 instant messaging.

21 Q. So here we're in a conversation that's listed as
22 instant message. Again, asking you, the expert, but that's
23 just kind of what it sounds like, right? That's an instant
24 message?

25 A. Yes.

1 Q. And can you tell -- I'll zoom in for a second for
2 you. Could you tell where -- was this an instant message
3 like you would text somebody or was this maybe from a
4 third-party app?

5 A. I believe it's evident under the green bubble there
6 that shows a path and I'm recalling it's Snapchat.

7 Q. Okay. So I see in that long list it says Snapchat?

8 A. Yes, sir.

9 Q. So these would have been communications via Snapchat?

10 A. That's correct.

11 Q. And walk us through the participants and how we can
12 tell who we're talking to here.

13 A. Okay. On the left side -- I may have to step down to
14 be able to see that well.

15 Q. Please. Please, if that makes it easier for you.

16 A. So on the left side would be the person that you're
17 communicating with. Typically the right side is the user
18 of the phone that we're examining. So in this instance,
19 it's showing on the left side blue, an individual, Shannon
20 Tilford, who's communicating with Jabin Trapp, and then his
21 response would be on the right side in green there and it
22 says from Jabin to Shannon Tilford.

23 Q. Okay. And the content "Hey, sweetheart, I would love
24 it if I could have one of those weed vapes. Do you think
25 you can get me one? How much are they?".

1 That would be from Shannon Tilford?

2 A. Correct. And then Jabin's response back was "I
3 totally can. They are forty."

4 Q. What can you tell us about when those messages came
5 from?

6 A. In this instance, it's saying June 20, 2021, at
7 11:16 AM in the morning. His response was a little bit
8 later in the day at 12:31 PM.

9 Q. Okay. And remind us what the green bubble means.
10 There's something on the right, is that to or from?

11 A. That would be the owner of the phone that we're
12 examining's response to whatever they're receiving.

13 Q. Okay. So here this would be Jabin Trapp sending a
14 message to Shannon Tilford?

15 A. That is correct.

16 Q. Saying "One-eighth for 200, ellipses, good stuff."?

17 A. Yes, sir.

18 Q. And that's accurate from June 20, 2021, at 7:06 PM?

19 A. It is.

20 Q. Again, you told us that green and to the right means
21 it's from the user device?

22 A. Correct.

23 Q. So this message saying "Will you be interested in some
24 edibles, they are great for sleep", that's coming from
25 Jabin Trapp?

1 A. It is.

2 Q. And we can tell it says to -- again, to Shannon
3 Tilford?

4 A. Yes, sir.

5 Q. And the date associated with that -- I see two dates
6 and times. Which one -- what do those tell us?

7 A. The bottom time obviously is gonna be the time that it
8 was actually sent and then up next to where it says red is
9 the timestamp that was set when the person actually viewed
10 the message that was sent.

11 Q. One more green one, so from Jabin Trapp. "So gonna
12 talk to him about rent tomorrow". What time was that
13 message sent and what day?

14 A. Well, it was sent on June 24, 2021, at 1:11 AM. Well,
15 actually the time offsets not been set for that one, so
16 you would have to extract -- subtract four hours from that
17 point in time.

18 Q. Okay. So it would have been four hours earlier?

19 A. Correct.

20 Q. So it would have been the night of June 23rd?

21 A. Correct.

22 Q. And not early morning June 4th?

23 A. That is correct.

24 Q. And that, again, is from Jabin Trapp to Shannon
25 Tilford?

1 A. Yes, sir.

2 Q. This is a different kind of item from the phone. At
3 the top it's listed notes. What are we looking at here?

4 A. So most -- most phones, Apple or Android, have an
5 area within the phone where you can just write notes to
6 yourself, random reportings, and in this case it identified
7 two notes that were created with some fairly extensive
8 language in them.

9 Q. I'll zoom in and talk about the details one at a time.
10 What do the time -- under the time column, we have the
11 created and modified. What can you tell us about those and
12 are they accurate to the UTC minus four? Is that the right
13 Lexington County time?

14 A. It is. The times would be the correct time for here
15 in South Carolina on that day. So the created time is
16 obviously when the note was started. If you went back and
17 modified the note or did anything to change it in any way,
18 then it would have a modified date and time as well.

19 Q. And so this would be generated from the device that
20 the user would create? The body would come from the user
21 typing that up and saving it to the device?

22 A. So, yes, this would be Jabin recording whatever he
23 wrote there as a reminder to himself or for whatever
24 purpose he was doing it for.

25 Q. So "If you fire up kitchen, offer people food, clean

1 up immediately after eating, sit all day, slept, no weed
2 or other drug product left out, look up Zillow, rent
3 suggestion", and then a whole list of other items and
4 numbers beside them?

5 A. Yes, sir.

6 Q. So that would have been created by the user device?

7 A. It is.

8 Q. And then this here on the bottom would have been --
9 again, the created date and modified date, are those
10 accurate?

11 A. Yes, sir.

12 Q. And, again, the body of that would come from the user
13 saving that to the phone?

14 A. That is correct.

15 Q. So, again, that looks more like rental agreements,
16 numbers?

17 A. Correct.

18 Q. We are still in -- all of this in State's 102, all
19 this came from Jabin's phone, correct?

20 A. It did.

21 Q. Okay. So on this one, it's an instant message, but I
22 only see one participant. What is a potential reason for
23 that?

24 A. Depending on how the data was parsed, it may not have
25 the other party's name or something to associate with. So

1 in this instance it just lists the owner, meaning on the
2 right side here on the top it says owner. Obviously the
3 right side is who we know possesses the phone or is in
4 control of the phone. It just doesn't have his name of the
5 owner of the phone there. And then underneath that it
6 shows who the message is being sent to, the phone number
7 and the name within that phone associated in the address
8 book.

9 Q. So the green bubbles are still coming from Jabin in
10 this series of messages, right?

11 A. That is correct.

12 Q. So "We home, my mom went off on me, so probably won't
13 be going over there anytime soon", and then the response in
14 the blue is from who?

15 A. Parrish Phillips.

16 Q. Okay. So "All right. He's on the hook. I don't feel
17 so good. I'm going to bed". What date and time was that
18 sent?

19 A. The -- the first message was sent out June 26, 2021,
20 at 9:50 PM, and then the response from Parrish Phillips was
21 June 26, 2021, at 10:26 PM.

22 Q. And, again, to -- not to belabor that point of the
23 time conversion, is that the accurate time conversion?

24 A. It is.

25 Q. I just flipped the page, but is this the same

1 conversation?

2 A. It's a continuation of the same conversation.

3 Q. Okay. And on the right we're seeing from owner, so
4 that would be from Jabin. "10-4, bro, we good", and what
5 times are those?

6 A. Those were sent on June 26, 2021 at 10:27 PM and
7 10:29 PM.

8 Q. And then we get a response in blue and, again, the
9 same conversation thread, but we can see that that is
10 from --

11 A. That is from Parrish Phillips on the same day at
12 10:30 PM.

13 Q. Yeah. And there's some sort of response from Jabin,
14 but it's a blank space. Can you tell us why maybe
15 something didn't show up? Do you always extract characters
16 or Emojis?

17 A. Not always. Again, the software changes. It's more
18 adept at being able to visually represent those Emojis now.
19 Technology a few years ago, not so much.

20 Q. Is this another conversation? This is not -- what day
21 are we looking at here?

22 A. June 27th of 2021 at 3:40 PM.

23 Q. And that's an accurate time?

24 A. It is.

25 Q. And who's the party in blue? Who's sending that

1 message?

2 A. Parrish Phillips.

3 Q. "Could you put my clothes in the dryer for me,
4 please", and then the response is from Jabin?

5 A. It is.

6 Q. "Sure thing. Sorry I just got this". What time is
7 that?

8 A. At 4:21 PM on the 27th.

9 Q. So here's a different instant message conversation.
10 Who were the parties involved in this conversation?

11 A. Of course, on the right is Jabin Trapp, owner of the
12 phone, to Lizzy Warwick, and it reads "I said something to
13 Parrish about taking his appointments in his room", and
14 that was June 15, 2021 at 12:28 PM, and then Lizzy responds
15 on the same day at 12:29 PM, "What did he say question
16 mark".

17 Q. And is this -- obviously turning the page, but is this
18 the same text thread --

19 A. It is.

20 Q. -- between the same people and the same kind of time,
21 close in time?

22 A. Yes. The 15th, again, starting at 12:30 PM, Jabin
23 to Lizzy saying "I said I didn't like him -- like
24 interrupting. He said I wouldn't be an interruption. I
25 said dude, I can't take the trash out because of you and

1 you blocking the exit to the back door". He was like "oh",
2 and then a continuation of that same conversation.

3 Q. Again, from Jabin?

4 A. That is correct.

5 Q. Okay.

6 A. "I was like plus, I don't want to be around it.
7 Especially wound care nurse".

8 Q. And then I'll slide up to see the end of this
9 conversation.

10 A. Lizzy responds the same day at 12:32 PM. "Yeah, I
11 mean, it's like I told him about Sarah. Regardless of the
12 reason, it's your house and it's not like it's hard -- a
13 hard thing to do".

14 Q. And then the response from Jabin and that is, again,
15 on the 15th around 12:34 PM?

16 A. It is. And it says "Yeah, I'm not convincing him with
17 my request, but it's an inconvenience to me".

18 Q. Okay. So "I'm not inconveniencing him with my
19 request, but it's an inconvenience to me". And, again, all
20 of these messages came from Jabin Trapp's phone?

21 A. It did.

22 Q. All right. And, Mr. Phipps, I think you can get back
23 up on the stand for now.

24 A. (Witness complies.)

25 MR. PINCELLI: Analyst, that's all the questions I

1 have for you. Please answer anything from the defense.

2 THE COURT: Mr. Yonge.

3 MR. YONGE: No questions for this witness, Your
4 Honor.

5 THE COURT: May I excuse Agent Phipps then?

6 MR. PINCELLI: Please, Your Honor. Thank you.

7 THE COURT: You may be excused. Thank you for
8 coming.

9 THE WITNESS: Thank you, Judge.

10 (Witness excused.)

11 THE COURT: Do you want to call -- is the jury okay?

12 MS. YONGE: Your Honor, may we approach?

13 THE COURT: You may.

14 (Proceedings held at the bench; not reported.)

15 THE COURT: All right. The State can call their
16 next witness.

17 MR. NORTON: Your Honor, the State calls Caitlin
18 Voravudhi.

19 (Whereupon, Caitlin Voravudhi was duly sworn by the
20 Clerk of Court.)

21 THE CLERK: Please take a seat on the witness stand.
22 State your full name and spell your last.

23 THE WITNESS: Caitlin Voravudhi. V-O-R-A-V-U-D-H-I.

24 CAITLIN VORAVUDHI,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. NORTON:

3 Q. Good afternoon, Detective Voravudhi. Can you please
4 tell the jury where you currently work?

5 A. I work for the Lexington Police Department.

6 Q. What do you do there?

7 A. I currently supervise investigators.

8 Q. Could you tell the jury a little bit about what it's
9 like being a detective at the Lexington Police Department?

10 A. So generally we -- we do several things. We can
11 coordinate with patrol if they need assistance on a call.
12 Generally what happens is patrol will take a report, let's
13 say, for a larceny or shoplifting, something of that
14 nature, and then the next day that report will be reviewed
15 by a supervisor and it will be assigned to an individual
16 detective. Sometimes we have on-call weeks where we're
17 supposed to be available after hours. If something major
18 happens, they'll give us a call and say hey, we had this
19 incident happen, we need you guys to come out and help us.

20 Q. What was your role in this case?

21 A. I was the assigned investigator for this.

22 Q. Okay. And how did you become to be the assigned
23 investigator?

24 A. It was my on-call week and the incident occurred and I
25 was called by the watch commander, who was the lieutenant

1 on call that week, and he advised me that there had been a
2 shooting and asked me to respond.

3 Q. Okay. And where was that shooting?

4 A. It was at [REDACTED].

5 MR. NORTON: Your Honor, I'm showing is opposing
6 counsel what's been marked as State's Exhibit 103.

7 May I approach the witness?

8 THE COURT: You may.

9 BY MR. NORTON:

10 Q. Detective Voravudhi, do you recognize what I just
11 handed you?

12 A. I do.

13 Q. How so?

14 A. It's an aerial shot of [REDACTED] Drive.

15 Q. And is it a fair and accurate representation of that
16 residence and the surrounding residences?

17 A. Yes, sir.

18 MR. NORTON: Your Honor, at this time State's 103
19 for evidence.

20 MS. YONGE: Without objection, Your Honor.

21 THE COURT: It's admitted.

22 (State's Exhibit Number 103, an aerial map, was
23 admitted into evidence.)

24 BY MR. NORTON:

25 Q. Can you identify, and there may or may not be a laser

1 pointer, which of these residences would be [REDACTED]
2 [REDACTED]?

3 A. It's gonna be this residence right here.

4 Q. Okay. And are you aware which of those would be
5 [REDACTED]?

6 A. [REDACTED] would have been here.

7 Q. And that would have been the residence of Joan Hudson?

8 A. Yes, sir.

9 Q. Okay. What did you do upon arriving at [REDACTED]
10 [REDACTED] on June 27, 2021?

11 A. So when I arrived, the shift supervisor briefed me on
12 what had occurred and what they had observed or what they
13 had gathered from speaking to people who were already
14 on-scene. At that point Mr. Trapp had been detained
15 already. He was in the back of a police car. So I believe
16 crime scene was probably already on the way. If they
17 weren't on the way, we would have delegated that to have
18 them on the way to assist. And my role, I briefly spoke to
19 Ms. Warwick on-scene and then responded back to the police
20 department to conduct more formal interviews.

21 Q. Okay. So looking at State's Exhibit 12, can you
22 briefly just walk us through what we're looking at here?

23 A. Yes, sir. This is the front of the residence. So
24 where that police car is, that's kind of like a loop of
25 the driveway, it wraps around, and then the left part of

1 driveway goes back behind the residence.

2 Q. And so there would be -- the front door would be on
3 the right side of the frame?

4 A. Yes, sir.

5 Q. And then there's a side door?

6 A. Correct.

7 Q. Okay. And looking at State's Exhibit 6, this would be
8 the front door of the house?

9 A. Yes, sir.

10 Q. And then that would be the side door?

11 A. Correct.

12 Q. Okay. And this generally describes the scene as you
13 observed it when you arrived?

14 A. Yes, sir.

15 Q. Okay. So you go into the backyard and what do you
16 observe in the backyard of the home?

17 A. In the backyard, I observed the deceased laying on
18 the ground near the back patio. I observed the firearm
19 that was on the sidewalk, I believe one of the officers
20 on-scene had told me that Mr. Trapp said he put the gun
21 there, and observed the chair knocked over. That's really
22 all I observed while I was on-scene.

23 Q. Did you have the opportunity to observe the back porch
24 area of the residence?

25 A. I did.

1 Q. Looking at State's Exhibit 17, that would be a fair
2 and accurate representation of the backyard as you observed
3 it when you arrived on-scene?

4 A. Yes, sir.

5 Q. Okay. And you talked about the chair, right?

6 A. Yes, sir.

7 Q. It's fair to say that the tiki torch that would have
8 been in that area was knocked over?

9 A. Yes, sir.

10 Q. Okay. Did you observe anything else, any items
11 knocked on the ground, anything else appearing disheveled?

12 A. No, sir.

13 Q. Okay. And you observed the firearm on the sidewalk?

14 A. I did.

15 Q. Okay. And you said you observed Parrish Phillips's
16 body?

17 A. I did.

18 Q. Was he deceased when you arrived on-scene?

19 A. He was.

20 Q. Okay. Did you have the opportunity to observe -- did
21 he have anything in his hands?

22 A. It appeared like he had a bag, bags, something in his
23 hand. It appeared to be a green leafy substance, possibly
24 marijuana.

25 Q. Okay. Clutched in his hand?

1 A. Yes, sir.

2 Q. Okay. Are you aware of anyone else besides -- you
3 said the defendant was in custody and Parrish Phillips was
4 deceased. Are you aware of anyone else who was on-scene
5 not -- prior to law enforcement arriving?

6 A. The girlfriend, Elizabeth Warwick. Lizzy was on-scene
7 as well. She was in the front yard when I had arrived.

8 Q. Okay. And are you aware of what happened -- what was
9 done with Lizzy Warwick from the scene?

10 A. I'm sorry?

11 Q. Where did Lizzy Warwick go from the scene; do you
12 know?

13 A. She went back to the police department.

14 Q. Okay. And I believe you earlier testified you took
15 custody of her cell phone?

16 A. I did.

17 Q. Okay. So walk us through -- what are your steps when
18 you arrive on-scene? You observe the scene. What do you
19 do next?

20 A. So for something like this it's obviously a very --
21 there's a lot to it with the investigation, so we want to
22 call all of our resources that we have available, people
23 who are specialized in different things like crime scene.
24 So this is not a crime scene that I would handle on my
25 own, so I'm gonna call the crime scene investigator to

1 come out and do the crime scene, I'm gonna call additional
2 investigators to come out and assist me because we
3 generally will need a lot of search warrants that have
4 to get typed up, and as lead investigator I would really
5 focus on interviewing people, interviewing witnesses,
6 interviewing suspects, interviewing anybody that was
7 involved in the scene while I allow crime scene to do
8 their stuff in the background, and that's about it.

9 Q. Okay. So you talked about search warrants. Obviously
10 search warrants were secured for the residence?

11 A. Yes, they were.

12 Q. Okay. And you're aware that evidence was collected
13 both by SLED and by the town of Lexington Police
14 Department?

15 A. Yes, sir.

16 Q. And that would include the firearms evidence you
17 discussed?

18 A. Yes.

19 Q. Shell casings? Items from a table?

20 A. Yes, sir.

21 Q. Okay. And so do you leave -- at what point do you
22 leave the scene?

23 A. When the scene is being processed by crime scene and
24 other investigators that have arrived, I left the scene
25 to go back to the police department to start conducting

1 interviews.

2 Q. Did you return to the scene that night?

3 A. I believe I did briefly.

4 Q. Okay. And so you're aware of the evidence that was
5 recovered from both the backyard area as well as from
6 within the home?

7 A. Yes, sir.

8 Q. Okay. I want to direct your attention to State's
9 Exhibit 30. What are we looking at there?

10 A. That is the living room.

11 Q. Okay. And do you recognize any of those items on the
12 table?

13 A. Yeah, I believe that's a phone.

14 Q. Okay. And you're aware that that phone was seized
15 pursuant to -- as lead investigator, was that phone seized?

16 A. Yes, sir.

17 Q. Okay. And would that be Parrish Phillips's phone?

18 A. Yes, sir.

19 Q. Okay. And what is that item behind the phone?

20 A. I think it was a small bag of weed. I can't -- I
21 can't remember. I'm sorry.

22 Q. And we may have a better picture of it I can pull up.
23 Does that appear to be a bag of personal items?

24 A. Yes.

25 Q. Okay. So you arrive on-scene, you begin observing

1 the scene, documenting evidence, you go back to the police
2 department. Did you have the occasion after that on
3 June 29th to attend the autopsy of Parrish Phillips?

4 A. Yes, sir.

5 Q. Okay. And you collected evidence from that autopsy?

6 A. I did.

7 Q. And that would include the four rounds that were
8 removed from Parrish Phillips?

9 A. Yes, sir.

10 Q. Okay. What did you do the next day on June 30th?

11 A. I'm gonna review my notes if that's okay.

12 Q. Sure.

13 A. So it looks like I talked to a couple of witnesses,
14 but I also conducted an interview of Mr. Trapp with his
15 attorney present.

16 Q. And where was that interview?

17 A. That was at the police department.

18 Q. I'm gonna pull up what's State's Exhibit 10. So you
19 interviewed the defendant. His attorney was present?

20 A. Yes, sir.

21 Q. He was Mirandized?

22 A. He was.

23 Q. He agreed to speak with you?

24 A. He did.

25 Q. Okay. I want to ask you specifically about some of

1 the things you asked him about and some of the answers he
2 gave you.

3 Okay. Did you ask him about his prior relationship
4 with Parrish Phillips?

5 A. Yes, I did.

6 Q. Okay. And what did he say?

7 A. He said he had known Parrish for a few years. I think
8 he said around ten years, nine or ten years, they were
9 acquaintances, said that they rode Harley's together.

10 (State's Exhibit Number 10 playing.)

11 Q. Okay. Detective, what did the defendant say about
12 Parrish's physical condition when he moved in?

13 A. He said he had had intestinal surgery.

14 Q. And how was his physical condition?

15 A. I think he said pretty bad or bad off.

16 Q. Okay. And he said he moved in around the second week
17 of June?

18 A. Yes, sir.

19 Q. Okay. Was that consistent with anything that you
20 observed that was found in the house, any kind of rental
21 receipts or anything like that?

22 A. Yes, sir. There was a receipt found, I think it was
23 for \$400, that was dated around that same time.

24 Q. And is that what we're looking at in State's
25 Exhibit 55?

1 A. Yes.

2 Q. And this appears to be from Parrish Phillips, \$400,
3 June rent, June 9, 2021; is that correct?

4 A. Yes, sir.

5 Q. Okay. Did the defendant say anything else in this
6 interview about Parrish's medical -- about Parrish's
7 medical issues and any problems he may have been having
8 in that context?

9 A. So he said that Parrish would have a nurse come to
10 the house and change his wounds. I think he said he had a
11 wound nurse, maybe a physical therapist, too, that would
12 come by, and that that in-home care was taking place on the
13 couch.

14 (State's Exhibit Number 10 playing.)

15 Q. So what is the defendant describing there?

16 A. The nurses, the in-home healthcare.

17 Q. And he said Parrish would have these home healthcare
18 visits three or four times a week?

19 A. He did.

20 Q. And how did he say that made him feel?

21 A. It said -- he said it made him feel uncomfortable.

22 Q. Now we talked about \$400. Did the defendant talk
23 about another time where Parrish had given him more money
24 for rent?

25 A. Yeah, he describes later that he was having a

1 conversation with Parrish about raising the rent, he wanted
2 him to pay more. I think that they had discussed maybe
3 \$1,300 a month, Parrish said he couldn't afford it, so he
4 asked what can you afford and they had agreed \$600 a month
5 and paying July and August upfront.

6 (State's Exhibit Number 10 playing.)

7 Q. Detective, so what did the defendant say about raising
8 the rent on Parrish?

9 A. He said he was raising it because he was eating the
10 \$400 in groceries and so he -- he wanted more rent.

11 Q. Okay. And he said Parrish was complaining he was
12 broke?

13 A. But he -- yes, Parrish was complaining he was broke,
14 but somehow provided him with the \$1,200 for the two months
15 rent in advance.

16 Q. And he was raising the rent \$900?

17 A. Yes.

18 Q. And so Parrish gave him \$1,200 I believe he said the
19 Monday before this happened?

20 A. I think so. I don't remember the exact day, but yes.

21 Q. And how did the defendant say it made him feel when
22 Parrish gave him the money he asked for?

23 A. He said he didn't like that one bit. It made him
24 nervous.

25 Q. Okay. Did the defendant talk about any other

1 grievances he'd been having with Parrish during this
2 interview? Did he discuss growing tired of Parrish being
3 there?

4 A. He said leery and tired I believe his words at one
5 point of time being there.

6 (State's Exhibit Number 10 playing.)

7 Q. So it's fair to say the defendant's describing some
8 growing frustrations with Parrish?

9 A. Yes, sir.

10 Q. Okay. Did he say anything about other rules that he
11 had for Parrish living with him?

12 A. He said that there was no -- supposed to be no drug
13 activity.

14 Q. So his words were no drug activity?

15 A. Yes, sir.

16 (State's Exhibit Number 10 playing.)

17 Q. Detective Voravudhi, later on in the same interview,
18 does the defendant discuss his own drug usage?

19 A. He does.

20 Q. Okay. And what did he say?

21 A. He says that he has a vape pen that has a weed
22 cartridge or THC cartridge that he uses.

23 Q. Okay.

24 (State's Exhibit Number 10 playing.)

25 Q. So not only did he say he smoked the weed cartridge

1 from time to time, when was the last time he smoked it?

2 A. Earlier that day.

3 Q. The day of the shooting?

4 A. Yes, sir.

5 Q. Okay. Did you ask him about the two bags of suspected
6 marijuana found in Parrish's left hand?

7 A. I did.

8 Q. Okay. And what did he say about that?

9 A. He said that that was Parrish's personal stash that
10 Parrish would smoke from.

11 (State's Exhibit Number 10 playing.)

12 Q. A couple of things there, Detective. So he identifies
13 the suspected marijuana in Parrish's hand as his personal
14 stash?

15 A. Yes, sir.

16 Q. Okay. So that's different than no drug activity in my
17 house?

18 A. Yes, sir.

19 Q. Okay. And then he also says -- well, you tell me what
20 he says about the weed cartridge and his involvement in
21 that.

22 A. He says he smokes it from time to time.

23 Q. He says that was my only involvement with any of that?

24 A. Yes, sir.

25 Q. Okay. He never says anything about selling weed

1 cartridges to anybody else?

2 A. He did not.

3 Q. Nothing about selling edibles to anybody else?

4 A. He did not.

5 Q. Okay. Did you ask him about Lizzy Warwick's drug
6 usage?

7 A. I did.

8 Q. What did he say about that?

9 A. I think he said maybe she used prescription or he
10 wasn't sure, but that it was too much for him, her drug
11 use.

12 Q. So he starts with no drug activity in my house, right?

13 A. Yes, sir.

14 Q. And then during the interview we learn he uses
15 marijuana or weed cartridges, what he identifies as weed
16 cartridges?

17 A. Yes, sir.

18 Q. Okay. That he knows Parrish to smoke weed?

19 A. He does.

20 Q. That he knows Lizzy to smoke weed?

21 A. Yes, sir.

22 Q. Okay. Did you ask him about his relationship with
23 Lizzy?

24 A. I did.

25 Q. Okay. And what did he initially say?

1 A. He said that they didn't have a physical relationship,
2 they -- I think at one point he says they're a brotherly
3 sisterly type relationship.

4 (State's Exhibit Number 10 playing.)

5 Q. I'm sorry. I skipped to the wrong time.

6 (State's Exhibit Number 10 playing.)

7 Q. So what did he say about -- what did the defendant
8 say about his prior sexual contact with Lizzy Warwick
9 initially?

10 A. He said that him, Lizzy and Parrish engaged in a
11 threesome months prior, that he had not had any further
12 intimate contact with her.

13 Q. Okay. So that was the only time he says he had
14 intimate contact with Lizzy Warwick?

15 A. Yes, sir.

16 Q. Does he change that story in the interview?

17 A. He does.

18 Q. Okay. What does he say?

19 A. He later says that they -- him and Lizzy had a moment
20 in the kitchen where she was saying it had been a while for
21 her and that he fingered her in the kitchen.

22 (State's Exhibit Number 10 playing.)

23 Q. So how does he describe that second sexual interaction
24 with Lizzy Warwick happening?

25 A. In the kitchen he fingered her.

1 Q. But he couldn't remember when that was?

2 A. Correct.

3 Q. And what did he say about not wanting Parrish to find
4 out about it?

5 A. He didn't want to make him mad.

6 Q. Okay. Now let's talk about what happened on Sunday,
7 June 27th. Did you talk about that with the defendant?

8 A. We did.

9 Q. Okay. What did he say he did at the beginning of the
10 day?

11 A. He got up and was doing yard work.

12 (State's Exhibit Number 10 playing.)

13 Q. So describe how the defendant depicted Sunday morning.

14 A. He woke up about 10:00. He said everybody in the
15 residence was up and he talked to Parrish who was gonna go
16 to LJ's with friends and he did some yard work and Lizzy
17 was inside cleaning and he said that him and Lizzy took
18 Parrish's absence that day as a reprieve for them.

19 Q. So he was happy to see him go?

20 A. Yes.

21 Q. Okay. Did you talk to him about what happened when
22 Parrish got home?

23 A. I did.

24 (State's Exhibit Number 10 playing.)

25 Q. So Parrish comes home and the defendant tells you --

1 what does he do?

2 A. He says he talks to him about the lies, like him lying
3 about the car usage, so he -- he confronts him about that.

4 Q. So he confronts him about the car usage and what does
5 he say about the living situation?

6 A. He said he wants him to move out.

7 Q. And this is after Parrish Phillips has now lived there
8 two weeks, two and a half weeks?

9 A. Yeah, approximately. Yes, sir.

10 Q. And paid \$1,600?

11 A. Yes, sir.

12 Q. And now he wants him to move out?

13 A. He wants him to move out.

14 Q. Okay. And how does he say Parrish reacted to being
15 confronted with that?

16 A. He was irritated.

17 Q. He said a little irritated?

18 A. Uh-huh. Yes, sir.

19 Q. What does Parrish do next according to the defendant?

20 A. He goes inside.

21 Q. Okay. What does the defendant do?

22 A. He goes inside as well.

23 Q. And where does the defendant tell you he goes?

24 A. He says he goes inside to retrieve the envelope of
25 money, \$1,200.

1 Q. So the defendant tells you he starts this whole
2 interaction?

3 A. Yes, sir.

4 Q. Okay. And then when Parrish walks away, the defendant
5 goes and gets the rent money?

6 A. Yes, sir.

7 Q. Okay.

8 (State's Exhibit Number 10 playing.)

9 Q. So what does the defendant describe happening once he
10 goes into his office and gets the \$1,200?

11 A. He comes back out and he places it on the table asking
12 Parrish to take his money and use it to find somewhere else
13 to live and he says that Parrish gets angry and goes off?

14 Q. He said Parrish stands up?

15 A. Yes, Parrish stands up and gets in his face and
16 Mr. Trapp says he stands up too and says you can't talk to
17 me like this, this is my house.

18 Q. And what else did he say, you need to leave?

19 A. He did, yes.

20 Q. Okay. And he describes this going back and forth,
21 they're both standing up at each other, confronting each
22 other?

23 A. Yes, sir.

24 Q. Okay. What did he say happened next?

25 A. I believe what happened next is Parrish went inside.

1 (State's Exhibit Number 10 playing.)

2 Q. So let's break that down a little bit. The defendant
3 said Parrish said first I -- I'm still wounded, but I could
4 still take you?

5 A. He said that and then he said that I could still kill
6 you.

7 Q. Then he says and if I couldn't, my dog could?

8 A. Yes.

9 Q. Okay. And how does he describe the argument
10 proceeding between the two of them from there?

11 A. He says it's back and forth and then Parrish storms
12 inside.

13 Q. Okay. So the defendant in his statements says he's
14 standing on the back porch by himself when Parrish storms
15 inside?

16 A. Yes.

17 Q. Okay. And is that the first moment in that interview
18 where he says he's in fear for his life?

19 A. Yes.

20 Q. Okay. And what is the very next thing he does when he
21 tells you he's in fear for his life and Parrish has stormed
22 inside?

23 A. He goes inside.

24 (State's Exhibit Number 10 playing.)

25 Q. So what did he say his thought process was?

1 A. I think he was looking for his phone.

2 Q. Okay. Did he ever describe looking for his phone on
3 the back porch before he went inside?

4 A. No, he did not.

5 Q. Okay. And ultimately where does he say that phone
6 was?

7 A. On a stool on the back porch.

8 Q. Do you see that stool in this photo, State's
9 Exhibit 3?

10 A. I don't know if I can see the stool that he's
11 referring to.

12 Q. I think I can find another picture. Here you go.

13 A. That stool.

14 Q. Okay. Do you have a laser pointer?

15 A. Yes.

16 Q. Can you point it out for us?

17 A. Right there.

18 Q. Is there another stool in the photograph?

19 A. I don't see one.

20 Q. On the -- by the motorcycle?

21 A. Oh, yes. I'm sorry. Yeah, there's a stool over
22 there.

23 Q. Okay. I just want to be clear. Which stool is he
24 talking about?

25 A. I believe he's talking about this stool because it was

1 the one by the table.

2 Q. Regardless, does he -- does he ever describe taking a
3 -- any time on that back porch to look for the phone?

4 A. No, sir.

5 Q. Okay. But what did he say his plan is at that moment?

6 A. To get his phone. I think he says at first he's gonna
7 get his phone and run away.

8 Q. Okay. And then he tells you he follows Parrish in the
9 house?

10 A. He does.

11 (State's Exhibit Number 10 playing.)

12 Q. When he says I didn't know if he was gonna come out of
13 that room, what room is he describing?

14 A. Probably the master bedroom.

15 Q. So he says Parrish went in the master bedroom?

16 MS. YONGE: Objection, Your Honor, to speculation.

17 BY MR. NORTON:

18 Q. Was that your interpretation of what he said?

19 A. Yes, sir.

20 Q. Okay.

21 THE COURT: Thank you.

22 Q. And where does he describe getting the gun?

23 A. From his bedroom.

24 Q. Okay. And what is the very next thing he does when he
25 gets that gun?

1 A. He hides it down by his side.

2 Q. Okay. Did he ever at any point in the interview
3 describe staying in his bedroom with the gun?

4 A. He did not.

5 Q. Okay. Did he at any point in the interview describe
6 yelling out Parrish, I have a gun, don't come near me?

7 A. He did not.

8 Q. Did he ever describe prior to shooting Parrish
9 Phillips yelling Lizzy, help?

10 A. No, sir.

11 Q. Okay. What does he do with the gun down by his side?
12 What does he do after he puts the gun down by his side?

13 A. He goes back outside to the --

14 Q. And that would be the location where they were just
15 arguing?

16 A. Yes, sir.

17 (State's Exhibit Number 10 playing.)

18 Q. So what is the next time the defendant says he hears
19 Parrish in the house?

20 A. As he's walking out the back door.

21 Q. Okay. So before he comes out the back door?

22 A. I think it was as he was walking out the back door.

23 Q. Okay. And where does he put himself on the back porch
24 at this time?

25 A. By the table.

1 Q. Okay.

2 (State's Exhibit Number 10 playing.)

3 Q. So what is his plan at this point?

4 A. To grab his phone and run away.

5 Q. Okay. And he described walking through that house,
6 correct?

7 A. He did.

8 Q. With the gun?

9 A. Yes.

10 Q. By his side?

11 A. Yes.

12 Q. Okay. Are you familiar with the interior layout of
13 the house based on that interview?

14 A. Yes, sir.

15 Q. Can you point to where the defendant's bedroom is?

16 A. It was this bedroom.

17 Q. Okay. And that's the bedroom he says he got the gun
18 in?

19 A. Yes, sir.

20 Q. Okay. So he says he exits that bedroom with the gun
21 at his side?

22 A. Yes, sir.

23 Q. Okay. So he passes the side door?

24 A. He does.

25 Q. Okay. Goes all the way through the kitchen?

1 A. Correct.

2 Q. Passes the front door?

3 A. Yeah.

4 Q. And goes all the way past Parrish's bedroom to the
5 back porch?

6 A. Yes, sir.

7 Q. Okay. At any point did he describe trying to leave
8 the side door?

9 A. He did not.

10 Q. At any point did he describe trying to leave the front
11 door?

12 A. He did not.

13 Q. Okay. He just simply describes walking through the
14 house to the back porch?

15 A. Yes, sir.

16 Q. Okay. Did he ever describe at any point prior to
17 being out on the back porch having the gun at the ready?

18 A. No, sir.

19 Q. Okay. But he's told you he's in fear for his life?

20 A. Correct.

21 Q. Okay.

22 (State's Exhibit Number 10 playing.)

23 Q. So what does the defendant say about what happened
24 when Parrish came on the back porch?

25 A. He saw his gun and he said he grabbed his gun, they

1 started struggling. Mr. Trapp was trying to back away.
2 He said at one point he had his gun arm and then at one
3 point he had both arms and that they had backed up into the
4 grassy area.

5 Q. Okay. So first he says he grabs his gun arm?

6 A. Yes, sir.

7 Q. Okay. And then he says he grabs both his arms?

8 A. He says at some point he grabbed both arms.

9 Q. Okay. While still ostensibly holding a bag of what
10 appeared to be marijuana?

11 A. Apparently.

12 Q. Okay. And how does he describe them going off the
13 back porch?

14 A. He says they're tussling for the gun or tussling with
15 each other, I don't remember the exact word he used, and
16 then he's able to break free. Once they get off of the
17 back porch he's able to break free at some point and he is
18 backing up and that Parrish is still coming towards him and
19 so he starts firing shots. Well, Parrish calls for the dog
20 first, which scares him. So Parrish calls for the dog.

21 Q. I'm gonna stop you right there, Detective.

22 A. Okay. I'm sorry.

23 Q. Let's break that down a little bit.

24 A. Sure.

25 Q. So looking at State's Exhibit 3, can you use your

1 laser pointer and describe how he claims they went off the
2 back porch?

3 A. He says they went off the back porch this way.

4 Q. Okay. Does he ever describe anybody falling over the
5 chair?

6 A. He doesn't.

7 Q. Okay.

8 (State's Exhibit Number 10 playing.)

9 Q. Detective, what does he say happened during the
10 struggle once he gets his arm free?

11 A. He says he's backing up.

12 Q. Okay. What does he say Parrish says?

13 A. Max on me.

14 Q. Okay. And how did he say -- how did the defendant say
15 that made him feel?

16 A. He was in fear of his life.

17 Q. Okay. Because what did he believe about Max?

18 A. He thought there was a secret command that Parrish
19 knew that would make the dog attack him.

20 Q. Okay. And he says Max came from inside the house?

21 A. I think so. Yes, sir.

22 Q. He said sees Max in the doorway?

23 A. Yes, in -- he sees him out of his peripheral is the
24 word he uses.

25 Q. Okay. And you did a reconstruction with the

1 defendant, right?

2 A. We did.

3 Q. Okay. And I want to ask you -- that was in the
4 backyard of the home, right?

5 A. Yes, sir.

6 Q. Is this the area where you did the reconstruction?

7 A. It is.

8 Q. And the defendant walked you through what he says
9 happened?

10 A. He did.

11 Q. Did he show you where he was standing when he fired
12 the first shot?

13 A. He did.

14 Q. Okay. Can you show me where that is with the laser
15 pointer?

16 A. Right here.

17 Q. Okay. All right. So looking back out there, can you
18 show us that same spot, looking at State's Exhibit 3?

19 A. I don't know if you can see it because this is in the
20 way, but it's -- it's back this way. It's near the crack
21 of the sidewalk.

22 Q. Okay. And where is this view from that we're looking
23 at?

24 A. This view is from the back door.

25 Q. So it's from the back door. You say you can't even

1 see where he says he was standing?

2 A. I can't, yeah.

3 Q. Because it's obscured by what?

4 A. This -- this right here.

5 Q. The chair and a pole and the plant?

6 A. Yes.

7 Q. Okay. But that's where he says he can see Max the dog
8 in the doorway?

9 A. Yes.

10 Q. Okay.

11 (States Exhibit Number 10 playing.)

12 Q. While I'm skipping to this next part, what does he say
13 he does right after he shoots Parrish?

14 A. He goes over to check on him.

15 Q. What does he do with the gun?

16 A. Well, he puts the gun down first.

17 Q. Okay. And this is while Max the secret attack dog is
18 still in the backyard?

19 A. Yes, sir.

20 Q. Okay. The dog that he just said made him so fearful
21 he had to shoot Parrish?

22 A. Yes.

23 Q. He unloads the gun and puts the gun down?

24 A. He does.

25 Q. Okay.

1 (State's Exhibit Number 10 playing.)

2 Q. So what does he describe happening once he breaks
3 free?

4 A. He takes a couple paces back.

5 Q. So he says he takes a couple paces back from Parrish?

6 A. Yes.

7 Q. And this is before he fires?

8 A. Yes.

9 (State's Exhibit Number 10 playing.)

10 Q. So where does he position himself in relation to
11 Parrish when he fires that first shot?

12 A. He says he's near the sidewalk.

13 Q. Okay. And he says a couple of paces back?

14 A. Yes, sir.

15 Q. And he says Parrish is coming at him?

16 A. Yes.

17 Q. Okay. And during this interview did you clarify what
18 position -- what position does the defendant say Parrish is
19 in when he's coming at him?

20 A. I did.

21 Q. Okay. And what was next one?

22 A. He says facing me coming towards me, something like
23 that.

24 Q. Okay. So he describes himself backing up while
25 Parrish faces him coming at him --

1 A. Yes, sir.

2 Q. -- when he fires the first shot?

3 A. Yes.

4 Q. Okay.

5 (State's Exhibit Number 10 playing.)

6 Q. So, Investigator Voravudhi, what did he just say about
7 what his plan was?

8 A. To get his phone and call 9-1-1.

9 Q. Okay. And are you aware of other phones found in the
10 residence not on the back porch?

11 A. I think we did find another phone inside the
12 residence.

13 Q. I'm gonna show you State's Exhibit 32. This is in --
14 what area of the house is this in?

15 A. That's the living room.

16 Q. Okay. There's a phone right there?

17 A. Yes, sir.

18 Q. Okay. Do you recognize what room this would have been
19 in?

20 A. That would have been the office.

21 Q. In Exhibit 43, what are we looking at there?

22 A. That is also a phone.

23 Q. Okay. And did he describe going to the office when he
24 went to look for phones?

25 A. He did.

1 Q. Okay. Does he say anything about those?

2 A. He did not.

3 Q. Okay. What does he say about during this interview
4 where he shot Parrish?

5 A. I think he says to the torso. I can't remember.

6 (State's Exhibit Number 10 playing.)

7 Q. What does he say Parrish does after he fires that
8 first shot?

9 A. He was still standing, still coming towards him.

10 Q. So he describes Parrish still advancing at him after
11 he fires the first shot?

12 A. Yes.

13 Q. How long did the defendant say the argument lasted?

14 A. I believe he said two to three, two to four minutes.
15 Two to three minutes.

16 (State's Exhibit Number 10 playing.)

17 Q. How long does he say the -- the argument lasted?

18 A. He said two -- less than two minutes.

19 Q. And how long does he say the physical altercation
20 lasted?

21 A. Three to four seconds.

22 Q. Okay. And, Detective Voravudhi, you've been in here
23 during this trial. You're aware that -- what time was the
24 9-1-1 call placed in this case?

25 A. Oh, let me see. Call received at 16:50:52, which

1 means it would have been 4:50 PM.

2 Q. And you heard the testimony, you've been in the court,
3 that Lizzy Warwick said she was on the phone with her mom
4 once they started arguing?

5 A. Yes.

6 Q. Okay. And what time in State's Exhibit 101 is that
7 first call that we see to ma?

8 A. 4:43.

9 Q. Okay. And so simple math, the difference between
10 4:50 and 4:43 is seven minutes?

11 A. Yes, sir.

12 Q. Okay. So three times longer than he estimated?

13 A. Approximately.

14 (State's Exhibit Number 10 playing.)

15 Q. Detective Voravudhi, did you have the opportunity to
16 speak to the defendant after this interview?

17 A. Yes.

18 Q. Okay. And what context was that?

19 A. That was during the reconstruction.

20 Q. Okay. And we've talked about that reconstruction a
21 little bit already. Where was that reconstruction?

22 A. It was at [REDACTED].

23 Q. Okay. And do you recall what date this was on?

24 A. It was on July 6th.

25 Q. Okay. And where do you have him start in this

1 reconstruction?

2 A. On the back porch.

3 Q. Okay. And what does he begin by describing?

4 A. I'm gonna refer to my notes for this if that's okay.

5 Q. Does he start when he -- he confronts Parrish

6 initially about the rent -- living situation?

7 A. Yes.

8 Q. Okay. And is the story generally the same, he goes

9 and gets the money?

10 A. Yes. It's generally the same.

11 Q. Okay. Comes back out and gives Parrish the money?

12 A. He does.

13 Q. And then goes inside and gets the gun?

14 A. Yes.

15 Q. Okay. Now what does he say happens once he comes back

16 outside on the back porch with the gun?

17 A. That Parrish is inside, but he can hear him yelling,

18 so Parrish comes outside fussing at him and then sees the

19 gun that Mr. Trapp had gone inside and retrieved.

20 Q. Okay. And they struggled over the gun?

21 A. They struggled over the gun.

22 Q. And he still maintains he grabbed both his arms?

23 A. Yes.

24 Q. Okay. All right. This will probably give us a good

25 enough view. State's Exhibit 67. So he describes -- show

1 us how he described going off the back porch with Parrish.

2 A. So he describes coming through here, this little
3 area right here, to come off the back porch while they're
4 struggling.

5 Q. Okay. Doesn't describe falling over the chair?

6 A. I think he references the chair during the
7 reconstruction, but he says that he doesn't know if he
8 knocked it over or if Parrish knocked it over. He's unsure
9 how the chair fell.

10 Q. So just somebody knocked it over?

11 A. Yes.

12 Q. Okay. How did he describe getting his phone on
13 that -- on that stool? Do you recall that from the
14 reconstruction?

15 A. Let's see if I have it noted. He saw his phone on
16 the stool, grabbed his phone and placed it in his back
17 pocket.

18 Q. Okay. And that's when he says Parrish comes out the
19 door behind him?

20 A. Yes.

21 Q. Does he ever describe turning around with the gun?

22 A. No, sir.

23 Q. The gun was still behind him?

24 A. Yes.

25 Q. Okay. Even though he can hear Parrish coming?

1 A. He can.

2 Q. Okay.

3 MR. NORTON: Now I'm gonna ask, Your Honor, if I
4 could have the witness step down.

5 THE COURT: Sure.

6 BY MR. NORTON:

7 Q. Based on your recollection of the reconstruction, how
8 does the defendant describe ultimately shooting Parrish
9 Phillips? How much space does he put between the two of
10 them?

11 A. We didn't have Parrish there obviously, so I don't
12 recall the space that he gave, but I remember that he said
13 he was right there by that crack in the sidewalk when he
14 fired that first shot and he says that he was backing up
15 continuously as he was shooting.

16 Q. Okay. And did he maintain that Parrish Phillips was
17 advancing at him as he's shooting?

18 A. Yes.

19 Q. Okay. Did he ever describe Parrish Phillips advancing
20 from the side?

21 A. He did not.

22 Q. Did he ever described Parrish Phillips advancing with
23 his back to him?

24 A. He did not.

25 Q. Okay. Thank you, Detective. You can take your seat.

1 A. (Witness complies.)

2 Q. Detective Voravudhi, what was the defendant ultimately
3 charged with?

4 A. Murder.

5 Q. Okay. And on what date was he charged?

6 A. I'll have to look. July 7, 2021.

7 Q. So obviously this incident happened on June 27, 2021?

8 A. Correct.

9 Q. Okay. Why -- why the discrepancy? Why did you wait
10 until July 7th to charge the defendant with murder?

11 A. Well, we want to make sure we conduct a thorough
12 investigation.

13 Q. Okay. You had the opportunity to interview him?

14 A. Correct.

15 Q. You did a reconstruction with him?

16 A. We did.

17 Q. Collected evidence?

18 A. Yes, sir.

19 Q. Okay. So it's fair to say you took your time to
20 investigate in making decisions?

21 A. Yes, sir.

22 MR. NORTON: Detective, that's all the questions I
23 have for you at this time. Please answer any questions
24 Ms. Yonge has.

25 THE COURT: Ms. Yonge.

1 MS. YONGE: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. YONGE:

4 Q. Good afternoon, Detective. How you?

5 A. Good.

6 Q. Did you ever find that fourth cartridge?

7 A. We did not.

8 Q. Okay. I want to go back briefly to -- where is it
9 -- the reconstruction. I believe we were looking at
10 State's 67. Do you have a laser pointer up there?

11 A. Yes, ma'am.

12 Q. Would you please point to where -- around where Jabin
13 said during the reconstruction he began shooting?

14 A. Right in this area right here.

15 Q. Are you sure?

16 A. I am.

17 Q. Do you take notes as part of your practice?

18 A. Yes, ma'am.

19 Q. And why do you do that?

20 A. So that we can remember things.

21 Q. Okay. Do you have your notes up there with you?

22 A. I do.

23 Q. Would you take a look at them?

24 A. Yes, ma'am.

25 Q. Do you specifically have your notes from the

1 reconstruction?

2 A. Yes, ma'am.

3 Q. Okay. I guess would you mind reading your notes from
4 -- I guess read through there and if you will tell me where
5 it says that he began shooting here.

6 A. Sure. I wrote in my notes the subject advised that
7 he fired his first shot around the first crack or break in
8 the concrete sidewalk leading from the back porch to the
9 garage. He advised that once he was done shooting he was
10 further back on the sidewalk and closer to the garage.

11 Q. Okay. So based on what you just read me, wouldn't
12 that be this crack, the one that's closer to the porch?

13 A. No, ma'am. No, ma'am. It was this crack right here
14 because this is the sidewalk. So I specifically remember
15 him firing his first shot there or in the reconstruction.

16 Q. Okay. Let's start with where is the garage? Can you
17 see it in this picture?

18 A. You cannot.

19 Q. Okay. Is it behind us?

20 A. It is behind.

21 Q. Okay. So in front of us is the porch?

22 A. Yes, ma'am.

23 Q. Okay. Will you read that specific sentence again.

24 A. Okay. The subject advised that he fired his first
25 shot around the first crack or break in the concrete

1 sidewalk leading to the back porch to the garage.

2 Q. Does it say to the back porch or from the back porch
3 to the garage?

4 A. From the back porch to the garage.

5 Q. So he fired it at the first crack in the sidewalk
6 leading from the back porch to the garage. So here,
7 correct, based on your notes?

8 A. No, it was here. That is from my memory and that is
9 from my notes and how my notes read to me.

10 Q. Okay. So in your notes when you state the subject
11 advised that he fired his first shot around the first crack
12 slash break in the concrete sidewalk leading from the back
13 porch to the garage, you actually mean the first one
14 leading from here to here, from the garage to the back
15 porch in this direction?

16 A. The first crack on the sidewalk. So this is the
17 sidewalk right here.

18 Q. Yes. Leading --

19 A. This -- I'm sorry.

20 Q. I'm sorry. You first.

21 A. This crack right here, it wasn't really a crack
22 because underneath the pool was a patio. So it was all
23 concrete there, so that wasn't a crack to me. That was
24 just the end of the patio at the back porch, so this is
25 the sidewalk and this is the first crack.

1 Q. Okay. So how your notes read to you are that it is
2 this crack, not this crack?

3 A. Yes, ma'am.

4 Q. Okay. And this reconstruction took place on what
5 date?

6 A. It took place on July 6, 2021.

7 Q. Okay. And when did you do the interview with
8 Mr. Trapp and his attorney?

9 A. That interview I believe was on the 30th, but let me
10 just confirm. June 30th.

11 Q. Okay. So you interviewed Mr. Trapp as part of your
12 investigation. Did you have an opportunity to interview
13 Parrish's parents?

14 A. I did.

15 Q. And what are their names?

16 A. Sharon and Jerry Waller.

17 Q. Sharon and Jerry? And did you have your body-worn
18 camera active during that interview?

19 A. I did.

20 Q. So that interview was recorded?

21 A. Yes, ma'am.

22 Q. Okay. From the course of your investigation, did
23 you -- were you able to ascertain that Parrish had had a
24 procedure done and was released from the hospital in the
25 middle of May?

1 A. Yes, ma'am.

2 Q. Okay. And then were you also able to ascertain that
3 in between that point and the shooting he had lived with
4 his mother?

5 A. Yes, ma'am.

6 Q. And he had lived with another individual named Sarah?

7 A. Yes, ma'am.

8 Q. And then that he had been able to -- and then he had
9 moved in with Mr. Trapp?

10 A. Correct.

11 Q. And were you able to ascertain anything about how his
12 living situation changed over the course of that time
13 period?

14 A. I'm sorry. Can you repeat that?

15 Q. He was moving from place to place. Were you able to
16 learn anything about whether that move was voluntary or
17 not?

18 MR. NORTON: Your Honor, could we approach?

19 THE COURT: Sure.

20 (Proceedings held at the bench; not reported.)

21 THE COURT: Go ahead, Ms. Yonge.

22 FOREPERSON: Can we have like five minutes?

23 THE COURT: Sure.

24 The jury needs a five minute break. So does the
25 judge.

1 All right. No talking about this case while you're
2 back there.

3 FOREPERSON: Yes, ma'am.

4 (Whereupon, the jury retires to the jury room at
5 4:02 PM.)

6 THE COURT: If you need to go to the restroom, you
7 may, but you can't talk to anybody because you're still
8 under oath.

9 THE WITNESS: Yes, ma'am. I'll sit here.

10 THE COURT: All right. I'll be back in just a
11 second.

12 (Recess taken at 4:02 PM.)

13 (Back on the record at 4:08 PM.)

14 THE COURT: Okay. Are we ready to proceed?

15 MS. YONGE: I believe Mr. Norton would like to
16 proffer the testimony regarding --

17 THE COURT: We're in the middle of cross.

18 MS. YONGE: Yes.

19 MR. NORTON: Because I want to -- Judge, she's
20 asking did you learn about whether he left those living
21 situations voluntarily and if that's not a yes or no
22 question, then it's hearsay.

23 MS. YONGE: It is a -- I can say yes or no.

24 MR. NORTON: If that's where we're going with it,
25 fine, but if we're trying to go into specific instances

1 of conduct --

2 MS. YONGE: I'm not, Judge. I promise.

3 MR. NORTON: Well, I don't know that because you're
4 asking -- okay.

5 THE COURT: Well, she hasn't asked and so it's hard
6 for me to rule.

7 MR. NORTON: But the problem is, Judge, once the jury
8 hears the response I can't do anything about it.

9 THE COURT: If you'd like to proffer the testimony,
10 let's go ahead and proffer it.

11 All right. We're back on the record. The State
12 wants some proffered testimony on a question that the
13 defense lawyer wants to ask.

14 Go ahead.

15 EXAMINATION (In-Camera)

16 BY MS. YONGE:

17 Q. So during the course of your investigation you
18 learned that Parrish moved from his mother's house to
19 Sarah's house to Jabin's house, correct?

20 A. Yes, ma'am.

21 Q. Through the course of your investigation were you
22 able to ascertain whether or not those moves were
23 voluntary?

24 A. Yes.

25 Q. And were they?

1 A. I believe it was voluntary at his mother's house.

2 Let me look at my notes from the other interview if you
3 don't mind.

4 Q. Certainly.

5 A. I don't believe it was voluntary with Sarah.

6 Q. Thank you.

7 MS. YONGE: And then I'm gonna ask one more question
8 and be done.

9 THE COURT: Okay.

10 MS. YONGE: That's the end of my cross.

11 THE COURT: We're not gonna proffer the whole
12 defense cross?

13 MR. NORTON: I'm okay with just that question, yes.

14 THE COURT: Is there any objection to that question
15 that she is going to ask?

16 MR. NORTON: No, Your Honor.

17 THE COURT: Thank you. Let's bring the jury in
18 please.

19 (Whereupon, the jury return to the courtroom at
20 4:14 PM.)

21 THE COURT: All right. Mr. Foreman, the jury ready?

22 FOREPERSON: We're ready.

23 THE COURT: All right. Have a seat.

24 Okay. Ms. Yonge, go ahead with your cross.

25 MS. YONGE: Thank you, Your Honor.

1 CONTINUED CROSS-EXAMINATION

2 BY MS. YONGE:

3 Q. So I believe we were just discussing that through the
4 course of your investigation you learned that Parrish had
5 moved from his mother's house to Sarah's house to Jabin's
6 house; is that correct?

7 A. Yes, ma'am.

8 Q. And were you able -- through the course of your
9 investigation, were you able to ascertain whether or not
10 those moves were voluntary?

11 A. Yes.

12 Q. And what -- and were they?

13 A. I believe it was voluntary when he left his mother's,
14 but not when he left Sarah's.

15 Q. So from mid May to June 27th, which is approximately
16 six weeks, the defendant had moved twice and was in the
17 process of he getting kicked out of the third place,
18 correct?

19 A. Yes, ma'am.

20 MS. YONGE: No further questions, Your Honor.

21 THE COURT: Thank you.

22 Any redirect?

23 MR. NORTON: No, Your Honor.

24 THE COURT: May I let the agent step down?

25 MR. NORTON: Please, Your Honor.

1 MS. YONGE: Your Honor, we would ask that she be
2 held subject to recall. Well --

3 MR. NORTON: Judge she can step down.

4 MS. YONGE: Yes.

5 THE COURT: Subject to recall. Thank you.

6 (Witness excused.)

7 THE COURT: All right. The State can call their
8 next witness.

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

11 THE COURT: Okay. Let me see the lawyers just for
12 a moment.

13 (Proceedings held at the bench; not reported.)

14 THE COURT: All right. Mr. Foreman, the State's
15 rested. I'm gonna let you go because I have to take up
16 some legal matters with the lawyers. I'm gonna let
17 you-all go for the evening.

18 This will be the plan. When you come back tomorrow,
19 we'll see if the defense puts up a case. They don't have
20 to like I told you earlier. He doesn't have to prove
21 anything, but we'll see what they're going to do and then
22 we'll do closing arguments and I'll charge you on the law
23 and then you will deliberate.

24 So I anticipate this case will be finished by
25 tomorrow, okay? However, it could go into Friday. You

1 just never know, all right?

2 But remember, don't talk about this case with anyone,
3 watch any news, do any research. We're really close to
4 the end. Everybody be in the jury room at 9:15 in the
5 morning. I think I'm scheduled, again, for something at
6 9:00.

7 So 9:15 and we'll start promptly at 9:30, okay? I
8 hope you-all have a great evening.

9 Thank you.

10 (Whereupon, the jury was excused for the day at
11 4:20 PM.)

12 THE COURT: All right. Let me hear any motions from
13 the defense.

14 MS. YONGE: Your Honor, at this time the defense
15 would renew all prior motions and objections and further
16 we would move that as a matter of law the State has not
17 provided enough evidence that would make a jury be able
18 to find our defendant guilty beyond that -- the level of
19 mere suspicion, Your Honor.

20 It's a murder charge as Your Honor is aware and they
21 haven't provided evidence that tends to rise above a mere
22 suspicion, specifically with regards to the element of
23 malice aforethought.

24 Furthermore, Your Honor, we would submit that they
25 have not disproven -- they have not submitted evidence

1 that disproves his defense of self-defense, again, beyond
2 a mere suspicion.

3 THE COURT: All right. Mr. Norton.

4 MR. NORTON: Thank you, Your Honor.

5 Judge, obviously the standard being in the light
6 most favorable to the State, I believe there's an
7 abundance of evidence to demonstrate the defendant's
8 guilt.

9 As to the charge of murder, Your Honor, it's
10 undisputed that he killed Parrish Phillips on June 27,
11 2021. There is abundant evidence of malice in this case,
12 Your Honor. There was a preexisting ill-will that began
13 when Parrish Phillips moved in. He became frustrated by
14 his medical condition, by him claiming he was broke, he
15 was weary and tired of him being in his house to the point
16 where he decides I'm gonna kick him out.

17 So there's obviously evidence of a prior ill-will
18 that rose to the point the defendant confronts him, they
19 get into a heated verbal argument, that is ill-will,
20 and then the defendant goes and retrieves a firearm.
21 Regardless of what the pretext he says he used to go
22 retrieve the firearm, that he was scared, his action is
23 that he goes and gets a gun, Your Honor. That's ill-will.

24 He goes and gets a gun and returns to the scene of
25 the argument. That's ill-will. He shoots an unarmed man

1 in the side and back. That is evidence of malice, Judge.
2 There is abundant evidence -- and that's just the high
3 points, Your Honor. There's an abundance of evidence
4 from which a jury could reasonably conclude in the light
5 most favorable to the State that the defendant is guilty
6 of murder.

7 THE COURT: Okay. Thank you, Mr. Norton.

8 I would agree. It is undisputable that he shot the
9 victim. The question is malice. All that's for the
10 jury. I believe that the State has put up ample evidence
11 for this case to go to the jury.

12 All prior motions and objections are all renewed
13 and noted for the record.

14 MS. YONGE: Thank you, Your Honor.

15 THE COURT: All right. Let me address Mr. Trapp and
16 can I place Mr. Trapp under oath, please.

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

19 THE COURT: All right. Mr. Trapp, at this time I
20 am going to explain to you certain of your rights. If
21 you do not understand anything I say, please let me know.
22 If you want me to explain anything in more detail, please
23 let me know.

24 Do you understand?

25 THE DEFENDANT: Yes, Your Honor.

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

11 If you decide to testify, you will be subject to
12 the same rules that govern other witnesses and you may
13 be examined and cross-examined on any relevant issue in
14 this case.

15 In addition, if you have any convictions involving
16 dishonesty or false statements or for crimes punishable
17 for more than one year and this Court determines that the
18 probative value of admitting this evidence outweighs its
19 prejudicial effect to you, the Solicitor will be able to
20 introduce your record to attack your credibility.

21 Let me ask the State, does the defendant have a
22 record?

23 MR. NORTON: No, Your Honor.

24 THE COURT: Okay. So really, Mr. Trapp, that doesn't
25 apply to you. There's not anything on your record that

1 they could attack your credibility with. Not to say they
2 couldn't attack your credibility on something else, but it
3 won't be on your record.

4 Do you understand?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: If you decide to testify, this decision
7 must be freely, voluntarily and intelligently made with
8 knowledge of the protections given to you by the Fifth
9 Amendment and the consequences of your decision to
10 testify. If you decide not to testify, I will instruct
11 the jurors that they cannot give the fact that you did
12 not testify any consideration whatsoever and that there
13 is to be absolutely no prejudice to you because you did
14 not testify.

15 It is left entirely up to you whether or not to
16 testify. You may talk with your attorney. I see you've
17 got some family out here, I'm assuming it's family
18 members, or anyone else, but the final decision will be
19 left entirely up to you.

20 I'm gonna tell you, Mr. Trapp, this is a really
21 important decision on your behalf and I always like to
22 give the defendant time to think about it because it's
23 such an important right.

24 And I see that you've got family and friends here.
25 I'll let you speak with them if you want to. I want you

1 to talk to your lawyers and I'm gonna give you the night
2 to think about it and then I want you to answer me in the
3 morning. We'll kind of briefly go back over it and I'll
4 ask you if you've had enough time to talk to your family
5 and your lawyers, okay? Again, it's a very important
6 right.

7 Do you understand?

8 THE DEFENDANT: Yes, Your Honor. Thank you.

9 THE COURT: All right. And, Ms. Yonge, I see his
10 family's behind you-all. You-all can take the time now
11 before they take him back or I'm gonna be doing a plea
12 at 9:00. I don't know what time they bring him in the
13 morning, but from 9:00 to 9:30 we're free. I'm just
14 gonna do a quick plea. They're more than -- family is
15 more than happy to speak with him. We'll make
16 arrangements.

17 MS. YONGE: Thank you, Your Honor.

18 THE COURT: Anything else from the State?

19 MR. NORTON: Not at this time, Your Honor.

20 THE COURT: Anything else from the defense?

21 MS. YONGE: No, Your Honor.

22 THE COURT: And you can make it for him talk to
23 family?

24 THE DEPUTY: Absolutely.

25 THE COURT: Thank you. Thank you.

1 All right. Court's adjourned until 9:30 in the
2 morning.

3 Thank you.

4 (Whereupon, the proceedings were concluded for
5 September 18, 2024, at 4:28 PM.)

6 (The following proceedings were held September 19,
7 2025, beginning at 9:37 AM.)

8 THE COURT: All right. Mr. Trapp, I'm gonna put you
9 back under oath.

10 If the clerk will put you back under oath.

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

13 THE COURT: All right. Mr. Trapp, yesterday I
14 talked to you about your right to testify or not to
15 testify, went over all the protections that you have
16 given to you by the Fifth Amendment to the Constitution.
17 We went over your record. You have no criminal record.
18 I also told you if you decided to testify you'd be
19 subject to examination and cross-examination.

20 I also explained to you that this is a really
21 important right and I gave you the night to think about
22 it. I also gave you the opportunity to be able to talk
23 to your family and friends and I also gave you the
24 opportunity to speak with your attorneys.

25 So let me ask you, at this time have you discussed

1 with your lawyers whether you should or should not
2 testify?

3 THE DEFENDANT: I have had those discussions with
4 my attorneys. Yes.

5 THE COURT: And do you wish to talk to your lawyers
6 any more?

7 THE DEFENDANT: That won't be necessary. No.

8 THE COURT: Okay. And you've had plenty of time
9 with your family --

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: -- to discuss this?

12 All right. Well, let me ask you, at this time do
13 you wish to testify?

14 THE DEFENDANT: I do not wish to testify at this
15 time.

16 THE COURT: Okay. Thank you.

17 All right. You can be seated.

18 Okay. Well, then I'm gonna bring the jury in.

19 Again, you can present a defense if you want to.

20 You certainly don't have to, but we'll find out.

21 I'm gonna bring the jury in.

22 (Whereupon, jury enter the courtroom at 9:40 PM.)

23 THE COURT: All right. Mr. Foreman, the jury ready?

24 FOREPERSON: Yes, ma'am.

25 THE COURT: Please be seated.

1 And let me ask my morning questions. Have you
2 talked to anyone about this case? Have you done any
3 research on your computer, cell phone concerning any
4 issue that has arisen during the trial of this case or
5 has anyone tried to approach you about this case? If
6 so, please raise your hand. Perfect.

7 All right. I'm gonna turn to the defense again.
8 If you'd like to present a defense to this charge, you
9 may. I remind you that you do not have to.

10 Ms. Yonge.

11 MS. YONGE: Defense rests, Your Honor.

12 THE COURT: Thank you.

13 All right. Mr. Foreman, the defense has rested.
14 I'm gonna have to send you right back to the jury room.
15 I'll have you back in in just a few minutes. Let me
16 just do a little housekeeping matters with the lawyers.

17 FOREPERSON: Okay.

18 THE COURT: Thank you.

19 (Whereupon, the jury retires to the jury room at
20 9:43 PM.)

21 THE COURT: All right. Please be seated.

22 All right. Anything from the State that needs to
23 be put on the record?

24 MR. NORTON: No, Your Honor.

25 THE COURT: Anything from the defense?

1 MS. YONGE: Yes, Your Honor.

2 We would at this time like to renew all prior
3 motions and objections from pre-trial through the
4 directed verdict motion at the State's close to this
5 point, Your Honor.

6 THE COURT: Okay. And all your motions and
7 objections are renewed.

8 MS. YONGE: Thank you, Your Honor.

9 THE COURT: Anything else that we need to take up
10 before closing arguments, Mr. Norton?

11 MR. NORTON: Not at this time, Your Honor. We just
12 ask for a moment to prepare the courtroom.

13 THE COURT: Absolutely.

14 Anything, Ms. Yonge, that you need?

15 MS. YONGE: Your Honor, if Bruce and I may approach
16 briefly regarding his closing argument?

17 THE COURT: Okay.

18 (Proceedings held at the bench; not reported.)

19 THE COURT: Are you ready?

20 MR. NORTON: Yes, Your Honor.

21 THE COURT: All right. Let's bring the jury in.

22 (Whereupon, the jury return to the courtroom at
23 9:54 AM.)

24 THE COURT: All right. Mr. Foreman, are we ready?

25 FOREPERSON: We're ready.

1 THE COURT: All right. Please be seated.

2 Let's go forward with closing.

3 Is it Mr. Norton?

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

6 THE COURT: Yes, sir.

7 MR. NORTON: Good morning. I want to start by
8 thanking you for being attentive and patient jurors this
9 week. You have lived up to your oath that you swore at
10 the beginning of the week and we ask that you continue
11 to do so as you deliberate this case.

12 You've heard a lot about the case this week, but
13 when you boil it down this case is about two things.
14 Money and control. The defendant let Parrish Phillips
15 move into his house in June of 2021 and very quickly
16 things became about money and control. When the defendant
17 wasn't getting the money that he wanted, when he wasn't
18 getting the control that he wanted, it culminated in him
19 shooting Parrish Phillips to death on the back porch of
20 [REDACTED] on June 27, 2021.

21 Now he's charged with murder and the judge is going
22 to explain the law of murder to you, but let's talk about
23 it briefly. The unlawful killing of another with malice
24 aforethought. Malice does not mean the killing was planned
25 or that it was premeditated or that it was done in cold

1 blood. Malice just means hatred, ill-will, hostility. A
2 total disregard for human life. That's it.

3 Four times in his back and side. He was unarmed
4 laying beside a chair holding two bags of what appeared
5 to be marijuana in his left hand. You heard a lot of
6 testimony about the physical condition the victim was in.
7 Blind in his left eye, had a colostomy bag, had an open
8 surgical wound in his abdomen. Members of the jury, the
9 evidence proves this was murder.

10 So let's talk about the evidence that we heard this
11 week. You heard the 9-1-1 call that the defendant placed
12 at 4:50 PM. He said his friend at been shot. By who?
13 The homeowner. Not help, I had to shoot my friend. It's
14 me, Jabin Trapp. No, the homeowner shot him. Where did
15 you shoot him? Mid torso. I was aiming center mass
16 because he was coming at me. Members of the jury, the
17 evidence shows you that did not happen. He said the
18 victim was attacking him or trying to and he sent the dog
19 after him. The evidence shows you that did not happen.
20 Even in his own interview he says now I'm afraid that he
21 was gonna send the dog after me, that he was gonna use a
22 secret attack command. Not that he sent the dog after
23 me. You saw what happened when law enforcement responded
24 to that scene. He's not afraid of that dog. The moment
25 he shoots Parrish Phillips he goes and puts the gun down,

1 unloads the gun. The dog's still there. He's not afraid
2 of that dog. The evidence shows you, Members of the
3 Jury, that from the very beginning he's not being truthful
4 about this case. From the start.

5 You heard William Norris responded to [REDACTED]
6 [REDACTED] around 4:55 and found the defendant and Parrish
7 Phillips's body in the backyard. You've all seen the
8 residence. You know what it looks like.

9 Officer Hassler takes custody of the defendant and
10 what does he say? What is the first thing the defendant
11 says to Officer Hassler when asked what in the world
12 happened? He was doing stuff I didn't like him doing and
13 I asked him to leave. I found out he was dealing drugs
14 and I was addressing it with him. Members of the Jury,
15 we know that is not true.

16 You heard his interview. You heard him talk about
17 it in his interview and you heard that suspected marijuana
18 carts were found in Parrish Phillips's bedroom. You
19 heard the defendant say he regularly smoked marijuana
20 carts and you saw what was found in defendant's bedroom.
21 The same kind of box of suspected marijuana carts. And
22 what is he doing? What is the defendant doing a week
23 before he shoots Parrish Phillips to death? He's selling
24 marijuana carts to Shannon Tilford. I found out he was
25 dealing drugs and I was addressing it with him. The first

1 thing that he says to a police officer when asked about
2 what happened? It didn't happen.

3 June 20, 2021. Hey, sweetheart I would love it if
4 I could get one of those weed vapes. Do you think you
5 could get me one? How much are they? I totally can.
6 They are forty. Then same day, one-eighth for 200, good
7 stuff. Four days later, June 24, 2021. Would you be
8 interested in some edibles? They're great for sleep.

9 All of these are from the defendant's phone. From
10 the very beginning he is not being honest about what
11 happened on the back porch that day. From the start.
12 But he says we got heated. We got heated. Not he just
13 attacked me, he just went crazy and attacked me. We got
14 in a heated argument.

15 What does he saw several hours later to Paul Walker?
16 The same thing. He's not even being asked questions.
17 He's sitting there unprompted. I found out he was a drug
18 dealer and I didn't want any part of that. Members of the
19 Jury, that is absolute not what the evidence shows you, so
20 why is he saying it? He's not being truthful about what
21 happened. Why is he saying it? If this was really well,
22 I was just telling him that the living situation wasn't
23 working out and he flipped out, then why are we going
24 here? Why is he saying all of this stuff unprompted. He's
25 not being asked questions.

1 What else does he say? I was backing up, walking
2 away, still coming after me. You heard his interview.
3 You heard his interview. You heard his interview over
4 and over again. At what point in that story that he tells
5 was he walking away? Now he's adamant that he's backing
6 up and Parrish Phillips is coming at him when he shoots
7 Parrish Phillips to death. Does that look like a man who's
8 coming at the person that's shooting them? Or that after
9 Parrish Phillips is shot he keeps coming at him? No.

10 From the beginning, from the first officer to the
11 second officer, he is not being truthful about what
12 happened.

13 You heard from Lizzy Warwick, Parrish's girlfriend.
14 She started dating Parrish about a year ago, 2020. This
15 happened in June of 2021. She was staying at [REDACTED]
16 [REDACTED] when she wasn't at her mom's house. She told you
17 about Parrish's physical condition, his physical health,
18 and how the defendant for the two and a half weeks Parrish
19 was living there wasn't happy with having to deal with it.
20 He didn't like all of the medical appointments Parrish had
21 to have. He was frustrated by it. He didn't want to deal
22 with it. He was happy to take Parrish's money, but he
23 didn't want to deal with the colostomy bag and the wound
24 vac. This was not a well man and the evidence shows you that
25 ad nauseam. This was not a well man.

1 What else did Lizzy tell us? Parrish came home from
2 LJ's Sunday afternoon. He made plans to go to a funeral.
3 He's not there for a fight. He's about to leave. And what
4 happens? Parrish goes out on the back porch about to leave
5 to go to a funeral and who starts up? Who in this case
6 starts all this? The defendant. He starts it up. This is
7 his chance to address what's been brewing in him for -- for
8 three weeks. His issues with Parrish. His issues. What
9 does he say? He's a bad roommate. He wasn't doing the
10 dishes. He wasn't cleaning up the house. What are his
11 other problems that we know about? I didn't like him
12 having his medical appointments in the living room. He was
13 telling me he was broke. He told me he was using my car to
14 go to his doctor's appointment and then he went to the bar.
15 Normal roommate stuff. This is not something that
16 culminates in a shooting.

17 But who starts it? Who starts it? The defendant.
18 And what does he say? Parrish got a little bit upset and
19 when it got heated, what did Lizzy say Parrish said? Even
20 in my position I could still kick your ass. Okay.
21 Roommate stuff. Things people say to each other when they
22 get a little bit upset.

23 What did Lizzy say that Parrish didn't say? She
24 never heard him threaten to kill the defendant or kill
25 him with his dog. Do you think that's something she

1 would remember? She wasn't in fear. She just didn't
2 want to be around two guys arguing. That's normal.
3 That's reasonable.

4 So what does she do? She goes inside and she goes
5 to Parrish's bedroom. You've seen the layout of this
6 house. You know Parrish's bedroom is right there, right
7 off the back porch. She goes into Parrish's bedroom and
8 who does she leave on the back porch? Parrish the,
9 defendant and Max, the dog. Well, that's different.

10 In the defendant's story, she takes Max inside. So
11 if Max, the dog, is out there the whole time when they're
12 in this heated verbal argument the defendant's not scared
13 then. She never heard Parrish threaten to kill the
14 defendant or threaten him with Max. This was a roommate
15 argument.

16 And who escalates it? Where does it go from there?
17 She's inside the entire time. She said she was on the
18 phone with mom to come pick her up to go to the funeral.
19 The evidence supports that. You have her call logs.
20 She's on phone with her mom at 4:43. She's in her room
21 the entire time. What does she say? I never saw Parrish
22 come in the room. I was right there. He never came in the
23 room. So where was he the entire time? He's on the back
24 porch.

25 Parrish is on the back porch the entire time. What

1 does that mean? Well, if Parrish is on the back porch
2 the entire time, why does the defendant come back with a
3 gun to the back porch if Parrish is there? Because he's
4 gonna use it. Because he's gonna use that gun because he's
5 not losing that argument. That's why he goes to the back
6 porch with that gun. Not because he wants his phone.
7 Because that's where Parrish is. Not the phone. That's
8 where Parrish is.

9 Parrish Phillips never went back in that house and,
10 you know, Members of the Jury, the evidence supports
11 that. What do we see in State's Exhibit 30? Right on the
12 coffee table right in the living room Parrish's phone and
13 Parrish's medical supplies. You heard he came inside, put
14 his stuff down and went out on the back porch. He never
15 came inside. He was on that back porch the entire time
16 which means every time the defendant goes in the house
17 and comes back to the back porch it's because that's where
18 Parrish is. Because that's where the defendant wants to
19 be because he's not losing this argument.

20 The evidence supports what Lizzy Warwick's telling
21 you. That she's in that room the entire time and she
22 never sees Parrish once. And the only time she heard
23 anybody in the house was when the defendant stuck his
24 head in the door and told her to call 9-1-1. She doesn't
25 hear Parrish in the house yelling at the defendant as he's

1 coming outside. She hears the defendant telling her to
2 call 9-1-1. Well, that's interesting. Why is he telling
3 her to call 9-1-1. He's got his phone. He's supposed to
4 have his phone, but he's telling her to call 9-1-1?

5 Who do we hear from next? Joan Hudson, across the
6 street. She was standing on the back porch smoking a
7 cigarette and she hears four gunshots. That's consistent.
8 Four bullets pulled off Parrish Phillips's body. But what
9 don't we hear? Yelling, screaming, any kind of a
10 struggling, cries for help. None of that. Just gunshots.

11 You heard from Officer Alewine. He responded to
12 [REDACTED]. He was in the backyard. He saw that
13 back porch. He told you he didn't see any signs of a
14 struggle besides the chair and the tiki torch right by
15 Parrish's body. There's nothing scattered on that back
16 porch. There's not two guys struggling for a gun. It's
17 the chair, the tiki torch and Parrish's body, but two men
18 were in a fight for their lives over that gun, struggling
19 over that gun, and the only thing that got knocked over was
20 a chair and a tiki torch.

21 He got the defendant's DNA. He photographed him.
22 He didn't have any injuries. They're in a fight for
23 their lives over a gun and he doesn't have a single injury.
24 Parrish was attacking him. No injuries. Parrish didn't
25 have any injuries to his hands or his face, just the

1 gunshot wounds.

2 He was present for that interview. He heard the
3 defendant say in that interview I was backing up, he was
4 coming at me, facing me, and I kept shooting. Members of
5 the Jury, to believe that you would have to believe that a
6 man holding two bags of weed is advancing at the man
7 shooting him like this and continuing to advance as he's
8 being shot. That did not happen.

9 He also went to the reconstruction. Another
10 opportunity for the defendant to explain to officers what
11 happened. What does he say again? I'm backing up, he's
12 coming at me, and I keep shooting. The evidence shows
13 you definitively that is not true.

14 We heard from Dr. Richardson. She did the autopsy.
15 Parrish was 150 pounds, had a colostomy bag, a surgical
16 wound in his abdomen, and he's getting in a fight? He's
17 shoving this man all over the yard trying to take the gun?
18 He could barely walk up the stairs into the house. He had
19 no injuries to his arms. No evidence of injury to his
20 body.

21 I know these aren't fun to look at, Members of the
22 Jury, but it's important. He had a surgical wound to his
23 abdomen and a colostomy bag.

24 So let's make this right. You heard he wore an eye
25 patch. He had a colostomy bag. So now we're gonna say

1 the man with the eye patch is advancing on his blind side
2 holding two bags of weed at the guy shooting him and
3 continuing to advance as he's being shot? Did not happen.
4 He suffered multiple gunshot wounds to his left side and to
5 his back. Members of the Jury, ask yourselves which of
6 these gunshot wounds do you think Parrish Phillips was
7 advancing at the defendant as he's being shot.

8 You heard Dr. Richardson say the gunshot wounds to
9 his arms, both of those are consistent with his arm being
10 down. He's advancing at the guy with a gun with his arm
11 down holding two bags of weed? That's what we're saying
12 happened? And that he's able to grab both of the
13 defendant's arms holding onto two bags of weed? All of the
14 gunshots are left side moving to the right side. There are
15 no gunshots to the front of his body, especially not mid
16 torso center mass as Parrish is advancing at the defendant.

17 He says that in his 9-1-1 call, in the interview with
18 police and reconstruction. Every step of the way. He's
19 coming at me, he's facing me. I'm aiming center mass mid
20 torso. Did not happen. The evidence shows you beyond all
21 doubt that did not happen.

22 We heard from Marc Miramontes. He executed the
23 search warrant of the defendant's house. What did we
24 find? A rent receipt for \$400. Parrish Phillips was
25 living there. He was paying the defendant money to live

1 there, but that wasn't enough. We need more money. What
2 does the defendant want? Well, we know what he wants.
3 You've got his phone notes in evidence.

4 Here we go. June 18, 2021. Notes for Parrish. If
5 you fire up kitchen, offer people food. Clean up
6 immediately after eating. No weed or other drug product
7 left out. June 18, 2021. No weed or other drug product
8 left out. I didn't know he was a drug dealer. I didn't
9 want any part of that. Again, the evidence shows you that
10 is not true. Rent is \$1,400. The guy who's constantly
11 saying he's broke, who's laid up in bed, rent is \$1,400.
12 I'm raising the rent a thousand dollars a month. \$200,
13 cash payment fee. So if you're gonna pay me in cash, I
14 need more money. Overnight guest privileges, \$200.00. Car
15 privileges, \$100. Nonprofit indigent care. Indigent? But
16 we're raising the rent \$1,000 a month? Members of the
17 Jury, this shows you it's about money and control. The
18 defendant wanted money and he wanted to control Parrish
19 Phillips and when he couldn't exercise that control, when
20 he wasn't getting the money, it culminated in the argument
21 where he gets a gun and he shoots Parrish Phillips.

22 Let's talk about what else Investigator Miramontes
23 documented. You saw the two bags of suspected marijuana
24 in Parrish's hand. You saw Parrish's bed and what kind of
25 condition he's living in. Teddy bear on the pillow. You

1 saw the phone lying right inside. If this whole thing,
2 Members of the Jury, is about I needed to find a phone, he
3 walks right past the phone there. That's not good enough.
4 You heard in his room there's an iPad. That's not good
5 enough. You heard in his office there's two phones. Those
6 aren't good enough. It's not about the phone. It's about
7 getting the gun and ending the argument. That's why he
8 gets the gun.

9 In his interview he says my goal was to get the
10 phone and get help. Parrish storms inside. He's just
11 threatened my life. He's threatened your life, you're
12 standing on the back porch and you don't take a single
13 second, a single solitary second, to look around you for
14 the phone that he says was right there on the stool? Right
15 there next to him? He doesn't take a moment in that
16 thought. I need my phone, Parrish has threatened my life,
17 I need help. He doesn't take a moment to look around. He
18 just immediately goes inside?

19 And let's talk about that. He threatened my life
20 and I was in fear for my life and then he stormed inside.
21 And what is the next thing he says he does? Follows
22 Parrish inside. He's in fear for his life, but he's gonna
23 follow the guy that just threatened his life inside the
24 house? And then when he gets the gun, he's not at the
25 ready, he doesn't stay in his room fearful. He hides it

1 behind his leg and he walks all the way through that house.
2 He never says Parrish, I've got a gun, you're scaring me,
3 man. He never says Lizzy, call for help. He walks all the
4 way through that house past the bedroom he claims Parrish
5 is in, gun by his side, and goes back to the back porch.
6 Why? Why? Because that's where Parrish Phillips is.
7 That's where the gun needed to be. That's where he was
8 gonna end the argument.

9 You heard from Jennifer Hunton, SLED CSI.
10 Photographed the crime scene, seized firearms evidence,
11 took swabs of the chair by Parrish's body. This chair
12 right here. And what did we see on the ground beside that
13 chair? An eye patch and a dent in the ground. A dent in
14 the ground. Members of the Jury, State's 66. Look at
15 this. Look at that indentation. You heard that she
16 observed that required force. I submit to you that force
17 was Parrish Phillips's body. This chair's in evidence.
18 Feel it. Lift it. If that chair got knocked over in an
19 argument, knocked over during an argument, to leave that
20 dent, to leave that indentation in the ground? That's not
21 a scrape. That's not something being dragged along as it's
22 being knocked over by two guys fighting over a gun. That
23 is a direct indentation.

24 She took swabs of that chair and you heard about the
25 DNA. We'll talk about that later. She took fingernail

1 scrapings at the autopsy. We'll talk about that.

2 Let's talk about Stephen Curtis, latent print and
3 touch DNA expert. He processed the defendant's gun for
4 fingerprints and touch DNA. The only fingerprints he
5 found on the gun were on the magazine ejection button.
6 He didn't find fingerprints on the barrel from somebody
7 grabbing a gun. On the magazine ejection button after
8 the defendant has finished shooting Parrish Phillips.

9 Brian Malanio, firearms expert test fired gun matched
10 two rounds from Parrish's body to that gun. What else
11 did he say? That .308 round that was found in the on the
12 defendant's dresser one of the multiple was consistent with
13 the kind found in the gun. Loose rounds on the dresser.
14 Members of the Jury, I submit to you that shows the
15 defendant loaded that gun. He goes in his room, gets the
16 gun, loads the gun and comes out on the back porch where
17 Parrish Phillips is.

18 We heard from Agent Hefney. The only person whose
19 DNA was found under Parrish Phillips's fingernails was
20 Parrish Phillips's. But they're in a struggle over a gun,
21 a struggle for their lives, he's grabbing both his arms.
22 No DNA under his fingernails? They're tussling,
23 struggling, he's got this arms. No DNA under his
24 fingernails, but where was there DNA? On the chair.
25 89 percent of the DNA on that chair is Parrish Phillips's.

1 6 per cent, .5.9, was the defendant. Parrish Phillips's
2 DNA was all over that chair. All over it. Because that's
3 where he was. That's where he was when the defendant shot
4 him. That's what the evidence shows you. He's sitting in
5 that chair or he's falling over that chair as he's shot.
6 Either way. The defendant comes on that porch. He's not
7 attacked. He's the attacker. He's coming on that porch
8 with that gun to settle this.

9 You heard from Aubrey Rowe. Friends with Parrish
10 for years. Asked her to go to Folly Beach on Saturday.
11 Parrish was too tired to drive home. He could barely make
12 the trip down to Folly Beach. He said things with the
13 defendant were fine on Sunday. He's not upset. He's not
14 ready for a fight. They're fine. The evidence supports
15 that. You saw the text between the defendant and Parrish
16 Saturday night. Are we good? Yeah.

17 What's the other text we saw? The last text exchange
18 between the defendant and Parrish Phillips. Parrish.
19 3:40 PM. Could you put my clothes in the dryer for me
20 please? You think that bothered the defendant? The guy
21 who's constantly leaving a mess around the house, had to
22 clean up after him is now asking him to do his laundry? Do
23 you think that started this?

24 Parrish came home from LJ's. He's in a good mood.
25 He's happy. He was at a celebration. He's tired. He

1 wasn't upset with the defendant. If anyone, he was a
2 little bit annoyed with Lizzy because the defendant and
3 Lizzy went and spent the night in someone's house while
4 he's lying in bed in pain. Again, Members of the Jury,
5 this is not a well man. He needed a blanket to sit
6 comfortable while he's there at LJ's. He can't even sit
7 comfortably, but he's supposed to be able to attack the
8 defendant, push him all around the yard with his abdomen cut
9 open, a colostomy bag? Did not happen.

10 You heard it even took him a long time getting up
11 the steps in the house. Yeah, he could walk around.
12 You've seen the Speedway video. No one is saying Parrish
13 Phillips couldn't walk. Couldn't walk in the gas station
14 to buy a pack of cigarettes. That's not what we're talking
15 about. We're talking about two men fighting for their
16 lives over a gun and this man is pushing him, grabbing his
17 arms, struggling around the backyard. This 150-pound man?
18 No.

19 We heard from Michael Phipps. You've seen all these
20 messages, Members of the Jury. What else did you see?
21 You heard in the defendant's interview Parrish Phillips
22 paid him that money he wanted. Paid him \$1,200 for July
23 and August. He's paid rent through August.

24 June 24, 2021. Gonna talk to him about rent tomorrow.
25 He's the one with the problem. The defendant is the one

1 with the problems with Parrish. He's ready for this.
2 Three and a half weeks he's lived there. \$1,600. It
3 doesn't matter. He's decided Parrish has got to go. It
4 doesn't matter how much money he's paid me, it doesn't
5 matter that he's paid rent through August. He's decided.
6 Money and control.

7 You heard from Voravudhi. You heard how she
8 interviewed the defendant and you heard again what he
9 said adamantly. Parrish is advancing at me, coming at me,
10 and I kept firing because he kept coming. Did not happen.

11 Let's talk about that, Members of the Jury.
12 State's 4. Look at Parrish's body. Look at how he is
13 laying. If he is advancing after the defendant as the
14 defendant's backing away, why is he laying this way? If
15 he's shot and he keeps shooting because he keeps coming,
16 why is he laying on his back away from the defendant?
17 Because it didn't happen.

18 You heard about the reconstruction again. Two
19 officers, two witnesses, at that reconstruction. They
20 both told you the same thing about what the defendant
21 said in that reconstruction. Nine days later after he's
22 done the interview. Again, I was backing away. He's
23 coming at me, I'm shooting him as he's coming at me facing
24 me. The evidence shows you that is not true.

25 What did we learn in that June 30th interview?

1 Who's frustrated? The defendant. Who's tired of Parrish
2 being there? The defendant. Who's a very demanding house
3 guest? That's an interesting way to phrase someone who's
4 paid you fourteen -- \$1,600 in rent for the next two months
5 through August. He's just a house guest. He didn't
6 matter.

7 Even when the defendant got the money that he wanted,
8 even when he got the money, what does he say? When Parrish
9 was able to pay him that money, even though Parrish was
10 saying man, I'm broke, he didn't like that one bit because
11 Parrish was saying he was broke and he's able to pay him
12 the thousand more a month he wanted. \$1,200 through
13 August.

14 What else did we learn in that interview, Members of
15 the Jury? The rule was no drug activity. I think by now
16 it's firmly established that that was not true. So why
17 is he saying it? You've seen what was in that house. No
18 drug activity. Pills on the counter, a debit card and a
19 straw with powder, marijuana cartridges, Parrish has
20 suspected in his hands, there's another back of suspected
21 marijuana on the back porch. He knows Parrish smokes weed,
22 Lizzy smokes weed, he smokes his weed pin. No drug
23 activity? Members of the jury, that's not true.

24 And if he's not being truthful about that in his
25 interview, ask yourselves what else isn't he being truthful

1 about? He said he and Lizzy was just friends except the
2 one time before Parrish got sick they all had a threesome.
3 What does he say later on in the same afternoon? After he
4 denies any other sexual contact with Lizzy Warwick in the
5 same interview, forty minutes later, well, there was one
6 time that I fingered Lizzy in the kitchen after Parrish got
7 sick and didn't want Parrish to know.

8 He says when Parrish got home he sits down on the
9 back porch and then the confrontation starts. He tells
10 Parrish less than a week after Parrish had given him rent
11 for July and August that he needs to get his own place
12 and that he confronted him about his lies. He starts
13 this. He sits down and kicks this off. He starts the
14 confrontation. He said Parrish got a little agitated.
15 Parrish got a little upset. That's understandable. He's
16 being told this living situation isn't working out. I
17 don't care that you paid me all this money. I know you're
18 lying about using my car. What does he say during the
19 initial argument? Lizzy went inside and took Max with her.
20 We know that's not true. Lizzy Warwick told you Max was on
21 the back porch the whole time. And then he said Parrish
22 got a little upset and walked away. Not that there was so
23 big blowup. That he made his point and said this living
24 situation isn't working out. I know you're not telling me
25 the truth about taking my car to a bar, and Parrish goes

1 inside.

2 What does the defendant do next? Does he let it go?
3 Does he let everything simmer down? Did he say Parrish, go
4 to the funeral, we'll talk about this later, let's let it
5 sit for a while? No. He goes and gets the money he's not
6 letting this go. This ends now.

7 He goes and gets the money and then he says when he
8 gives Parrish the money Parrish stands up and blows up at
9 him. You've seen the picture -- the picture of that money
10 on the back porch. At what point when Parrish stands up
11 and blows up do you think he neatly placed that lighter on
12 top of the money? At what point did that happen?

13 And then what did he say happened? Well, first he
14 says -- he said he could still take me and then he changes
15 it to he threatened to kill me and he said if he couldn't
16 kill me, his dog would kill me. Max the service dog. The
17 dog that he never -- he's not scared of; that he shot his
18 owner in front of Max and then immediately puts the gun
19 down, unloads the gun. Not scared of Max now. Begs
20 officers when they arrive don't shoot the dog. He's a good
21 dog. Not hey, guys, be careful, that dog's a crazy attack
22 dog.

23 And he says when Parrish stands up what does he do?
24 He said hey, man, I don't want to do this let's -- let's
25 separate, let's walk away now. He stands up and gets in

1 his face too. They're face to face back and forth. You
2 can't talk to me like that. This is my house. You need to
3 leave. He starts this. He escalates it. Parrish Phillips
4 had paid rent to him twice through August and now he's
5 saying get out. You need to leave. He's not a house
6 guest. He's not someone who's just crashing on the couch.
7 He lives there. He's paying rent. And, you know, Members
8 of the Jury, the defendant took his money. Twice he took
9 his money. He doesn't get to just say you need to leave.
10 Get out.

11 And he says that's the moment. That's the moment
12 he's in fear for his life. So ask yourselves if that's
13 the moment he's in fear for his life, what does he do
14 every step of the way afterwards? First he says Parrish
15 storms inside and he thinks he goes into his room. I
16 submit to you the evidence shows that is not what happened.
17 Parrish Phillips never left that back porch. Lizzy Warwick
18 never he saw him come in that room and there's nowhere in
19 the house that he would be. There's nowhere in the house
20 he would have been that the defendant would not have seen
21 him coming in the back porch going all the way to his
22 bedroom.

23 Parrish Phillips never left that back porch which
24 means the defendant goes inside knowing Parrish is on the
25 back porch and goes and gets his gun. Why? He says he

1 wants a phone. He says he wants to get space and get help,
2 and he gets a gun. He doesn't stay in his room. He
3 doesn't let things settle down. He gets a gun and he goes
4 right back on that back porch immediately. Why? Because
5 he's ending the argument. We're not arguing anymore,
6 Parrish. This is over. I'm ending this. That's what
7 happened.

8 Parrish is still on that back porch. That's why the
9 gun's behind him. Not because he's in fear for his life,
10 so Parrish doesn't see it coming. If he's in fear for his
11 life, why is the gun not at the ready? Why is it hidden?
12 Because he's not in fear for his life. He's not in danger.
13 He is the danger. He's coming on that back porch to
14 confront an unarmed man with a gun.

15 You saw the bullets, Members of the, Jury. You saw
16 the bullets on his dresser that Brian Malanio told you were
17 consistent with the ones in the gun. I submit to you he
18 goes in that room, he gets the gun, he loads the gun and he
19 comes on the back porch knowing Parrish is, there knowing
20 what he's gonna do. He's ending the argument.

21 He says his plan was to go outside and get space.
22 Here's his bedroom. Here's where he gets the gun from.
23 What's right beside the bedroom? The side door. What's
24 right there in the living room? The front door. But he
25 doesn't care about that. He walks past the side door,

1 walks past the front door and goes back to the back porch
2 not because he wants to get space, because that's where the
3 argument is. That's where Parrish is. And somehow --
4 somehow when he gets on the back porch now. He
5 miraculously able to find his phone. He couldn't take
6 two seconds to find his phone when he says Parrish went
7 inside and I knew I needed my phone. Couldn't see it then,
8 but now that he's got the gun, now there's the phone and he
9 hears parish coming from inside. He hears this man coming
10 from inside when he grabs his phone and he's still in fear
11 for his life. Remember, he's still in fear for his life.
12 He doesn't turn around. He doesn't prepare for the danger
13 that's coming at him. He says the gun's still by his side.
14 Did not happen. It did not happen.

15 He says when Parrish sees the gun they start
16 struggling over the gun. He grabs both his arms somehow
17 holding onto two bags of weed. They're in a fight for
18 their lives over this gun and Parrish doesn't scratch his
19 arms. He holds onto a bag of weed while they go off the
20 porch. They're fighting for their lives over a gun and the
21 only thing that gets knocked over is the chair and the tiki
22 torch behind the chair. Did not happen.

23 And then a 150-pound man with a colostomy bag and a
24 stomach wound and blind in one eye is pushing him all off
25 the porch and they're struggling over the gun while he

1 holds onto a bag -- two bags of weed? No.

2 He says when he breaks free Parrish says Max on me,
3 the heel command, the command for Max to come to Parrish,
4 and that's when he's afraid that Parrish is gonna issue the
5 secret attack command that he didn't even know, that Max,
6 the service dog, was actually a trained attack dog and that
7 the moment Max appears in the doorway as he's right at the
8 edge of the grass and the sidewalk, the moment he sees Max
9 from his periphery, then he fires because he's afraid that
10 Parrish is gonna issue an attack command. If he's afraid
11 of the dog -- if he's afraid of the attack dog, then shoot
12 the dog. He doesn't shoot the dog. At no point in
13 breaking away does he fire a warning shot. He doesn't
14 shoot the dog. He's not afraid of the dog. He shoots
15 Parrish. That's the target.

16 And when he shoots Parrish -- actually, you know what,
17 let's talk about that a little more. Look at where he says
18 he would have been standing, where the grass meets the
19 sidewalk, and he says he sees Max appear in the doorway.
20 Somehow he sees him through the chair, through the bush,
21 through the pole. He's standing right there, but he sees
22 maximum in the doorway out of his peripheral and then he
23 fires and he says when he fires Parrish is facing me,
24 coming towards me. Absolutely not. Absolutely not.

25 And that he kept firing because Parrish was still

1 coming at him. So Parrish is facing him with his back,
2 advancing at him holding a bag of weed with his arm down
3 like this, taking gunshots as he advances and then somehow
4 winds up dead on his back right beside the chair. Did not
5 happen. Absolutely not. And the evidence shows you that
6 clearly.

7 He says after he shoots Parrish Phillips to death Max
8 is right there. The dog that just made him in so much fear
9 that he had to shoot the man, he puts the gun down, unloads
10 the gun. Tells officers please don't shoot the dog. Not
11 hey, guys, watch out, that's a dangerous animal. No. He's
12 not afraid of that dog and he's not afraid of Parrish
13 Phillips. He comes on that back porch with a gun for one
14 purpose. Not to get help, not to get space, to end the
15 argument.

16 What do we hear after the interview? They
17 reconstructed it. They went out there, two officers.
18 They both told you what happened. That he says Parrish
19 tries to grab the gun, they struggle off the back porch and
20 he breaks free, gets a couple of paces of space and shoots
21 Parrish as he's facing him coming at him. Now he said it
22 twice. Did not happen.

23 Members of the Jury, one of your jobs, and the
24 judge will instruct you, is to judge the credibility of
25 witnesses. You can disregard a witness's testimony if

1 you don't believe it's credible. You can disregard
2 evidence if you don't think it's credible. You are the
3 judges of the facts. The judge gives you the law and you
4 apply the law to the evidence, and I submit to you in
5 judging the credibility of the evidence of the witnesses,
6 the defendant has no credibility. From the start. From
7 the start. From the 9-1-1 call he is not being truthful
8 about what happened. From the very beginning.

9 And so what can you rely on? He's clearly not being
10 truthful about what happened that day or what happened
11 anytime around that day. I found out he was a drug dealer,
12 but the defendant's the one selling people marijuana carts
13 a week before this happens? The evidence. There's two
14 people on that back porch. One of them walks away
15 uninjured, the other's got four gunshot wounds and one on
16 his back. Ask yourselves can you trust his version of
17 events? The evidence tells you absolutely not.

18 But Parrish Phillips is still talking to you. He's
19 telling you what happened. Look at these gunshot wounds.
20 This is screaming from the mountaintops this was not
21 self-defense. A shot to the back downward and going to
22 his front, three shots to the side with his arm down, this
23 was not self-defense. This was not him being attacked.
24 This was Parrish Phillips being attacked by a man with a
25 gun.

1 Murder. I told you the judge is going to instruct
2 you on the law. We talked about it briefly. Murder is
3 the unlawful killing of another with malice aforethought.
4 So let's talk about unlawful. This was not self-defense.
5 Pointblank period. Now, Members of the Jury, we have to
6 disprove self-defense beyond a reasonable doubt and the
7 evidence does that absolutely.

8 Let's talk about the elements of self-defense. If
9 you find that any of these elements, any one has been
10 disproven beyond a reasonable doubt, then there is no
11 self-defense. There is no self-defense.

12 So let's start with the first one. The defendant
13 was without fault in bringing about the difficulty.
14 Without fault. That the defendant was in imminent danger
15 of death. Imminent danger of death from an unarmed man
16 holding two bags of weed. Or, three, that a reasonable
17 person, a reasonable person, would have believed they were
18 in imminent danger of death or serious bodily injury.

19 And, Members of the Jury, you'll hear that there's
20 sometimes a fourth element, a duty to retreat. That
21 doesn't apply here. The law says it doesn't apply. It's
22 his house. The law says he doesn't have to leave.
23 Self-defense is an important right. It is a fundamental
24 right, but when your actions and your conduct bring about
25 deadly force, when you bring about the difficulty, when you

1 have fault in bringing about the difficulty, you give up
2 that right. You lose the right to self-defense by your own
3 actions and your own choices.

4 So let's talk about that. He has to be without fault
5 in bringing about the difficulty. What does that mean?
6 His conduct was reasonably calculated to produce a deadly
7 assault. Is getting in an argument, starting an argument,
8 escalating an argument and then going and getting a gun
9 and coming back to the scene of the argument, is that
10 reasonably calculated to produce a deadly assault when
11 you're injecting a loaded firearm into a verbal argument?
12 Absolutely.

13 And it doesn't say he must be totally at fault. It
14 doesn't say he must be mostly at fault. He must be
15 without fault.

16 Now this was an argument between two people. No
17 one's saying Parrish Phillips didn't get into this
18 argument. You can think Parrish Phillips has his own
19 fault in this, but that's not the question. The question
20 is was the defendant without fault in bringing about the
21 difficulty? He initiates this verbal argument, he
22 escalates it, he doesn't let it go, he goes and gets the
23 money and turns up the tension, turns up the pressure,
24 because he's not letting this go. This is ending now. And
25 then he returns to the scene of the argument where the

1 evidence shows you Parrish Phillips still was. He comes
2 back to where Parrish is with a loaded gun to end the
3 argument.

4 Members of the jury the evidence shows you that
5 the State has disproven this element. The defendant
6 absolutely has fault in bringing about the difficulty
7 and producing a deadly assault because he's the one who's
8 committing a deadly assault. He's shooting Parrish
9 Phillips, an unarmed man holding two bags of weed.

10 Second element of self-defense. That he was in
11 imminent danger of death. This is his friend. This is
12 his roommate. They've never had a cross word. They've
13 known each other for years. This is not a stranger in a
14 dark alley. It's his friend. He's not in fear of imminent
15 death from this man. He knew he was unarmed. He knows in
16 all the gory detail about his medical condition, about his
17 physical condition. This is a shell of a man. He's got
18 his stomach cut open, he's got a colostomy bag, he's blind
19 in one eye. He's not in imminent danger of death. He
20 doesn't believe he's in imminent danger of death from this
21 man. Even in his own version of events, Members of the
22 Jury, do his actions -- do his actions at any point tell
23 you he's in imminent danger of death? No. What does he
24 do? He escalates the argument, he's not afraid to turn up
25 the argument and he goes and gets a gun and comes back to

1 the argument. He's not in fear. He doesn't stay in his
2 room. This is not a case where he's hiding in his room and
3 Parrish Phillips is banging down the door saying I'm gonna
4 get you, I'm gonna kill you. No, he walks through the
5 house with a gun hidden behind his side and goes back to
6 the scene of the argument. He's not in fear. He's not in
7 danger. He's got no injuries. On that back porch there's
8 no signs of a physical struggling. There's not stuff
9 turned over. This is not two men fighting for their lives.
10 This is one man with a gun shooting a man in the side and
11 the back, and that man is the defendant.

12 Third element of self-defense. Would a reasonably
13 prudent person of ordinary courage have used deadly force
14 or believed they were in imminent danger of death or
15 serious bodily injury. Would a reasonable person have
16 feared imminent death from an unarmed man holding two bags
17 of marijuana with his stomach cut open, a colostomy bag,
18 blind in one eye? Absolutely not.

19 But ask yourselves this. Was anything he did that
20 day reasonable? Anything? He takes this man's money,
21 \$400 and \$1,200, and that's not good enough. Less than
22 a week later now he's trying to kick him out and then he
23 goes and gets the money. He knows what's happening.
24 Parrish is about to leave. Parrish isn't there for a
25 fight. Who starts this? Whose there for an argument?

1 Who turns this into a verbal argument and who turns it
2 into a deadly shooting every step of the way? The
3 defendant.

4 Ask yourselves what, if anything, what did he do at
5 any point to ease the tension? Did he ever say Parrish,
6 let's -- let's let this go, go to the funeral, let's talk
7 about this later. He's made his point. He says the
8 situation's not working out, but that's not good enough
9 for him. It's not good enough. He's not gonna be happy
10 until he's won. He goes and gets the money and then when
11 that doesn't work he goes and gets the gun and then he
12 shoots Parrish.

13 Murder is the unlawful killing. We've covered that.
14 This was not self-defense. Even if you believe every word
15 he says, even if you listen to that interview and believe
16 it, which you shouldn't, because the evidence shows you
17 what he's saying is not true. Even if you believe for the
18 sake of the argument, it's still not self-defense. He's
19 still bringing on the difficulty. He's still starting the
20 argument. Even in his own version he's escalating the
21 argument. He's going and getting a gun and coming back to
22 the back porch where the argument is. Why? Why is he
23 going back there? Malice. Hatred. Ill-will. Hostility
24 towards another.

25 The judge is gonna tell you that malice aforethought

1 doesn't have to exist for any length of time. It just has
2 to be in his mind when he pulls the trigger.

3 What's the evidence of malice in this case? What's
4 the evidence of ill-will, of hostility, of a total
5 disregard for human life? He shoots an unarmed man four
6 times in the side and back. His friend. That's malice.
7 He goes all the way through his house to get a gun and all
8 the way back. Ill-will. Hostility.

9 The evidence shows you I submit he loaded that gun
10 in the room. There's matching rounds on his dresser. He
11 conceals the weapon. That's hostility. That's not
12 self-defense. That's ill-will. He doesn't with Parrish
13 Phillips to see it coming. At no point. At no point when
14 he has armed himself with a deadly weapon does he ever say
15 Parrish, I have a gun, stay away from me. Parrish, you're
16 freaking me out, man. No. Silence. Silence, and the gun
17 is behind his back.

18 He gets on the back porch and Parrish comes. He
19 doesn't start backing away. He doesn't turn and say
20 Parrish, stop; Parrish, leave me alone because it didn't
21 happen because Parrish doesn't come out on the back porch
22 because Parrish is already there. He's coming on the back
23 porch with a gun because that's where Parrish is and he
24 knows that. He's not afraid. He's coming there with
25 ill-will. He's coming there with hostility. He's coming

1 there with a gun with a total disregard for human life.
2 That's malice. He's not in fear. He's not afraid of Max.
3 He shoots his owner before his eyes and then puts the gun
4 down. He's afraid of this secret attack dog but not enough
5 that he's gonna go inside and leave the dog outside? No.

6 What does he say on the 9-1-1 call? After he told
7 Lizzy to call 9-1-1, when he finally calls 9-1-1, he tells
8 Lizzy get the dog. Lizzy, come take this dangerous attack
9 dog inside now that I've shot Parrish. He does not seek
10 any kind of help until he's finished killing Parrish
11 Phillips. Never says Lizzy, call 9-1-1, Parrish is going
12 nuts. No. He shoots the victim on his blind side. Is
13 Parrish Phillips advancing on a man with a gun on his blind
14 side holding two bags of weed and continuing to advance as
15 he's being shot? No. That's malice.

16 Look at these gunshot wounds. Remember Dr. Richard's
17 testimony. I submit to you the evidence shows you Parrish
18 Phillips is sitting in this chair or falls over this chair
19 standing on the back porch when he's shot. Look at the way
20 the chair's laying. Right beside his body. Look at the
21 indentation. It's not dragged along the ground. That is
22 that chair hitting that ground and imbedding in that ground
23 with weight, with force, and not just weight, Members of
24 the Jury. Dead weight. Parrish's weight.

25 This was the unlawful killing of another with malice

1 aforethought, but you're also going to be instructed on a
2 lesser included charge. Voluntary manslaughter.

3 Let's talk about that. Voluntary manslaughter is
4 the unlawful killing of another without malice upon
5 sufficient legal provocation in the sudden heat of
6 passion. What does any of that mean? Let's talk about
7 that.

8 Members of the Jury, the evidence shows you this was
9 not voluntary manslaughter. If nothing else, because he
10 had malice, he had ill-will, he had hostility. He had a
11 total disregard for human life when he took that gun on
12 the back porch.

13 Second, he wasn't legally provoked. There was no
14 legal provocation. The judge is gonna tell you words are
15 not enough. An argument is not enough. There has to be
16 a hostile act. There has to be a physical act. Words
17 aren't enough. He wasn't legally provoked and even if
18 you consider well, what if he was. The defendant's not
19 in the heat of passion. What is the heat of passion?
20 What is the heat of passion? The sudden uncontrollable
21 impulse to do violence and that you don't have a moment
22 for cool reflection. That you were in an uncontrollable
23 impulse to do hard and you have no time to stop an event.
24 You don't have a moment for cool reflection. Members of
25 the Jury, he walks all the way to his room, all the way

1 through his house and gets that gun and he walks all
2 the way back to the back porch. He has far more than a
3 moment for cool reflection. He's not in the heat of
4 passion.

5 Watch Officer Norris's body camera. See how long
6 it takes to walk through that house to get from the back
7 porch all the way through the living room, through the
8 kitchen, to his bedroom to get the gun, and then all the
9 way back. He has a moment to stop and think what am I
10 doing? Why am I going out there with a gun? He knows
11 what he's doing. He's not in the heat of passion. This
12 was not voluntary manslaughter and it certainly was not
13 self-defense. The evidence prove both of those things
14 beyond a reasonable doubt. This was murder. This was
15 the unlawful killing of another with malice aforethought.

16 You know, Mr. Yonge made a comment in his opening
17 statement about what Jabin Trapp did after he shot and
18 killed Parrish Phillips, and I thought about it, and he
19 said something along the lines of was anything he did,
20 calling 9-1-1, talking to the police, something someone
21 would do if they just committed a crime? I submit to you
22 that what the defendant did after he finished shooting
23 Parrish Phillips, not telling the truth to police about
24 what happened, saying things that we know aren't true,
25 saying things that are totally contrary to the evidence.

1 Not just when law enforcement arrives on-scene, not just
2 when he's sitting at the police station, not just in his
3 interview, not just during the reconstruction. Is not
4 being honest about what happened something you expect
5 from someone who committed a crime? Absolutely yes.
6 Yes. He knew what he was doing every step of the way.

7 Parrish Phillips never came back in that house.

8 Parrish Phillips is on that back porch, he goes and gets
9 a gun and comes on that back porch because he's not
10 letting it go. The argument ends now. I'm not taking
11 no for an answer. I'm tired of this. I'm frustrated.
12 I'm over it. Pop. Pop. Pop. Pop. The argument's over.
13 No more -- no more Parrish laying on the couch having
14 medical appointments, no more complaining about how broke
15 he is, no more having to clean up. The argument's done
16 now. He goes inside to get a gun and inject it into a
17 heated verbal argument. That is malice, that is ill-will,
18 that is hatred, that is a total disregard for human life.

19 I submit to you the evidence shows you that he
20 ambushed that man on the back porch with a gun. He shot
21 him in the side and the back. His arm's down on his blind
22 side holding two bags of weed. This is not a man in a
23 fight. This is not a man that could be in a fight. This
24 is a man who was ailing. That's malice. That's murder.
25 Follow the evidence. Follow the law. Find him guilty.

1 Thank you.

2 THE COURT: Thank you, Mr. Norton.

3 Do we need a quick break before we start, Ms. Yonge?

4 MS. YONGE: Yes, please, Your Honor. Thank you.

5 THE COURT: All right. Mr. Foreman, I'm gonna give
6 you-all a quick break and then we'll come back and hear
7 from the defense.

8 FOREPERSON: Okay.

9 (Whereupon, the jury retires to the jury room at
10 11:01 AM.)

11 THE COURT: Okay.

12 (Recess taken at 11:00 AM.)

13 (Back on the record at 11:10 AM.)

14 THE COURT: Are we ready?

15 MS. YONGE: The defense is ready, Your Honor.

16 THE COURT: Bring them in.

17 (Whereupon, the jury return to the courtroom at
18 11:13 AM.)

19 THE COURT: All right. Mr. Foreman, the jury ready
20 to continue?

21 FOREPERSON: Yes, ma'am.

22 THE COURT: All right. Let's be seated.

23 Ms. Yonge, I'll be happy hear from you.

24 MS. YONGE: May it please the Court, Your Honor?

25 THE COURT: Yes, ma'am.

1 MS. YONGE: Good morning. I can honestly say that
2 drugs and -- or I'm sorry, money and control is not where
3 I thought we were headed, but we'll see.

4 So let me start with stating that this case is a
5 serious one. I don't recall if anyone has actually
6 acknowledged it, but at the end of the day a man is dead,
7 and that is a tragedy. The question is why. Why did it
8 happen? Why did Jabin shoot Parrish? That's why you-all
9 are here today. That's why you're sitting in a jury box.
10 It's to determine why Jabin Trapp shot Parrish Phillips.
11 Was he an angry landlord who suddenly turned homicidal on
12 his really good friend or did Jabin suddenly become
13 terrified that his life was in danger from a man who he'd
14 always heard had a bad temper, but had never witnessed
15 before himself. Why did Jabin Trapp shoot Parrish
16 Phillips? Let's go through what Jabin says happened and
17 see what comes to light.

18 Now I think it's interesting that the State portrays
19 Jabin's statement as being very certain about what
20 happened. You will have it back there with you when you go
21 to the jury room. I submit to you that there are some
22 areas in which he is certain and there are some in which it
23 is very clear he is not.

24 So originally I was going to play the statement for
25 you-all. That's what I was gonna do because I know that

1 you've seen a snippet here, a snippet there, it's out of
2 order, you haven't seen all of it. I was gonna play it
3 for you-all, but then I realized that if I did that I would
4 have to pause it and I would have to discuss each part of
5 it with you as we went. So I'm not going to do that. What
6 I am going to ask is please, if you remember nothing else
7 that I say, please go back there first thing, watch the
8 whole thing from beginning to end. No pausing. No stops.
9 No jumps. Hear Jabin's statement as he gave it. Please
10 remember that and please do that.

11 Now I have typed out what he said. This can't go
12 back with you, but this is just for my notes. So rather
13 than play everything, I would like to start with reading
14 you the big statement that Jabin gave on June 30th and
15 you're going to notice that as I read this statement that
16 it wanders, it's not a fully linear statement. He begins
17 with that afternoon and he begins to discuss something and
18 then he goes over here and then he comes back down and we
19 get back on track and then he goes over here and he comes
20 back. Pay attention to that. That's very important, his
21 wandering statement, and I think by the end of me reading
22 this -- it's two pages. By the end of me reading this
23 without me saying anything you-all will have figured out
24 why his statement wanders.

25 So I got done with yard work, you know, I mean, I

1 guess probably around four-ish or so. And, um, when
2 Parrish had left he said he would probably be home earlier
3 in the evening, so I see that to be like seven or eight.
4 And to be honest with you, at that point in time with
5 myself, as well as Lizzy, we kind of took that as a
6 reprieve from having to -- you know, he was very demanding.

7 Okay. So what happened next? So he came early and I
8 wanted to address with him, and I didn't like the current
9 situation, and that a -- I felt it was best that he got his
10 own place. And he was getting irritated with me a little
11 bit and I explained to him that I knew that he had been
12 lying to me about the places he was going in my car and
13 stuff, and he got kind of irritated and agitated about that
14 because, you know, I pointed out the lies that he was
15 telling me.

16 And -- and so he went inside and I went inside and
17 when I went inside I went and got my -- he had given me a
18 few days prior, like Monday, he had given me \$1,200. I
19 talked to him. I was like dude, you can't stay here for
20 \$400 a month. You're eating that in groceries, you know, I
21 need more than that, and he's like well, how much do you
22 want? I told him like -- well, I think like \$1,300 a month
23 is fair because I had a spreadsheet, and he's like well, I
24 can't afford that and I'm like, well, how much can you
25 forward? He said I can afford like six hundred and I said

1 well, if you can come up with 1,200 and go ahead and pay me
2 for July and August, that would be great. And I was
3 thinking, you know, July 1st he'd come to me or we'd go to
4 the bank or something, but about ten or fifteen minutes
5 later he comes rolling out with a big wad of twenties and
6 that did nothing but make me even more nervous. You know,
7 like he was talking about how broke he was and he just came
8 out with a wad of \$1,200 in all twenties -- talking about
9 what? Sorry? I'm sorry? He talked about what? He -- oh,
10 I don't -- no, he just handed me \$1,200 and I thought that
11 was odd that he was talking about like how broke he was.
12 Oh, how broke he was. How broke he was. Earlier he'd been
13 telling me about how broke he was, he came out with \$1,200
14 and I was like I didn't like that one bit, so I took the
15 \$1,200 and I put it in an envelope in my office and, you
16 know, sat on it for a few days. And -- so I went back
17 inside. It was afterwards. I went back inside and I
18 brought out the \$1,200 and went to hand him to it. I'm
19 like here, dude, you know, take this \$1,200 back. You can
20 stay until the end of the month or a couple more weeks and
21 find your own place, and that's when he went just crazy.
22 Like he just went off. I'd never seen him like that.

23 Now I've heard he was a hothead, but not like been
24 off on me like that. He's like I've never -- I've never
25 had a terse word. I'm like -- I'm very -- I'm a pacifist

1 and I try to help people and that's why I had him in my
2 house because, you know, he was in really bad shape. He
3 had a poopy bag and the bag would come lose and it was make
4 the room smell like poop and stuff, so, yeah.

5 Okay. Where were you standing? Where was he standing
6 when you-all were on the back porch and you were like, you
7 know, here's your money? So we both -- there was a
8 high-top glass table with two high-top chairs and we were
9 both sitting in those chairs because we had the discussions
10 earlier year about the lying and stuff and so I literally
11 like hand him the money and like we were sitting down and
12 that's when he just blew up and he jumped up in my face and
13 I stood up and said dude, you can't talk to me, this is my
14 house, you know, I think -- why don't you just leave kind
15 of thing and he's like I'm not gonna leave. I'm gonna --
16 he's like even though I'm injured I could take you and I
17 could kill you. It's like if I couldn't, my dog would, you
18 know, so I was really scared. I was beginning to get kind
19 of scared at that point, really scared actually, and it got
20 heated, and this was like -- you know, he stood up -- he
21 stood up and I'm sitting down and he stood up and he's
22 right on me like this. So I stood up and was like this is
23 my house, don't talk to me like that, and he mouthed off
24 back and forth calling you don't know who you're messing
25 with. Even though I'm wounded I can still kill you and my

1 dog -- I'm siccing my dog on you and there will nothing
2 left but a carcass, and so he kind of stormed inside. And
3 when he stormed inside, I was fearful for my life and my
4 thought process was to get the telephone because I misplace
5 things like crazy. I have ADD and I misplace things like
6 crazy. So I went inside and I thought maybe I left my
7 phone when I went to go look for the envelope that was in
8 my hand, so I'm going through the house and I'm in my
9 bedroom and I had a pistol on my nightstand and I'm like I
10 don't know if he's gonna come out of that room and
11 whatever, so I took the gun and I put it on my side, and my
12 plan was to get outside and to get space and as soon as I
13 got outside like the back door was open to the back porch
14 the whole time. So when I get outside I see my phone
15 sitting on the stool, so I grab my phone. Quite literally
16 as I'm grabbing my phone and I put it in my back pocket, I
17 can hear him yelling at me even before he comes out the
18 door and so he comes up and he gets in my face and telling
19 me about what he's gonna do, you know, he's gonna do this
20 that and the other, and he sees my gun down by my side, I
21 had my gun like -- I was kind of trying to hide it because
22 at this point in time my plan was that I was gonna grab my
23 gun and I was gonna run away, but like, you know, as soon
24 as he turn he's right here and so he grabs my gun arm, I
25 start to struggle and right away I'm backing away. I'm

1 trying to back away from him because we were on the back
2 porch and I normally go off the back porch into the back
3 yard kind of way, but this way I didn't go normally, not
4 where you normally walk to leave the back porch, and, you
5 know, he had my arm and at a some point in time he had both
6 of my arms and I was struggling and I was like -- at that
7 point I was fearful for my life, but I felt like I could
8 probably at some point get space from me and so I got my
9 arm free and right when I got my arm free he said Max on
10 me. And Max is a service dog. He said -- he had told me
11 before and I heard other people relay it that Max was not
12 only just his service dog, but he was a trained attack dog,
13 and I -- he was a good dog. I witnessed Parrish several
14 times just like -- and so when he said Max on me, I was
15 afraid he was going to issue some sort of attack command.
16 And I saw him come outside and so I just -- I pulled the
17 trigger and I didn't know if I hit him because he didn't go
18 down, so I pulled the trigger like two or three more times.
19 I don't know how many times to be honest, and he went to
20 the ground and I saw Max and Max was startled and he didn't
21 seem aggressive and I looked over at Parrish and he was on
22 the ground turned on his side and I could see him moving.
23 He was moving when he was trying to breathe and so I knew I
24 was -- unclear. At this point I knew I had my phone in my
25 back pocket, so I took the gun and I dropped the magazine

1 out of it and I kept -- and I kept it around and where I
2 sat the gun was probably four, five, a few feet or maybe
3 eight feet back from where I actually shot. And so then I
4 came right back over him and like I could tell he was
5 trying to breathe and so I was like Parrish, come on,
6 buddy, Parrish, and I remember I hollered out for his
7 girlfriend Lizzy and, see, she is very traumatized by
8 things and so as soon as anything got heated between me and
9 Parrish, she went to the front porch and just removed
10 herself. She doesn't like violence or confrontation or
11 anything and I called for her a couple of times and she
12 didn't respond. Again, at first I'd forgotten the phone
13 was in my back pocket just for a few seconds, grabbed my
14 phone and I called 9-1-1 I was sitting there. I had my
15 hand on his head because I could see some blood coming out
16 of his mouth and I could see him -- you know, like his
17 chest -- like even -- kind of even, and I was talking to
18 the 9-1-1 operator.

19 Let's begin with the first part of his statement.
20 He was going to address things with Parrish. What do we
21 know about that? Well, we know that he doesn't like
22 appointments in his living room. We have that in a text
23 message to another friend that he was going to tell him
24 about the appointment -- or, I'm sorry, it was to Lizzy.
25 We also have State's 102, which I'll see if I can -- there

1 we go.

2 THE COURT: Can you turn the light on it?

3 MS. YONGE: Can I get a bailiff, please?

4 THE COURT: No, on the --

5 MS. YONGE: Oh, is it --

6 THE COURT: Mr. Cox, can you help her turn the light
7 on? I think there's a light that comes on.

8 MS. YONGE: Oh, I see. Okay. This one's new.

9 THE COURT: Well, that didn't help.

10 MS. YONGE: Can I get half -- half lights, please?
11 Thank you. That's perfect.

12 Okay. Appointments in his living room. Well --

13 THE COURT: There we go. Easier to read.

14 MS. YONGE: Thank you Mr. Norton.

15 All right. So we know about the appointments in his
16 living room. He states to -- earlier in his statement he
17 states to Detective Voravudhi that he doesn't like the
18 appointments in his living room because it smelled and
19 things like that and we know that this is something that
20 concerns him. He also doesn't like him leaving a mess in
21 the kitchen and so he has notes in his phone and there are
22 a lot of reasons people have notes in their phone to remind
23 them of things. It could be a grocery list or an idea you
24 have, anything like that. So here we have a note for
25 Parrish and it says if you fire up kitchen, offer people

1 food, clean up immediately after eating, sitting all -- sit
2 day, slept.

3 We're gonna get to the next part and so -- this is
4 confirmed by Lizzy who stated on the stand that Jabin was
5 getting upset about roommate stuff. So far seems pretty
6 normal.

7 Well, what's this next line say? No weed or other
8 drug product left out. Well, didn't he tell Officer
9 Hassler that I found out he was dealing drugs when asked
10 what happened? Aren't those some of the very first words
11 that came out of his mouth? Well, yeah, of course, Jabin
12 knew that he was a drug dealer. What's interesting is
13 that you-all saw portions of the interview and as I
14 attempted to bring to light with -- when Mr. -- I believe
15 it was Alewine was on the stand, I'm not sure. This is a
16 -- Norris's brief statement. This is exactly one short
17 -- this is not a fully interview. This is I found out he
18 was dealing drugs. This is five, ten minutes after he had
19 just shot his good friend to death.

20 So let's take that same statement and let's put it
21 in context. At minute mark 40 and 48 seconds in the
22 interview. So, again, don't take my word for it. It's
23 in there. Watch it.

24 Okay. Were you aware of the amount of drugs that
25 was in your home? No. Okay. The one thing that I

1 observed one time was that he had a -- unclear -- that was
2 about this tall and about this wide and had padlocks on it
3 and I knew when I saw that -- I'm like -- because he told
4 me he was out of it. He told me he was just like getting
5 residuals from whatever and I knew then that he was doing
6 way more than -- and so at that point in time I was already
7 planning on like, you know, sitting down with him and
8 telling him he just needed his own place and stuff. And so
9 over that week, you know, I just kind of continued to
10 gather -- to maybe gather some information to make sure I
11 was, you know, coming to the right conclusion.

12 He told me he was out of it. He told me he's just
13 getting little residuals from whatever and I knew then that
14 he was doing way more than dot dot dot.

15 Jabin smoked THC cartridges. He admits it to the
16 police with brutal honesty in his interview. There were
17 a lot of brutally honest things in that interview and he
18 buys them from Parrish, but he does not want any weed or
19 other drug product left out. How do you reconcile that?
20 Especially when he says that part of the deal was no drug
21 dealing -- or no, I'm sorry, not drug dealing, we're gonna
22 be specific with details. No drug activity.

23 Well, if we look a little bit more into his reasons
24 for getting upset and his reasons for talking with
25 Parrish, we're gonna see why. He states -- again, a

1 rambling statement. He states to Detective Voravudhi
2 at the very beginning that he didn't like that he had --
3 was borrowing his car and on his app he was -- he said
4 he was going to hospital, it took way longer than that,
5 he checked on his app and it took longer. He was at a
6 bar. That's one of the things he cites as cluing him
7 in to reasons he wanted him gone. He's got a car that's
8 going places it's not supposed to be. This is Jabin's
9 car, ladies and gentlemen, okay?

10 He then quotes the \$1,200. You-all heard me just
11 read his statement. It's weird. He told me he didn't
12 have \$1,300. He said okay, I can do 600 a month and
13 instead of waiting until July 1st and going to the
14 bank with him like he thought he would have to do, ten,
15 fifteen minutes later Parrish goes to his room, he comes
16 out and he has a \$1,200 wad of twenties. And he -- he
17 doesn't like that 1 bit. Well, why doesn't he like that?
18 Ladies and gentlemen, who carries around giant things of
19 cash? Drug dealers? People who have large amounts of
20 drug activity? Jabin being okay with smoking a little bit
21 of THC with his friend, purchasing THC with his friend,
22 with his friend smoking some weed on the back porch, that
23 can -- is completely different from having your personal
24 vehicle be part of a drug enterprise or having your home
25 be the center of a drug enterprise. He knew that Parrish

1 had been a drug dealer. It was his understanding that
2 he had kind of dialed his game back and so all of a
3 sudden it's not looking like that. It's looking like
4 maybe Parrish's comings and goings from his house are
5 problematic and so he decides to have a conversation
6 with him about it. It's not inconsistent. Please watch
7 the body camera. It's -- he literally says I found out
8 he was dealing drugs and then at 40 minutes and 48 seconds
9 in the interview he explains that he knew he'd done it
10 before, but Parrish had told him that he'd stopped, it
11 was just residual stuff. He found out he was in further
12 than he thought he was and he wanted out.

13 I would briefly like to bring up one of the other
14 inconsistencies that the State has mentioned. There's
15 some discussion about him being intimate with Parrish and
16 him being intimate with Lizzy and him being inconsistent
17 in that and, ladies and gentlemen, this is another question
18 of the details. I don't want to spend too much time on it,
19 but since the State seems to think it's extraordinarily
20 probative, let me be clear.

21 Were you and Lizzy ever intimate? Um, me and Lizzy
22 and Parrish engaged in a threesome like probably six
23 months prior. It had =nothing to do with why he was
24 staying there. Consenting adults can do whatever. That
25 was the last time you-all were intimate in any way?

1 Correct, yeah, and the whole thing with Parrish was -- he
2 was, you know, he really couldn't be intimate, so. That
3 was the last time that you-all were intimate in that way?
4 Correct, yeah, and the whole thing with Parrish was he
5 was, you know, he couldn't really be intimate. He wasn't
6 answering the question with regards to Lizzy. He was
7 answering it with regard to Parrish. And to be fair, it
8 says that was the last time you-all were intimate in any
9 way, and that comes right after he answers he was in a
10 threesome. So, yeah, the last time he was intimate with
11 Parrish was in February. It wasn't -- he did not interpret
12 it as to being about Lizzy, so later when he specifically
13 asked about Lizzy, he goes well, yeah, there was that one
14 other time with fingering.

15 He's not being inconsistent. He is a hundred percent
16 consistent. Parrish, the last time he was intimate with
17 him was before all of this mess. So just to be clear here,
18 it is in the details. That part also, by the way, is in
19 the interview. Listen. If you hear something different,
20 you're the finders of the facts, but I submit to you that
21 that's exactly what is said.

22 So he has this discussion with Parrish and Parrish
23 gets a little bit irritated and at this point Lizzy is
24 out there on the porch, right? And Lizzy says that she
25 hears Parrish say I might be injured, but I can still kick

1 your has or something like that, and Lizzy is triggered
2 because she has PTSD, things like this, she's starting to
3 have a panic attack.

4 So at this point Lizzy leaves. I think it's
5 interesting to note that in her statement, her written
6 statement, to the police, Lizzy said that the reason she
7 left was because of the volume of the voices and Parrish's
8 threats. Not Jabin's threats. Not, you know -- and
9 Parrish said I can kick your ass. No multiple threats.
10 The volume of the voices and Parrish's threats is what she
11 wrote immediately after it happened.

12 So he goes to his room to get that \$1,200 and to
13 give it back to him because he doesn't want him staying
14 there anymore. Well, let me point out also it's not July
15 yet. This is July and August rent. There's not something
16 inherently evil about returning someone's money and not
17 wanting them to live in your house what that date hasn't
18 even arrived yet and when he does that he -- Jabin states
19 he goes into a rage. Not in that statement. He states
20 it later on in the same interview, but he says the word
21 "rage". In this particular part I read you, he says he
22 just went off, and he tells the police that had never
23 happened before. He had never had a terse word with --
24 with Parrish and that's really interesting to me because
25 this man is telling the police this is my friend, we had

1 never had an argument, but I knew he had a reputation
2 for being a hothead, but he had never directed it at
3 me. I'd heard it. I'd -- you know, it was kind of out
4 there, I'd heard he had a temper, but he'd never directed
5 it at me. Lizzy says he had a temper. Aubrey says he
6 had a temper or he had a reputation for that and -- and
7 violence, but she -- she's also very quick to say, but I
8 never saw any of that, that was just out there. I just
9 heard that he had a reputation for a temper, I just heard
10 that he had a reputation for violence. It was never -- I
11 never saw it though. Well, up until this point neither
12 had Jabin.

13 So why does he go off? It's hard to say at this
14 point because we can't, you know -- obviously there's
15 limited evidence regarding what reason there might be for
16 Parrish to have lost -- to have lost his temper like that,
17 but what we do know is that he had that reputation; one
18 for being angry, a temper, that sort thing. We know that
19 he had been released from the hospital in the middle of
20 May. We know that on June 27th he was being kicked out
21 of the third place he'd lived in six weeks.

22 First he lives with his parents. Lizzy says he
23 gets into an argument with -- with his parents. She
24 speculates it's because of -- I think because he was a
25 big boy or something like that, like, you know, normal

1 grownup stuff, so he gets into an argument with his
2 parents and Detective Voravudhi said that was a voluntary
3 leaving. He voluntarily left his parents' house after
4 that argument.

5 He moves in with his friend Sarah. He loses his
6 temper at his friend Sarah. He called Lizzy the C word
7 and said I need you like I need a second butt hole. He
8 is now not voluntarily leaving Sarah's. So now he's
9 moving into Jabin's and oh, gosh, week number two doesn't
10 this seem on schedule he gist in an argument with the
11 person he lives with and he's getting kick you'd out of
12 the place he lives for the third time in 6 weeks. It
13 seems to me that all else failing he seems a little
14 difficult to live with. There's something there. If he
15 can't stay put for a long period of time in one place,
16 what's going on there? I believe the words the Solicitor
17 used at the beginning of the days were if you kick the
18 hornets nest you can't be surprised when you get stung or
19 something like that. Well, Parrish is the hornets nest
20 and he's being passed from place to place to place and
21 then he blows up.

22 At this point Jabin goes inside. He wants to get
23 his phone. He wants to call the police. So why would
24 he do that? Why would he -- Parrish has gone inside,
25 Jabin is following after him. Well, he's thinking I

1 need my phone. We know he has ADD. He's thinking I
2 need my phone, I need my phone, I don't know where my
3 phone is. He says he remembers he went inside to go get
4 the money, so he's gonna go check inside. He goes inside
5 to go check the money. The money was in the office.
6 It's not there. There's no phone in there. Wait, weren't
7 there phones? Didn't you-all see a bunch of phone
8 everywhere? Well, we know one of them was Parrish's
9 phone. We don't know anything about the others, but do
10 they work? Do they belong to Jabin? Where is Jabin's
11 phone? He's not looking for a phone. You know you can't
12 use someone else's phone. He's looking for Jabin's phone.
13 So, yeah, sure there was an iPad. Was it Jabin's iPad?
14 I submit to you it was not.

15 He's going -- he's going through, he's looking for
16 his phone. He can't find his phone. He doesn't remember
17 it's outside on the porch. On this stool to be exact.
18 He's in his -- he sees his gun. He sees his gun in his
19 bedroom and he grabs it. There's been no evidence
20 regarding whether or not he loaded the gun at that moment,
21 and I submit to you he didn't, he kept it loaded. He
22 grabs his gun. Now why in the world would you do that.
23 He is terrified for his life. He is afraid. This person
24 who was his really close friend who he thought respected
25 him, that's also in the interview, he is attacking him,

1 he's having an explosive temper that he has never seen
2 before and oh, my God, if that is true, if he can explode
3 on my like that, well, maybe that reputation for violence
4 is true, too. He's starting to question everything.

5 And so he grabs that gun and he's holding it down
6 and he goes oh, my God, my phone is outside, and he's
7 going outside and he's gonna grab his phone and he's
8 keeping it down. Now the State would have you believe
9 that that is out of some sort of malice or some sort of
10 desire to hide it from Parrish. Well, of course, he was
11 hiding it from Parrish. Do you think that it's a good
12 idea if you are afraid of your friend and you've grabbed
13 a gun and you're afraid and you want to be prepared, but
14 you don't want to antagonize him further, do you want to
15 be like hey, I'm coming? No, I want to get my phone and
16 I want to get the heck out of Dodge. I want to get out
17 of there.

18 So he goes and he gets his phone and, again, the
19 State mentioned well, he couldn't take a moment to stop
20 and think? Yes, I know that I have just been yelled out
21 by this person who seems a little bit irritated with me,
22 let me stop and think, let me look, oh, there's my phone.
23 That's not real life, ladies and gentlemen. That's not
24 how this works. Real life is messy. Real life is hard
25 and sometimes it's a little disjointed. So, no, he did

1 not stop and think and observe his surroundings and go
2 yes, there is my cell phone. To be honest, neither do
3 I. I lost my cell phone yesterday at the bottom of the
4 office after I just got back after the trial. I was
5 upstairs and I said hey, Jason, have you seen my phone
6 and he's like you mean the one on your computer? I said
7 oh, yeah. Right? I think it happens to everybody. I
8 don't think that makes you evil.

9 One of the ways that Jabin describes this in the
10 interview, and I'm not exactly sure which part it's on,
11 it's on page 47 of my typed out version, which doesn't
12 help you-all, but he says I wasn't sure how much of his
13 talk was bravado and bullshit. At this point he is not
14 sure how much of Parrish's big talk is bravado and
15 bullshit. He doesn't know. So he goes out, he gets the
16 gun.

17 Now the struggle begins. He's out there, he hears
18 Parrish coming, and why didn't Lizzy hear any of this door
19 opening and shutting? We know that she says she didn't
20 hear anything like that until Jabin opened the door and
21 said 9-1-1. Well, Lizzy apparently doesn't hear Jabin
22 open the door the first time to go in and to get the
23 \$1,200. She's on the phone. She's having a panic attack.
24 I don't actually know entirely what Lizzy was doing, and
25 to be honest with you, I don't think Lizzy knows either.

1 She does testify she hears three gunshots. Well, we know
2 for a fact there were four and the little old lady who
3 lives across the street over in the woods in the back of
4 her house, she hears four. Lizzy only hears three. I
5 would submit to you that Lizzy's ability to hear something
6 or not is only worth so much.

7 Anyway, Parrish comes out. Jabin is reaching for
8 his phone and he doesn't have a minute to think until he
9 is being grabbed and they are now struggling over the gun,
10 and here is where it gets really murky because he's got
11 his gun arm and then he's got both arms, he's not really
12 sure what happened, he's backing up. Here's a part that
13 you-all haven't heard. It's in the statement. He doesn't
14 remember -- you've heard this part. He doesn't remember
15 if he knocked over the chair or if Parrish knocked over
16 the chair, but what he does remember is his head hitting
17 the back of the fern. So he remembers that part and he's
18 uncertain about the rest, so. And there's -- I don't
19 know if you can see it in this picture, I don't think you
20 can, but there's a fern there. He's backing up. It's
21 hanging right above. Well, that's not helpful. There's
22 a fern right there. His head hits the back of the fern.
23 He remembers that part. So he's backing up, they're
24 struggling over it, he's coming towards him.

25 The officers who testified about the reconstruction,

1 I'm not gonna sit here and say that Jabin got it perfect.
2 I don't think he did. I don't think that he was sitting
3 there taking notes going okay, it seems like my life is
4 in danger, I had better pay very close attention to
5 exactly how this happened because at some point I'm going
6 to be in trial and have to relay exactly what I did to
7 prove that he was coming after me. So him having
8 inconsistencies or not being entirely sure, which is
9 what I think his interview really shows as he says um, I
10 don't know, kind of, I think maybe. Qualifying words to
11 indicate a lack of certainty. If he had trouble with
12 that, you-all heard the officer say he couldn't remember
13 if it was one bag -- well, he was certain it was one bag
14 of marijuana in the guy's hand when it was really two.

15 And we've heard testimony regarding which crack it
16 was. To Detective Voravudhi, well, the first crack is
17 clearly what appears to me to be the second crack in the
18 sidewalk. These are trained officers and being in law
19 enforcement is hard and they are trained to keep track of
20 details, so if there is uncertainty there, if someone can
21 mistake one bag -- or two bags for one, if an officer can
22 say that under oath, then I think the fact that someone
23 in a fight for their life not remembering exactly what
24 happened isn't terribly surprising.

25 So we also know that he has ADD and his brain is

1 going a million miles an hour. He's forgotten where his
2 phone is. He's got his gun out. What about the part
3 about being afraid of the physical attack? Parrish's
4 physical condition. I think we are making a very large
5 assumption here, and I don't mean this to be ill, I just
6 mean to point out that we are making an assumption. We
7 are assuming that a man who has a colostomy bag is, in
8 fact, ill. Is ill in a way so far that he is weak and he
9 cannot move around. We have not heard from his doctors,
10 so we don't know what his medical condition was at that
11 point. I am not saying that he did not go through a very
12 traumatic procedure and have a rough road to recovery.
13 We don't -- we don't know what his current state was.
14 What we do know is we know that he thought he was getting
15 better because he had news from his doctors that he was
16 gonna get the reattachment soon, so presumably that means
17 something good medically. We know that he was somehow in
18 a an immense amount of pain on Friday night, so much so
19 that Jabin goes and admits to the cops that he went to get
20 narcotics from someone for his friend Parrish.

21 And then the next day after he's been in this
22 immense amount of time he drives all the way to Folly
23 Beach by himself. Jabin even remarks on this. He says
24 Parrish took my car and I remember having that discussion
25 with him. I'm like why are you driving down to Charleston

1 and he says I've really been craving crab legs, and --
2 and what was very startling to me was how ill he was
3 Friday night. You know, he's walking through the house
4 naked and just bellied over in pain and then Saturday
5 he's fully dressed ready to rock and roll. And so, yeah,
6 I let him go to Charleston and take my car because quite
7 honestly like, I mean, he's a handful.

8 In so much pain on Friday that he needs narcotics
9 from not the correct place, but Saturday he's ready to
10 rock and roll and go to Folly Beach. And sure he's tired
11 at the end of the day. I'm tired at the end of the day
12 when I go to the beach, too. That seems a little odd to
13 me and Jabin's not the only one who remarks on this.
14 Lizzy says that he seemed like he could do a lot more
15 than he was letting on. I'm not saying it's inherently
16 evil to maybe play it up a bit, but it does bring into
17 question what was he really capable of.

18 Jabin actually suspects that he is not being truthful
19 about this from the very beginning. He mentions in the
20 very beginning of his interview that, you know, he -- that
21 Parrish was toiling around looking for an Xbox and at that
22 point in time he started getting a little suspicious like
23 hey, maybe this guy isn't as bad off as he thought he was.
24 Lizzy says that most of the pain he's complaining about is
25 from the tape, the irritation, and that -- I mean, you-all

1 -- you can see -- I don't -- I don't actually know if the
2 tape is in any of the pictures, but you tape it on there.
3 There is irritation under there. That's not the same
4 thing.

5 We have one piece of evidence that shows what that
6 man looked like, how he acted on that day, and that's
7 the Speedway video. Now the frame rate is slow in the
8 beginning when he gets out of the car, but it's slow, it's
9 not faster, it's not speeding it up to make it look like
10 he's moving more quickly, it's actually making it look
11 like he's moving more slowly. And he looks fine. I'm not
12 saying he didn't still have pain. I don't know. I'm not
13 him. I can't tell you, but he appears to be fine or at
14 least normal. You wouldn't know that he had a colostomy
15 bag from looking at him. So there's -- there's some
16 indication that maybe Parrish wasn't as bad off as we
17 thought.

18 Jabin also states that during the struggle, and this
19 is in another portion of the interview, that during this
20 struggle he got scared. This is during the physical
21 struggle. He got scared because Parrish was stronger than
22 he would have expected from an ill man. So even Jabin is
23 shocked at this point. Wait a minute, not only does he
24 have this temper, not only is he coming at me, but he has
25 some kind of strength that I didn't think he would have

1 because he has a colostomy bag and he's been recuperating
2 in my house. That statement is in there, too.

3 We talked a little bit about the gun and I believe
4 Mr. Norton pointed out that there weren't any fingerprints
5 on the gun that belonged to the victim. Well, ladies and
6 gentlemen, there weren't any fingerprints on that gun that
7 they could recover that belongs to Jabin either, so I
8 don't think anyone is trying to suggest that a ghost shot
9 the gun. I don't that this disproves the struggle over
10 the gun is what I'm trying to say.

11 You heard Ms. Hefney get up here and talk about the
12 DNA on the gun and they weren't able to recover anything
13 conclusive except for they found a mixture of multiple
14 people's DNA. She could not say how many or whose it
15 was, so let me be clear, she said a mixture of multiple
16 person's DNA on the slide of the gun. Think about that
17 for a minute.

18 The next part of the statement is that he breaks
19 free. At this point -- and this is really important. I
20 think it's been glossed over a lot. Jabin breaks free
21 from this struggle and he thinks well, maybe I can get
22 away or maybe it will stop or -- I forget what his exact
23 language is, but that's important. Please go listen to
24 it. He says he brakes free, but Parrish is still coming
25 at him and Parrish says Max on me. Max on me. Jabin

1 tells law enforcement that Max on me means hey, Max, come
2 here, but he also says that Parrish has told him before
3 that there is a secret -- secret attack command, something
4 he doesn't know what it is, that Parrish tells him he can
5 issue to have that dog attack somebody. That's what
6 Parrish tells him. Parrish has told this thing to Lizzy.
7 Lizzy testified that she assumed it was big talk, big talk
8 that I can tell my dog to attack you.

9 Well, at this point Jabin has had two rumors come
10 true so far. He's got a temper, he's got violence, he's
11 coming at me. Who's to say that him telling him before
12 that this dog has an attack command isn't also true? He
13 is questioning everything in this moment and all he knows
14 is that Max on me, Max is coming to this scene and he --
15 he has heard that there is an attack command out there.
16 He has heard this from Parrish. Parrish has used this.
17 What kind of person goes around saying hey, I can get
18 my dog to attack you. It's kind of weird. Was Max a
19 trained attack dog? I don't know, but it certainly
20 appears that he's actually a really nice dog. He's not
21 aggressive. Jabin says he's not aggressive. Jabin liked
22 that dog a lot. In fact, he gets mad that Parrish treats
23 him the way he does. Everyone says the dog was nice.
24 Interestingly the dog actually bit Officer Hassler, but I
25 don't think even Officer Hassler was upset about it. He

1 said something along the lines of I know you were just
2 trying to do what you're supposed to do. It's a nice dog.
3 I'm not gonna tell you it wasn't. I'm telling you that
4 Parrish had told Jabin that there was this attack command
5 and in this moment Jabin's believing him. Jabin is
6 believing that there is this attack command and whether
7 he is -- it doesn't matter that he was ultimately wrong.
8 The judge is gonna read you the instructions, she's gonna
9 tell you the law, and she's gonna tell you that if --
10 even if the defendant's belief is wrong ultimately, that's
11 okay. It's what he believes in that moment and he had
12 that information from Parrish that that dog had that
13 secret command. It's sad.

14 And so Parrish is coming at him and he pulls the
15 trigger. He doesn't know how many times, and I think
16 that's also really interesting. He has no idea. He is
17 scattered. He is terrified. He can't even say I shot
18 the gun four times. He does not know. All he knows is
19 that he shot once and Parrish kept coming and so he kept
20 shooting until he wasn't coming in anymore.

21 Now for the big question. He says Parrish was coming
22 at him head-on. How in the world could that possibly be
23 consistent with a gunshot, a gunshot here, a gunshot here
24 and a gunshot here?

25 Will you come at me? Okay. I'm shooting. He's

1 coming straight at me. By the way, Jabin doesn't say
2 that he is standing still like this. Jabin's moving.
3 He's moving as he's shooting. I shoot once, I shoot
4 twice, I shoot a third time, it's the middle. I shoot a
5 fourth time as he's going down. Here. I'm actually over
6 here. So one, two, three, four. Thanks.

7 Parrish is down. Now am I gonna tell you that that
8 is exactly how it happened? No. I have no idea how it
9 happened. I wasn't there. Neither does the pathologist.
10 She said I can tell you nothing about what position the
11 body was in, I can't tell you about the timing of these
12 shots, I can't tell you which one was first. I'll submit
13 to you that this one was not first. The one in the back
14 was not first. It was probably the last one because it's
15 as he's going down to the ground.

16 Ladies and gentlemen, it's still consistent. You
17 don't go forward like this. That's not how you approach
18 someone. Also this isn't a still shot. This is happening
19 rapidly. I am backing up and you are coming at me full on.
20 You can hit the arm, you hit the arm, you hit the side,
21 you hit the back. You're down. It's not inconsistent.
22 I don't know what the actual formation is. No one does.
23 The pathologist can't even testify.

24 Jabin realizes he's down. He calls -- he stops and
25 he says I look at Max and he was startled, but not

1 aggressive. So the State made a very big deal about oh,
2 well, you go and put your gun down around an aggressive
3 dog. Jabin tells them he checks the dog, the dog is
4 startled, not aggressive. Okay. He goes over, he puts
5 the gun down five, six, maybe eight feet away from where
6 he was shooting. You don't see the gun in that picture,
7 do you? Five, six, maybe eight feet away from where he
8 was shooting at the first crack in the sidewalk. He
9 forgets for a minute that he has his phone in his pocket,
10 which as we know is something you're prone to do. He
11 forgets that he hasn't -- he forgot on the scene where his
12 phone was when he's being arrested. He asked Officer
13 Hassler I don't know where my phone is and Hassler says
14 it's back there on the ground. It's in the interview.
15 He forgets it right after he's used it to call 9-1-1 where
16 it is.

17 So during the moment he forgets his phone is in his
18 back pocket, so he calls into Lizzy hey, Lizzy, please
19 call 9-1-1. Some version of that. Lizzy's too busy
20 having a panic attack. She's on the phone with her
21 mother. She doesn't think anything bad's going on. She
22 hears pops, so she texts him back I can't call 9-1-1,
23 I'm having a panic attack. Jabin realizes his phone is
24 in his back pocket. He calls 9-1-1. Hey, my friend's
25 been shot. Who shot me -- or who shot him? It's me.

1 I'm the homeowner. The State says that's strange
2 language to use. I don't know what normal language
3 is when you're calling to report that you've just shot
4 your really good friend who you've never had an argument
5 before with, but homeowner might come up if you've just
6 had an argument about rent. They've literally just been
7 arguing about who has rights to live in the home. I don't
8 know. I don't know what's normal in that situation.

9 And then he cooperates. He's on the phone with
10 9-1-1 the whole time. He's very clear about, you know,
11 I have -- the only thing I have in my hand is my phone,
12 the gun is over here, I'm on my knees, I'm on the
13 backyard, and then lo and behold law enforcement shows
14 up. He's on his knees. He's in the backyard. He's --
15 he puts the phone down when the officer says. He
16 cooperates the entire time.

17 He does exactly what you are supposed to do in this
18 situation and he is here today. He called law enforcement.
19 He told them his story. He didn't have a long time to
20 concoct this story. He wasn't sitting there going oh,
21 shoot, I lost my temper and I killed my friend, now let
22 me come up with this elaborate self-defense argument.
23 I'm going to tell the police that I've never had an
24 argument with my friend before and that the dog isn't
25 aggressive, but still for some reason I was afraid of

1 him. That's what I'm gonna say. No. He called the
2 police, he called 9-1-1, and he said that it was in
3 self-defense because it was. We know how quick that
4 happened.

5 Ms. Hudson, who has absolutely nothing to do with
6 this case other than the fact that she heard it, right?
7 She has no -- she is not an interested party whatsoever.
8 I think the State and I would both agree. She lives
9 here. Her back porch is here. She hears four gunshots
10 and within minutes the police are on-scene. Boom, boom,
11 boom, boom, boom. He does exactly what you are supposed
12 to do.

13 So self-defense. The judge is going to instruct
14 you on the law and if I say anything that is remotely
15 contrary to what she says, go with her. I am not the
16 authority on this, but I thought it might help to show
17 you some details that were overlooked during the State's
18 closing.

19 Must be without fault in bringing on the difficulty.
20 The State said if the defendant's conduct was the type
21 that was reasonably calculated to bring about the occasion.
22 That's an interesting detail, the word "occasion". The
23 law says first the defendant must be without fault in
24 bringing on the difficulty if the defendant's conduct was
25 the type which would reasonably calculated to and did

1 provoke a deadly assault. Well, that's not the same thing
2 as occasion. The defendant would be at fault in bringing
3 on the difficulty in that case.

4 So was Jabin at fault in bringing on this difficulty?
5 Well, if by having a difficult conversation with a good
6 friend who you probably shouldn't have lived with is
7 provoking deadly conduct, I'm a little confused. If
8 kicking out your tenant puts you in the kind of situation
9 where this is deadly conduct, I think every landlord in
10 the State of South Carolina had better be aware. You
11 might lose self-defense because you're kicking someone
12 out. I don't think he brought on the difficulty.

13 I think it's really interesting to break it --
14 to break down what happened and when -- when does
15 self-defense actually come to play. We would submit that
16 it comes into play multiple times. He's not bringing on
17 the difficulty at any point. There's the argument. He's
18 not bringing on the difficulty. He's kicking him out.
19 He gives him \$1,200. That doesn't tend to provoke deadly
20 conduct. Well, what about coming outside with the gun?
21 He wasn't looking for Parrish. He was afraid. It's his
22 house. He is legally allowed to have a gun. He can carry
23 it. That's not escalating. He is actually trying to hide
24 it. Instead of wielding it about like a madman, he's
25 trying to hide it. He wants to feel safe and so he goes

1 and he gets the gun and he gets his phone. That's not
2 escalation. Stepping backwards, backing up, struggling
3 over a gun certainly isn't escalation. He didn't bring
4 about the difficulty. He was without fault.

5 Imminent danger. Did the defendant believe he was
6 in imminent danger? I think it's pretty clear he did.
7 He didn't -- he had heard the rumors about a hothead, he
8 had heard the rumors of violence, and even -- honestly,
9 we don't know if he even believed him up to this point.
10 He expresses shock in this interview. I never had a terse
11 word with him and he's exploding. I mean, I heard he had
12 a reputation for being a hothead. All of a sudden your
13 worst -- your worst images, your worst things you could
14 think about someone are coming true. You didn't believe
15 that and now you do because you're witnessing it firsthand.
16 And if that's true, then the reputation for violence might
17 be true, then the Max on me, Max having a secret attack
18 command, that might be true, too. I don't know what's
19 true at this point. I'm terrified.

20 Would a reasonable person have felt that way? Well,
21 yeah. You have just kicked out your very good friend.
22 I think a lot of us have friends that we adore, but that
23 we really shouldn't live with, and you have that
24 conversation with your friend, a reasonable person would
25 not expect that friend to explode, would not expect that

1 friend to get heated, not in a way that puts you in fear,
2 and if you know that that friend -- that friend has a
3 history for getting really violent with people, it seems
4 to me that a reasonable person might start to think oh,
5 no, that's true, too. And he told me he has this trained
6 attack dog. He's -- he's got all this I don't know what
7 was bravado and bullshit. That is what Jabin says and in
8 that moment he is acting as a reasonable person would and
9 he is protecting his life.

10 Ladies and gentlemen, this is the last time that I
11 get to speak with you. The way a trial works, the State
12 gets to give their closing, I get to give my closing, and
13 here's the kicker, the State gets to reply. They get to
14 speak one more time. This is the only time I get to talk
15 to you-all.

16 So I'm going to repeat what I said in the beginning.
17 If you remember nothing else from what I have said, please
18 go back in that jury room first thing -- maybe second
19 thing after lunch, I'm not sure how that's timed -- but
20 watch the entire interview. Start at the beginning, go
21 to the end. Watch all the parts you haven't seen. Don't
22 stop, watch it, and then I think you'll see that my client
23 is not guilty of murder. My client was defending himself.

24 Thank you.

25 THE COURT: Thank you, Ms. Yonge.

1 All right. Mr. Norton -- let me ask the jury, you've
2 been sitting for a while. Do you-all need a break or can
3 we do a reply?

4 FOREPERSON: Does it -- do we know like how long it
5 takes?

6 THE COURT: Not near as long as the first go around
7 I don't think.

8 FOREPERSON: Are you-all okay?

9 THE COURT: Everybody okay?

10 FOREPERSON: Yeah.

11 THE COURT: All right. Mr. Norton.

12 MR. NORTON: Thank you, Your Honor.

13 You were asked to listen to that interview. Please
14 do. Please go in and listen to the entire interview that
15 he gives, but first listen to the 9-1-1 call. Listen to
16 the first things that the defendant says after he shoots
17 and kills Parrish Phillips. He sent the dog after me.
18 He was attacking me. Where was he shot? Mid torso. I
19 was aiming center mass. And you know what's interesting
20 is Mr. Yonge came up here to show you what it might look
21 like if he was aiming -- if he was coming at the defendant
22 and was shot in the arm and then somehow was shot in the
23 back. There's no gunshot wounds going from his front to
24 his back. All of them were this way.

25 And then look at how -- look at how Parrish is lying

1 on the ground and compare that to what Mr. Yonge just did.
2 Compare that to what Mr. Yonge just did. He's coming at
3 him going this way. As the defendant continues to shoot,
4 he's lying backwards right beside the chair?

5 And you heard a comment about the defendant's head
6 hitting that pot dollar plant. Nobody falls over the
7 chair, nobody trips over the chair, they're in a struggle
8 for the gun and Parrish keeps his flip-flops on? It
9 didn't happen. It didn't happen. He shoots this man on
10 his blind side. There's no fight. Who in the world is
11 gonna get in a struggle over a gun and keep holding onto
12 two bags of weed? It didn't happen. He comes on the back
13 porch not because he's scared, not because he wants the
14 gun. Because that's where Parrish is. We know Lizzy
15 Warwick was in Parrish's bedroom and she never saw Parrish
16 after she left that back porch. Parrish Phillips was on
17 the back porch and the defendant got a gun and came to
18 Parrish Phillips. That is bringing on the difficulty.
19 That is conduct reasonably calculated to provoke a deadly
20 assault because he's the one committing a deadly assault.
21 This wasn't self-defense. He shoots him up his side and
22 in his back. And look at the angles. These are downward
23 angles. This one is coming from his back all the way to
24 his front through his heart and both his lungs. This is
25 not the body of with a man who's attacking someone. These

1 are not gunshots of a man who's attacking someone. This
2 is someone who's being attacked.

3 And you've heard a lot about Parrish Phillips's
4 ability to get in arguments. Yeah, there was an argument.
5 Who started that argument? Who started that argument and
6 who wasn't afraid to escalate that argument? Who wasn't
7 afraid to keep that argument going? Who wasn't afraid to
8 say I know things are getting a little bit irritated,
9 you're getting a little bit agitated, but now I'm gonna
10 go get the money and now I'm gonna say you need to leave.

11 You heard a comment about landlords needing to be,
12 careful. Members of the jury, if you can pay someone rent
13 for June, July and August and they can come in and hand
14 you money and say get out and if you don't like it they
15 can go get a gun and shoot you, then it's open season on
16 tenants in South Carolina.

17 But, you know, when you watch that interview before,
18 you do that before you do that, listen to the 9-1-1 call.
19 That's the first thing he says. Listen to what he says
20 and then listen to what he says to Hassler, his first
21 statement to police, he was doing stuff I didn't like him
22 doing and we got he heated. I found out he was dealing
23 drugs.

24 Members of the Jury, the evidence shows you that is
25 absolutely not true. I found out he was dealing drugs.

1 Seven days before he shoots and kills Parrish Phillips
2 the defendant's trying to sell drugs to people, and
3 that's the first thing he says to police? That's the
4 first statement he makes? And then two hours later,
5 two hours later, we're making another statement to Officer
6 Walker. I found out he was a drug dealer and things went
7 south quick. If this was about the defendant being
8 frustrated about money or Parrish's condition or the
9 poopy bag making the room smell, then why are we saying
10 I found out he was a drug dealer and things went south
11 quick?

12 Look at the interview in the context of the fact the
13 defendant from the beginning is not telling the truth.
14 From the very start. Put it in context. Let's put it
15 in context. He makes the statement during the interview
16 that he was gather information that week about Parrish.
17 I think the information he was gathering that week is
18 whether Shannon Tilford wanted to buy drugs, not about
19 whether Parrish was a drug dealer.

20 And, you know, let's look at his texts -- or look
21 at his notes now that we have this overhead projector up
22 because there's some very interesting things here.

23 Look at the first note from 6-2. Buy my house.
24 Parrish roommate notes. He pays me cash, I pay him for
25 yard work and such, dot dot dot, on paper. What do you

1 think that means? So he wants Parrish to pay him cash
2 and then on paper he'll pay him for yard work and money,
3 and we're gonna stand here and tell the police and tell
4 the first responder, and tell the officers I just found
5 out he was a drug dealer, didn't know anything about it?

6 His interview you just heard described as brutally
7 honest. Watch that interview for yourself in the context
8 of the knowledge and the evidence you've heard today and
9 ask yourselves is he being brutally honest? And that he
10 wasn't sure what was happening and he wasn't sure what he
11 was saying? Well, listen to the part where he's directly
12 asked about Parrish's position when he shoots and what
13 happens. He is adamant, he is clear, he was facing me
14 coming at me. But you know what, Members of the jury,
15 the evidence tells you that none of that happened.

16 You heard that described as his story and I submit
17 to you that interview is exactly what that is, his story.
18 It's not what happened. It is not what happened and the
19 evidence shows you it is not what happened. He comes on
20 the back porch with that gun and shoots Parrish Phillips.
21 There is no fight, there is no struggle.

22 Two men are tussling over a gun on this back porch
23 and none of this stuff gets knocked over, none of -- the
24 motorcycle doesn't get knocked over, the stool doesn't
25 get knocked over, the dog bowls don't get knocked over,

1 nobody's tripping over the carpet, nobody's tripping over
2 the chair. Just the chair and Parrish's body.

3 Watch that interview. Watch what he says about his
4 relationship with Lizzy Warwick. We were like brother
5 and sister. She wasn't my type. Her drug use was too
6 much for me. And then later on he says except for that
7 time in the kitchen after Parrish got sick and I didn't
8 want Parrish to know.

9 You know we heard a lot about Parrish and maybe he
10 was a little bit difficult to live with, maybe he didn't
11 like to clean up after himself so much, maybe he would
12 lie on the couch all day, maybe his poopy bag would break
13 the room smell like weed -- make the room smell like
14 poop. Is that a justification to shoot him? Let's just
15 shoot him. He's -- he's an inconvenience. That's what
16 he was to the defendant. That's in his text. He's an
17 inconvenience to me. Him taking his medical appointments
18 in the living room is an inconvenience to me.

19 This was not self-defense. Even if you believe his
20 story, it's not self-defense, but don't. The evidence
21 tells you that's not what happened. Think about the
22 moment he tells you he's in fear for his life. That
23 he's on the back porch and Parrish storms inside and
24 in that moment he's in fear for his life. Think about
25 everything he says he does after that moment. He's on

1 the back porch, he claims he's in fear for his life, I
2 need my phone. He may have ADHD. He's not blind. He
3 doesn't take a second to say I need my phone, where is
4 my phone. Doesn't take a single second to say oh, right
5 there on the stool.

6 And he follows Parrish in the house? Parrish never
7 left the back porch, but let's play that out. He
8 follows the danger. I'm in fear for my life of this
9 man and let me just follow him back in the house. He's
10 just threatened to kill me, let me just follow right
11 behind him, go to my room and get a gun. What was in
12 his room? A shotgun, a knife and a pistol, and he's
13 in fear for his life? He's in his room with all those
14 weapons and he doesn't say let me stay here for a minute
15 and let things settle down? No, grab the gun, back out,
16 past the side door. He says his plan is to get space.
17 Ask yourself is that true? Is his plan to get space, to
18 get outside, to get help? Does he do any of that? He
19 walks past the side door, walks past the front door and
20 goes back to the back porch because that's where Parrish
21 is. This is not about getting space, this isn't about
22 getting help. If that were true, then walk out the front
23 door and go ask Joan Hudson to call the police. It's not
24 true. That's not what happened. He gets the gun to solve
25 the argument because that's the remedy. I told Parrish

1 to leave. He said he paid me money, he doesn't want to
2 leave, now I'm getting my gun, now I'm making him leave,
3 now the argument ends.

4 This is not self-defense. Watch that whole
5 interview, but watch it in the context of everything you
6 know about what he has said and what the evidence shows
7 you. Don't take his word for it because the evidence
8 shows you his word's no good. The evidence shows you
9 what really happened. The evidence shows you he came
10 on that back porch and shot Parrish Phillips on his
11 blind side holding two bags of weed. There was no fight
12 there was no physical altercation. Just a man with a
13 gun ending an argument. It's murder. Find him guilty
14 of murder.

15 Thank you.

16 THE COURT: Thank you, Mr. Norton.

17 All right. Mr. Foreman, I'm gonna give you a quick
18 break because I'd like to charge you on the law. I did
19 -- I know you-all ordered lunch. Sorry it's from the
20 same place. I hope everybody ordered something different.
21 It's probably gonna take me twenty minutes to charge you
22 on the law, so would you-all like a break before I do
23 that? If one goes, we all go.

24 FOREPERSON: We're okay.

25 THE COURT: Let me ask, anybody out here?

1 Stacy, are you okay?

2 THE COURT REPORTER: I'm fine.

3 FOREPERSON: I think we're okay.

4 THE COURT: I can give you a five-minute break?

5 JUROR: Just five?

6 THE COURT: Yeah, I'll give you just five.

7 Let's take a five-minute break. Sure.

8 That's what I tell you. If one goes, we all go.

9 (Whereupon, the jury retires to the jury room at
10 12:28 PM.)

11 (Back on the record at 12:39 PM.)

12 THE COURT: Okay. Can I bring the jury in?

13 MR. NORTON: Yes, Your Honor.

14 THE COURT: All right. Let's bring them in.

15 (Whereupon, the jury returns to the courtroom at
16 12:39 PM.)

17 THE COURT: All right. Mr. Foreman, the jury ready?

18 FOREPERSON: Yes, ma'am.

19 THE COURT: All right. Please be seated.

20 All right. You-all got the doors locked?

21 DEPUTY: Yes, ma'am.

22 THE COURT: I want to make sure no one -- no one
23 should have a cell phone in this courtroom unless you're
24 law enforcement or attorneys.

25 All right. Ladies and gentlemen, I will now charge

1 you on the law applicable to the case. You must consider
2 the charge as a whole and not focus on some portions to
3 the exclusion of others.

4 The indictment charges the defendant with murder.
5 I remind you that the fact the defendant was arrested,
6 charged and indicted in this case is not evidence in
7 this case and cannot be considered by you as evidence of
8 guilt in this case. Nor does it create any presumption
9 or inference of guilt. These documents are simply the
10 formal written instruments which contain the charges made
11 against the defendant. These are the formal documents by
12 which this case is brought into this courtroom. Each --
13 well, each indictment charges a separate and distinct
14 offense. In this case, there is a lesser included that
15 I've included, and I'll explain that to you in just a
16 moment, but each one of those charges are a separate and
17 distinct offense. You must decide each charge separately
18 on the evidence and the law applicable to it uninfluenced
19 by your decision to any other charge.

20 The defendant may be convicted or acquitted on any or
21 all of the offenses on your verdict form. There's two of
22 them that you will have to decide. You will be asked to
23 write a separate verdict of guilty or not guilty for each
24 one of those offenses.

25 The following things are not evidence and you must

1 not consider them as evidence in deciding the facts of
2 this case. Statements and arguments of the attorneys is
3 not evidence. Questions and objections of the attorneys,
4 not evidence. And testimony that I instruct you to
5 disregard. I don't remember striking any statements or
6 testimony in this case.

7 I remind you that during the trial you and I have
8 certain duties to perform. As the trial judge, it is my
9 responsibility to preside over the trial of this case
10 and I also have the duty to rule on the admissibility
11 of the evidence offered during the trial. You are to
12 consider only the competent evidence before you. If
13 there was any testimony ordered stricken, which I just
14 told you there was not, you would -- you would disregard
15 that. You are to consider only the testimony which has
16 been presented from this witness stand and any exhibits
17 which have been made a part of the record in this case,
18 and any stipulations of counsel.

19 I have the additional duty to charge you the law
20 applicable to this case. As the presiding judge, I am
21 the sole judge of the law of this case and it is your
22 duty as jurors to accept and apply the law as I now state
23 it to you. If you already have an idea as to what the
24 law is or what the law ought to be and it does not agree
25 with what I now tell you the law is, you must abandon

1 this idea because you are sworn to accept the law and
2 apply the law exactly as I state it to you.

3 In every case tried in this court before a jury, the
4 jury becomes the sole and exclusive judge of the facts in
5 a case. A trial judge cannot state, comment on or make
6 any statement to a trial jury about the facts in a case
7 since you, the jury, are the sole judges of the facts in
8 the case. You are not to infer from anything I may have
9 said during this progress of the trial in ruling upon the
10 admissibility of evidence or otherwise or anything that I
11 say now during the course of this instruction to you that
12 I have any opinion about the facts in this case. The law
13 does not allow me to have an opinion about the facts in
14 this case. This is a matter solely for you, the jury, to
15 determine. As jurors, it is your duty to determine the
16 effect, the value and weight of the evidence presented
17 during this trial.

18 The defendant has pled not guilty and that plea puts
19 the burden on the State to prove him guilty. A person
20 charged with committing a criminal offense in South
21 Carolina is never required to prove himself innocent. I
22 charge you that it is an important rule of the law that
23 the defendant in a criminal trial, no matter what the
24 seriousness of the charge may be, will always be presumed
25 to be innocent of the crime for which the indictment was

1 issued unless guilt has been proven by evidence satisfying
2 you of that guilt beyond a reasonable doubt.

3 This presumption of innocence does not end when you
4 begin your deliberations, but it accompanies the defendant
5 throughout the trial unless you reach a verdict of guilt
6 based on the evidence satisfying you of that guilt beyond
7 a reasonable doubt.

8 The presumption of innocence is like a robe of
9 righteousness placed about the shoulders of the defendant
10 which remains with defendant unless it has been stripped
11 from the defendant by evidence satisfying you of the
12 defendant's guilt beyond a reasonable doubt. The
13 presumption of innocence is not a mere legal theory. It
14 is not just a legal phrase. It is a substantial right to
15 which every defendant is entitled to unless you, the jury,
16 are satisfied from the evidence of the defendant's guilt
17 beyond a reasonable doubt.

18 The State has the burden of proving the defendant
19 guilty beyond a reasonable doubt. Some of you may have
20 served as jurors in civil cases where you were told that
21 it is only necessary to prove that a fact is more likely
22 true than not true, such as by the greater weight of
23 the evidence or what we call the preponderance of the
24 evidence.

25 In criminal cases, and this is a criminal case, the

1 State's proof must be more powerful than that. It must
2 be beyond a reasonable doubt. Proof beyond a reasonable
3 doubt is proof that leaves you firmly convinced of the
4 defendant's guilt. There are very view few things in
5 this world that we know with absolute certainty and in
6 criminal cases the law does not require proof that
7 overcomes every possible doubt. If based on your
8 consideration of the evidence, you are firmly convinced
9 that the defendant is guilty of the crime charged, you
10 must find him guilty. If, on the other hand, you think
11 there is a real possibility that the defendant is not
12 guilty, you must give the defendant the benefit of that
13 doubt and find him not guilty.

14 Now there are two types of evidence which are
15 generally presented during a trial; direct evidence and
16 circumstantial evidence. Direct evidence directly proves
17 the existence of a fact and does not require deduction.
18 Circumstantial evidence is proof of a chain of facts and
19 circumstances indicating the existence of a fact. Crimes
20 may be proven by circumstantial evidence. The law makes
21 no distinction between the weight or value to be given
22 to either direct or circumstantial evidence. However, to
23 the extent the State relies on circumstantial evidence,
24 the circumstances must be consistent with each other and
25 when taken together point conclusively to the guilt of the

1 accused beyond a reasonable doubt. If the circumstances
2 merely portray the defendant's behavior as suspicious,
3 the proof has failed. The State has the burden of proving
4 the defendant guilty beyond a reasonable doubt. This
5 burden rests with the State regardless of whether the
6 State relies on direct evidence, circumstantial evidence
7 or some combination of the two.

8 Criminal intent is a state of mind which operates
9 jointly with an act or omission in the commission of a
10 crime. Criminal intent is a mental state of conscious
11 wrongdoing. Criminal intent includes those consequences
12 which represent the very purpose for which the act was
13 done or are known to be substantially certain to the
14 result regardless of one's desire. Intent may be shown by
15 acts and conduct of the defendant and other circumstances
16 from which you may naturally and reasonably infer intent.
17 Criminal intent must be proven by the State beyond a
18 reasonable doubt.

19 You must determine the credibility of the witnesses
20 who have testified in this case and the evidence presented.
21 Credibility simply means believability. It becomes your
22 duty as jurors to analyze and to evaluate the witnesses
23 and the evidence and determine the credibility of the
24 witnesses and the evidence.

25 In determining the credibility of witnesses who have

1 testified in this case, you may believe one witness over
2 several witnesses, several witnesses over one witness.
3 You may believe a part of the testimony of a witness and
4 reject the remaining part of the testimony of that same
5 witness. You may believe the testimony of a witness in
6 its entirety or reject the testimony of a witness in its
7 entirety. You may consider whether any witness has
8 exhibited to you any interest, bias, prejudice or other
9 motive in this case. You may also consider the appearance
10 and manner of a witness while on the witness stand.

11 I told you earlier during this trial that the rules
12 of evidence ordinarily do not permit witnesses to testify
13 to opinions or conclusions. An exception to this rule
14 exists for witnesses we call expert witnesses, who's a
15 witness who by education and experience has become an
16 expert in some art, science, profession or calling. They
17 may state an opinion as to relevant and material matter
18 in which the witness claims to be an expert and may also
19 state the reasons for their opinion.

20 You should consider any expert opinion received in
21 evidence in this case, and we had several experts testify
22 in this case, and like any other evidence give it the
23 weight you think it deserves. If you decide that the
24 opinion of an expert is not based on sufficient education
25 and experience or if you conclude that the reasons given

1 in support of the opinion are not sound or that the opinion
2 is outweighed by other evidence, you may disregard the
3 opinion entirely.

4 An expert witness's testimony is to be given no
5 greater weight than that of any other witness simply
6 because the witness is an expert. Further, you are not
7 required to accept an expert's opinion even though it is
8 not contradicted.

9 The defendant is charged with murder. The State
10 must prove beyond a reasonable doubt that the defendant
11 killed another person with malice aforethought. Malice
12 is hatred, ill-will or hostility towards another person.
13 It is the intentional doing of a wrongful act without
14 just cause or excuse and with an intent to inflict an
15 injury or under circumstances that the law will infer an
16 evil intent.

17 Malice aforethought does not require that malice
18 exist for any particular time before the act is committed,
19 but malice must exist in the mind of the defendant just
20 before and at the time the act is committed. Therefore,
21 there must be a combination of the previous evil intent
22 and the act.

23 Malice aforethought may be expressed or inferred.
24 These terms "express" and "inferred" do not mean different
25 kind of malice, but merely the manner in which malice may

1 be shown to exist; that is, either by direct evidence or
2 by inference from the facts and circumstances which are
3 proved.

4 Express malice is shown when a person speaks words
5 which express hatred or ill-will for another or when
6 the person prepared beforehand to act which was later
7 accomplished. Malice may be inferred from conduct
8 showing a total disregard for human life. If facts are
9 proved beyond a reasonable doubt sufficient to raise an
10 inference of malice to your satisfaction, this inference
11 would simply be an evidentiary fact to be considered by
12 you along with all the other evidence in the case and you
13 may give it the weight you decide it should receive.

14 If you find that the State has failed to prove beyond
15 a reasonable doubt that the defendant committed murder,
16 you may consider whether the State has proved beyond a
17 reasonable doubt that the defendant committed voluntary
18 manslaughter. Included with the offense of murder is the
19 lesser offence of voluntary manslaughter. Manslaughter
20 is defined as the unlawful killing of another without
21 malice, express or implied.

22 To prove voluntary manslaughter, the State must
23 prove beyond a reasonable doubt that the defendant took
24 the life of another in the sudden heat of passion based
25 on sufficient legal provocation. Both heat of passion

1 and sufficient legal provocation must be present at the
2 time of the killing to constitute voluntary manslaughter.

3 Sudden heat of passion may for a time affect a
4 person's self-control and temporarily disturb a person's
5 reason. The sudden heat of passion must be the type that
6 would make an ordinary person unable to coolly reflect on
7 his actions and would produce an uncontrollable impulse
8 to do violence.

9 Sufficient legal provocation must be the type that
10 would make a person of ordinary reason and caution become
11 enraged and to lose control temporarily. The provocation
12 needed for evaluate manslaughter must come from some act
13 or related to the victim. Words alone however vulgar or
14 insulting are not enough to be legal provocation. Where
15 death is caused by the use of a deadly weapon, the words
16 must be accompanied by some overt threatening act which
17 could have produced the heat of passion. The exercise
18 of a legal right no matter how offensive it is to another
19 is never sufficient legal provocation for voluntary
20 manslaughter. If the heat of passion had cooled or if
21 there was enough time between the provocation, if any,
22 and the killing for the passion of a reasonable person to
23 cool, the killing would not be voluntary manslaughter.

24 In deciding whether a reasonable person would have
25 had enough time to cool off, you should consider all of

1 the circumstances surrounding the killing.

2 You may consider the nature of the provocation, if
3 any, the defendant's mental and physical state, and the
4 circumstances and relationships between the parties.

5 The defendant has raised the defense of self-defense.
6 Self-defense is a complete defense, and if it is
7 established, you must find the defendant not guilty.

8 The State has the of proving self -- disproving
9 self-defense by proof beyond a reasonable doubt. If you
10 have a reasonable doubt of the defendant's guilt after
11 considering all of the evidence, including the evidence
12 of self-defense, then you must find the defendant not
13 guilty. On the other hand, if you have no reasonable
14 doubt of the defendant's guilt after considering all of
15 the evidence, including the evidence of self-defense,
16 then you must find the defendant guilty.

17 The following elements are required to establish
18 self-defense. First, the defendant must be without
19 fault in bringing on the difficulty. If the defendant's
20 conduct was the type which was reasonably -- reasonably
21 calculated to and did provoke a deadly assault, the
22 defendant would be at fault in bringing on the difficulty
23 and would not be entitled to an acquittal based on
24 self-defense.

25 Self-defense is not available to a person who uses

1 language which is so contemptuous that a reasonable
2 person would expect it to bring on a physical encounter
3 and which did actually contribute to the physical
4 encounter.

5 The second element of self-defense is that the
6 defendant was actually in imminent danger of death or
7 serious bodily injury or that the defendant actually
8 believed he was in imminent danger of death or serious
9 bodily injury.

10 If the defendant was actually in imminent danger,
11 it must be shown that the circumstances would have
12 warranted a person of ordinary firmness and courage to
13 strike the fatal blow to prevent death or serious bodily
14 injury.

15 If the defendant believed he was in imminent danger
16 of death or serious bodily injury, it must be shown that
17 a reasonably prudent person of ordinary firmness and
18 courage would have had the same belief.

19 In deciding whether the defendant actually was or
20 believed he was in imminent danger of death or serious
21 bodily injury, you should consider all the facts and
22 circumstances surrounding the crime, including the
23 physical condition and characteristics of the defendant
24 and the victim.

25 The defendant does not have to show that he was

1 actually in danger. It is enough that the defendant
2 believed he was in imminent danger and a reasonably
3 prudent person of ordinary firmness and courage would
4 have had the same belief.

5 The defendant has the right to act on appearances.
6 Even though the defendant's belief may have been mistaken.
7 It is for you to decide whether the defendant's fear of
8 immediate danger of death or serious bodily injury was
9 reasonable and would have been felt by an ordinary person
10 in the same situation.

11 Words accompanied by hostile acts may, depending
12 on the circumstances, establish self-defense if all of
13 the other elements of self-defense are established.

14 Evidence of prior difficulties between the defendant
15 and the victim may be considered in deciding whether a
16 threat existed, whether the defendant had a reason to
17 believe a threat existed and how serious was that threat.

18 The relative sizes, ages and weights of the defendant
19 and the victim may be considered in deciding the apparent
20 or actual need for force in self-defense and the amount
21 of force needed.

22 The reputation of the victim may be considered in
23 deciding whether there was a need for force, whether
24 the defendant had reason to believe there was a need for
25 force and whether deadly force was reasonably necessary.

1 Prior instances of violence by the victim may be
2 considered in deciding whether the defendant actually
3 believed he was in imminent danger of death or serious
4 bodily injury or was actually in imminent danger.

5 Threats made by the victim may be considered in
6 determining whether the defendant actually was or believed
7 he was in imminent danger.

8 The intoxication of the victim may be considered in
9 deciding whether the defendant's fear of death or bodily
10 harm was reasonable.

11 The final element of self-defense is that the
12 defendant had no other probable way to avoid the danger
13 of death or serious bodily injury than to act as the
14 defendant did in this particular instance.

15 In this case, if the defendant was on his own
16 premises the defendant had no duty to retreat before
17 acting in self-defense.

18 A person cannot be required to make an exact
19 calculation as to the degree or amount of force which
20 may be needed to avoid death or serious bodily injury;
21 therefore, in self-defense the defendant has the right
22 to use the force needed to avoid death or serious bodily
23 harm. The force used in self-defense does not have to
24 be limited to the degree or amount of force used by the
25 victim. The defendant has the right to use so much force

1 as appeared to be necessary for complete self-protection
2 and which a person of ordinary reason and firmness would
3 have believed to be needed to prevent death or serious
4 bodily harm.

5 If the defendant is justified in defending himself
6 or others and in firing the first shot, the defendant is
7 also justified in continuing to shoot until it is apparent
8 that the danger of death or serious bodily injury has
9 completely ended.

10 I remind you that the fact that the defendant elected
11 not to testify is not a factor to be considered by you in
12 any way in your deliberations and in your consideration
13 on the question of whether the defendant is guilty or not
14 guilty. It must not be considered in any manner whatsoever
15 against him. An accused has a right to remain silent and
16 the assertion of that right cannot be considered by you
17 in your deliberations. Under your oath you are to reach
18 no inference and draw no conclusion whatsoever from the
19 fact that the defendant elected not to testify. His
20 decision not to testify should not even be discussed in
21 the jury room. It is not to enter your mind in making
22 your decisions. The State has the entire burden of proof
23 and the accused has no burden to prove anything at all.

24 Voluntary intoxication is not a defense. A person
25 who voluntarily becomes intoxicated is just as responsible

1 for the acts committed while intoxicated as when the
2 person is not intoxicated.

3 A verdict in this case cannot be based on sympathy,
4 passion, prejudice or emotion or some other consideration
5 not found in the evidence.

6 Let me say something about your deliberations.
7 Deliberation is defined as a careful consideration,
8 weighing up with a view to decision. The genius of our
9 jury system is that it allows twelve good men and women
10 from twelve different background, life experiences and
11 perspectives to consider the evidence, talk about it and
12 ultimately reach a verdict.

13 We call them deliberations for a reason. You are
14 to consider the evidence in this case carefully and
15 deliberately and discuss it in a calm, thorough and
16 courteous manner. Listen to the views of all your fellow
17 jurors, consider other people's points and points of view
18 and talk through and discuss the evidence. And, remember,
19 if you are doing something deliberately, you are not in a
20 big hurry and you should not be in a hurry here. This
21 case is very important to both sides and this is their
22 only day in court.

23 When you retire to the jury room, you should discuss
24 the case with your fellow jurors to reach an agreement if
25 you can do so. Your verdict must be unanimous. Each of

1 you must decide the case for yourself, but you should do
2 so only after you have impartially considered all of the
3 evidence, discussed it with the other jurors and listened
4 to the views of your fellow jurors. Do not be afraid to
5 change your opinion if the discussions persuade you that
6 you should, but do not come to a decision simply because
7 other jurors thinks it is right.

8 It's important to try and attempt to reach a
9 unanimous verdict, but, of course, only if each of you
10 can do so after having made your own decision. Do not
11 change an honest belief about the weight and effect of
12 the evidence simply to reach a verdict. In other words,
13 do not change your opinion solely for the sake of reaching
14 a unanimous verdict.

15 Now there are two possible verdicts that are listed
16 on your verdict sheet. There is no significance whatsoever
17 in the order in which I state these possible verdicts.
18 It is simply that one must be stated first. Again, I'm
19 gonna tell you that your verdict must be a unanimous one.

20 Mr. Foreman, when the jury agrees on a verdict,
21 you're gonna initial on the verdict form, knock on the
22 door and the bailiff will let me know.

23 If at any time you need to ask a question, it must
24 be in writing. I can't promise you I can answer it, we'll
25 wait and see, but it must be in writing. Knock on the

1 door, give it to the bailiff, he will give it to me.

2 Again, as I was telling you earlier there is -- this
3 verdict form is in two parts. The first part is murder
4 and then there's the lesser included of voluntary that I
5 read to you.

6 We'll gather up the evidence, send it back to the
7 jury room.

8 The alternates, you can't go back. I've got a
9 special room that you can go to because I can't let you
10 go just let.

11 Your lunch is here. You can deliberate over lunch.

12 I will tell you, Mr. Foreman, do not begin
13 deliberations until we bring back all of this evidence.
14 We will bring back a computer, laptop, for you.

15 Again, if you have any problems or need anything,
16 just write us a note. The clerk will bring all the
17 evidence back and she'll tell you when to begin.

18 FOREPERSON: Okay.

19 THE COURT: Now if somebody -- you're not allowed to
20 have cell phones in the jury room. If somebody goes to
21 the restroom, Mr. Foreman, all deliberations stop.

22 FOREPERSON: Okay.

23 THE COURT: All twelve jurors must be in the room
24 when you're deliberating, okay?

25 FOREPERSON: Okay.

1 THE COURT: All right. Thank you.

2 I'm gonna let you go to your jury room.

3 (Whereupon, the jury retires to the jury room at
4 1:16 PM.)

5 THE COURT: All right. Let me ask the State, any
6 objections or exceptions to the jury charges?

7 MR. NORTON: No, Your Honor.

8 THE COURT: Any from the defense?

9 MS. YONGE: Your Honor, my only comment would be
10 that when Your Honor read the State has the burden of
11 proving -- disproving self-defense by proof beyond a
12 reasonable doubt.

13 THE COURT: I went and said disproving.

14 MS. YONGE: I was just making sure that I caught
15 that. I thought you did, but I wanted to --

16 THE COURT: I did. I caught myself.

17 MS. YONGE: Okay.

18 THE COURT: I did. I know that I did.

19 Did you catch that, Stacy? She did.

20 MS. YONGE: Okay. Thank you, Judge.

21 THE COURT: All right. We -- if you-all would finish
22 looking at these exhibits right quick so we can get them
23 back to the jury.

24 (Recess taken at 1:17 PM.)

25 (Whereupon, the evidence was submitted to the jury

1 and deliberations commenced at 1:25 PM.)

2 (Back on the record at 1:44 PM.)

3 THE COURT: Shall I go forward?

4 MS. YONGE: Yes, Judge.

5 THE COURT: Okay. This is the note from the jury.

6 I'm gonna make it Court's Exhibit Number --

7 THE COURT REPORTER: 4.

8 MS. YONGE: 4, Judge.

9 THE COURT: Was there a toxicology report on Jabin?

10 Does Jabin have prior convictions?

11 They've got to just do -- look at the evidence. I

12 can't comment on any of this; that they're to consider

13 only what's been introduced into evidence and testimony.

14 Let's bring them in or either I can write them back.

15 What do you want me to do?

16 MR. NORTON: I'm fine with --

17 MR. PINCELLI: I think this one is as simple as you

18 have to only consider evidence and testimony.

19 MS. YONGE: Or you have all of the evidence period.

20 THE COURT: You have all of the evidence.

21 MS. YONGE: That's it.

22 MR. COX: You have all of the evidence you need to

23 deliberate this case.

24 MS. YONGE: Yes.

25 THE COURT: I'm just gonna put you have all of the

1 evidence.

2 All right. I just answered you have -- you have all
3 of the evidence and signed my name and dated it.

4 All right. Let's go --

5 (Court's Exhibit Number 4 was marked for
6 identification.)

7 (Recess taken at 1:47 PM.)

8 (Back on the record at 2:39 PM.)

9 THE COURT: All right. Stacy, I'm gonna make this
10 Court's Exhibit Number 5.

11 (Court's Exhibit Number 5 was marked for
12 identification.)

13 THE COURT: All right. These are the questions
14 from the jury.

15 Can we get the definitions of, number one, murder;
16 number two, manslaughter; and number three, malice?

17 I think malice goes with the murder charge.

18 MR. PINCELLI: Uh-huh.

19 MS. YONGE: Agreed.

20 THE COURT: So I think if I read them the murder
21 and the voluntary that covers all of it that they've
22 asked.

23 MS. YONGE: Agreed.

24 THE COURT: Any objections to the Court reading them
25 those two charges over again?

1 MR. NORTON: No, Your Honor.

2 MS. YONGE: No, Your Honor.

3 THE COURT: Let's bring them in.

4 (Whereupon, the jury return to the jury room at
5 2:42 PM.)

6 THE COURT: All right. Please be seated.

7 All right. Mr. Foreman, I've got your note.

8 It states: Can we get the definitions of murder,
9 manslaughter and malice?

10 FOREPERSON: Yeah, just one more time.

11 THE COURT: I'm going to read you the murder and the
12 manslaughter, okay?

13 FOREPERSON: Okay.

14 THE COURT: The defendant is charged with murder.
15 The State must prove beyond a reasonable doubt that the
16 defendant killed another person with malice aforethought.

17 Malice is hatred, ill-will or hostility towards
18 another person. It is the intentional doing of a wrongful
19 act without just cause or excuse and with an intent to
20 inflict an injury or under circumstances that the law will
21 infer an evil intent.

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

1 there must be a combination of the previous evil intent
2 and the act.

3 Malice aforethought may be expressed or inferred.
4 These terms, "express" and "inferred", do not mean
5 different kinds of malice, but merely the manner in which
6 malice may be shown to exist. That is, either by direct
7 evidence or by inference from the facts and circumstances
8 which are proved.

9 Express malice is shown when a person speaks words
10 which express hatred or ill-will for another or when the
11 person prepared beforehand to do the act which was later
12 accomplished. Malice may be inferred from conduct showing
13 a total disregard for human life. If facts are proved
14 beyond a reasonable doubt sufficient to raise an inference
15 of malice to your satisfaction, this inference would be
16 simply an evidentiary fact to be considered by you along
17 with all the other evidence in the case and you may give
18 it the way you decide it should receive.

19 Voluntary manslaughter. If you find that the State
20 has failed to prove beyond a reasonable doubt that the
21 defendant committed murder, you may consider whether the
22 State has proved beyond a reasonable doubt that the
23 defendant committed voluntary manslaughter.

24 Included with the offense of murder is the lesser
25 offense of voluntary manslaughter. Manslaughter is

1 defined as the unlawful killing of another without malice,
2 express or implied.

3 To prove voluntary manslaughter, the State must
4 prove beyond a reasonable doubt that the defendant took
5 the life of another person in the sudden heat of passion
6 based on sufficient legal provocation. Both heat of
7 passion and sufficient legal provocation must be present
8 at the time of the killing to constitute voluntary
9 manslaughter.

10 Sudden heat of passion may for a time affect a
11 person's self-control and temporarily disturb a person's
12 reason. The sudden heat of passion must be the type that
13 would make an ordinary person unable to coolly reflect on
14 his actions and would produce an uncontrollable impulse
15 to do violence.

16 Sufficient legal provocation must be the type that
17 would make a person of ordinary reason and caution become
18 enraged and to lose control temporarily. The provocation
19 needed for voluntary manslaughter must come from some act
20 of or related to the victim. Words alone, however vulgar
21 or insulting, are not enough to be legal provocation.

22 Where death is caused by the use of a deadly weapon,
23 the words must be accompanied by some overt threatening
24 act which could have produced the heat of passion. The
25 exercise of a legal right, no matter how offensive it is

1 to another, is never sufficient legal provocation for
2 voluntary manslaughter.

3 If the heat of passion had cooled or if there was
4 enough time between the provocation, if any, and the
5 killing for the passion of a reasonable person to cool,
6 the killing would not be voluntary manslaughter.

7 In deciding whether a reasonable person would have
8 had enough time to cool off, you should consider all of
9 the circumstances surrounding the killing. You may
10 consider the nature of the provocation, if any, the
11 defendant's mental and physical state, and the
12 circumstances and relationship between the parties.

13 I hope that helps.

14 FOREPERSON: (Nods head.)

15 THE COURT: I'll let you go back to your room.
16 Thank you.

17 (Whereupon, the jury retires to the jury room at
18 2:49 PM.)

19 THE COURT: Okay. Back in recess.

20 MR. COX: Thank you, Judge.

21 MR. NORTON: Thank you, Your Honor.

22 (Recess taken 2:49 PM.)

23 (Back on the record at 4:21 PM.)

24 THE COURT: All right. Please be seated.

25 We have a verdict.

1 All right. I know that I've got a lot of people in
2 the gallery, so let me tell you I don't put up with any
3 emotions, screaming, yelling, none of that stuff. If you
4 can't control yourself, I'm gonna ask you to leave the
5 courtroom now, please, because I'm gonna ask the jury to
6 come in.

7 Is there anything from the State before I do?

8 MR. NORTON: No, Your Honor.

9 THE COURT: How about from the defense?

10 MS. YONGE: No, Your Honor.

11 THE COURT: Let's bring the jury in.

12 BAILIFF: Yes, Your Honor.

13 (Whereupon, the jury return to the courtroom at
14 4:23 PM.)

15 THE COURT: All right. Mr. Foreman, does the jury
16 have a verdict?

17 FOREPERSON: Yes, ma'am.

18 THE COURT: Is it unanimous?

19 FOREPERSON: Yes, ma'am.

20 THE COURT: All right. If you'd please pass the
21 verdict form to the bailiff.

22 You may be seated.

23 I'm gonna get the clerk.

24 Mr. Trapp, if you'll stand, please, to read the
25 verdict.

1 THE CLERK: As to Indictment 2022-GS-32-03843, the
2 State of South Carolina versus Jabin Trapp. We, the
3 jury, unanimously find Jabin Trapp guilty of murder.

4 So signed by the foreperson on this day,
5 September 19, 2024.

6 Ladies and Gentlemen of the Jury, was this your
7 verdict and is it your still your verdict?

8 Please respond by raising your hands.

9 Thank you.

10 THE COURT: Would you like to have the jury
11 individually polled?

12 MS. YONGE: Yes, Your Honor.

13 THE COURT: If you would please, Madam Clerk.

14 THE CLERK: Yes, ma'am.

15 When I call your juror number, I'm gonna ask you --
16 I'm going to ask you if this is your verdict and if it's
17 still your verdict and if you could, please, raise your
18 right hand and answer out loud.

19 Juror 149, was this your verdict and is it still your
20 verdict?

21 JUROR NUMBER 149: Yes.

22 THE CLERK: Juror Number 104, was this your verdict
23 and is it still your verdict?

24 JUROR NUMBER 104: Yes.

25 THE CLERK: Juror Number 163, was this your verdict

1 and is it still your verdict?

2 JUROR NUMBER 163: Yes.

3 THE CLERK: Juror Number 202, was this your verdict
4 and is it still your verdict?

5 JUROR NUMBER 202: Yes.

6 THE CLERK: Juror Number 108, was this your verdict
7 and is it still your verdict?

8 JUROR NUMBER 108: Yes.

9 THE CLERK: Juror Number 88, is this your verdict
10 and -- was this your verdict and is it still your verdict?

11 JUROR NUMBER 88: Yes.

12 THE CLERK: Juror Number 145, was this your verdict
13 and is it still your verdict?

14 JUROR NUMBER 145: Yes.

15 THE CLERK: Juror Number 78, was this your verdict
16 and is it still your verdict?

17 JUROR NUMBER 78: Yes.

18 THE CLERK: Juror Number 195, was this your verdict
19 and is it still your verdict?

20 JUROR NUMBER 195: Yes.

21 THE CLERK: Juror Number 116, was this your verdict
22 and is it still your verdict?

23 JUROR NUMBER 116: Yes.

24 THE CLERK: Juror Number 14, was this your verdict
25 and is it still your verdict?

1 JUROR NUMBER 14: Yes.

2 THE CLERK: Juror Number 101, was this your verdict
3 and is it still your verdict?

4 JUROR NUMBER 101: Yes.

5 THE CLERK: Was there anyone's -- any juror's number
6 I did not call?

7 Your Honor, the jury has been polled.

8 THE COURT: All right. Anything else from the
9 defense?

10 MS. YONGE: Nothing from the jury, Your Honor.

11 THE COURT: All right. Thank you.

12 Mr. Foreman, Ladies and Gentlemen of the Jury, thank
13 you so much for being tentative listening to this case
14 and working with the court system.

15 I'm gonna let you go back to the jury room. I will
16 be back to excuse you, okay?

17 At this time if you'd go back.

18 (Whereupon, the jury retires to the jury room to be
19 excused at 4:26 PM.)

20 THE COURT: All right. I'm gonna go back, excuse
21 the jury and I'm gonna come back and let's be prepared
22 for sentencing.

23 MS. YONGE: Your Honor, briefly, if I may renew all
24 prior motions and objections. I would also move for a
25 new trial on the grounds that the evidence that was sent

1 back to the jury was not enough to sustain the verdict
2 that was rendered.

3 THE COURT: All your objections and motions are
4 renewed and your motion for new trial is denied.

5 MS. YONGE: Thank you, Your Honor.

6 THE COURT: Thank you.

7 I'll be back in -- probably in about five minutes.
8 Be ready.

9 (Recess taken at 4:26 PM.)

10 (Back on the record at 4:36 PM.)

11 BAILIFF: All rise. Court's now in session. The
12 Honorable Judge Deborah R. McCaslin presiding.

13 THE COURT: All right. Please be seated.

14 All right. Mr. Norton, I'll be glad to hear from
15 you on sentencing.

16 MR. NORTON: Thank you, Your Honor.

17 I'll be brief, Judge. Your Honor heard all the
18 facts ad nauseam. Your Honor heard the facts in the
19 stand your ground hearing, Your Honor's heard the facts
20 at trial. This was a tragedy, but is a tragedy that
21 falls squarely at the feet of the defendant. He has no
22 criminal history to give the Court, Judge, but I think
23 Your Honor is more than informed to issue an appropriate
24 sentence in this case.

25 We do have some victim impact to present at the

1 appropriate time.

2 THE COURT: Okay.

3 Ms. Yonge, I'm gonna go ahead and hear the victim
4 impact and then I'll turn to you if that's suitable?

5 MS. YONGE: Yes, Your Honor.

6 THE COURT: All right. Let me go ahead and hear
7 from the victim's family.

8 MS. JOKERST: My name is Sarah Jokerst. Parrish was
9 my friend. He was my roommate for a time, a brief time.
10 He introduced me to my best friend Lizzy and I'm going to
11 read a poem that I wrote for him three days after he was
12 murdered.

13 No one knew you didn't have far to go, you'd soon
14 take your trip down Copperhead Road. The snake at the
15 bottom, a foe, not a friend. This wasn't the way you
16 should have met your end. The past few months almost
17 took your life. You fought and you struggled, but
18 continued your right. Somehow you knew, it was deep
19 inside, speaking from your soul, heavens about to collide.
20 With your warrior spirit and your lion heart, you took
21 to the skies, it was time to depart. Just another voyage,
22 nothing to fear. You couldn't take with you those you
23 held dear. Here we are, your family, your tribe. Your
24 final adventure left us empty inside. Body may be gone,
25 but you're still here walking right beside as the tides

1 draw near. Underneath the stars and the dark of the
2 night, your voice inside our heads, it's gonna be all
3 right. Out on the water, under the sun, pirate wisdom,
4 my journey's just begun.

5 These were the last words that I spoke to my friend
6 just two days before he left this earth. You're my buddy,
7 you always will be. I'm so grateful for the time we shared
8 at my place, all of it, and that you're still here.

9 He almost died on my couch from his medical
10 condition. I love you, P. Thank you for always looking
11 out for me and for all the joy and laughter you brought
12 into my life.

13 That's all I have. Thank you.

14 THE COURT: Thank you.

15 MR. WALLER: Your Honor, thank you for this
16 opportunity. I'm gonna read some excerpts -- I'm Chad
17 Waller. I'm Parrish's brother.

18 THE COURT: Okay.

19 MR. WALLER: I'm gonna read some excerpts from the
20 funeral, from the eulogy at my brother's funeral.

21 My brother lived a very colorful and exciting life.
22 He was a father, a son, a brother, an uncle, and a friend
23 to many. He was a Renaissance man, a surfer, a paddle
24 boarder. He was an outdoorsman. He was a rock climber,
25 a river guide and a karaoke king, a Taco Bell connoisseur.

1 He was a Trivial Pursuit champion, a lake pirate, a
2 ladies's man, as evident this week, a breakfast cereal
3 fanatic, a trout fisherman, a canine expert, and an otter.
4 My brother was the Mozart of bullshit. Excuse my French.
5 He was not much for long-laid plans or future endeavors.
6 He did not require posh accommodations or consistent
7 company. He was honestly disappointed that it was frowned
8 upon to camp out and sleep in a hammock indefinitely.
9 My brother was a person. He was a good person. He may
10 have made some bad decisions through his life, but he was
11 -- he was a decent guy. He had a good heart.

12 We're sorry to the Trapp family for having to endure
13 this process, but what it has put my mother through and
14 Jabin's mother, it's more than you can imagine. This has
15 affected many people. We ask that you give him life for
16 the one that you took.

17 Thank you.

18 THE COURT: Thank you.

19 MR. NORTON: Your Honor, that's all from the State.

20 THE COURT: Okay.

21 Ms. Yonge, I'll be happy to hear from you.

22 MS. YONGE: Your Honor, I believe my father will be
23 handling this portion.

24 THE COURT: Mr. Williams.

25 MR. WILLIAMS: Jabin, come over here.

1 May it please the Court?

2 THE COURT: Yes, sir.

3 MR. WILLIAMS: There are no winners, there are only
4 losers. It's a sad concept to have when you -- you
5 practice all your life to do things and you get to this
6 situation and there are no winners in this particular
7 case. There are no winners and there are no losers
8 because we're all losing. They've already lost and now
9 we're losing some now.

10 You know better than anyone else having heard the
11 testimony in this case. Jabin loved Parrish. Jabin is a
12 sensitive, passionate -- he was sitting over here earlier
13 crying like a young child about the loss of his contact
14 with his daughter that he's gonna have. And I realize
15 I'm embarrassing him, but, you know, we've been raw for
16 a week here with this and I've watched that family over
17 there and I'm -- and they know, they know, everybody
18 loses here because these guys actually -- they got along.
19 They got along. And we all want to look for somebody to
20 blame. I don't know who -- who's to blame anymore. You
21 know, maybe it's drugs. Maybe it's just fate. Who
22 knows? Who knows? But somebody has to -- has to suffer
23 the consequences.

24 You have to believe in the system, too, Judge.
25 You know as well as I do that I wouldn't be doing this

1 for forty-eight years if I didn't believe in the system.
2 I believe in the system. I think the system makes
3 corrections as it goes along. We do the best we can as
4 lawyers, as solicitors, as judges, and then the right
5 outcome will come. Maybe it's not now, maybe it's later.
6 Maybe it helps somebody else. Who knows? But he's never
7 ever said that he was not responsible for what he has
8 done. It's the first case that I've ever had where a guy
9 was facing a murder trial that he wanted to file a motion
10 for a speedy trial. The first case where the gentleman I
11 was representing wanted to tell everybody what happened.
12 He sincerely is sorry for what happened. I don't know
13 that he knows to this day anything other than he pulled
14 the trigger that killed his friend. I don't know what
15 you say about that.

16 Judge, I know it doesn't make any difference. I
17 guess I should say that he's spent forty-three days in
18 jail prior to bonding out. Judge McLeod tells me that
19 this is the first time that he ever set a bond on a person
20 who was charged with murder and when he -- Judge McLeod's
21 the one who set the bond on him and it was -- it was a
22 surety bond with ankle monitor, and the way I interpreted
23 it, it was house arrest if that makes any difference,
24 and he was on that monitor probably for I think -- I think
25 six months. I think it was six months. He spent four

1 days in jail here, but obviously none of that's gonna
2 really matter if the truth be known, but it's interesting
3 to note that he'd never committed a crime before this
4 event, there was no violations of his bond, and it's just
5 sad.

6 Jabin is -- he's fifty-three. He's got a daughter
7 out there who I'm sure wants to say something. He went
8 to -- he got a college education. He's one of the -- has
9 one of the unique jobs of working for Wells Fargo in --
10 what was it -- where you explain fraudulent --

11 THE DEFENDANT: Cyber security.

12 MR. WILLIAMS: Cyber security. I don't know how
13 top secret that is, but it indicates to me that somebody
14 must have thought that he was pretty trustworthy for that.

15 I don't know what you say in situations like this.
16 I'm basically taking the heat for my daughter who was --
17 tried this case and done a beautiful job, but -- but
18 somebody has to say something about him and all we can
19 say is that -- is that everybody here is losers and I'd
20 ask -- I think his daughter would like to speak a little
21 something.

22 THE COURT: All right. So he did six months on an
23 ankle monitor and forty-five days in jail.

24 MR. WILLIAMS: Plus the four here.

25 THE COURT: Plus the four here. So forty-nine days?

1 MR. WILLIAMS: Yes, ma'am.

2 THE COURT: I'll be happy to hear from the daughter.

3 MS. TRAPP: My name is Haley Trapp. I'm Jabin
4 Trapp's daughter. I know my dad and I know his heart.
5 He's always been such a loving and supportive dad. In
6 anything that I've ever wanted to do, he's been my number
7 one supporter, and I know he just got wrapped up in a bad
8 set of circumstances and I know there's a lot of heartache
9 on both sides.

10 And I love you.

11 MR. WILLIAMS: Your Honor, I believe -- this is his
12 sister who was standing next to -- I guess that would be
13 her niece, so if you'll please tell her -- obviously
14 you've known him all your life.

15 Who's older?

16 MS. GUNTER: I am.

17 MR. WILLIAMS: Okay. You've known him -- you've
18 known him all his life.

19 MS. GUNTER: My name is Toni Trapp Gunter. I'm
20 Jabin's sister. He has been the most wonderful brother.
21 I've got two main stories I'd like to tell you about him,
22 the kind of person that he is.

23 He's the crazy uncle that I can't tell you how many
24 pictures are on my camera roll of my -- each of my three
25 children with icing smeared all over their face because

1 if there was a birthday cake, it was going in their
2 face if he was around. He's that kind of uncle. He was
3 the one who they were climbing on and jumping off his
4 shoulders in the swimming pool. Would not intentionally
5 hurt a fly. He's a -- he's a good, good human.

6 Secondly, in the forty-three days that he was in
7 jail prior to bonding out, I was the one primarily who
8 was going to his home checking his mail, watering his
9 plants. On his front porch there are two ferns and a
10 bird had built a nest in the fern and this man, this kind
11 human, took a box, put that bird nest in it, built a
12 little contraption to nail it to the railing so that that
13 momma bird could come and take care of her babies instead
14 of just throwing the nest out or leaving it in the fern
15 where it could get wet.

16 That's a man with a good heart. That's a man that
17 does not want to hurt a living creature purposely. He's
18 a good man and I just ask for your mercy. This is a
19 tragic situation for everybody. As Mr. Williams said no
20 one wins here, no one wins, but my mom needs him. He's
21 good to my mother, he takes good care of her, and we need
22 him as a part of our life if we can have him.

23 MR. WILLIAMS: Your Honor, there are only two more.
24 One is Carolyn -- let me make sure I've got this right.
25 Brenda Hendrix and I guess --

1 THE COURT: She's saying no.

2 MR. WILLIAMS: Anybody else?

3 MS. HENDRIX: My name is Brenda Hendrix. I am
4 Jabin's aunt. His father was my only brother. He was
5 my brother's only son. He's one of the finest young men
6 that I have ever known. I love him with all my heart.
7 He is as giving and loving a person as I've ever known.

8 He opened his home to Parrish and helped treat his
9 wounds and take care of him the whole time he was there,
10 gave up his own bedroom so he would have the better room
11 with the nice bathroom, and just did all this for someone
12 that he was a casual friend with and did his best to take
13 care of him.

14 And I'm sorry this had to happen, it came to this,
15 but he had to have been pushed to this point because he's
16 not the type to hurt anyone about anything.

17 MR. WILLIAMS: Obviously, Your Honor, we don't --
18 don't control everything that goes on in a courtroom and
19 I think you hear -- and Your Honor's been around long
20 enough to know that.

21 THE COURT: I know.

22 MR. WILLIAMS: But it's obvious to me that both
23 sides are hurting and sometimes when you're hurting it's
24 -- it's hard to express how you're hurting.

25 Would you like to say something?

1 THE DEFENDANT: Sure.

2 MR. WILLIAMS: Go ahead.

3 THE DEFENDANT: Your Honor, my heart goes out to
4 Parrish's family. I never meant for any of this to come
5 to this. I was truly trying to be a good friend and just
6 try to provide somebody with a space. And I think about
7 that day, it replays in my head every day and it will for
8 the rest of my life, and I want everybody one to know
9 that I do regret all this happened and that I hurt Parrish
10 and I ended his life and I just -- I reach out to his
11 family and just issue my deepest apology I can.

12 Thank you.

13 THE COURT: Thank you.

14 Anything else?

15 MR. WILLIAMS: I don't think there's anything else
16 that can be said.

17 THE COURT: Well, I'm gonna tell you, I'd like to
18 thank the lawyers. I mean, I think both sides have
19 done an excellent job, advocates for their clients. Law
20 enforcement has done a great job on the case.

21 Let me tell you what, Mr. Trapp, this is the Court's
22 problem. This is an unarmed, unarmed, victim in this
23 case that was shot four times, and once in the back.
24 That's troublesome to me. It's troublesome to this Court.
25 It is.

1 I'll give you credit for the time that you spent
2 on electronic monitoring and also in jail. That came
3 to 229 days, Mr. Williams, so I'm gonna give him that
4 credit.

5 I will tell you, Mr. Trapp, because I've got that
6 you're forty-nine years old, you know, this charge
7 carries thirty to life, and no matter what I sentence
8 you to, you're gonna spend every day of whatever I give
9 you.

10 You understand?

11 THE DEFENDANT: (Nods head.)

12 THE COURT: There is no parole. There's no good
13 time.

14 Also, on top of that, I'm gonna tell you this
15 because if you get out, this is a violent and it's a
16 serious charge. That means it's a strike. So if you're
17 ever released and you get out and you get another strike,
18 you could be looking at a mandatory life sentence.

19 Do you understand?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: You've talked to your lawyers about that?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. To the Parrish family, I'm
24 so sorry for your loss. I know you've been here all week.
25 Thank you for coming.

1 The sentence of the court is forty years. I'll give
2 him credit for his 229.

3 Good luck to you.

4 MR. WILLIAMS: Thank you, Your Honor.

5 THE COURT: Court's adjourned.

6 (Whereupon, the proceedings were concluded for
7 September 19, 2024, at 4:55 PM.)

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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 16th-19th, 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 25, 2025

/s/ Stacy S. Johnson
STACY S. JOHNSON RPR
CIRCUIT COURT REPORTER

WITNESSES
Lexington Police Department
Caitlin V Voravudhi
Law Enforcement Case #: 21002702

REM
ARREST WARRANT NUMBER
2021A3220500542

ACTION OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury
Date: 12.5.22

VERDICT
Guilty

Foreperson of Petit Jury
Date: 9/19/24

DOCKET NO. 2022GS3203843

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS
NOVEMBER TERM 2022

THE STATE
vs.
Jabin Elliottte Trapp

CDR #: 0116
Indictment for
MURDER
§ 16-03-0010

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 MURDER

§ 16-03-0010

At a Court of General Sessions, convened on NOVEMBER 2022, the Grand Jurors of Lexington County present upon their oath:

That **Jabin Elliott Trapp** did in Lexington County on or about June 27, 2021, unlawfully kill another person with malice aforethought, either express or implied, to wit: did shoot and kill Parrish Phillips with a handgun, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

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



ASSISTANT SOLICITOR

SCANNED 12062022

RECEIVED

Sep 30 2024

9 9

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2022GS3203843

Jabin Elliotte Trapp

AW#:

2021A3220500542

AKA:

Date of Offense:

06/27/2021

Race: White Sex: Male Age: 49

S.C. Code §:

16-03-10

DOB: SS#:

CDR Code #:

0116

Address:

City, State, Zip:

DL#* SID#

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Murder / Murder

In violation of § 16-03-10 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 40 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$____; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.

229 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jabin Elliotte TrappINDICTMENT/CASE#: 2022GS3203843**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)			\$100	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)			\$100	\$ _____
§56-5-2995 (DUI Assessment)			\$12	\$ _____
§56-1-286 (DUI Breath Test)			\$25	\$ _____
§14-1-212 (Law Enforce. Funding)			\$25	\$ _____
§14-1-213 (Drug Court Surcharge)			\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)			\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)			\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)			\$40/ea	\$ _____
3% to County (if paid in installments)			TBD	\$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees			\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund			TBD	\$ _____

TOTAL

\$ _____

 Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

Diana McArthur
 8/19/24

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Court of General Sessions

The Honorable Debra McCaslin , Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JABIN TRAPP,

APPELLANT.

Indictment No(s). 2022-GS-32-03843

NOTICE OF APPEAL

Jabin Trapp appeals his conviction and sentence in this matter. The sentence was imposed by the Honorable Debra McCaslin on September 19, 2024.

s/Jason Yonge
Jason T. Yonge (SC Bar No. 102869)
Williams, Stitely & Brink, PC
200 E. Main St.
Lexington, SC 29072
(803) 359-9000
jyonge@wsblegal.com
Attorney for Appellant

September 27, 2024

Other Counsel of Record:

Bruce Norton, Asst. Solicitor
Lucas Pincelli, Asst. Solicitor
Jordan Cox, Asst. Solicitor
Eleventh Judicial Circuit
205 East Main Street
Lexington, South Carolina 29072

Sep 30 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALSAppeal from Lexington County
Court of General Sessions

The Honorable Debra McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JABIN TRAPP,

APPELLANT.

Indictment No(s). 2022-GS-32-03843

PROOF OF SERVICE

I, Jason T. Yonge, certify that I served the Notice of Appeal on the following individuals by email pursuant to Rule 262, SCACR, and S.C. Sup. Ct. Order 2024-04-24-01:

Bruce Norton, Esquire
Eleventh Circuit Solicitor's Office
BNorton@lex-co.com

Lucas Pincelli, Esquire
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Jordan Cox, Esquire
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Rick Hubbard, Esquire
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rhubbard@lex-co.com

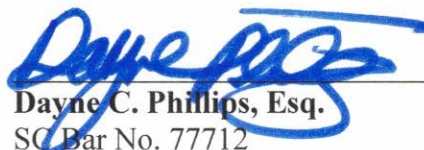
I further certify that all parties required by Rule to be served have been served.

September 27, 2024

s/Jason Yonge
Jason T. Yonge (SC Bar No. 102869)
Williams, Stitely & Brink, PC
200 E. Main St.
Lexington, SC 29072
(803) 359-9000
jyonge@wsblegal.com
Attorney for Appellant

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

RECEIVED**Feb 05 2026****SC Court of Appeals****Dayne C. Phillips, Esq.**

SC Bar No. 77712

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