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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Patrick Cleburne Fant, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RAHIEM JARRARD GRIFFIN,

APPELLANT

APPELLATE CASE NO. 2024-000676

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE’S EXHIBITS #2, #3 (OVERHEAD MAPS); STATE’S EXHIBITS #6-#8
(PHOTOGRAPHS); and STATE’S EXHIBIT #63 (PHONE ANALYSIS)**

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	2022-GS-23-02715
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
RAHIEM JARRARD GRIFFIN,	)	
DEFENDANT.	)	
_____	)	

April 15, 16, 17, and 18, 2024
Greenville, South Carolina

B E F O R E:

THE HONORABLE PATRICK C. FANT, III, JUDGE; and a jury.

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I N D E X

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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All Exhibits were retained by the Clerk of Court for
Greenville County.

1 point, I think everybody was in agreement to proceed.
2 And -- and, you know, of course, I asked and there were no
3 objections in proceeding. And we just moved to the next
4 juror. We had 50 jurors up here. And I think as I
5 shared --

6 And you, certainly, can state whatever you need to,
7 Mr. Warder.

8 MR. WARDER: No. I think Your Honor kind of handled
9 it. Because if this juror just inadvertently didn't
10 realize she was to walk from the room down there to the
11 room up here and -- apparently, because she didn't hear
12 her number, then I don't see how there's any prejudice
13 really from -- we had enough jurors to pick from and
14 didn't need her, particularly.

15 And I have no reason to believe that the order of the
16 draw would have been any different had she been in the
17 room. So if that was the sole reason was she didn't hear
18 it, I can't see how it would affect prejudice to me.

19 THE COURT: Anything else?

20 MS. GASSER: Nothing from the State, Your Honor.

21 THE COURT: And, again, that is what we assumed at
22 the time. And her name was read out three times. It was
23 just -- I guess I was given incorrect information.

24 PRE-TRIAL MOTIONS

25 THE COURT: So we will now proceed. I've got

1 several, I guess, motions in limine. Okay. I guess the
2 first one -- well, I guess since the State has the burden
3 of proof, I guess, I'll go with y'all first.

4 Let's see. State's motion for remote testimony.
5 I'll hear from you on that.

6 MS. GASSER: Yes, Your Honor. The State is moving to
7 allow remote testimony for two of our custodian of records
8 witnesses. That would be Chris Ritchell, I believe he's
9 with AT&T Corporation, as well as Daniel Reid with Verizon
10 Corporation. They are both located out of state. They
11 are deemed as custodians of records for those companies.
12 Their testimony that would be elicited would be incredibly
13 short. We're only seeking to elicit subscriber
14 information and authentication of the records.

15 In addition, Your Honor, the State did get
16 certifications of authentication already from those
17 companies. So we would be presenting that with the
18 physical documents that we would be entering into
19 evidence.

20 THE COURT: Okay. Defense.

21 MR. WARDER: Your Honor, this motion, it comes at a
22 time when everybody's rights are getting smaller and
23 smaller in the courtroom. And people -- remote testimony
24 assumes, of course, that it's the same testimony and I get
25 the same information as I do when a witness is sitting

1 here on the stand. And nothing is really farther from the
2 truth. I mean, we look at the witnesses. We look at
3 their body language. We look at how they answer
4 questions. We -- we -- the subtlest things can bring a
5 different question and different response.

6 And if we keep going down this path -- the only
7 really reason they're not here is -- I don't know where
8 they're not coming from. But somebody's in North
9 Carolina. And it's more expedient and convenient to do
10 away with that. And the Court just takes notice that they
11 would have testified the same anyway. The rights are
12 smaller. A defense lawyer can't make those observations
13 and lead his questioning to how a witness reacts to a
14 question.

15 I think that -- that that's no reason to the fact
16 that it's going to be maybe a little more expensive for
17 the State to bring them in that we somehow take something
18 and claim it's the same. Television testimony is never
19 the same as witness testimony. And that the examination
20 of a witness on a telephonic call and all that is not the
21 same as being in person. And it's not just the lawyer
22 that needs the help, body language is read by the jury.
23 And, of course, that's taken away, you know.

24 The -- the State kind of leaped into this mess
25 because of the pandemic and we all imagined and changed

1 everything. But that's long gone. And there's no use for
2 us to persist in measures we took during the pandemic, you
3 know, which in hindsight may have been foolish anyway.

4 I object to remote testimony and it being used
5 against my client, especially when there's no reason that
6 the witness is not available in another -- anything like
7 that. It's just a few dollars. And it makes my client's
8 rights a little smaller.

9 Thank you.

10 THE COURT: Okay. Mr. Warder, these are what --
11 Does the State want to respond?

12 MS. GASSER: Briefly, Your Honor. I was just going
13 to say that as to the issue concerning body language, I do
14 believe that the remote testimony would allow both Defense
15 Counsel, Defendant, and the jury to see the witness's body
16 language on the televisions that are throughout the
17 courtroom. They can see their facial expressions, their
18 body language showing anything that matters. So I don't
19 believe that's a concern here.

20 And I just wanted to reiterate that these are
21 custodial witnesses and not fact witnesses, Your Honor.

22 THE COURT: Yes. And that's what I was going to say.
23 We're talking about custodians of record. So I'm going to
24 allow -- allow those two to testify. And I'm sure --

25 Have you already given them the certification of the

1 records?

2 MS. GASSER: Your Honor, I believe we got those last
3 week. So I've made copies and handed those over to
4 Defenses Counsel. But they have the underlying data from
5 AT&T and Verizon.

6 THE COURT: Okay. Next is, I guess, number one, the
7 admission of five photographs depicting the deceased
8 victim.

9 MS. GASSER: Yes, Your Honor. These have been
10 previously made available to Defense Counsel. And I can
11 either put them up on the screen for everybody to look at
12 them at one time or hand them up to Your Honor. These
13 would be the exact exhibits. They're just not enumerated
14 yet. The deceased's body is located in the foreground of
15 the first three photographs. You do not see any blood.
16 It is in the foreground.

17 And on the second two photographs, there is a
18 photograph of the back of the hoodie in which you can see
19 a little bit of blood, but you do not see the actual skin
20 of the deceased. And in the fifth photograph, you do see
21 some of the deceased's hair. But, again, you do not see
22 any body parts.

23 And Your Honor, may I pass these up?

24 THE COURT: Yes, please.

25 MS. GASSER: The first three photographs are being

1 offered to show the scene. And the proximity is important
2 in these photographs to the creek, the pathway, as well as
3 the housing development in the foreground of the
4 photograph. They do progressively get closer to the body.
5 Proximity is important in this case as to the location of
6 the incident and ability for this crime to occur.

7 Then on to the fourth photograph, which is the
8 photograph of the back of the jacket of the deceased's
9 head. That is to show the injury and the -- the injury to
10 the victim, which was -- which we will have medical
11 testimony that that was a fatal injury, the shot to the
12 back of the head.

13 And then, finally, Your Honor, the fifth photograph
14 which shows the location of a projectile that was located
15 with the victim. I believe there will be testimony that
16 when they rolled the victim over, it rolled into the
17 hoodie of the jacket. But that that projectile was
18 located in close proximity within that hoodie to the
19 deceased victim.

20 THE COURT: Defense.

21 MR. WARDER: Just a minute, Your Honor.

22 (Pause.)

23 MR. WARDER: Your Honor, in regard to those
24 photographs, I, quite frankly, think that they don't show
25 any degree of prejudice that would keep them out of

1 evidence. There's not particularly a lot of blood. The
2 testimony that will be admitted will just be that there
3 was a shot to the head. I don't think they're
4 objectionable. I don't know what else will be offered.
5 It might become cumulative. At this time, I don't think
6 they're by themselves so offensive.

7 THE COURT: And I agree. Under Rule 403, I don't
8 believe that the probative value is substantially
9 outweighed by any danger of unfair prejudice, confusion of
10 the issues, misleading the jury. So I will admit those
11 five photographs.

12 MS. GASSER: And, Your Honor, just for record
13 purposes, may we make those Court's Exhibits Nos. 1
14 through 5?

15 THE COURT: Sure.

16 MS. GASSER: And we will print off new copies to
17 enter into evidence with the jury, if that's amenable to
18 the Defense.

19 THE COURT: Without objection?

20 MR. WARDER: Yes, sir.

21 THE COURT: And I know you've, essentially, not
22 objected.

23 All right. These actual ones.

24 MS. GASSER: Thank you, Your Honor.

25 THE COURT: All right. Number two, the testimony

1 from Dr. Michael Ward in the place of Dr. James Fulcher.

2 MS. GASSER: Yes, Your Honor. The State is asking
3 for Dr. Michael Ward, who's the chief medical examiner for
4 Greenville County, to testify as the peer review reviewer
5 of Dr. James Fulcher's autopsy, which was done in this
6 case. Dr. James Fulcher has moved out of state. He does
7 reside in Florida. And he was unavailable for this court
8 term.

9 Additionally, Your Honor, there are rules that would
10 permit, based on Dr. Ward's signature on the autopsy
11 report, as the peer reviewer his testimony would elicit
12 that peer review is a common practice, that they do that
13 on each of their autopsies.

14 He will explain the methods by which he does do the
15 peer review, which is the review of not only the autopsy,
16 the notations, but, also, I believe the coroner's report,
17 any law enforcement -- basically, anything that had
18 happened up to that point. Dr. Ward would be explaining
19 that on the record.

20 In addition, his testimony would elicit that he
21 agreed with the findings in Dr. Fulcher's report. And
22 that he came to his own independent conclusion that he
23 agreed with those findings, based on his entire review of
24 the autopsy. And that's why they do those peer reviews to
25 make sure there's nothing that another medical examiner

1 would catch that the original one did not.

2 Additionally, Your Honor, I do have supporting case
3 law in regards to this under Rule 703, specifically, State
4 vs. Slocumb, 336 South Carolina 619, where it's stated
5 that a party -- let's see here -- oh, I apologize, it's
6 State vs. Hutto at 481 S.E.2d 432. This was a case where
7 a SLED agent had -- was able to testify as to the
8 corroborating results of a test performed by another agent
9 who did not testify. If the facts are that of a type
10 reasonably relied upon by experts in that particular field
11 in forming opinions, those facts or data need not be
12 admitted into evidence.

13 And I do believe under Rule 703 that an expert can
14 base an opinion on facts given to him at or before the
15 hearing. Dr. Ward's testimony is going to be as to his
16 conclusions, not necessarily just the report that
17 Dr. Fulcher wrote.

18 THE COURT: Defense Counsel.

19 MR. WARDER: Your Honor, along with staying in my
20 first objection, this is another giant step in the taking
21 away of a defendant's rights.

22 First of all, the right to confrontation, that was
23 briefly held in by an appeal from Judge Gravely in the
24 case of State vs. Brewer. I don't have the correct cite.
25 It was heard on February 22nd, 2022.

1 THE COURT: Is that Judge Cole?

2 MR. SANFORD: I have a copy of the case, if you'd
3 like to see it, Your Honor.

4 THE COURT: Brewton?

5 MR. SANFORD: State vs. Brewer.

6 THE COURT: Is it Brewer?

7 MR. SANFORD: It's Brewer. And it's from --

8 THE COURT: Wasn't it Judge Cole's case?

9 MR. SANFORD: No. It was Judge Gravely's, Your
10 Honor.

11 THE COURT: It was Judge Gravely. I'm confusing -- I
12 think maybe there's another.

13 But continue, sir.

14 MR. WARDER: But, anyway, this case is -- of course,
15 it's based on hearsay. It's based on somebody else's
16 reports. Then, of course, in comes a supervisor that
17 says, well, I've looked over that and I think that's
18 pretty good, and the facts of that were. And then he'll
19 tell you the facts. It's not his observation. It's not
20 anything he saw. It's the notes and whatever else there
21 was that somebody else saw.

22 And in the name of expediency, we're now going to a
23 level that we can someday have a -- some kind of a
24 government criminal expert who knew police officers and we
25 won't have to call them to come to court and talk about

1 the cases. He'll testify that all the rules were followed
2 and looked pretty good to him, and that must have been
3 what happened.

4 And it -- it makes a mockery of the jury trial and
5 the right to confrontation. I submit that there might
6 have been some things done in the name of the pandemic,
7 but, certainly, we shouldn't keep shrinking the
8 Defendant's rights.

9 THE COURT: Do you agree that the law does allow peer
10 review testimony?

11 MR. WARDER: I know there's a case about peer review
12 testimony. I mean, I don't think the law does and I don't
13 think that satisfies the Constitution. There is some case
14 with peer review testimony. And I submit to you that
15 that's really in violation of, certainly, what the framers
16 of the Constitution considered a jury trial.

17 THE COURT: Do you have that case to hand up?

18 MR. SANFORD: I do, Your Honor.

19 THE COURT: Do you have a copy for yourself?

20 MR. SANFORD: I do, Your Honor.

21 THE COURT: Do y'all have this case, Ms. Gasser?

22 MS. GASSER: Is that the State vs. Brewer case, Your
23 Honor?

24 THE COURT: Yes.

25 MS. GASSER: I do not, Your Honor.

1 (WHEREUPON, Court's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7,
2 and 8 were marked for identification only.)

3 THE COURT: I'll hear from the State on this. Would
4 y'all consider this to be non-testimony, or testimony, or
5 how would you --

6 MS. GASSER: Your Honor, I believe this case is,
7 specifically, distinguishable from the case at hand. I
8 believe Brewer is discussing a toxicology report that an
9 unrelated pathologist came in and testified as to the
10 contents of that specific report, which would make sense
11 why that would not be permissible as that pathologist was
12 not making any independent decision making based on their
13 skill set or knowledge and coming to their own conclusion.
14 They were just testifying as to another report's
15 conclusion.

16 In this case at hand, the peer review system which
17 the Greenville County Medical Examiner's Office uses,
18 which Dr. Ward would be testifying to, is that they come
19 up with their own independent conclusions, based on all
20 the evidence presented. Essentially, it is a catch to
21 make sure that mistakes are not made. So, therefore,
22 Dr. Ward is not testifying as to Dr. Fulcher's
23 conclusions. He's testifying as to his own conclusions
24 that he made after review of the entire case at hand.

25 I do believe that it's different peer review in the

1 case here versus a review from an independent witness that
2 did not do their own conclusions or corroboration to test
3 for that toxicology report in Brewer.

4 MR. WARDER: Any time somebody makes a -- that their
5 testimony is based entirely on somebody else's report,
6 it's hearsay and it's unreliable. And, once again, in my
7 opinion, it confronts the right -- the Constitutional
8 right to confront the witness.

9 THE COURT: Does the State have anything else to add?

10 MS. GASSER: Nothing other than our previous
11 arguments, Your Honor.

12 THE COURT: And these would be the conclusions that
13 he made from reviewing --

14 MS. GASSER: Your Honor, it will be his conclusions
15 based on reviewing everything, not just the report. He's
16 not testifying as to Dr. Fulcher's conclusions. He's
17 testifying as to his own conclusions. And he will
18 identify everything that he reviewed on the stand.

19 THE COURT: Counsel.

20 MR. WARDER: It's based on somebody else's review and
21 report. It's not a -- it's not his review and report.
22 It's his opinion on the review and report.

23 MS. GASSER: And I believe it was -- everything that
24 he would be reviewing, Your Honor, would be anything from
25 law enforcement, EMS, the coroner's photographs. He came

1 up with his own independent conclusions.

2 THE COURT: Okay. I'm going to take just a break. I
3 want to look at some cases.

4 MS. GASSER: May it please the Court, Your Honor?

5 THE COURT: Yes, ma'am.

6 MS. GASSER: I would just like to reiterate, for the
7 record, Rule 703, the basis of an expert's opinion
8 testimony. The expert may base an opinion on facts or
9 data in the case that the expert has been made aware of or
10 personally observed. If experts in a particular field
11 would reasonably rely on those types of facts or data in
12 forming an opinion on the subject, they need not be
13 admissible for the opinion to be admitted.

14 Your Honor, I would just argue that while we're not
15 seeking to enter Dr. Fulcher's report into -- we are not
16 seeking to enter Dr. Fulcher's report, rather, the
17 independent conclusions of Dr. Ward that he made after
18 reviewing everything in this case.

19 MR. WARDER: I think it's important to keep in mind
20 he didn't see this body. It's the cause of death. And he
21 didn't see the body.

22 MS. GASSER: And, Your Honor, he did see photographs
23 and was made aware of the injuries.

24 THE COURT: Okay. I'm going to -- I'm going to step
25 down for a second. I want to review some cases. And then

1 I'll get back to you on this.

2 All right. Y'all can take a little break.

3 MS. GASSER: Your Honor, may it please the Court?

4 Do I need to hand up a copy of Slocumb, the case
5 which I cited?

6 THE COURT: Sure, please.

7 MS. GASSER: I believe there's, also -- oh, and I,
8 also, quoted State vs. Hutto, Your Honor. So I'll hand
9 both of those to Defense Counsel.

10 THE COURT: Thank you.

11 (WHEREUPON, a break was taken.)

12 (WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7,
13 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
14 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 were marked
15 for identification only.)

16 THE COURT: Okay. I'm going to share with you my
17 thoughts and kind of what I'm -- I plan on doing. And
18 then I will be more than willing to hear from both of you
19 after you hear my thoughts on this.

20 I have had an opportunity -- not as thorough of an
21 opportunity to review the case law on this. Obviously,
22 I'm not going to be perfect in all of my rulings, but I
23 want to do my best to get this right.

24 I do -- my thoughts are, number one, is this
25 testimonial evidence? I know that you would argue -- at

1 least, the State would argue that he's going to be an
2 expert. He will have reviewed all of this and can make
3 his independent findings.

4 I'm assuming that this is strictly as to the cause of
5 death; right?

6 MS. GASSER: Manner and cause of death, yes, Your
7 Honor.

8 THE COURT: The manner and cause of death?

9 MS. GASSER: Yes, Your Honor.

10 THE COURT: And nothing more?

11 MS. GASSER: No, Your Honor.

12 THE COURT: Okay. But I still am concerned about the
13 fact that it's not the chief -- I guess the medical
14 examiner, lead autopsy conductor in the case.

15 And to me, my reservations are is it potentially
16 invoking the confrontation clause? So that would be my
17 concern. I would like to hear, like I said, from the
18 State.

19 And then I'll hear back from you on that.

20 MS. GASSER: Yes, Your Honor. I would just like to
21 turn towards the -- some of the citations under Rule 703.
22 Let's see here. So an expert may base his opinion on
23 hearsay evidence so long as it is of a type reasonably
24 relied upon by other experts in the field, State vs.
25 Hutto, 325 South Carolina 221.

1 We have under here on medical records, An expert may
2 give an opinion based in part on statements in medical
3 records. That's Ellis vs. Oliver, 323 South Carolina 121.

4 Here, the reasonably relied upon standard under Rule
5 703, An expert may base his or her opinion on inadmissible
6 evidence if the evidence is of a type reasonably relied
7 upon by experts in the particular field in forming their
8 opinions or inferences upon the subject. That's Gazes vs.
9 Dillard's Department Store, Inc., 341 South Carolina 507.

10 I do believe here it says in relation to 602,
11 generally, under Rule 602, A witness may not testify to a
12 matter unless evidence is introduced sufficient to support
13 a finding that the witness has personal knowledge of the
14 matter. However, this rule, specifically, states that it
15 is subject to Rule 703. Consequently, we do not find Rule
16 703 to be subservient. That's Hundley vs. Rite Aid of
17 South Carolina, 339 South Carolina 285.

18 And then, finally, in that same case, An expert
19 witness may state an opinion based on facts not within his
20 firsthand knowledge. He may base his opinion on
21 information whether or not admissible made available to
22 him before the hearing if the information is of the type
23 reasonably relied upon in the field to make opinions.

24 Also, An expert may testify as to matters of hearsay
25 for the purpose of showing what information he relied on

1 in giving his opinion value. The admissibility of the
2 testimony of an expert on fact and issue is largely within
3 the discretion of the trial judge.

4 Your Honor, the State would rely, specifically, on
5 State vs. Slocumb as our main case. In that case -- it's
6 336 South Carolina 619. In that case, it was an MRI in
7 which a medical professional -- I believe it was an
8 expert -- was permitted to testify as to the -- their
9 conclusions that they drew after reviewing the MRI.

10 I believe that is much more on point than State vs.
11 Brewer. In the Brewer case, because the medical
12 professional -- the expert was able to review the MRI and
13 come to their own conclusions and draw those conclusions.
14 Rather than in Brewer where the expert was testifying as
15 to the actual results that were dictated by someone else.
16 There was no independent corroboration. There was no
17 toxicology testing by that expert. Whereas here, an
18 actual independent corroborating analysis was done by
19 Dr. Ward, which is why I believe that State vs. Slocumb is
20 on point more so than Brewer.

21 And I believe the final quote from State vs. Slocumb
22 pursuant to Rule 703 and 705, An expert may testify about
23 the facts or data upon which he or she bases an opinion.
24 The facts or data need not be admissible into evidence as
25 long as they are of the type reasonably relied upon by

1 experts in the particular field.

2 So that partnered with the ability to make their
3 opinion based on statements and medical records, I believe
4 would support the State's argument that Dr. Ward be
5 permitted, as the peer reviewer, to testify as to what he
6 determined as his independent decision as to cause and
7 manner of death.

8 THE COURT: And was an autopsy done -- I guess -- was
9 it done as part of an investigation or was it just as to
10 manner of death? Do you know?

11 MS. GASSER: I'm not entirely sure how that would
12 work.

13 THE COURT: Well, I know there was a statute involved
14 in Brewer. That's why -- I think that's what it was
15 dealing with, an infant death. So that's kind of -- okay.

16 All right. Counsel for Defense. And, again, I have
17 not made my decision.

18 MR. WARDER: The facts in this case are -- are
19 completely -- there's one doctor that comes in and makes
20 an examination. And another doctor sometime later comes
21 in, reads his report, and, basically, says this is my
22 report, too. He doesn't look at the body. He's never
23 seen the body. He doesn't, as far as we know, look at
24 anything else except the report from the first doctor.

25 He affirms his colleague's conclusions based on

1 nothing but the colleague's conclusions. It's just a way
2 of taking away the right to cross-examine the person that
3 made the diagnosis, the diagnosis that he said was proper
4 and he would decide the same. He needed to look at the
5 body.

6 THE COURT: I assume they reached the same
7 conclusions, the experts?

8 MR. WARDER: Yeah. One -- only one had the real
9 basis to make any conclusion. That was the first doctor.
10 The second didn't examine anything factually to make the
11 conclusion, except the report of the first doctor.

12 MS. GASSER: May it please the Court, Your Honor.

13 THE COURT: Are you finished --
14 Hold on just a second.

15 MS. GASSER: Yes, Your Honor.

16 THE COURT: Are you finished, Mr. Warder?

17 MR. WARDER: I guess so.

18 THE COURT: I just wanted to be sure.
19 Thank you.

20 MS. GASSER: I just wanted to clarify, for the
21 record, if I was unclear before, Dr. Ward's testimony that
22 we would be eliciting is that he not only reviewed
23 Dr. Fulcher's record, but all of the records in the case.
24 So he did see photographs of the body. He was made aware
25 of the coroner's report, EMS report, and anything that law

1 enforcement was able to present to him.

2 So this is not a case of just I read the autopsy
3 report and concluded the same thing. He did an
4 independent analysis based on a variety of information
5 that was given to him in order to -- yes, he drew the same
6 conclusion, but it was his own independent conclusion.

7 THE COURT: And this is not anybody's fault, but all
8 I had was, basically, the number two paragraph, so I
9 needed to find out more information. Well, I'm going to
10 take this under advisement. What I'm thinking about
11 doing -- and I'm going to go ahead and get into the other
12 issues that are being raised. And then I am -- I'm
13 thinking I'm going to just send the jury home and have
14 them come back.

15 But you said you had one witness?

16 MS. GASSER: Yes, Your Honor. We have one witness
17 that is unavailable. He is flying out at 7:00 a.m. He
18 has to testify, I believe, in two other states this week.

19 THE COURT: Well...

20 MS. GASSER: What we could do, Your Honor, is add him
21 to the remote testimony list and see what his availability
22 is. He is present outside the courtroom. Just if that
23 makes it easier. Because I don't believe we can swear a
24 jury until we have --

25 THE COURT: Who's the witness?

1 MS. GASSER: Mike Bosillo from T-Mobile. He flew in
2 from Texas.

3 THE COURT: Would he be giving the same testimony as
4 the other two?

5 MS. GASSER: He is the custodian of records. He was
6 going to give a little bit more detail as to what cell
7 phone towers do and what -- how that operates.

8 THE COURT: Okay. Well, it's already 3:15. I'm just
9 trying to think.

10 What would be your position on that, having him
11 testify remotely?

12 MR. WARDER: Your Honor, anybody that's going to
13 testify on cell phone towers, I mean, I can't see what
14 this witness is offering that the other people that
15 testify on cell phones is not. I don't think -- it
16 doesn't sound like it's even necessary.

17 THE COURT: All right. Let's move on to,
18 essentially, number three. And I am going to hold off on
19 sending the jury -- we may just -- we may end up moving
20 forward.

21 MS. GASSER: Your Honor, we just seek to exclude any
22 and all testimony regarding the deceased victim's,
23 Marquail Hellams, prior criminal history. That being
24 convictions or pending offenses at the time of his death
25 under Rules 403 and 404.

1 THE COURT: I am curious. Because I think in number
2 four, you indicated that you did plan on having testimony
3 concerning, I think, gang member status.

4 MS. GASSER: Yes, Your Honor.

5 THE COURT: And prior handling of the firearms, and
6 drug usage, and sales. And I'm trying to understand and
7 reconcile --

8 MS. GASSER: Yes. I believe that the convictions
9 themselves would be offered for impermissible reasons.
10 Obviously, prior bad acts that are relevant and logical to
11 the mode of intent and the res gestae of this case being
12 in the weeks before this incident happened. That's what I
13 mean by -- that we would elicit testimony. I'm not sure
14 if they would present any testimony.

15 But we would seek to elicit testimony regarding our
16 victim's kind of prior bad acts. But only in the weeks
17 leading up to that, not as to convictions, you know, years
18 before that or pending cases that he had. I believe those
19 would be offered only to try to prejudice the jury against
20 the victim's character, rather than as permissibly within
21 the res gestae of the case.

22 THE COURT: We're not trying the victim.

23 MR. SANFORD: I'm going to take this one, Your Honor.

24 THE COURT: All right.

25 MR. SANFORD: Your Honor, I believe you were kind of

1 correct where I feel like the State is trying to have
2 their cake and eat it, too, here where they want to keep
3 certain bad things out, but then let certain other bad
4 things in.

5 Your Honor, I don't think you can look at number
6 three without getting into number four a little bit. It's
7 kind of what we've already done. And, as you know, my --
8 or the State's -- I'm sorry. The Defense's motion in
9 limine kind of -- is kind of a cross motion with number
10 four about keeping out the gang evidence there.

11 I think this is kind of an all or nothing situation.
12 Because I think if you are going to allow that gang
13 evidence in once we get into that, then I think the
14 potential ability for his crimes and that kind of thing to
15 be brought up, I think that should, also, be able to be
16 brought up. But if you are going to keep all of the gang
17 and other bad acts out, I think that should make all of
18 his crimes and stuff not come in either.

19 So I think it's kind of an all or nothing situation
20 here on number three. And, like I said, with number four,
21 if you want me to get into kind of our motion as well a
22 little bit or if you want to wait until we --

23 THE COURT: You can. But as far as the distinction
24 that she's making between prior bad acts and -- I mean, I
25 think that's a valid distinction.

1 MR. SANFORD: I think it is a little bit, Your Honor.
2 But I do believe they go hand in hand. I guess it is a
3 little different that if they say, well, he was caught
4 shooting a gun, or whatever you want to say, that's not
5 necessarily a crime. And he may not necessarily have been
6 arrested for that. And there may have been other things
7 he was arrested for. I believe that if it does come up in
8 a situation that we should be able to broach that subject.

9 Because, for us, if there are other individuals that
10 potentially could be involved here that were dealing with
11 those crimes or victims of crimes that the victim
12 committed, those potentially could be people that could
13 have -- wanted to do harm to him as well.

14 THE COURT: I don't believe there's any third-party
15 guilt.

16 MS. GASSER: Nothing -- there's not been any
17 third-party guilt motion presented to the State.

18 THE COURT: And I'm not aware of it. I just wanted
19 to be sure.

20 MS. GASSER: And, additionally, Your Honor, I believe
21 what is being kind of danced around here, specifically, is
22 there was a pending kidnapping charge as to one of the
23 State's witnesses that the victim was accused of. That
24 case was pending. I believe under the rule, that is
25 completely inappropriate to try to back door that in

1 through that witness's testimony.

2 THE COURT: No -- and I --

3 MS. GASSER: He was never convicted of it.

4 THE COURT: And I would not allow that in.

5 MR. SANFORD: And I would agree with that, Your
6 Honor. Anything that was pending, I don't think should
7 come in. However, if there is a potential charge that he
8 was charged with, I -- but I don't know of any right off
9 the top of my head that -- I'm not -- I'm not a hundred
10 percent on his -- on his criminal record. But if there
11 was something that got brought up, I believe we should
12 have the opportunity to explore that a little bit.

13 THE COURT: Did you need to be heard, Ms. Gasser?

14 MS. GASSER: No, Your Honor.

15 THE COURT: Okay. I am -- my ruling is going to be
16 that I'm going to exclude any testimony regarding the
17 deceased victim's prior criminal history, including
18 convictions or pending offenses at the time of his death.

19 Okay. So I know we've kind of gotten into number
20 four.

21 MS. GASSER: Yes, Your Honor. The State is
22 seeking -- and this is kind of an interesting argument.
23 But I do believe that there's some case law on point. The
24 State is seeking to have testimony regarding not only the
25 Defendant's gang member status as well as prior handling

1 of firearms, drug usage, and sales as exceptions to the
2 South Carolina Rules of Evidence Rules 403 and 404(b).

3 404(b) states, Evidence of other crimes, wrongs, or
4 acts is not admissible to prove the character of a person
5 or to show action in conformity therewith. It may,
6 however, be admissible to show motive, identity, existence
7 of a common scheme or plan, the absence of mistake, or
8 accident or intent.

9 Your Honor, where we're at with this information is
10 arguing under the res gestae argument this exception being
11 motive. Multiple of our witnesses that -- you know, their
12 statements were handed over in discovery. A lot of our
13 witnesses brought up the fact that the Defendant and
14 victim were in a gang. And that they had had some bad
15 blood, some arguments in the weeks leading up to this
16 incident having to do with their gang membership. And
17 that was a big point of contention between the two of
18 them.

19 Additionally, there are multiple witnesses that will
20 testify that the two of them were living in what would be
21 colloquially termed a trap house, which is a location
22 where drugs are sold and used. And within that trap
23 house, there was, also, community guns. And that
24 individuals were seen using guns, carrying guns around.

25 And, obviously, all of this testimony is, typically,

1 prohibited under 404(b). However, in this case with
2 motive and intent under Johnson vs. State, I do believe
3 that it is appropriate res gestae. There's a great quote
4 in Johnson vs. State, 433 South Carolina 550 from 2021.
5 But the criminal docket is not crowded with cherubs. And
6 the Rules of Evidence are not designed to airbrush all of
7 human nature out of the picture presented to juries. That
8 was United States vs. Gartmon, 146 F.3d 1015.

9 Rule 403 does not provide a shield for defendants who
10 engage in outrageous acts permitting only the crimes of
11 Caspar Milquetoast to be described fully to a jury. It
12 does not, generally, require the Government to sanitize
13 its case, to flake its witnesses's testimony, or to tell
14 its story in a monotone.

15 I think this is a perfect encapsulation of what's
16 going on here. Res gestae, specifically, states that the
17 evidence of prior bad acts is inadmissible as part of the
18 res gestae where the record does not support any
19 relationship between the crime and the prior bad acts.
20 Under this theory, it is important that the temporal
21 proximity of the prior bad act be closely related to the
22 charged crime.

23 And, Your Honor, I would argue that here, the
24 temporal is the weeks leading up to it and it is closely
25 related as to motive and intent. The State's witnesses

1 will testify that these two had not only bad blood as to
2 potential gang -- inner gang fights, but, also, that there
3 was an issue where a gun was discharged and potentially
4 hurt this Defendant's loved one, that being done by the
5 victim.

6 So -- and they're all living in a home where drugs
7 are being used and sold. And I believe that the entirety
8 of the situation needs to be explained to the jury.
9 Because without it, they will have no idea why this took
10 place. They -- why would this be deemed senseless and out
11 of the blue? They would have no context as to the intent
12 or motivations of this Defendant at the time of the
13 incident.

14 And then the rule, obviously, being here under this
15 theory stated in State vs. Gagum, 328 S.C. 560, Evidence
16 of other crimes committed by a defendant is, generally,
17 admissible if the other crimes are part of the res gestae
18 of the crime for which the defendant was being tried.

19 Under this theory, evidence of other crimes is
20 admissible when the evidence furnishes part of the context
21 of the crime, or is necessary for a full presentation of
22 the case, or is so intimately connected with and
23 explanatory of the crime charged against the Defendant and
24 is so much a part of the setting of the case and its
25 environment that it's proof is appropriate in order to

1 complete the story of the crime on trial by proving its
2 immediate context, or the res gestae, or the uncharged
3 offense is so linked together in point of time and
4 circumstances with the crime charged that one cannot be
5 fully shown without proving the other.

6 I do not believe that the jury would understand why
7 this took place. I believe it would take a lot of -- like
8 that -- like the case said, Trying to deflate our
9 witnesses's testimony and airbrush their testimony if they
10 were not permitted to give testimony truthfully, which was
11 there was a lot of stuff going on between these two in the
12 lead up to this. And that had to do with gangs, drugs,
13 and guns.

14 THE COURT: Well, can't you get into what was going
15 on between them without having to get into gang activity?

16 MS. GASSER: Your Honor, we could. But we would have
17 to instruct our witnesses, essentially, to leave out a
18 large part of their testimony. Not an overly detailed
19 part, just a part that would be, essentially, taking away
20 a truthful aspect of this. We could definitely attempt
21 to.

22 However, I do believe that it is critical to the
23 motivation here, especially given that there will be
24 testimony that these two were friends. And how they could
25 go from being friends to what the State's theory of the

1 case is, which is that the Defendant shot the victim. I
2 believe that the jury needs a bit of context there. They
3 need to understand the variations there.

4 And, again, my co-counsel reminded me this is cutting
5 both ways. We are admitting that the victim was -- there
6 will be testimony elicited that the victim was, also, a
7 member of a gang.

8 THE COURT: Okay. You'll be handling this, sir?

9 MR. SANFORD: I do believe you received my motion,
10 which, also, quotes Johnson vs. State. You know, it does
11 say cases where prior bad acts, gang affiliation may be
12 admitted to prove motive or intent are uncommon. And you
13 can't just say, well, this proves motive, this proves
14 intent to let all of this in just because you say that's
15 what happened.

16 The State just admitted that they can try this case
17 without bringing in any of the gang issues. And I believe
18 that they can do that. I don't think it's as hard as
19 Ms. Gasser says.

20 I, also, quoted Robinson vs. State, which is a little
21 bit newer case. And it says that the Court had to answer
22 if the evidence was logically relevant to the involvement
23 of the crimes which he was charged, and prove motive, and
24 intent to commit that crime.

25 I don't necessarily believe that this is a hundred

1 percent the motive. I don't think that this is a hundred
2 percent intent that involves the gang affiliation. I
3 don't think it's logically relevant. I think it just
4 shows that he is part of -- part of a gang. And they want
5 to use that to show the jury that he's part of a gang.
6 There's no -- there's nothing there that shows that it's
7 just a propensity to commit crimes. All it is saying is
8 he's in a gang.

9 And then she didn't bring up any 403(b) arguments.
10 But I would say not only 404(b), but 403(b). Once again,
11 in Robinson vs. State, it was -- it's going to be
12 substantially prejudicial to our client because they're
13 going to have people up there that just say he's in a
14 gang, question him about being in a gang, what happened in
15 the gang, all of that kind of stuff.

16 And not only does that just keep bringing up gang
17 affiliation activities, all that kind of stuff, but it's
18 just going to confuse the jury. And it's, also, just
19 going to be a bunch of cumulative evidence. It's going to
20 be the same thing over and over. That he's in a gang,
21 they were in a gang, this happened because of gang
22 situations. I believe that that would be prejudicial to
23 my client and put him on trial more for being in a gang
24 than, actually, for a murder.

25 Your Honor, I believe under 404(b) -- 403 as well

1 that not only with 404, these prior bad acts, they
2 shouldn't be able to come in. But then with 403, it's
3 definitely more prejudicial than probative just because it
4 doesn't show anything about -- it's -- it's -- there is a
5 bad connotation to gang. You say he was in a gang. It
6 doesn't matter what gang it is, the jury is going to think
7 one way. And I don't think that that is what needs to be
8 done in this Court.

9 I believe that it would, also, be repetitive.
10 Because, as I said, they're going to keep saying gang,
11 gang, gang. It should be excluded. It, also, could
12 potentially get to my client's First Amendment rights. So
13 I believe it should be excluded for those reasons.

14 THE COURT: And how would you argue that?

15 MR. SANFORD: For the First Amendment rights?

16 THE COURT: Yes.

17 MR. SANFORD: I do believe he has freedom of speech
18 and freedom of expression. So him being associated with
19 these people, that that is his speech and that is --
20 could, potentially, put him on trial for something -- for
21 him associating and being known as this type of -- being
22 involved with these people. So I do believe those rights
23 could, also, be infringed upon.

24 THE COURT: And what about res gestae?

25 MR. SANFORD: Your Honor, I --

1 THE COURT: Giving a complete picture of the week
2 leading up to --

3 MR. SANFORD: Your Honor, having gone through the
4 discovery, I don't necessarily think that -- I think
5 that's -- could be one part of it. But as Ms. Gasser has
6 already stated, they can bring their case without bringing
7 up the gang stuff. Yes, they're going to say, well, it's
8 not going to be a complete picture.

9 Looking through the discovery, I believe that they
10 can try a very good case without bringing up the gang
11 evidence. Is it a little harder for them? Yes, it is.
12 However, my client needs a fair trial. And I believe the
13 jury can get a clear and a fair picture without any of the
14 gang evidence coming in.

15 THE COURT: Okay. Ms. Gasser.

16 MS. GASSER: Yes, Your Honor. I do believe that we
17 are distinguishable here from the State vs. Robinson case.
18 In Robinson, the Court made a big point that a lot of the
19 witnesses testified they did not know the nine men chasing
20 them. They did not know what caused the friction between
21 them, if it even existed. It was stated they were not
22 members of the gang. They did not know if the defendant
23 was a member of the gang. One witness said it was strict
24 talk, nothing that he knew for sure. So it sounds like in
25 that case, there was an issue with just blanket gang

1 statements.

2 The witnesses that are going to testify as to both
3 the Defendant and the victim's gang status and that just
4 being -- I don't think we're getting -- we're not getting
5 deep into gang hierarchy. We're not getting deep into --
6 we're not diving into that.

7 We're just saying one of the witnesses -- let's
8 see -- there's two or three that would testify they were
9 living in the house with this Defendant and victim. Two
10 were living in the house. One was a girlfriend of the
11 victim. And they're pretty clear that they were members
12 of a gang and that there was some disagreements and
13 arguments between the two of them as related to what was
14 going on within the gang outside of that.

15 However, we could move on pretty quickly once that --
16 those specific statements are drawn. It would be as
17 general as that. However, I don't believe that we can
18 wash this purely away. Because it wouldn't explain what
19 was really going on, what the motivation or the intent was
20 here.

21 Additionally, there is -- I believe in Johnson vs.
22 State, the Court does say there could be an instruction as
23 part of the jury instruction that states that they're not
24 to use the gang testimony in any impermissible way. That
25 way -- let's see here -- deliver a limiting instruction

1 that tells the jurors the purpose for which they may use
2 the gang related evidence and for what purposes they may
3 not.

4 So I believe that we could curtail this to allow for
5 the res gestae of the case to be kept presented, that the
6 State not be withheld from presenting our entire -- the
7 entirety of our case, the burden of which we carry. But
8 by, also, not getting into the weeds about it and doing a
9 limiting instruction in order to ensure the Defendant has
10 a fair trial.

11 THE COURT: Response?

12 MR. SANFORD: Your Honor, I would -- I would,
13 actually, quote from Robinson vs. State, which I do
14 believe is relevant here. And it's not distinct from this
15 case. It says, The purpose of the Rules of Evidence is to
16 facilitate fair proceedings that bring forth the truth,
17 not the whole truth from a shroud of smoke and mirrors in
18 a manner that would secure fair and just outcomes at
19 trial.

20 What we're looking for here is a fair and just
21 outcome. I believe that bringing these gang issues into
22 the trial will show -- will have the jury looking at that
23 and not the actual facts of the case. And I think that my
24 client, at that point, will have been already -- already
25 convicted of something one way or the other just based on

1 those facts in the jury's mind. And that's another burden
2 that we, as the Defense, would have to overcome. And
3 we're not supposed to overcome any burden in this case.
4 We shouldn't have to prove anything.

5 And, Your Honor, I believe it should be excluded on
6 both of those grounds.

7 THE COURT: Anything else?

8 MS. GASSER: Nothing from the State, Your Honor.

9 THE COURT: Okay. I'm going to take a quick break,
10 take it under advisement. And I'll be right back.

11 I guess we need to start thinking -- how long do
12 y'all anticipate openings?

13 MR. GREGORY: The State will be very brief, Your
14 Honor. 10 minutes.

15 THE COURT: Really?

16 MR. WARDER: We'll be short.

17 THE COURT: Okay. And y'all can take a break, too.

18 (WHEREUPON, a break was taken.)

19 THE COURT: Okay. I have spent time looking at all
20 these issues. First, as far as the -- is it number four?

21 (WHEREUPON, there was no response.)

22 THE COURT: As far as State's number four, I've given
23 this a lot of consideration. I've looked at case law.
24 I've, also, reviewed, of course, Rule 404(b) and
25 exceptions. And I am not going to allow the State to

1 bring in evidence of the Defendant's gang member status.

2 I look at this and -- and, of course, you know, we
3 need to be concerned about, you know, the jury getting
4 that and just automatically reaching certain conclusions.
5 I know the State -- I understand your arguments. I know
6 you get into balancing of -- okay -- is this going to look
7 like propensity versus motive and intent? I understand
8 your argument would be for motive and intent. I think
9 even if you cross that threshold and we get into Rule 403,
10 I'm very concerned that it doesn't -- it does not pass
11 the -- the test.

12 And I think that any probative value that it would
13 have would be substantially outweighed by unfair prejudice
14 in saying that he's a gang member. And so I would exclude
15 that. And I, also, would exclude it under the res gestae
16 exception.

17 As far as the expert, I -- I spent some time just a
18 second ago looking at it again. I know it seems like I've
19 been taking it under advisement since we first began. But
20 I think that -- we're talking about an autopsy. And I
21 think this is distinguishable from Brewer. He would be
22 testifying as an expert. And I think it's totally proper,
23 you know. We are talking about just the manner of death.
24 I know y'all can't stipulate to that. But that is a very
25 kind of sole fact of what was the manner of death.

1 So after taking that under advisement, I am going to
2 allow the State to call Dr. Michael Ward in place of
3 Dr. James Fulcher. And I do not find that there's going
4 to be an issue with the confrontation clause in allowing
5 him to testify as an expert. And it is not unusual for
6 experts to rely on -- on, you know, reports in reaching
7 their conclusions.

8 Okay. It is 10 of 4:00. Does that -- does that
9 address every single --

10 MS. GASSER: Yes, Your Honor. Just three clarifying
11 questions. Since the gang evidence as to the Defendant
12 has been excluded, the State would ask that any gang
13 evidence as related to the victim, also, be excluded.

14 THE COURT: Okay.

15 MS. GASSER: And then as to --

16 THE COURT: Granted.

17 MS. GASSER: -- the specifics of gun toting, carrying
18 guns, we'll have witnesses testify that the victim and the
19 Defendant carried weapons as well as buying and selling --
20 or selling and using drugs.

21 THE COURT: And that's what you're wanting to keep
22 out?

23 MS. GASSER: Keep that in, Your Honor.

24 THE COURT: Yes. And I will -- well, the thing I am
25 excluding is gang member status. I just -- I think that

1 you -- you know, you can try this case without -- without
2 that.

3 MS. GASSER: Thank you, Your Honor.

4 THE COURT: I just think there's too much risk for
5 unfair prejudice. Okay.

6 I don't know that y'all need a moment to reconfigure,
7 spend some time. Or are y'all ready to go?

8 MS. GASSER: The State's ready, Your Honor.

9 THE COURT: Defense?

10 MR. WARDER: I don't know how long we're going to go
11 tonight, but it's 4:00. If -- I'd much rather have
12 openings in the same half, rather than argue our opening
13 statements -- our openings tonight and then send the jury
14 home.

15 THE COURT: Well, we are -- we've got the one witness
16 that we need to put up, unless you're fine with doing that
17 by remote like the other two that I've granted. But I
18 think you had an issue with that earlier.

19 MR. WARDER: I do. And I still have.

20 THE COURT: Well, we're going to go ahead -- we're
21 going to do opening statements, not arguments. And we
22 will proceed with the first witness.

23 I mean, that will be your first witness?

24 MS. GASSER: Yes, Your Honor. We'll call him first.
25 And if time permits, we do have a lineup of, at least,

1 four more witnesses just not to waste the Court's time.

2 THE COURT: And I want to be respectful of
3 everybody's time.

4 MS. GASSER: Absolutely, Your Honor.

5 THE COURT: So we need to bring the jury in. We need
6 to swear them.

7 And I apologize. I should have gotten us back
8 earlier, time management.

9 MS. GASSER: And, Your Honor, just while the jury is
10 not in here, we will need the overhead projector for the
11 first couple of witnesses.

12 THE COURT: Okay. And I do have to give my
13 preliminary charge.

14 (WHEREUPON, the jury came into open court at
15 approximately 3:58 p.m.)

16 THE COURT: If you'll swear the jury.

17 THE CLERK: If you'll, please, stand and raise your
18 right hand for the oath. Raise your right hand, please.

19 (WHEREUPON, the jury was sworn at approximately
20 4:00 p.m.)

21 THE CLERK: Thank you.

22 Please be seated.

23 THE COURT: Okay. Mr. Flores, I understand that you
24 have been appointed to serve as foreperson for this trial.

25 JUROR #59, TONY FLORES: I have, yes.

1 And in order to preserve everyone's rights, I will
2 give the parties an opportunity to object to anything that
3 I've said.

4 Are there any exceptions to anything that I've said
5 to the jury?

6 Are there any by the State?

7 MR. WARDER: Your Honor, may it please the Court.

8 We have no objections or exceptions.

9 THE COURT: State?

10 MS. GASSER: None from the State, Your Honor.

11 THE COURT: Okay. You can proceed with opening.

12 OPENING STATEMENTS

13 MR. GREGORY: May it please the Court.

14 Mr. Warder.

15 Thank you, Ms. Gasser.

16 On January 31st, 2014, Marquail Hellams and Rahiem
17 Griffin got into a vehicle driven by Kris Capatino. In
18 the passenger seat was Jaime Capatino and Destany Fields.
19 Their purpose and their mission that night was to go and
20 buy Xanax. That's exactly what they did. They went to
21 the Davis Road area and two people got out of that car to
22 purchase Xanax, Marquail Hellams and the Defendant, Rahiem
23 Griffin. The rest of them stayed in the car.

24 A little bit of time goes by and only one person
25 comes back, the Defendant, Rahiem Griffin. Marquail did

1 not come back. He did not get back in that car. About
2 12 hours later, Marquail Hellams was found right off of
3 Davis Road dead. He had been shot three times, once to
4 the head.

5 Ladies and gentlemen, that is why we're here today.
6 The Defendant, Rahiem Griffin, is being charged with
7 murder. In South Carolina, murder is the unlawful killing
8 of another with malice aforethought. My co-counsel will
9 come up at the end and give you a little more description
10 about what the law really is. And the Judge is going to
11 instruct you on the law.

12 But before we get started, I think it's helpful that
13 we kind of know where we're headed. Murder is the
14 unlawful killing of another with malice aforethought.
15 Malice is ill will or hatred. Aforethought is the timing
16 element. It means it happens.

17 That malice has to be in the mind of the perpetrator
18 right before it happens. It doesn't have to be there for
19 any length of time. The law doesn't say it has to be
20 there for a day or for five hours. It can be there
21 instantaneously. But it has to be there for it to be
22 murder. So that's what he's charged with, murder.

23 The State, as you've heard, has the burden of proof
24 beyond a reasonable doubt. That is the highest burden of
25 proof in any court in South Carolina, beyond a reasonable

1 doubt. No doubt many of you have heard that statement
2 before. What does that mean? It has to be a reasonable
3 doubt. It's been defined as firmly convinced. Are you
4 firmly convinced by the evidence that we put forth that
5 he's guilty?

6 Throughout this trial, the burden stays right here.
7 It stays on our table. We have the burden. The State has
8 the burden of proving him guilty and we embrace that
9 burden. As we go through, continue to ask yourself, am I
10 firmly convinced? Does this evidence make me firmly
11 convinced of his guilt?

12 So how are we going to prove murder? And how are we
13 going to reach this burden? The State will call
14 witnesses. And as you've heard from the Judge already,
15 there will be direct testimony and there will be
16 circumstantial evidence.

17 You'll hear from law enforcement, the initial officer
18 on the scene. You'll hear from investigators.
19 Investigator Wayne Campbell will testify. He originally
20 picked the case up in 2014 when the murder happened. He
21 was the on-call investigator. He went out to the scene.
22 You'll, also, hear from Investigator Jason Cox. He picked
23 the case up when it became a cold case. So we have two
24 investigators because the case went cold.

25 You'll, also, hear from cell phone providers, cell

1 phone custodian of records. And that gives me a good
2 opportunity to explain one quick thing for you. Our first
3 witness, we have to call out of order. And I apologize
4 for that. It's going to be weird. It's going to look
5 weird. It's going to sound weird. But, unfortunately,
6 one of our witnesses had availability just for today. So
7 we are going to jump right into testimony that is going to
8 seem like it doesn't make sense. But just hold on to that
9 piece. And at the end, it will fit into the place of the
10 puzzle.

11 You'll hear from Dr. Ward testifying as to the cause
12 and manner of death. And, finally, you're going to hear
13 from the other three people in that car, Kris Capatino,
14 Jaime Capatino, and Destany Fields. They're going to tell
15 you what happened that night, what they were doing, what
16 was going on. Direct evidence is going to come right from
17 that stand.

18 Ladies and gentlemen, our system works well because
19 of you. You came into this room with no idea about this
20 case you're getting ready to embark on. And I know you
21 heard a list of 65, 70 witnesses. And I want to assure
22 you right now, we're not going to call all of them. It's
23 something that we have to do, but that doesn't mean we're
24 going to call them all.

25 But one thing that you do not leave at that door is

1 common sense and life experiences. I ask that you apply
2 that to the facts of this case, common sense and your life
3 experiences. That's why you do such a good job finding
4 the facts in this case.

5 Thank you for your time.

6 And this case is not only important to the Defendant,
7 it's, also, important to the Hellams family, too. It's
8 his day in court, too.

9 Thank you for your time.

10 THE COURT: Mr. Warder.

11 MR. WARDER: Ladies and gentlemen, I want to thank
12 you for being here.

13 This is an important day, of course, for my client.
14 And it's an important day for the justice system. You're
15 here to try this case and decide if the State has proven
16 guilt beyond all reasonable doubt. It will be your job
17 after you hear all the evidence.

18 Your whole job during the rest of the trial is to
19 listen, to listen to the evidence, to pass upon judgment,
20 what you believe, what's relevant, what's important.
21 Because at the end of the case, you're going to have to go
22 back to your jury room and deliberate and reach a verdict.
23 And you can only deliberate if you have -- remember the
24 evidence, if you paid attention, if you saw it.

25 So you will discuss the evidence. And other people

1 will probably remember other things as important as you
2 do. And it's through this deliberation that you reach a
3 jury verdict. A jury verdict that you're going to have to
4 reach is really 12 individuals verdict that reach the same
5 result. In other words, you'll all have to agree for it
6 to be a verdict of guilty or not guilty. And you can only
7 do that by paying attention to the witnesses.

8 Because as the State has told you already, a
9 reasonable doubt is the highest standard of proof required
10 in any court. And you will have to decide if there's
11 reasonable doubt anywhere in this case. And if you can
12 find reasonable doubt, it will make no difference if
13 there's 10 things that you would say guilty on. If
14 there's one reasonable doubt, then you're required to
15 return a verdict of not guilty. Because it has to be
16 beyond all reasonable doubt.

17 His Honor will define that for you at the end of the
18 case. He will tell you about that verdict and how
19 important it is. It's what separates our country from
20 everybody else. It's why we have juries. And every juror
21 has to participate because you have to reach your own
22 individual verdict. And it has to be deliberated and then
23 you can reach 12 individual verdicts. No one is ever
24 required to give up a well-founded belief in their verdict
25 just to be in the majority.

1 In other words, you don't all go and say, well,
2 there's seven of us one way and five of us another way, so
3 you give in and we'll all be done. Your oath is to find
4 your individual verdict, to deliberate, to discuss the
5 evidence, to discuss what happened in the courtroom until
6 you reach a jury verdict one way or the other.

7 We submit to you that this is a case that after you
8 listen to everything, after you've paid attention for the
9 duration of the trial, you will find that there still
10 exists reasonable doubt in this case. And the State will
11 have failed to have carried the burden of proof.

12 And His Honor will define to you burden of proof. It
13 means, in essence, they have to be the ones that prove the
14 case. They have to prove their theory. They deliver what
15 they said they're going to.

16 Keep an open mind. It's important to us. And that's
17 because, as you'll notice, I'm the second argument up
18 here. Throughout this case, I follow the State. They'll
19 get to present all of their evidence before I get to
20 present anything.

21 So it's important that you don't make up your mind
22 before you've heard everything. Studies show that -- that
23 when people make up their mind, they seldom change it.
24 And so if you make up your mind in the beginning of the
25 trial when the State's just started, the percentages are

1 you'll never change your mind because we don't give up a
2 belief easily once we form it.

3 And so if you consciously find yourself reaching a
4 verdict before you've heard all the evidence, before
5 you've had the benefit of His Honor charging you on the
6 law, before you've been sent out to deliberate, I ask you
7 to consciously resist that so you can start the process by
8 sitting down with your fellow jurors and having a genuine
9 deliberation where you talk about all the evidence, what
10 leans one way, what goes in another, what makes sense,
11 what doesn't make sense, what's believable, and what's not
12 believable. And out of those deliberations, you'll reach
13 your verdict.

14 And that's why your job is to listen now. And that's
15 not always an easy job. You've got to pay attention.
16 You've got to keep hearing a lot of facts. And sometimes
17 you're trying to digest things when testimony is going on.

18 So you have to listen to everything, make up your
19 mind. And then when you sit down at the end with your
20 fellow jurors and talk about it, you'll understand all of
21 it. And that standard of judging -- we'll tell you about
22 all reasonable doubt. And you'll have to decide if
23 reasonable doubt exists. And I submit to you that when
24 you go back, after you review this evidence in this case,
25 there still will be reasonable doubt.

1 Thank you very much.

2 THE COURT: State, are you ready to call your first
3 witness?

4 MR. GREGORY: May it please the Court.

5 The State calls Michael Bosillo.

6 THE CLERK: Mr. Bosillo, if you'll pause at the end
7 of the bench.

8 And raise your right hand and place your left hand on
9 the Bible.

10 WHEREUPON,

11 MICHAEL BOSILLO,

12 after first having been duly sworn, testified as follows:

13 THE CLERK: Please be seated.

14 Please state your name.

15 THE WITNESS: Michael Bosillo, B-O-S-I-L-L-O.

16 DIRECT EXAMINATION

17 BY MR. GREGORY:

18 Q Mr. Bosillo, where are you employed?

19 A I'm employed with T-Mobile Cell Phone Company located
20 out of Frisco, Texas, just north of Dallas.

21 Q How long have you been employed with T-Mobile?

22 A A little over 13 years.

23 Q What is your current position there?

24 A I'm a custodian of records. I testify.

25 Q What does that mean?

1 A As such, I'm responsible for the care, custody, and
2 control of all cell phone records generated in the normal
3 course of business. Once we receive a legal demand from
4 an agency -- law enforcement agency, then we review the
5 records and make sure it's one of ours. And then we
6 provide everything that's being requested per the demand.

7 Once we receive this and process it, it's sent over
8 to the trial team. I'm a member of that trial team. I'm
9 a retired homicide detective.

10 We have other people with other experiences. But
11 they were all trained with the three cell phone carriers
12 that T-Mobile is responsible for. That's T-Mobile itself,
13 there's Sprint and Metro PCS. Once we've been trained,
14 then we're sent out in the field at both the state and
15 federal level to testify in trials much like this one.

16 Q And you touched on it a little, but prior to going to
17 T-Mobile, what did you do?

18 A Like I said, I spent 25 years as a law enforcement
19 officer. And most of that was in homicide.

20 Q And where was that located?

21 A It was in Arlington, Texas, and then with the Dallas
22 District Attorney's Office in the capital murder section.

23 Q What is T-Mobile?

24 A T-Mobile is a cell phone company.

25 Q What kind of training and experience have you

1 received to hold this position that you do at T-Mobile?

2 A Yes. Several weeks from time to time at our training
3 facility in Parsippany, New Jersey. And then, of course,
4 Metro PCS training in Dallas, Texas. And then we received
5 some collateral training when we purchased Sprint a couple
6 of years ago. We have ongoing classes, and seminars, and
7 things of that nature to keep us up to speed.

8 Q Have you ever testified in court before?

9 A Oh, yeah.

10 Q How many times?

11 A About 750.

12 Q And as a matter of fact, this is not your only one
13 this week; is that correct?

14 A Oh, no. I'm going to New Orleans tomorrow morning.

15 Q Were you sent a subpoena to be here in court today?

16 A Yes, sir.

17 Q All right. You said that you comply with subpoenas
18 and requests for records; correct?

19 A That's correct, sir.

20 THE WITNESS: Excuse me. Can I get a glass of water,
21 just a glass of water?

22 (WHEREUPON, State's Exhibit Nos. 32, 33, and 34 were
23 marked for identification only.)

24 BY MR. GREGORY:

25 Q Mr. Bosillo, I'm going to show you what's been marked

1 as State's Exhibit Nos. 32, 33, and 34 for identification.
2 If you'll take a look at them, please.

3 A Yes, sir.

4 Q Do you recognize those?

5 A I do.

6 Q In the regular course of business, does T-Mobile keep
7 records of their customers accounts?

8 A Yes, sir, we do.

9 Q In the regular course of business, does T-Mobile
10 store information concerning customer records, phone
11 records?

12 A Yes, sir.

13 Q And does T-Mobile's storage process accurately keep
14 those records?

15 A We do.

16 Q And in the regular course of business, what does
17 T-Mobile do with those records once they collect them?

18 A Once we collect them, of course, they're filed in our
19 database for various uses pursuant to any legal demand in
20 the form of subpoena, court order, search warrant.

21 Q And you said you had a chance to look at those. Are
22 those fair and accurate representations?

23 A Yes. I've reviewed these for the last day, day and a
24 half electronically.

25 Q Do they appear to be changed in any way?

1 A Not that I can determine at all.

2 MR. GREGORY: Your Honor, at this time, the State
3 would seek to introduce State's Exhibit Nos. 32, 33, and
4 34 into evidence.

5 THE COURT: Defense.

6 MR. WARDER: May it please the Court.

7 I don't believe there's a sufficient foundation. And
8 we'd object to it as not identified as anything of the
9 records of T-Mobile. They have to have some relevance to
10 this case.

11 MR. GREGORY: Judge, the foundation is laid for the
12 admissibility of those records. They will be forthcoming
13 as to what they are and whose records they are.

14 THE COURT: I agree. I'm going to overrule your
15 objection.

16 They will be admitted.

17 (WHEREUPON, State's Exhibit Nos. 32, 33, and 34 were
18 admitted into evidence.)

19 BY MR. GREGORY:

20 Q Mr. Bosillo, what is State's Exhibit No. 32?

21 A State's Exhibit No. 32 is, basically, a subscriber
22 information sheet that provides the information of the
23 subscriber, a particular number attached to it, that sort
24 of thing. And the bulk of the packet is the actual call
25 detail records.

1 Call detail records is the activity on a particular
2 number for a designated period of time. In other words,
3 my number calling your number, your number calling my
4 number, that sort of thing. It provides information to
5 the length of the -- the date, the time, the length of the
6 call. And it, also, provides information about the
7 particular cell site or tower that it may have hit.
8 Because we all know we have to use towers to make the
9 circuitry connect.

10 Q Will you, please, describe the cell phone towers and
11 how that works for T-Mobile?

12 A Yes, sir. You have three components to make a call
13 work. The hand set, of course, which is -- it gives out a
14 relatively weak signal. So that's why they strategically
15 place these towers. And their range is, typically,
16 between two to three miles. They average is about two and
17 a half miles. And these towers -- you've seen them on
18 tops of buildings, the cone shape, or along the side of
19 the building. Those are antennas, like I said, on the
20 top. It has to be elevated because it's a line of sight
21 technology.

22 Once your hand set gets out -- gives out a signal by
23 way of sending and receiving, it reaches out to the
24 nearest strongest tower. The strength is what's most
25 important. But they try to apply to where they're, also,

1 the nearest.

2 Once that tower receives the signal, it then
3 processes the call and shoots it over to the switch. Now,
4 the switch is the gate keeper. It's the mechanism that
5 makes the call work. Once it receives that signal,
6 processes it, and it shoots it out to the nearest
7 strongest tower adjacent to the phone or the number you're
8 trying to reach.

9 And, of course, this transaction works at the speed
10 of light, 186,000 miles a second. So, obviously, it's
11 very, very quick. So phone, tower, switch, and then on
12 over to the other phone and tower.

13 Q And who is -- can you see who the subscriber is for
14 that or what the subscriber number is?

15 A Yes. The subscriber number is -- according to this
16 is 864-478-0822.

17 MR. GREGORY: Judge, permission to publish this to
18 the jury.

19 THE COURT: Sure.

20 BY MR. GREGORY:

21 Q Mr. Bosillo, State's Exhibit No. 32, you said the
22 subscriber number was 864-478-0822. Is that it right
23 there?

24 A Yes, sir, it is.

25 Q And was there a certain date range of information

1 that they were looking for when they sent you the
2 subpoena?

3 A Yes. January 3rd, 20 -- excuse me -- '14 to
4 February 3rd, 2014.

5 Q And that's right at the top of there, too; correct?

6 A Correct.

7 Q And on the first packet of State's Exhibit No. 32,
8 the logs look like this. Can you, please, tell the jury
9 what we're looking at here?

10 A Yes. This is the call record, as I said, call detail
11 record sheet. As you can see, traversing from left to
12 right, the vertical columns on the left. There's the
13 calling number, that's the number, actually, making the
14 call. And then adjacent to it is the call number, the
15 number it called. And then next to that is the dialed
16 number or digits.

17 Usually, it's one in the same as the call number. If
18 there is a variance, it's because it's been routed to
19 another number either -- per the customer. The best
20 example is if I call one of y'all and you forward your
21 number to your momma's number because you're not at your
22 number. I'm calling your number, but it's rotating over
23 to your mom's number. So that's why they have the other
24 category. MR, that's mobile exit or routing number.
25 Three types, there's outgoing. Obviously, I call you.

1 Incoming, you call me. And then routing.

2 Every number that's put in the system is set to a
3 particular network. It's their home network. But if
4 there's some occasion that it doesn't connect with their
5 home network, it has to, obviously, roam. You've heard
6 the term "roam." It has to roam to another network to
7 make the connected call it's requesting. Start date is
8 self-explanatory.

9 Q I'm sorry to interrupt you. But let's talk about
10 start date real quick. There's a time element to that as
11 well; correct?

12 A Correct.

13 Q What time zone is that?

14 A Okay. That's going to be Eastern time.

15 Q So it's been transferred to Eastern time?

16 A Yes, sir.

17 Q All right. Continue, please, sir.

18 A And then start date and end date is self-explanatory.
19 The length of the call is in seconds. Any ID, that's the
20 network ID number. The repoll is the routing number we
21 spoke of. These are the serial numbers to each of these
22 categories. First cell, last cell.

23 Whenever it reaches out and it hits that tower, we
24 call them cells. They're synonymous with one another. It
25 hits the first cell. And as long as it stays connected to

1 this first cell, it doesn't move out of that two, two and
2 a half area I spoke of earlier when I said that's the
3 distance.

4 If the call starts there, it will reflect that
5 particular number, this five digit number. The last four
6 is a serial number of the tower, the actual tower. The
7 first number is the sector. I'll come back to that in a
8 second.

9 If it -- the next thing -- if you see it the same --
10 the last cell and first cell is the same, it means it
11 never went out of that cell. Now, if it's different --
12 there's not one up here showing. But if it's different,
13 it means it went from this cell and moved to another cell.
14 What that shows you is that phone is moving. A classic
15 example, you're driving down the road. You start at one
16 cell and then the second cell.

17 And going back to that first digit of the five digit
18 identifier, that's the sector. Each of these towers is
19 divided into -- they all begin with three sectors. The
20 best way to think of it and visualize it is like pieces of
21 a pie. Just start at one line, from 12 down to the
22 center, and then from the center over to the four. Go
23 back to the center over to the eight. And you can see
24 these three equal wedges or pieces of the pie. That's how
25 they all begin.

1 Now, when there's a lot of use in that particular
2 one, the engineers will go in and they'll further divide
3 it. So instead of the 120-degree, 120-degree, and
4 120-degree, then they go into the 90, 90, 90.

5 And what that does, that just helps explain and
6 narrow down the area you're talking about. It all begins
7 at the big circular coverage. Then when you get to these
8 sectors, it benefits you by letting you know how it's
9 constricted down to cellular one, two, three, or four.
10 Sometimes, I've seen them up to a dozen or more. That's
11 just based on the engineer's business.

12 Q Okay. And just briefly, the bottom of this has
13 Sprint and Nextel Corporation.

14 A Yes.

15 Q Can you explain the connection between Sprint and
16 T-Mobile since you work for T-Mobile?

17 A Yes. We purchased Sprint about -- I think going on
18 three years almost now. And so they're -- we're the
19 parent company, T-Mobile. And, obviously, Sprint and, of
20 course, Metro PCS.

21 Q Now, turning to State's Exhibit No. 33. I believe
22 you have it in front of you. What is State's Exhibit
23 No. 33?

24 A Okay. This is a -- it helps explain all the
25 different information that's contained in these different

1 call detail sheets. This particular one is a public
2 telephone network. And what, again, that does is it
3 provides information on the location of the tower. It
4 will provide latitude and longitude, the cell number,
5 things of that nature.

6 And these first three or four pages is just a key.
7 So when you get over into the document, you want to take a
8 look at -- it's over and see, like, call number. That
9 describes what the call in number is, so forth and so on.
10 It's just a guide. We call it a cheat sheet.

11 Q I will display this so everybody can see it.

12 And this top portion is just the cheat sheet you were
13 talking about; correct?

14 A Yes, sir.

15 Q All right. To the map.

16 A Yes, sir.

17 Q All right. Now, this one, this grid looks a little
18 different. Why does this look different?

19 A It's the way it's broken down. Again, it has the
20 first column is the number and then ESN. That's the
21 electronic serial number attached to that particular phone
22 number. Start time, duration, we spoke about that. And
23 then the switch.

24 Now, the switch, as I said, is the gate keeper. I'll
25 give you an example. Switches handle hundreds of towers,

1 you know. We may only have four or 500 switches that
2 cover the whole country. Because each switch contains a
3 great deal. They're geographically broken down. As you
4 can see here, what we're looking at pertains to
5 Greenville, South Carolina. Adjacent to it, then you'll
6 see identifying cell ID number. Remember me explaining
7 the sector?

8 The miles. This is where we get into the distance.
9 The average, as I said, is about two and a half miles. It
10 can go up to three. But it only averages about two, two
11 and a half miles. Sometimes, it's closer.

12 So a safe bet would be to say anywhere between zero
13 to three miles. Then, of course, you've got your latitude
14 and longitude which provides you with the actual physical
15 location.

16 Q I'm sorry for interrupting. But of the cell tower?

17 A Yes. This is all of the cell tower. And, again,
18 when you think of the phone, just remember that two to
19 three mile area. You've got your tower. And in that two
20 to three mile area, that's where that phone is going to
21 be.

22 But this particular latitude and longitude will
23 provide you precisely where that tower is. You can look
24 that up. And it will tell you -- it, typically, gives you
25 the street address where to find that tower.

1 The cascade is just a describer of a series of the
2 networks. Then the call type, again, goes to the --
3 whether it's outgoing, outbound, inbound, or routing. And
4 then the site ID number, again, this is all electronic
5 equipment serial numbers.

6 Q And then lastly, State's Exhibit No. 34, if you'll
7 take a look at that, please.

8 A Okay. This next one is a key to understanding the --
9 some more of the actual phone communication pertaining to
10 texting. These others were telephone calls. This
11 pertains to the texting. It's -- so you'll see the
12 abbreviation SMS, short message service. That's what
13 texting is, short message service.

14 Q State's Exhibit Nos. 32, 33, and 34 are all from the
15 same phone; is that correct?

16 A That's correct, sir.

17 Q I'll take that and put it on the overhead so it's
18 easier to see.

19 You said there was a key?

20 A Yes.

21 Q This looks a little different. And it's the same as
22 what you previously testified to, even including the
23 latitude and longitude; correct?

24 A Correct, correct.

25 Q And the call type is different on this because it's

1 SMS; correct?

2 A Correct. These are all pertaining to text messages.

3 Q From that same cell phone and from that same date
4 range that you were looking for?

5 A Exactly.

6 MR. GREGORY: Please answer any questions the Defense
7 has for you.

8 THE WITNESS: Yes, sir.

9 CROSS-EXAMINATION

10 BY MR. SANFORD:

11 Q How are you doing today?

12 A Fine.

13 How are you?

14 Q I'm doing very well.

15 Thank you.

16 Just a few quick questions. You said those records
17 are in Eastern Standard time; is that correct?

18 A Yes, sir, I believe so.

19 Q Do you normally keep them in your -- well, let's ask
20 this question first. You said they're kept at your
21 facility on a database?

22 A Yes.

23 Q Is that a digital database?

24 A Yes, sir.

25 Q On, like, servers, and that kind of thing?

1 A Yes, exactly.

2 Q Has there ever been any hacking or anything into
3 those servers that you're aware of?

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

5 Q But there could be, but you're not aware of --

6 A Exactly.

7 Q They're not stored in Greenwich Mean Time on there?
8 Or are they?

9 A No.

10 Q So they're done by based on where the phone is?

11 A Exactly.

12 Q So there was no conversion done from you pulling
13 those records and converted to local time?

14 A Exactly, based on where the phone was.

15 MR. SANFORD: No further questions, Your Honor.

16 MR. GREGORY: I have nothing further.

17 We'd ask that this witness be excused from his
18 subpoena, please.

19 THE COURT: Okay.

20 MR. SANFORD: No objection.

21 THE COURT: You may step down.

22 Take care. Safe travels.

23 THE WITNESS: Thank you.

24 THE COURT: Do y'all want to approach?

25 (WHEREUPON, a bench conference was held.)

1 THE COURT: Okay. Ladies and gentlemen of the jury,
2 we are going to break for the day. I do want y'all back
3 at 9:00 in the morning.

4 I want to remind you again, do not do any research.
5 Don't Google this. Don't talk to anybody about it. And
6 do not begin any kind of discussion amongst yourselves.

7 Okay. I hope y'all have a great evening. And we
8 will look forward to seeing you at 9:00 in the morning.

9 (WHEREUPON, the jury was excused from open court at
10 approximately 4:50 p.m.)

11 THE COURT: All right. Anything from the State?

12 MS. GASSER: Nothing from the State, Your Honor.

13 THE COURT: Defense?

14 MR. WARDER: Nothing further tonight, Your Honor.

15 THE COURT: Well, see y'all 9:00 tomorrow morning.

16 (WHEREUPON, the proceedings were concluded at
17 approximately 4:51 p.m., to be reconvened on
18 Tuesday, April 16, 2024.)
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20
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25

1 TUESDAY, APRIL 16, 2024

2 THE COURT: Is the State ready to call your next
3 witness?

4 MS. GASSER: Yes, Your Honor. I believe we just need
5 to test and make sure that the --

6 Is the screen up?

7 THE COURT: That's a great idea.

8 (Pause.)

9 MS. GASSER: It's playing off our laptop. That's it.
10 Yes, Your Honor. The State is ready to proceed.

11 THE COURT: Are you all ready?

12 MR. WARDER: Yes, Your Honor, we are.

13 THE COURT: All right. Please bring the jury in.

14 (WHEREUPON, the jury came into open court at
15 approximately 9:11 a.m.)

16 THE COURT: Good morning.

17 We're going to proceed with the case.

18 The State can call your next witness.

19 MS. GASSER: May it please the Court.

20 Your Honor, the State call Sarah Young.

21 THE CLERK: Ms. Young, if you'll, please, come
22 forward.

23 Pause at the end of the bench.

24 And place your left hand on the Bible and raise your
25 right hand.

1 WHEREUPON,

2 SARAH YOUNG,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 Please be seated.

6 Please state your name for the record.

7 THE WITNESS: Sarah Young.

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION

10 BY MS. GASSER:

11 Q Good morning, Ms. Young. Would you, please, tell the
12 jury where you're currently employed?

13 A The Greenville County Sheriff's Office.

14 Q And what are your duties and responsibilities there?

15 A I'm the 911 tape research analyst.

16 Q And what does that mean?

17 A I pull tape requests for the solicitor's office and
18 officers.

19 Q And what kind of tapes are those?

20 A 911 tapes.

21 Q And can you describe to the jury the process of how a
22 911 call is handled from start to your job?

23 A A call comes into the dispatch center where the
24 dispatcher gathers information for the 911 call to be put
25 into the system to determine whether or not it is for

1 police, fire, or EMS. And once they gather that
2 information, if it's police related, then they dispatch
3 police officers to the scene.

4 Where I come in at is the recording of the 911 call
5 is what I pull and drop it on a secure server to the
6 solicitor's office.

7 Q And are those recordings preserved in the regular
8 course of business?

9 A Yes.

10 Q And how are they preserved? I think you mentioned
11 servers?

12 A Yes. They are stored on a secure server, but they
13 are gathered automatically and simultaneously.

14 Q And how long do y'all keep these recordings for?

15 A Five years, I believe.

16 Q And are you considered the custodian of those calls?

17 A Yes.

18 Q And when investigators or prosecutors need a copy of
19 a particular call, how would we receive one?

20 A They'll send a form to me via e-mail or they'll drop
21 it off at the office. And I'll pull the CAD history to
22 get the date and time of the call so that I can go into
23 our system to find the incident report. And then I go
24 into our system, which is the server that has access --
25 well, to the server. And I pull the 911 call from the

1 server. And then I drop it in a secured shared file to
2 the solicitor's office.

3 Q And you mentioned the word CAD. What's a CAD?

4 A It's computer aided dispatch system.

5 Q What is that?

6 A Basically, it's the system that dispatchers use to
7 input information. And it's, also, the system that
8 officers use to communicate with the dispatchers in
9 realtime while on a call.

10 Q And did you review calls in reference to this case?

11 A Yes.

12 Q And did you pull and listen to those recordings at
13 your office?

14 A Yes.

15 Q And did you confirm those calls on a disk at my
16 office?

17 A Yes.

18 Q And was this that disk? I'm handing you what has
19 been pre-marked for identification purposes as State's
20 Exhibit No. 1.

21 A Yes.

22 Q And how do you know it was this disk?

23 A Those are my initials on the disk.

24 Q And what do your initials mean?

25 A It means that I reviewed the calls that were on this

1 disk.

2 Q And when did you review the calls on this disk?

3 A The date is 4/4/24.

4 Q All right. And were these calls a fair and accurate
5 depiction of the calls that you listened to in relation to
6 this case at your office?

7 A Yes, ma'am.

8 Q Have they been changed or altered in any way?

9 A No, ma'am.

10 MS. GASSER: Your Honor, at this time, the State
11 moves to enter State's Exhibit No. 1 into evidence.

12 THE COURT: Anything from the Defense?

13 MR. WARDER: Without objection, Your Honor.

14 THE COURT: All right. So moved.

15 It's admitted into evidence.

16 (WHEREUPON, State's Exhibit No. 1 was admitted into
17 evidence.)

18 MS. GASSER: And, Your Honor, at this time, may we
19 publish State's Exhibit No. 1 for the jury?

20 THE COURT: Yes, you may.

21 (WHEREUPON, State's Exhibit No. 1 was played in open
22 court.)

23 BY MS. GASSER:

24 Q Sarah, just to be clear, is it typical for a call
25 like that to be split up into two recordings?

1 A Yes.

2 MS. GASSER: I have no other questions.

3 Please answer any the Defense may have.

4 MR. WARDER: Your Honor, if it please the Court, we
5 have no questions.

6 THE COURT: All right. Thank you.

7 You may step down.

8 Thank you.

9 THE WITNESS: Thank you.

10 MS. GASSER: Your Honor, the State does ask that this
11 witness be released from her subpoena.

12 THE COURT: Yes.

13 MS. GASSER: Thank you, Your Honor.

14 THE COURT: Take care.

15 MR. GREGORY: May it please the Court.

16 The State calls Andrew Sims.

17 THE CLERK: Mr. Sims, please, come forward.

18 Pause at the end of the bench.

19 Place your left hand on the Bible and raise your
20 right hand.

21 WHEREUPON,

22 ANDREW SIMS,

23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you

25 Please be seated.

1 And would you, please, state your name for the
2 record?

3 THE WITNESS: Andrew Sims.

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MR. GREGORY:

7 Q And where are you employed?

8 A Currently, at Prisma Health EMS.

9 Q And what is your duties and responsibilities?

10 A I work as a night shift supervisor and critical care
11 paramedic.

12 Q And how long have you held that position?

13 A I've been there for seven years now.

14 Q And what is a paramedic?

15 A So a paramedic responds to 911 calls. But we, also,
16 do other inner facility transports. So my job, I
17 sometimes first respond on high -- calls in the area,
18 provide backup to other crews. We, also, do intensive
19 transfers involving maybe patients on a ventilator going
20 to a higher level of care. So it's quite a variety of
21 calls.

22 Q What kind of training and education have you received
23 to become a paramedic?

24 A To become a paramedic here in South Carolina, I went
25 through two years. It was, essentially, equivalent to,

1 like, an Associates Degree, but it was a certificate
2 program locally. And it involves a lot of -- usually over
3 650 hours of doing ride time and skill time, in addition
4 to classroom time.

5 And at the end of the program, you take a national
6 registry examination. And you have to pass the national
7 exam to become a nationally certified paramedic. So you
8 get a state certification and, also, a national
9 certification.

10 Q And you said you've been in that position for seven
11 years?

12 A Here, I've had that position. Previously, I've,
13 actually, had longer in my former employment.

14 Q And that's what I wanted to get to. What was your
15 prior employment?

16 A So my prior employment was at Greenville County EMS.
17 I worked there for 11 years.

18 Q And what were your duties and responsibilities at
19 Greenville County?

20 A So at Greenville County, I was strictly 911. So I
21 would work -- I'd rotate between the ambulance and working
22 a quick response unit. But I'd respond to any 911 call
23 that I was closest to. So I would be on an ambulance with
24 another partner, usually, an EMT. And then we'd respond
25 to whatever call for service came in.

1 Q And were you working on February 1st, 2014?

2 A Yes, sir, I was.

3 Q And did you receive a call that day?

4 A We did.

5 Q In regards to this case?

6 A Yes, sir.

7 Q Where were you when you received a call?

8 A We were currently posted at the Belmont Fire
9 Department there in Conestee, kind of toward Piedmont.

10 Q And where did you receive a call? Who called you?

11 A So our dispatch turned us out that morning. I
12 believe that was our first call of the day. Because I
13 work 8:00 a.m. to 8:00 p.m. We were dispatched for
14 obvious death is how the call went out. I believe the
15 address went out as 1 Charles Gandy Way there at that
16 intersection.

17 Q Are you familiar with that area?

18 A Vaguely, just from running calls before, not, you
19 know, thoroughly, but vaguely from past calls.

20 Q Okay. When you respond to a call, do you respond
21 differently if it's an obvious death, as opposed to an
22 emergency?

23 A Yes, sir, we do.

24 Q And what's the difference?

25 A So if it's already an obvious death -- so depending

1 on what the caller has told dispatch, such as maybe it
2 appears to be a non-recent death or if they're cold and
3 stiff in a warm environment, things like that. If it
4 codes as an obvious death, then we respond non-emergently.

5 Q So no lights and siren?

6 A Exactly. Yes, sir.

7 Q Who were you with that day in your ambulance?

8 A Alex Baldwin. He was my EMT partner that day.

9 Q And how long did it take you two to arrive at the
10 scene?

11 A I don't recall exactly. I know we weren't far away,
12 though. So I would say within 10 minutes, roughly.

13 Q And you said -- where did you respond to exactly?
14 I'm sorry.

15 A Well, it was dispatched as 1 Charles Gandy Way. And
16 we were responding from Belmont Fire Department.

17 Q And 1 Charles Gandy Way, is that in Greenville
18 County?

19 A It is, yes, sir.

20 Q Do you remember what time you arrived on the scene?

21 A I believe it was somewhere around 9:30, somewhere
22 around that rough timeframe. I don't have my physical
23 copy of my report with me. But I know it was somewhere
24 around that time of the morning.

25 Q Would it help you if you had --

1 A Sure.

2 Q Did you make a report at that time?

3 A Yes, sir, I did.

4 Q Would that help refresh your memory if you saw it?

5 A Yes, sir. That would be great.

6 Q If you'll take a look at that.

7 A Okay. Yes, sir.

8 Q Is that the report you made?

9 A It is. It's my written report.

10 Q And does that help refresh your memory?

11 A It does.

12 Q And, again, what time did you arrive on scene?

13 A So we, actually, arrived, specifically, at 9:31.

14 Q Was anyone on scene when you arrived?

15 A No, sir. We were -- well, the taxi cab driver is who

16 we met up with, who flagged us down upon arrival. But we

17 were the first responding agency on scene.

18 Q Well, let me ask you this. How many scenes have you

19 arrived to as a paramedic?

20 A Too many. I mean, too many to count. I've been

21 doing this for almost 19 years. I really wouldn't be able

22 to tell you for sure.

23 Q A lot?

24 A Numerous, yes, sir.

25 Q And when you arrive on scene, what are your duties

1 and responsibilities on a scene?

2 A So, obviously, if it's a medical call or anything --
3 regardless -- to immediately provide and render any life
4 saving treatment, any medical care. In calls like this,
5 you know, when the patient is beyond any help, here, we --
6 we would confirm the death, usually, by placing them on
7 the monitor to show there's no electrical activity in the
8 heart, which would be asystole, which is the flat line
9 that you would, typically, see. That confirms death. Per
10 policy, we have to confirm that for a minimum of six
11 seconds.

12 And at that point, we would maintain and preserve the
13 scene for law enforcement. So we would confirm the death,
14 request law enforcement and the coroner's office, if they
15 were not already en route. And we would make sure not to
16 disturb the scene, especially if there's anything
17 suspicious. More or less, we make sure any bystanders,
18 family, things like that don't disturb or mess with the body.

19 Q And were you directed to the body when you got there?

20 A Yes, sir.

21 Q Where was the body located exactly?

22 A So it was located on a gravel access road. The best
23 I can remember -- I read it here in my report. The best I
24 remember, it was about halfway down the access road from
25 where we were flagged down, about halfway between that and

1 a subdivision.

2 Q So did you have to walk to the body or were you able
3 to get your --

4 A We did. We walked to it.

5 Q And can you, please, describe the condition of the
6 victim when you arrived?

7 A So when we arrived to the victim's side, we noticed a
8 subject face down in the gravel access road area. He was
9 covered -- was in a lot of clothing. He was wearing a
10 hoodie, I remember. Again, he was face down. So we
11 rolled the body over. It was obvious he was deceased.

12 I remember when I grabbed him -- his body to roll
13 him, I noticed his upper extremities were stiff, you know,
14 indicating rigor mortis being present, typically. And I
15 immediately noticed when I rolled him a shell casing fell
16 out of his hoodie. And that was the first sign I knew
17 something, obviously, was more than a natural death.

18 He had gravel embedded in his face. And, like I
19 said, he was face down in the gravel and had -- it looked
20 like dried blood coming from his nose and mouth. I
21 noticed what appeared to be a gunshot wound toward the
22 left upper clavicle, which would be toward the left
23 shoulder.

24 Q On the front side?

25 A Front side, yes, sir.

1 Q You said you rolled him over?

2 A Yes, sir, we did.

3 Q And then what did you do?

4 A So after that, even though it technically was what we
5 would consider an obvious death due to he wasn't breathing
6 and he was stiff, we still placed him on a monitor. We
7 have four cables. We put four stickers on the body and
8 connect the cables to those stickers to get the electrical
9 tracing. It's like an electrocardiogram. And so we saw
10 immediately he was asystole, a flat line. And we, at that
11 time, confirmed the death via radio.

12 Q Did you have to cut his shirt, or jacket, or anything
13 to be able to place those --

14 A That, honestly, I do not remember. I know I didn't
15 mention that in the report. So I don't think so.
16 Sometimes, we have to. But a lot of times in those cases,
17 if I can, I just pull the clothing up as best way possible
18 to try not to disturb it.

19 So we can -- we have a little bit of flexibility
20 where we place those. We can place them -- like, the tube
21 on the lower extremity or the lower half. And the other
22 two, we can place either on the upper arms, or upper body,
23 or chest, things like that. So we have a little bit of
24 flexibility.

25 Q And during your time on the scene, did law

1 enforcement arrive?

2 A Yes, sir, they did.

3 Q And did you have any other involvement in this case?

4 A That would have been it at that point, just from the
5 time the taxi cab driver took us to the body. And after
6 we backed out, I met -- the first officer arrived. I
7 explained to him what I -- what we found. And that it
8 appeared to be a gunshot wound victim that was, obviously,
9 deceased. We had already confirmed the death.

10 We escorted that officer to the body. And then at
11 that point, we waited on scene for the coroner's office as
12 well. And that's just kind of -- it varies somewhat
13 depending on your agency or the county that you work in,
14 or maybe the state, rather.

15 But here, typically, once EMS pronounces the death,
16 we're responsible until the coroner's office arrives. So,
17 at that point, I waited until the deputy coroner arrived,
18 although law enforcement takes over. We just stand by
19 until the coroner arrives.

20 Q And you don't transport the body?

21 A No, sir, we sure don't.

22 MS. GASSER: Please answer any questions the Defense
23 has for you.

24 THE COURT: Mr. Warder.

25 MR. WARDER: Your Honor, if it please the Court, we

1 have no questions at this point.

2 THE COURT: Thank you.

3 You may step down.

4 Thank you.

5 Does he need to be released?

6 MR. GREGORY: Please, Judge.

7 THE COURT: All right. You're released.

8 Thank you.

9 MR. GREGORY: Your Honor, the State calls Daniel Bevill.

10 THE CLERK: Sir, if you'll, please, come forward.

11 Pause at the end of the bench.

12 Please place your left hand on the Bible and raise
13 your right hand.

14 WHEREUPON,

15 DANIEL BEVILL,

16 after first having been duly sworn, testified as follows:

17 THE CLERK: Thank you.

18 Please be seated.

19 And, please, state your name for the record.

20 THE WITNESS: Daniel Bevill.

21 THE CLERK: Thank you.

22 DIRECT EXAMINATION

23 BY MR. GREGORY:

24 Q Daniel, where are you employed?

25 A At the Greenville County Sheriff's Office.

1 Q And in what capacity are you employed there?

2 A I'm an investigator.

3 Q How long have you been an investigator?

4 A Since 2017.

5 Q What kind of training and education have you received
6 to become an investigator?

7 A Pretty much every kind of course you can think of,
8 basic investigation, search warrant classes, advanced
9 investigations, interviewing witnesses, victims, crime
10 scene investigation. Just like I said, a whole litany of
11 them.

12 Q Do you receive ongoing training?

13 A We're always in training, yes, sir.

14 Q Prior to being an investigator, where did you work?

15 A I was in uniform patrol.

16 Q What is uniform patrol?

17 A Those are the guys you see out in the marked cars
18 answering 911 calls. That's the easiest way to put it.

19 Q So that's your duty as uniform patrol?

20 A Correct.

21 Q How long were you in uniform patrol?

22 A Five years.

23 Q Do you remember back on February 1st, 2014, were you
24 in uniform patrol?

25 A Yes, sir.

1 Q Was there a certain area of the town that, as a
2 uniform patrol officer, you were assigned to?

3 A Yes, sir. We refer to it as area six. It's,
4 basically, Piedmont, Moonville, that area.

5 Q And that's in Greenville County, though; correct?

6 A Correct.

7 Q Did you receive a call on February 1st, 2014 for this
8 case?

9 A Yes, sir.

10 Q What time did you receive that call?

11 A What time?

12 Q Yes, sir.

13 A I don't remember. It was in the morning. That's the
14 best I can give you off the top of my head.

15 Q Would you have put that in your report?

16 A Yes, sir.

17 Q And you made a report of this at the time?

18 A Yes, sir.

19 Q And would that help refresh your memory?

20 A Yes, sir.

21 Q Just take a look at that, please.

22 A I apologize. I didn't write the time down, just the
23 date.

24 Q And what date was that?

25 A February 1st, 2014.

1 Q Where did you respond?

2 A We referred to it as the incident location, which
3 is -- it's not on this sheet.

4 Q It's not on your report?

5 A No. It's on the -- we call it the initial code five
6 report. That's the only place where the incident location
7 is. This is just my supplemental, which doesn't have the
8 address I responded to.

9 Q Would that help refresh your memory?

10 A Yes, sir.

11 It's -- it was in the intersection of Davis Road and
12 Charles Gandy Way in Piedmont.

13 Q Is that in Greenville County?

14 A Yes, sir.

15 Q When you arrived there, who was on scene?

16 A EMS was already on scene.

17 Q And what were they doing?

18 A They were, basically, just standing around waiting on
19 me to get there. They had, apparently, already checked
20 for vital signs on the deceased.

21 Q I'm going to show you what's been marked as State's
22 Exhibit Nos. 2 and 3. I want you to take a look at
23 State's Exhibit Nos. 2 and 3, please.

24 A Yes, sir.

25 Q Do you recognize those?

1 A Yes, sir.

2 Q Are you familiar with that area?

3 A Yes, sir.

4 Q And that's the area that you worked?

5 A That was my assigned beat area, yes, sir.

6 Q So that's familiar to you. Has it been altered in
7 any way?

8 A Not that I'm aware of.

9 Q Is it fair and accurate?

10 A Yes, sir.

11 MR. GREGORY: Your Honor, at this time, the State
12 would seek to introduce State's Exhibit Nos. 2 and 3 into
13 evidence.

14 THE COURT: And these are the same pictures as
15 yesterday; right?

16 MR. GREGORY: No, Your Honor.

17 THE COURT: Oh, I'm sorry.

18 MR. WARDER: We have no objection to them, Your
19 Honor.

20 THE COURT: Thank you.

21 They're admitted into evidence.

22 MR. GREGORY: Thank you, Judge.

23 THE COURT: Sorry.

24 (WHEREUPON, State's Exhibit Nos. 2 and 3 were
25 admitted into evidence.)

1 MR. GREGORY: Permission to publish to the jury?

2 THE COURT: Granted.

3 BY MR. GREGORY:

4 Q Would you, please, tell the jury what we're looking
5 at here?

6 A It's, basically, just an overview of the area. Just
7 for reference, the big circular area, that's Lakeside Park
8 in Piedmont, if you guys are familiar with it. But right
9 here in the middle where the marker is over Davis Road,
10 that's where the intersections are for the area we're
11 talking about -- excuse me. I'm off just a little bit
12 here. But this is -- the Davis Road, that's -- that's the
13 incident location.

14 Q What's the -- what are the main roads surrounding
15 Davis Road?

16 A I believe it runs into Piedmont Highway.

17 Q And State's Exhibit No. 3, what are we looking at
18 here?

19 A Once again, a top-down view, just closer. The road
20 at the top is Davis Road. And this little strip right
21 here, that's the gravel access road we found him on.

22 Q So that's a zoomed-in version of this; correct?

23 A Correct.

24 Q Just right here?

25 A Yes, sir.

1 Q Now, when you arrived on scene, you said you were
2 directed to the body; correct?

3 A Correct.

4 Q Where was the body located? Are you able to point it
5 out?

6 A It was approximately halfway down this trail --
7 excuse me, the access road.

8 Q What kind of access road? What are we looking at?

9 A Literally, just a gravel road. There's big ruts in
10 it, not used very often.

11 Q Did you go all the way down to the body?

12 A Yes, sir.

13 Q What was the condition of the victim when you arrived
14 down there?

15 A He was already deceased.

16 Q Did you see anything around him, or anything?

17 A There was some blood. I noted some blood from a hole
18 in his shirt and some blood under his head.

19 Q Did you do anything to the victim?

20 A No, sir.

21 Q What did you do after that?

22 A Secured the crime scene.

23 Q And how do you secure a crime scene?

24 A Basically, just block access to the area, put up
25 crime scene tape, and keep a log of anybody that comes in

1 or out.

2 Q And why do you do that?

3 A Just to preserve the chain of evidence, make sure
4 nothing is contaminated.

5 Q Did you have any other involvement in this case?

6 A No, sir.

7 Q Did you speak to any witnesses on scene?

8 A I did.

9 Q Who did you speak to?

10 A A woman named Linda Downs. She stopped by the scene.
11 I got her contact information. And then I, also, spoke to
12 a -- I believe it was a William Lamont. I got his contact
13 information for the investigator to follow up with.

14 Q And that was the taxi driver?

15 A Yes, sir.

16 Q All right. Did you have any other involvement in the
17 case?

18 A No, sir.

19 MR. GREGORY: Please answer any questions the Defense
20 has for you.

21 CROSS-EXAMINATION

22 BY MR. SANFORD:

23 Q Is it Investigator Bevill now?

24 A Yes, sir.

25 Q Investigator Bevill, I have just one question real

1 quick. I'm going to hand you back these State's Exhibits.
2 This case took -- or this case started about 10 years ago;
3 is that correct?

4 A Correct.

5 Q Do you know what year those screen shots of the maps
6 were taken?

7 A No, sir.

8 Q So you're not sure if those represent the correct
9 maps in 2014 or 2024, or anywhere in between there;
10 correct?

11 A I -- no, sir. I don't know that.

12 Q Okay. And so is that exactly how it looked in 2014?

13 A Exactly, no.

14 Q And so there's been changes from then until now?

15 A I would imagine so. I haven't been down in this area
16 in seven or eight years.

17 Q But you're not -- you can't say that those maps are
18 completely accurate to the night this happened?

19 A Correct.

20 MR. SANFORD: Thank you.

21 I have no further questions.

22 MR. GREGORY: I have no further questions, Your
23 Honor.

24 We ask that the witness be excused.

25 THE COURT: The witness can be excused and released.

1 Thank you.

2 You can step down.

3 MR. GREGORY: Your Honor, the State calls Linda
4 Downs.

5 THE CLERK: Ma'am, if you'll, please, come forward.

6 Pause at the end of the bench.

7 And place your left hand on the Bible and raise your
8 right hand.

9 WHEREUPON,

10 LINDA DOWNS,

11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 Please be seated.

14 And, please, state your name for the record.

15 THE WITNESS: My name is Linda Downs.

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MR. GREGORY:

19 Q Ms. Downs, how old are you?

20 A I'm 64 yesterday.

21 Q Happy birthday.

22 A Thank you.

23 Q Are you employed?

24 A Yes, sir.

25 Q Where do you work?

1 A Greenville County Real Property Services.

2 Q What do you do there?

3 A My job is to enter in all properties. When people
4 are purchasing properties, I put that information into the
5 computer in order to generate a tax bill.

6 Q And how long have you held that position?

7 A Well, I've been with the county 43 years. But I've
8 done different things within the county -- I mean, with
9 that particular department.

10 Q But 43 years with the county?

11 A Yes.

12 Q Where do you live?

13 A Davis Road, 471.

14 Q And how long have you lived there?

15 A Since 1988.

16 Q Who do you live there with?

17 A My daughter, Monique Downs, Shantell Monique Downs.
18 I'm a little nervous, y'all.

19 Q That's all right.

20 I'm going to show you what's been marked and entered
21 as State's Exhibit Nos. 2 and 3. I want you to take a
22 look at those for one second, please.

23 A Okay.

24 Q Do you recognize those?

25 A Yes, sir.

1 Q All right. And is that Davis Road?

2 A That's correct.

3 Q Is that the street you live on?

4 A Yes, sir.

5 Q I'm going to put them on the overhead and have you
6 point out where your house is, if you don't mind.

7 A Okay.

8 Q I'm going to start with Exhibit No. 2. It's a little
9 bit blown out. So can you tell where your house is on
10 that one?

11 A Yes, sir. This is my house right here.

12 Q You're pointing to this one or this one?

13 A It's this one next to the woods.

14 Q Okay. And then, again, this is a little bit closer
15 up.

16 A Here it is right here. That's my house right here.

17 Q This one right here?

18 A Yes, sir.

19 Q And you said what number is that?

20 A 471. It might have been 478 at that time. I'm not
21 sure. Because EMS changed my house number.

22 Q Okay. And what is this? Are you familiar with this
23 area?

24 A Yeah. That's the -- the county came in and did a
25 gravel road access road. And they made a complete view

1 behind all our houses. I'm not sure what they were doing,
2 but it was a gravel road.

3 Q Is it still a gravel road to this day?

4 A You can't see it.

5 Q It's covered up?

6 A Covered up.

7 Q With shrubs and stuff?

8 A Yeah.

9 Q You said you've been living in that house for quite
10 some time. Let's go back to January 31st, February 1st,
11 2014. You received a subpoena to be here; correct?

12 A Yes, sir.

13 Q Do you remember talking to law enforcement?

14 A Yes, sir.

15 Q Did you remember the night of January 31st, 2014?

16 A Pretty much, yes.

17 Q Tell us what happened that night. Where were you?
18 What were you doing?

19 A I was, actually, in my bedroom, which is next to the
20 woods. And I had the TV on. I can't remember if I really
21 was looking at it, but I had it on. And I heard shots.
22 They were very loud. Normally, we hear shots all the time
23 so that wasn't unusual. But these were very loud. So I
24 turned the TV down just so I could hear anything going on.
25 So I waited for a little bit. I didn't hear anything. I

1 turned it back up.

2 So a few minutes later, my daughter, and my mother,
3 and my granddaughter walked in. And I said, I heard some
4 shots and they were pretty loud.

5 And they said, Yeah, we rushed in because we heard
6 them, too.

7 Q About what time did you hear those shots? Do you
8 remember?

9 A Between 8:30 and 9:30ish, something like that.

10 Q At nighttime?

11 A Yes, sir.

12 Q And you said your granddaughter?

13 A Yeah. She was almost two.

14 Q And who else lived in the house at that time?

15 A It, actually, was my daughter, but my mother was with
16 her. They had been somewhere and they was walking in.

17 Q Do you remember how many shots you heard?

18 A I think it was two, but they were very quick.

19 Q So rapid fire?

20 A Rapid, that's what I remembered.

21 Q And you said that they were loud and seemed close?

22 A Yeah. That's what I remember.

23 Q Did you do anything? Did you call the police or
24 anything that night?

25 A No, I didn't. Because when I turned down the TV, I

1 didn't hear anything. So we're used to hearing shots. So
2 I was thinking people were just shooting to be shooting.
3 Sometimes, I can't tell if they're firecrackers either,
4 you know. I don't know the difference.

5 Q Did you look out the window, or do anything?

6 A I don't recall looking out the window. I just
7 remember turning the TV down. Now, that is something I
8 normally usually kind of do. Sometimes, not always with
9 the shots, but when I hear wrecks. And sometimes, they
10 can sound like shots when they hit a tree. It can sound
11 like pow. I have, but I don't remember if I, actually,
12 looked out the window. But I do remember turning the TV
13 down because it was loud.

14 Q And the next morning, what did you do?

15 A The next morning -- I am a financial secretary at my
16 church. I was on my way to a meeting. And when I got to
17 the bottom of the hill, I seen the EMS truck and the cab
18 driver vehicle.

19 Q And "the bottom of the hill," can you see that on
20 this map?

21 A Yeah. It was in the other access road. They was
22 right here around in here near the access road.

23 Q And did you stop and talk to them?

24 A Yeah, I did. I talked to the cab driver first
25 because he was standing outside. EMS was a little further

1 down.

2 So I just asked him was that somebody that was
3 deceased. Because I noticed EMS was not doing anything,
4 which I was getting ready to have a problem with that.
5 Because he was laying there. And he said, I don't know,
6 you'll have to ask EMS. And then I asked them and they
7 said I needed to ask the police. They had not arrived at
8 that time.

9 Q Did you ever speak to the police?

10 A Yeah, I waited. I called the church and told them
11 that I would not -- probably not make it to the meeting.

12 MR. GREGORY: Please answer any questions the Defense
13 has for you.

14 CROSS-EXAMINATION

15 BY MR. WARDER:

16 Q You said you hear shots all the time?

17 A Yes, sir.

18 Q In a typical week, how many times do you hear shots?

19 A Not in a week, it's just randomly. We never know
20 when they're going to shoot. It's just no way to say
21 randomly. Because I even chalked that up to being -- the
22 Super Bowl was coming up. Sometimes, they like to shoot
23 when something is getting ready to come up.

24 Q With regard to the frequency of them, would you hear
25 them every week?

1 A They're more frequent now than they were back then.
2 So it's nothing for me to not hear them weekly now, I will
3 say that now. But back then, it wasn't that frequent, but
4 it still was often enough for me just to not think nothing
5 like that had happened.

6 Q But it seems like you kind of weren't particularly
7 alarmed. You went ahead and watched the TV?

8 A Yeah, I did. I was -- the thing that got me was how
9 loud and it seemed like it was close. I had never heard
10 that before. Normally, when I hear shots, they're way
11 back. And this one just sounded very close.

12 And I turned down the TV. And when I didn't hear
13 anything, it seemed to me if there was something going on,
14 I would have heard people talking, hollering, whatever. I
15 didn't hear anything. So I turned it back up.

16 Q Okay. And you told me now you hear shots more than
17 you did back then?

18 A Yes, sir.

19 Q And do you always turn the TV down and try to
20 ascertain what's going on?

21 A Yes, sir. Because I have a lot of wrecks on my road.
22 It's very curvy here in this one particular area that one
23 tree kind of catches everybody. So I'm forever calling
24 EMS to come or police to come for wrecks, or whatever. I
25 don't know sounds to know if it's -- it could have been a

1 wreck, it could have been firecrackers, it could have been
2 shots. I don't know, you know. I just...

3 Q You don't call the police every time you hear a shot?

4 A No, not at that time. Now, when we had our community
5 meeting and we all was talking about what had happened,
6 we, eventually, had the sheriff's department to come to
7 one of our meetings. And they told us to not try to
8 determine if they're firecrackers, or whatever. That is
9 their job, call them anyway. So from that point on, I
10 kind of wear them out.

11 Q How often do you call the sheriff's department?

12 A Every time I hear a -- pretty much every time I hear
13 shots. So if it happened to be two days in a row, if I
14 hear them, they're going to get two phone calls, you know.

15 Q Okay. When is the last time you called?

16 A Now, that I don't remember. Because it has been a
17 while. I don't remember when the last time I called. But
18 they've got a sheet. They should have a pretty long sheet
19 with me.

20 MR. WARDER: Thank you.

21 MR. GREGORY: We have no further questions, Your
22 Honor.

23 THE COURT: Do you want her to be released?

24 MR. GREGORY: Please, Judge.

25 Thank you.

1 THE COURT: You may step down, ma'am.

2 MS. GASSER: Your Honor, may we approach?

3 THE COURT: Sure.

4 (WHEREUPON, a bench conference was held.)

5 THE COURT: Ladies and gentlemen of the jury, we're
6 going to take a quick break. Y'all can use the restroom,
7 if you would like. And we will have you back in shortly.

8 Thank you.

9 And, again, do not discuss anything.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 9:56 a.m.)

12 (WHEREUPON, State's Exhibit Nos. 35, 36, 37, 38, 39,
13 40, and 41 were marked for identification only.)

14 MS. GASSER: May it please the Court.

15 Your Honor, we were wondering if right now would be a
16 good time to talk about scheduling?

17 THE COURT: Yes.

18 MS. GASSER: Right now, the next witness is going to
19 be a longer witness. And then we have two custodians of
20 records that will be appearing in the Webex courtroom. My
21 investigator stepped out because we were moving quicker
22 than expected. We told them to log on at 11:00. However,
23 she is asking them to log on at 10:45 just so we can be
24 moving, hopefully, quickly.

25 THE COURT: And we're planning on breaking around

1 12:45.

2 MS. GASSER: Okay. I was going to say I don't
3 believe that those witnesses will take very long. And at
4 that point in time, we could have a break if that would be
5 sufficient with the Court. So probably around 11:30,
6 11:45.

7 Would that be amenable?

8 THE COURT: Just take a break?

9 MS. GASSER: Yes, Your Honor.

10 THE COURT: And resume testimony?

11 MS. GASSER: Yes, Your Honor. We do have several
12 witnesses. Unfortunately, we have some scheduling
13 conflicts. We have one witness that has to go today, one
14 that cannot appear tomorrow. So we're just trying moving
15 or shifting based on that.

16 THE COURT: Okay. Well, we're planning on taking a
17 lunch break around 12:45.

18 MS. GASSER: Okay.

19 THE COURT: However that works.

20 MS. GASSER: Yes, Your Honor.

21 And the State is ready to proceed.

22 THE COURT: We're ready to call the jury back in.
23 Bring them back in.

24 (WHEREUPON, the jury came into open court at
25 approximately 10:10 a.m.)

1 THE COURT: Solicitor.

2 MS. GASSER: May it please the Court.

3 Your Honor, the State calls John Derby.

4 THE CLERK: Sir, please come forward.

5 Place your left hand on the Bible and raise your
6 right hand.

7 WHEREUPON,

8 JOHN DERBY,

9 after first having been duly sworn, testified as follows:

10 THE CLERK: Thank you.

11 Please be seated.

12 And, please, state your name for the record.

13 THE WITNESS: John Derby.

14 THE CLERK: Thank you.

15 DIRECT EXAMINATION

16 BY MS. GASSER:

17 Q Good morning, Mr. Derby.

18 Can you tell the jury where you are from?

19 A Originally, from Florida.

20 Q And who are you currently employed with?

21 A City of Simpsonville.

22 Q And how long have you worked with the City of
23 Simpsonville?

24 THE BAILIFF: The mic's off, I think.

25 THE WITNESS: I've just got to speak louder.

1 I've been employed with the City of Simpsonville
2 since 2018.

3 BY MS. GASSER:

4 Q And what is your current position or title?

5 A I'm the planning director in the planning department.

6 Q And where did you work before you worked for the City
7 of Simpsonville?

8 A Greenville County Department of Public Safety.

9 Q And is that where you were working in February of
10 2014?

11 A Yes. That's correct.

12 Q And what was your position or title there?

13 A I was a forensic specialist.

14 Q And what do forensic specialists do?

15 A With the Department of Public Safety in Greenville
16 County, our job was to respond to a variety of crime
17 scenes to document, preserve, and collect physical
18 evidence.

19 Q And how long were you a forensic specialist with the
20 Department of Public Safety?

21 A A little over six years.

22 Q And were you working on February 1st, 2014?

23 A Yes, ma'am.

24 Q And did you receive a call for service in relation to
25 this case?

1 A Yes, ma'am, I did.

2 Q And do you remember what the nature of that call was?

3 A It was a death investigation.

4 Q And where did you respond to?

5 A Off of Davis Road, a gravel -- what's been mentioned
6 as a service road. It's an unnamed gravel road off of
7 Davis Road.

8 Q And was this in Greenville County?

9 A Yes, ma'am.

10 Q And what did you do first when you got on scene?

11 A Like with any crime scene, we meet with the officers,
12 investigators, EMS, coroner on scene, try to get an
13 understanding of what they have found, what they observed.
14 It kind of starts the investigation from a forensic
15 standpoint.

16 Q And once you have started this investigation, what do
17 you do next?

18 A Basically, we do a walk-through of the scene, kind of
19 go over what the investigators and EMS have found, things
20 of note. It's just a general walk-through of the scene
21 before we start doing photographs.

22 Q So I'm going to come back to things of note. But you
23 talked about you take photographs; is that right?

24 A That's correct.

25 Q And did you take photographs in this case?

1 A Yes, ma'am, I did.

2 Q And if you were to see those photographs again, would
3 you recognize them?

4 A Yes, ma'am.

5 Q I am now showing you what's been premarked for
6 identification purposes as State's Exhibit Nos. 4 through
7 25 and State's Exhibit Nos. 30 and 31.

8 If you'll look through those. And once you're done,
9 let me know.

10 BY MS. GASSER:

11 Q Do you recognize those?

12 A Yes, ma'am.

13 Q And how do you recognize those?

14 A These are the photographs I took at the scene.

15 Q Are they a fair and accurate depiction of the scene
16 that you photographed on February 1st, 2014?

17 A Yes, ma'am.

18 Q And have they been changed or altered in any way?

19 A No, ma'am.

20 MS. GASSER: Your Honor, at this time, the State
21 moves to enter State's Exhibit Nos. 4 through 25, as well
22 as State's Exhibit Nos. 30 and 31.

23 THE COURT: Mr. Warder.

24 MR. WARDER: Your Honor, if it please the Court.

25 I have no objection.

1 THE COURT: Okay. They are all admitted.

2 (WHEREUPON, State's Exhibit Nos. 4, 5, 6, 7, 8, 9, 10,
3 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,
4 25, 30, and 31 were admitted into evidence.)

5 BY MS. GASSER:

6 Q You said you did a walk-through of the scene?

7 A Yes, ma'am.

8 Q When you arrived, can you tell the jury -- let's just
9 walk through what's been admitted into evidence. Can you
10 tell the jury what they're seeing in this photograph?

11 A This is the closest intersection to the gravel road.
12 This is Charles Gandy Way and Davis Road. As you can see
13 on Davis Road, you can see the first responders,
14 investigators, EMS, typical of staging and parking near a
15 scene.

16 Q And are those the first responders you were just
17 referring to?

18 A Yes, ma'am.

19 Q State's Exhibit No. 6, what are we seeing here?

20 A This is a picture right at the -- where the gravel
21 road meets Davis Road looking down towards the scene.
22 You'll see the yellow crime scene tape put up by the
23 officer -- or deputy who arrived before me.

24 Q And is there yellow crime scene tape in the
25 foreground of the photo?

1 A Yes.

2 Q Is that what you're referring to as the crime scene
3 tape at the back?

4 A Yes, ma'am.

5 Q Moving forward to State's Exhibit No. 8. Can you
6 describe to the jury what they're seeing in this
7 photograph?

8 A This is just further down the gravel road. In the
9 picture here is the deceased person in the middle of the
10 road.

11 Q And is this how you found -- when you came on scene,
12 is this what you saw?

13 A Yes, ma'am.

14 Q State's Exhibit No. 11, can you tell the jury what
15 they're seeing here?

16 A This is part of the photographs I take of the
17 surrounding area, all different angles, basically. This
18 was the prior location of the -- where I took of the
19 deceased person. This would be turning to the left, I
20 believe it would be south, photographing the neighborhood.

21 Q So if we're looking back at State's Exhibit No. 8,
22 you said to the left, are you referencing this area here?

23 A Yes, ma'am.

24 Q And you said there's a neighborhood back there?

25 A Some sort of subdivision, yes, ma'am.

1 Q State's Exhibit No. 13, is this that neighborhood --
2 or that subdivision you were referencing in the upper
3 left-hand corner?

4 A Yes, I believe so. I think it's continuous of the
5 prior photograph. This is just further down the gravel
6 road.

7 Q And State's Exhibit No. 14, what does that placard
8 tell you in the photograph?

9 A This is a follow-up photograph. The first photograph
10 we'll take of the scene will be without the placard.
11 That's that yellow -- yellow piece of plastic, basically.
12 It has a scale attached to it. That kind of helps you
13 visualize what we're photographing in the scene that
14 you're not going to be able to see from a normal
15 standpoint because the item is so small.

16 Q So would State's Exhibit No. 15 be a close-up view of
17 what was depicted in State's Exhibit No. 14?

18 A Yes, ma'am.

19 Q And then State's Exhibit No. 16, is that, also, a
20 closer view?

21 A Yes, ma'am.

22 Q And what does a placard tell you?

23 A Basically, it gives you reference of where is the
24 scene. This one has a C on it. This would be an item I
25 would be collecting and giving it the label -- label as a

1 C. Also, it's a scale to reference how -- the size of the
2 object. So we have a variety of these from A to Z, 1 to
3 50. So it really depends which one we want to use that
4 day.

5 Q And you said that this was an item you collected?

6 A Yes, ma'am.

7 Q And what do you do when you collect a piece of
8 evidence on scene?

9 A After I photograph it, we'll log what we believe it
10 to be. We'll collect it and place it inside of an unused
11 paper bag.

12 Q What do you do with that paper bag?

13 A We will seal it, transport it back to the office, and
14 then transport it to property and evidence.

15 Q And did you collect this piece of evidence that's
16 depicted in State's Exhibit No. 16?

17 A Yes, ma'am.

18 Q Did you collect any other physical evidence while on
19 scene at the Charles Gandy Way/Davis Road intersection or
20 gravel path?

21 A Yes, ma'am, I did.

22 Q And if you were to see that evidence again, would you
23 be able to recognize it?

24 A Yes, ma'am.

25 Q The State is going to hand you State's Exhibit

1 No. 33 -- I'm sorry, State's Exhibit Nos. 35, 36, 37, and
2 38. I'm handing you what's been pre-marked as State's
3 Exhibit Nos. 35, 36, 37, and 38. Do you recognize these
4 items?

5 A Yes, ma'am. I do recognize these.

6 Q How do you recognize these items?

7 A These have are bar code labeled that are placed on
8 some of these. I'm not sure about this one. These are
9 typical bar code labels that we put on packages of items
10 that we collect from a scene. They'll identify the case
11 number, the item number for scanning purposes.

12 Q And do these contain your initials on them anywhere?

13 A That one does, JDC, JDD. This one has been
14 repackaged, as well as this one.

15 Q And would opening those up be able to show you the
16 evidence contained within those manila envelopes?

17 A Yes.

18 Q Would you go ahead open those, please?

19 A This item is JDC.

20 THE CLERK: Pardon me, sir. Do you need some water?

21 THE WITNESS: Yes.

22 THE CLERK: Mr. Frazier, would you help him get some
23 water, please?

24 THE WITNESS: Thank you.

25 THE COURT: Can you get the witness some water?

1 Thank you.

2 THE WITNESS: Thank you.

3 This is item JDC. It's in a plastic container. And
4 it does still have my initials on it. This would be the
5 projectile jacket located at the scene.

6 BY MS. GASSER:

7 Q Okay. And would you open the manila envelopes next?

8 A This is an envelope inside an envelope with JD, a
9 case number on it. It's not mine. It's my handwriting on
10 there.

11 It's okay to open it?

12 Q Yes.

13 A This would be a black Verizon touch screen HTC cell
14 phone.

15 Q And did you collect a black Verizon HTC cell phone
16 known as one of the pieces of evidence on scene?

17 A Yes, ma'am.

18 Q And would you open that final manila envelope?

19 A Do you want me to put these back in here?

20 Q You can leave them out.

21 A Okay. These contain three smaller envelopes, JDE,
22 JDF, and JDG. It's cartridge casings located at the
23 scene. Those are my original initials and handwriting on
24 them.

25 Q And you collected those cartridge casings on the

1 scene?

2 A Yes, ma'am.

3 Q Now, all this evidence that you collected from the
4 scene that day, is it fairly and accurately depicted?

5 A Yes, ma'am.

6 Q Have they been changed or altered in any way?

7 A It does not appear so.

8 MS. GASSER: Your Honor, the State moves to enter
9 State's Exhibit Nos. 35, 36, 37, and 38.

10 THE COURT: Any objection from Defense?

11 MR. WARDER: Yes, Your Honor. I have -- I guess I
12 have a matter to take up.

13 THE COURT: Can you take the jury back to the jury
14 room, please, sir?

15 (WHEREUPON, the jury was excused from open court at
16 approximately 10:29 a.m.)

17 THE COURT: Okay. Mr. Warder.

18 MR. WARDER: Your Honor, if it please the Court.

19 When the evidence is presented in envelopes, I have
20 to see the contents of the envelope before I can tell Your
21 Honor whether I have an objection. It might be
22 objectionable and it might not. But when they hand me a
23 big envelope and say, Do you object to 35? I can't tell
24 you whether I object to it until I see it.

25 THE COURT: And they've identified what each exhibit

1 is.

2 MR. WARDER: He's identified that he's got it, that
3 he picked it up at the scene. But that doesn't -- I need
4 more information than it came from the scene to tell you
5 whether I object. I could have all kinds of other
6 objections.

7 THE COURT: Counsel.

8 MS. GASSER: I believe that those sound like great
9 cross points. The evidence, I believe, has been
10 authenticated by this former forensic technician as being
11 the physical evidence that he collected on scene. He said
12 that he is the one that collected it. His initials are on
13 each of the packages. He did have to open two of the
14 packages to see his original packaging. But he was the
15 one that collected the items and placed them in property
16 and evidence.

17 The reason we can't open the manila envelopes for
18 counsel at Defense table is due to chain of custody.
19 Because I believe then it would warrant an objection if
20 the witness receives it opened. Therefore, that's the
21 State's position on -- in terms of opening envelopes or
22 opening bags and letting it be the appropriate witness to
23 do so.

24 THE COURT: Your objection is overruled and noted for
25 the record.

1 Do you have anything else right now?

2 MR. WARDER: Not right now.

3 THE COURT: Okay. Can you, please, bring the jury
4 back?

5 MS. GASSER: May it please the Court, Your Honor.

6 THE COURT: Yes, ma'am.

7 MS. GASSER: At this time, the State does move to
8 enter State's Exhibit No. 35, 36, 37, and 38 into
9 evidence.

10 THE COURT: And they've been admitted into evidence.
11 (WHEREUPON, State's Exhibit Nos. 35, 36, 37, and 38
12 were admitted into evidence.)

13 CONTINUED DIRECT EXAMINATION

14 BY MS. GASSER:

15 Q All right. So, Mr. Derby, you spoke about -- or you
16 talked about the projectile jacket here. And State's
17 Exhibit No. 36, which has just been entered into evidence,
18 is this that projectile jacket --

19 A Yes, ma'am.

20 Q -- that is depicted in State's Exhibit No. 16?

21 A (There was no response.)

22 Q Is that what's depicted in State's Exhibit No. 16?

23 A Yes, ma'am.

24 Q And where did you locate this projectile jacket from?

25 A The gravel road towards the end.

1 Q Towards the end. Was that towards -- from State's
2 Exhibit No. 14, is that near the back -- the back caution
3 tape we saw from one of the earlier photographs?

4 A Yes, ma'am.

5 Q Moving forward, State's Exhibit No. 17, can you tell
6 the jury what they're seeing here?

7 A This is a shot, I believe, going back towards Davis
8 Road.

9 Q Is this from the approximate area in which you found
10 State's Exhibit No. 36, the projectile jacket?

11 A Yes, ma'am.

12 Q Can you tell the jury what's depicted in State's
13 Exhibit No. 18?

14 A These are evidence placards for G, E, and F. These
15 are cartridge casings -- spent projectile casings that
16 were found just off the gravel road next to the deceased.

17 Q State's Exhibit Nos. 19 and 20, are these some of
18 those projectile jackets -- or State's Exhibit No. 19, is
19 this one of those projectile jackets -- or casings?

20 Excuse me.

21 A Yes, ma'am. Casings, yes.

22 Q And are those the three casings that were just
23 entered into evidence under State's Exhibit No. 35?

24 A Yes, ma'am.

25 Q The three shell casings.

1 Moving forward to State's Exhibit No. 21, is this one
2 of those shell casings?

3 A Yes, ma'am.

4 Q And what was the state in which you found those three
5 shell casings?

6 A A lot of them were tarnished. They kind of give the
7 indication they were weathered. Some of them were kind of
8 in the leaves, debris in the dirt area.

9 Q Does this depict some of that tarnishment?

10 A Yes, ma'am.

11 Q State's Exhibit No. 22?

12 A Yes, ma'am.

13 Q State's Exhibit No. 23, is that that final casing out
14 of the three?

15 A Yes, ma'am.

16 Q Was that the state in which you found it?

17 A Yes, ma'am.

18 Q State's Exhibit No. 25, can you tell the jury what
19 they're seeing in this photograph?

20 A This is evidence placard A next to a cell phone.

21 Q Did you -- was that the cell phone you collected from
22 the scene you testified to earlier?

23 A Yes, ma'am.

24 Q And is that the same cell phone as State's Exhibit
25 No. 38?

1 A Yes, ma'am.

2 Q And where did you find this cell phone?

3 A I believe this was right next to the deceased's body.

4 Q State's Exhibit -- did you examine the deceased on
5 scene?

6 A Yes, ma'am.

7 Q Did you take photographs of the deceased on scene?

8 A Yes, ma'am.

9 Q What's already been previously entered as a State's
10 Exhibit No. 30, can you describe to the jury what they're
11 seeing here?

12 A This is the back of the deceased's head. This is an
13 article of clothing he has with a suspected blood stain on
14 the back of the hoodie area with a suspected projectile
15 hole.

16 Q And what's previously been entered into evidence as
17 State's Exhibit No. 31, can you tell the jury what they're
18 seeing here?

19 A This is one of the coroners or investigators
20 assisting me. They're pulling back the article of
21 clothing showing the projectile inside of the hoodie area.

22 Q And what's previously been entered into evidence as
23 State's Exhibit No. 37, is this that projectile you
24 located within the hoodie on scene?

25 A Yes, ma'am.

1 Q Mr. Derby, after taking photographs and collecting
2 evidence on scene, did you go anywhere else in relation to
3 this case?

4 A Yes, ma'am.

5 Q Where did you go?

6 A I went back to the office to package and process some
7 of the items as well as the medical examiner's GMH for
8 autopsy.

9 Q Did you attend the autopsy?

10 A Yes, ma'am.

11 Q Did you take photographs during the autopsy?

12 A Yes, ma'am.

13 Q Did you photograph the decedent's possessions?

14 A Yes, ma'am.

15 Q Did you photograph the body during the autopsy?

16 A Yes, ma'am.

17 Q Did you photograph any other evidence during the
18 autopsy?

19 A Yes, ma'am, I did.

20 Q Did you collect any evidence during the autopsy?

21 A Yes, ma'am, I did.

22 Q And would you recognize the photographs and evidence
23 if you were to see them again?

24 A Yes, ma'am.

25 Q I'm handing you what's been pre-marked for

1 identification purposes as State's Exhibit Nos. 26, 27,
2 28, and 29. Do you recognize these?

3 A Yes.

4 Q And are they a fair and accurate depiction of items
5 you photographed during the autopsy of the victim in this
6 case?

7 A Yes, ma'am.

8 Q Have they been changed or altered in any way, other
9 than in compliance with the rules of evidence?

10 A No, they have not.

11 MS. GASSER: Your Honor, at this time, the State
12 moves to enter State's Exhibit Nos. 26 through 29 into
13 evidence.

14 THE COURT: Counsel, any objection?

15 MR. WARDER: No objection, Your Honor.

16 THE COURT: Okay. They're admitted into evidence.

17 (WHEREUPON, State's Exhibit Nos. 26, 27, 28, and 29
18 were admitted into evidence.)

19 BY MS. GASSER:

20 Q Mr. Derby, you testified earlier that you did take
21 pictures of the decedent's possessions during autopsy;
22 correct?

23 A Yes, ma'am.

24 Q State's Exhibit No. 26, is that some of the
25 possessions of the decedent, Marquail Hellams?

1 A Those are the things photographed at the autopsy,
2 yes, ma'am.

3 Q Specifically, was this the currency that was located
4 on Mr. Hellams at the time of his death?

5 A Yes, ma'am.

6 Q And were you present when this currency was removed
7 from the decedent's body?

8 A Yes, ma'am.

9 Q State's Exhibit No. 27, can you tell the jury what
10 they are seeing in this photograph?

11 A These are two projectiles.

12 Q And where were these projectiles located?

13 A Inside the victim.

14 Q And did you collect these projectiles?

15 A Yes, ma'am.

16 Q Did you place them into evidence as you previously
17 testified as to evidence from the scene?

18 A Yes, ma'am.

19 Q Was it the same way, you put it in bags and take it
20 to property and evidence?

21 A Yes, ma'am.

22 Q Would you recognize them again if you were to see
23 them?

24 A Yes, ma'am.

25 Q I'm handing you what's been pre-marked as State's

1 Exhibit Nos. 39 and 40. Mr. Derby, if you would open
2 those packages, and review those items, and let me know if
3 you recognize them.

4 A The first one is JD-1, projectile recovered from
5 victim's left clavicle. It still has my evidence and
6 signature on the back. This is the typical plastic
7 container we house projectiles collected.

8 Q And is that one of the projectiles that you collected
9 and placed into property and evidence during the autopsy?

10 A Yes, ma'am.

11 The next one is JD-2, projectile from front right
12 chest cavity. It still has evidence and my signature on
13 it. And this would be the second projectile.

14 Q All right. Is that the second projectile that you
15 collected from the autopsy in this case?

16 A Yes, ma'am.

17 Q Have these been changed or altered in any way?

18 A It does not appear so.

19 Q Are they a fair and accurate depiction of the
20 projectiles you collected during autopsy?

21 A Yes, ma'am.

22 MS. GASSER: Your Honor, at this time, the State
23 moves to enter State's Exhibit Nos. 39 and 40 into
24 evidence.

25 THE COURT: Counsel?

1 MR. WARDER: No objection, Your Honor.

2 THE COURT: Okay. They're admitted.

3 (WHEREUPON, State's Exhibit Nos. 39 and 40 were
4 admitted into evidence.)

5 BY MS. GASSER:

6 Q So, Mr. Derby, to be clear, the two projectiles
7 photographed in State's Exhibit No. 27 are the two
8 projectiles that you collected, placed into evidence --
9 property and evidence, and have now been entered into
10 evidence as State's Exhibit Nos. 39 and 40?

11 A Yes, ma'am.

12 Q And State's Exhibit No. 28, can you tell the jury
13 what this is depicting?

14 A This is just another photograph up close of the
15 projectile.

16 Q And State's Exhibit No. 29?

17 A Same thing, same projectile.

18 Q Okay. Did you collect -- you stated -- you testified
19 earlier you collected items belonging to the victim;
20 correct?

21 A Yes.

22 Q Did you collect any clothing from the victim?

23 A Yes, ma'am, I did.

24 Q I'm handing you what's been pre-marked as State's
25 Exhibit No. 41, do you recognize this?

1 A This would be item JD-11. This is a typical brown
2 paper bag we use to package evidence in. This is a black
3 leather hoodie jacket, size medium.

4 Q And why did you collect a jacket in this case?

5 A It's all part of the scene -- original scene. It has
6 items inside of it that were removed. So it's part of the
7 evidence as well.

8 Q And is this the same jacket located on the deceased's
9 body on the scene?

10 A Yes, ma'am.

11 Q And is this the same jacket depicted in State's
12 Exhibit No. 30?

13 A Yes, ma'am.

14 Q Would you go ahead and open that up just so you can
15 see the contents of what's inside?

16 A Take it all the way out?

17 Q Without showing it to the jury, just to confirm
18 whether it is what you remember collecting from the
19 autopsy.

20 A It appears so. It was a black leather jacket with
21 some interior kind of hoodie design.

22 Q And is this a fair and accurate depiction of the
23 jacket that you collected from the autopsy in this case?

24 A Yes, ma'am.

25 Q Has it been changed or altered in any way?

1 A Not that I'm aware of.

2 MS. GASSER: Your Honor, at this time, the State
3 moves to enter State's Exhibit No. 41 into evidence.

4 THE COURT: Counsel?

5 MR. WARDER: No objection.

6 THE COURT: Without objection.

7 (WHEREUPON, State's Exhibit No. 41 was admitted into
8 evidence.)

9 BY MS. GASSER:

10 Q And just to confirm, this is the jacket in the
11 photograph earlier, State's Exhibit No. 30?

12 A Yes, ma'am.

13 Q Mr. Derby, did you create any diagrams in this case?

14 A Yes, I did.

15 Q Is that typical for a forensics technician to do that
16 in cases of this nature?

17 A Yes, ma'am, it is.

18 Q And why would you create a diagram?

19 A It helps the investigators looking at where things
20 were collected. Also, it helps for reconstruction of the
21 crime scene if you ever need to put the crime scene back
22 together. You take measurements and those are depicted on
23 a graph.

24 Q And if you -- excuse me. If you were to see those
25 diagrams again, would you recognize them?

1 A Yes, ma'am.

2 (WHEREUPON, State's Exhibit Nos. 42 and 43 were
3 marked for identification only.)

4 BY MS. GASSER:

5 Q I'm handing you what's been pre-marked as State's
6 Exhibit Nos. 42 and 43. Do you recognize those?

7 A Yes, ma'am, I do.

8 Q And how do you recognize them?

9 A These are typical diagram templates we use.
10 Everything inside is illustrations I drew of the crime
11 scene.

12 Q And is this a diagram you created?

13 A Yes, ma'am.

14 Q After you attended the crime scene?

15 A Yes, ma'am.

16 Q Are they a fair and accurate depiction of the
17 diagrams that you created?

18 A Yes, ma'am.

19 Q Have they been changed or altered in any way?

20 A No, ma'am.

21 MS. GASSER: At this time, Your Honor, the State
22 moves to enter State's Exhibit Nos. 42 and 43 into
23 evidence.

24 THE COURT: Mr. Warder?

25 MR. WARDER: No objection, Your Honor.

1 THE COURT: Okay. No objection. State's Exhibit
2 Nos. 42 and 43 are admitted.

3 (WHEREUPON, State's Exhibit Nos. 42 and 43 were
4 admitted into evidence.)

5 BY MS. GASSER:

6 Q Mr. Derby, State's Exhibit No. 42, can you just
7 explain a little bit for the jury utilizing either the
8 screen in front of you or the large television behind you
9 what they're seeing in State's Exhibit No. 42?

10 A This is the sketch drawn by me. I have a CAD system
11 that kind of helps provide the items in there for
12 illustration purposes. This is, basically, an overview
13 and drawing of what was collected at the scene.

14 Q And State's Exhibit No. 43, can you explain to the
15 jury what they're seeing here?

16 A Correct. This would be a closer illustration of the
17 scene. The other one is kind of an overview. It's a
18 larger crime scene. So we have so much detail that if you
19 want to put it into a sketch, it's easier to break it down
20 and make it easier to read. This is a close-up
21 illustration.

22 Q And what is depicted here next to JDA? Is this the
23 decedent?

24 A Yes, ma'am.

25 Q And JDA, was that the cell phone that's previously

1 been entered into evidence?

2 A Yes, ma'am.

3 Q These three JDE, JDF, and JDG, are those the three
4 casings that have been previously entered into evidence?

5 A Yes, ma'am.

6 Q Going down here, what does this mean over here, JDC,
7 end of road with an arrow?

8 A This is showing you that I couldn't put the JDC into
9 the close-up illustration. It should be on the previous
10 one, the overview one. Correct. Yes. Just giving the
11 length of how far the scene was. Again, this is the
12 overview and the other one is a close-up of the deceased.

13 Q And how far away was JDC from the deceased?

14 A About 176 feet.

15 MS. GASSER: I have no further questions. Please
16 answer any Defense Counsel may have.

17 THE COURT: Mr. Warder.

18 CROSS-EXAMINATION

19 BY MR. WARDER:

20 Q You told us that you collected some shells that were
21 tarnished?

22 A Yes, sir.

23 Q And were they laying on top of the ground or under
24 leaves?

25 A Some were underneath, some were on top, yes, sir.

1 Q Okay. And the tarnishing on the shells, is this from
2 being out in the weather?

3 A Yes, sir.

4 Q Okay. And could you determine how long those shells
5 had been out in the weather?

6 A Not, specifically. Just before I arrived there.

7 Q Well, it's the brass casings that tarnish with --
8 with the weather, isn't it?

9 A Yes, sir. That's one of them.

10 Q And that's not an instantaneous process, is it?

11 A No, sir.

12 Q It takes some time?

13 A Yes, sir.

14 Q Did you determine how many weeks or months it would
15 take to tarnish them?

16 A No, sir, I did not.

17 MR. WARDER: Thank you.

18 MS. GASSER: No further questions, Your Honor.

19 THE COURT: I will release this witness.

20 MS. GASSER: Thank you, Your Honor.

21 THE COURT: You may step down.

22 Thank you.

23 MS. GASSER: Your Honor, may we approach?

24 THE COURT: Yes, you may.

25 (WHEREUPON, a bench conference was held.)

1 THE COURT: Okay. Will you, please, take the jury
2 back?

3 This is going to be very brief. We're just trying to
4 get the technology working properly.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 10:56 a.m.)

7 THE COURT: We're going to let Daniel Reid in now.

8 (WHEREUPON, State's Exhibit Nos. 44, 45, 46, and 47
9 were marked for identification only.)

10 MS. GASSER: May it please the Court.

11 Just so we don't have to send the jury out, I just
12 wanted to advise the Court of the next two witnesses. We
13 are seeking to admit phone records from Verizon and AT&T
14 in this case each under a certificate of authenticity from
15 the company. While there are custodians of records that
16 will be here to explain that records were turned over in
17 this case, we are seeking to enter these under the
18 certificates, which I can go ahead and enter into evidence
19 under that rule.

20 THE COURT: Okay. Any objection?

21 MR. WARDER: No objection.

22 THE COURT: Okay.

23 MS. GASSER: So --

24 THE COURT: Have you marked those?

25 MS. GASSER: Yes, Your Honor. That's State's Exhibit

1 No. 44, which is one certificate. State's Exhibit No. 45,
2 which is a thumb drive of the Verizon cellar records for
3 number 864-230-9521. State's Exhibit No. 46, which is a
4 certificate from AT&T. And State's Exhibit No. 47, which
5 are the phone records for number 864-643-8770.

6 THE COURT: Okay. And I just want to make sure it's
7 clear on the record. No objection to State's Exhibit Nos.
8 44, 45, 46, or 47?

9 MR. WARDER: That's correct.

10 THE COURT: Okay. I just wanted to make sure
11 everything is --

12 Thank you.

13 Can we bring them back in now?

14 MS. GASSER: Yes, Your Honor. And I will be placing
15 this on the record in front of the jury.

16 (WHEREUPON, State's Exhibit Nos. 44, 45, 46, and 47
17 were admitted into evidence.)

18 THE COURT: Please bring the jury back in.

19 Thank you.

20 (WHEREUPON, the jury came into open court at
21 approximately 11:03 a.m.)

22 THE COURT: You can proceed.

23 MS. GASSER: May it please the Court.

24 The State calls Daniel Reid.

25 THE CLERK. Can he hear me from here?

1 THE COURT: Mr. Reid, can you hear her?

2 (WHEREUPON, there was no verbal response.)

3 THE CLERK: All right. Sir, would you, please, raise
4 your right hand?

5 WHEREUPON,

6 DANIEL REID,

7 after first having been duly sworn, testified as follows:

8 THE CLERK: And, please, state your name for the
9 record.

10 THE WITNESS: Daniel Reid.

11 THE CLERK: Thank you.

12 (WHEREUPON, Witness Daniel Reid appeared remotely
13 via Webex.)

14 DIRECT EXAMINATION

15 BY MS. GASSER:

16 Q Good morning, Mr. Reid.

17 Can you, please, tell the jury where you're currently
18 employed?

19 A I'm so sorry. I can barely hear you.

20 Q I'm sorry. Can you hear me now?

21 A Oh, yes. That's much better.

22 Thank you.

23 Q And can you, please, tell the jury where you are
24 currently employed?

25 A Verizon.

1 Q And what is your position or title there?

2 A I'm a court senior analyst.

3 Q What does that mean?

4 A So I handle -- acting as a custodian of records in
5 criminal and civil matters such as this one. We, also,
6 handle small claims cases and other legal executive
7 complaints that come to our office.

8 Q And how long have you been a custodian of records for
9 Verizon?

10 A 10 years ago now.

11 Q And what are your -- you kind of went into it
12 already. But what are some of your responsibilities?

13 A Again, acting as a custodian of records to
14 authenticate Verizon business records. Again, we defend
15 Verizon in small claims matters and handle executive
16 complaints that come to our office.

17 Q And do you receive training or any kind of ongoing
18 education to be a custodian of records for Verizon?

19 A We do receive routine training and review records on
20 a regular basis.

21 Q Have you ever testified in court before?

22 A Yes.

23 Q Do you know approximately how many times?

24 A Perhaps, around 50, or so.

25 Q And do you testify around the country?

1 A Yes.

2 Q Now, talking, specifically, about Verizon, in the
3 regular course of business, does Verizon keep records of
4 their customers accounts?

5 A Yes.

6 Q And in the regular course of business, does Verizon
7 store that information concerning phone records?

8 A Yes.

9 Q Do they, also, store information concerning other
10 pertinent information regarding their customers?

11 A Yes.

12 Q And does Verizon's storage process accurately keep
13 the records of those clients phone records?

14 A Yes.

15 Q What in the regular course of business does Verizon
16 do with those clients phone records?

17 A Well, for our perspective, it's mostly to maintain
18 the integrity of our network and, also, for the billing
19 purposes.

20 Q And how long does Verizon keep phone records?

21 A Depending on the record, it varies. I mean, I guess
22 it depends on what type of records you're asking.

23 Q If you were -- say, you were to receive a request to
24 keep records safe for law enforcement, what would you --
25 how long would Verizon keep them for?

1 A I understand. That's, typically, retained for two
2 years.

3 Q All right. And are records kept in the regular
4 course of business?

5 A Yes.

6 Q Are they kept as fair and accurate representations of
7 the phone records of the customer when they are kept?

8 A Yes.

9 Q And how are they kept? On what medium or where are
10 they stored?

11 A We usually store them in our database. So it's,
12 typically, a digital format whether that be Excel or PDF
13 in a file.

14 Q And as part of your official duties as a custodian,
15 do you have access to Verizon documents?

16 A I have access to the records in question, yes.

17 Q And were there records turned over in relation to
18 this case?

19 A So based on when these were requested, it's outside
20 of that retention period of two years that we discussed.
21 But we did review the records, specifically, Matthew
22 Griffin in our security system's team. And they did
23 verify that they are substantially in the same format and
24 appearance as records that are created and maintained by
25 Verizon in the normal course of business.

1 Q So when you say outside the retention period, is that
2 because these records were requested back in 2014?

3 A Yes. That's correct.

4 Q And were -- based on y'all's records, were they
5 turned over in 2014 to law enforcement in South Carolina?

6 A Again, we no longer have these records. So we went
7 based on the information that was provided to us. So
8 based upon this information, again, they do bear
9 substantially the same format and appearance as records
10 that we would have produced.

11 Q And I think you said that Matthew Griffin,
12 specifically, reviewed them as being the -- I believe it
13 was the -- true and correct, to the best of his knowledge
14 and belief?

15 A That's correct.

16 MS. GASSER: Your Honor, permission to publish what's
17 already been entered into evidence as State's Exhibit
18 No. 44.

19 THE COURT: Certainly.

20 MS. GASSER: Since we don't have the overhead
21 capacity during the WebEx hearing, Your Honor, permission
22 to publish to the jury just by traditional methods.

23 THE COURT: Yes.

24 BY MS. GASSER:

25 Q So, Mr. Reid, you said you were able to access and

1 look at the records in question for this case; correct?

2 A Yes.

3 Q Were you able to tell us what phone number these
4 records were associated with?

5 A Yes.

6 Q Which phone number was that?

7 A 864-230-9521.

8 Q And was there a subscriber or a customer listed for
9 that account?

10 A On these ones, there was not. On the subscriber
11 information, it, essentially, came back that it had been
12 forwarded to the reseller, which at that point was Stark
13 Wireless Group, Incorporated, a track phone.

14 Q And do you have the date range for which these
15 records were requested from?

16 A So I'm looking at the requested time frame. It says,
17 January 1st, 2014 through February 2nd, 2014.

18 Q And what kind of information is captured in Verizon's
19 phone records?

20 A So the records here were -- it looks like there was a
21 cell site list that was provided. There was an
22 incoming/outgoing call. So that's going to tell you what
23 calls were made and received. There was, also, that
24 subscriber information that we just discussed and RTT,
25 which is the realtime tool.

1 And then in addition to those items, there was, also,
2 an explanation form for the calls, as well as an
3 explanation form for text messaging. Although, I didn't
4 see a separate text message file in there.

5 Q All right. So let's talk about what is a cell site
6 list. Can you explain that to the jury?

7 A A cell site list is going to tell you the actual --
8 the address that's input for the specific cell site, as
9 well as latitude and longitude for that actual cell site.
10 That's going to detail those locations for you.

11 Q When you say "cell site," is that the phone? Or what
12 is that?

13 A No. The cell site is, actually, what you connect to
14 when you're making a phone call. So, for example, the
15 phone doesn't just work. They need to connect to our
16 network.

17 And we -- our network is our cell sites. You've
18 probably seen them on the side of highways or freeways.
19 We, generally, try to make them not too obvious out there.
20 But your phone needs to effectively connect to a cell site
21 in order to make a phone call.

22 Q Is it more commonly called a cell tower?

23 A Those terms are interchangeable, cell tower, cell
24 site, either or.

25 Q And then you talked about RTT, a realtime tool. What

1 does that mean?

2 A So the realtime tool is -- basically, it's primarily
3 a report that's used as a network performance tool. So a
4 lot of information in there is strictly for performance of
5 our network. Typically, when we're talking about the
6 realtime tool report and round trip delay disclaimer, we
7 usually share the funneling disclosure, which, basically,
8 says that the latitude and longitude measurements on the
9 realtime tool or RTT report are derived solely from the
10 round trip delayed measurement. They're best estimates
11 and are not related to any GPS measurement.

12 So measurements with a high confidence factor may be
13 more accurate than measurements with a low confidence
14 factor. But all measurements contained on the report are
15 best estimates, rather than precise location. That report
16 will, typically, also, kind of tell you what type of event
17 was being captured as well. So whether it's a call, text,
18 or data.

19 Q All right. And for those of us that are a little --
20 not familiar with cellar phone records, can you boil down
21 that disclaimer that you just said?

22 A Yeah. So in other terms, again, the report is used
23 as a network performance tool. That's really what it is.

24 But the -- there's, basically, a measurement of,
25 typically, how far the signal traveled from your phone to

1 that cell site or cell tower. And, effectively, that
2 gives you an idea of how far you were from that cell site.
3 But, again, it's merely an estimate with respect to that.

4 MS. GASSER: All right. Mr. Reid, I have no further
5 questions for you. Please answer any the Defense has.

6 But, Your Honor, at this time, the State would like
7 to reiterate that's been entered into evidence, the phone
8 records that the witness just testified to.

9 THE COURT: It's been admitted.

10 Mr. Warder or Mr. Sanford.

11 MR. WARDER: No questions.

12 THE COURT: No questions.

13 Okay. We can release this witness?

14 MS. GASSER: Yes, Your Honor.

15 THE COURT: Thank you, Mr. Reid.

16 THE WITNESS: Thank you all.

17 Have a good day.

18 THE COURT: Take care.

19 MS. GASSER: The State now calls Chris Ritchell.

20 MR. CHRIS RITCHELL: Can you all see me and hear me?

21 THE COURT: Yes. Mr. Ritchell, can you see and hear
22 us?

23 THE WITNESS: Yes.

24 THE COURT: The clerk will swear you in.

25 THE CLERK: Mr. Ritchell, raise your right hand and

1 place your -- raise your right hand.

2 WHEREUPON,

3 CHRIS RITCHELL,

4 after first having been duly sworn, testified as follows:

5 THE CLERK: Yes. Please state your name.

6 THE WITNESS: Chris Ritchell.

7 (WHEREUPON, Witness Chris Ritchell appeared remotely
8 via Webex.)

9 DIRECT EXAMINATION

10 BY MS. GASSER:

11 Q Good morning, Mr. Ritchell. Can you, please, tell
12 the jury where you're currently employed?

13 A Good morning.

14 I am employed by AT&T.

15 Q And what is your position or title there?

16 A Currently, I am a trial analyst.

17 Q What does that mean?

18 A Trial analyst is, basically, the custodian of the
19 records. I will go to court and explain how our records
20 are kept, why they're kept, the manner they're kept. And
21 then if we need be to, explain each and every call so that
22 everybody understands exactly what we're talking about.

23 Q And how long have you held that position?

24 A For about 10 years.

25 Q What did you do before being a trial analyst?

1 A I worked -- I've been working for AT&T since 1984. I
2 retired in 2020. I was a radio frequency engineer. And
3 now, I am a contractor for AT&T. And this July 1st would
4 have been my fortieth year.

5 Q Congratulations.

6 And you kind of went into it a bit about your trial
7 analyst duties and responsibilities. Do y'all receive any
8 kind of training or ongoing education for that role?

9 A Yes. Actually, periodically, we do -- we do go
10 through -- we do have seminars that go through everything.
11 Because there are changes, especially with the network
12 changes every so often.

13 Q And have you ever testified in court before?

14 A Yes, I have.

15 Q Approximately how many times have you testified?

16 A A hundred.

17 Q Do you testify all over the country?

18 A Yes, I do.

19 Q Okay. So earlier, you testified that you talk about
20 how phone records are stored. Are these stored in the
21 regular course of business for AT&T?

22 A Yes, they are.

23 Q And so does AT&T keep records of their customers
24 accounts?

25 A They do, yes.

1 Q And in the regular course of business, do they store
2 information concerning phone records and other pertinent
3 information for their customers?

4 A Yes. Yes, they do.

5 Q You, also, testified earlier that you can talk about
6 the manner in which the records are stored. Can you
7 explain that to the jury?

8 A Yes. The records are -- first off, we use these
9 records for billing purposes, but, also, for network
10 integrity. If somebody calls up having a negative
11 experience on our network, you know, we'll use their call
12 records and cell site records to try to determine what the
13 problem was and fix it.

14 Q And how are these records stored? Where are they
15 stored?

16 A They're stored digitally -- digitally off site. And
17 then they can be -- we can disperse them in either PDF or
18 in cell format.

19 Q And when you say "disperse," what does that mean?

20 A The records are kept in computer lingo, computer
21 programming. To look at it, you probably couldn't discern
22 what it all means. So it has to go through an Excel
23 format to add the commas and make itself readable.

24 Q And does the AT&T storage process accurately keep
25 these records?

1 A Yes, it does.

2 Q And how long does AT&T, typically, keep their
3 customers phone records?

4 A The FCC mandates that we keep them no sooner than
5 seven years, at least, seven years.

6 Q And are these kept in the regular course of business?

7 A Yes. Yes, they are.

8 Q When they are stored by AT&T, are they fair and
9 accurate representations of the phone records of a
10 customer?

11 A Yes.

12 Q And as part of your official duties, do you have
13 access to these documents?

14 A I have access to them when they are shown to me.
15 Being a contractor now, I'm no longer allowed to just
16 access them as an employee.

17 Q And in this case, specifically, were you given access
18 to documents?

19 A I was. I was shown these documents, yes.

20 Q And did you review these documents?

21 A I did.

22 Q And was a certification of authenticity issued by
23 AT&T in this case?

24 A These records are from 2014. So we were not -- we
25 had no way of re-printing them now because of the --

1 because they're out of date. But at the top of the
2 records, there is -- top left-hand corner, it will say,
3 Run date. And that will tell us the date that the records
4 were run.

5 Q And that run date, was that back in 2014?

6 A Off the top of my head, I don't remember. I don't
7 have it in front of me. I'm sorry.

8 Q Let's see here. Did you work at all with Andy
9 Mauldinaldo [phonetic]?

10 A I know who he is, yes.

11 Q And is it typical for Mr. Mauldinaldo to issue
12 authenticity verifications?

13 A Yes. Yes, it is.

14 MS. GASSER: Your Honor, permission to publish to the
15 jury State's Exhibit No. 46, which has been previously
16 entered into evidence.

17 THE COURT: Certainly.

18 BY MS. GASSER:

19 Q Now, Mr. Ritchell, you said you were able to review
20 these records. Do you remember who the AT&T subscriber
21 was listed as?

22 A I don't. I'm sorry.

23 Q Okay. Do you remember the phone number for these
24 records?

25 A I have written down 864-643-8770.

1 Q Okay. And what information is, typically, captured
2 on phone records by AT&T?

3 A Could I back up one second?

4 Q Yes.

5 A You asked me the name that was on it. I have written
6 down Ken Griffin was the name as the billing party.

7 Q So that would have been the billing party; correct?

8 A Yes. The party responsible for paying the bill, yes.

9 Q And one more time, what was that phone number that
10 was requested?

11 A 864-643-8770.

12 Q All right. And what information is, typically,
13 captured on phone records for AT&T?

14 A The phone records will capture the date, the time of
15 the call. It will have the originating phone number, the
16 individual making the phone call. It will have the
17 terminating number, the number receiving the call. It
18 will have the elapsed time of the call.

19 It will give us the serial number of the actual
20 handset itself. It will, also, give us the serial number
21 of the SIM card. And the SIM card is what goes into the
22 phone and connects the phone with the network just to make
23 sure the phone is legal and can be on air.

24 Let's see. It will, also, have some featured codes
25 that may give us some direction of what went on the phone

1 call, whether it had caller ID, whether it went to
2 voicemail. And then some call records will have tower
3 information, which will have cell tower, cell site
4 information, the tower that handled the call, the latitude
5 and longitude of where the tower is.

6 It will tell us what face -- a cell tower is made up
7 of three faces. One points north, one points southeast,
8 and one points southwest. It will, also, tell us which
9 direction the individual that was making the phone call or
10 receiving the phone call where they were in direction --
11 in relation to the cell site.

12 Q Okay. And just to be clear, a handset, what is that?

13 A That is the actual physical phone that you have in
14 your hand that you make the call on.

15 Q And what is a cell site?

16 A A cell site or cell tower is the medium by which the
17 phone will connect with the network. The cell tower is
18 critical to making the phone call so that the call is --
19 you know, the call quality is good and the -- you can hear
20 everything properly.

21 MS. GASSER: Your Honor, permission to place what's
22 already been entered into evidence as State's Exhibit No.
23 47, to publish that to the jury. That being the cell
24 records from AT&T in relation to 864-643-8770.

25 THE COURT: Permission granted.

1 MS. GASSER: All right. Mr. Ritchell, I have no
2 further questions. Please answer any Defense Counsel has.

3 THE WITNESS: Thank you.

4 MR. WARDER: Your Honor, may it please the Court.
5 I have no questions.

6 THE COURT: All right. This witness can be excused
7 and released?

8 MS. GASSER: Yes, Your Honor.

9 THE WITNESS: You all have a wonderful day.
10 Thank you.

11 THE COURT: Thank you, sir.

12 MS. GASSER: Your Honor, may we approach?

13 THE COURT: Sure.

14 (WHEREUPON, a bench conference was held.)

15 THE COURT: The State's next witness.

16 MS. GASSER: The State calls Wayne Campbell.

17 THE CLERK: Sir, if you'd, please, come forward.
18 Place your left hand on the Bible and raise your
19 right hand.

20 WHEREUPON,

21 WAYNE CAMPBELL,
22 after first having been duly sworn, testified as follows:

23 THE CLERK: Thank you.

24 Please be seated.

25 And, please, state your name for the record.

1 THE WITNESS: Wayne Campbell.

2 THE CLERK: Thank you, sir.

3 DIRECT EXAMINATION

4 BY MS. GASSER:

5 Q Good morning, Mr. Campbell.

6 Can you tell the jury where you're currently
7 employed?

8 A The Greenville County Sheriff's Office.

9 Q And what is your position or title there?

10 A I am a school resource officer.

11 Q What school are you working at?

12 A Fork Shoals Elementary.

13 Q And how long have you been at Fork Shoals Elementary?

14 A Since the beginning of this school year.

15 Q And before that, what were you doing?

16 A I worked in various positions with the sheriff's
17 office. I was in cold case, missing persons, property
18 crimes, and then homicide before those.

19 Q How long have you been with the sheriff's office?

20 A Since 2002.

21 Q And when were you with the homicide division?

22 A From 2009 up until 10 years later, 2019.

23 Q And were you working in the homicide division on
24 February 1st of 2014?

25 A Yes.

1 Q Did you receive a call for service in relation to
2 this case?

3 A Yes.

4 Q And tell us about that.

5 A I was on call for that particular week. And this was
6 a Saturday morning, February 1st of 2014. And I was
7 headed to another call here in Greenville County. And
8 Sergeant Welch called me stating that they had a body that
9 was a gunshot victim on a gravel road here in Greenville
10 County right off Davis Road, which is close to Lakeside
11 County Park, which is, basically, on Piedmont Highway
12 going towards the Piedmont Pelzer area.

13 So I diverted from the call I was headed to and
14 started to that particular call.

15 Q And when you arrived on scene, what did you see?

16 A I noticed two sheriff's office cars parked on the
17 side of the road, as well as an EMS unit and a yellow taxi
18 cab parked at the intersection of Gandy Way and Davis
19 Road. It had crime scene tape across the mouth of a
20 gravel roadway.

21 Q Who was on scene?

22 A Sergeant Craig Welch was the supervisor on scene at
23 that point in time. Deputy Purell, EMS personnel with
24 that particular unit were the ones I knew of at that point
25 in time. I later learned Mr. Lamont -- William Lamont as

1 a witness.

2 Q And did you go into the actual crime scene?

3 A I did.

4 Q And what did you do once you entered the crime scene?

5 A Sergeant Welch escorted me down the gravel road. Of
6 course, we just stepped around the crime scene tape. I
7 went approximately 300 feet down the gravel roadway and
8 there lay Marquail Hellams, who is a young black male.

9 Q And upon looking at the decedent, was there anything
10 you notated?

11 A Well, there was a cell phone. His feet were closer
12 to Davis Road. So he was lying -- his head was further
13 away from Davis Road. So as you walk up on him, to his
14 left, you could see a cell phone on the gravel roadway.

15 He had a hoodie pulled up -- a black jacket with a
16 black hoodie pulled up over his head. So at first, you
17 couldn't really tell right away male or female. But where
18 EMS had rolled him over on his left side, you could see
19 gravel stuck to his face, as well as his -- the back of
20 his right hand and his right arm. The jacket was on his
21 right arm from where he had been lying.

22 Q And did you -- did you touch the body?

23 A No, ma'am.

24 Q What did you do next?

25 A I looked around. They showed me the piece of a cloth

1 belt laying in the roadway a little piece further, as well
2 as the coating -- or metal from a projectile, which you've
3 seen earlier. They showed me the location of it.

4 And, basically, at that point in time, I got some
5 information of who the victim was, as well as two possible
6 witnesses, the complainant, Mr. Lamont, who was waiting by
7 his cab up at Gandy Way, as well as Ms. Linda Downs, who
8 had given a phone number and stated she would speak with
9 me.

10 Q And did you speak with these witnesses -- without
11 saying anything they said, did you speak with these
12 witnesses?

13 A I took a written statement from Mr. Lamont before he
14 left the scene. And Ms. Downs, it took several occasions
15 to, finally, meet up with her and get a recorded
16 statement.

17 Q Did you do anything else on scene that day?

18 A The deputy coroner, Jeff Fowler, arrived on scene.
19 And at that point in time, he manipulated the body. And I
20 saw the projectile in the hoodie that you saw pictures of.
21 And he was looking for possible gunshot injuries, which I
22 remember one being found.

23 Q Where was that gunshot injury found?

24 A It was on the left clavicle.

25 Q And did you attend the autopsy in this case?

1 A I did.

2 Q And did you stay for the entire autopsy?

3 A My recollection is I did, yes.

4 Q And do you remember, was the left clavicle gunshot
5 wound the only wound you were made aware of?

6 A No, ma'am, there are two others. Their exact
7 location I'm not aware of.

8 Q But you know there were three gunshot wounds?

9 A That's correct.

10 Q Now, let's go forward. What did you do after going
11 to the scene and going to the autopsy? What did you do?

12 A Well, between the scene and the autopsy, I rode with
13 Deputy Coroner Fowler to Ms. Jean Smith's house. And it
14 was, basically, notification. Ms. Smith is the adopted
15 mother of Marquail Hellams, the victim. He told her and
16 we gave her time to process it.

17 And, basically, at that point in time, I'm looking
18 for a starting place. And she provided a name of Chloe.
19 And that was it at that time.

20 Q And who was Chloe through your investigation?

21 A Chloe turned out to be Chloe McGuinness, who is a
22 young lady that was pregnant with the victim's child.

23 Q And without saying anything that she said, were you
24 able to speak with Chloe McGuinness at any point in your
25 investigation?

1 A Later that day.

2 Q Were you able to obtain information from her?

3 A I was.

4 Q Were you able to speak with anyone else after
5 speaking -- did Chloe give you any names of any other
6 persons potentially involved in this case?

7 A She told me the address of where the victim lived,
8 who he lived with at that residence, and another female
9 that he was having a relationship with.

10 Q Now, without saying anything regarding what -- that
11 female that he was having a relationship with, do you know
12 her name?

13 A Yes, I do.

14 Q What's her name?

15 A Kel-Asia Chamblee.

16 Q And again, without saying anything that she said, did
17 you speak with Ms. Chamblee at any point in your
18 investigation?

19 A I spoke with her on February 2nd, 2014 at the law
20 enforcement center.

21 Q And did you speak with her a second time?

22 A I've spoken with Ms. Chamblee during the
23 investigation multiple times.

24 Q And, again, without saying anything that Ms. Chamblee
25 said, specifically, were you able to obtain information

1 regarding cell phones from Ms. Chamblee?

2 A Yes.

3 Q In regards to phone numbers?

4 A Yes.

5 Q And after receiving that information through your
6 investigation, did you request the phone records regarding
7 those phone numbers?

8 A Yes, I did.

9 Q Who did you request those phone records from?

10 A I believe it's AT&T and Verizon. And Sprint might
11 have been the third one. I'm not sure on the Sprint one.

12 Q And did you receive records from those phone
13 companies after making those requests?

14 A I did.

15 Q And you said you received the victim's address during
16 your investigation. Where was the victim residing at the
17 time of his death?

18 A 511 Glenlea Lane, all one word, Lane in Greenville.
19 But it's in the Berea area right off of 25 north.

20 Q And is that in Greenville County?

21 A It is.

22 Q And were you made aware of who was living at 511
23 Glenlea through the course of your investigation?

24 A I was.

25 Q Who did you determine was living at that residence?

1 A There was the victim, Marquail Hellams, his adopted
2 brother is the way I understood it, Jonathan Hellams, his
3 girlfriend, Evelyn, I can't pronounce her hyphenated name,
4 but the last name was Alvarez, and Destany Fields, and
5 Rahiem Griffin, the Defendant.

6 Q And did any of them own 511 Glenlea Lane?

7 A No.

8 Q Who owned 511 Glenlea Lane?

9 A A lady named Sarah House.

10 Q Was she living in the house at the time of this
11 incident?

12 A She had moved out approximately five months earlier.

13 Q And without saying anything that she said, were you
14 able to speak with her through the course of your
15 investigation?

16 A I was.

17 Q And did you ever go to 511 Glenlea?

18 A I did.

19 Q What did you do when you got out to 511 Glenlea?

20 A I was supposed to meet with Ms. House. And she
21 didn't come keep the appointment. So I used my old cell
22 phone and secured some digital images of the house, the
23 outside.

24 Q And if you were to see any of those images again,
25 would you recognize them as the ones you took?

1 A I would.

2 (WHEREUPON, State's Exhibit No. 48 was marked for
3 identification only.)

4 BY MS. GASSER:

5 Q I'm showing you State's Exhibit No. 48. Do you
6 recognize that document?

7 A I do.

8 Q How do you recognize it?

9 A It's got a date and time stamp on it, February 10th,
10 2014, and the time is 13:59, which is 1:59 p.m.

11 Q And is that the photograph you took in this
12 investigation?

13 A It is.

14 Q And is it a fair and accurate depiction of 511
15 Glenlea at the time when you took it?

16 A It is.

17 Q And has it been changed or altered in any way?

18 A No, ma'am.

19 MS. GASSER: Your Honor, at this time, the State
20 moves to enter State's Exhibit No. 48 into evidence.

21 THE COURT: Defense?

22 MR. WARDER: No objection to the photograph.

23 THE COURT: It's admitted without objection.

24 (WHEREUPON, State's Exhibit No. 48 was admitted into
25 evidence.)

1 MS. GASSER: Permission to publish State's Exhibit
2 No. 48.

3 THE COURT: Permission granted.

4 BY MS. GASSER:

5 Q State's Exhibit No. 48, what address is this again?

6 A You can see on the mailbox the 511. So it's 511
7 Glenlea Lane in Greenville.

8 Q All right. So I want to back up just a moment. You
9 said that you attended the autopsy; correct?

10 A That's correct.

11 Q And were you present when the contents of the
12 decedent's clothes were emptied?

13 A Yes, I was.

14 Q And were you present for the currency collected on
15 the victim?

16 A Yes, I was.

17 Q And how much currency was that?

18 A \$191 and about approximately \$4.90 worth of coins.

19 Q And why was that important to your investigation?

20 MR. WARDER: Objection to that question, Your Honor.

21 THE COURT: What's your objection -- actually, y'all
22 approach.

23 (WHEREUPON, a bench conference was held.)

24 BY MS. GASSER:

25 Q All right. Investigator Campbell, through your

1 experience as an investigator, what would finding currency
2 on a deceased victim tell you?

3 A That robbery was not involved.

4 Q Moving forward, after you spoke with Ms. Chamblee and
5 Ms. McGuinness, what were your next steps?

6 A I went and -- basically, some of what I was told, I
7 had to verify or deny. So I did some -- as far as
8 convenience store videos to which, like I say, verify or
9 deny the story. And during that time, also, we were doing
10 search warrants for the phone that was found on the scene,
11 cell phone records of the numbers that we were given. We
12 did search warrants for those few phone numbers. And we
13 were trying to get a lineup as far as who we needed to
14 talk with and what evidence we had.

15 Q All right. So let's talk about those -- that phone
16 found on scene. You said that you were obtaining a search
17 warrant on the phone that was found on scene?

18 A That's correct.

19 Q And was that search warrant executed?

20 A It was.

21 Q And when you say a search warrant for the actual
22 phone, is that for the phone records?

23 A No. It's for the data that's located on that
24 particular cell phone.

25 Q And who does that? Who retrieves that data?

1 A Our computer lab. We do a search warrant and take
2 the phone there. Most of the time, we present the search
3 warrant with the phone. And they'll download it and place
4 it in our property and evidence.

5 Q And did you receive a phone -- is that called a phone
6 extraction?

7 A It is.

8 Q And did you receive a phone extraction for this phone
9 here depicted in State's Exhibit No. 25?

10 A I did.

11 Q And who did you receive that extraction from?

12 A It was either Sergeant Mike Rainey or Jim -- Jim
13 Perry.

14 Q And were both of them working in the computer crimes
15 division at that time?

16 A They were.

17 Q And did you receive any phone extraction from any
18 other phone in this case?

19 A Yes, I did.

20 Q What phone was that?

21 A A person of interest that came up early on,
22 basically, found out a possible location of 19 Neely Faris
23 Road in Simpsonville, that she was there. We had a bench
24 warrant for her in a different case.

25 So, basically, we had the warrants division go out,

1 see if she was there. And they smelled some strong odor
2 of burnt marijuana coming from the house. No one would
3 come to the door. Finally, they had came out, but we had
4 already obtained a search warrant for the house. And
5 during that time, she was there. And, basically, we
6 located her cell phone inside the residence.

7 Q And who was this person of interest?

8 A Destany Fields.

9 Q And did you -- were you able to -- was that phone
10 placed into evidence?

11 A It was.

12 Q And were you made aware of that phone being placed
13 into evidence?

14 A Yes. Investigator Hal Harris placed it into property
15 and evidence.

16 Q Were you with Investigator Harris when this phone was
17 obtained?

18 A I was.

19 Q On scene?

20 A Yes.

21 Q And did you, specifically, ask for this phone to be
22 extracted?

23 A I did.

24 (WHEREUPON, State's Exhibit No. 49 was marked for
25 identification only.)

1 BY MS. GASSER:

2 Q I'm handing you what's been marked as State's Exhibit
3 No. 49. Are you familiar with this?

4 A This appears to be the cell phone that we collected.
5 I'm trying to figure out how this back comes off.

6 Give me just a minute more, please.

7 Q Take your time.

8 A Could I get you to look -- my eyes aren't adjusted
9 and I can't see to check that serial number. Because I
10 can't read it without a magnifying glass.

11 MS. GASSER: Your Honor --

12 BY MS. GASSER:

13 Q This might work.

14 A This is the phone.

15 Q And did you receive a phone extraction from this
16 phone?

17 A I did.

18 Q And was that after you asked for it to be extracted
19 by the computer crimes division?

20 A After this search warrant was completed.

21 Q And is this phone a fair and accurate depiction of
22 the phone you and Hal Harris collected on the day you went
23 to 19 Neely Faris Road?

24 A Yes, it is.

25 Q And has it been changed or altered in any way that

1 you can tell?

2 A Other than me taking the battery out.

3 MS. GASSER: Your Honor, at this time, the State
4 moves to enter State's Exhibit No. 49 into evidence.

5 THE COURT: Mr. Warder.

6 MR. WARDER: No objection.

7 THE COURT: No objection. State's Exhibit No. 49 is
8 admitted.

9 (WHEREUPON, State's Exhibit No. 49 was admitted into
10 evidence.)

11 BY MS. GASSER:

12 Q Again, you said other than to take the battery off
13 the back, this is the cell phone you collected from
14 Destany Fields?

15 A That's the one that was her cell phone that day.

16 Q And a phone extraction was obtained from this phone?

17 A Correct.

18 Q And you received the results of the phone extraction?

19 A That's correct.

20 Q All right. So through the course of your
21 investigation, you testified earlier about the occupants
22 that you were made aware of at 511 Glenlea?

23 A That's correct.

24 Q So, first, I just want to ask you, through your
25 investigation, were you able to determine the

1 relationships between all these roommates?

2 A Marquail Hellams, the victim in this case, his -- the
3 way I understood it, his adopted brother was Jonathan
4 Hellams. Jonathan had a girlfriend named Evelyn Alvarez
5 that lived there. And then Destany Fields and Rahiem
6 Griffin, from what I understood, had some type of
7 relationship going. I don't know if it was
8 boyfriend/girlfriend, but they had a relationship.

9 Q And you said Destany Fields was the owner of that
10 cell phone we just discussed?

11 A She was.

12 Q Were you able to speak -- without testifying as to
13 what the witness [sic] said, were you able to speak with
14 Jonathan Hellams?

15 A I spoke with him several times.

16 Q And were you able to -- without -- without saying
17 what the witness said, were you able to speak with Evelyn
18 Alvarez?

19 A On one occasion.

20 Q Were you able to speak with Destany Fields at any
21 time?

22 A We attempted to.

23 Q Now, without saying anything that the witnesses said,
24 in this case, did you receive leads?

25 A Some.

1 Q And when you would receive a lead, would you chase it
2 down?

3 A We would try to look at it and do -- I'm not saying
4 we chased every lead down. But I know one I did not chase
5 down because it was not related to this case. But all the
6 leads that were related to this case, yes, we chased down.

7 Q So when you say you didn't chase every lead down, are
8 you saying unsubstantiated? Is that a good word?

9 A Well, I would guess. A lady called in and said a guy
10 tried to run her son off the road a week before wearing a
11 ski mask down in that area.

12 Q Just a random guy?

13 A A random guy. And that didn't fit this case, any
14 aspect of it. We looked at it. But we -- as far as
15 hunting, no, there was nothing to go further with that.

16 Q Earlier you said that you had to verify or deny
17 certain stories. You mentioned convenience store videos?

18 A Correct.

19 Q Did you review any convenience store videos in this
20 case?

21 A One from the Spinx and one from the QT. They were
22 located on Highway 25 at the intersection of 183, if
23 you're familiar with the QT and the Spinx there. I got
24 them for the Friday night of January 31st of 2014.

25 Q And was anything of any evidentiary value located on

1 those tapes that you reviewed?

2 A No it was not.

3 Q Now, at the conclusion of your investigation, were
4 you able to -- were you able to draft any warrants?

5 A No, ma'am, I was not.

6 Q And what happened to the case after -- after you were
7 investigating it?

8 A It went to our cold case division.

9 Q And were you considered the lead investigator back in
10 2014?

11 A I was.

12 Q And are you the lead investigator now that it's been
13 sent to cold case?

14 A No, I'm not.

15 Q Do you know who is?

16 A It's Sergeant Jason Cox.

17 MS. GASSER: I have no additional question. Please
18 answer any Defense Counsel may have.

19 MR. WARDER: Your Honor, may it please the Court.

20 We have no questions of this witness.

21 THE COURT: Okay.

22 MS. GASSER: Your Honor, this witness -- we would ask
23 that he be released from the stand now, but retain the
24 right to be recalled, if necessary.

25 THE COURT: Okay. So noted on the record.

1 You may step down.

2 MS. GASSER: Your Honor, may we approach for
3 scheduling?

4 THE COURT: Sure.

5 (WHEREUPON, a bench conference was held.)

6 THE COURT: Okay. We're going to take a break now, a
7 lunch break until 2:00. And, again, as I've said often, I
8 told you I'd be like a broken record. But do not discuss
9 this among yourselves or with anybody else. And do not do
10 any research. And I am grateful for the attention y'all
11 have been giving to the parties in the matter.

12 Okay. Y'all have a good lunch. I'll see you back at
13 2:00.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 12:04 p.m.)

16 THE COURT: So this afternoon, how many witnesses do
17 you anticipate we'll be able to get in?

18 MS. GASSER: We anticipate, Your Honor, having --

19 THE COURT: I mean, just an idea. I'm just trying
20 to -- if we start at 2:00 and go until 5:00.

21 MS. GASSER: Yes, Your Honor. I believe that we
22 should have --

23 THE COURT: I'm not holding you to it, just trying to
24 get an idea.

25 MS. GASSER: Yes, Your Honor. We have a small

1 scheduling issue with one of our witnesses. He has to
2 take his father to surgery tomorrow. He is our last
3 witness. We're moving a bit quicker than expected.

4 THE COURT: Okay.

5 MS. GASSER: However, if it's okay, we should be able
6 to keep the pace this afternoon. It just may be that we
7 end pretty early tomorrow, if that's okay with Your Honor.

8 THE COURT: That's fine. I mean, we've got plenty of
9 time this week.

10 MS. GASSER: So this afternoon, we foresee four to
11 five witnesses. But we'll have them all on deck. And if
12 we need to send some home, we can do them tomorrow morning
13 as well.

14 THE COURT: I'll see everybody at 2:00.

15 (WHEREUPON, a lunch break was taken.)

16 THE COURT: Is everybody ready to proceed?

17 MR. GREGORY: The State's ready, Your Honor.

18 THE COURT: Okay. Counsel.

19 MR. WARDER: We're ready, Your Honor.

20 THE COURT: Thank you.

21 You can bring the jury in.

22 (WHEREUPON, the jury came into open court at
23 approximately 2:05 p.m.)

24 THE COURT: The State may call its next witness.

25 MR. GREGORY: The State calls Michael Rainey.

1 THE CLERK: Sir, come forward. Please pause at the
2 end of the bench. Place your left hand on the Bible and
3 raise your right hand.

4 WHEREUPON,

5 MICHAEL RAINEY,
6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 Please be seated.

9 State your name for the record.

10 THE WITNESS: Sergeant Michael Rainey.

11 THE CLERK: Thank you, sir.

12 DIRECT EXAMINATION

13 BY MR. GREGORY:

14 Q Sergeant Rainey, where are you employed?

15 A The Greenville County Sheriff's Office.

16 Q And what capacity are you employed there?

17 A Sergeant over the data crime and I-cat division.

18 Q What is the data crime and I-cat division?

19 A I-cat, we do computer forensic cell phone analysis
20 and, also, Internet crimes against children.

21 Q And how long have you held that position?

22 A I've been inside the unit since 2007. I've been a
23 supervisor over the unit for the past seven.

24 Q What kind of training and experience have you
25 received to become a sergeant?

1 A Numerous training courses in computer forensics, cell
2 phone analysis, specifically, with Cellebrite. Incase
3 computer forensics, axiom computer forensics, DVR, which
4 is the video camera surveillance, audio -- or car
5 infotainment centers. Also, K9 certified for the
6 electronics K9 that's in our unit.

7 Q Let's talk about Cellebrite. What's Cellebrite?

8 A Cellebrite is a cell phone extraction tool that is
9 used throughout the country -- actually, throughout the
10 world. It gets information off of cell phones.

11 Q And when you say "gets information off cell phones,"
12 what kind of information are we talking about?

13 A Depending on the make and model of the phone, and the
14 version, it gets various data, which includes contact
15 information, text messages, websites people have visited
16 if it's a Smartphone, videos, pictures. Basically, it
17 takes the information stored on that phone and puts it
18 into a readable format for everybody else to see.

19 Q And you call that extraction?

20 A Yes.

21 Q Is another word for that dumping of a cell phone?

22 A Yes, it is.

23 Q How many cell phone have you extracted in your
24 career?

25 A Well over a thousand.

1 Q Have you ever testified before?

2 A Yes.

3 Q How many times have you testified in court before?

4 A Probably close to three -- 300, maybe.

5 Q Did you have an opportunity to become involved in
6 this case?

7 A Yes, I did.

8 Q When did you become involved in the case?

9 A On February the 3rd of 2014.

10 Q How did you become involved?

11 A I was contacted by Investigator Fortner with the
12 Greenville County Sheriff's Office. He said they had a
13 cell phone that needed to be extracted. I met him at my
14 office where I was provided with a search warrant for the
15 device and the cell phone in question.

16 Q Once you received the search warrant -- well, prior
17 to receiving the search warrant, would you do anything
18 without the search warrant?

19 A No.

20 Q So once you have a search warrant in hand, what's
21 your procedure? What's your process that you follow?

22 A We take the phone, look up the device, which is in
23 Cellebrite to confirm that Cellebrite will, actually, read
24 the phone with the current version of the software that we
25 have. And then we plug it into the Cellebrite device,

1 which is a read only and cannot write to it, can't make
2 any changes. It extracts the data and puts it into
3 format. I can't change it. What's there is there.

4 I take that information, plug it into a physical
5 analyzer, which is another tool for Cellebrite. It
6 extracts all the data and puts it into a readable format
7 for us to look at. And then I make the disk, put it on a
8 CD or DVD, depending on the size of the information
9 extracted from the phone and give that to the
10 investigator.

11 Q Is that -- you said that is used all throughout the
12 world. Is this the common practice of how to use it?

13 A Yes.

14 Q And once you receive the information from Cellebrite
15 and dump the phone, do you personally go through and look
16 at anything?

17 A I do not.

18 Q You said you put it on a disk; is that correct, based
19 on size?

20 A Yes, sir. Based on the size of the information, it
21 will go onto a CD or a DVD. In today's standards with the
22 size of today's phones, it would more than likely go onto
23 an external hard drive because of the size of the
24 information.

25 Q And did you do that in this case, put it on a disk?

1 A Yes.

2 (WHEREUPON, State's Exhibit No. 50 was marked for
3 identification only.)

4 BY MR. GREGORY:

5 Q Do you recall what cell phone you dumped in this
6 case?

7 A Yes, sir. From my report, it was an HTC Android
8 Smartphone?

9 Q And you said you got it from Investigator Fortner?

10 A Yes, sir.

11 Q And looking at your report, would you be able to tell
12 exactly the phone you dumped or just the --

13 A I can tell you the make and the model number off of
14 the phone.

15 Q Okay. I'm going to hand this to you and let you -- I
16 do have some gloves, if you want gloves.

17 A Yes, if you don't mind, please.

18 Q And feel free to open that up.

19 A I'm sorry. I'm trying to get the back cover off.

20 Q Do you need a pair or scissors, or anything?

21 A I think I've got it.

22 Thank you.

23 Yes, sir. This is the phone make and model. That's
24 correct.

25 Q Okay. And you said -- what kind of make and model

1 was that?

2 A This is an HTC Smartphone, Android Smartphone. And
3 the model number is ADR6350VW.

4 MR. GREGORY: And, Your Honor, let the record reflect
5 that he's looking at State's Exhibit No. 38 that's been
6 previously entered into evidence.

7 BY MS. GASSER:

8 Q When you're provided that cell phone number, you
9 don't know who the owner of the cell phone is; correct?

10 A No, I don't.

11 Q Are you given any other information whatsoever?

12 A No, sir, just the kind of investigation that it is.

13 Q The disk that I handed up to you, will you take a
14 look at that, please?

15 A Yes, sir.

16 Q Do you recognize that?

17 A Yes, sir.

18 Q How do you recognize it?

19 A It has my handwriting and my initials on it with the
20 case number.

21 Q And what is that disk of?

22 A This is the Cellebrite report or the dump of this
23 phone.

24 Q It would have come out of that phone; correct?

25 A Yes.

1 MR. GREGORY: And, Judge, that's just for
2 identification purposes only.

3 Please answer any questions the Defense has for you.

4 MR. WARDER: Your Honor, if it would please the
5 Court.

6 We have no questions of this witness.

7 THE COURT: All right.

8 MR. GREGORY: May this witness be excused, Your
9 Honor?

10 THE COURT: Yes. He is released from subpoena.

11 MR. GREGORY: Thank you.

12 THE COURT: Thank you.

13 THE WITNESS: Thank you.

14 MR. GREGORY: The State call Jim Perry.

15 THE CLERK: Mr. Perry, please come forward.

16 Pause at the end of the bench.

17 Place your left hand on the Bible and raise your
18 right hand.

19 WHEREUPON,

20 JAMES PHILLIP PERRY,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 Please be seated.

24 And, please, state your name for the record.

25 THE WITNESS: James Phillip Perry.

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION

3 BY MR. GREGORY:

4 Q Mr. Perry, where are you employed?

5 A The Greenville County Sheriff's Office.

6 Q In what capacity are you employed there?

7 A I'm an investigator in the computer data unit, also,
8 the I-cat.

9 Q How long have you held that position?

10 A I started the unit about 20 years ago.

11 Q What kind of education and training have you
12 received?

13 A I've had Cellebrite certification, two different
14 certifications. I've had Encase Computer Forensics, Black
15 Bag Technologies. There's numerous other certifications
16 that I've taken over the years, in addition to on-the-job
17 training all the time we're having.

18 Q And that's all ongoing training?

19 A Ongoing. I've dumped over 2,500 cell phones.

20 Q How many times have you testified?

21 A I'm sorry.

22 Q How many times have you testified in court?

23 A I've testified probably 15 or more.

24 Q And you heard Sergeant Rainey testify?

25 A Yes.

1 Q Do you work with him?

2 A Yes, I do.

3 Q And did you have the opportunity to become involved
4 in this case?

5 A I'm sorry. I've got new hearing aids and they really
6 suck. And I'm having a hard time --

7 Q You became involved in this case; correct?

8 A I did.

9 Q When did you become involved in it?

10 A On the 9th of February, 2014.

11 Q And how did you become involved in the case?

12 A Investigator Wayne Campbell came to my office. And
13 he had a cell phone that he wanted an extraction done on.
14 And I took possession of it and then did a Cellebrite
15 forensic extraction in the physical mode.

16 Q And when you say "physical mode," what does that
17 mean?

18 A It's just -- depending on the make and model of the
19 phone, you can get more information off certain phones,
20 less information off others. And it depends on whether
21 you do a physical file system or logical. And physical is
22 the best you can get off of a phone to get the most data.
23 And it just happens that this model met that criteria and
24 I was able to.

25 Q And you concur with Sergeant Rainey that Cellebrite

1 is read only?

2 A Yes. It's a read only program. Once we dump, we use
3 a program called UFED Physical Analyzer to open the
4 extraction. The physical extraction has to be taken from
5 the machine put on our forensic computer. And we use a
6 software to open it.

7 Well, once you open that, you -- you see
8 information -- all this information, the text messages,
9 the call logs, all that stuff. You can't go in there and
10 change any of that. Even if I wanted to, I couldn't do
11 it. It won't allow you.

12 The only thing it will add to that report is the case
13 number, your name, and everything -- you know, information
14 like that that I input into it. But as far as any of the
15 data on it, you can't effectively change it.

16 Q And what phone were you given to extract?

17 A I was given an Alcatel model OT-960C one touch
18 Smartphone, Android phone.

19 Q I want to show you what's been previously entered as
20 State's Exhibit No. 49. Will you take a look at this,
21 please?

22 A (Witness complied.)

23 Q Do you recognize that?

24 A I do.

25 Q Are you able to say that's the phone?

1 A This is the phone I dumped.

2 Q That's the phone you dumped. And you dumped it when?

3 A On the 9th of February, 2014.

4 Q And how long does it take to dump a phone like that?

5 A Nowadays, it takes almost a full day on some phones
6 that are 128 gigs, 256. Back then, that might have taken
7 an hour.

8 Q And like Sergeant Rainey, do you look at the results
9 of the dump?

10 A No. We put them on a disk and then we supply that
11 disk to the investigator in a format that he can go in
12 there and read.

13 (WHEREUPON, State's Exhibit No. 51 was marked for
14 identification only.)

15 BY MR. GREGORY:

16 Q I want to show you what's been marked for
17 identification purposes only as State's Exhibit No. 51.
18 Do you recognize that?

19 A Yes. This is a disk I made that contains the report
20 I did.

21 Q And you've seen that report on the disk?

22 A Yes, yes.

23 Q Is it fair and accurate?

24 A Yes.

25 Q Has it been altered in any way?

1 A No.

2 Q Now, when a cell phone is dumped, what kind of
3 information do you get out of it?

4 A Again, it -- everything's different on the Androids,
5 the iPhones, that type of cell phones. But, normally,
6 you're going to get text messages, call logs, web history.
7 Some get location services nowadays. Back then, maybe not
8 as much.

9 iPhones, you have a tendency to get a little bit more
10 information than you do on an Android. But, again, it
11 depends on the operating systems, the model, the make.
12 So, you know, you can get all kinds of different
13 information.

14 Q Could you get day and time of when a text message or
15 phone call is made?

16 A Yes.

17 Q And when you dump it using Cellebrite, what is the
18 time -- how do they establish what time zone they're in?

19 A Well, on this particular report, the time is in UTC
20 zero, which is coordinated universal time, which is --
21 when you see the zero behind the time, then I know you
22 have to subtract for central time five hours.

23 Because UTC time starts in Greenwich, England, which
24 is the zero latitude for the meridian. And that's where
25 back in the 1800s, they started the UTC time. So each

1 time zone goes one -- you subtract one hour. If it were
2 central time, you would subtract six.

3 Q So eastern time, you subtract five; correct?

4 A Right. For those times listed on there, if you see
5 UTC zero, you subtract five hours during standard time,
6 four hours during daylight savings.

7 Q And this was during standard time; is that correct?

8 A This was during standard time. So it would be five
9 hours.

10 MR. GREGORY: Please answer any questions the Defense
11 has for you.

12 MR. WARDER: Your Honor, if it please the Court.
13 We have no questions of this witness.

14 MR. GREGORY: We just ask that the witness be
15 excused.

16 THE COURT: Yes. All right. You may step down.

17 MR. GREGORY: The State calls Jonathan Hellams.

18 THE CLERK: Mr. Hellams, if you'll come around this
19 way, please.

20 Pause at the end of the bench.

21 And the best you can, place your left hand on the
22 Bible and raise your right hand.

23 WHEREUPON,

24 JONATHAN HELLAMS,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 Please be seated.

3 And, sir, would you, please, state your name for the
4 record?

5 THE WITNESS: Jonathan Hellams.

6 THE CLERK: Thank you, sir.

7 DIRECT EXAMINATION

8 BY MR. GREGORY:

9 Q Jonathan, what do you go by?

10 A Jay.

11 Q Jay?

12 A Yes.

13 Q Where are you currently living?

14 A I'm in Broad River Correctional Institution.

15 Q All right. Why are you there?

16 A Trafficking drugs.

17 Q What kind of drugs did you traffic?

18 A Heroin.

19 Q When were you sentenced?

20 A 2017.

21 Q Is that the conviction date?

22 A Yes, sir.

23 Q Arrested in 2015?

24 A Yes, sir.

25 Q How much time are you doing down there?

1 A 25 years.

2 Q 25 years?

3 A Yes.

4 Q How old are you?

5 A I'm 40.

6 Q Prior to where you are now, where did you live?

7 A In Greenville, South Carolina.

8 Q Where in Greenville?

9 A In Berea.

10 Q Do you remember the address?

11 A The last address was 14 Glenlea Court, but before
12 that it was by Furman University. I can't remember the
13 address.

14 Q In the Glenlea Court area?

15 A Yes, Glenlea.

16 Q I want to show you what has been previously entered
17 as State's Exhibit No. 48.

18 A Okay.

19 Q Do you recognize that?

20 A Yes.

21 Q All right. Is that the house you were living in?

22 A Yes, sir.

23 Q Did you own that house?

24 A No.

25 Q Who owned the house?

1 A A girl by the name of Sarah.

2 Q Okay. Who was -- when did you live there? Do you
3 remember about what time period?

4 A Around 2015, 2016, something like that.

5 Q So let's go back to January 31st, 2014. Were you
6 living there then?

7 A Yes.

8 Q Do you remember that time period?

9 A Yes. I remember that time period.

10 Q Okay. And how were you related to Marquail?

11 A He's my adopted brother.

12 Q So no blood brother. I mean, he's just adopted;
13 correct?

14 A Yes.

15 Q And is he a younger brother or older brother than
16 you?

17 A Younger.

18 Q And how long were you guys adopted brothers together?

19 A I think my mom adopted Marquail when he was six, five
20 or six, something like that.

21 Q And how old were you when he was adopted?

22 A I can't remember. Probably 17 -- 16, 17, something
23 like that.

24 Q Okay. So you were quite a bit older than him?

25 A Yes.

1 Q What was your relationship like with Marquail?

2 A We was really tight. He stayed with me for a good
3 bit of time before he -- before he passed, got killed.

4 Q So during this time, was he living with you at this
5 house?

6 A Yes.

7 Q Was he living anywhere else? Was he bouncing around
8 or pretty much sticking with you?

9 A He was pretty much sticking with me.

10 Q What else was he doing during that time period? Was
11 he working?

12 A Was he working?

13 Q Yes, sir.

14 A No.

15 Q Was he in school?

16 A He was in school, yes.

17 Q Where was he in school?

18 A Travelers Rest.

19 Q Was he a senior? Do you know?

20 A Yeah, yeah.

21 Q Who else was living with you around -- let's talk
22 about January 31st, 2014. Who else was living in this
23 house?

24 A Me, myself, Marquail, Rahiem Griffin --

25 Q Hold on. Slow down. Rahiem Griffin, do you see him

1 in the courtroom today?

2 A Yes, I do.

3 Q Where is he in the courtroom?

4 A He's right there.

5 Q All right. Will you describe what he's wearing,
6 please?

7 A He's wearing a white collared shirt.

8 Q With a blue tie on?

9 A Yes.

10 MR. GREGORY: Your Honor, let the record reflect he's
11 indicated the Defendant in this case.

12 THE COURT: It's on the record.

13 BY MR. GREGORY:

14 Q What did you call him?

15 A Rahh.

16 Q Rahh?

17 A Yes.

18 Q And he was living with you?

19 A Yes.

20 Q How long had he been living at this house?

21 A As long as we was, a couple months, something like
22 that.

23 Q Who else was living there?

24 A Destany.

25 Q Who's Destany?

1 A That was Rahiem's girlfriend at the time.

2 Q Do you know her last name?

3 A No, I do not.

4 Q Is that Destany Fields?

5 A Yes.

6 Q Does that ring a bell?

7 A Yes.

8 Q And what was the relationship between Rahiem Griffin
9 and Destany Fields? Are you aware of that?

10 A They was going together. That's all I know.

11 Q Who else was there?

12 A Some of the time, it was Tim Davis and Carmen
13 Sprouse.

14 Q All right. Who is that?

15 A They was just friends, too.

16 Q Anyone else living there?

17 A Denzel Leamon.

18 Q Okay. And did you have a girlfriend at that time?

19 A Yes.

20 Q Was she living there?

21 A Yes.

22 Q And what's her name?

23 A Evelyn.

24 Q And where is Evelyn now?

25 A She's deceased.

1 Q When did she pass away?

2 A Last year.

3 Q Last year. What goes on at this house?

4 A It was a drug house.

5 Q A drug house?

6 A Yes, sir.

7 Q When you say "drug house," what do you mean?

8 A We was selling drugs out of it.

9 Q Were you personally selling drugs?

10 A Yes, sir.

11 Q What's the drug of choice being sold out of this

12 house?

13 A Heroin and opiate pills, roxies.

14 Q You said heroin and opiate?

15 A Roxies.

16 Q Roxies?

17 A Uh-huh.

18 Q How long had you been selling at that time?

19 A Years.

20 Q Years?

21 A Yeah.

22 Q And were you working or is that your full-time job?

23 A Full-time job.

24 Q Okay. What about Marquail, was he selling out of the

25 house?

1 A Yes.

2 Q Was anybody else selling out of the house?

3 A Yes.

4 Q Who else?

5 A Rahh and Denzel.

6 Q So everybody was selling at the house?

7 A Everybody.

8 Q Is this a house where people would come to buy, or
9 would transactions happen somewhere else?

10 A No. They would come to buy from there as well.

11 Q Let's go right back to January 31st, 2014. What was
12 going on in the house the day before and leading up to
13 that day? Do you remember?

14 A Yes, I remember. A couple days before, Marquail, and
15 Rahiem, and Destany got into it upstairs about something.
16 I do not know what, but they got into it. A gun was
17 pulled.

18 Q Who pulled a gun?

19 A My little brother did, Marquail.

20 Q Marquail. What kind of gun was it?

21 A 357.

22 Q All right.

23 A He shot through the floor. I went upstairs to see
24 what was going on. When I opened the door and came in the
25 room, Marquail was pointing the gun at Rahiem and Destany.

1 I stepped in between the gun and told him to put the gun
2 down. I guess he had grazed her finger.

3 Q Whose finger?

4 A Destany.

5 Q Was she bleeding? Did you see blood?

6 A Yes, I seen blood.

7 Q Okay.

8 A I told him to put the gun down. He put the gun down.
9 I told him to go outside, cool off, go downstairs. He
10 came downstairs. And we talked and he said everything was
11 all right.

12 Q When was this? Was this the same day?

13 A No.

14 Q How much --

15 A A couple days before.

16 Q So this was probably January 29th, 30th?

17 A Yes, something like that.

18 Q How were things at the house leading up to
19 January 31st? Had that passed over, or were they still
20 arguing over this?

21 A I mean, I thought everything was all right.

22 Q And you said you told him to put the gun away. Did
23 you, actually, take the gun?

24 A I took the gun from him the night that they all left
25 together.

1 Q Okay. So January 31st, let's talk about that.

2 A All right.

3 Q So what was going on in the house that night,
4 January 31st?

5 A Nothing. We was all chilling, just enjoying each
6 other's company that night.

7 Q When you say "chilling," were you using drugs?

8 A Yes.

9 Q What were you using that night?

10 A Heroin.

11 Q When you use heroin, what does it do to you?
12 Describe it.

13 A It just makes you really relaxed.

14 Q Okay. So you're still awake?

15 A Yes.

16 Q Able to communicate?

17 A Yes. Yes.

18 Q So you're not passed out or blacked out?

19 A No. No. Marquail came to me and told me that they
20 was going out to purchase some pills, some Xanax, or
21 something like that.

22 Q Do you remember about what time this was?

23 A Between 9:00 to 11:00.

24 Q P.m. or a.m.?

25 A P.m.

1 Q So it was dark outside?

2 A Yes.

3 Q Who all was at the house before they left?

4 A Me, myself, Evelyn, Kel-Asia, Marquail.

5 Q Kel-Asia, that's a new name. Who's Kel-Asia?

6 A Kel-Asia was the girl that Marquail was talking to.

7 Q Is that Kel-Asia Chamblee?

8 A Yes.

9 Q So she was there. Marquail was there. Who else was

10 there?

11 A Rahh and Destany.

12 Q What about Kris and Jaime Capatino?

13 A Yes.

14 Q How do you know them?

15 A Just from around.

16 Q Were they sellers? Users? What was their story?

17 A Users.

18 Q Did you sell to them?

19 A Yes.

20 Q Was that a frequent customer for you?

21 A Yes.

22 Q And they would come to this house to buy?

23 A Correct.

24 Q All right. So you said that they were going to go

25 buy Xanax?

1 A Correct.

2 Q What was -- whose -- were they going to sell the
3 Xanax? What was the plan with that?

4 A Probably to use and sell.

5 Q And who left to go buy Xanax?

6 A Kris Capatino and his wife pulled up. And Marquail,
7 Destany, and Rahh left. They all left with them.

8 Q And you said they left about 9:00 or 10:00 p.m.?

9 A Yeah, something like that.

10 Q It was dark outside?

11 A Yes.

12 Q And once they left, what did you do?

13 A Once I [sic] left, I just sat there. I wasn't doing
14 nothing, just sitting there.

15 Q Previously, you said you took a gun away from him; is
16 that correct?

17 A Yes. Before -- before they left, I told Marquail I
18 didn't want him to ride with no gun. So I told him to
19 give me his gun before he left.

20 Q Why is that?

21 A Because I didn't want him to get in any trouble. If
22 they got pulled over or anything like that, I didn't want
23 him to have a gun on him. So I took his gun from him.

24 Q Because you get in more trouble if you have a
25 firearm?

1 A Correct. And I didn't want him to get in any
2 trouble.

3 Q Did anybody else have a gun that night that you're
4 aware of?

5 A Yes. We all kept guns.

6 Q Everybody kept guns in the house?

7 A Yes.

8 Q What about the girls? Did the girls usually keep
9 guns in the house?

10 A Not that I know, no. No.

11 Q Did Rahh have a gun at the house?

12 A Yes.

13 Q What kind of gun did he carry?

14 A He carried a 38.

15 Q Is that a revolver?

16 A Yes, sir.

17 Q What did the revolver look like? Do you remember?
18 Color-wise?

19 A A short revolver, kind of -- I mean, just a short
20 revolver.

21 Q Chrome? Black?

22 A Chrome.

23 Q So they left to go buy Xanax. How long were they
24 gone?

25 A They was gone for a minute. They was gone for a

1 minute. I tried to call Marquail's phone and he didn't
2 pick up.

3 Q Why did you try to call him?

4 A Just because they was gone for a while. I was trying
5 to see where they was.

6 Q Were you worried about him?

7 A Yes.

8 Q How many times did you try to call him?

9 A About three times, something like that.

10 Q Do you remember what time of day you tried to call
11 him?

12 A That was that night that they left.

13 Q That night?

14 A Yeah. I figured his phone went dead or something
15 like that. Because he didn't pick up and it was going
16 straight to voicemail.

17 Q Did you see Rahh again that night?

18 A Yes.

19 Q When did you see Rahh again that night?

20 A After Capatino and them dropped them back off.

21 Q When was that? Do you remember what time that was?

22 A 11:00, something like that, a little bit.

23 Something -- about 11:00.

24 Q We're still talking about p.m., correct, not a.m.?

25 A Yes, not a.m.

1 Q Did the Capatinos come into the house when they
2 dropped him off?

3 A As soon as they dropped him off, they left.

4 Q What was his demeanor like when he came into the
5 house? Do you recall?

6 A I mean, when I asked him where Marquail was, he was
7 just like they dropped him off at a gas station and he got
8 in a car with some girls, which was really strange to me
9 at the time because Kel-Asia was at the house.

10 Q So the Defendant said they had dropped him off at a
11 gas station?

12 A Correct.

13 Q And that he had gotten in the car with some girls?

14 A Right.

15 Q Okay. And was he able to identify who the girls
16 were?

17 A No.

18 Q Was he able to identify what gas station they dropped
19 him off?

20 A He said Spinx.

21 Q Did anything else happen that night?

22 A No, didn't nothing else happen that night.

23 MR. GREGORY: I beg the Court's indulgence for one
24 second.

25 THE COURT: Yes, sir.

1 (Pause.)

2 BY MR. GREGORY:

3 Q After this incident, did Rahh continue to live at the
4 house?

5 A No, not really. The police had came to the house,
6 like, the day after, or something like that, or the
7 next -- something -- a couple days after, the police came
8 to the house. And he left. He left from the house after
9 that.

10 Q And he never came back?

11 A No.

12 Q Did you ever see him again?

13 A Yeah. I seen him at the funeral.

14 Q Did anything happen at the funeral?

15 A I mean, he had came to the funeral. We were supposed
16 to take the casket and put it in the hearse. And
17 everybody grabbed the casket, except for him. We all went
18 to the graveyard. He didn't.

19 Q Do you happen to remember Marquail's cell phone
20 number? I know it's been a long time.

21 A No, I do not.

22 Q Did you find it odd that he didn't come to the grave
23 site at the funeral?

24 MR. WARDER: Objection.

25 THE COURT: Sustained.

1 BY MR. GREGORY:

2 Q What was your friendship with Rahh like?

3 A We was all right. We all considered each other
4 brothers at the time.

5 MR. GREGORY: All right. Please answer any questions
6 the Defense has for you.

7 THE WITNESS: Okay.

8 MR. WARDER: We have no questions for this witness.

9 MR. GREGORY: We ask that he be excused, Your Honor.

10 THE COURT: You can step down, sir.

11 Thank you.

12 MR. GREGORY: May it please the Court.

13 The State calls Kris Capatino, Your Honor.

14 THE CLERK: Mr. Capatino, if you'll come around,
15 please.

16 Pause at the end of the bench over there.

17 And the best you can, please, place your left hand on
18 the Bible and raise your right hand, if you can.

19 WHEREUPON,

20 KRIS CAPATINO,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 Please be seated.

24 MR. GREGORY: Judge, may we approach?

25 THE COURT: Sure.

1 (WHEREUPON, a bench conference was held.)

2 THE CLERK: Mr. Capatino, would you, please, state
3 your name for the record?

4 THE WITNESS: My name's Kris Capatino.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MR. GREGORY:

8 Q Kris, how old are you?

9 A 49.

10 Q And where are you currently living?

11 A The Greenville County Detention Center.

12 Q How long have you been there?

13 A Three years yesterday.

14 Q And what are you charged with?

15 A Murder, murder conspiracy.

16 Q Is it involving this case?

17 A Yes, sir.

18 Q And have you been promised anything in exchange for
19 your testimony?

20 A No, sir.

21 Q Have you been offered anything in exchange for your
22 testimony?

23 A No, sir.

24 Q Then why are you testifying today?

25 A Just to, you know, let you know what happened.

1 Q So you're 49 years old. Prior to being arrested,
2 what did you do? What kind of work did you do?

3 A I was a construction steel superintendent.

4 Q How long did you hold that position? Is that your
5 career?

6 A Yes, sir, 20 something years.

7 Q And are you married?

8 A Yes, sir.

9 Q And who's your wife?

10 A Jaime Capatino.

11 Q How long have you guys been together?

12 A About 24, 25 years.

13 Q Let's go back to January 31st -- one more thing
14 before I move on. Do you have a prior conviction of
15 possession with intent to distribute methamphetamine from
16 2019?

17 A Yes, sir.

18 Q So let's talk about that. 2019, possession with
19 intent to distribute methamphetamine, were you a user?

20 A Yes, I was.

21 Q All right. How long have you been using drugs?

22 A A while. Do you want a date?

23 Q Over five years? 10 years?

24 A Yeah, 10 years.

25 Q A long time?

1 A Yes, sir.

2 Q And what was your drug of choice?

3 A Methamphetamine.

4 Q What about heroin? Did you ever use heroin?

5 A Yes, sir.

6 Q What about Xanax, did you ever use Xanax?

7 A Yes, sir.

8 Q And back in 2014 -- January 31st of 2014, were you
9 using at that time?

10 A Yeah. I was using heroin. I didn't do
11 methamphetamine.

12 Q How did you get hooked on heroin?

13 A I broke my back.

14 Q And you started out with?

15 A Pain pills.

16 Q And it went from there. Do you know the Defendant,
17 Rahiem Griffin?

18 A I do.

19 Q And do you see him in the courtroom today?

20 A I do.

21 Q What's he wearing?

22 A White shirt and a tie.

23 MR. GREGORY: Your Honor, let the record reflect he
24 has pointed out the Defendant in the courtroom.

25 THE COURT: So noted.

1 BY MR. GREGORY:

2 Q How long have you known Rahiem Griffin, the
3 Defendant?

4 A I'd say I met him around probably 2011 -- yeah, 2011,
5 2012, somewhere around there.

6 Q What kind of relationship did you and Rahiem have?

7 A Drugs.

8 Q Did you buy from him?

9 A I did.

10 Q Did you buy heroin from him?

11 A I did.

12 Q How often would you buy from him?

13 A Sometimes a few times a day.

14 Q How much were you spending on heroin at that time?

15 A I'd spend everything I had on it, \$300 or \$400 at a
16 time.

17 Q What about Jonathan or Jay Hellams, do you recognize
18 that name?

19 A I know Jay.

20 Q How do you know Jay?

21 A He used to sell a bunch of pot.

22 Q Did you buy from him, too?

23 A I have.

24 Q What about Marquail Hellams?

25 A I know the name. I mean, I've never bought anything

1 from him, no.

2 Q So let's go back to January 31st, 2014. What were
3 you doing this evening?

4 A I was looking for drugs.

5 Q Who were you looking for drugs with?

6 A Me and my wife.

7 Q And you said "looking for drugs," what did you do?
8 What would you, typically, do to find drugs?

9 A Well, usually, if I couldn't get somebody on their
10 phone, I'd ride by their house.

11 Q What kind of car were you driving that night?

12 A A 2008 Tahoe.

13 (WHEREUPON, State's Exhibit Nos. 52, 53, 54, 55, and 56
14 were marked for identification only.)

15 BY MR. GREGORY:

16 Q All right. Kris, I'm going to show you what's been
17 marked as State's Exhibit Nos. 52 to 56. Do you recognize
18 those?

19 A Yes, sir.

20 Q How do you recognize them?

21 A It's my truck.

22 Q Are they a fair and accurate representation of your
23 truck?

24 A Very much so.

25 Q Has it been altered in any way that you can tell?

1 A No, sir.

2 MR. GREGORY: Your Honor, at this time, the State
3 would seek to introduce State's Exhibit Nos. 52 to 56 into
4 evidence.

5 THE COURT: State's Exhibit Nos. 52 --

6 MR. GREGORY: State's Exhibit Nos. 52 to 56.

7 THE COURT: Defense?

8 MR. WARDER: No problem.

9 THE COURT: No objection noted by Defense. They're
10 admitted.

11 (WHEREUPON, State's Exhibit Nos. 52, 53, 54, 55, and 56
12 were admitted into evidence.)

13 BY MR. GREGORY:

14 Q Is this the Tahoe you were talking about?

15 A Yes, sir.

16 Q And this was your car?

17 A Yes, sir.

18 Q So when you got around trying to find drugs that
19 night, who was in the car with you?

20 A Me and my wife.

21 Q This is the rear of it. That's all your truck?

22 A Yes, sir.

23 Q All right. Where did you end up that night? Where
24 did you end up going to get drugs that night?

25 A I went to Jay Hellams's house.

1 Q Do you remember where that's located?

2 A I can't give you the address.

3 Q Do you remember what the outside looked like?

4 A Yes, sir.

5 Q Do you remember what area of town it was in?

6 A I do.

7 Q Where was it?

8 A Behind Hamrick's on White Horse Road.

9 Q I'm going to show you what's been previously admitted
10 as State's Exhibit No. 48. Do you recognize that?

11 A Yes, sir.

12 Q Is that the house you went to?

13 A Yes.

14 Q What time did you get to the house on January 31st?
15 Do you recall?

16 A I'm going to say maybe right at dark, maybe right
17 before dark, maybe. I really don't know what time it was.

18 Q All right. What was your condition like at that
19 time? Were you under the influence, or were you looking?

20 A No. I was needing to be under the influence.

21 Q I'm sorry. Say that one more time.

22 A I was dope sick.

23 Q Dope sick. Can you describe dope sick to the jury,
24 please?

25 A On heroin, sick, almost like you've got the flu.

1 Just needing drugs.

2 Q And so you went to this house around dark?

3 A I did.

4 Q Who was there when you got there?

5 A Well, Rahiem was there, Tim Davis was there, and
6 Carmen was there. And I think Jay was even there, and
7 Marquail. I think there was a couple other people there.
8 I just don't know their names.

9 Q What were the people doing there that night?

10 A Just getting together, having a party kind of like.

11 Q Were they doing drugs there?

12 A Some.

13 Q What did you do when you got there?

14 A I talked to Rahh.

15 Q And then what?

16 A I got some dope from him, heroin.

17 Q Did you use it then?

18 A I did.

19 Q Now, when you're under the influence of heroin, what
20 does it do to you? What does it make you feel like?

21 A Just -- it makes you feel hot all over, makes your
22 pain go away.

23 Q Are you able to communicate?

24 A Yes, sir.

25 Q Able to drive a vehicle?

1 A To function, yes, sir.

2 Q So it doesn't -- you're not knocked out; correct?

3 A No, sir.

4 Q You have an idea what's going on around you?

5 A I do.

6 Q Is that fair?

7 A Yeah.

8 Q So you used. And then what did you do?

9 A I went outside and talked to Jamie. She was in the
10 truck. She got out of the truck. But then she was --
11 when I went looking for her, she was outside. So I went
12 out there to talk to her.

13 Q Outside the house or --

14 A Yeah. She was sitting in the truck, passenger side.

15 Q Was she looking for drugs as well?

16 A We were both on drugs.

17 Q Then what happened?

18 A Then Rahh asked me about -- he had somebody that had
19 some Xanaxes for sale.

20 Q Did he ask you to do anything about that?

21 A No. I told him I'd take some of them, though.

22 Q Did he ask you to do anything in exchange for it?

23 A No, sir.

24 Q Did you ever leave this house that night?

25 A Yeah. He asked me if I'd give him a ride to get

1 them.

2 Q Let's talk about that. Do you remember what time
3 that was?

4 A I do not.

5 Q Do you remember about how long you were at the house
6 before you left to go drive him there?

7 A I don't exactly know the time frame from when I left.
8 But I know it was late into the night.

9 Q So still that night?

10 A Yeah.

11 Q Still dark?

12 A Still that night.

13 Q Did you agree to take him to get it?

14 A I did.

15 Q And who went with you?

16 A His buddy, Marquail. He came out there and asked if
17 he could go, too. I told him, Yeah, that's fine with me.

18 Q So who all was in the car?

19 A Me, Jamie, Marquail. And then right before we left,
20 Destany got in.

21 Q And who is Destany?

22 A Destany Fields.

23 Q Is that Rahh's girlfriend?

24 A Girlfriend.

25 Q You're driving the car?

1 A I am.

2 Q Where's Jamie, your wife, sitting?

3 A Passenger seat.

4 Q Do you remember where Marquail, Rahh, and Destany are
5 sitting?

6 A I think that Marquail was behind me. And I think
7 that -- I know that Destany was in the middle. So that
8 had to put Rahh behind Jamie.

9 Q And did you know where you were going, or did you
10 have to be told where to go?

11 A No. I had to be told where to go. But I just knew I
12 needed to get some gas on the way.

13 Q Where did you go on the way?

14 A I stopped at the Spinx on White Horse Road in
15 Welcome.

16 Q Did you get gas there?

17 A I did.

18 Q Did anybody get out of the car while you were there?

19 A Everybody got out of the car. Marquail got out of
20 the car and threw something and he sat back down. Because
21 I can remember pumping gas and his feet was sticking out
22 the door talking to me. That was about as much as I ever
23 talked to him.

24 Q And when you left Spinx, did everybody get back in
25 the car?

1 A Yes, sir. I pumped --

2 Q Everybody -- I'm sorry. What was that?

3 A I pumped the gas. Jamie paid for the gas and got
4 back in. And Rahh and Destany got back in.

5 Q Did everybody get back in the same spot?

6 A Same vehicle.

7 Q What was the mood like in the vehicle when you were
8 driving?

9 A They were arguing.

10 Q Who's "they"?

11 A They were beefing about something.

12 Q Who's that?

13 A Marquail and Rahh. They were going at it. I
14 remember telling them I was going to pull over a couple of
15 times.

16 Q Why would you pull over?

17 A I don't know. They was arguing about something,
18 beefing about something. They had something going on.

19 Q Did you see any guns in your car that night?

20 A No, sir.

21 Q Do you remember where you went?

22 A I do.

23 Q Where did you go?

24 A We went down Old Grove Road. We went down White
25 Horse Road to Old Grove Road right past the Spinx on the

1 right, took a right on Old Grove Road. And we went over
2 the railroad tracks. And I think it was, like, the first
3 subdivision on the right.

4 Q What kind of subdivision was that?

5 A It was, like, a mobile home park, like a doublewide
6 mobile home. There's one trailer park where you turn in
7 right there, but that's not where I'm talking about. I'm
8 talking about the next one.

9 Q And do you remember what house -- what road -- was it
10 a trailer you went to?

11 A It was a trailer, but I don't know the address.

12 Q And when you got to the trailer, what did you do?
13 What happened?

14 A I pulled in the front yard. And there was a girl
15 come out and she was raising cane about me pulled up in
16 front of the house, or whatever. So I told them to get
17 out. I said, Man, y'all just call me whenever the dude
18 gets here, or whatever. I said, Is the dude here?

19 He said, No.

20 I said, All right. Just call me when he gets here.

21 So he said, All right.

22 Me, and Destany, and Jamie drove up the road.

23 Q So Marquail and Rahh got out of your vehicle?

24 A Yes, sir.

25 Q And did you see where they went?

1 A Well, I mean, they couldn't -- they had -- they were
2 already in the driveway. I mean, we were pulled up in the
3 driveway.

4 Q Did you see them go into the trailer?

5 A I seen them go to the, I guess, porch, but I really
6 wasn't looking either. I mean, there was a woman that
7 come out of the house and they were talking to her. So I
8 would assume that they -- that they did. I have no idea,
9 though.

10 Q And then where did -- the three remaining in the car,
11 you, Jamie, and Destany, where did you guys go?

12 A We rode up the road and smoked a blunt that I had in
13 the ashtray.

14 Q And when you say "blunt," what is a blunt?

15 A Marijuana.

16 Q And it's still dark? Are we still at night?

17 A Yes.

18 Q Do you remember how long it took you to go from this
19 house in Berea to the trailer you went to?

20 A I mean, I don't know how long it took. But with me
21 stopping to get gas, I'd say 15, 20 minutes.

22 Q And that was a straight shot down White Horse Road
23 for you?

24 A Yes, sir. And it was late.

25 Q How long were the three of you sitting in the car

1 waiting for Marquail and the Defendant?

2 A I had the window rolled down and it was cold. And
3 when my legs and stuff got cold, that's when I crunk [sic]
4 my truck up and started driving off. So I would say maybe
5 15 minutes.

6 Q And how far away from the trailer did you drive?

7 A I think to the backside of Matrix.

8 Q Matrix?

9 A Yeah. It's like a building complex over there off of
10 25 at the end of Old Grove Road.

11 Q Do you know how far that is in mileage?

12 A I don't.

13 Q Half mile?

14 A I'd say longer than that.

15 Q Longer than that?

16 A Yes. I'd say probably -- I really don't know.

17 Q Okay. Then what happened?

18 A Then I got a call to come back. He said that he was
19 ready.

20 Q Who called you?

21 A Rahh.

22 Q Where did you go to get him?

23 A I went back to the same place I dropped him off at.

24 Q Right in front of the trailer?

25 A Yes, sir. When I pulled up, all the lights were out.

1 Q Were all the lights out when you pulled up the first
2 time?

3 A No, sir. All the lights were on when I pulled up the
4 first time. When I pulled up, all the lights were out.
5 So I hesitated to stop. I went on around the block, you
6 know. It's on the corner right there anyway.

7 So when I turned the corner, he called me back. I
8 said, Man, what are you doing? Why you playing games?
9 Where you at? I said, All the lights are out.

10 He said, I'm up here on the main road up here.

11 So I pulled up there to pick him up.

12 Q So you picked him up on a vacant road?

13 A I picked him up on Old Grove Road, I guess is what
14 the name of that is. Over by the railroad tracks.

15 Q So not the same place you dropped him off at?

16 A No, sir.

17 Q About how far distance-wise is the Old Grove Road
18 pickup place from where you dropped him off?

19 A I just picked him up at the railroad tracks. Right
20 outside the neighborhood, you take a left going towards
21 White Horse Road. And there's railroad tracks right
22 there. That's where I picked him up at on the road.

23 Q Was Marquail with him at that time?

24 A No, sir.

25 Q When he got in the car, what was Rahh's demeanor?

1 A He said he wasn't going.

2 Q He said who wasn't going?

3 A Marquail.

4 Q Okay. And then what did you do?

5 A We drove back to -- we stopped at the QT in Berea.

6 Q What did you do at the QT?

7 A We stopped at the QT. And I told him to go ahead and
8 get whatever they needed to get before we went home
9 because I wasn't stopping anywhere else, you know. And
10 that's when Rahh told me just to tell them that the dude
11 walked across the street and got in the car with somebody
12 else at the Spinx.

13 Q Okay. When you go to QT, Marquail is not with you;
14 correct?

15 A No, sir.

16 Q What does Rahh tell you at QT?

17 A He told me that the dude's girl was going to be at
18 the house when we got there. He said to tell her that he
19 walked across the street and got in the car with somebody
20 else.

21 Q But that didn't happen?

22 A No, sir.

23 Q You didn't see him walk across the street?

24 A I dropped him off at that house on Old Grove Road.

25 Q And that's the last time you saw him?

1 A Yes, sir.

2 Q How long were you at the QT for?

3 A Maybe 10 or 12 minutes.

4 Q When you left QT, was it the four of you still in the
5 car?

6 A Yes, sir.

7 Q So it was you, Jamie --

8 A Destany and Rahh.

9 Q You went back to Glenlea; correct?

10 A We went back to the yellow house there.

11 Q What did you do when you got back there?

12 A Well, there was a few more people there when I got
13 there. So I remember getting out and talking to a guy I
14 knew. And then I -- I think I walked in the house briefly
15 and then I left, me and Jamie.

16 Q Did you hear from Rahh again after that?

17 A Yes, I did.

18 Q When did you see him after that?

19 A The next day.

20 Q Where did you see him?

21 A At my house.

22 Q Tell me about that.

23 A He came to the house and wanted to tell me and Jamie
24 he talked to the police. And that to tell them that the
25 dude had walked across the street and got in the car with

1 somebody else.

2 Q Had he ever been to your house before?

3 A He knew where I lived.

4 Q You said that was the next day?

5 A Yes, sir.

6 MR. GREGORY: I beg the Court's indulgence just one
7 second.

8 (Pause.)

9 BY MR. GREGORY:

10 Q You mentioned previously that you wanted to buy some
11 of the Xanax, too. Did you buy any that day?

12 A No, I didn't.

13 Q Did anybody have Xanax?

14 A No.

15 Q You never saw Xanax? You never used Xanax that
16 night?

17 A No, sir.

18 Q Did Rahh say anything to you -- you talked about the
19 conversation in the car between Rahh and Marquail beefing
20 back and forth. Was there anything said? Did Rahh tell
21 you anything about that?

22 A I mean, not really. I just told them to be quiet. I
23 told -- I told Destany to be quiet, too. Because she was
24 kind of instigating it as much as they were.

25 Q And who was she instigating against?

1 A They were all arguing back there in the backseat
2 while I was driving down the road.

3 MR. GREGORY: All right. Please answer any questions
4 the Defense has for you.

5 CROSS-EXAMINATION

6 BY MR. SANFORD:

7 Q Mr. Capatino, how are you?

8 A Fine.

9 Q Am I saying that correctly, Capatino?

10 A Yeah.

11 Q Okay. Thank you.

12 This happened in 2014; correct?

13 A Yes, sir.

14 Q That's a long time ago?

15 A It sure is.

16 Q And you were on drugs; correct?

17 A Yes, sir.

18 Q Did that -- has that impacted your memory of that
19 time in that area?

20 A Not, but it surely impacted my life.

21 Q Now, you said you would go over to the house pretty
22 often?

23 A The house that was up there?

24 Q Yes.

25 A I've been there a few times.

1 Q Okay. You stopped at a Spinx; correct?

2 A I did.

3 Q And how long did you say you were there?

4 A Long enough to pump some gas.

5 Q Do you know about how far that was from where you let
6 Mr. Griffin out?

7 A Up where that Spinx was?

8 Q Yeah.

9 A Yeah. It was in Welcome. And I went and dropped him
10 off at Old Grove Road.

11 Q And for those of us that might not be familiar with
12 that, where's the Welcome area of Greenville?

13 A Well, it's on White Horse Road in between 123 and 85.

14 Q So they were kind of close to each other?

15 A Relatively.

16 Q Now, you said that you never saw a gun in your car;
17 is that correct, that evening?

18 A No, sir.

19 Q When was the first time that you were interviewed for
20 this case?

21 A When I got locked up.

22 Q And that was in what year?

23 A Three years ago yesterday.

24 Q So 2021?

25 A Yes, sir.

1 Q And that was the first time you mentioned anything
2 about this case to the -- to the officers?

3 A The first time I ever talked to anybody about this
4 case.

5 MR. SANFORD: I beg the Court's indulgence.

6 (Pause.)

7 BY MR. SANFORD:

8 Q Just to reiterate, you did not get out of the car,
9 except for the QT and Spinx that evening; is that correct?
10 Once you left the house in Berea, you didn't get out of
11 the car, except at the QT and Spinx?

12 A I don't think I got out of the car at QT.

13 Q So you stayed in the car at QT?

14 A I did.

15 Q But you did get out of the car at Spinx?

16 A I did.

17 MR. SANFORD: No further questions, Your Honor.

18 THE COURT: Redirect?

19 MR. GREGORY: No redirect, Your Honor.

20 THE COURT: You can step down.

21 Thank you, sir.

22 How are y'all doing? Are y'all okay? Do you need a
23 break?

24 UNIDENTIFIED JUROR: Could we take a little one?

25 THE COURT: A little one. Okay.

1 You can take them out.

2 (WHEREUPON, the jury was excused from open court at
3 approximately 3:14 p.m.)

4 THE COURT: Okay. We'll start back at 3:30. Is that
5 good?

6 MS. GASSER: Yes, Your Honor. And there may be a
7 short legal matter to take up at that time.

8 THE COURT: Okay. A short legal matter. Does this
9 need to be briefed? I'm kidding.

10 (WHEREUPON, a break was taken.)

11 THE COURT: Ms. Gasser, are you ready?

12 MS. GASSER: Yes, Your Honor.

13 THE COURT: You indicated that you had a legal matter
14 to take up with the Court.

15 MS. GASSER: Yes, Your Honor. I was going to go
16 ahead and present Defense Counsel with a summary of the
17 next two witnesses convictions. I believe that
18 Ms. Capatino does not have any convictions that under the
19 rules of evidence would be permitted to be cross-examined
20 about.

21 I do believe that Ms. Fields has a 2015 shoplifting,
22 which under the rules of evidence is a crime of dishonesty
23 and would be permitted to be discussed. But her other
24 conviction is not being -- not being able to be discussed
25 in front of the jury. So rather than have that kind of

1 can of worms opened in front of the jury, I wanted to have
2 that ruling on the record prior to having them come into
3 the courtroom.

4 THE COURT: Okay. So that's a crime of dishonesty.

5 Do y'all have any issue? Were y'all planning on
6 trying to attack her with anything else under 609?

7 I think that's right, 609, prior --

8 MS. GASSER: Yes, Your Honor.

9 THE COURT: Do you need a chance to look at the
10 records?

11 MR. WARDER: Yes, just a second.

12 THE COURT: And you're saying that Jamie Capatino
13 does not have anything?

14 MS. GASSER: No, she does. However, her records
15 are -- I can read them out for the Court. She has a 2015,
16 DUI; a 2017, possession of schedule I, schedule II
17 substance; 2019, public disorderly; 2022, driving under
18 suspension; and 2023, possession of methamphetamine or
19 cocaine base first offense.

20 Again, I don't believe that any of those fall under
21 the rules --

22 THE COURT: A year or more?

23 MS. GASSER: -- and -- I'm sorry.

24 So, actually -- so, Your Honor, essentially, I would
25 be arguing to prohibit the testimony from both witnesses,

1 except for Destany Fields' 2015 shoplifting. And that
2 being as to 609(a)(1), that the probative value out -- is
3 not outweighed by its prejudicial effect.

4 THE COURT: Okay. I want to make sure I understand
5 you correctly. As to Destany Fields, you are saying the
6 only offense would be the shoplifting, the 2015
7 shoplifting?

8 MS. GASSER: Yes, Your Honor, as a crime of
9 dishonesty.

10 THE COURT: Yeah.

11 MS. GASSER: And then -- and so my argument is that
12 under Rule 403 that the remainder of Destany Fields'
13 convictions would -- the prejudicial effect of those would
14 not be outweighed by -- that the prejudicial effect far
15 outweighs any probative value. I believe it's a public
16 disorderly, hindering an officer, prostitution, accessory
17 after the fact, and breach of peace.

18 And I apologize, Your Honor. I do believe -- my
19 co-counsel has reminded me that several of those are,
20 actually, zero to 30-day offenses. They would not fall
21 under 609.

22 THE COURT: More than a year.

23 MS. GASSER: That would be 2015, public disorderly;
24 2015, hindering an officer; 2016, prostitution first
25 offense; and 2021, breach of peace.

1 THE COURT: Are any of them outside the one year?

2 MS. GASSER: No, Your Honor.

3 THE COURT: Okay.

4 MS. GASSER: Or I believe the 2016 accessory before
5 the fact of a felony is greater -- does carry greater than
6 a year. And it was in 2016.

7 THE COURT: And what was that offense?

8 MS. GASSER: Accessory before the fact of a felony.

9 THE COURT: And your argument would be probative
10 value substantially outweighed by unfair prejudice?

11 MS. GASSER: Yes, Your Honor.

12 THE COURT: Of the accessory before the fact?

13 MS. GASSER: Yes, Your Honor.

14 THE COURT: And then we'll talk about Jamie Capatino.
15 Is that who you were getting ready to talk about?

16 MS. GASSER: Yes, Your Honor.

17 THE COURT: As far as Destany Fields, have y'all had
18 a chance to look at that?

19 MR. WARDER: Yes, sir. The shoplifting would --

20 THE COURT: And they have, essentially, stipulated to
21 that, the shoplifting comes in. I mean, you can attack
22 her on that.

23 MR. WARDER: Accessory before the fact of a felony
24 is -- it depends on what felony it is. Your Honor, it
25 depends on what it is, whether it's a murder she's

1 accessory to before the fact.

2 THE COURT: Is there a way to access that?

3 MS. GASSER: Your Honor, I believe you're not allowed
4 to go into the underlying offense and the factual
5 allegations. If he wanted to attack her credibility as to
6 just the conviction, I could -- but the actual --

7 THE COURT: I'll tell you what, on Destany Fields,
8 I'll allow you to attack her credibility. You will not be
9 able to go into whatever it is, the shoplifting and
10 accessory before the fact. Okay.

11 All right. Jamie Capatino.

12 MS. GASSER: Yes, Your Honor. And I apologize. I
13 was reading the rule wrong. It's been a long day. But as
14 to her prior convictions, none are outside the 10-year
15 scope. I do believe a couple of them are less than -- do
16 carry less than one year. That would be the 2019, public
17 disorderly, the 2022, DUS second and the DUI first
18 offense.

19 THE COURT: Are any of those over one year?

20 MS. GASSER: There is a 2017, possession of a
21 schedule I, schedule II first offense and a 2023,
22 possession of methamphetamine or cocaine base first
23 offense.

24 THE COURT: And I do appreciate y'all bringing this
25 to my attention.

1 MS. GASSER: Yes, Your Honor.

2 THE COURT: Rather than the jury having to step out.

3 Mr. Warder, as to the 2017 and 2023 --

4 MR. WARDER: Your Honor, I think -- possession of --
5 they would all be out on...

6 So, possibly, possession of one gram of
7 methamphetamine and possession of a schedule II would be
8 admissible.

9 THE COURT: I'm waiting to hear your argument on it.

10 MR. WARDER: They both carry more than one year.

11 THE COURT: Yeah. But as far as the 403, the
12 probative value --

13 MR. SANFORD: Your Honor, I would say that there's
14 been multiple witnesses here already that they have
15 brought up drug offenses to and testified to the fact that
16 they have had convictions for drug offenses. I don't see
17 why that would be any different for this witness, as
18 opposed to the other witnesses that they have already had
19 them talk about their drug offenses that the State has
20 brought up.

21 THE COURT: Okay. I will allow the 2017 -- can you
22 tell me again? It's PWID?

23 MR. SANFORD: Yeah, possession of schedule I and
24 schedule II first offense.

25 THE COURT: That was 2023, wasn't it?

1 MR. SANFORD: No. That's the 2017.

2 MS. GASSER: The 2023 is a possession.

3 THE COURT: It's getting late for all of us.

4 MR. SANFORD: 2023 is less than a gram of
5 methamphetamine or cocaine base first offense.

6 THE COURT: Okay. I'm -- I will let both of those --
7 let you factor credibility on both of those.

8 Are there any other issues?

9 MS. GASSER: Yes, Your Honor. One that I believe
10 would, potentially, cause an objection that I would just
11 like to iron out now.

12 THE COURT: This is another witness?

13 MS. GASSER: Yes, Your Honor. The co-defendant,
14 Destany Fields, she is -- part of her testimony is going
15 to elicit that this Defendant -- and I should have brought
16 this up in preliminary matters when going over her
17 testimony. Reviewing my notes, I did notice this.

18 She was planning on testifying as to the nature of
19 their relationship. He, actually, was -- in her own
20 words, was trafficking her for sex at this time. At this
21 time, the nature of the relationship was not only a sexual
22 one, but, also, that he would set up dates for her to have
23 sex with men for money, which in her own words was she was
24 being trafficked.

25 So I wanted to bring that to the Court's attention

1 now, rather than on the stand.

2 MR. WARDER: Certainly, the prejudicial value would
3 far outweigh the probative value.

4 THE COURT: And I agree. I think the probative value
5 is substantially outweighed by the prejudice.

6 MS. GASSER: Yes, Your Honor. If I could just have a
7 moment to let that witness know your ruling.

8 THE COURT: I understand the sensitivity of that, but
9 it's going to be unfairly prejudicial.

10 MS. GASSER: Absolutely, Your Honor.

11 (Pause.)

12 THE COURT: Y'all let me know when you're ready.

13 MS. GASSER: The State is ready to proceed, Your
14 Honor.

15 THE COURT: Please bring the jury in.

16 Thank you.

17 (WHEREUPON, the jury came into open court at
18 approximately 3:42 p.m.)

19 THE COURT: Is the State ready to proceed?

20 MS. GASSER: Yes, Your Honor.

21 THE COURT: Thank you.

22 MS. GASSER: May it please the Court.

23 The State calls Jamie Capatino.

24 THE CLERK: Ms. Capatino, please come forward to the
25 bench.

1 Raise your right hand and place your left hand on the
2 Bible.

3 WHEREUPON,

4 JAMIE CAPATINO,

5 after first having been duly sworn, testified as follows:

6 THE CLERK: All right. Thank you.

7 Please be seated.

8 And, please, state your name for the record.

9 THE WITNESS: Jamie Capatino.

10 THE CLERK: Thank you.

11 DIRECT EXAMINATION

12 BY MS. GASSER:

13 Q All right. Ms. Capatino, can you, please, tell the
14 jury where you're originally from?

15 A Greenville, South Carolina.

16 Q And have you lived in Greenville your whole life?

17 A Yes, ma'am.

18 Q And are you married?

19 A Yes, ma'am.

20 Q Who to?

21 A Kris Capatino.

22 Q And how long have y'all been married?

23 A 24 years.

24 Q Do y'all have any children?

25 THE COURT: Ma'am, can you talk up, please?

1 THE WITNESS: Yes, ma'am -- or yes, sir.

2 THE COURT: I just want to make sure everyone can
3 hear.

4 THE WITNESS: I've been married 24 years.

5 THE COURT: Can y'all hear okay?

6 (WHEREUPON, the jury indicated in the affirmative.)

7 BY MS. GASSER:

8 Q And are y'all still married?

9 A Yes, ma'am.

10 Q And I apologize. Do y'all have any children?

11 A Yes, ma'am, we do.

12 Q How many?

13 A One.

14 Q And girl or boy?

15 A Girl.

16 Q How old is she?

17 A 20.

18 Q And, Jamie, just to get a little bit personal here,
19 have you struggled with drugs during your lifetime?

20 A Yes, ma'am.

21 Q All right. When did you start taking drugs?

22 A Probably when I was about 16.

23 Q And how long did you use drugs for?

24 A Off and on for 20 something years.

25 Q And did you pick up a 2017 possession of schedule I

1 and schedule II first offense?

2 A Yes, ma'am.

3 Q And in 2023, did you, also, get picked up for
4 possession of one gram of methamphetamine or cocaine base
5 first offense?

6 A I, actually, got picked up in 2019 for that. And it
7 just now went to court in 2023.

8 Q But in both of those cases, you were caught with
9 drugs?

10 A Yes, ma'am.

11 Q And was that for your personal use?

12 A Yes, ma'am.

13 Q And what was your drug of choice?

14 A Opiates.

15 Q So let's go back to January of 2014. Do you remember
16 back then?

17 A Yes, ma'am.

18 Q All right. And where were you living then?

19 A I had a house in Berea.

20 Q Who was living with you?

21 A Me, my husband, and my daughter.

22 Q And were you using drugs back in January of 2014?

23 A Yes, ma'am.

24 Q Did you know Marquail Hellams?

25 A I did not know him.

1 Q Did you ever meet him?

2 A The evening that we gave him a ride.

3 Q Okay. Did you know Jonathan Hellams?

4 A No, ma'am.

5 Q Did you know a Jay Hellams?

6 A Yes, ma'am.

7 Q And how did you know Jay Hellams?

8 A I used to buy drugs from there and from him and other
9 people in his home.

10 Q Who were the other people you would buy drugs from?

11 A Rahh, Denzel, Jay, Tim. There was several of them.

12 Q And who is Rahh?

13 A That's Rahh sitting right there in the white shirt.

14 MS. GASSER: Let the record reflect that the witness
15 has identified the Defendant, Rahiem Griffin, as "Rahh."

16 BY MS. GASSER:

17 Q Did you know a Destany Fields?

18 A Yes, ma'am.

19 Q All right. And who was she to you?

20 A She was Rahh's girlfriend.

21 Q And you said you would go there. Where was "there"?

22 A To a house in Berea off of White Horse Road.

23 Q If you were to see that house again, would you
24 recognize it?

25 A I would think so, but maybe not. I was high a lot.

1 Q What would you do -- or why would you go to that
2 house?

3 A To get drugs only.

4 Q And would y'all buy your drugs and leave, or did you
5 ever use drugs at that house?

6 A I've done drugs at the house. I've bought them and
7 left, also.

8 Q How many -- did you go to that house one time or
9 multiple times?

10 A Multiple times.

11 Q Did you go over to that house on January 31st, 2014?

12 A Yes, ma'am.

13 Q And how did you get there?

14 A Me and my husband drove.

15 Q And who was driving?

16 A Kris.

17 Q And what were y'all driving?

18 A 2005, I think, Chevrolet Tahoe.

19 Q And would you recognize your vehicle if you were to
20 see it again?

21 A Yes, ma'am.

22 Q I'm showing you what's already been entered into
23 evidence as State's Exhibit No. 52. Was this the vehicle?

24 A Yes, ma'am.

25 Q State's Exhibit Nos. 53 and 54, is this still the

1 same vehicle?

2 A Yes, ma'am.

3 Q State's Exhibit No. 55?

4 A That's it.

5 Q And State's Exhibit No. 56, is that all the same
6 vehicle?

7 A Yes, ma'am.

8 Q And this was the vehicle y'all were driving on
9 January 31st, 2014?

10 A Yes, ma'am.

11 Q And where were y'all going?

12 A We went and got heroin. And we gave a ride to go get
13 Xanaxes.

14 Q So let's back up a little bit. When you went to this
15 house to get heroin, who were you going to get heroin
16 from?

17 A I can't say for sure because you go to get it from
18 one person and they'd be getting it from somebody else in
19 the house.

20 Q Well, who all was there when you got there?

21 A Rahh, Denzel, and Tim.

22 Q And you said you had bought drugs from them before?

23 A Yes, ma'am.

24 Q And did you get out of the car?

25 A Yes, ma'am.

1 Q Did you go into the house?

2 A Yes, ma'am.

3 Q Did you use drugs while at the house?

4 A Yes, ma'am.

5 Q And you just said that you -- you testified that you
6 gave a ride. When -- how long were you at the house for?

7 A Probably not 30, 45 minutes altogether.

8 Q And was it daytime? Nighttime?

9 A Nighttime.

10 Q Do you remember approximately what time it was?

11 A No, ma'am.

12 Q Where was Kris?

13 A He was there.

14 Q Was he beside you the whole time?

15 A Yes, ma'am.

16 Q All right. At any point, did you leave the house?

17 A No, ma'am.

18 Q After that 30 or 45 minutes, did you leave the house?

19 A Yes, ma'am.

20 Q Why were y'all leaving the house?

21 A We were going home.

22 Q You were going home. You had testified earlier that
23 you were giving a ride to go get Xanax?

24 A When we went to walk out the door, they asked us to
25 give them a ride to go get Xanaxes.

1 Q Who asked you to give them a ride?

2 A Rahiem.

3 Q Okay. Did only Rahiem Griffin get in the car?

4 A No, ma'am.

5 Q Who else got in the car?

6 A Him, Destany, and I can't -- I can't think of his
7 name now. Marquail.

8 Q And you testified earlier that you had not met
9 Marquail Hellams before this night?

10 A No, ma'am.

11 Q But you met him that evening when you gave him a
12 ride?

13 A Yes, ma'am.

14 Q And you testified earlier that y'all were going to
15 buy Xanaxes?

16 A Yes, ma'am.

17 Q Who was going to buy the pills?

18 A Rahiem and Marquail.

19 Q And when y'all left to go buy Xanaxes, where did
20 y'all go to?

21 A We went down White Horse Road to almost Augusta Road.
22 And I don't really know the name of the road. It's a
23 subdivision in there.

24 Q And so when y'all got to the house, did you get out
25 of the car?

1 A No, ma'am.

2 Q Did Kris get out of the car?

3 A No, ma'am.

4 Q Who got out of the car?

5 A Rahiem and Marquail. We didn't stay at the house.
6 We rode around the block.

7 Q You rode around the block. And what were y'all doing
8 while riding around the block?

9 A Just sitting in the car.

10 Q Approximately how long were y'all in the car for?

11 A No longer than 10 or 15 minutes, I wouldn't think.

12 Q Did y'all ever go back to this house?

13 A No, ma'am.

14 Q Did anyone ever get back in the car?

15 A Rahiem did.

16 Q Did Marquail Hellams get back in the car?

17 A No, ma'am.

18 Q Did the Defendant say anything to you when he got
19 back in the car?

20 A He said he left with some girls. He couldn't get the
21 pills.

22 Q And did you see him go off with any girls?

23 A No, ma'am.

24 Q What was the Defendant's demeanor like when he got
25 back in the car?

1 A It was no different than it was before he got out.

2 Q And what was his demeanor like before he got out of
3 the car?

4 A I didn't see any problems. There was no fussing in
5 the vehicle, or anything.

6 Q Now, did you -- you testified earlier that you were
7 using heroin?

8 A Yes, ma'am.

9 Q How do you behave when you're on heroin?

10 A Very slow, very drowsy feeling.

11 Q Why weren't you driving the car?

12 A I don't have a license for one. I wouldn't drive
13 high like that either.

14 Q So you were drowsy and feeling slow, you said?

15 A Any time I use heroin, it's to go down.

16 Q Now, where did y'all go after Rahiem got back in the
17 car?

18 A We went back to the house on -- off of White Horse
19 Road that Tim, and Jay, and everybody was staying at, I
20 guess, and dropped Rahiem and Destany off.

21 Q And did y'all stay at that house off of White Horse
22 Road?

23 A No, ma'am.

24 Q Where did you go?

25 A We went back to our house in Berea.

1 Q And who's "we"?

2 A Me and Kris.

3 Q And at some point in this case, did you give a
4 statement to law enforcement?

5 A Yes, ma'am.

6 Q When you gave a statement to law enforcement, were
7 you clean and sober?

8 A No, ma'am.

9 Q Are you clean and sober today?

10 A Yes, ma'am.

11 Q How long have you been sober for?

12 A Two and a half years.

13 MS. GASSER: All right. Ms. Capatino, I don't have
14 any further questions. Please answer any Defense Counsel
15 has.

16 THE COURT: Defense.

17 CROSS-EXAMINATION

18 BY MR. SANFORD:

19 Q Ms. Capatino, how are you?

20 A All right.

21 How are you, sir?

22 Q I'm doing very well.

23 Thank you.

24 You originally -- when was the first time you talked
25 to police?

1 A They came and picked me up. I'm not sure of the
2 date.

3 Q Would that have been 2014? 2016?

4 A No, it was like...

5 Q 2021?

6 A Yes, sir.

7 Q And you were -- you were using at that time?

8 A Yes, sir. I wasn't using heroin, or anything.

9 Q But you were on drugs?

10 A Yeah.

11 Q Did you tell police at that time that it was hard to
12 remember things that happened back in 2014?

13 A Oh, yeah.

14 Q Okay.

15 A Yes, sir.

16 Q That night when you had Mr. Griffin and other people
17 in the car, did you stop at gas stations?

18 A I remember stopping at a Spinx. I believe it was on
19 White Horse Road.

20 Q And you said that Tahoe was a 2005?

21 A I think it's a 2005. It could be a 2007. I'm not
22 sure.

23 Q And I know it's going to be hard to remember because
24 this was 10 years ago. But do you remember how long the
25 entire trip from getting -- going -- getting in the car at

1 the house and getting back to the house --

2 A It couldn't have been no more than an hour.

3 MR. SANFORD: Okay. We have no further questions for
4 this witness.

5 THE COURT: Redirect.

6 MS. GASSER: Briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. GASSER:

9 Q Ms. Capatino, where was the last place you saw
10 Marquail Hellams?

11 A He got out of the vehicle -- I don't know the name of
12 the road -- in front of a doublewide, I believe it was.

13 Q So he didn't get out of the vehicle at a gas station?

14 A No, ma'am.

15 Q And did he ever get back in the vehicle?

16 A No, ma'am.

17 MS. GASSER: I have no further questions.

18 THE COURT: Okay. You can step down.

19 Thank you.

20 MS. GASSER: Your Honor, we do ask that this witness
21 be released from her subpoena.

22 THE COURT: She can be released.

23 MS. GASSER: The State calls Destany Fields.

24 THE CLERK: Ms. Fields, if you'll, please, come
25 forward.

1 Pause at the end of the bench.

2 Place your left hand on the Bible and raise your
3 right hand.

4 WHEREUPON,

5 DESTANY FIELDS,

6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 Please be seated.

9 Please state your name for the record.

10 THE WITNESS: Destany Fields.

11 THE CLERK: Thank you.

12 DIRECT EXAMINATION

13 BY MS. GASSER:

14 Q All right. Good afternoon, Ms. Fields.

15 Can you tell the jury where you're originally from?

16 A Greenville.

17 Q Have you lived here your whole life?

18 A Yes, ma'am.

19 Q All right. And how old are you?

20 A 29.

21 Q And do you have any children?

22 A Yes, ma'am.

23 Q How many?

24 A Four.

25 Q And how old are each of your children?

1 A 12, 15, eight, and two.

2 Q And do you know Marquail Hellams?

3 A Yes, ma'am.

4 Q How did you know Marquail?

5 A He was a childhood best friend.

6 Q And when did y'all meet?

7 A When I was, like, 12.

8 Q Where did y'all meet?

9 A Berea.

10 Q Did y'all live in the same area?

11 A Yes, ma'am.

12 Q And you said he was your childhood best friend?

13 A Yes, ma'am.

14 Q Were y'all close?

15 A Yeah.

16 Q Now, Destany, do you know Rahiem Griffin?

17 A Yes, ma'am.

18 Q How do you know him?

19 A He's my ex-boyfriend.

20 Q Is he in the courtroom today?

21 A Yes, ma'am.

22 Q Can you, please, identify him?

23 A He's right there with the white shirt.

24 MS. GASSER: May the record reflect that the witness
25 has identified the Defendant, Rahiem Griffin, sitting at

1 counsel table.

2 THE COURT: So noted.

3 BY MS. GASSER:

4 Q And how did you meet Rahiem?

5 A Middle school.

6 Q What middle school?

7 A Berea Middle.

8 Q And you said that he's an ex-boyfriend?

9 A Yes, ma'am.

10 Q Do y'all have any children in common?

11 A Yeah.

12 Q And, Destany, are you currently charged with anything
13 in relation to this case?

14 A Yes, ma'am.

15 Q What are you charged with?

16 A Murder and conspiracy.

17 Q And have you been promised anything to testify today?

18 A No, ma'am, I haven't.

19 Q Have you been made any guarantees or offers?

20 A No, ma'am.

21 Q Have you been -- or why are you testifying then?

22 A To tell the truth.

23 Q Destany, you have a little bit -- you have a couple
24 of prior convictions; isn't that right?

25 A Yes, ma'am.

1 Q In 2015, did you have a conviction for shoplifting?

2 A Yes, ma'am, I did.

3 Q And then in 2016, an accessory before the fact to a
4 felony?

5 A Yes.

6 Q And you've just testified you're here to tell the
7 truth?

8 A Yes, ma'am, I am.

9 Q So let's talk about January of 2014. Were you and
10 Mr. Griffin staying together back then?

11 A Yes, ma'am.

12 Q Where at?

13 A Glenlea.

14 Q Would you recognize the house if you were to see it
15 again?

16 A Yes.

17 Q I'm showing you what's already in evidence as State's
18 Exhibit No. 48. Is this that house?

19 A Yeah.

20 Q All right. And were y'all the only two staying at
21 the house?

22 A No.

23 Q Who else was living there?

24 A Tim, Carmen, Jay, Evelyn.

25 Q All right. Who's Jay?

- 1 A Jonathan.
- 2 Q What's his last name?
- 3 A Hellams.
- 4 Q And who's Evelyn?
- 5 A I don't know her last name.
- 6 Q Well, how is she related to everyone?
- 7 A She was Jonathan's girlfriend.
- 8 Q And what was Tim and Carmen's last names?
- 9 A Sprouse and Tim Davis.
- 10 Q And did Marquail ever stay there?
- 11 A He stayed there a few times.
- 12 Q And tell me about the atmosphere of this house. Was
- 13 there ever any drugs there?
- 14 A Yeah. It was a drug house.
- 15 Q Did you ever see any guns there?
- 16 A Yes, ma'am.
- 17 Q And why were there drugs there?
- 18 A Because they were selling drugs.
- 19 Q Who was selling drugs?
- 20 A Everybody.
- 21 Q When you say "everybody," who do you mean?
- 22 A Rahh, Tim.
- 23 Q When you say "Rahh," who are you referring to?
- 24 A Rahiem.
- 25 Q Is that a nickname for him?

1 A Yes, ma'am.

2 Q And you've said that there were guns in the house?

3 A Yes, ma'am.

4 Q Who carried guns?

5 A Rahh.

6 Q Do you know what type of gun he carried?

7 A I'm not sure.

8 Q Did you ever see him with a gun in his hand?

9 A Yes.

10 Q Did you ever interact with Marquail and Rahiem when

11 they hung out together?

12 A Not really. I stayed in the room.

13 Q Why would you stay in the room?

14 A Because there was too much drug activity going on.

15 So I just stayed in the room by myself.

16 Q Did you know if they were friends?

17 A Yeah.

18 Q And did they ever get into any disagreements?

19 A Yes, ma'am.

20 Q All right. In the week before January 31st, 2014,

21 there's been testimony involving you and a gun going off.

22 Do you remember that?

23 A Yes, ma'am, I do.

24 Q All right. So tell me what happened.

25 A Marquail shot the gun in the house and it ricocheted

1 my finger.

2 Q All right. And you said he shot the gun off in the
3 house. Was he aiming for you?

4 A I'm not sure. I was upstairs, so I don't know.

5 Q And how did it ricochet your finger if you were
6 upstairs?

7 A He shot the gun through the ceiling.

8 Q And when you say ricocheted your finger, did it,
9 actually, hit your finger?

10 A Yes, ma'am.

11 Q Did it cause you to bleed?

12 A Yes.

13 Q And who was in the house at the time?

14 A I don't remember, really.

15 Q So it was just you and Marquail?

16 A I think. And his brother, Jonathan, was there.

17 Q Was Rahiem there?

18 A Yes, ma'am.

19 Q And what did the Defendant say?

20 A Who?

21 Q What did Rahiem say?

22 A Nothing.

23 Q He didn't say anything after your finger was shot?

24 A (There was no verbal response.)

25 Q You're his girlfriend. He didn't say anything to

1 you?

2 A I mean, I was upset about it. I was like, really?

3 But he didn't really say nothing.

4 Q All right. So you were upset. Did you talk to
5 Marquail about this?

6 A Huh-uh. We didn't have any contact.

7 Q So he just shot the gun and then y'all didn't speak
8 about it?

9 A I literally stayed upstairs the whole time. I didn't
10 go outside, really.

11 Q But y'all are childhood best friends and he's just
12 discharged a firearm and it hit you, and you didn't yell
13 at him at all?

14 A No.

15 Q Did you talk to Rahh about it afterwards?

16 A I mean, a little bit, not too much.

17 Q Because you said you were upset; right?

18 A Yes, ma'am.

19 Q Now, were you at the house on January 31st, 2014?

20 A Yes, ma'am.

21 Q All right. Who was there that night?

22 A Tim, Carmen, Rahh, Marquail, Jamie, and Kris.

23 Q All right. So let's go through this. Who are Jamie
24 and Kris?

25 A People that used to buy drugs from the house.

1 Q So did they live there?

2 A No.

3 Q And what were y'all doing that night?

4 A I was in the bedroom.

5 Q Did you see what everyone else was doing?

6 A No, ma'am. Everybody else was downstairs.

7 Q And did you stay there all night?

8 A Yes, ma'am.

9 Q So you never left --

10 A We left. We did leave, yeah.

11 Q Oh, I should clarify. Did you spend the night there?

12 A Yeah. I lived there.

13 Q But at some point, you, actually, left the house?

14 A Yes, ma'am.

15 Q And where did you go when you left the house?

16 A To Grove Estates to buy Xanax.

17 Q And just to be clear, did you say Grove Estates?

18 A Yes, ma'am.

19 Q And to buy Xanax?

20 A Yes.

21 Q Whose idea was it to go and buy Xanax from Grove

22 Estates?

23 A Rahiem and the Capatinos.

24 Q And who all was going?

25 A Me, Kris, Jamie, Marquail, and Rahh.

1 Q Who was driving?

2 A Kris.

3 Q And where were you sitting?

4 A Behind the passenger, Jamie.

5 Q And so you said "the passenger," was she in the front
6 seat, though?

7 A Yes, ma'am.

8 Q And who was in the backseat with you again?

9 A Marquail and Rahh.

10 Q And where were y'all going to again?

11 A Grove Estates.

12 Q Okay. If you were to see images of that neighborhood
13 and that house you went to, would you recognize them?

14 A Yes, ma'am.

15 (WHEREUPON, State's Exhibit Nos. 57, 58, and 59 were
16 marked for identification only.)

17 BY MS. GASSER:

18 Q Okay. I'm showing you what's been pre-marked for
19 identification purposes as State's Exhibit Nos. 57, 58,
20 and 59. I want you to look through those. Do you
21 recognize those locations?

22 A Yes, ma'am.

23 Q And how do you recognize them?

24 A That's the house we went to that night.

25 Q And are they a fair and accurate depiction of the

1 neighborhood and house you went to that night on
2 January 31st, 2014?

3 A Yes, ma'am.

4 Q And other than it being further in time, are they
5 substantially the same and not having been changed or
6 altered?

7 A No, ma'am.

8 MS. GASSER: Your Honor, at this time, the State
9 moves to enter State's Exhibit Nos. 57 through 59 into
10 evidence..

11 THE COURT: Defense, any objection?

12 MR. SANFORD: No objection.

13 THE COURT: No objection. State's Exhibit Nos. 57
14 through 59 are admitted.

15 (WHEREUPON, State's Exhibit Nos. 57, 58, and 59 were
16 admitted into evidence.)

17 BY MS. GASSER:

18 Q So let's talk a little bit about this. So what are
19 we seeing here?

20 A Grove Estates.

21 Q So this is State's Exhibit No. 57. So is this the
22 entrance of the neighborhood that you went to that night?

23 A Yes, ma'am.

24 Q And that's when y'all were going to buy Xanaxes?

25 A Yes.

1 Q What are we seeing here in State's Exhibit No. 58?

2 A That's the house we went to.

3 Q And how do you know it was this house?

4 A Because of the driveway.

5 Q Was it a distinctive driveway?

6 A Yes.

7 Q And then State's Exhibit No. 59, is this another view
8 of the house?

9 A Yes.

10 Q All right. Destany, so y'all get -- do you remember
11 stopping anywhere on the way to the house to buy Xanax?

12 A Yes, ma'am.

13 Q Where did y'all stop at?

14 A Spinx.

15 Q All right. And at the Spinx, did anyone get out of
16 the car and not come back?

17 A Rahiem and Marquail got out, but they came back.

18 Q So did everybody get back in the car?

19 A Yes, ma'am.

20 Q So everybody made it to this house to buy Xanax?

21 A Yes, ma'am.

22 Q So when y'all pull up, where do you pull up at this
23 house?

24 A The back door.

25 Q When you say "the back door," what are you talking

1 about?

2 A Where the porch is.

3 Q Can you use your computer screen and show the jury?

4 A Right there.

5 Q Is that the back door you're discussing?

6 A Yes.

7 Q Who gets out of the car?

8 A Rahiem and Marquail.

9 Q Did you get out of the car?

10 A No, ma'am.

11 Q All right. Do you remember giving a statement to law
12 enforcement saying that you got out of the car?

13 A Yes, ma'am. But I was under the influence when they
14 interviewed me.

15 Q Okay. So you're saying today that you did not get
16 out of the car?

17 A No, ma'am, I didn't.

18 Q Had you ever been to that house before?

19 A Once.

20 Q Who's house was it?

21 A Mae's.

22 Q Was this someone known to you?

23 A I don't know her, Rahiem did.

24 Q But you had been there before?

25 A Yeah, one time.

1 Q Had you ever gone in that house before?

2 A Yes.

3 Q And why did you go to that house before?

4 A Because Rahiem was chilling with his friend.

5 Q And so on January 31st, 2014, it is your testimony
6 that you did not get out of the car?

7 A No, ma'am, I didn't.

8 Q And who stayed in the car with you?

9 A Jamie and Kris.

10 Q What did y'all do?

11 A Sat in the car.

12 Q How long were y'all in the car for?

13 A About 30, 40 minutes.

14 Q And had you used drugs that night?

15 A Yes, ma'am.

16 Q What drugs did you use?

17 A Xanax, and cocaine, and marijuana.

18 Q And when you're on drugs -- when you're on those
19 three drugs, specifically, what's your demeanor like?

20 A Just out of it, not knowing what's going on around
21 me.

22 Q And so you're in the car. What were you doing when
23 you were in the car?

24 A Just sitting there.

25 Q Did Rahiem and Marquail come back?

1 A Rahiem came back.

2 Q Did Marquail ever come back?

3 A No, ma'am.

4 Q Where was Marquail?

5 A I don't know.

6 Q Did Rahiem tell you where he was?

7 A No, ma'am.

8 Q Did you ask where he was?

9 A I believe I did. He wasn't talking to me, though.

10 He was acting strange.

11 Q You say "he was acting strange," why was he acting

12 strange?

13 A I don't know.

14 Q Now, let's back up here. You talked about guns

15 earlier. Did you see Rahiem Griffin with a gun that

16 night?

17 A Yes, ma'am.

18 Q When did you see him with a gun?

19 A At the house.

20 Q And what did that gun look like?

21 A It was silver.

22 Q Had you seen that gun before?

23 A (There was no verbal response.)

24 Q Did he have that gun in the car?

25 A Yes, ma'am.

1 Q How do you know he had that gun in the car?

2 A Because it was on his hip and I seen it.

3 Q Was that common for him to carry a gun on his hip
4 like that?

5 A Yes, ma'am.

6 Q When he got out of the car, did he have his gun on
7 his hip still?

8 A Yes, ma'am.

9 Q When he got back in the car without Marquail, did he
10 have that gun on his hip?

11 A Yes, ma'am.

12 Q Did you ever see that gun again?

13 A No, ma'am, I didn't.

14 Q When he got back in the car, why did y'all leave if
15 Marquail wasn't in the car with y'all?

16 A Maybe guessing he stayed there at the house.

17 Q Okay. Did Rahiem have the Xanax y'all went to
18 purchase?

19 A No, ma'am.

20 Q Did he explain to you why he didn't have the Xanaxes
21 that y'all went to purchase?

22 A No. He wasn't talking.

23 Q Wasn't that the whole reason y'all went to that
24 house?

25 A Yes, ma'am.

1 Q Where did y'all go after leaving that house?

2 A We went back to Glenlea.

3 Q Did y'all stop anywhere on the way back to Glenlea?

4 A No, ma'am.

5 Q When you got back to Glenlea, did you get out of the
6 car?

7 A Yes, ma'am.

8 Q Did anyone else get out of the car?

9 A Rahiem.

10 Q Did the Capatinos come into Glenlea?

11 A Not that I remember.

12 Q Did you go back into Glenlea?

13 A Did I go into Glenlea?

14 Q Yes.

15 A Yes, ma'am.

16 Q And you testified earlier that you spent the night
17 there?

18 A I lived there.

19 Q Okay. Let's talk about your phone. There's been
20 testimony in this case that you had a phone taken from you
21 at some point; right?

22 A Yes, ma'am.

23 Q All right. Do you remember what that phone looked
24 like?

25 A Not really.

1 Q But you know that your phone was taken from you?

2 A Yes, ma'am.

3 Q In the investigation of this case?

4 A Yes, ma'am.

5 Q And were you ever told that it was extracted,
6 downloaded, dumped?

7 A No, ma'am.

8 Q Were you previously able to look at some of your text
9 messages from your phone?

10 A No, ma'am.

11 Q Were you able to read some of your text messages from
12 your phone extraction?

13 A I mean, you let me read them.

14 Q And would you recognize those text messages again if
15 you were to see them?

16 A Yes, ma'am.

17 Q And identify them as your text messages?

18 A Yes, ma'am.

19 Q From your phone?

20 A Yes, ma'am.

21 (WHEREUPON, State's Exhibit No. 60 was marked for
22 identification only.)

23 BY MS. GASSER:

24 Q I'm now handing you what's been pre-marked for
25 identification purposes as State's Exhibit No. 60. Can

1 you look through that?

2 A Yeah.

3 Q Now, do you remember these messages?

4 A Yes, ma'am.

5 Q Are these messages that came from your phone?

6 A Yes, ma'am.

7 Q And were these your own words?

8 A Yes, ma'am.

9 Q And have you had a chance prior to testifying right
10 now to look over these text messages?

11 A (There was no verbal response.)

12 Q And are they a fair and accurate depiction of the
13 messages you sent back in 2014?

14 A Yes, ma'am.

15 Q And have they been changed or altered in any way?

16 A No, ma'am.

17 MS. GASSER: Your Honor, at this time, the State
18 seeks to enter State's Exhibit No. 60 into evidence.

19 THE COURT: Any objection from Defense?

20 MR. WARDER: No, Your Honor.

21 THE COURT: So admitted without objection.

22 (WHEREUPON, State's Exhibit No. 60 was admitted into
23 evidence.)

24 BY MS. GASSER:

25 Q Now, Destany, let's talk about some of these text

1 messages. First, on the first page of State's Exhibit
2 No. 60, does this identify your phone?

3 A Yes, ma'am.

4 Q The Alcatel OT 960C One Touch?

5 A Yes, ma'am.

6 Q And, again, that phone was taken from you by law
7 enforcement?

8 A Yes, ma'am.

9 Q Now, Destany, what -- did you have Rahiem Griffin's
10 phone number in your phone?

11 A Yes.

12 Q Did you have a contact name listed for him?

13 A Yes.

14 Q What was it?

15 A Rahh.

16 Q Was it Rahh with two H's?

17 A Yes, ma'am.

18 Q So is this a conversation here on State's Exhibit
19 No. 60 between you and Rahh?

20 A Yes, ma'am.

21 Q And let's talk about this. So here, it's listed at
22 February 1st, 2014 at 2:29:38. And that says "UTC";
23 correct?

24 A Yes, ma'am.

25 Q And it's from that number, 864-643-8770. That's who

1 you had listed as Rahh?

2 A Yes.

3 Q And is that Rahiem Griffin's phone number back in
4 2014?

5 A Yes, ma'am.

6 Q And so can you, please, read the messages? It says
7 that you sent a message at February 1, 2014, 2:29:38 UTC
8 to Rahh. Can you, please, read for the jury what you
9 wrote?

10 A "Ok whatever but yu playing."

11 Q And I'm sorry. Let me direct you. I don't think you
12 can see the time. I'll direct you to this third line
13 here.

14 A "Wtf get this shit over with, yu playing."

15 Q And what did he say back to you?

16 A "Don't txt my phone like det. And you owe me some
17 pussy word bap."

18 Q And what did you say back?

19 A "Ok whatever but yu playing."

20 Q And, again, that was between the time periods of
21 2:29, 2:31, and 2:32 UTC; correct?

22 A Yes, ma'am.

23 Q Did you stay at 511 Glenlea after February 1st, 2014?

24 A Yeah, but not too much longer after.

25 Q Okay. Where did you go after that?

1 A I went to a friend's house.

2 Q So I'm going to direct you to February 2nd, 2014 at
3 3:44 UTC. Is this that contact for Rahiem Griffin again?

4 A Yes, ma'am.

5 Q And this was a message that you sent to him. Can
6 you, please, read for the jury what you wrote?

7 A "I just wanna let yu know something don't feel right.
8 But yu know what its all good I ain't gonna to sweat it."

9 Q All right. And what did he write back?

10 A "Whats wrong, bay. You mean by det."

11 Q All right. And you sent him another message, it
12 looks like, at 3:52:58. What did you write to him?

13 A "Nun."

14 Q And you wrote him a second message; is that correct,
15 at 4:16?

16 A Yes, ma'am.

17 Q What did you say?

18 A "Yu dirty boy I tell yu."

19 Q Up here at 4:27:14, did he write you a message?

20 A Yeah.

21 Q What did he say?

22 A "You tripping des."

23 Q And did you answer him?

24 A Yes, ma'am.

25 Q What did you write?

- 1 A "How I'm tripping? This shxt real nigga."
- 2 Q All right. Destany, you said you left 511 Glenlea?
- 3 A Yes, ma'am.
- 4 Q All right. Did Rahiem go with you?
- 5 A No, ma'am.
- 6 Q Where you were staying at?
- 7 A No, ma'am.
- 8 Q Okay. Can you, please, tell the jury in the text
- 9 message from February 2nd, 2014, at 8:41:47 p.m. UTC, what
- 10 did you write to him?
- 11 A "Oh word that's how yu do yu just gone fucking leave
- 12 me here like something gonna happen to yu. But yu leave
- 13 yo girl here?"
- 14 Q Okay. And how did he respond?
- 15 A I guess he called me.
- 16 Q Okay. And did you send him another message?
- 17 A Yes, ma'am.
- 18 Q What did you write?
- 19 A "I already knew yu was plotting on something but yu
- 20 know what that's real fucked up yu just left me like fuck
- 21 yu bitch! That's how I feel now and now...now yu gone
- 22 see?"
- 23 Q And did he answer you?
- 24 A Yes.
- 25 Q All right. What did he say?

1 A "Bay I need to kall you alone wit out you being loud
2 and around everybody."

3 Q Did he call you?

4 A Yes, ma'am.

5 Q All right. And did you call him?

6 A No.

7 Q And I want to direct your attention to calls that it
8 appears you made on February 2nd, 2014 to Rahh.

9 A Well, if they're there, then I called him, yeah.

10 MS. GASSER: All right, Destany, I have no further
11 questions. Please answer any that Defense Counsel may
12 have.

13 THE COURT: Mr. Warder.

14 MR. WARDER: We have no questions, Your Honor.

15 THE COURT: Okay. You can step down, ma'am.

16 THE WITNESS: All right.

17 THE COURT: Thank you.

18 She can be released?

19 MS. GASSER: Yes, Your Honor.

20 May we approach, Your Honor?

21 THE COURT: Come on.

22 (WHEREUPON, a bench conference was held.)

23 THE COURT: Okay. I -- we're going to break for the
24 evening. And I want y'all to come back at 9:00 in the
25 morning. It sounds like we're going to have just

1 testimony, but it's not going to be a full day tomorrow.
2 And then we will break. The goal is to try to break,
3 like, right around lunchtime. And then y'all will be done
4 for the day.

5 Again, as I told y'all -- I told y'all I'm going to
6 be a broken record. Please do not discuss this amongst
7 yourselves or with any family members, friends. Do not do
8 any research about this case. Okay. You're not to
9 deliberate until I tell you to.

10 Thank y'all.

11 (WHEREUPON, the jury was excused from open court at
12 approximately 4:28 p.m.)

13 THE COURT: Okay. Anything from the State?

14 MS. GASSER: Nothing from the State, Your Honor.

15 THE COURT: Anything from the Defense?

16 MR. WARDER: No, Your Honor.

17 THE COURT: Okay. Well, we will stand in recess
18 until 9:00 tomorrow morning.

19 (WHEREUPON, the proceedings were concluded at
20 approximately 4:29 p.m., to be reconvened on
21 Wednesday, April 17, 2024.)
22
23
24
25

1 WEDNESDAY APRIL 17, 2024

2 (WHEREUPON, State's Exhibit Nos. 61 and 62 were marked
3 for identification only.)

4 THE COURT: Solicitor, who are you calling first?
5 Dr. Michael Ward, Your Honor.

6 THE COURT: I know I've already made my ruling. But
7 I know you'll say subject to your prior objection, at
8 least, I anticipate. I just want to let y'all know you're
9 covered.

10 And then I guess -- I mean, you will be putting him
11 up as an expert?

12 MS. GASSER: Yes, Your Honor. We'll be seeking to
13 qualify him as an expert.

14 THE COURT: Will y'all be anticipating voir dire or
15 will you stipulate?

16 I mean, that will not waive your objection, but I
17 guess you'll decide at that time.

18 MR. SANFORD: We won't need any voir dire, Your
19 Honor.

20 THE COURT: I just wanted to be sure.

21 Are y'all ready? Do you need a moment?

22 MS. GASSER: We should be ready to go, Your Honor.

23 THE COURT: Is the Defense ready?

24 MR. WARDER: Yes, Your Honor.

25 THE COURT: Do you need a moment?

1 MS. GASSER: Yes, Your Honor.

2 (Pause.)

3 THE COURT: So are y'all good?

4 MS. GASSER: The State is ready, Your Honor.

5 THE COURT: All right. I just wanted to be sure.

6 All right. You can bring the jury in.

7 (WHEREUPON, the jury came into open court at
8 approximately 9:11 a.m.)

9 THE COURT: Good morning.

10 All right. The State can proceed.

11 MS. GASSER: May it please the Court.

12 Your Honor, the State calls Dr. Michael Ward.

13 THE CLERK: Dr. Ward, if you'll, please, pause at the
14 end of the bench. Place your left hand on the Bible and
15 raise your right hand.

16 WHEREUPON,

17 MICHAEL EUGENE WARD, M.D.,

18 after first having been duly sworn, testified as follows:

19 THE CLERK: Thank you.

20 Please be seated.

21 And, please, state your name for the record.

22 THE WITNESS: Michael Eugene Ward.

23 THE CLERK: Thank you.

24 THE BAILIFF: We need to turn the mic on.

25 THE CLERK: Turn the mic on, please.

DIRECT EXAMINATION

BY MS. GASSER:

Q Good morning, Dr. Ward.

Can you, please, explain to the jury broadly what you do?

A I'm a medical physician and a forensic pathologist. A forensic pathologist is one who has studied pathology, which is the disease and disease processes that affect man. And then with a subspecialty in forensics which deals with death investigations to determine how and why individuals die and then the presentation of that in the courtroom.

Q Can you tell the jury a little bit about your education and experience in the field?

A I have a Bachelor's Degree in Biology from the University of Alabama, a Master's Degree in Forensic Science from the University of Alabama, Birmingham. I received my medical degree from the Medical University of South Alabama, which is in Mobile.

I did a four-year anatomic pathology residency at the Medical University of South Carolina. I did a one-year fellowship in forensic pathology at the University of New Mexico in Albuquerque. I am board certified by the American Board of Pathology in both anatomic and forensic pathology. I have been a forensic pathologist for

1 31 years. I finished my training in 1993 and have
2 performed well over 7,000 autopsies.

3 Q And, Dr. Ward, what's your current position or title
4 as it relates to Greenville County?

5 A I'm the chief medical examiner for Greenville County.

6 Q And you talked about the American Board of Pathology.
7 What is that?

8 A The American Board is the governing board of
9 pathologists who certify and ensure the qualifications of
10 pathologists throughout the United States.

11 Q And I think you touched on it a little bit, but can
12 you tell the jury a little bit about, specifically, what
13 forensic pathology is and its purpose?

14 A So pathology, as I said, is the study of diseases,
15 and disease processes, and how they affect man. Forensic
16 pathology deals more with trauma, natural disease, as well
17 as inflicted trauma to determine how and why people die.
18 So cause of death, as well as manner of death as
19 frequently done by the means of the autopsy.

20 Q And you just said to determine cause and manner of
21 death; is that correct?

22 A That's correct.

23 Q And have you ever been qualified in a court of law as
24 an expert witness in the area of forensic pathology?

25 A Yes, I have.

1 Q In which courts?

2 A In the district court of New Mexico and South
3 Carolina, as well as in federal court.

4 Q And approximately how many times have you been
5 qualified as an expert?

6 A Well over a hundred times.

7 Q And have you testified in court in the area of
8 forensic pathology after being qualified as an expert?

9 A Yes, I have.

10 MS. GASSER: Your Honor, at this time, the State
11 moves to qualify Dr. Ward as an expert in the topic of
12 forensic pathology.

13 THE COURT: Any objection from Defense?

14 MR. WARDER: We have no objection, Your Honor.

15 THE COURT: Okay. He is qualified as an expert in
16 forensic pathology.

17 Ladies and gentlemen of the jury, normally, a person
18 cannot give opinion testimony. And, normally, when a
19 person testifies, they must testify as to what they either
20 saw, heard, or sensed by smell or something of that
21 nature. However, there is an exception when someone is
22 qualified because of education or experience. And they
23 are permitted to give their opinion in certain areas if
24 the Court qualifies them that way.

25 And this witness will be qualified, as I've

1 indicated, in the area of forensic pathology. You are to
2 give opinion testimony -- or to -- I'm sorry, to give
3 opinion testimony in the area of forensic pathology. And
4 it does not mean that you must accept the opinion. But it
5 is evidence for you to use in any way you see fit and give
6 the weight and credibility you believe is appropriate.

7 Proceed.

8 MS. GASSER: May it please the Court, Your Honor.

9 BY MS. GASSER:

10 Q Dr. Ward, were you serving as the chief pathologist
11 and medical examiner on February 1st, 2014?

12 A Yes, I was.

13 Q And did you personally perform the autopsy of the
14 body of Marquail Hellams?

15 A No, I did not.

16 Q Who performed that autopsy?

17 A Dr. James Fulcher.

18 Q And was Dr. James Fulcher available to testify this
19 week, to the best of your knowledge?

20 A No, he was not.

21 Q And did you review the autopsy on Marquail Hellams
22 performed by Dr. James Fulcher?

23 A I reviewed the autopsy report, as well as the
24 photographs on Mr. Hellams.

25 Q Did you review anything else?

1 A The coroner's report, yes.

2 Q And is this common procedure for medical examiners to
3 review other medical examiner's autopsy reports?

4 A Yes, it is.

5 Q And can you explain that review process, what it is,
6 and how it works and why?

7 A So it's -- as a means of quality control, we review
8 all homicides and 10 percent of non-homicide cases
9 performed by other pathologists in our office. On the
10 homicide cases, not only do we review, but, also, co-sign
11 so that in the event of unavailability of the prosecuting
12 pathologist another pathologist may testify instead.

13 Q And after reviewing everything in this case, did you
14 come to your own conclusion?

15 A Yes.

16 Q And what injuries, if any, did Marquail Hellams have?

17 A Mr. Hellams has three gunshot wounds to his body.

18 Q Did you create a body diagram in preparation for your
19 testimony today to aid the jury in seeing where those
20 injuries to Marquail Hellams was located?

21 A Yes, I did.

22 Q I'm handing you what's been pre-marked for
23 identification purposes as a State's Exhibit No. 61. Do
24 you recognize that document?

25 A Yes, I do.

1 Q How so?

2 A It's the body diagram that I created for testimony
3 here today regarding Mr. Hellams.

4 Q And is it a fair and accurate depiction of the body
5 diagram that you created in preparation for today?

6 A Yes, it is.

7 Q Has it been changed or altered in any way?

8 A No.

9 MS. GASSER: Your Honor, at this time, the State
10 moves to enter State's Exhibit No. 61 into evidence.

11 THE COURT: Any objection from Defense?

12 MR. WARDER: We have no objection, Your Honor.

13 THE COURT: Okay. It is admitted.

14 (WHEREUPON, State's Exhibit No. 61 was admitted into
15 evidence.)

16 MS. GASSER: Permission to publish, Your Honor.

17 THE COURT: Yes, ma'am.

18 BY MS. GASSER:

19 Q Dr. Ward, while we wait for the media to load, you
20 said that Mr. Hellams had three gunshot wounds. Where
21 were those gunshot wounds located?

22 A One gunshot wound is to the back of the head. One
23 gunshot wound is to the upper left side. And a third
24 gunshot wound is to the lower left side.

25 Q And with the gunshot wound -- so you just testified

1 as to the gunshot wound to the upper left side; is that
2 correct?

3 A Yes, ma'am.

4 Q Actually, utilizing this diagram, can you explain
5 each of those gunshot wounds for the jury, where they
6 entered the body?

7 A So the gunshot wounds were arbitrarily numbered
8 indicating that they are for our convenience as a
9 numbering system and do not necessarily indicate the order
10 of occurrence. So I don't know which ones came first.

11 But the one that was described first by Dr. Fulcher
12 is a gunshot wound to the back of the head, which is
13 centered within the midline of the head. It passes
14 through the bone of the back of the head, through the
15 substance of the brain on the right side, and exits the
16 right side of the head near the hairline. There was no
17 projectile recovered at the time of autopsy.

18 Q Were any projectiles recovered during the autopsy?

19 A Yes, they were.

20 Q Where were they located?

21 A They were associated with gunshot wounds two and
22 three. One was from the left clavicle region here, the
23 top of the left shoulder, and one was lying free in the
24 right chest cavity.

25 Q And when projectiles are located during the autopsy,

1 does that mean there's no exit wound?

2 A That's correct.

3 Q And you testified earlier that the purpose of an
4 autopsy is to determine the cause and manner of a person's
5 death. What is the difference?

6 A Cause of death is whatever starts the ball rolling
7 down the hill that results in us dying. So it can be a
8 natural disease process. It can be drugs. Or in this
9 case, it can be trauma from gunshot wounds.

10 Q And what was the cause of Marquail Hellams' death?

11 A Multiple gunshot wounds.

12 Q And what was the manner of Marquail Hellams' death?

13 A The manner of death is homicide.

14 MS. GASSER: Your Honor, I have no further questions.

15 Doctor, please answer any questions Defense may have.

16 THE COURT: Any questions from Defense?

17 CROSS-EXAMINATION

18 BY MR. SANFORD:

19 Q Good morning, Dr. Ward.

20 A Good morning.

21 Q When was this autopsy performed by Dr. Fulcher?

22 A It was performed on February 1st, 2014, beginning at
23 2:00 p.m.

24 Q And when did you review his findings?

25 A I, initially, reviewed them on the date that it was

1 signed out, which would have been March 7th, 2014.

2 Q So you, initially, reviewed this case back in 2014?

3 A That's correct.

4 Q Okay. And I know you're here to give your own
5 opinion about what Dr. Fulcher put in his report. Was
6 that opinion reached at that time in 2014, or was that a
7 later date?

8 A That opinion was reached in 2014 when I signed the
9 report.

10 MR. SANFORD: I have no further questions, Your
11 Honor.

12 THE COURT: Okay. Any redirect?

13 MS. GASSER: No, Your Honor.

14 THE COURT: Okay.

15 MS. GASSER: I do ask that this witness be released
16 from his subpoena.

17 THE COURT: He will be released from subpoena.

18 THE WITNESS: Thank you.

19 THE COURT: You may step down.

20 Thank you, sir.

21 MS. GASSER: May it please the Court.

22 Your Honor, the State calls Kel-Asia Chamblee.

23 (Pause.)

24 MS. GASSER: I beg the Court's indulgence, Your
25 Honor. Our witness has stepped out to the restroom.

1 THE COURT: Can counsel approach?

2 (WHEREUPON, a bench conference was held.)

3 THE CLERK: Ms. Chamblee, please, come forward.

4 Please pause at the end of the bench.

5 Place your left hand on the Bible and raise your
6 right hand.

7 WHEREUPON,

8 KEL-ASIA CHAMBLEE,

9 after first having been duly sworn, testified as follows:

10 THE CLERK: Thank you.

11 Please be seated.

12 And, please, state your name for the record.

13 THE WITNESS: Kel-Asia Chamblee.

14 THE CLERK: Thank you.

15 DIRECT EXAMINATION

16 BY MS. GASSER:

17 Q Good morning, Ms. Chamblee.

18 A Good morning.

19 Q Where are you from originally?

20 A Spartanburg, South Carolina.

21 Q And did you live in Spartanburg your whole life?

22 A No. I moved to Greenville, South Carolina, shortly
23 after foster care when I was reunited with my mom.

24 Q How old are you currently?

25 A 26.

1 Q And does your family still live here in Greenville?

2 A Yes.

3 Q Do you have any children?

4 A No.

5 Q Where did you go to school?

6 A Travelers Rest High School. And then I transferred
7 to Carolina High School after Marquail passed away.

8 Q And you don't have to get too specific, but what do
9 you do now?

10 A I'm an aspiring attorney.

11 Q And you said "after Marquail passed away," did you
12 know Mr. Hellams?

13 A Yes.

14 Q How did you know him?

15 A I guess we had a romantic relationship. We didn't
16 label it, so I will not put on record that I was his
17 girlfriend. But we had a very close personal, intimate
18 relationship.

19 Q And when did y'all meet?

20 A We met really when I started school at Travelers Rest
21 High School.

22 Q And do you remember what year that was?

23 A Yeah. So -- geez. That was around a 2011 -- 2010,
24 2011.

25 Q How old were you when you met him?

1 A I met Marquail when I was 14.

2 Q And how old was he?

3 A Marquail was 17.

4 Q And tell me a little bit about Marquail.

5 A Marquail was, like, a great person. When I first met
6 him, he was really into football. That's really where we
7 connected at because I ran track at Travelers Rest High
8 School and was part of the volley ball team and tennis
9 team.

10 So we had a lot of crosses along the time of -- just
11 athletic-wise until I had a friend who, also, knew him and
12 she had a party and we met there. And that's pretty much
13 how we began.

14 Q What position did Marquail play on the football team?

15 A Marquail was the quarterback, number three.

16 Q Was he good?

17 A He was really good. He was looking into getting
18 scouted at schools.

19 Q Does Marquail have any children?

20 A Yes. He has a child with Chloe McGuinness that was
21 born after he was deceased.

22 Q Do you know how old she is?

23 A Nala [phonetic] is probably about -- she's probably
24 about 10 or 11 now, honestly, maybe give or take.

25 Q You said she was born after Marquail was deceased?

1 A Yeah. She was born after he was deceased.

2 Q Did you ever meet any of Marquail's family?

3 A Yeah. I met a lot of his family.

4 Q Who all did you meet?

5 A Well, I met Tim, Jay, Carmen, Diamond, Theo, Denzel,
6 Gene, his biological mom, Sherry, plenty of people in his
7 life.

8 Q And you said that you met Jay. Who's Jay?

9 A Jay is Marquail's brother.

10 Q What's his name?

11 A Jay Hellams.

12 Q Okay. And where did you meet Jay Hellams?

13 A Okay. So I met Jay when I first started seeing
14 Marquail when they originally lived at the top of the
15 street in Glenlea.

16 Q So you said living originally "at the top of the
17 street"?

18 A Yes.

19 Q So is that a different address than later?

20 A Yeah. It's a different address than later because
21 of, I guess, the trajectory of how things shifted over
22 time.

23 Q So where were you living in January of 2014?

24 A I was, actually, living on the same street, but in a
25 different apartment complex.

1 Q And who were you living with?

2 A I was living with my mom, my mom's boyfriend,
3 possibly, my uncle and my nephew, my niece, give or take.

4 Q Did Marquail ever live with you?

5 A No. Marquail never lived with me.

6 Q Where did Marquail live?

7 A Marquail lived at Glenlea.

8 Q And would you recognize that Glenlea residence if you
9 were to see it again?

10 A Uh-huh.

11 Q Do you remember the exact address?

12 A I think it was 591 Glenlea Lane, somewhere around
13 there.

14 Q Was this the house?

15 A Yeah. This is the house.

16 Q All right. This is State's Exhibit No. 48, which has
17 already been entered into evidence. Did you ever go to
18 that house?

19 A Yeah, lots of times.

20 Q All right. And who was living with Marquail when he
21 was staying there?

22 A So this house, Tim stayed there. Jason and Carmen
23 stayed there. Sarah, she stayed there. And then, of
24 course, you had the occasional people who stayed for
25 periods of time with someone else. So Rahh is, also,

1 included in that.

2 Q And when you say "Rahh," who is Rahh?

3 A The Defendant.

4 Q And what's his full name?

5 A Rahiem Jarrard Griffin.

6 Q And do you Rahiem Griffin?

7 A Yeah. I know him.

8 Q And how do you know him?

9 A I know him from being, like, Marquail's brother,
10 like, they were really close. When I met Marquail,
11 Marquail introduced me to him as his brother. They didn't
12 get along.

13 Q So did you spend time with Marquail and Rahiem?

14 A Absolutely.

15 Q And you said they were like brothers?

16 A Yes.

17 Q But you just said they didn't get along?

18 A Well, me and him -- me and Rahh didn't get along.
19 But, also, over time, Marquail and Rahh began to not get
20 along as well. They began to fight a lot in that house.

21 Q And what was going on in that house?

22 A Lots of drugs. Drugs, lots of criminal activity.

23 Q So drugs. Were there ever any guns there?

24 A Sure.

25 Q All right. So let's go back to January 31st of 2014.

1 What were you doing that day?

2 A Well, I was supposed to be at tennis practice. But I
3 ended up meeting Marquail and going over to his house
4 around 5:00ish that day.

5 Q And when you say "his house," was it this house on
6 Glenlea?

7 A Yes, Glenlea. Sorry. I just say his house because
8 that's where I always went with him.

9 Q And who was there when you got there?

10 A When I got there, Marquail was there. Jay was there.
11 Carmen and Tim were possibly there for a short period of
12 time. I can place them, but not for any extensive period
13 of time. Danielle Sanders was there. Denzel Leamon was
14 there. Rahiem Griffin was there. Destany was there. And
15 then Capatino -- or Kris Capatino and Jamie Capatino came
16 later on in the night.

17 Q So where were you when you were in this house?

18 A I was sitting on the couch.

19 Q And who were you sitting with?

20 A At the time, it was -- I was sitting on the couch.
21 Danielle was sitting beside me. Denzel was sitting beside
22 her. And Marquail was sitting behind me at the table.
23 And Rahh and Destany, they were just back there. They
24 were all kind of like -- they were, like, arguing,
25 bickering. That was their thing. They argued all the

1 time, like, all the time.

2 Q And you said at some point, Kris and Jamie Capatino
3 got there?

4 A Yeah. They arrived -- they arrived, like, later
5 that -- probably -- if I got there at 5:00, I would say
6 the Capatinos arrived around 8:00, no later than 9:00 that
7 night.

8 Q And did you know Kris and Jamie Capatino?

9 A I knew them from coming to the house doing drugs.
10 But outside of that, no, I did not know them.

11 Q And when they got there, where were you?

12 A When they got there, I was still sitting on the
13 couch. I was sitting on the couch. And then, like,
14 Rahh -- like, Marquail and Rahh were having a
15 conversation. They had got into a really big heated
16 argument about something that happened a couple days ago.

17 And at that point, Marquail had came up to me. He
18 was like, Yeah, we got to go. We're going to do a drug
19 run.

20 I looked at him like, What? No, you're not. Y'all
21 just handled that not too long ago. So it's not
22 completely necessary at this time.

23 At that point, like -- okay. So Rahh and Destany,
24 they were in the back. And then Capatino and Jamie -- I'm
25 sorry, I call him Capatino, that's just what I know him

1 by. But Capatino and his wife, they both came in. They
2 went to the back room or whatever, which is where I
3 assumed people got high because they closed the door.

4 When Capatino and Jamie came in, I was surprised
5 because up to this point, we hadn't seen them as often.
6 Like, they weren't around the house as often at this
7 point. So it was surprising to see them.

8 Q And so when Marquail came up to you and said they
9 were going to go on a drug run, why -- if they were buying
10 and selling drugs out of this house, why would that be
11 abnormal?

12 A It's abnormal because, like, I mean, me and Marquail,
13 we were close. So I know what he's doing. So it was
14 abnormal because of the timeline. Like, you don't go buy
15 drugs when you just bought drugs. That doesn't make
16 sense.

17 Q So you're saying he already had drugs?

18 A Yeah. He had his -- he had his moves for that week.

19 Q And what drugs were they going to buy?

20 A Bars or Xanax and probably beans/Ectasy.

21 Q And who was going to be buying the Xanax?

22 A Well, honestly, I can't really answer that question.
23 But I assume Marquail was going to buy the drugs because
24 he came up to me and said they were going on a drug run.
25 So it was him, Rahh, Destany, Capatino, and Capatino's

1 wife.

2 Q Did you see any money that night?

3 A Yes. Marquail had \$190 in his pocket that I gave to
4 him.

5 Q So you knew it was \$190?

6 A Yes.

7 Q And how do you know he had \$190?

8 A Because I gave it to him.

9 Q After Marquail said they were going on a drug run,
10 what happened next?

11 A We got into an argument. I was like, why are you
12 going with him? Y'all have been in these arguments.
13 Destany is being weird. Rahh is being weird. Everybody
14 is being weird. I was, like, I think I should go with
15 you. I'm, like, I'm coming.

16 And he was like, No, no, you're not. You're going to
17 sit and wait for me to come back. I'll be right back.

18 So I was like, Okay, cool.

19 Because at this point, I couldn't leave. My mom
20 didn't know where I was anyway. But Marquail, he, like,
21 goes either upstairs into the room again. Because at this
22 point, like, Capatino and his wife, like, they're not in
23 visible view. They're still in the back. And then they
24 all get ready to head out.

25 Then when they're heading out, like, Rahh comes back

1 in the house. And he looked at me and he was like, If I
2 was you, I wouldn't be here when we get back.

3 So I was, like, What? Why would you say that to me?
4 Like, what do you mean I shouldn't be here when you get
5 back?

6 He was like, you know, Sarah, she be tripping.

7 I was like, Sarah always tripping. Why would you say
8 that to me?

9 So immediately, I got really upset and I started
10 texting Marquail, like, hey, am I good here? Should I
11 stay here or should I go? Like, what's happening? I
12 talked to Marquail on the phone that night, like, after
13 that.

14 He was, basically, like, No, we just going on this
15 run. We'll be right back.

16 And one thing about Marquail, when he tells me he's
17 coming right back, he was coming right back. Because if
18 not, I'm going to call you a hundred times, so.

19 Q All right. So you just said that you had called --
20 or you were calling and texting Marquail at this time?

21 A Yes.

22 Q Did you get an opportunity to look at the text
23 messages that you sent to Marquail prior to today?

24 A Yes.

25 Q And you remember your phone number?

1 A Yes. (864) 434-6331.

2 Q And did you have a chance -- you said you had a
3 chance to, actually, review the text messages that you
4 sent to Marquail's phone?

5 A Yeah, multiple times, even before.

6 Q Do you remember Marquail's number?

7 A Maybe around 864-275 something, something, something
8 like that.

9 Q Did you give Marquail's number to the police at a
10 later time?

11 A Absolutely.

12 Q All right. I'm handing you what's been pre-marked
13 for identification purposes as State's Exhibit No. 62.
14 Can you look over that?

15 A Yeah.

16 Q All right. Have you seen those before?

17 A Yeah.

18 Q All right. And did you -- at the time, did you
19 confirm these were your text messages?

20 A Yes.

21 Q And this was text messages between yourself and
22 Marquail Hellams?

23 A Yes.

24 Q Are they a fair and accurate depiction of the
25 messages and calls you made that night?

1 A Yes.

2 Q Have they been changed or altered in any way?

3 A No.

4 MS. GASSER: Your Honor, at this time, the State
5 moves to enter State's Exhibit No. 62 into evidence.

6 THE COURT: Any objection from Defense?

7 MR. WARDER: Your Honor, I do have an objection.

8 THE COURT: Can you send the jury out?

9 (WHEREUPON, the jury was excused from open court at
10 approximately 9:41 a.m.)

11 THE COURT: Okay. Yes, sir.

12 MR. WARDER: Your Honor, this is a 10-year-old
13 conversation. And the State is leading this witness
14 through by handing a typed-up version of what the witness
15 is going to testify to. I think, obviously, she doesn't
16 remember what was said 10 years ago. She might remember
17 the substance, but, certainly, not the exact words.

18 It's leading. And it's not authenticated in any way
19 outside of a list of phone numbers and what was said. And
20 I don't think that's admissible. It's hearsay. If -- if
21 this witness could remember word-for-word what she said,
22 she could probably tell it. But, certainly, she can't be
23 led through it by this. And that's why I object to the
24 witness [sic] putting into evidence the State's version of
25 what the conversation was.

1 THE COURT: Solicitor.

2 MS. GASSER: May it please the Court, Your Honor.

3 Actually, this was authenticated yesterday. This is
4 the phone extraction of the decedent and victim,
5 Marquail Hellams. This was extracted by, I believe,
6 Michael Rainey with the Greenville County Sheriff's
7 Office. It is a Court's Exhibit. We did not enter that
8 into the record due to potential hearsay and testimony
9 that could be elicited off of the phone.

10 However, this specific timeline is calls and text
11 messages between this witness, who has just authenticated
12 these as her text messages, and the decedent. Therefore,
13 not only has the record been authenticated by Michael
14 Rainey, the overall record of the phone extraction through
15 the Court's Exhibit, but, also, this witness has
16 authenticated her own messages and call log with the
17 victim and identified her phone number.

18 THE COURT: And I'm going to allow it in.

19 MS. GASSER: Thank you, Your Honor.

20 THE COURT: Your objection is noted.

21 Bring the jury back in.

22 THE BAILIFF: They're having a restroom break.

23 THE COURT: Okay.

24 (Pause.)

25 THE COURT: Apparently, the jury is distracted by

1 people coming and going out. So I'm going to tell the
2 bailiff and, I guess, anybody who's here to wait until in
3 between witnesses and not during testimony.

4 MS. GASSER: Thank you, Your Honor.

5 (WHEREUPON, the jury came into open court at
6 approximately 9:48 a.m.)

7 MS. GASSER: May it please the Court, Your Honor.

8 THE COURT: Yes.

9 Thank you.

10 CONTINUED DIRECT EXAMINATION

11 BY MS. GASSER:

12 Q Again, Ms. Chamblee, was this a fair and accurate
13 depiction of the messages sent between yourself and
14 Marquail Hellams?

15 A Yes.

16 Q And has it been changed or altered in any way?

17 A No.

18 MS. GASSER: Your Honor, at this time, the State
19 moves to enter State's Exhibit No. 62 into evidence.

20 THE COURT: I believe you previously objected and --

21 MR. WARDER: Yes, Your Honor.

22 THE COURT: So you're protected on the record.

23 Overruled. It will be admitted.

24 (WHEREUPON, State's Exhibit No. 62 was admitted into
25 evidence.)

1 MR. WARDER: Thank you, Your Honor.

2 THE COURT: Thank you

3 BY MS. GASSER:

4 Q All right. Ms. Chamblee, let's walk through these
5 text messages. So you testified earlier that you -- that
6 you texted Marquail Hellams when he was leaving the house;
7 is that correct?

8 A Yes. Like, originally -- like, I texted him one time
9 when he left out going back to the room. And I texted
10 him, also, when he was leaving out of the house.

11 Q So when he left you and went back to the room, when
12 was that?

13 A This first message. I was, like, Why am I here by
14 myself? And that was the whole me saying the thing about
15 them doing drugs. That's something in hindsight I was
16 able to pick up.

17 Q So that was on January 31st, 2014. And this says
18 11:16:24 p.m., but it is in UTC time?

19 A Yeah.

20 Q Do you understand that to be earlier in the evening?

21 A Yeah. That's 6:16:24 p.m.

22 Q So you said your number was 864-434-6331?

23 A Yes.

24 Q So what's going on here? This is listed as February
25 1st, 2014, 1:58:11 a.m. But, again, UTC time backs it up

1 five hours, I believe. What are you saying here?

2 A I'm asking him what's going on. Because Rahh walked
3 back in the house and said to me that I shouldn't be here
4 when they got back. So I was like, What's going on? Am I
5 missing something? Is something happening?

6 Q And you said that y'all had a phone call after that?

7 A Yeah. I called him because I was paranoid and wasn't
8 feeling right about it.

9 Q And then you sent this message right here, it looks
10 like, at 2:13:13 a.m. UTC time. You said -- from you,
11 what are you saying here and why?

12 A I'm like, Am I good over here? Like, essentially,
13 saying, like, hey, am I straight to be here? Should I be
14 leaving this house? Because at this point, he did not
15 answer the phone. And, again, Rahh said what he said to
16 me.

17 So I'm feeling pretty uncomfortable at this point.

18 Q Did you try communicating with him again at any point
19 in the evening?

20 A Yes. I called him, like, so many times. I was
21 really confused about what happened. So I started calling
22 him, calling him, calling him. And, ironically, Rahh and
23 Destany, they walked back in the house, like, laughing.
24 So I was like, Where is Marquail?

25 And they were like, Oh, he got in the car with

1 somebody. We were at QT and he got in a car with some
2 other girls. He run across the street to Spinx and got in
3 the car with them.

4 So I was like, Okay. Well, you saw enough for them
5 to identify that he got in the car with some girls, so
6 what color was the car? What did the girls look like?
7 Who was it?

8 And then they were like, Oh, you know how Marquail
9 is. He always playing you, like, cheating on you,
10 whatever, whatever.

11 And I was like, No. This is weird. So I was, like,
12 calling him over and over again after that.

13 Q And did you send him this message on 2/1/14 at
14 3:09:11, again, in UTC time?

15 A Yes.

16 Q And why did you send this message?

17 A I sent him that message because they're telling me,
18 like, he left me, a girl who's at the house waiting for
19 him to get in the car with two other girls at two
20 different gas stations. So I'm like, okay, I'm looking
21 very stupid at this point. Like, this is crazy. Like,
22 I'm over you.

23 Q And you said you tried communicating with him?

24 A Yeah. I called him again multiple times, like, over
25 and over and over and over and over and over and over.

1 Because I didn't feel like things were right.

2 Q Did he ever answer your call?

3 A No. And at this point, everybody is in the house
4 just laughing. Kel, you should leave. You shouldn't be
5 here. So I'm really embarrassed. I texted him and pretty
6 much let him know, you're going to lose everything to
7 drugs and chasing whatever life this is, including me.

8 Q Did you ever receive a call or text message response
9 from Marquail Hellams after this call back on -- I believe
10 it looks like 1:58:28 a.m. UTC time?

11 A I did not talk to him again after that point.

12 Q Kel-Asia, did you leave this house that night?

13 A Yeah, I left. I left like -- I stayed around a
14 couple more hours and just kind of listened to everybody
15 tell me I was stupid for still being there. And then I
16 went home. And I couldn't really go to sleep.

17 So I -- like, I called Danielle and I'm like, Did
18 y'all hear from Marquail yet?

19 And she was like, No.

20 And I was like, Something's not right. Something's
21 not right.

22 And I called Carmen. And I was like, Did you hear
23 from Marquail?

24 And she was like, No. No one has heard from him.

25 And I said very bluntly, I was like, Yeah. I think

1 he's dead. Like, I think he's dead.

2 Q And when did you find out that Marquail Hellams had
3 passed?

4 A I found out the next morning around 10:00 a.m.

5 Q How did you find out?

6 A It was on the news. So I woke up, like, just
7 casually going about my day. And I looked over on the
8 news and, like, he's on the news. And so I was, like,
9 panicked. I realized what -- like, I just lost my mind.
10 I fainted. Luckily, my God-sister came over. She was
11 coming over that day to check on me that day.

12 So when she got over -- she was the reason why I woke
13 up. And so I was, like, He's dead. He's dead. And I
14 took myself and I run to Marquail's house -- or this
15 Glenlea house and I, like, busted in the door.

16 And when I get in the door, Rahh and Destany were in
17 the kitchen eating a cup of noodles, like, laughing. And
18 I was like, What is funny? What is so funny? Like, your
19 brother just died. Like, what are you laughing about?
20 How are y'all eating a cup of noodles right now.

21 And they were like, Kel-Asia, whatever.

22 I was like -- I got really close to Rahh's face and
23 really close to Destany's face and I told them, I know you
24 did it. And I'm not going to stop until justice is
25 brought. It's never going to go away ever.

1 Q And what did you do after getting in his face?

2 A I went upstairs to Marquail's room and I took all his
3 stuff. And I told everybody in the house, like, y'all did
4 this. Like, this is what y'all created. This was not
5 supposed to become -- like, this was not -- like, this was
6 not his story. Y'all did this. Y'all the one that took
7 him.

8 Q Did you ever speak with law enforcement?

9 A Yeah. I talked to law enforcement.

10 Q And did you give Investigator Campbell phone numbers?

11 A Absolutely.

12 Q Did you give Investigator Campbell Rahiem Griffin's
13 cell phone number?

14 A Yes.

15 Q At the time, did you give the number as 864-643-8770?

16 A Yes.

17 Q Did you give Investigator Campbell Destany Field's
18 cell phone number?

19 A Yes.

20 Q Did you give that number as 864-478-0822?

21 A Yes.

22 Q And earlier you stated that you, also, gave
23 Investigator Campbell Marquail Hellams's cell phone
24 number?

25 A Yes.

1 Q Did you give that phone number as 864-230-9521?

2 A Yes.

3 MS. GASSER: All right. Ms. Chamblee, I have no
4 further questions. Please answer any Defense Counsel may
5 have.

6 THE WITNESS: Okay.

7 THE COURT: Defense.

8 CROSS-EXAMINATION

9 BY MR. SANFORD:

10 Q Hi, Ms. Chamblee.

11 How are you?

12 A Doing good.

13 Q When you -- you said you were in the house and
14 everybody -- when Marquail didn't come back and everybody
15 was making fun of you; is that correct?

16 A Yes.

17 Q Who was there at that time?

18 A Rahh, Destany, Rahh's sister, Shavonda [phonetic],
19 Shavonda's friend, Asia, and one other girl whose name I
20 don't know.

21 Q Okay. You said that you were told that you shouldn't
22 be there because Sarah was coming over; is that correct?

23 A Well, that was Sarah's house. So it just seemed like
24 I shouldn't be there when Sarah reappears.

25 Q Did she come over often?

1 A She lived there.

2 Q She lived there?

3 A It was her house.

4 Q If I told you we have previously had testimony that
5 said she did not live there, would that change your mind?

6 A No.

7 Q How long did you stay at the house that night?

8 A From the time I got there until about 1:00 a.m.

9 Q So --

10 A From 5:00 p.m. to 1:00 a.m.

11 Q So about six hours or so?

12 A Uh-huh.

13 Q And you left the house at 1:00 a.m.?

14 A Yes.

15 Q And when was the last time that you spoke to police?

16 A During this trial, I guess.

17 Q In -- in regards to this investigation where you,
18 actually, went down to the law enforcement center when
19 they asked you to come down, and that kind of thing?

20 A When they asked me to come down?

21 Q Where -- let me try and rephrase the question.

22 A Could you clarify the question?

23 Q Yes, ma'am. Before there were -- there were any
24 charges brought in this case, when was the last time that
25 you talked to police?

1 A When the charges were brought to this case.

2 Q Okay. And when was that?

3 A 2021.

4 Q Okay. So you talked to the police last in 2021?

5 A Yes.

6 Q And you, also, talked to them, I believe, in 2014?

7 A Yes.

8 Q Did you talk to them any time between 2014 and 2021?

9 A Yes.

10 Q How many times?

11 A A lot. I can't give you a number. Enough.

12 Q And you've spoken to the solicitor's office a lot as
13 well; correct?

14 A No. The first time I made contact with the
15 solicitor's office was when they subpoenaed me. They
16 subpoenaed my mom, who I don't live with, don't have
17 communication with, don't talk to. And I contacted them
18 on, like, April 1st.

19 Q Okay. But you talked to the police a lot?

20 A No. I talked to the investigator.

21 Q Investigator being part of the police department?

22 A Sure. That's what you say.

23 Q And so you went over your story multiple times with
24 them?

25 A No. They did not constantly ask me about my story

1 over and over again.

2 Q So what did you talk to them about?

3 A We talked about different things we were hearing.
4 Anything that would lead to solving Marquail's murder, I
5 brought to the police.

6 MR. SANFORD: No further questions, Your Honor.

7 THE COURT: Okay. Any redirect?

8 MS. GASSER: Briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. GASSER:

11 Q Ms. Chamblee, why did you take anything that you
12 heard or thought could be helpful to the police?

13 A Why wouldn't I? Like, someone I love died, brutally
14 got murdered, and then began to turn everybody against me,
15 that I was crazy, and that I was a liar so he could be in
16 a funeral and drop his casket. So that's why I brought
17 everything to the police that I heard because I wanted
18 Marquail to get justice. It didn't seem like anyone else
19 was making that initiative.

20 MS. GASSER: Thank you, Ms. Chamblee.

21 I have no further questions.

22 THE COURT: Anything further from Defense?

23 MR. SANFORD: No, Your Honor.

24 THE COURT: Thank you.

25 You may step down.

1 MS. GASSER: Your Honor, I do ask that this witness
2 be released from her subpoena.

3 THE COURT: She can be released.

4 MR. GREGORY: May it please the Court.

5 Your Honor, the State calls James Armstrong.

6 THE CLERK: Sir, if you'll, please, come forward.

7 Place your left hand on the Bible and raise your
8 right hand.

9 WHEREUPON,

10 JAMES WILLIAM ARMSTRONG,

11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 Please be seated.

14 And, please, state your name for the record.

15 THE WITNESS: James William Armstrong.

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MR. GREGORY:

19 Q Mr. Armstrong, where are you employed?

20 A Currently employed with Walden Security as a special
21 deputy with the U.S. Marshal Service at the federal
22 courthouse as a court security officer.

23 Q And how long have you held that position?

24 A Two years and 10 months.

25 Q Prior to that, where were you employed?

1 A Employed with the Greenville County Public Safety
2 forensic division crime laboratory.

3 Q And what did you do there?

4 A I was a -- a drug chemist and firearm examiner.

5 Q How long did you hold that position?

6 A A little over 25 years.

7 Q What training and education did you receive to hold
8 that position?

9 A In the firearms section, I trained in an
10 apprenticeship-style training process approximately two
11 years under the direction of a retired firearms examiner
12 from Philadelphia PD. I attended and toured 14 different
13 fireman manufacturing facilities to see how firearms are
14 manufactured and assembled. And I went through four
15 different ammunition assembly plants to see how ammunition
16 was manufactured as well.

17 I've been through five different armor portions to
18 learn about firearms, and how they function, and to repair
19 them as well. I've attended numerous courses sponsored by
20 the Bureau of Alcohol, Tobacco, and Firearms in the
21 identification of firearms, serial number restoration, and
22 such like that. And I've testified in federal and state
23 court, at least, 77 times as an expert in the field of
24 firearm identification.

25 Q What is -- when you analyze firearms, what are you

1 looking for? What is the process?

2 A A firearm is a tool that's made by tools. And
3 everything that is made like that has individual
4 characteristics that are left behind in the manufacturing
5 process, basically, the fingerprint of that item. And
6 when a firearm is used, the projectile goes down the
7 barrel. It picks up the imperfections or striations in
8 the barrel, kind of a fingerprint of that firearm.

9 And then we look at the projectiles and compare them
10 to the firearm itself from test fires that we generate
11 ourselves to compare to see if it was from the same gun or
12 not.

13 Q And how many analyses have you done on firearms?

14 A Thousands.

15 Q And you said you've testified 77 times?

16 A Yes, sir.

17 Q Have you ever been qualified as an expert before?

18 A All 77 times.

19 MR. GREGORY: Your Honor, at this time, the State
20 would seek to qualify Mr. Armstrong as an expert in
21 firearms analysis and markings.

22 THE COURT: An expert in firearm analysis and?

23 MR. GREGORY: Markings.

24 THE COURT: Defense?

25 MR. WARDER: Your Honor, we have no objection.

1 THE COURT: No objection. He will be found to be an
2 expert and can testify as an expert.

3 Again, ladies and gentlemen, normally, a person
4 can -- cannot give opinion testimony. Normally, when a
5 person testifies, they must testify as to what they either
6 saw, heard, or sensed by smell, or something of that
7 nature. However, there is an exception when someone is
8 qualified because of education or experience. They are
9 permitted to give their opinion in certain areas if the
10 Court qualifies them that way. And he is being found
11 qualified by the Court.

12 This witness will be qualified in the area of expert
13 and firearm analysis and marking to give opinion testimony
14 in that area. This does not mean that you must accept the
15 opinion, but it is evidence for you to use in any way you
16 see fit and give the weight and credibility you believe is
17 appropriate.

18 You may proceed.

19 MR. GREGORY: Thank you, Judge.

20 BY MR. GREGORY:

21 Q Mr. Armstrong, were you asked to do an analysis
22 involving this case?

23 A Yes, sir, I was.

24 Q And when were you asked to do an analysis in this
25 case?

1 A The -- I believe Officer Wayne Campbell submitted a
2 lab request form dated March 26th, 2014.

3 Q And when you received the request, what did you do?

4 A Once the request is submitted, it goes to our
5 property and evidence room where they will pull the
6 evidence and stage it for me to get ready to pull so I can
7 bring it back to the office and examine it. I, actually,
8 received this item on March 27th, 2014.

9 Q And I'm going to show you what's been previously
10 entered as State's Exhibit Nos. 39, 40, and 37. If you'll
11 take a look at those, please.

12 A Yes, sir.

13 Q What are those items?

14 A These items are what are known on my reports as JD1,
15 JD2, and JDD. They are -- they're fired bullet specimens,
16 caliber 38, nine-millimeter.

17 Q And when you say caliber 38, nine-millimeter, what
18 does that mean?

19 A There's a class of -- the caliber class known as a
20 38/nine-millimeter, which incorporates anything from,
21 like, 38 Special, 357-magnum, nine-millimeter, and all
22 those sorts. Because the diameter of the projectile is so
23 close that we really can't tell them apart. So we did a
24 class of that caliber.

25 Q And when you picked these up from property and

1 evidence, were they secured?

2 A Yes, they were.

3 Q If they had not been secured, what would you have
4 done?

5 A There would have been a notation on the marking here
6 where I opened it. And I would have said, not properly
7 sealed.

8 Q Were you asked to compare one other item?

9 A Yes, I was.

10 Q Let me show you what's been previously entered as
11 State's Exhibit No. 36. If you'll take a look at that,
12 please.

13 A Yes, sir.

14 Q Do you recognize that one?

15 A Yes, sir, I do.

16 Q What is that, State's Exhibit No. 36?

17 A This is my item JDC, which is a fired bullet jacket
18 fragment.

19 Q What's the difference between a bullet jacket
20 fragment and just a bullet specimen?

21 A The specimen, actually, has, basically, an entire --
22 or pretty much an intact projectile that we can tell. It
23 has a base we can, actually, make a measurement off of.
24 And the fragment is something removed from one of those
25 items, more than likely. It's just a piece of a

1 projectile where it's left behind somewhere else.

2 Q And with those items, what did you do? What kind of
3 analysis did you perform on them?

4 A I did microscopic comparisons and compared them to
5 each other to see if they were fired from a single
6 firearm.

7 Q And you're looking for what type of markings on them?

8 A There is striation marks left behind, what we call
9 the lands and grooves of the barrel of the firearm.

10 Q What kind of tools do you use or equipment do you use
11 on these markings to determine what they are?

12 A I use a comparison microscope to do side-by-side
13 comparison.

14 Q And you compared all four of these against each
15 other?

16 A Yes, sir, I did.

17 Q And were you able to make any determinations from
18 those?

19 A Yes, sir. The item JD1, JD2, and JDD, fired bullet
20 specimens, were fired from the same firearm. The item
21 JDC, fired bullet jacket fragment, bears similar, but
22 insufficient markings for identification to the fired
23 bullet specimens.

24 Q So you could not put JDC positively out of the same
25 gun; correct?

1 A Correct.

2 Q But the other three, you could?

3 A Yes, sir.

4 Q Were you asked to compare anything else?

5 A I was asked to compare these to a firearm related to
6 a city case number.

7 Q What city case number was that?

8 A City case number 02-2014-016318.

9 Q And what did you compare it to?

10 A I compared it to item AJK4. It was a revolver.

11 Q And how did you compare them to that?

12 A I test fired the revolver and sat down at the
13 microscope and did a side-by-side comparison between my
14 test fires I generated to these unknowns. And I was able
15 to determine that that firearm was not used to fire these
16 specimens.

17 Q So it was not a match?

18 A Not a match.

19 MR. GREGORY: Please answer any questions the Defense
20 has for you.

21 THE COURT: Any questions from Defense?

22 MR. WARDER: Your Honor, if it please the Court.

23 We have no questions of this witness.

24 THE COURT: Thank you.

25 Thank you, sir.

1 You may step down.

2 MR. GREGORY: Judge, we'd ask for him to be released
3 from his subpoena.

4 THE COURT: Do you need to get this?

5 Thank you.

6 MS. GASSER: Your Honor, the State recalls Wayne
7 Campbell.

8 THE CLERK: Your Honor, is he still under oath? Do
9 you want me to put him under oath again?

10 THE COURT: I'll remind him -- well, you can.

11 THE CLERK: Please place your left hand on the Bible
12 and raise your right hand.

13 WHEREUPON,

14 WAYNE CAMPBELL,

15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you.

17 Please be seated.

18 DIRECT EXAMINATION

19 BY MS. GASSER:

20 Q Investigator Campbell, were you present in the
21 courtroom for James Armstrong's testimony?

22 A I was.

23 Q And there was a revolver mentioned. Did you ask for
24 a revolver to be tested in this case?

25 A I did.

1 Q Where was this revolver found?

2 A It was found in a vehicle being driven by Kris
3 Capatino.

4 Q And did you receive the results of this firearm
5 testing?

6 A I did.

7 Q And was that revolver a match to the projectiles
8 located within the victim in this case?

9 A It was not.

10 Q All right. Investigator Campbell, did you review QT
11 gas station video in reference to this case?

12 A I did.

13 Q And did you review Spinx gas station video in this
14 case?

15 A I did.

16 Q Did you ever see Marquail Hellams exit the vehicle in
17 question and leave with anyone else?

18 A I watched minute per minute of both videos. And it's
19 several hours long that I asked for. And, no, I did not.

20 Q And through the course of your investigation, were
21 you made aware of people riding in a vehicle with the
22 victim, Marquail Hellams?

23 A Yes, I was.

24 Q Which people were in that vehicle through your
25 investigation?

1 A Jamie and Kris Capatino --

2 MR. WARDER: Your Honor, I would object to what's
3 learned in the investigation.

4 THE COURT: Can you, please, take the jury out?

5 (WHEREUPON, the jury was excused from open court at
6 approximately 10:14 a.m.)

7 THE COURT: Okay.

8 MR. WARDER: Your Honor, if it pleases the Court.

9 What's learned in the investigation is never
10 relevant, nor a fair question. It's a question that opens
11 up the answers to undetermined hearsay or evidence that
12 comes from other unspecific sources. No lawyer could
13 object to what's learned in the investigation because he
14 doesn't know what's learned in the investigation.

15 This is a trial about facts, what was seen, heard,
16 said, not what the officer believes he learned. They say
17 that because it's an attempt to add credibility to it.
18 Because every question that's answered, the jury assumes
19 that's a learned fact. And that's not. We try cases on
20 facts. And the question what's learned is improper and
21 unfair.

22 THE COURT: Counsel.

23 MS. GASSER: May it please the Court.

24 Your Honor, this was the original lead investigating
25 officer. It was within his purview to interview people.

1 We're not asking for anything that was, specifically,
2 stated to him by any specific witness, but rather, what
3 the final conclusions of his investigation were back in
4 2014, that being the five persons riding in the gold Chevy
5 Tahoe.

6 I believe as the lead investigating officer, he has
7 the standing to make that deduction through the course of
8 his investigation. If we were to not be able to question
9 law enforcement as to any of their investigative matters,
10 we would never be able to call any of our investigators to
11 the stand.

12 MR. WARDER: Your Honor, what -- learned is just
13 another word for saying conclusions, which is another
14 opinion. It's always improper.

15 MS. GASSER: If the problem is with the word
16 "learned," I can change it to were you made aware.

17 MR. WARDER: It's not just a semantic thing. It's
18 the way they're going about it. Again, they're putting in
19 conclusions that by themselves would be inadmissible.
20 They're not supported by facts. When they lack facts,
21 they offer conclusions, a finding, generalization. And
22 it's without the facts.

23 THE COURT: But he's reaching conclusions based on
24 his investigation.

25 MR. WARDER: But it's his conclusion. We're here to

1 get the jury's conclusion from what the facts show, not
2 what the officer believes they show.

3 THE COURT: Solicitor.

4 MS. GASSER: Your Honor, I believe it's exactly that.
5 He's drawing his conclusions as an investigator. He gave
6 his credentials at his first testimonial -- or at his
7 first round of testifying. I believe that through his
8 experience and training as an investigator, he is
9 permitted to share what his conclusions were in this case.
10 He, actually, did not get warrants. That was left to a
11 later investigator.

12 So I believe that his conclusions drawn on a specific
13 fact in this case is then a jury decision, whether or not
14 they want to agree with his conclusions or draw their own.
15 That sounds like an excellent cross point or closing point
16 for the Defense, rather than an impermissible hearsay or
17 conclusion argument here for this witness.

18 THE COURT: And, Counsel, I understand your
19 objection. They -- the jury is going to be instructed as
20 to whether they want to believe all of his testimony, none
21 of his testimony.

22 But I am going to take a break. I just want to give
23 some thought to this. And then I'll be back with my ruling.

24 (WHEREUPON, a break was taken.)

25 THE COURT: I should have said how long we were

1 breaking for.

2 MS. GASSER: Yes, Your Honor. My co-counsel is still
3 in the restroom.

4 I would ask just, at least, for the victim's
5 mother -- I know she has some distress walking.

6 THE COURT: It's fine. Like I said earlier, we were
7 getting concerned the jury was getting distracted by
8 people coming in and out of the courtroom.

9 MS. GASSER: If we could just wait until she --

10 THE COURT: We absolutely will. I think there are
11 now some people that may have come back in that may not
12 have heard me.

13 MS. GASSER: Thank you, Your Honor.

14 (Pause.)

15 THE COURT: All right. So I did look at State vs.
16 King as far as investigative hearsay. And I believe
17 that's kind of what you're getting at. I do think there's
18 been testimony as to who was in the car.

19 But I am going to sustain your objection.

20 And I just caution y'all not to be getting into
21 hearsay from the investigator. Okay.

22 Do y'all have something to say in addition to that or --

23 MS. GASSER: Nothing additional, Your Honor.

24 THE COURT: Okay. And I can -- and I may modify that
25 somewhat, depending on what the testimony is. I just want

1 y'all to know.

2 Does the State have any questions about that?

3 MS. GASSER: I don't believe so, Your Honor. If
4 you'd like me to present my second to last question, I can
5 in case there's an objection and we don't want to send the
6 jury right back out.

7 THE COURT: Well, and I know you're going to stay
8 away from, I think, the word "learned."

9 MS. GASSER: Yes, Your Honor.

10 THE COURT: Just modify.

11 MS. GASSER: I was just going to ask, did you ever
12 receive any evidence that any other person got into the
13 vehicle, other than -- I can just say any other person got
14 into the vehicle.

15 THE COURT: And he can answer yes or no. I'm fine
16 with that.

17 Okay. We'll bring the jury back in.

18 (WHEREUPON, the jury came into open court at
19 approximately 10:32 a.m.)

20 MS. GASSER: May it please the Court, Your Honor.

21 THE COURT: Yes, ma'am. Please proceed.

22 CONTINUED DIRECT EXAMINATION

23 BY MS. GASSER:

24 Q Investigator Campbell, did you ever receive any
25 information or evidence that any other person got into

1 that vehicle?

2 A No.

3 Q And after your investigation, what did you do?

4 A After my investigation had come to a halt due to lack
5 of leads and evidence, it went to cold case.

6 MS. GASSER: I have no further questions. Please
7 answer any Defense Counsel may have.

8 THE COURT: Defense.

9 MR. WARDER: I have no questions of this witness.

10 THE COURT: Okay. You may step down.

11 THE WITNESS: Am I excused?

12 THE COURT: Do we need to release him now?

13 MS. GASSER: We can release him from his subpoena.

14 THE COURT: You may be released.

15 THE WITNESS: Thank you.

16 MS. GASSER: The State calls Jason Cox.

17 THE CLERK: Sir, please place your left hand on the
18 Bible and raise your right hand.

19 WHEREUPON,

20 JASON MATTHEW COX,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 Please be seated.

24 And, please, state your name for the record.

25 THE WITNESS: Jason Matthew Cox.

1 THE CLERK: Thank you, sir.

2 DIRECT EXAMINATION

3 BY MS. GASSER:

4 Q Good morning, Sergeant Cox.

5 Could you, please, tell the jury what your current
6 position and title is?

7 A At this time, my current position is sergeant. I'm
8 the supervisor of the Greenville County Sheriff's Office
9 cold case unit.

10 Q And how long have you been with the Greenville County
11 Sheriff's Office?

12 A For 15 years.

13 Q And before you were in the cold case, what were you
14 doing for the sheriff's office?

15 A Before that, I spent three and a half years in the
16 administrative division. I worked in the recruiting and
17 background investigations via canvas to hire within the
18 sheriff's office for both deputies sworn and non-sworn
19 communication specialist personnel. Before that, I spent
20 about five years in property crimes investigating high
21 dollar theft, burglaries, and a little bit of fraud. And
22 before that, I was a deputy within the uniform patrol
23 division.

24 Q And how long have you been with the cold case?

25 A Since August of 2020.

1 Q And before working for the Greenville County
2 Sheriff's Office, what were you doing?

3 A I spent 12 years in the United States Marine Corp.

4 Q And were you born here in Greenville?

5 A No, ma'am.

6 Q Where were you born?

7 A I was born in Waco, Texas.

8 Q And did you live your life in Texas?

9 A No, ma'am. I spent most of my life in the northeast
10 around Philadelphia, Pennsylvania, Baltimore, and
11 Maryland.

12 Q And how did you become involved with this case?

13 A Spring of 2021, I was advised by my supervisor at
14 that time to take a look into this case. At the time, I
15 was not a sergeant. So I was still having cases assigned
16 to me within the cold case to see if there was any
17 evidence that could be retested.

18 Q And did you review everything in the case file?

19 A Yes, ma'am, I did.

20 Q And after that review, what did you do?

21 A There was evidence I wanted to look over to see what
22 could be retested.

23 Q And when you say "retested," what do you mean?

24 A Sometimes technology may not have existed back when a
25 case was originally worked as it would be today for any

1 type of forensic type of testing. So evidence that was
2 collected before by investigators, I take that and will
3 submit it for any type of forensic testing.

4 Q And was any evidence that had been obtained before
5 retested?

6 A Yes, ma'am.

7 Q What was --

8 A It was phone records that were obtained through
9 search warrants and court orders from the phone providers.

10 Q And what did you do with those phone records?

11 A They were taken over to our technical services unit
12 within the sheriff's office where they were submitted to
13 Sergeant Dan Kelly, who's over that unit, and entered into
14 a program called GeoTime.

15 Q And were you given the results of that -- or what is
16 GeoTime?

17 A It -- basically, what it does is take the phone data
18 that the phone providers had given and you can enter the
19 digital copies of these records into the program. And
20 what it will do is triangulate off of the cell towers
21 where that phone is within approximately a mile or so.

22 Q And were you shown the results of this program?

23 A I was.

24 Q And after you saw the results, what did you --
25 what -- or what were the results?

1 A The results show that three of the --

2 MR. WARDER: Your Honor, I object to the results of
3 whatever test --

4 THE COURT: Y'all approach.

5 (WHEREUPON, a bench conference was held.)

6 THE COURT: Okay. Will you, please, send them back
7 out?

8 This is going to be very quick, I promise.

9 (WHEREUPON, the jury was excused from open court at
10 approximately 10:40 a.m.)

11 THE COURT: Okay. Mr. Warder, as I indicated in the
12 bench conference, I'm overruling the objection. I'm going
13 to allow -- there's, also, going to be testimony to this
14 tomorrow.

15 But you can, please, state your objection on the
16 record.

17 MR. WARDER: Your Honor, my objection on today's
18 testimony is that the witness has been asked a question,
19 if he reviewed the record. And the witness is going to
20 say what he did after he reviewed the record. And, of
21 course, the answer is going to be that he had my client
22 arrested.

23 And this is the same as saying it's his opinion that
24 my client was guilty when he reevaluated the evidence.
25 His opinion, his reevaluation is not what's at issue in

1 this case. The issue is, what are the facts underlying
2 that caused the arrest?

3 I think that if he could point to a specific fact
4 that wasn't in that file maybe and get it in. But I don't
5 think they can get in his opinion by saying he went out
6 and arrested -- and then argue to the jury after this cold
7 case officer read the case, he went out and arrested him.

8 THE COURT: Well, it was after they used this -- the
9 new technology. And then as a result of those results
10 coming back -- and he's not getting into the details of
11 that is my understanding.

12 MS. GASSER: No.

13 THE COURT: But as a result of that, that is what
14 happened. I mean, he -- he issued arrest warrants.

15 So do y'all need to respond to that?

16 MS. GASSER: No, Your Honor. We will seek to elicit
17 testimony that he reviewed the results. And after seeing
18 the results of the GeoTime phone movement that he -- and
19 then there's one other step rather than right before he
20 got warrants. But we will just elicit the testimony that
21 he received the GeoTime results, reviewed them and that he
22 went and --

23 THE COURT: And your objection is noted on the
24 record.

25 Do you have anything further?

1 MR. WARDER: No, sir.

2 THE COURT: Okay. You can bring the jury back in.

3 (WHEREUPON, the jury came into open court at
4 approximately 10:43 a.m.)

5 MS. GASSER: May it please the Court, Your Honor.

6 THE COURT: Continue.

7 CONTINUED DIRECT EXAMINATION

8 BY MS. GASSER:

9 Q Investigator Cox, after reviewing the GeoTime, what
10 did you do next?

11 A After reviewing the GeoTime information, I then
12 wanted to start looking for some of the parties that were
13 involved. And I found Ms. Jamie Capatino.

14 Q Now, without saying anything that she said, were you
15 able to interview her?

16 A I was.

17 Q And after interviewing Jamie Capatino, what did you
18 do?

19 A Based on the evidence that I had accumulated in the
20 case so far, I went ahead and sought warrants for Rahiem
21 Griffin, the Defendant, Kris Capatino, and Destany Fields.

22 MS. GASSER: Nothing further at this time, Your
23 Honor.

24 THE COURT: Anything from the Defense?

25 MR. WARDER: No cross-examination.

1 MS. GASSER: Your Honor, we do ask that we have leave
2 to recall this witness, if necessary?

3 THE COURT: Okay.

4 Thank you, sir.

5 You may step down.

6 MS. GASSER: And Your Honor, may we approach?

7 THE COURT: Sure.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: Okay. Ladies and gentlemen of the jury,
10 I told you yesterday that you were going to have the
11 afternoon off. It looks like you're going to have part of
12 the morning and then the remainder of the afternoon off.
13 I want y'all to come back at 9:30 in the morning.

14 And, again, just my admonition not to do any research
15 on your own. Do not begin deliberating. Do not discuss
16 this case with anyone. Okay.

17 And I really -- I'm grateful for the attention that
18 you're giving to all of the testimony that's been
19 presented. And I know all the parties and I appreciate
20 it. Okay.

21 Thank y'all.

22 Y'all take care.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 10:48 a.m.)

25 THE COURT: Mr. Griffin, will you, please, stand,

1 sir?

2 And can you state your full name?

3 DEFENDANT GRIFFIN: Rahiem Jarrard Griffin.

4 THE COURT: Madam Clerk, can you, please --

5 THE CLERK: Would you, please, raise your right hand?

6 WHEREUPON,

7 RAHIEM JARRARD GRIFFIN,

8 after first having been duly sworn, testified as follows:

9 THE CLERK: Thank you.

10 THE COURT: Okay. And will you cut up his
11 microphone? Can you push up that microphone a little
12 higher?

13 I just want to make sure we can hear Mr. Griffin.

14 Okay. Mr. Griffin, there's certain things that I
15 have to go over with you. Okay. So at this time, I'm
16 going to explain to you certain of your rights. And if
17 you do not understand anything that I say to you, just,
18 please, let me know. Okay. If you want me to explain
19 anything in more detail, please, let me know.

20 Do you understand that?

21 DEFENDANT GRIFFIN: Yes, sir.

22 THE COURT: We've now reached the stage of the
23 trial -- there's still going to be testimony by the State.
24 But tomorrow, we're going to be reaching the stage of the
25 trial where you may present your defense. And you have

1 the right to claim your protections given to you by the
2 Fifth Amendment to the Constitution of the United States.

3 And this amendment states in part that no person
4 shall be compelled in any criminal case to be a witness
5 against himself. This means that you cannot be required
6 to testify in this case. You have the right to testify on
7 your own behalf. However, no one can make you testify.
8 This is a personal right. And no one can waive this right
9 except you.

10 If you decide to testify, you will be subject to the
11 same rules that govern other witnesses. And you may be
12 examined and cross-examined on any relevant issue in this
13 case.

14 In addition, if you have any convictions involving
15 dishonesty, or false statement, or for crimes punishable
16 by imprisonment for more than one year and this Court
17 determines that the probative value of admitting this
18 evidence outweighs any prejudicial effect to you, the
19 Solicitor will be able to introduce your record to attack
20 your credibility.

21 I don't know. Does the Solicitor --
22 Do y'all have anything?

23 MS. GASSER: One moment, Your Honor.

24 I believe he has several shopliftings.

25 THE COURT: Okay. Well, I mean, you'll produce those

1 to the other side so they can adequately discuss that with
2 him?

3 MS. GASSER: Yes, Your Honor.

4 THE COURT: If you decide to testify, the decision on
5 your part must be freely, voluntarily, and intelligently
6 made with knowledge of the protections given to you by the
7 Fifth Amendment and the consequences for your decision to
8 testify.

9 If you decide not to testify, I will instruct the
10 jurors that they cannot give the fact that you did not
11 testify any consideration whatsoever. And that there's to
12 be absolutely no prejudice to you because you did not
13 testify.

14 It is left entirely up to you whether or not you
15 testify. You may talk with your attorney, your family,
16 and friends, or anyone else. But the final decision will
17 be left entirely up to you.

18 And you do not have to give an answer until tomorrow.
19 That will give you adequate time to talk with everybody.

20 But do you understand what I've explained to you thus
21 far?

22 DEFENDANT GRIFFIN: I do, yes, sir.

23 THE COURT: Okay. Do you have any questions about
24 what I've explained to you?

25 DEFENDANT GRIFFIN: No, I don't.

1 THE COURT: Okay. And you will have time to discuss
2 this with your lawyer, whether you should or should not
3 testify, as well as family members. And I assume that you
4 will take this time over the -- I guess, the night, this
5 afternoon, and then make a decision tomorrow. Okay.

6 DEFENDANT GRIFFIN: Yes, sir.

7 THE COURT: All right. Thank you.

8 MR. SANFORD: Thank you, Your Honor.

9 MR. WARDER: Thank you, Your Honor.

10 THE COURT: We're in recess until 9:30.

11 (WHEREUPON, the proceedings were concluded at
12 approximately 11:00, to be reconvened on
13 Thursday, April 18, 2024.)

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1 THURSDAY, APRIL 18, 2024

2 (WHEREUPON, State's Exhibit No. 63 was marked for
3 identification only.)

4 THE COURT: Is everybody ready to proceed?

5 MS. GASSER: Yes, Your Honor.

6 MR. WARDER: Yes, Your Honor.

7 THE COURT: All right. Bring the jury in.

8 (WHEREUPON, the jury came into open court at
9 approximately 9:41 a.m.)

10 THE COURT: Good morning.

11 Is the State ready to call its next witness?

12 MS. GASSER: Yes, Your Honor. The State calls
13 Matthew Wilde.

14 THE CLERK: Mr. Wilde, please, come forward and pause
15 at the end of the bench.

16 Place your left hand on the Bible and raise your
17 right hand.

18 WHEREUPON,

19 MATTHEW WILDE,
20 after first having been duly sworn, testified as follows:

21 THE CLERK: Please state your name for the record.

22 THE WITNESS: My name is Matthew Wilde.

23 THE CLERK: Thank you.

24 DIRECT EXAMINATION
25

1 BY MS. GASSER:

2 Q Good morning, Mr. Wilde.

3 Can you, please, tell the jury where you're currently
4 employed?

5 A Yeah. I'm a supervisor special agent at the FBI.

6 Q And where are you from originally?

7 A Originally from New York.

8 Q And did you live in New York your whole life?

9 A No.

10 Q Where did you live after New York?

11 A South Carolina.

12 Q Where in South Carolina?

13 A I lived in Cherokee and Spartanburg Counties.

14 Q Have you been with the FBI your whole career?

15 A I have not.

16 Q Where were you at before the FBI?

17 A So from 2000 until 2010, I was a deputy sheriff and
18 investigator at the Spartanburg County Sheriff's Office.

19 Q And what did you do there? What was your role?

20 A Everything. I responded to calls initially, then I
21 went to investigations. And I worked everything from, you
22 know, car breakings, larcenies, auto thefts, all the way
23 up to violent crime, narcotics. And then before I left, I
24 was on regional support unit and the SWAT team.

25 Q And so you said that you went to the FBI in 2010?

1 A Yes, ma'am.

2 Q And where were you stationed with the FBI first?

3 A Well, after I graduated the FBI academy, I was sent
4 to the Baltimore field office where I worked at a small
5 office in Rockville, Maryland.

6 Q And what did you do there?

7 A There, I worked violent crime, white color crime, and
8 drugs for a few years. And then I moved over to the
9 Prince George County office where I worked violent crimes
10 like bank robberies, and kidnappings, and car robberies
11 that went between Prince George County and Washington D.C.

12 And then about a year or two later, I moved to the
13 Baltimore field office where I worked with the Baltimore
14 City Police Department working robberies, kidnappings, and
15 homicides.

16 Q How did you get to South Carolina?

17 A In 2020, I got a transfer from Baltimore to South
18 Carolina. And I currently sit in the Rock Hill office.

19 Q And what do you do at the Rock Hill office?

20 A Currently, I'm supervisor over -- I have about nine
21 full-time people and probably about a 16 or 17 part-time
22 folks that specialize in analyzing historical records, or
23 CAST.

24 Q So you said "CAST," is that what -- what does CAST
25 stand for?

1 A So CAST is cellar analysis survey team. It's a group
2 of about a hundred special agents and task force officers.
3 And we're located all over the country. And what we
4 specialize in is analyzing historical records. So
5 historical phone records and, specifically, the location
6 data associated with those records.

7 Q And when you analyze this, what's the process of
8 analyzing historical phone records?

9 A So we get these records that kind of look like the
10 old paper phone bill we got maybe around 16 years ago.
11 They have the date. They have the time that the calls
12 occurred. They tell me which number called which number
13 and the duration of those calls.

14 The major difference between the paper phone bill we
15 used to always get and the records I look at is the
16 records I look at have the cell tower. So they tell me
17 which cell tower was used to take a direct call. And they
18 tell me which side of the tower or sector was used to
19 handle that call.

20 So what I can do with that is I can use that date,
21 time, and general location and compare it to a known date,
22 time, and location, such as a crime scene.

23 Q And how did you -- or do you ever receive requests
24 from local law enforcement?

25 A All the time.

1 Q And tell me about that process.

2 A So we are -- it is available to any local -- any law
3 enforcement agency, state, federal, local. We have a link
4 that any sheriff's office or police department can ask for
5 assistance. They are provided some basic information. We
6 assign a CAST agent or task force officer to help out with
7 that case. And we do the analysis and we come and testify
8 in court.

9 Q And did you ever receive special education or
10 training in order to have this position?

11 A I did. I have over 400 hours of training. So
12 starting in 2012, I went to a basic -- I went to a course
13 called basic project pinpoint, which was a three-day
14 course, at that time, where we learn how to read those
15 basic records, compare the tower information on those
16 records to a list of all the cell phone towers, and
17 generate a very basic map. I did that in 2012.

18 I used that technique in almost every one of my
19 personal cases between 2012 and 2016. In 2016, I went to
20 advanced project pinpoint, which is a week-long course
21 where we took a deeper dive into those records, learned
22 the different types of records we could get, and how we
23 could use them. At the end of that course, I was selected
24 to go to the CAST certification course.

25 In 2016, the certification course was four weeks.

1 The first week being radio frequency theory. So we
2 learned about how radio waves travel to and from a cell
3 phone. The second week, we met with each one of the
4 carriers, so Sprint, AT&T, Verizon, T-Mobile. They all
5 came into our training. We learned from the records
6 custodians. Those are the people who provide records.
7 We, also, learned from the network engineers. Those are
8 the folks that develop and maintain the system.

9 The third week, we focus on drive testing. So I have
10 this box that I can put in my car. I can drive around to
11 a specific tower and it can tell you how far that tower,
12 actually, reaches.

13 And then the last week was a Newport exercise. So we
14 were given a real case. We had to read the records,
15 generate a bunch of maps, go out and do a drive test, and
16 then testify to that case in a moot court setting. And at
17 the conclusion of that, I was certified.

18 Q And is there any kind of continuing education for
19 this kind of technology?

20 A There is. We do a CAST research certification course
21 every year. It's usually about four days long. I just
22 attended the last week of February of this year. And
23 during that course, we meet with all the carriers again.
24 They come in and give us their information.

25 And then we talk about emerging technologies. And

1 then because we're located all over the country, sometimes
2 different parts of the world, we use it as an opportunity
3 to share information on what we're seeing in our
4 respective areas.

5 Q And have you ever participated as an actual trainer
6 of other technicians?

7 A I have. I have taught the CAST basic course about 16
8 times. I've taught the advanced course three or four
9 times. I've been an evaluator for the moot court portion
10 of CAST certification on, at least, three occasions. And,
11 actually, I went over to England about two years ago and
12 presented to their CAST people over in -- for their
13 government.

14 Q And have you ever testified in court regarding your
15 role as a CAST team member and your findings?

16 A Yes.

17 Q And have you been qualified as an expert?

18 A Yes, ma'am.

19 Q How many times have you testified?

20 A I think 152 times.

21 Q And have you been qualified as an expert every time?

22 A Yes, ma'am.

23 Q And have you been qualified as an expert in the area
24 of call detail cellular analysis and cellular technology?

25 A Yes, ma'am.

1 MS. GASSER: Your Honor, at this time, the State
2 moves to admit -- or qualify Matthew Wilde as an expert in
3 the areas of call detail analysis and cellular technology.

4 THE COURT: Quality cellular?

5 MS. GASSER: Call detailed cellular analysis and
6 cellular technology.

7 THE COURT: Okay. Call detail cellular analysis and?

8 MS. GASSER: Cellular technology.

9 THE COURT: Okay. Any objection from Defense?

10 MR. WARDER: No objection, Your Honor.

11 THE COURT: Okay. You are qualified as an expert in
12 call detail analysis and cellular technology.

13 I would just instruct the jurors -- or the jury, as I
14 have regarding the other two experts, that normally a
15 person cannot give opinion testimony. Normally, when a
16 person testifies, they must testify to what they saw,
17 heard, sensed by smell, or something of that nature.
18 However, as I've indicated before, there is an exception
19 when someone is qualified because of education and
20 experience. And they are permitted to give their opinion
21 in certain areas that the Court qualifies them that way.

22 And as indicated, he is qualified in this area to
23 give opinion testimony. This does not mean that you
24 accept the opinion. But it is evidence for you to use in
25 any way you see fit and give the weight and credibility

1 you believe is appropriate.

2 You may proceed.

3 MS. GASSER: May it please the Court, Your Honor.

4 BY MS. GASSER:

5 Q All right. Special Agent Wilde, just generally,
6 after you receive a request from local law enforcement,
7 what do you do?

8 A What I do when I receive that request is I reach back
9 out to the law enforcement officer and I request the
10 records. They obtain the records through legal process
11 themselves. They send them over to me. I take a look at
12 the records to make sure there's, actually, data there
13 around the time that they're interested in. And then I
14 upload those records to a Google-based mapping system.

15 Q Do you receive any other information from the -- from
16 the investigator making the request?

17 A In the request, I receive just the very basic
18 information, date and time of interest, and then the
19 locations that are of interest.

20 Q And what do you do next with all that information?

21 A So, again, I put that into this Google-based mapping
22 system. It -- it -- it matches up all the details on call
23 detail records to the tower lists. And then I generate
24 mapping products that display the information.

25 Q And is there any kind of quality control in this

1 system?

2 A There is. So after I generate the map, I usually
3 send it back out and mark it as a draft. And then prior
4 to court or prior to trial, it is peer reviewed by another
5 CAST agent. So they'll go back over the records. They go
6 over my report. They make sure that everything in the
7 report is detailed and that it matches up with what's in
8 the records and what's in the tower list.

9 Q And did you receive a request for analysis in this
10 case?

11 A I did from Investigator Cox.

12 Q And were you able to successfully analyze anything in
13 this case?

14 A Yes, ma'am. I was able to analyze records of three
15 separate phone numbers.

16 Q And do you remember the carriers from those phone
17 numbers?

18 A I do. Verizon, AT&T, and Sprint.

19 Q And do you remember the phone numbers that you
20 analyzed?

21 A I don't. If I could refer to my notes, I can tell
22 you that.

23 Q Do you have your notes with you?

24 A I do.

25 Q Please refresh your recollection.

1 A So the Verizon number is 864-230-9521. The AT&T is
2 864-643-8770. And the Sprint is 864-478-0822.

3 Q And were you able -- you said that you were able to
4 successfully analyze. Were you able to successfully map
5 the phone records in this case?

6 A Yes, ma'am.

7 Q And did you create a presentation in response to that
8 analysis?

9 A I did.

10 Q And does that presentation contain your analysis?

11 A Yes, ma'am.

12 Q Would you recognize your presentation with your
13 analysis if I were to show it to you?

14 A Yes.

15 Q Special Agent Wilde, have presentations of this
16 nature been utilized in the courts in which you have
17 previously testified in?

18 A Yes, ma'am, every single time.

19 MR. WARDER: Your Honor, we have a matter to take up.

20 THE COURT: Okay. If you'll take the jury out.

21 (WHEREUPON, the jury was excused from open court at
22 approximately 9:56 a.m.)

23 THE COURT: Mr. Warder.

24 MR. WARDER: Your Honor --

25 THE COURT: Are you ready?

1 MR. WARDER: The report kind of has a -- a front
2 sheet and then some materials that kind of puff up the
3 method, and science, and everything a little bit, not in
4 great detail.

5 But I think the map information is admissible. I
6 don't think all of the stuff in the folder, the cell tower
7 information, and all the science is. And I do not object
8 to the maps in State's Exhibit No. 63. I do think all the
9 pages before the maps are not particularly admissible,
10 although he could testify to them. I don't think they can
11 put them in written form and puff up the maps.

12 THE COURT: Solicitor?

13 MS. GASSER: May it please the Court.

14 Your Honor, I believe that the witness has just
15 testified that this was the analysis that he was able to
16 successfully -- successfully draw and map once getting all
17 the cell phone records, which are already in evidence.

18 As to the first few pages, those are demonstrative in
19 nature and this witness is entitled to explain his
20 processes to the jury. He's been qualified as an expert.
21 I believe that's important for the jury to understand, you
22 know, what they're looking at.

23 And these first few pages, I think there's
24 methodology. It's similar in nature to those explanation
25 pages at the beginning of all the cell phone records that

1 Mike Bosillo, Chris Ritchell, and Daniel Reid all
2 explained. It's just explaining what they're, actually,
3 looking at. I believe this witness is entitled to that
4 explanation, especially as he has been qualified as an
5 expert.

6 MR. WARDER: I think he can tell us about the
7 methodology. And I think the maps are admissible.

8 THE COURT: Well, your objection is noted on the
9 record. I'm going to allow him to testify and use the
10 entire report. And I do think it will assist the trier of
11 fact.

12 Did you have anything else you needed to state to
13 protect the record, Mr. Warder?

14 MR. WARDER: No, sir.

15 THE COURT: Okay. I just wanted to make sure.

16 Okay. You can bring the jury back.

17 Thank you.

18 (WHEREUPON, the jury came into open court at
19 approximately 10:02 a.m.)

20 THE COURT: You may continue.

21 MS. GASSER: May it please the Court, Your Honor.

22 CONTINUED DIRECT EXAMINATION

23 BY MS. GASSER:

24 Q Special Agent Wilde, again, did you produce a report
25 in preparation -- or to exemplify your analysis in this

1 case?

2 A I did.

3 Q And would you recognize that report again if I were
4 to show it to you?

5 A Yes.

6 Q I'm handing you what's been pre-marked for
7 identification purposes as State's Exhibit No. 63. Look
8 through that. And when you're ready, let me know if you
9 recognize it.

10 A This is the report I generated for this case.

11 Q And how do you know it's that report?

12 A Because I can look at it and I recognize the phone
13 numbers and the work because it's mine.

14 Q And is it a fair and accurate depiction of the
15 presentation you prepared for this case?

16 A It is.

17 Q Has it been changed or altered in any way?

18 A No.

19 MS. GASSER: Your Honor, at this time, the State
20 moves to introduce State's Exhibit No. 63 into evidence.

21 THE COURT: Subject to y'all's objection, it will be
22 admitted.

23 MS. GASSER: Thank you, Your Honor.

24 (WHEREUPON, State's Exhibit No. 63 was admitted into
25 evidence.)

1 MS. GASSER: And permission to publish on the
2 overhead.

3 BY MS. GASSER:

4 Q Special Agent Wilde, let's walk through this
5 presentation. Can you tell the jury what they're seeing
6 on this page?

7 A Sure. The first page is the cover page. So it just
8 says who I am, where I work, the case name, and then the
9 telephone numbers associated with this case.

10 Q And are those the telephone numbers and carriers that
11 you previously testified to?

12 A Yes, ma'am.

13 Q And those are the records you were given by
14 Investigator Cox in his request for you to make this
15 analysis?

16 A Yes, ma'am.

17 Q All right. Can you, please, explain to the jury what
18 they're seeing on this page?

19 A Sure. This is the background, the methodology, and
20 cell site locations. So the background is I was asked by
21 Greenville County to assist with this case to analyze
22 those telephone numbers associated with a homicide which
23 occurred January 31st, 2014 to February 1st, 2014.

24 The methodology, I kind of explained this already.

25 So when we get these call detail records, using those

1 records, it gives us cell tower information that was
2 present -- or that was used to handle the calls. So with
3 that information and combine it with a list of all the
4 towers in the area, I can come up with the general area of
5 where the phone was at the time the call started.

6 The cell site locations, obviously, the network has
7 changed a lot since 2014. We get updated tower lists on a
8 regular basis from the carriers.

9 So I used the towers that were in effect in 2014 to
10 create this analysis. It would be improper for me to use
11 2024 towers because they probably wouldn't be on here.

12 And then my conclusions are further down in my
13 report.

14 Q So going to Page 3 of State's Exhibit No. 63, can you
15 tell the jury what they're seeing here?

16 A Sure. These are just different examples of cell
17 towers. Drawing your attention to the one on the top
18 left, that's -- with your general cell tower you're really
19 going to see anywhere in America. There's a couple
20 important things about that.

21 The number one thing, see those, like, speaker-like
22 devices on the towers. Those are the antennas. Those
23 things transmit and receive a signal to and from the
24 device.

25 A cell phone is very much like my car radio. Today,

1 I jump in my car, tune in to my favorite station, my
2 favorite frequency. And then somewhere in the radio,
3 there's a big radio tower that emits a signal like the
4 frequency. My antenna receives that signal. I can listen
5 to my favorite station.

6 The major difference between my car radio and a cell
7 phone is that with a cell phone, that communication has to
8 go in two directions. That phone has to be able to
9 receive information from those antennas. But it, also,
10 needs to be able to send information to those antennas.
11 So these antennas send in -- send and receive the
12 information to and from the phone.

13 The second important thing about this is you notice
14 that those antennas, they hang on a triangular-shape
15 structure. Most cell phone towers, especially in 2014,
16 they were designed to cover 360 degrees or a full circle.
17 And the way the carriers accomplish that is by dividing
18 that circle into three sides.

19 So each one of those sides is called a sector. So
20 later on in my report, you're going to see these web
21 shapes. I just like to think that the center of that web
22 is nothing more than the center of one side of this
23 triangle.

24 And then looking at the picture in the center there,
25 you probably see this here in Greenville because it's a

1 little more urban -- a little more urban. But sometimes
2 there's not room to build one of these big towers. So
3 they'll put these antennas on the outside of the building.
4 Sometimes you'll see one outside a silo. Another good
5 example is a flag pole. A lot of times at schools,
6 universities, apartment complexes, you'll see this really,
7 really thick pole. That's, actually, the cell phone
8 tower. There's a panel at the top that comes off and
9 there's, actually, three directional antennas underneath
10 that panel. It's designed to kind of link into the
11 environment because, obviously, the cell tower on the top
12 left is not the nicest thing to look at.

13 Everyone's favorite is always the pine tree. We have
14 several of these here in the Carolinas. And they always
15 stand out because they're about 150 feet taller than all
16 the other pine trees around them. And they have antennas
17 at the top that are spray painted brown to try to blend
18 into the environment.

19 Q Going to Page 4 of your presentation, can you explain
20 to the jury what they're seeing here?

21 A Sure. So this is -- this is kind of what I was
22 explaining about that big cell phone tower. So each side
23 is considered a sector designed to cover a full circle.
24 And the way I figure out which way that that sector faces
25 is by looking at something called the azimuth or the

1 orientation of that sector.

2 Azimuth and orientation are just two big, scary words
3 for direction. So if it is zero, it just means that that
4 sector faces north. If it's 180, it just means that
5 sector faces south. So here, if you take that sector that
6 faces north, if the azimuth is zero, what I do is I draw a
7 line at zero north. And then I go 60 degrees in one
8 direction, 60 degrees in the other. That gives me 120
9 degrees wedge or one third of that circle.

10 Q What is this referring to?

11 A So this next page, this wedge shape is how I display
12 which tower and sector is being used on the maps. So you
13 can see, again, I draw up that line at zero degrees. And
14 then I have two lines off 60 degrees in each direction.
15 That gives you the general area which that energy is being
16 emitted.

17 I, also, use that shaded area in there, that little
18 bubble. Just because you see the shaded area on the map,
19 it doesn't mean the phone has to be within that. All I'm
20 saying by explaining that shaded area is that the energy
21 from that tower and sector is being emitted in this
22 direction. Okay. It would be like me standing up here
23 and shining a flashlight towards the jury box or towards
24 the back of the courtroom. That's all I'm saying.

25 And then there's the sector orientation. So which

1 way those sectors face, that's all dependent upon where
2 the carriers need to put that service -- need to put that
3 service to cover whatever that area is. Obviously, if
4 they had a tower close to the baseball stadium here, they
5 probably want to put more coverage in towards the baseball
6 stadium where more people may be congregating and there
7 may be less coverage on the backside where not as many
8 people congregate.

9 Q And then on Page 6, what is this?

10 A So Page 6, that just shows how the sector is
11 illustrated on the map. What I can say about where this
12 phone is, this phone is somewhere between the tower that's
13 being used and the next tower in the next direction.

14 So there's the green dot kind of in the top left of
15 the map. That phone is going to be somewhere between that
16 tower and the one north of it, but closer to the one
17 that's being used or the one where the wedge is.

18 As you drive down the road -- or if I was driving
19 from the tower that's being used towards the one that
20 isn't, eventually, as I'm driving away from the tower
21 that's being used, the signal is going to get weaker and
22 weaker and weaker. And eventually, I'm going to get
23 picked up by the next tower over. And as I drive closer
24 to that tower, it's going to get stronger and stronger and
25 stronger. And then we're just going to play that game the

1 whole entire time we drive down the road. So that's what
2 I can say about where that phone would be.

3 Q And how would -- why would a phone -- or how does a
4 phone pick which tower to hook up to?

5 A So the phone is constantly scanning. If my phone
6 were on and in here in front of me, it would be scanning
7 the environment, scanning everything around it trying to
8 determine what the tower -- trying to determine the tower
9 and the sector it sees as the best.

10 It's very much like hanging out in the airport,
11 flipping your phone on to find the best Wi-Fi. And you're
12 looking for the one with the best service. The difference
13 is your phone does that -- our phones do that, you know,
14 thousands of times a minute. It's just constantly looking
15 for the best tower and the best sector.

16 And the reason it does that is so when we go to pick
17 up our phone and make that call and push that green
18 button, it already knows what tower and sector it's going
19 to go to. And that's the tower and sector that's getting
20 recorded on the records I look at.

21 Q All right. Going to Page 7 of your presentation, can
22 you explain to the jury what they're seeing here?

23 A Sure. So there's two different types of records in
24 this case. There's regular call detail records where
25 you're just going to see that white shape. And then

1 there's something called RTT. It stands for realtime
2 tool. It's a specific type of record we can get from
3 Verizon.

4 So that gives us the tower and the sector just like a
5 regular call. But it, also, gives us the estimated
6 distance to the tower. And the way that works is the
7 carrier is measuring the time it takes for the signal to
8 go from the tower to the phone and back to the tower. So
9 they know that the signal travels at the speed of light.
10 So if they know how fast it travels and they can time it,
11 then they can estimate the distance.

12 I say an estimated distance because there are things
13 that can delay the signal or slow it down. Again, if my
14 phone were to be on here in this courtroom and that tower
15 is outside this courthouse, that signal has to come
16 through the exterior walls of the courthouse. It has to
17 come through this door here. And then it has to hit my
18 phone and then has to go back out to those things, go back
19 through those two walls and then back out to the tower.
20 That's going to delay or slow the signal down, which is
21 going to make this distance slightly further than I'm,
22 actually, located.

23 So if I were standing in a cornfield with my phone in
24 the air one mile from the tower, these records should show
25 that I'm one mile from the tower. But if I'm in this

1 courtroom, it might show that I'm 1.1 miles from the tower
2 or 1.11 miles from the tower. It's not that far off, but
3 just a little bit further.

4 Q And you said you got this from Verizon. Was this --
5 that realtime tool, was this for each and every phone
6 number that you received in this case?

7 A No, ma'am, only for the Verizon phone.

8 Q Okay. Can you tell the jury what we're seeing here?

9 A Sure. So this an overview of the Verizon network in
10 the area around Greenville. So every one of those red
11 dots represents a Verizon cell phone tower. You can see
12 as you get away from Greenville, they get a little bit
13 further away from each other. As you get closer to
14 downtown, they get closer to each other.

15 So with that, then we have the red pin at the bottom,
16 which represents the -- I believe it's the crime scene in
17 this case. I'm sorry. I just need the -- which is Davis
18 Road near Charles Gandy Way in Piedmont, South Carolina.
19 That's that big red pin down at the bottom. And then the
20 other location, the green pin represents 511 Glenlea Lane,
21 Greenville, South Carolina, which is on the north side of
22 Greenville, almost near Furman University.

23 Q Now, you said that these were all the Verizon towers
24 in the Greenville area. Is this now or back in 2014?

25 A Again, it was back in 2014. This is the tower list

1 from 2014 that I used to create this exhibit.

2 Q Okay. What are we seeing here on Page 9?

3 A This is exactly the same slide, just subbing out
4 the -- bringing in the AT&T towers to show you how the
5 AT&T network looked at the time. And those are
6 represented by those blue dots.

7 Q And what are we seeing on Page 10?

8 A Same map again. But I'm showing the Sprint towers
9 versus the AT&T and Verizon towers.

10 Q So going to Page 11 of your report, can you tell the
11 jury what they're seeing here?

12 A Sure. So this is an activation for the 864-230-9521
13 phone. This is the Verizon phone. And this is an
14 activation at 6:16 p.m. on January 31st, 2014. And during
15 this activation, the distance -- or the per call measuring
16 distance was about 1.67 miles. So you see that arc there.
17 And, again, generally, the phone is going to be within
18 that arc or just slightly inward.

19 Q And what are we seeing here?

20 A So this is just showing the activity between 8:42
21 p.m. and 9:13 p.m. on January 31st. And you can see just
22 starting at 8:42, there's an activation there of point
23 three miles, which is consistent with being in the area of
24 Highway 25. And then, generally, this activity is
25 consistent with traveling south towards -- southwest side

1 of Greenville and then, eventually, we have this big, long
2 arc at 9:13, which is just short of being in the area of
3 the crime scene.

4 Q And is this -- so if it's in red, is it still the
5 Verizon telephone number that you analyzed?

6 A Yes, ma'am.

7 Q And what is the jury seeing here?

8 A So this is the activity on that Verion telephone
9 number, again, showing the activity, all the activity
10 between 9:17 p.m. on the 31st of January to 3:47 on
11 February 1st.

12 So during that time, there was 31 records. And the
13 distance there is 1.14 to 1.44 miles. And you can see
14 that those arcs, they're just constantly hitting at a
15 distance in the general area of where the crime scene is.
16 Again, the phone can be anywhere within that arc, but the
17 crime scene happens to be just kind of central right there
18 in the middle.

19 Q And did you receive any records that showed any
20 activity on this phone number after this time period?

21 A Yes. So later -- later on the -- on the 1st at about
22 4:00, there was additional records. And those records put
23 the phone using a tower in Greenville that would be
24 consistent with being in the area of the sheriff's office.

25 Q And were you given any information regarding that

1 record and why that was that way?

2 A I was given information that the phone was, actually,
3 located at the crime scene. So from that, I can deduce
4 that it was taken into evidence and taken back to the
5 sheriff's office.

6 Q All right. Going to Page 14, can you tell the jury
7 what they're seeing here?

8 A Sure. So this is the AT&T phone, 864-643-8770,
9 demonstrating -- or shown in black. And here -- here, we
10 have a series of calls between 6:37 and 8:36 p.m. And all
11 those calls are being handled by tower 40097 or 40094,
12 which faces north towards the area of the Glenlea Lane
13 address.

14 Q And I don't see that arc -- or I think you said
15 hotdog shape on this, why not?

16 A Because these are only call detail records. In 2014,
17 we did not get those distance to tower records. AT&T just
18 recently started getting those last year.

19 Q Going to Page 15, can you tell the jury what they're
20 seeing here?

21 A So this is the activity again on the AT&T phone
22 ending in 8770 between 8:36 and 9:11. And you can see
23 that between 8:36 and 9:11, the activity on the phone
24 tracks with the phone traveling south from that northwest
25 side of Greenville down towards the area of the crime

1 scene.

2 Q And what's going on on Page 16 of your report?

3 A So Page 16 shows the activity between 9:11 p.m. and
4 9:35 p.m. So during that time, that phone was using two
5 towers both facing in the general direction towards the
6 crime scene. Mostly using the one on the top right. But
7 they are both facing in that general direction towards the
8 crime scene.

9 Q Now, why would -- why would a phone hit at 9:11 p.m.
10 up at this tower, but then hit at 9:16 p.m. down at this
11 tower?

12 A So there's two reasons. The phone could have moved
13 between 9:11 and 9:16. So it could have been -- at 9:11,
14 it could be slightly closer to the tower towards 42826.
15 And then at 9:16, it could be slightly closer to 40507 on
16 the bottom.

17 The -- the other thing that could happen is the phone
18 could be somewhere in between those two towers. There's
19 going to be a little overlap built in there so as we drive
20 from one tower to the next, our call isn't dropped. So
21 the phone could be in that overlap area and during that
22 time, it's just bouncing back and forth. It can bounce
23 back and forth.

24 But either way, the phone is, generally, consistent
25 with being in the area of the crime scene. Because both

1 of those towers and sectors are facing toward the crime
2 scene at all the times that phone is being used between
3 9:11 and 9:35.

4 Q Moving on to Page 17 of your presentation, can you
5 tell the jury what is depicted here?

6 A So this is showing the activity on the AT&T phone
7 ending in 8770 between 9:35 and 10:08. So at 9:35, again,
8 the phone is consistent with being near the crime scene.
9 And then at 9:46, it's to the northwest. And then by
10 10:08, it's using a tower sector over there by Furman
11 University or in the area of the Glenlea Lane address.

12 Q And Page 18 of your presentation, can you explain
13 what's depicted for the jury?

14 A These are all the activations on that 8770 phone from
15 AT&T between 10:08 p.m. and 12:28 a.m. on the 1st. You
16 can see most of them are facing in the area -- facing
17 towards the Glenlea Lane address. We do have that one all
18 the way up there near Travelers Rest, but, also, facing
19 south.

20 So I can't say that the phone is at that Glenlea Lane
21 address this entire time. But what I can say is it's,
22 generally, in the area for most of this time.

23 Q And is there any explanation for why a phone would
24 hit both at 12:07 a.m. down here off this tower, but,
25 also, at 12:07 a.m. off this tower?

1 A Same explanation. The phone is either somewhere
2 between the two where it's seeing both of them at equal
3 strength -- it has to be somewhere where it's seeing both
4 of those sectors at about equal strength during that time.
5 There would be some energy from that south facing tower at
6 the top that would intercept with this sector in the
7 center of the page.

8 Q And then on Page, I believe, 19, can you explain to
9 the jury what they're seeing?

10 A So this is the Sprint phone ending in 0822. And the
11 activity here is a call at 9:35 p.m. using tower nine,
12 using the sector that faces towards the crime scene.

13 Q And Page 20 of your report, can you explain to the
14 jury what they're seeing here?

15 A So this is 9:45 to 9:48. And you can see by 9:48,
16 the phone has traveled and is using a tower to the north
17 consistent with going back towards the north.

18 Q Now, in your report, you talked about a lot of times.
19 Were these times done in Eastern Standard Time?

20 A Yes, ma'am, they all are.

21 Q Was -- were you ever given time in UTC time?

22 A I don't believe so. The AT&T records, the way they
23 come, they are in Eastern Standard Time. The Sprint
24 records are -- the calls are in Eastern Time. The text
25 messages, which we don't have cell tower data for are in

1 Central Time. And then all the Verizon records are
2 Eastern Time as well.

3 Q So if there had been any time differentials, you
4 would have converted them to the appropriate Eastern
5 Standard Time for this date range?

6 A Yes, ma'am. Now, AT&T comes in UTC time. So I would
7 convert it back to show the local time on the map.

8 MS. GASSER: I have no further questions. Please
9 answer any that Defense Counsel may have.

10 THE WITNESS: Thank you.

11 THE COURT: Counsel.

12 CROSS-EXAMINATION

13 BY MR. SANFORD:

14 Q Mr. Wilde, how are you?

15 A Good.

16 How are you, sir?

17 Q I'm doing very well.

18 Thank you.

19 When did you run these reports?

20 A Initially, in April.

21 Q Of this year?

22 A Well, no. I didn't run -- first, I didn't run the
23 reports. The reports were pulled by the -- by the
24 detectives in the Greenville Sheriff's Office. I did the
25 analysis on these reports in April of this year.

1 Q Your analysis of the reports?

2 A Yes, sir.

3 Q Sorry. There's multiple reports in here. And I just
4 want to make sure everything is clear and I don't
5 misunderstand anything.

6 And was your job title then the same as today?

7 A It is.

8 Q Okay. What software did you use to perform this?

9 A I use something called ESPA. It's built by a company
10 called Gladiator Forensics.

11 Q When did you start working with ESPA?

12 A In 2016.

13 Q So you've been working for that -- with that about
14 eight years; is that correct?

15 A Yes, sir.

16 Q And how many types of these have you run
17 approximately?

18 A Thousands.

19 Q And have you done analysis with other tools, other
20 than ESPA?

21 A Yes.

22 Q Which ones?

23 A I use [inaudible], which is a program that we
24 developed within our unit, which provides a statement over
25 to law enforcement. And then when I first started doing

1 this -- I think we've had that since 2016. In its infant
2 stage to what we have now, I think we're on version 38.

3 And then prior to that, in 2012, when I, initially,
4 went to this class, we used something called Microsoft Map
5 Point. And so to use Microsoft Map Point, you had to
6 manually ingest all the towers. And then I had to use a
7 protractor and drawing from Microsoft to manually draw
8 each one of these sectors out to place on my report.

9 So I liken that to using a crayon and a ruler to do
10 the job that I currently do.

11 Q And how many -- in these thousands of reports you've
12 done, how many have been with software other than ESPA?

13 A A couple hundred.

14 Q And so you're still using ESPA today?

15 A I use it almost every day.

16 Q Okay. And you just said you've manually mapped
17 these?

18 A I have, yes, sir.

19 Q And did you manually map this case?

20 A I didn't. But, again, our peer review process, what
21 happens is I send my report and the original records out
22 to another agent. And they take a look at it. They use a
23 secondary mapping platform to confirm what I have mapped
24 in ESPA.

25 So it's not a case of ESPA doing the work for me. I

1 use it for efficiency. But at the same time I'm using
2 ESPA, I, also, have the raw records in front of me. And
3 I'm confirming that everything I'm seeing on the screen is
4 what's, actually, in the records. And then my peer
5 reviewers do that same exact process, but using a
6 secondary mapping platform.

7 Q And let's talk a little bit about these wedges that
8 are on the map. When you have a wedge, you have two lines
9 on either side; is that correct?

10 A Yes, sir.

11 Q And those that make up the wedge, do they represent
12 the boundaries of the connecting sectors?

13 A They're an illustration of the boundaries. I can't
14 go out to these towers and look up in the area and see a
15 line in space and say that on this side of the desk, I'm
16 in one sector. On that side of the desk, I'm in another
17 sector. There is overlap between the sectors. I can see
18 those lines are a definitive boundary, but that energy can
19 go outside of that sector some.

20 Q So those lines on there, those are put by you at a
21 certain length; correct?

22 A Well, they're -- are you talking about the width or
23 the length?

24 Q I'm asking about the length of the arms, how far they
25 go out.

1 A Correct. I can adjust the length of the arms,
2 depending on how far the adjacent towers are located. So
3 if I were doing this case, the towers would probably be
4 two to three miles apart.

5 So I'm going to make that distance go out maybe a
6 mile and a half or so. If I was doing a case out west
7 where the towers are 15 miles apart, to use a mile and a
8 half wedge would look tiny in comparison to the coverage
9 area of what, actually, would be covered by that sector.

10 Q But there's no data in the call records that tell you
11 how far to put those out?

12 A There isn't. I'm just using my own -- my own
13 training and experience to estimate where I believe that
14 that -- that -- how long those arms should be. And that's
15 based upon my experience using these records to find
16 people, to find things, to find places, as well as all the
17 drive testing I've done in my career.

18 Q And there's no -- I guess you could call it, like, a
19 third line arc that really connects those two lines?
20 There's no outer bound to those?

21 A There can't be. Because the way that -- the way --
22 the way it would look if there was a drive test in this
23 case is, it would kind of look like a blob that goes out.
24 It's not going to be a perfect line and say, hey, this
25 tower reaches a mile and a half and draw a straight line

1 at that. It wouldn't be accurate.

2 Q And the carrier doesn't give you any of that
3 information or have any idea of what that is either,
4 really?

5 A We would just get general information. We might know
6 the frequency it's running on. So if it's running on
7 lower frequency, you can kind of figure out, hey, this is
8 probably going to reach further than it would if it was on
9 a higher frequency.

10 But other than that, no, we don't get that
11 information from the carrier. That's why we rely on those
12 per call measurement data records or those RTT records
13 very heavily to figure out exactly how far from the tower
14 the phone is.

15 Q I know you mentioned that you had had some experience
16 and, I guess, training in drive testing; is that correct?

17 A Yes, sir.

18 Q Did you do any drive testing on this case?

19 A I did not. Again, because I got this case within the
20 last month and a half and it's 2024. This case occurred
21 in 2014. The network is vastly different. In 2014, it
22 was mostly a 3G, CDMA, UMTA network, so using older
23 technology. And now, we are rolling into -- like, we're
24 almost out of LTD and all rolling into 5G. Now, it just
25 wouldn't be proper for me to do that.

1 Q So it's hard -- with the newer technology and changes
2 in towers, I'm sure that it happened at these sites that
3 it's hard to validate some of this data with drive testing
4 or other measures?

5 A It's not hard to validate it with drive testing.
6 Again, if I would have gotten this case in 2014 and
7 decided to do a drive test, I could have validated it
8 easily. But I know from my own experience due to
9 thousands of times finding missing people, finding
10 fugitives, finding places and things I'm looking for using
11 this analysis that this methodology is proper and
12 accurate.

13 Q Now, I know with the Verizon phone, it had the, I
14 believe, RTT; is that correct?

15 A Yes, sir.

16 Q And the other phones did not; right?

17 A So the other phones did not. The AT&T phones, they
18 were not available during that time. The Sprint phone had
19 something called per call measurement data. But for the
20 voice records, those are divided into voice and data.

21 So you get a per call measurement data report for the
22 data records. Okay. So those are the data transactions
23 going on in the background. And you get a per call
24 measurement data report for voice and text messaging.

25 The one for the voice and the text messaging, I've,

1 honestly, never seen this before, but all the distances
2 are zero. So that's telling me it wasn't, actually,
3 recording the distance or how far the phone was from the
4 tower. From the data report, there were a ton of
5 inconsistencies in that report where that phone was just
6 hopping all over the place. And it didn't make any --
7 honestly, it didn't make any sense.

8 So I chose not to present that information because it
9 was not useful.

10 Q But with all of those, even with the RTT, you said
11 that's still somewhat of an estimate; correct?

12 A The distance is an estimate. Again, it is an
13 estimate. I can't tell you that that phone is exactly 1.4
14 miles from the tower. But in this case, that phone,
15 actually, was recovered from the crime scene, which is
16 consistent with those events.

17 Q And, at most, you can say, especially with the Sprint
18 and AT&T phones, that a phone was in a general area, but
19 not necessarily a specific point or address?

20 A Correct. If we were talking about this courthouse, I
21 can't tell you that the phone is on the steps of the
22 courthouse. What I can tell you is the phone is using a
23 tower on top of the courthouse and that tower and sector
24 faces towards downtown. Therefore, the phone has to be
25 somewhere between this courthouse and further down Main

1 Street where the next tower is.

2 MR. SANFORD: No further questions.

3 Thank you.

4 THE COURT: Anything in redirect?

5 MS. GASSER: Briefly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. GASSER:

8 Q Special Agent Wilde, can you just explain a little
9 bit about why it would be a blob line? I believe that's
10 what you testified to.

11 A Yep. It's like light. I compared it earlier to a
12 flashlight. I can shine that flashlight towards the back
13 of the courtroom right now. In the center of that beam of
14 light, if all the lights were off, you could use that beam
15 of light to read a book.

16 Behind me, where I'm not shining the beam of light,
17 you probably couldn't use this to read a book. But
18 there's that area in the middle between the strong beam of
19 light and no light where there's a little bit of usable
20 signal because that light is going to keep going forever.
21 Radio frequency is very similar. It's going to keep going
22 until a certain point where it stops.

23 Now, the carriers design the system so they don't go
24 too far. They don't want them to over bleed 10 miles down
25 the road. Because it's going to mess up the way that the

1 network operates.

2 So it's not -- there's not going to be a line. I
3 couldn't tell you that it's going to stop at the
4 prosecutor's table. I can tell you that where that beam
5 of light is in the middle, probably a little further in
6 the middle and then as it gets weaker along the edges,
7 it's going to kind of fade out there.

8 Q And would anything ever inhibit, block, or obstruct
9 these beams of energy, these radio frequencies?

10 A I mean, there are. Buildings can obstruct them,
11 mountains, hills. Any kind of topography can obstruct it.
12 And most of the time, that's taken into account by the
13 network engineers who design the network. They're looking
14 at that area. They're saying, hey, we're in Travelers
15 Rest, South Carolina. There's a bunch of mountains around
16 here.

17 So we're going to set up the network to account for
18 those hills, and those mountains, and those valleys versus
19 you're around a big body of water, like, down at the
20 beach. Water reflects that energy so those towers can,
21 actually, go further because of that reflection. So they
22 account for all that kind of stuff when they design this
23 network to keep those sectors and towers from bleeding
24 over too far.

25 Q And you said on cross-examination that you've done

1 this thousands of times and that your method was proper
2 and accurate. Was it proper and accurate as to this case?

3	A	Absolutely.

4 MS. GASSER: No further questions.

5 THE COURT: Anything else?

6 (WHEREUPON, there was no verbal response.)

7 THE COURT: You may step down.

8 Thank you, sir.

9 THE WITNESS: Thank you.

10 THE COURT: He needs to be released?

11 MS. GASSER: Yes, Your Honor. We do ask that he be
12 released from his subpoena.

13 THE COURT: Okay.

14 MS. GASSER: Your Honor, the State is done with the
15 presentation of our case in chief.

16 THE COURT: Okay. Thank you.

17 All right. Ladies and gentlemen of the jury, I'm
18 going to ask you to step out. I've got some matters I
19 need to take up with the attorneys.

20 (WHEREUPON, the jury was excused from open court at
21 approximately 10:38 a.m.)

22 THE COURT: Do you have any motions?

23 MOTIONS

24 MR. SANFORD: Your Honor, at this point now that the
25 State has rested, we're going to move for a directed

1 verdict in this case. I believe that the evidence that
2 the State has presented, while they have put a lot of
3 evidence into the case, they -- I do not believe, at this
4 point, that they have met their burden that the jury can
5 decide beyond any reasonable doubt that Mr. Griffin can be
6 convicted of this crime.

7 Looking at the case that they've laid out, they can
8 say Mr. Griffin was at the scene. That's a possibility.
9 And even the lead investigator in this case, initially,
10 didn't issue warrants. At the time the cold case took
11 this over, he based his warrants, as he testified
12 yesterday, on the fact that -- the FBI analysis of the
13 cell phones. All that does is put our client near the
14 scene of the crime.

15 They have not proved any motive that -- they don't
16 have to, but they haven't proven any of that. They
17 haven't put a gun in my client's hand. They haven't tied
18 any of the bullets that were found to my client. There
19 was no DNA. There was nothing, other than my client
20 potentially was present at the scene of the crime.

21 I believe there's questions abounding on every piece
22 of evidence, every witness that they have put up. And I
23 don't see how the jury can find anything but potential
24 reasonable doubt with the case that they have put up. And
25 I would ask for a directed verdict in this case.

1 THE COURT: Does the State wish to respond?

2 MS. GASSER: Yes, Your Honor.

3 May it please the Court.

4 Of course, directed verdict is done -- or is
5 considered in the light most favorable to the State. I
6 believe that the argument that's being made is that we had
7 circumstantial evidence, at best. Well, circumstantial
8 evidence is just as good as direct evidence, Your Honor.
9 And a jury can conclude and find Mr. Griffin guilty
10 utilizing only circumstantial evidence.

11 Additionally, I just would like to point out that the
12 State does not have to prove motive, although I do believe
13 we have in this case. Your Honor, multiple witnesses
14 testified that in the weeks leading up to this incident
15 that the Defendant and victim had multiple altercations.
16 Specifically, one happening in the week right before this
17 happened on a Friday evening where the victim discharged a
18 firearm within their shared home and that that bullet
19 struck this Defendant's girlfriend. I believe that it is
20 a reasonable conclusion and -- I would argue it's a
21 reasonable conclusion that anyone would be upset with
22 their loved one being struck by a firearm's loose bullet.

23 Your Honor, additionally, we did place a gun on the
24 Defendant. We had multiple witnesses testify that he had
25 carried firearms prior to this. We had one describe it as

1 a steel 38 revolver. And we had another witness that was
2 in the vehicle with him, his girlfriend, testify that he
3 had that silver gun on his hip when he was in the car,
4 when he got out of the car, and when he returned to the
5 car.

6 Additionally, Your Honor, James Armstrong testified
7 that there were 38-caliber bullets, all three of which
8 were projectiles located inside or on the victim's body,
9 which is consistent circumstantially with this Defendant's
10 favored 38-caliber revolver.

11 Your Honor, I would further argue that we have proven
12 murder, that the Defendant killed Marquail Hellams by
13 malice aforethought. That he had hatred and ill will
14 towards this victim in the moments leading up to this.
15 And that he shot him in the back of the head exemplifying
16 malice aforethought. And that he did so with a firearm as
17 evidence by the projectiles, which would be possession of
18 a weapon during the commission of a violent crime.

19 I would argue that the State has proven our case
20 substantially enough to defeat a directed verdict.

21 Thank you, Your Honor.

22 THE COURT: Thank you.

23 Anything in response?

24 MR. SANFORD: Your Honor, I would just say that a lot
25 of the points, once again, that the Solicitor just

1 raised -- there were multiple statements made where, yes,
2 one person said there was a gun. But then there was
3 another person that says there wasn't a gun.

4 So I do believe that there were multiple statements.
5 And depending on how the jury looks at it, if they take
6 all those statements into account, I don't believe that
7 there's any way that they can correctly look at everything
8 said, and all the conflicting statements, and say there's
9 anything but reasonable doubt.

10 THE COURT: Thank you.

11 I'm going to deny your directed verdict motion. But
12 it is so noted on the record.

13 MR. SANFORD: Thank you, Your Honor.

14 THE COURT: Do y'all need a chance to talk with your
15 client?

16 MR. SANFORD: If we could have just a minute, Your
17 Honor. I think he might want to talk to his family for
18 just a second.

19 THE COURT: Okay. Just like I told him yesterday --
20 And then I will need to talk to you one more time,
21 Mr. Griffin, once you've made a decision.

22 DEFENDANT GRIFFIN: Yes, sir.

23 THE COURT: I guess what are we looking at? I guess,
24 I'll just get --

25 Can the attorneys come up here for just a second?

1 Thank you.

2 MS. GASSER: I beg the Court's indulgence, Your
3 Honor. My co-counsel just stepped out briefly to check on
4 a legal matter.

5 THE COURT: Thank you.

6 (Pause.)

7 MS. GASSER: Thank you, Your Honor.

8 THE COURT: Is the Defense ready?

9 MR. WARDER: Yes, Your Honor.

10 THE COURT: All right. Bring the jury in.

11 (WHEREUPON, the jury came into open court at
12 approximately 11:15 a.m.)

13 THE COURT: Mr. Warder.

14 MR. WARDER: Your Honor, we'd call the Defendant,
15 Markee --

16 Is it Markee?

17 DEFENDANT GRIFFIN: Rahiem.

18 MR. WARDER: To the stand.

19 THE CLERK: Sir, if you'll, please, come around.

20 Pause at the end of the bench.

21 Place your left hand on the Bible and raise your
22 right hand.

23 WHEREUPON,

24 RAHIEM JARRARD GRIFFIN,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 Please be seated.

3 And, please, state your name for the record.

4 THE WITNESS: Rahiem Griffin.

5 THE CLERK: A little louder, please.

6 THE WITNESS: Rahiem Griffin.

7 THE CLERK: Thank you, sir.

8 DIRECT EXAMINATION

9 BY MR. WARDER:

10 Q Mr. Hellams [sic], where do you live at?

11 A At the Greenville County Detention Center.

12 Q Okay. Was that where you were living in 2014?

13 THE COURT: Just a second, Counsel.

14 Can you talk a little bit closer to the microphone?

15 THE WITNESS: Greenville County Detention Center.

16 THE COURT: Thank you.

17 BY MR. WARDER:

18 Q Is that where you lived in 2014?

19 A No. 511 Glenlea Lane.

20 Q Okay. And how long have you been at Glenlea Lane?

21 A I was staying there usually on weekends, but would
22 come probably and stay some months at a time.

23 Q Okay. You'd stay on the weekends and sometimes you'd
24 stay more?

25 A Yes.

1 Q Okay. Who all was there with you?

2 A Jay, Marquail, Denzel, sometimes Tim and Carmen, and
3 whoever else fall through.

4 Q Okay. Who were the permanent residents of this
5 house?

6 A It was Sarah's house before she left. But after she
7 left, it was just Jay, his girlfriend, Denzel. And
8 Marquail was staying there. Like I say, I would come on
9 the weekends until I started staying there.

10 Q Okay. And when you weren't there, where did you
11 live?

12 A In Easley with my parents, 304 Jeff Early Trail.

13 Q Your parents, are they here in the courtroom today?

14 A Yes, they are.

15 Q Is that them seated back here behind me?

16 A Yes.

17 Q You have an aunt here, too?

18 A My grandmother and my uncles.

19 Q Okay. Now, when you lived at the location in Berea,
20 would other people come and go?

21 A Yes.

22 Q And do you remember the night of January 31st and the
23 morning hours of the 1st of February?

24 A Yes, I do.

25 Q Okay. What was happening that night?

1 A It was a regular -- it was a regular day, customers
2 coming and leaving. And I know earlier that day, I had
3 talked to a guy named Man.

4 Q Okay. You talked to a guy named Man?

5 A I talked to a guy named Man earlier that day. Me and
6 Marquail was going in on a -- on a marijuana sale
7 overnight and purchase -- go out and purchase some
8 Xanaxes.

9 Q Okay. Now, who was going in on the sale with you?

10 A Me and Marquail.

11 Q Okay. What kind of drug deal were you going in on?

12 A Specifically, I -- it was just a marijuana sale. But
13 the Xanaxes got brought into the situation, also. So we
14 went to go sell some marijuana and, also, purchase some
15 Xanaxes.

16 Q Okay. And you were going to do that with a gentleman
17 named Man?

18 A Yes.

19 Q Okay. And where did he live at?

20 A He lived out in -- I guess that's the Piedmont area.

21 Q Okay. How did you know him?

22 A I met Man through a mutual friend, which is Denzel.
23 He was really Denzel's customer. But Denzel would send
24 him to me when he didn't have any marijuana and I would
25 deal with him.

1 Q Okay. What time did you go over there to make the
2 drug deal?

3 A I can't remember the exact time, but I know it was
4 nighttime when I got out towards the Piedmont area.

5 Q Okay. And where was the drugs that you were going to
6 sell at?

7 A They was on my person.

8 Q Okay. And where did you meet Man at?

9 A I met Man off of, I think, Charles Gray, somewhere
10 off of Charles Gray, off of, like -- well, at the time, it
11 appeared to be, like, a driveway, but now I know it's -- I
12 want to say an access road.

13 Q Okay. Was he in his house? Did he come out and meet
14 you?

15 A No. He was -- he was coming up the driveway. Me and
16 Marquail, we was already standing out there. He was
17 coming up the driveway. And we met him, like, not at the
18 top of the driveway, but kind of, like, I guess, halfway
19 down the driveway.

20 Q Okay. When you met him, what happened?

21 A When I met him, it was just me and Marquail in the
22 driveway. And Man was approaching with two other people
23 with him. I wasn't expecting the two other people. I was
24 just expecting Man. But it's not unusual that he be with
25 other people.

1 And once he approached, we get to talking --

2 MS. GASSER: Objection, Your Honor.

3 May we approach?

4 THE COURT: Sure.

5 (WHEREUPON, a bench conference was held.)

6 THE COURT: Will you take the jury out, please?

7 (WHEREUPON, the jury was excused from open court at
8 approximately 11:23 a.m.)

9 THE COURT: Mr. Warder, I think this is more of an
10 anticipatory objection, but I don't know. Where were you
11 going with this questioning?

12 MR. WARDER: I was going to what the events that
13 happened that night that ended up with somebody getting
14 shot.

15 MS. GASSER: Yes, Your Honor. I did -- the State did
16 make an anticipatory objection believing that this was
17 headed towards a third-party guilt argument by this
18 Defendant, which the State has received no notice from the
19 Defense regarding any third-party guilt evidence that they
20 sought. That is required under the rules. And on Monday,
21 it was asked by this Court if third-party guilt was going
22 to be an issue, which the Defense argued no.

23 And at no point in time have they offered that
24 third-party guilt would become an issue in this case. The
25 State does seek exclusion of any impermissible third-party

1 testimony, which would be that any other person shot
2 Mr. Hellams.

3 THE COURT: Okay.

4 MR. WARDER: I, certainly, don't have any
5 understanding or recollection that we can't tell what
6 happened out there and that somebody else did it. We pled
7 not guilty all along.

8 THE COURT: Yes. But this is getting into what we
9 discussed at -- in the pre-trial as far as third-party
10 guilt.

11 MR. WARDER: I don't remember third-party guilt,
12 quite frankly, being discussed.

13 MS. GASSER: It was explicitly mentioned by the
14 State. And then Your Honor confirmed with Defense that
15 third-party guilt was not going to be an issue. And the
16 State raised, yet again, that we had not received any
17 notice of a third-party guilt argument by the Defense.

18 THE COURT: And that was done in pre-trial motions.

19 MR. WARDER: Your Honor, I, certainly, never intended
20 and never realized that we would be excluded from telling
21 the third party who did it. And I -- I guess I didn't
22 hear it.

23 THE COURT: Well, obviously, the Defendant can
24 testify that he didn't. But I don't think he can point
25 his finger at anyone else or accuse anyone else. So that

1 would be excluded.

2 MR. WARDER: The story is incomplete if we don't tell
3 who did it.

4 THE COURT: Well, we went over this at the very
5 beginning.

6 Solicitor, I'll hear from you in response.

7 MS. GASSER: It's similar to the State's argument
8 that gang evidence would be an incomplete telling of this
9 case, Your Honor. There are some things that are far too
10 prejudicial as Your Honor's order regarding gang violence.

11 Here, this would be far too prejudicial and unfair to
12 the State, which does have a right to a fair trial as
13 well. We were not given any notice that this defense was
14 going to present -- or point the finger at a third party.
15 That is well within the rules of evidence, let alone that
16 was not given prior to trial. But on Monday when it was
17 brought up, specifically, where it could have been
18 potentially cured, that was, also, deemed that it would
19 not be an issue.

20 Now, here we are at the very end of the trial and
21 they're trying to illicit impermissible third-party guilt
22 testimony with no notice to the State, no ability for us
23 to make any kind of rebuttal, or recall witnesses and
24 place them under subpoena. This is trial by ambush,
25 frankly, Your Honor. And I believe it's even more so

1 because it was mentioned on Monday.

2 THE COURT: Mr. Warder, we did go over this back on
3 Monday. And we, specifically, talked about this issue.
4 And so I'm going to exclude it. I will allow you to
5 proffer the testimony, if you wish to right now --

6 MR. WARDER: Okay.

7 THE COURT: -- so there's a record of it. But I'm
8 not going to allow that to come in.

9 MR. WARDER: Okay.

10 THE COURT: And, you know, I did exclude any
11 testimony concerning gangs because I felt like that would
12 be unfairly prejudicial to your client.

13 MR. WARDER: Yes, sir. We talked about gangs, yes,
14 sir.

15 THE COURT: Okay. So if you wish to proffer it --

16 MR. WARDER: Certainly.

17 THE COURT: -- you can.

18 DIRECT EXAMINATION

19 BY MR. WARDER:

20 Q Tell us what happened out there.

21 A Like I say, I was meeting them on the driveway road
22 that night. And when I approached, he asked was there --

23 Q When who approached?

24 A When Man and the two other guys. I don't know the
25 two other guys that was with him.

1 Q Okay.

2 A When they approached, Man asked me was everything
3 still the same. I was like, Yes. But Marquail pulled his
4 bag out and was getting ready to show them. And whoever
5 was with him snatched his bag and tried to take off
6 running back down the same way they come up.

7 And when he -- when they snatched, I took off
8 running, also. And I don't -- that's why I say I can't
9 tell who shot him. I don't know if Man shot him or Man
10 was just the guy that set it up. I don't know who shot
11 him. Because when I alerted it was a robbery, I took off
12 running once the bag got snatched.

13 Q Okay. Where were you at when he was shot?

14 A I was in motion running. I was in motion. I never
15 looked back.

16 Q You never went back?

17 A I never went back.

18 Q Where did you go next?

19 A I went up to -- I was running up the driveway, the
20 gravel road. And I ran into some shrubbery, and whatnot.
21 Because I'm, basically, trying to get away from them. And
22 when I was in the shrubbery, I'm waiting on a car to come
23 down.

24 Because as soon as I see some lights, I'm going in
25 the road. Because I'm trying to get a ride to the closest

1 convenience store to get out of the area. But the first
2 car I saw, I jumped in front of it. It happened to be the
3 Capatinos. I guess they had been circling. And I jumped
4 in the car with them. And I want to say we circled one
5 more time because I'm looking for Marquail. But we left.

6 MR. WARDER: Okay. That would be our testimony.

7 THE COURT: Okay. Does the State have any response
8 to that testimony?

9 MS. GASSER: I beg the Court's indulgence for one
10 moment, Your Honor.

11 (Pause.)

12 MS. GASSER: Your Honor, having heard --
13 May it please the Court.

14 THE COURT: Yes, ma'am.

15 MS. GASSER: Having heard the proffered testimony,
16 the State has conferred. And while we do believe that
17 this is -- there is a section of it that is third-party
18 guilt, which was the portion where he said, I don't know
19 which one shot him, Man or one of the other guys, I'm not
20 sure, but one of them did. That's all impermissible
21 third-party guilt. We argue that that should absolutely
22 be kept out.

23 However, the lead up to where he was -- that the bag
24 was pulled out and that he turned and ran, I believe is
25 sufficient. But the mentioning of one of them shot him,

1 I'm not sure which one shot him, but one of them did it.
2 I believe that that should all be kept out under
3 impermissible third-party guilt testimony.

4 However, the fact that he was there and that he went
5 up to the road to get a ride, and it happened to be the
6 Capatinos, and that this was possibly a robbery, I believe
7 all of that is permissible under the rules.

8 MR. WARDER: Your Honor, that's key to the
9 Defendant's defense. He can't get a fair trial without
10 it. If I'm disqualified from getting a fair trial,
11 certainly, he has a claim against that.

12 MS. GASSER: And, again, the State, Your Honor, would
13 argue that the State is entitled to a fair trial, too, and
14 was given no notice of that specific testimony.

15 THE COURT: I'm going to allow him to testify up
16 until the point of saying I don't know who shot him. And
17 that's just because, I mean, that is evidence of
18 third-party guilt. Okay. So that will be excluded. But
19 you can ask questions up until that point in time.

20 MS. GASSER: And, obviously, nothing as to I don't
21 know who shot him, maybe Man, maybe one of the other guys.
22 I would ask that all of that be excluded.

23 THE COURT: And that will be excluded.

24 MS. GASSER: Thank you, Your Honor.

25 THE COURT: Do you want to respond to that?

1 You've protected yourself on the record.

2 MR. WARDER: Well, Your Honor, I want to get -- get,
3 at least, my client's fair story, you know. And if you're
4 saying we can't get it, my client's not getting a fair
5 trial. And it may -- certainly, may not be the State's
6 fault, but if one of us is at fault, then it would have to
7 be me then.

8 THE COURT: Well, Mr. Warder, this is getting into
9 third-party guilt, which we talked about at the beginning
10 of the trial.

11 Solicitor.

12 MS. GASSER: Yes, Your Honor. I just wanted to
13 confirm with co-counsel. We're trying to make sure that
14 the record is clear that, specifically, he cannot identify
15 or name any potential shooter. I believe it is proper for
16 him to say I don't know who shot him and that he didn't
17 see it. But he cannot name Man or those two other guys or
18 make any inference it was one of those three persons.

19 THE COURT: So he can say he doesn't know who shot
20 him.

21 MR. WARDER: Well, he doesn't.

22 THE COURT: And, obviously, he's going to testify he
23 didn't.

24 MR. WARDER: Right. I don't know how far we're going
25 and the ruling, Your Honor. I'm more concerned about

1 if -- if --

2 THE COURT: He cannot be pointing or -- he cannot
3 state who or name somebody who shot --

4 MR. WARDER: Right.

5 THE COURT: -- the victim.

6 MR. WARDER: And he's not. He doesn't know who shot
7 him.

8 MS. GASSER: And, Your Honor, just in his proffered
9 testimony, he said, I don't know if Man shot him, or the
10 guy that set it up, or those other two guys. And that's
11 the testimony, I believe, that is, specifically,
12 third-party guilt and impermissible. He can say, I don't
13 know who shot him. And he can say, I didn't. But that
14 one -- naming persons --

15 THE COURT: Your -- your --
16 Continue.

17 MS. GASSER: Yes. That's all the State has.

18 THE COURT: Your client can say that. He just cannot
19 name, specifically. He can say, I don't know who shot
20 him. But he cannot, specifically, name Man or any other
21 persons, specifically.

22 MR. WARDER: Well, certainly, he can tell who's
23 there.

24 THE COURT: Well, he's already identified who's
25 there.

1 MR. WARDER: And that he's saying that he didn't
2 shoot him and he didn't know who did.

3 THE COURT: That's exactly right, limited to that.
4 Are you ready to proceed?

5 MR. WARDER: Yes, sir. We'll proceed.

6 THE COURT: Okay. Call the jury back.

7 (WHEREUPON, the jury came into open court at
8 approximately 11:39 a.m.)

9 THE COURT: Proceed, Mr. Warder.

10 CONTINUED DIRECT EXAMINATION

11 BY MR. WARDER:

12 Q You were telling us about what happened that evening.

13 A Yes, sir.

14 Q Okay. And you had went to buy drugs?

15 A Yes.

16 Q And the drugs you were buying was what?

17 A Xanax.

18 Q Okay. And you had taken something to sell?

19 A Yes, marijuana.

20 Q Okay. And you were going to sell the marijuana to
21 whom?

22 A I was selling the marijuana to Man.

23 Q Okay. And who were you buying the drugs from?

24 A He's, also, supposed to had some Xanaxes for us.

25 Q Okay. And how was the price going to be worked out?

1 A He was going to buy the marijuana and we was going to
2 purchase Xanaxes.

3 Q Okay. And you had set up this earlier in the
4 afternoon?

5 A Yes.

6 Q Okay. And you set it up by what? By talking to him?
7 By phone call? What?

8 A Yes. He had been by the house earlier that day and
9 bought a small amount of marijuana earlier in the day.

10 Q Earlier in the day when you said he was by the house.
11 Which house was he by?

12 A 511 Glenlea Lane.

13 Q Okay. And what were you doing when he came to the
14 house?

15 A I can't remember exactly what I was doing. But I
16 know he come by the house and I made a transaction.

17 Q Okay. You made a transaction?

18 A Yes, I did.

19 Q Okay. And that was -- what was the substance of that
20 transaction?

21 A Marijuana.

22 Q Okay. You sold marijuana?

23 A Yes, I did.

24 Q Okay. And how much after he had come to the house
25 did you go to meet Man?

1 A Are you asking me how much was I taking to him?

2 Q How much were you taking to him?

3 A He wanted a pound, but we didn't have all that. All
4 we had was -- I had, like, eight ounces and my bro had,
5 like, four. So we got it as close as we could. And it
6 came out to be around about 12.

7 Q Okay. And there were two of you making up the drugs
8 to sell?

9 A Yes. It was me and Denzel.

10 Q Okay. And you went -- when you went to deliver the
11 drugs for the sale and get the Quaaludes [sic], who drove
12 and how did you get there?

13 A I got there by the Capatinos. They come by the
14 house. They come by to purchase some product from someone
15 in the house. And we got a ride from them.

16 Q Okay. So the Capatinos were driving the car?

17 A Yes.

18 Q Okay. Where did you sit at?

19 A I can't remember exactly where I sat in the car. But
20 I know me and Marquail sat closer to the door and put
21 Destany in the middle.

22 Q Okay. So Man was up front?

23 A Man wasn't never in the car.

24 Q Okay. You were going to meet him?

25 A Yes. I left Glenlea Lane only with Kris Capatino

1 driving and Jamie in the passenger. And, like I say, me
2 and -- I don't know exactly where I was sitting. But me
3 and Marquail was on the door. And Destany was in the
4 middle.

5 Q Okay. When you got to where you were going, what
6 happened?

7 A Like I say, I met Man off of this -- off of this
8 driveway, gravel road, whatnot. And he asked about the --
9 he asked was the -- once I got to talking to him, he asked
10 was the product the same as, I guess, earlier when he come
11 to the house. I said, Yes.

12 So Marquail gets ready to pull it out and show him.
13 And Marquail had his phone in his hand to shine the light
14 on the bag to show him that everything was the same. Then
15 someone from Man's side snatched the bag and took off
16 running the same way they came up. And once I figured out
17 it was a robbery, I take off running. And once I take off
18 running, I don't know what happened after that. I don't
19 know who shot him.

20 Q Okay. When the shots went off, where were you?

21 A I was half -- I was halfway up the -- like I say, I
22 was halfway up the gravel road. And I ducked off in the
23 shrubbery to make sure I get as far away from them as I
24 could.

25 Q Did you see anybody after you took off running?

1 A I didn't see anybody. You could hear the feet from
2 the -- I guess the gravel people. But I couldn't -- I
3 didn't see anyone because it was dark out there.

4 Q Okay. You jumped on the ground by the gravel. How
5 did -- did you stay there? Or how did you get out?

6 A I stayed in the shrubbery until I seen some lights
7 come by.

8 Q Okay. When you saw lights come by, who was it?

9 A It was the Capatinos' Jeep [sic].

10 Q And how did you get back in the car with them?

11 A I ran in the road in front of the car. At first, I
12 didn't know whose car it was. But I ran in front of the
13 car. As they approached me, I recognized the car and
14 jumped in the backseat of the car. And we went down and
15 rode all the way back up to see if Marquail come out of
16 the shrubbery, or come off of the road, or anything. We
17 didn't see him.

18 Q Okay. They recognized you or you recognized them,
19 and they stopped?

20 A Yes.

21 Q You got back in the car?

22 A Yes.

23 Q Where did you get back in? What seat?

24 A I can't remember. I got in, I guess, the closest
25 door to my side.

1 Q Okay. And where did you go then?

2 A We went down the road. We rode back up the road to
3 see if we see Marquail. We didn't never see him pop out.
4 And we left.

5 Q And then when you didn't see nobody, did you stay in
6 that area or did you return to Berea?

7 A I can't remember how long we stayed in the area, but
8 we did drive back up. And after that, we just took off.
9 We never went back to the area.

10 Q And when you got back to Berea, what did you do?

11 A I got back to the house. I really was just in my
12 thoughts, or whatnot. Because I was surprised that he
13 even tried to rob me.

14 Q Okay. And did you -- you didn't call the police, or
15 anything?

16 A No. I didn't call the police.

17 Q What did you do when you got back?

18 A I can't remember exactly what I was doing when I got
19 back.

20 Q Okay. Did you in any way go there to plan to do
21 anything except sell and exchange your marijuana for Xanax?

22 A Yes. We were going to make a normal transaction.

23 Q Okay.

24 A And purchase some Xanaxes.

25 Q Okay. And that happened on the -- the road, the

1 gravel road, or path?

2 A Yes.

3 Q Why were you -- did you go down the path to do the
4 transaction, rather than just sit in the car?

5 A I don't know. I don't know why. But he told us to
6 meet him at the -- it's a -- it's a mobile home called --
7 I was to say it's called Crippled Creek. I done met him
8 in the area before. It's a mobile home called Cripple
9 Creek. And when we first got there, he wasn't there. So
10 we sat there and waited on him.

11 And he's coming. And we're sitting at the entrance
12 of Cripple Creek. And he comes up the driveway. And I
13 notice it's him -- I mean, he comes up the dirt road. And
14 I notice it's him and he started walking towards me.

15 Q And then that's when somebody tried to grab the
16 marijuana?

17 A Yes. That's when the bag gets snatched and they run.

18 MR. WARDER: Okay. Will you answer any questions the
19 Solicitor might have?

20 THE WITNESS: Yes.

21 THE COURT: State.

22 CROSS-EXAMINATION

23 BY MS. GASSER:

24 Q All right. Mr. Griffin, so I just want to confirm a
25 couple of things. So in 2014, you stated that you were

1 staying on weekends at 511 Glenlea Lane; right?

2 A Yes.

3 Q And there were times when you would stay months at a
4 time there; correct?

5 A Yes.

6 Q And that you lived with Jay; right?

7 A Yes.

8 Q Marquail?

9 A Yes.

10 Q Denzel?

11 A Yes.

12 Q Tim and Carman?

13 A Yes.

14 Q But this was Sarah's house; right?

15 A Yes.

16 Q And she wasn't living there the whole time; correct?

17 A No, she wasn't.

18 Q And you said in your earlier testimony that you
19 remember the night of January, 31st, 2014; right?

20 A Yes.

21 Q And into the early morning hours of February 1st,
22 2014; correct?

23 A Yes.

24 Q Now, do you remember the days after February 1st,
25 2014?

1 A Briefly, a little.

2 Q Okay. So you said that on January 31st, 2014, that a
3 man named Man --

4 A Yes.

5 Q -- came to your house; right?

6 A Yes.

7 Q And his purpose for being there was to purchase
8 marijuana?

9 A Yes.

10 Q Then later in the day, you reached out to him; correct?

11 A Yes.

12 Q And you were setting up a purchase of Xanax; correct?

13 A Yes.

14 Q And you, also, were setting up an additional purchase
15 of marijuana to Man; right?

16 A No. I was selling him some marijuana. I wasn't
17 purchasing.

18 Q Excuse me. Let me rephrase. So you were setting up
19 a sale of marijuana to Man; correct?

20 A Yes.

21 Q But you were going to purchase Xanax from Man?

22 A Yes.

23 Q So drugs were exchanging hands, both going opposite
24 ways; right?

25 A Yes.

1 Q And you testified earlier that you went out to the
2 gravel road off of Charles Gandy Way; is that right?

3 A Yes.

4 Q Is that the gravel road that we showed in pictures?

5 A Yes.

6 Q All right. And that when you were on that gravel
7 road, you met up with Man; correct?

8 A Yes.

9 Q And Marquail Hellams was there; right?

10 A Yes.

11 Q Now, Marquail Hellams, he was one of your good
12 friend; correct?

13 A Yes.

14 Q You lived with him; right?

15 A Yes. We went to school together.

16 Q You went to school together. What school did y'all
17 go to?

18 A We went to Berea.

19 Q Okay. And approximately how long were you living
20 with Marquail at 511 Glenlea Lane?

21 A I can't say right off. Because I was staying between
22 my parents house and Glenlea Lane.

23 Q Okay. But at times, you would, actually, live with
24 Marquail; right?

25 A Yes.

1 Q And there's been testimony that y'all were like
2 brothers; is that correct?

3 A Yes.

4 Q All right. Y'all were good friends?

5 A Friends and business partners.

6 Q Business partners. In fact, y'all went on this sale
7 together; right?

8 A Yes.

9 Q All right. So you're there with Marquail on the
10 gravel road the night of January 31st, 2014; right?

11 A I was.

12 Q And you meet up with a man named Man; right?

13 A Yes.

14 Q Okay. And you said that as soon as Marquail pulled
15 out a bag that someone snatched it; right?

16 A He pulls the bag out, gets ready to shine his phone
17 light on the bag to show them the product and someone
18 snatches it and takes off running back down the same way
19 they come.

20 Q So you stated this was a robbery; right?

21 A Yes.

22 Q And that you just took off running; correct?

23 A Yes. Once the bad guy snatched it, I knew it was a
24 robbery. So I took off running.

25 Q And you made it up to the roadway; correct?

1 A I made it mostly up to the gravel road and I dove off
2 into the shrubbery.

3 Q But at some point, you got up to the roadway; right?

4 A Yes, I did.

5 Q And you got into the Capatinos vehicle; right?

6 A Yes, I did.

7 Q And in that vehicle, earlier, you testified that it
8 was Kris Capatino, Jamie Capatino, you, Destany Fields,
9 and Marquail Hellams; right?

10 A Yes.

11 Q That y'all all rode from the Berea house down to this
12 location; correct?

13 A Yes.

14 Q And that y'all were going there to buy some Xanax and
15 sell some marijuana; right?

16 A Yes.

17 Q Okay. Now, you're getting into that vehicle; right?
18 After you run off, you're getting into that vehicle, that
19 same vehicle; correct?

20 A Yes.

21 Q And you said that -- you testified earlier that y'all
22 drove up and down looking for Marquail; is that correct?

23 A Yes.

24 Q But you don't remember how long y'all looked for him?

25 A I don't.

1 Q And you stated that you then went back to Berea;
2 isn't that right?

3 A Yes.

4 Q But Marquail was never in the car when y'all left
5 that gravel road area and went back to Berea; right?

6 A He wasn't.

7 Q And Marquail, did he -- Marquail never showed up at
8 511 Glenlea Lane that night; right?

9 A No. He never showed up.

10 Q And he never showed up on February 1st, 2014 to the
11 511 Glenlea Lane house; right?

12 A No.

13 Q All right. But you were made aware that
14 Marquail Hellams had died on February 1st, 2014; correct?

15 A Yes. I woke up to a friend -- Denzel, he woke me up
16 and told me Marquail was dead.

17 Q But you testified to earlier that you never -- you
18 didn't call law enforcement that night; right?

19 A I didn't.

20 MS. GASSER: I have no further questions. Please
21 answer -- or no further questions, Your Honor.

22 THE COURT: Mr. Warder.

23 REDIRECT EXAMINATION

24 BY MR. WARDER:

25 Q Why didn't you call law enforcement?

1 A I didn't call law enforcement because I'm, like, a
2 known dealer selling marijuana and pills sometimes. And
3 the fact of me calling the police and my name getting out
4 there as a snitch or whatnot, it's not a good look.

5 Because I know the life I was living, I would
6 probably end up in jail. And once you get in jail and if
7 you're a snitch, you probably get a hit put on you.

8 MR. WARDER: Thank you.

9 THE COURT: Anything further?

10 MS. GASSER: No recross, Your Honor.

11 THE COURT: Sir, you may step down.

12 Thank you.

13 MR. WARDER: Your Honor, that would be the case of
14 the Defendant.

15 THE COURT: Okay. Ladies and gentlemen of the jury,
16 I'm going to send you back to the jury room. Again, do
17 not discuss this case. Do not deliberate amongst
18 yourselves. Do not do any research. And I will get you
19 back in a few minutes. There are a few things I need to
20 take up with the attorneys. And I'm going to make a
21 determination where we're going to go from here. Okay.

22 Thank you again.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 11:56 a.m.)

25 THE COURT: Anything from the State?

1 MS. GASSER: Nothing from State, Your Honor.

2 THE COURT: Anything from the Defense?

3 MOTIONS

4 MR. SANFORD: Judge, just at this point, we'd like to
5 renew our motion for directed verdict.

6 THE COURT: Okay. Based on everything --

7 MR. SANFORD: Based on the prior arguments, yes, Your
8 Honor.

9 THE COURT: Any response from the State?

10 MS. GASSER: Your Honor, the State would reiterate
11 just the argument that was placed on the record prior. I
12 believe that we have met our -- our sufficient burden.
13 And that, of course, the decision is made in the light
14 most favorable to the State.

15 THE COURT: And I'm going to deny the directed
16 verdict motion.

17 Thank you for making it.

18 MR. SANFORD: Thank you, Your Honor.

19 THE COURT: Can I see Counsel up here just for a
20 minute? I just want to figure out time-wise -- I mean,
21 we're almost at noon.

22 (WHEREUPON, a bench conference was held.)

23 THE COURT: I'm going to excuse them and give them
24 instructions. Okay. We're going to be in recess until
25 1:15. And then when we come back, we'll proceed with

1 closing arguments and charge to the jury.

2 (WHEREUPON, a lunch break was taken.)

3 THE COURT: Is there anything -- well, hold on just a
4 second.

5 Anything?

6 MS. GASSER: Nothing from the State, Your Honor.

7 MR. SANFORD: The only thing, Your Honor, is do we
8 need to discuss charges before we bring the jury in?

9 THE COURT: That's fine.

10 MR. SANFORD: That might just be more time efficient,
11 I would think. Because we don't want to do closings, take
12 the jury out, discuss charges, and then bring them back
13 in.

14 THE COURT: Hold on just a second.

15 THE BAILIFF: We did.

16 THE COURT: Thank you.

17 MS. GASSER: The State has no objections, Your Honor.

18 THE COURT: That's kind of the way I took that. I'm
19 sorry.

20 MR. SANFORD: The only thing we have, Your Honor, is
21 we would like to add a mere presence charge just because
22 we believe it's warranted in this case. I do believe it's
23 a correct statement of the law. It's in the judge's book
24 of charges. And we believe it's warranted in this case.

25 THE COURT: Does the State have anything in response?

1 MS. GASSER: Your Honor, I believe that this would
2 potentially confuse the issues in this case. Mere
3 presence is, typically, a charge when it is a hand
4 of all -- or the hand of one is the hand of all
5 situation.

6 I believe the wording of that particular charge or,
7 at least, the standard charges that I've seen indicate
8 that there are other people there. And that, again, has
9 not been alleged in this case, that there was any kind of
10 he was working in concert with this Man character or these
11 other persons. And that specific testimony was kept out
12 as impermissible third party.

13 I believe it would confuse the jury and present an
14 inconsistent instruction with what the facts of this case
15 that have been presented are.

16 MR. SANFORD: Your Honor, I believe saying that being
17 at the scene of a crime does not mean that you committed a
18 crime would not confuse the jury one bit.

19 THE COURT: I'm going to take a quick break. And I
20 shall return.

21 (WHEREUPON, a break was taken.)

22 THE COURT: Okay. I've spent some time thinking
23 about this, thinking about the testimony on the record. I
24 don't see this as an aiding and abetting or accomplice
25 liability circumstance that would warrant the mere

1 presence charge.

2 So I'm denying, I guess, your motion or request for
3 that charge to be added. Okay.

4 MR. SANFORD: Yes, sir.

5 THE COURT: Are there any other issues from the State
6 or the Defense?

7 MS. GASSER: None from the State, Your Honor.

8 MR. SANFORD: Not from us, Your Honor.

9 THE COURT: All right. Bring the jury in.

10 MS. GASSER: Oh, Your Honor, I do apologize.
11 Co-counsel just reminded me. Very briefly, I just wanted
12 to place on the record that since the Defense did enter
13 evidence that the State will close in full, the Defense
14 can close in full, and the State has rebuttal.

15 THE COURT: That's correct.

16 MS. GASSER: Thank you, Your Honor.

17 THE COURT: Do you all have any response to that?

18 MR. SANFORD: No, Your Honor. That's the rule.

19 THE COURT: Thank you.

20 (WHEREUPON, the jury came into open court at
21 approximately 2:00 p.m.)

22 THE COURT: Welcome back. We are now going to
23 proceed with closing arguments. And then I will charge
24 you on the law.

25 State, you may proceed.

CLOSING ARGUMENTS

MS. GASSER: May it please the Court, Your Honor.

And the State will be utilizing the laptop location for the overheads, if that will be turned on.

On January 31st of 2014, Marquail Hellams was with his brother and his friends at 511 Glenlea Lane. He played football at Travelers Rest High School. And he had a baby girl on the way. He told Kel-Asia Chamblee he would be right back. But he would never return.

Instead, he got into a car unarmed with the Defendant, Rahiem Griffin, who was carrying a gun. And they traveled down White Horse Road to a house in Grove Estates. The others stayed in the car. Only Marquail and the Defendant got out.

And for some reason, Marquail went down on this dark gravel path with the Defendant. But it was with his friend, why wouldn't he have? They were friends. They were like brothers, even with their ongoing disagreements. But that's when Rahiem Griffin executed Marquail Hellams by shooting him three times, twice in the body and once in the back of the head.

Marquail Hellams may have been involved in the drug business, but no one deserves to die like that. Rahiem Griffin had no legal right to be Marquail's judge, jury, and executioner. Marquail Hellams made some bad decisions

1 when he got involved with drugs, but he was more than
2 that. He was a son. He was a brother. He was a friend.
3 He had a baby girl on the way. He was a teammate.

4 My co-counsel, Mr. Gregory, told you during his
5 opening statement that the burden that we have, as the
6 State, that we carry throughout this trial is beyond a
7 reasonable doubt. And we had to prove beyond a reasonable
8 doubt that Rahiem Griffin murdered Marquail Hellams. And
9 this was a burden that we not only welcomed, but that we
10 met.

11 Throughout this case, you were presented with
12 evidence. Evidence that you get to consider, review,
13 discuss amongst yourselves. And through that evidence, we
14 proved beyond a reasonable doubt that Rahiem Griffin
15 murdered Marquail Hellams.

16 But what is reasonable doubt? Mr. Gregory touched on
17 it just a little bit. And the Judge is going to instruct
18 you on the law. And I want you to listen very closely to
19 the Judge.

20 But I, also, want to talk about reasonable doubt.
21 Because it's not any wild, out there, crazy story. It's
22 not any and all doubt. No. It's reasonable doubt. And
23 while it is the State's burden, it's a burden that we
24 embrace. And, in fact, in courts across America every
25 day, defendants are found guilty beyond a reasonable

1 doubt.

2 This is not an impossible burden. There are very few
3 things in life that we know with absolute certainty.
4 Beyond a reasonable doubt is what leaves you firmly
5 convinced. The State has proved beyond a reasonable doubt
6 that Rahiem Griffin, the Defendant, murdered
7 Marquail Hellams.

8 Like I said before, the Judge is going to instruct
9 you on the law in a few minutes. But I want you to pay
10 really close attention to the elements and what the State
11 had to prove throughout this trial. And so I want to go
12 through those elements of the charges and talk about how
13 we proved it beyond a reasonable doubt.

14 Murder. Mr. Gregory told you at the beginning of
15 this that murder is the killing of another person with
16 malice aforethought. In this case, we proved that the
17 Defendant killed Marquail Hellams with malice
18 aforethought.

19 What is malice aforethought? Malice is hatred, ill
20 will, or hostility towards another person. It is the
21 intentional doing of a wrongful act without just cause or
22 excuse, and with an intent to inflict an injury or under
23 circumstances that the law can infer an evil intent.
24 Malice must exist in the mind of the Defendant just before
25 and at the time of the act. And malice aforethought, it

1 can be expressed, I hate you, I'm going to kill you. Or
2 it can be inferred. And really think about that,
3 inferred.

4 So how did we prove it? The Defendant was fighting
5 with Marquail Hellams in the weeks leading up to the
6 murder. Multiple witnesses testified to this. They had a
7 beef.

8 You heard Kel-Asia Chamblee get up there and say that
9 they had been like brothers. They were so close.
10 Something had shifted. You heard multiple witnesses talk
11 about how in the week leading up to this, Marquail was
12 messaging around with a gun. He discharged it. And, sure
13 enough, that bullet struck Destany Fields's hand. Who
14 wouldn't be angry about that? Destany tried to play that
15 off. But anyone would be angry about being struck by a
16 bullet. That was his girlfriend.

17 The Defendant lured Marquail away from 511 Glenlea
18 Lane under false pretenses. He admitted himself and you
19 had testimony from other witnesses that the Defendant was
20 the one that set up that buy of Xanax. But no Xanax was
21 ever recovered. No Xanax was brought to the people that
22 thought they were getting Xanax. No money was spent.
23 That was to get him alone and separated from any witnesses
24 on a dark gravel path. And at that point in time, the
25 Defendant executed Marquail Hellams by shooting him in the

1 back of the head.

2 So the second charge, possession of a weapon during
3 the commission of a violent crime. All that means is that
4 the Defendant possessed a weapon and, in this case, a
5 firearm, while committing a violent crime. Murder is a
6 violent crime. Possessing a weapon, you heard testimony
7 from his own girlfriend that he had that gun on his hip
8 when he got in the car, when he got out of the car, and
9 when he got back in.

10 You heard his roommate, Jonathan Jay Hellams, testify
11 he used to carry around a 38 steel revolver. You, also,
12 heard from James Armstrong that the three projectiles
13 located, two in the body and one in the hoodie of the
14 head [sic], they were 38s.

15 So what I want to talk about now are kind of the
16 nuggets, the nuggets in this case. You heard from
17 witnesses both on the stand and through evidence. And
18 they all brought you a puzzle -- a puzzle piece, a brick
19 in the wall, a nugget. Those pieces of evidence being
20 things -- being either direct or circumstantial evidence.

21 And you're going to hear from the Judge as to the
22 difference. And this is really important in this case.
23 Direct evidence are things that you saw, heard, smelled,
24 something you sensed. And there was a lot of testimony
25 about those things.

1 Circumstantial evidence is evidence that shows a
2 chain of facts that allows you to draw a conclusion. And
3 circumstantial and direct evidence, you can weigh that the
4 exact same. You don't have to weigh one more than the
5 other. You don't have to weigh one less than the other.
6 You can weigh them the exact same. You can weigh one more
7 than the other. You can weigh one less. You can consider
8 both types of evidence.

9 So all these witnesses, they brought you all these
10 pieces, all these bricks, all these nuggets that you can
11 now create and complete the puzzle, or the wall. And it
12 may have been a little confusing at times because we did
13 have to call some of our witnesses out of order. But
14 that's why I want to go over each of these nuggets now and
15 explain how we got to this puzzle, how we got this wall
16 built.

17 So, first, let's talk about the phone data. You
18 heard so much testimony about phones, phone records, phone
19 extractions, cell phone towers. Why did we put you
20 through that? Because the phones corroborate all of the
21 witnesses testimony.

22 The phones, you can't beat it. You can't say that's
23 just incorrect. This was made in realtime. Kel-Asia
24 Chamblee told you that she gave Investigator Campbell the
25 cell phone numbers for these three individuals, Marquail

1 Hellams, the victim, Rahiem Griffin, the Defendant, and
2 Destany Fields, the co-defendant.

3 Investigator Campbell told you he got search warrants
4 and that Verizon, AT&T, and T-Mobile sent him the phone
5 records. I put them all in here. You can go through
6 them, if you want. This is the raw data. We put them on
7 these thumb drives. And here's the other one. This is
8 the phone data for those three phone numbers.

9 Well, how do we know whose phone numbers they are?
10 Well, Kel-Asia testified to it. She told Investigator
11 Campbell these were the people's phone numbers. But
12 there's, also, corroboration there. Marquail Hellams,
13 she -- his phone was extracted by Michael Rainey, State's
14 Exhibit No. 62. Kel-Asia confirmed that this was her
15 phone number communicating with this phone, the victim's
16 phone, at that phone number. These are her texts. This
17 is their communications.

18 Rahiem Griffin in his phone extraction is a
19 subscriber named Kevin Griffin. And Destany confirmed his
20 phone number through the text messages in her extraction.
21 Her phone was seized and extracted by Jim Perry. He got
22 up here and talked about the extraction. And she said,
23 Yeah, that's my phone number texting with Rahiem Griffin.
24 I call him "Rahh." He's in my phone as Rahh. Destany
25 Fields's number -- well, first of all, she said that's my

1 phone number. But, also, she identified hers on that
2 phone extraction as well. These are their phone numbers.

3 So why is that all important? Because the FBI was
4 asked to track it through the CAST presentation that you
5 sat through today. And that's really important. Because,
6 again, it corroborates each witnesses testimony from that
7 stand.

8 The victim's phone movement -- you're going to have
9 this. If it's a little bit hard to see now, you'll have
10 this to take back and to look over it and see specific
11 times. But the victim's phone movement moves from 8:42
12 p.m. to 9:13 p.m. from the area of Berea up near 511
13 Glenlea Lane with that little green marker. And it moves
14 down to the area where his body was located the next
15 morning.

16 And you can see from that second grid that from
17 9:17 p.m. to 3:47 a.m. that his phone never moves. His
18 phone never moves. It doesn't leave. It doesn't go off
19 with two girls or some girls from the gas station. He
20 stays right there. That's because he was dead and he
21 wasn't located until the next morning.

22 And Special Agent Wilde told you there was some data
23 that he got a couple days later and it was turned on at
24 the LEC. Well, we know it was turned on at the LEC
25 because they extracted his phone. They had to get the

1 data off of it.

2 So they all said that the victim traveled. Well, who
3 did he travel with? Kris and Jamie Capatino put
4 themselves in the front seat. We put Destany and Rahiem
5 in the backseat with the victim. Here's Destany Fields's
6 phone movement. 9:35:31 p.m., she's right there at the
7 murder site. And we know that she's using her phone at
8 the murder site because of that extraction. Remember
9 those text messages?

10 Right there at 9:30 -- or, yeah, 9:29:38 to Rahh,
11 What the fuck? Get this shit over with. You playing.
12 9:31:21, from Rahh, Don't text my phone like that. And
13 you owe me some pussy, word back. 9:32, she texts Rahh
14 back, Okay, whatever, but you playing. We know she's
15 using her phone. She's right there. She's telling him to
16 hurry up.

17 Then what does she do? She leaves the area and she
18 travels north, just like Rahiem Griffin. So here's the
19 Defendant's phone movements, exactly the same. He starts
20 up in Berea and he travels down to the murder site from
21 8:36 p.m. to 9:11 p.m. Then from 9:11 to 9:35, which is
22 the time those text messages are being exchanged with
23 Destany, he is at the site of the murder. Then you see
24 him leave the area and travel northward. So that's 9:35.
25 At 9:46, he's cleared the area.

1 By the way, remember what he said on the stand? He
2 heard gunshots after he high tailed it away from one of
3 his best friends. 10 minutes -- he took 10 minutes to
4 look for one of your best friends who may have just been
5 shot. Okay.

6 So we go on. And we keep moving up. 10:08 p.m. to
7 12:28 a.m., he stays in Berea. He's not going and looking
8 for his best friend, if his story is to be believed. He
9 stays there.

10 So let's talk a little bit more about this timeline.
11 Because I think a timeline is the best way to understand
12 all this copious evidence, to take all these nuggets and
13 plug it in.

14 So in the weeks leading up to Marquail's murder, the
15 Defendant is fighting with Marquail. We know that from
16 multiple witnesses. We heard from Jonathan Jay Hellams,
17 Destany Fields, and Kel-Asia Chamblee. We, also, heard
18 about that gun incident. Destany really didn't want to
19 talk about that; right? Because that looks terrible for
20 her. That looks terrible for her, that she was shot with
21 a gun and this guy ended up dead a couple days later. But
22 this was his girlfriend. She was his girl.

23 Jonathan said Marquail had pointed a gun at them and
24 he had to calm them all down. Why would he say that about
25 his own adopted brother if it wasn't the truth? I mean,

1 that looks terrible. But they calmed down. And, of
2 course, they would be pissed. Of course, they would.

3 But what did the Defendant do? He didn't report
4 Marquail. He didn't go and try and get him in trouble.
5 No. Instead, he took matters into his own hands to exact
6 his own version of justice. But that's not what the law
7 allows. And we cannot allow people to go off and kill
8 each other over their own personal slights. That is chaos
9 and that is anarchy.

10 So we know that there's a beef. January 31st, 2014,
11 511 Glenlea Lane, almost every witness testified this is
12 511 Glenlea Lane. You heard a lot of testimony about just
13 how many people lived there, hung out there, came in and
14 out of there. That's because this was a drug house. And
15 a lot of them self-admitted it. They were drug dealers.
16 They were drug users. We're not going to sugar coat that.
17 That's not reality. That's not the reality in this case.
18 This is a drug house.

19 What we do know is that Jonathan Jay Hellams was
20 living there with his girlfriend, Evelyn, who is now
21 deceased. We know that the Defendant was living there
22 with his girlfriend, Destany Fields. She's staying over.
23 We know that the victim, Marquail Hellams, was staying
24 there as well. We know that there's some other people
25 that come and go. We know Kel-Asia Chamblee is hanging

1 out there.

2 So what happened January 31st, 2014? They're all
3 hanging out. The Defendant and Marquail are there. They
4 are selling drugs. The Capatinos show up to buy drugs.
5 We now have all the players. The Defendant, by his own
6 words and through testimony from everyone else, they said
7 he's the one that said let's go buy Xanax. He said it.
8 He said he set it up. Let's go buy Xanax.

9 Well, what did Kel-Asia Chamblee tell you? She said
10 that was weird. That didn't need to happen. They had
11 just done -- she made reference that they didn't need
12 drugs; right? They had just gotten drugs. So that's
13 weird. Also, the Defendant's own words were that he was
14 going to do this marijuana exchange with this Man person.
15 Okay.

16 He told you that he had come over to the house
17 earlier in the day and bought marijuana already. Why the
18 sudden a need later in the night to buy marijuana? You
19 know, maybe he sold it all. Maybe he had a fix. We'll
20 keep going. We'll keep going. Just an inconsistency
21 there.

22 So Marquail told Kel-Asia Chamblee she should stay.
23 They'll be right back. And after they exited, the
24 Defendant comes back in and Kel-Asia told you, He told me,
25 you should be gone when we get back. That right there

1 told me everything I needed to know. That this man lured
2 his friend away to exact his own version of justice.

3 The Capatinos were drug users. They described their
4 Tahoe. Everyone confirmed it. Everyone agreed that they
5 got into this Tahoe and they drove down White Horse Road.

6 Now, there are people that said they stopped on the
7 way there. They stopped on the way back. They stopped at
8 both. These people are all hot. They're all using drugs.
9 What we do know is that Investigator Campbell checked QT
10 and Spinx video footage, he told, you minute-by-minute for
11 hours. At no point in time did he see the victim get out
12 of the car and go off with some girls. And that's
13 important later.

14 What we do have all of them consistently saying is
15 they make it down to the Grove Estates area. On your map
16 that you'll be able to take back, you'll see the cut
17 through. This is State's Exhibit No. 2. You'll see --
18 let's see here. Davis Road running this way. And you'll
19 see the cut right here. And this is Houston Drive. It's
20 on the map.

21 Destany Fields told you, here's Grove Estates.
22 What's that street? Houston Drive. She described to you
23 the circular drive as you can see on this map right here.
24 And she identified through the additional State's Exhibits
25 on Houston Drive.

1 So she puts them right here at this man's house.
2 Here's the cut through. It's a short distance away. We
3 don't even have to prove that to you because the Defendant
4 puts himself there on the gravel path. He puts himself
5 there with the victim. But we do have a map. We do have
6 the proof of additional witnesses. Everyone is
7 corroborating each other's testimony.

8 We're now at this house. And the only two people
9 that get out of the car is the Defendant and the victim.
10 And, remember, Kris Capatino told you -- so we'll move
11 forward here. Kris Capatino told you that they are
12 fighting in the car on the way to Piedmont. All right.

13 So we know that at 8:42:19 p.m., Kel-Asia Chamblee
14 calls Marquail after the Defendant tells her that she
15 should not be at the house when they return. You have all
16 the call logs. I did some screen shots so you can see
17 that right there at the bottom. At 8:42:19, he called her
18 because she's freaking it.

19 Remember the UTC from Jim Perry who told you it's
20 minus five. So when you look at these phone extractions
21 and you see UTC minus five. I've done that for this
22 timeline purposes. At 8:58:11 through 8:58:28 p.m.,
23 Kel-Asia texts Marquail, and he calls her. Those are the
24 messages at the top left.

25 At 9:13:13 p.m., Kel-Asia Chamblee texted Marquail

1 saying she's paranoid. She told you that this was weird.
2 Why are they going and doing this? Again, that message is
3 in the top left.

4 At 9:18:53 -- and this is very important. This is
5 the last outgoing phone activity on Marquail's phone. All
6 remaining activity on his phone are incoming calls and
7 incoming texts, right there, 9:18:53 p.m.

8 At 9:29:38 p.m., Destany Fields texts the Defendant's
9 phone, tell him to get this shit over with, you playing.
10 At 9:31:21 p.m., the Defendant texts her back telling her
11 not to text his phone like that and that she owes him. At
12 9:32, Destany Fields texts him saying that he's playing.
13 Those are the messages in the top right. At 9:35:32 p.m.,
14 the Defendant calls Destany Fields.

15 And, remember, Linda Downs told you that sometime
16 between 8:30 and 9:30 p.m., she hears multiple gunshots,
17 rapid fire right at the same time of this murder.

18 So what do we know going forward? That at 10:06:38
19 to 10:07:49, Kel-Asia calls Marquail three times trying to
20 figure out where -- where he was. It's been too long. He
21 said, I'll be right back. She thought this was weird.
22 She was paranoid.

23 At 10:09:11, she texts him upset because at that
24 point in time, the Defendant comes in and tells her he
25 went off with some girls. Now, they can try and tell you

1 that every single one of these witnesses all collaborated
2 and said we're going to say that he said this; right? Why
3 would she send that message to that boy? She was angry.

4 She called him 12 times after that because she thinks
5 he's gone off with some other girl. She told you that.
6 She said, I thought he had gone off with some other girl.
7 And I'm angry. And why does she think that? Because the
8 Defendant told her that.

9 10:12:46 to 10:50:50, calls him 12 times. No
10 response. Those are the bottom calls. She would not have
11 called and texted like that if that Defendant had not told
12 her that lie.

13 The next morning around 9:00 a.m., William Lamont,
14 who is a taxi driver, was walking his dog. And he calls
15 911 because he finds Marquail's body on the gravel path at
16 the intersection of Davis Road and Charles Gandy Way.

17 EMS Andrew Sims, who you heard, he came here and told
18 you that he had to roll over the body and -- because he
19 was face down. And he confirmed that he was deceased on
20 scene. He, also, saw that projectile roll out. And he
21 told law enforcement. And that's where law enforcement
22 found that projectile that went through the head there in
23 the hoodie. You have not only the photo of them finding
24 it, but you, also, have the projectile. You have the
25 jacket that shows he was shot in the back of the head in

1 actual evidence and a photograph of it.

2 They process the scene. And I want to talk about a
3 couple of things they found on the scene. They found a
4 projectile fragment that didn't match the other
5 projectiles. You have that in evidence. The reason we
6 brought this up is because we weren't going to hide
7 anything from you. It's a red herring. That has nothing
8 to do with this case.

9 You heard the forensic tech talk about how he
10 couldn't even put item JDC on this map because it was way
11 at the end of the gravel path; right? It was way down
12 here 176.71 feet. This is unrelated to this case. But we
13 wanted to talk about it because, again, we're not hiding
14 anything from you. This is the viewpoint from that
15 fragment. The body is way back here. Again, that's why
16 this picture is in evidence so you can see just how far it
17 was.

18 Let's talk about these casings. They're another red
19 herring. They're not involved. He took lots of pictures
20 of the casings. And we put the actual casings, if you
21 want to look at them, just how degraded, rusted, dirty
22 they were, you can see how rusted. These have been out in
23 the elements.

24 Defense's own questions about this was all about how
25 old those were; right? How dirty, they're under

1 vegetation. They've been out in the elements. The
2 forensic tech testified to all that. These were old.
3 These had nothing to do with it. Again, red herrings.
4 These were not involved.

5 What we do know was involved were the projectiles not
6 only located in the hoodie, but the two projectiles
7 located inside the body itself. All three of which James
8 Armstrong told you came from the same gun, that they were
9 38s. And who was known to carry a 38 revolver? The
10 Defendant, Rahiem Griffin.

11 So the next morning, Kel-Asia told you she heard the
12 news. Marquail is dead. She rushes over to 511 Glenlea
13 Lane and she finds the Defendant and his girlfriend,
14 Destany Fields, eating a cup of noodles. She confronts
15 him. She said she gets in the Defendant's face. She gets
16 Marquail's belongings and she leaves.

17 Later that day, you heard from Kris Capatino, who
18 hightailed it out of there the night before, about how
19 this Defendant came to his house and told him that if law
20 enforcement came around to say he went off with some
21 girls. Again, that lie. That lie keeps surfacing. All
22 these witnesses talked about it. They talked about how he
23 said he went off with some girls. That's because he was
24 the last individual seen with a murdered victim. And he
25 had to push the focus off of himself. That's just not

1 true.

2 The autopsy was conducted that day. You heard from
3 Dr. Ward. He reviewed everything and came to his own
4 conclusions. He agreed with Dr. Fulcher. The cause of
5 death is three gunshot wounds, two to the body, one to the
6 back of the head. Two projectiles are located in the
7 body, one was located on the scene.

8 After all this happened, I want you really to look at
9 these phone extractions between Destany and Rahiem
10 Griffin. Because I think these are very important. And
11 you'll have this in evidence. From February 1st, 2014,
12 the same day that the victim is found, Destany texts
13 Rahiem at 10:44 p.m. She states, I just want to let you
14 know something don't feel right. But you know what? It's
15 all good. I ain't going to sweat it.

16 Rahh texts back, What's wrong, bae? You mean by
17 that?

18 And she says, None. She then says, You dirty boy, I
19 tell you. She, also -- he then texts her at 11 --
20 11:27:14, You tripping, Des.

21 And she texts back, How am I tripping? This shit's
22 real.

23 Then on February 2nd, 2014, so two days after the
24 murder, at 3:41:47 p.m., she texts Rahh. Oh, word, that's
25 how you do? You just going to fucking leave me here?

1 Like, something going to happen to you, but you leave your
2 girl here.

3 He calls her. She texts him, Already knew you was
4 plotting on something, but, you know, that's real fucked
5 up. You just left me, like, fuck you, bitch. That's how
6 I feel now. Now, you gonna see.

7 He then texts her and says, Bae, I need to call you
8 alone without you being loud and around everyone. What do
9 you think they had to talk about?

10 The Defense is probably going to tell you that we
11 have nothing but purely circumstantial evidence. But,
12 like I said before, ladies and gentlemen, circumstantial
13 evidence is evidence. And it can be given the same weight
14 as direct evidence.

15 Rarely in life do we know anything with absolute
16 certainty. And crimes like this are not committed in
17 front of video cameras and witnesses. Executions take
18 place in dark places away from eyes and ears, like unlit
19 gravel pathways.

20 In this case, the Defendant was the last person seen
21 with Marquail before he was murdered. Marquail was
22 unarmed. Jonathan told you, I, specifically, took the gun
23 from him because I didn't want him to get caught with it.
24 He took his gun. Destany told you he had -- that the
25 Defendant had his gun. The Defendant's phone traveled

1 with the victim's phone down to Grove Estates. The
2 Defendant was seen with a 38 steel gun with him before he
3 and Marquail walked off. He was seen with that same gun
4 when he returned without Marquail.

5 Marquail was shot three times all with projectiles
6 coming from one gun. Those projectiles being a 38.

7 The Defendant not only did not return with Marquail,
8 he, also, didn't return with the Xanax. That's weird.
9 They were there for Xanax. The Defendant was the one who
10 said he needed to go get Xanax. It was those five in the
11 Capatinos Tahoe. The Defendant was the one that came up
12 with the lie about Marquail going off with some girls.
13 And he asked Kris Capatino to lie to law enforcement for
14 him. The Defendant had a beef with Marquail and he
15 executed him for it.

16 The Defense may, also, try to tell you that you can't
17 believe any of our witnesses because they're all either
18 drug users or drug dealers. When a plan is hatched in
19 hell, none of the actors are angels. Yes, they're all
20 very rough around the edges. And they came here and they
21 admitted it. They admitted their own criminal activity
22 and own personal feelings, including the co-defendants who
23 have no promises. And they will be dealt with on their
24 own days in court. But, rather, they came here and told
25 you what they remembered, which all corroborated what

1 happened.

2 But just in case, law enforcement did corroborate
3 their stories. We've got all that phone data. We don't
4 have to go back through it. It completely aligns with
5 what they told you showing that the Defendant, Destany
6 Fields, and Marquail all traveled from the Berea area down
7 to the location of the murder, all within the timeline
8 that all the other witnesses corroborated.

9 It shows Marquail's phone never moved from there. He
10 didn't go off to some gas station. Investigator Campbell
11 made sure. His phone never had any activity after
12 9:18 p.m. But Destany and the Defendant traveled right
13 back up to 511 Glenlea.

14 Ladies and gentlemen, I'm going to finish up here in
15 a few minutes. But I want to say, some -- you know what
16 some of the strongest evidence in this case was? It was
17 the Defendant's own testimony. Because it was full of
18 inconsistencies and lies.

19 And let's talk about credibility. Because they're
20 definitely going to attack our drug dealers and users that
21 were up here. There's a vitally important tenet of
22 justice that we always carry the burden of proof and
23 nothing ever changes that. And he doesn't have to prove
24 anything. But he testified and he got up on that stand.
25 And you get to judge his credibility just like any of the

1 other witnesses.

2 And who has more motivation to be untruthful than
3 Rahiem Griffin? He places himself on that gravel path
4 with Marquail Hellams because he can't beat the phone
5 records. He can't explain it away. He states they're
6 there to do a drug sale and a drug buy. He told you that
7 he set it up. And he got Marquail there. He had to have
8 a false pretense to get Marquail on this dark pathway
9 alone and without witnesses.

10 Then he says that some unknown forces snatch a bag of
11 marijuana. Marijuana, by the way, that he admitted was
12 only about 12 ounces. Even after they had already come to
13 511 Glenlea Lane earlier in the day to buy marijuana.

14 He said this was a robbery. That makes no sense. If
15 this was a robbery, why wouldn't they take the phone or
16 the \$190 that was found on the deceased victim's body?
17 You heard Investigator Campbell. What did the money tell
18 him? That this was not a robbery. Because in no world
19 would they just snatch 12 ounces of marijuana and not
20 shake down the body for valuables and cash. They knew --
21 if this story is to be believed and they were coming to
22 buy Xanax, they would have known he had money on him.
23 They would have checked the body and taken the cash.

24 He then says that he just turns and runs. He
25 testified as well as others that they were close. They

1 were close friends, like brothers. Yet, he turns and runs
2 and abandons his friend. All right. I buy that if
3 someone is scared, they might do that.

4 So let's just assume that you're so scared, you
5 happen to run into the vehicle that brought you there.
6 That was interesting, too. Oh, I just happened -- the
7 first vehicle you run into is the Capatinos. All right.

8 But when he gets in the Capatinos vehicle, you don't
9 tell a single one of the passengers that your friend might
10 have just been shot. You heard gunshots and you ran away
11 from him and left him there. He told no one. He told no
12 one. He tried to tell you that they're searching for
13 Marquail. Not one of them said that they were searching
14 for Marquail. No, he got in the car and told them that he
15 went off with some girls. It's because this is all a lie.

16 And he gets back to the house and he tried to tell
17 you -- his own defense attorney asked him, Why didn't you
18 call law enforcement that night? And he told -- and he
19 asked him again on redirect. He said, Because I'm a drug
20 dealer and I didn't want to be a snitch. And I didn't
21 want to get in trouble.

22 Okay. All right. Maybe we believe that; right? But
23 you didn't tell the people in the car. You got back to
24 the house where his brother lives and you didn't tell his
25 brother. It's where his girl is waiting on him and you

1 didn't tell his girl. How about at the funeral to his
2 mom? No. He tells somebody he went off with some girls.
3 That's because he came up with that story today after
4 hearing all the evidence against him. It makes no sense
5 because it's not true.

6 What is his motivation to lie? Because he was the
7 last person seen with Marquail. Because he was seen with
8 a gun before and after the murder. Because he had a beef
9 with the victim who was shot execution style in the back
10 of the head.

11 I want to thank you for your time and your patience
12 this week, especially given that we called some witnesses
13 out of order because of scheduling. But I really want to
14 thank you for your attention.

15 Your job is the most important. And I ask that you
16 use your common sense and that you logically and
17 thoughtfully examine this evidence and come to a clear and
18 correct result.

19 Marquail Hellams was a high school student. He got
20 involved with some really bad things and some really bad
21 people. But that does not mean that his life did not
22 matter or had value. And that does not mean that the law
23 does not protect his life like everyone else.

24 Marquail played football. Who's to say he wouldn't
25 be on our TVs right now? Marquail had a baby on the way.

1 Who's to say that he wouldn't have turned around and been
2 a great father? But we don't have those answers because
3 Rahiem Griffin stole that opportunity from us on
4 January 31st, 2014. No matter a person's failings or
5 faults, murder is against the law. Find the Defendant
6 guilty.

7 THE COURT: Counsel for the Defense.

8 MR. SANFORD: Thank you, Your Honor.

9 May it please the Court.

10 THE COURT: Yes, sir.

11 MR. SANFORD: Ms. Gasser, Mr. Gregory.

12 Ladies and gentlemen of the jury, do y'all like to
13 watch TV shows? I'm sure y'all do. And I'm sure y'all
14 have things you like to do outside of sitting in the jury
15 box for four days.

16 I like to watch TV shows. It's a little different
17 now with all the streamers, and all that kind of stuff.
18 But some of my favorite TV shows are the ones where --
19 they're what we called serialized. So that's a continuing
20 story, overarching stories where the story builds and
21 there's questions, and there's answers, and there's
22 mysteries.

23 I remember when I was back in law school, one of my
24 favorite shows at that time was Lost. I don't know if
25 y'all have ever watched Lost, but there's a lot of sci-fi

1 elements, fancy elements. It's very -- it's a very
2 interesting show with a lot of questions. Some people
3 like it, some people don't. Of course, now, like I said,
4 it's different. You can binge a whole show in a day and
5 see it.

6 And what we have here is kind of like a TV show,
7 except we have two different series finales. We have what
8 the State says happened. And then we, also, have what,
9 actually, happened.

10 Let's go through some of this evidence. So you heard
11 from the original investigator on this case.
12 Mr. Campbell -- Investigator Campbell didn't find
13 anything -- enough to issue any warrants in this case. It
14 became a cold case after that.

15 And then you, also, heard from Linda Downs, who heard
16 some gunshots, she said between 8:30 and 9:30. She, also,
17 couldn't, specifically, say that those were gunshots. She
18 said, We hear fireworks sometimes. We hear different
19 things. We hear car wrecks. She didn't go outside to
20 check. She said she just turned her TV down to see what
21 else happened. It could have been gunshots. It could
22 have been something else. Other than the loudness, she
23 said they weren't any different from any other day.

24 And, of course, as the State said, there are some
25 objects that show there were guns that were fired around

1 that area. We have gun shells that are old. We have the
2 fragment that they said was not in this case. So,
3 obviously, there are shootings that have happened around
4 that area, not necessarily shootings, but shooting guns.

5 Let's talk about the people that were in the car.
6 We've got the Capatinos. We've got Mr. Griffin. We've
7 got Marquail. You've got Destany. Both the Capatinos and
8 Destany all admitted they were high at the time. They all
9 had various conflicting statements. Times were different.
10 It took this long to get there. We left at this time. We
11 left at 9:00. We left at 10:00. We left at 11:00. All I
12 know is it was dark.

13 You, also, have to remember this took place 10 years
14 ago. I'm sure if I sat here and I asked y'all some minute
15 details about this trial, y'all might have a hard time
16 remembering certain things about it. I have a hard time
17 remembering sometimes things that happened the same day.
18 I think they would have a hard time on drugs and 10 years
19 ago remembering all these minute details.

20 As the State said, there's, also, two people charged
21 in this case. Of course, they said they haven't been
22 offered anything. But we know they're looking to,
23 potentially, gain something from testifying in this case.

24 So they went to the car, got in the car. You heard
25 some testimony that said, well, Mr. Griffin had a gun.

1 You, also, heard the Capatinos say, well, Mr. Griffin
2 didn't have a gun.

3 I, also, find it interesting that Kel-Asia Chamblee
4 never said that she saw a gun on Mr. Griffin's hip. If he
5 was in that house twice and there was this big silver gun
6 on his hip, you'd think she would have noticed that. And
7 you'd think she would have mentioned that. But you never
8 heard anything from her about him having a gun.

9 Let's go back to the people in the car. Ms. Capatino
10 said, specifically, that it was hard for her to remember
11 because she was high a lot during that time. When the
12 State asked Destany how she was when she was on these
13 drugs, she said, Well, I'm out of it and I didn't know
14 what was going on around me. She admitted it herself.

15 The only thing that you can trust about the people in
16 that car is saying that there were those people in the
17 car. That's an undisputed fact. Everybody agrees that
18 there were those five people in the car and that they were
19 going to buy Xanax.

20 Now, we, also, hear that there's arguments in the
21 back. Some people say there was an argument in the back.
22 Some people say that nothing was going on in the back
23 between the Defendant and other people. Once again, I
24 would submit to you that there are conflicting statements.
25 And we do not truly know if there were arguments or there

1 weren't arguments.

2 You, also, heard Mr. Capatino say that Marquail came
3 up to him and asked, Is it okay if I go along? He asked
4 to go along. Obviously, the victim wasn't forced by
5 Mr. Griffin to get in that car. He wanted to go along.
6 He wasn't asking -- he wasn't asked by the Defendant to
7 say, hey, you've got to go. You've got to go. Nobody was
8 pushing him in this car. He went on his own.

9 And if this beef was so big and so bad as the State
10 says that they would, potentially, have these types of
11 issues that lead us here today, why would you get in that
12 car? Why would you get out of that car? That makes zero
13 logical sense.

14 Let's talk about Kel-Asia Chamblee for a second.
15 Ms. Chamblee, unfortunately, she did exactly what
16 Mr. Warder told you in the beginning not to do as the
17 jury. She had made up her mind already. She said that
18 she and Mr. Griffin didn't really get along. They knew of
19 each other. And she decided that without looking at any
20 evidence, without seeing what happened that she was the
21 one -- or that he was the one that she was going to go
22 after and make sure that he got charged for this crime,
23 regardless of what the facts are.

24 Even when I asked her, Sarah, who lived in the house,
25 we've heard testimony she didn't live there, would you

1 agree with that?

2 She said, No, I wouldn't agree with that.

3 She wouldn't agree with a fact that other people --
4 and the State even says that Sarah did not live at the
5 house at that time. She has her mind made up. She has
6 her reasons. And the only thing she is doing is she is
7 trying to force Mr. Griffin into something that he did not
8 do.

9 The State talked a lot about the phone records.
10 You've seen the phone records and you heard from
11 Mr. Griffin himself. He's not denying that he wasn't in
12 that area. You, also, heard from the FBI saying we can't
13 exactly tell where these people are.

14 Obviously, the Verizon phone has a little bit closer
15 data. But with the AT&T and Sprint, we can't tell
16 exactly -- pinpoint the addresses where they are. All we
17 know is that they're in the area, not necessarily right on
18 that gravel road, not necessarily right by that trailer,
19 not necessarily right in these certain areas. All we know
20 is they're in the area, but we have no specific point.

21 Let's talk about the text messages a little bit. The
22 State gets these text messages to where they're saying,
23 oh, obviously, they're talking about the murder in these
24 text messages. Well, if you look at it, you can fit those
25 text messages into a lot of situations. They are taking

1 them in the context that they want them. They don't know
2 what Ms. Fields and Mr. Griffin were talking about outside
3 of that situation. They don't know what the context
4 outside of those texts are.

5 If you look at those and say, well, I want to fit
6 them into this murder case, that's what they're going to
7 do. They're only showing you the picture that they want
8 to show you. We don't know what the context was. And
9 just because you're taking them out of context, you can't
10 say that those are exactly about the situation that
11 they're talking about.

12 You, also, heard from Mr. Griffin, who -- being the
13 only person that was there with Mr. Hellams during this
14 incident. Everybody else -- nobody else got out of the
15 car. Everybody else was gone. We don't have any
16 testimony about anything that happened there, other than
17 from Mr. Griffin. And he told you what happened.

18 And when you look at that, it fills in all of those
19 puzzle pieces that the State was just talking about,
20 saying this is a big puzzle, taking the pieces and filling
21 them in. Some of these pieces they're trying to ram into
22 places they shouldn't go. Sometimes they're taking other
23 puzzle pieces from different puzzles and trying to ram
24 that picture into this puzzle.

25 If you listen to what Mr. Griffin said, it makes

1 perfect sense. They show up. It goes sideways. The gun
2 shows up and he -- when that bag gets snatched, he runs.
3 I would run, too, if I thought that something was
4 happening.

5 Now, they're saying, well, it's not a robbery because
6 there was cash. Well, Mr. Griffin said he didn't know
7 what happened after he saw that bag start to get snatched.
8 I don't know why they wouldn't take the money. I don't
9 know, but he doesn't know either. And I think if you look
10 at that, it makes perfect sense as to the reason why they
11 found Mr. Hellams on that gravel path.

12 Let's talk about what the State doesn't have. They
13 don't have any DNA evidence here. They don't have a gun.
14 They don't have anybody giving an ID of what actual gun
15 was in his belt. Yes, you're hearing Destany say, oh, he
16 had a gun there.

17 Then you had where there was a gun and there wasn't a
18 gun. We don't know that it was that 38, if there was a
19 gun. All we know is that one person says there's a gun.
20 Other people said they never saw a gun. That's left up to
21 a question for the jury. Who do you believe? And what do
22 you believe?

23 Let's talk about reasonable doubt for a second. The
24 State talked about it. The Judge is going to charge you
25 on the law in a little bit. If you go back to that jury

1 room and when y'all start talking -- I know y'all are
2 ready to start talking about this case.

3 But when y'all start talking, you're going to sit
4 back there and you're going to discuss, you're going to
5 look over the pieces of evidence. And as you start
6 discussing and you start saying, well, it could have
7 happened this way, it might have happened this way, it may
8 have happened this way.

9 Could, should, would, I don't think you reach
10 reasonable doubt at that point. You have to be firmly
11 convinced that the State has proved their burden. With
12 that burden, they are the only ones that have to prove
13 anything. They stated that. We don't have to prove
14 anything. We don't have to put up a case if we didn't
15 want to.

16 Mr. Griffin didn't kill Mr. Hellams. The drug life,
17 it's a life of danger, unfortunately. You even heard
18 Ms. Chamblee say that she told everybody in that house that
19 you all did this to him. The life he was living put him,
20 unfortunately, in this situation. It's a tragedy, but
21 Mr. Rahiem Griffin did not kill Marquail Hellams.

22 I want y'all to go back. I want y'all to talk with
23 each other. I want y'all to look at the evidence. And I
24 want y'all to look at the evidence and see what they have
25 and what they don't have. They have, as I said before, a

1 bunch of pieces that they're trying to piece together.

2 When this came to the cold case, the thing that the
3 investigator said that got the warrants was the FBI phone
4 records that showed that, oh, Mr. Griffin was there at the
5 scene. We don't deny that Mr. Griffin was in the area.
6 They don't have any more than that. They don't have
7 anything showing that he pulled any trigger. They don't
8 have anything showing that he committed this murder.

9 Thank you for your time this week. I thank you for
10 being patient. I thank you for listening. I've been
11 watching y'all and y'all have been listening very
12 intently. And I really do appreciate it.

13 I hope that you will go in the back and you will
14 discuss, that you will look at all the evidence. And I
15 think once you look at everything and you look at what
16 they have and what they don't have, you will find that you
17 have to find Mr. Rahiem Griffin not guilty.

18 Thank you.

19 THE COURT: Solicitor.

20 MS. GASSER: May it please the Court, Your Honor.

21 Very briefly, ladies and gentlemen of the jury, I
22 just want to respond to a couple of things that were just
23 stated. I agree, there were some conflicting accounts on
24 this witness stand. People not remembering the exact
25 times. People not remembering whether they stopped

1 before, after, or both times at a gas stations. Was it
2 dark?

3 There were some conflictions. And he's completely
4 right, that was 10 years ago. And these people all had
5 varying levels of high. Some said they were fine. Some
6 said it just made them calm. Some said they were out of
7 it. But that's why the phone data is so important. And
8 that's why I really wanted to hit on that a lot is because
9 the phone data corroborates the story. It corroborates
10 the theory. It corroborates what, actually, happened. It
11 shows them traveling down.

12 So even though if they can't remember the exact
13 times, that's okay. The phone data does. It tells you.
14 It lines up. I remember it was dark. I remember going to
15 this area. That's okay. The phone data tells you.

16 So, absolutely, there's some conflictions, but that's
17 why they corroborate it. That's why law enforcement
18 corroborated their testimony with phone records and data
19 that can't be explained away.

20 Talking about the gun. So I think that's really
21 important. They said that there was testimony that there
22 wasn't a gun in the car. Okay. Destany Fields was his
23 girlfriend sitting in the backseat with him. The only
24 other person in that backseat is Marquail and he's dead.

25 So who's in the best position to see a gun on the

1 Defendant's hip, but for his girlfriend in the backseat?
2 Jamie and Kris are in the front seat. She's back there.
3 She sees them get out. And she sees him come back. So,
4 of course, Destany had a better field of vision and
5 location to see a gun.

6 They talked about that the victim was not forced to
7 go into the car. We are not alleging that he was forced.
8 He told Kel-Asia Chamblee, we're going to go buy some
9 Xanax. She testified she gave him the \$190 to go buy some
10 Xanax.

11 The Defendant himself said they were business
12 partners in this. Why wouldn't he go? They're business
13 partners. And he said if the beef was so big and scary --
14 all right -- but they're still business partners. Why is
15 he going to lose out on some money? Why is he going to
16 lose out on some drugs that he can turn around and sell?

17 It doesn't matter if the beef was so horrific right
18 then and there. I'm saying that this was planned and that
19 he said, We're going to go buy Xanax. And he got him to
20 get in that car because he knew he'd want to go. He knew
21 he would want to go. They're business partners. And he's
22 a drug dealer.

23 Kel-Asia Chamblee, she got up there and told you the
24 truth. She told you about her pitfalls. She told you
25 everything, the truth. She said that Sarah didn't live

1 there. She didn't live there. She didn't know who lived
2 there.

3 There's so much testimony that people were crashing
4 on weekends. The Defendant himself said, sometimes, I'd
5 stay there a weekend and, sometimes, I'd stay there months
6 at a time. You heard about all those people in and out.
7 This is a drug house. Just because Kel-Asia didn't know
8 Sarah wasn't living there at the time doesn't mean that
9 the rest of her testimony, which was corroborated by other
10 evidence, is untrue.

11 Talking about the phone records, he's trying to
12 confuse it, you know, can't pinpoint addresses and can't
13 tell you exactly where they were. We never said we could
14 put them exactly at a specific geographic location. We
15 said that they're hitting off the towers. And that their
16 phones are hitting off the towers. And that it's
17 consistent with everyone's testimony. But the Defendant
18 himself puts himself on that gravel road with the victim.

19 The text messages, they said we're trying to force
20 this into our theory of the case. I think the text
21 messages speak for themselves. And if you want the
22 context, we're not hiding it for you. It's in there.
23 Read those text messages. Read those phone calls. You
24 owe me, right after she had just been shot by this guy.
25 You owe me. Don't text my phone like that. You're out

1 here being loud. The text messages speak for themselves.
2 And this is all in the context of the day after and the
3 second day after one of their best friends was murdered.

4 They talked about the investigator -- Investigator
5 Campbell not having enough for warrants. I think that is
6 such an important point to bring up because Investigator
7 Campbell ran this down. He told you he followed leads.
8 He got the records. He did everything he could. But he
9 wanted to be sure that he did not go and draw warrants on
10 anyone willy nilly.

11 In fact, he let it go to cold case. That's not --
12 that's not easy. That's not fun to do. That's not what
13 an investigator wants to happen to their case. But he
14 didn't draw warrants because he wanted to be sure.

15 So who was sure? Investigator Cox got up there and
16 told you that when they got those phone records and they
17 had the new technology that they plugged it in and they
18 watched those phones track.

19 And what was the deciding point? He got to talk to
20 Jamie Capatino. She finally came forward. At this point,
21 all of them said they didn't talk to anyone back in 2014.
22 They didn't have cooperating co-defendants. They didn't
23 have people from in the car. Jamie was the first one to
24 say this is what happened. They matched that with the
25 phone records and all the other evidence. Investigator

1 Cox was sure and that's why warrants were drawn.

2 Finally, it was said that living this life put him in
3 this situation. That's completely true. Living this life
4 and knowing this Defendant, being friends with someone
5 that would allow their beef to cloud his judgment enough
6 that he exacted his own revenge.

7 And I just want to say that the critical -- one of
8 the most critical points in this case -- and they really
9 want to gloss over it -- is that he shows up, he turns
10 sideways, and he runs away. Anyone would run away if
11 there's gunshots. Anyone would run away; right? Okay.
12 Why not tell? And I'm not talking about law enforcement,
13 although there's an argument to be made there.

14 But why not tell his brother, who's, also, a drug
15 dealer? These guys snatched the bag. I ran. I don't
16 know what happened to your brother. Why not tell his
17 girl, who's there waiting on him? What not tell his
18 grieving mother? You know, this is what happened. You
19 don't have to go to law enforcement. Fine, you're a drug
20 dealer. You don't want to get in trouble. But you don't
21 tell any of his family?

22 Instead, you tell them all this lie that he went off
23 with some girls at a gas station, which we just know is
24 completely untrue based upon no video evidence supporting
25 that, no eyewitness testimony saying he got out of that

1 car with some girls and went off.

2 Why not tell? Why lie about the girls at the gas
3 station? Because he was the one that lured him to that
4 gravel path, pulled out his gun that was described by
5 multiple witnesses that matches the caliber of the
6 projectiles located in his body, and he shot him three
7 times, once in the back of the head execution style. Why
8 not tell law enforcement? Why not tell the family?
9 Because he's the murderer. Because he did this.

10 I ask that you find him guilty.

11 CHARGE ON THE LAW

12 THE COURT: Members of the jury, it is now my duty,
13 as the trial judge, to instruct you on the law applicable
14 to this case. And in that regard, it is your duty, as
15 jurors, to accept and apply the law as I now state it to
16 you.

17 Furthermore, it is your exclusive duty to decide all
18 the issues of facts in this case and determine the effect,
19 value, weight, and truth of the evidence. All the parties
20 have the right to expect that you will carefully consider
21 and evaluate the evidence and apply the law of the case to
22 it so that in the end, all parties will receive a fair and
23 impartial trial.

24 I remind you that during this trial, you and I have
25 certain duties to perform. As the trial judge, it is my

1 responsibility to preside over the trial of this case.
2 And I, also, have the duty to rule on the admissibility of
3 the evidence offered during this trial.

4 You are to consider only the competent evidence
5 before you. If there was any testimony ordered stricken
6 from the record during this trial, you must disregard that
7 testimony. You are to consider only the testimony which
8 has been presented from this witness stand, any exhibits
9 which may have been made a part of the record in this
10 case, and any stipulations of counsel.

11 I have the additional duty to charge you the law
12 applicable to this case. As the presiding judge, I'm the
13 sole judge of the law of this case. And it is your duty,
14 as jurors, to accept and apply the law as I now state it
15 to you. If you already have any idea as to what the law
16 is or what the law ought to be and it does not agree with
17 what I now tell you the law is, you must abandon that
18 idea. Because you are sworn to accept the law and apply
19 the law exactly as I state it to you.

20 In every case tried in this court before a jury, the
21 jury becomes the sole and exclusive judges of the facts.
22 A trial judge cannot intimate, state, comment on, or make
23 any statement to a trial jury about the facts in a case.

24 Since you, the jury, are the sole judges of the facts
25 in this case, you are not to infer from what I've said

1 during the progress of this trial in ruling upon the
2 admissibility of evidence or otherwise, or anything that I
3 say now during the course of this instruction to you that
4 I have any opinion about the facts in this case. The law
5 does not allow me to have an opinion about the facts in
6 this case. This is a matter solely for you, the jury, to
7 determine. As jurors, it is your duty to determine the
8 effect, value, weight, and truth of the evidence presented
9 during this trial.

10 The Defendant is charged with the following: Murder
11 and possession of a weapon during the commission of a
12 violent crime.

13 I remind you that the fact the Defendant was
14 arrested, charged, and indicted is not evidence in this
15 case and cannot be considered by you as evidence of guilt
16 in this case. Nor does it create any presumption or
17 inference of guilt. These documents are simply the formal
18 written instruments which contain the charges made against
19 the Defendant. It is the formal documents by which this
20 case is brought into this court.

21 The Defendant has pled not guilty to this indictment.
22 And that plea puts the burden on the State to prove the
23 Defendant guilty. A person charged with committing a
24 criminal offense in South Carolina is never required to
25 prove himself innocent.

1 I charge you that it is an important rule of law that
2 the Defendant in a criminal trial, no matter what the
3 seriousness of the charge may be, will always be presumed
4 to be innocent of the crime for which the indictment was
5 issued, unless guilt has been proven by evidence
6 satisfying you of that guilt beyond a reasonable doubt.

7 This presumption of innocence does not end when you
8 begin your deliberations. But it accompanies the
9 Defendant throughout the trial until you reach a verdict
10 of guilt based on evidence satisfying you of that guilt
11 beyond a reasonable doubt.

12 The presumption of innocence is not mere legal
13 theory. It is not just a legal phrase. It is a
14 substantial right to which every defendant is entitled,
15 unless you, the jury, are satisfied from the evidence of
16 the Defendant's guilt beyond a reasonable doubt.

17 The State has the burden of proving the Defendant
18 guilty beyond a reasonable doubt. Some of you may have
19 served as jurors in civil cases where you were told that
20 it is only necessary to prove that a fact is more likely
21 true than not true, such as by the greater weight or the
22 preponderance of the evidence. In criminal cases, the
23 State's proof must be more powerful than that. It must be
24 beyond a reasonable doubt.

25 Reasonable doubt is the kind of doubt that would make

1 a reasonable person hesitate to act. Proof beyond a
2 reasonable doubt is proof that leaves you firmly convinced
3 of the Defendant's guilt.

4 There are very few things in this world that we know
5 with absolute certainty. And in criminal cases, the law
6 does not require proof that overcomes every possible
7 doubt. If based on your consideration of the evidence you
8 are firmly convinced that the Defendant is guilty of the
9 crime charged, you must find the Defendant guilty.

10 If, on the other hand, you think there's a real
11 possibility that the Defendant is not guilty, you must
12 give the Defendant the benefit of the doubt and find him
13 not guilty.

14 Facts and circumstances that merely place upon the
15 Defendant a grave suspicion of the crime charged or that
16 merely raise a speculation or conjecture of the
17 Defendant's guilt are not sufficient to authorize a
18 conviction of the accused. Facts in issue may be proven
19 by direct evidence, indirect evidence, or circumstantial
20 evidence. It is direct evidence if it proves a fact
21 without an inference and which in itself conclusively
22 establishes that fact. Direct evidence is, basically,
23 evidence you can see, observe, or hear with your senses.

24 Circumstantial evidence means the proof of a chain of
25 facts and circumstances indicating the existence of a

1 fact. In other words, you may infer that a particular
2 event occurred based on proof of circumstances warranting
3 such an inference. It is not something that one observes,
4 but from facts one can draw a conclusion.

5 Crimes may be proven by circumstantial evidence. The
6 law makes no distinction between the weight or value to be
7 given to either direct or circumstantial evidence.
8 However, to the extent the State relies on circumstantial
9 evidence, all of the circumstances must be consistent with
10 each other and when taken together point conclusively to
11 the guilt of the accused beyond a reasonable doubt. If
12 these circumstances merely portray the Defendant's
13 behavior as suspicious, the proof has failed.

14 The State has the burden of proving the Defendant
15 guilty beyond a reasonable doubt. The burden rests with
16 the State, regardless of whether the State relies on
17 direct evidence, circumstantial evidence, or some
18 combination of the two.

19 The following things are not evidence and you must
20 not consider them as evidence in deciding the facts of
21 this case: statements and arguments of the attorneys,
22 questions and objections of the attorneys, and testimony
23 that I instruct you to disregard.

24 While argument of counsel is a beneficial part of
25 every trial, you should remember that the statements made

1 by counsel are not evidence. In presenting arguments,
2 counsel often refer to evidence. However, you should base
3 your verdict on the evidence as you remember it.
4 Therefore, if there are any conflicts between the
5 recollection of counsel about the evidence and your own
6 recollection, you should rely upon your own understanding
7 of the evidence.

8 Necessarily, you must determine the credibility of
9 witnesses who have testified in this case. Credibility
10 simply means believability. It becomes your duty, as
11 jurors, to analyze and to evaluate the evidence and
12 determine which evidence convinces you of its truth.

13 In determining the believability of witnesses who
14 have testified in this case, you may believe one witness
15 over several witnesses, or several witnesses over one
16 witness. You may believe a part of the testimony of a
17 witness and reject the remaining part of the testimony of
18 that same witness. You may believe the testimony of a
19 witness in its entirety or reject the testimony of a
20 witness in its entirety. You may consider whether any
21 witness has exhibited to you any interest, bias,
22 prejudice, or other motive in this case. You may, also,
23 consider the appearance and manner of a witness while on
24 the witness stand.

25 The rules of evidence ordinarily do not permit

1 witnesses to testify to opinions or conclusions. An
2 exception to this rule exists for witnesses we call expert
3 witnesses. A witness, who by education and experience has
4 become expert in some art, science, profession, or calling
5 may state an opinion as to relevant and material matter in
6 which the witness claims to be an expert. And they may,
7 also, state the reasons for the opinion.

8 You should consider any expert opinion received in
9 evidence in this case and like in any other evidence, give
10 it the weight you think it deserves. If you decide that
11 the opinion of an expert witness is not based on
12 sufficient education and experience, or if you conclude
13 the reasons given in support of the opinion are not sound,
14 or that the opinion is outweighed by other evidence, you
15 may disregard the opinion entirely.

16 An expert witness' testimony is to be given no
17 greater weight than that of other witnesses simply because
18 the witness is an expert. Further, you are not required
19 to accept an expert's opinion even though it is not
20 contradicted.

21 There's been evidence presented that witnesses had
22 made prior statements which are not consistent with the
23 witness' present testimony. You may use this evidence to
24 decide whether to believe the witness.

25 You may, also, use evidence of the earlier

1 contradictory statements to determine the truth of those
2 statements. It is up to you to decide whether to believe
3 the earlier statements or the testimony given at trial.

4 If a witness is shown to have knowingly testified
5 untruthfully concerning any material matter, you may
6 consider this in determining whether to trust the witness'
7 testimony as to other matters. You may reject all the
8 testimony of that witness or give all or part of the
9 testimony the weight you think it deserves.

10 A person who has a past criminal record is competent
11 to testify during a trial. A past record does not affect
12 the ability of that witness to testify. The past record
13 may only be considered by you, if at all, in determining
14 the witness' believability. Remember, you are the sole
15 judges of the facts in the case and the believability of
16 any and all of the witnesses.

17 In order to establish criminal liability, criminal
18 intent is required. For example, the mental state
19 required to be proven by the State for a particular crime
20 might be purpose, intent, knowledge, recklessness, or
21 criminal negligence. Criminal intent must be proven by
22 the State beyond a reasonable doubt.

23 Criminal intent is always a matter that must be
24 determined by the jury from the circumstances surrounding
25 the situation. There is no way to prove intent to a

1 mathematical certainty. There is no way medical science
2 can dissect a person's brain and determine what the person
3 had in mind. So the law says that criminal intent may be
4 inferred from the circumstances shown to have existed.

5 This is how you make a determination of whether or
6 not the element requiring intent was present. It is not
7 necessary to establish intent by direct and positive
8 evidence. But intent may be established by inference in
9 the same way as any other fact by taking into
10 consideration the acts of the parties and all the facts
11 and circumstances of the case.

12 Criminal intent is a mental state, a conscious
13 wrongdoing. It is up to you to determine what the
14 Defendant intended to do based on the circumstances shown
15 to have existed. Criminal intent can arise from action or
16 failure to act. It may arise from negligence,
17 recklessness, or an indifference to duty or consequences
18 that is considered by the law to be the equivalent of
19 criminal intent.

20 The Defendant is charged with murder. The State must
21 prove beyond a reasonable doubt that the Defendant killed
22 another person with malice aforethought. Malice is
23 hatred, ill will, or hostility toward another person. It
24 is the intentional doing of a wrongful act without just
25 cause or excuse and with an intent to inflict an injury or

1 under circumstances that the law will infer an evil
2 intent.

3 Malice aforethought does not require that malice
4 exist for any particular length of time before the act is
5 committed. But malice must exist in the mind of the
6 Defendant just before and at the time of the -- that the
7 act is committed. Therefore, there must be a combination
8 of the previous evil intent and the act.

9 Malice aforethought may be either expressed or
10 inferred. These terms expressed and inferred do not mean
11 different kinds of malice, but merely the manner in which
12 malice may be shown to exist. That is either by direct
13 evidence or by inference from the facts and circumstances
14 which are proven.

15 Expressed malice is shown when a person speaks words
16 which express hatred or ill will for another, or when the
17 person prepared beforehand to do the act which was later
18 accomplished. For example, lying in wait for a person or
19 any other acts of preparation going to show that the deed
20 was within the Defendant's mind would be expressed malice.

21 The Defendant is, also, charged with possession of a
22 weapon during the commission of a violent crime. The
23 State must prove beyond a reasonable doubt that the
24 Defendant was in possession of a firearm during the
25 commission of a violent crime. A firearm means any

1 machine gun, automatic rifle, revolver, pistol, or any
2 weapon which will -- is designed to or may be readily
3 converted to expel a projectile.

4 In order to find the Defendant guilty of possession
5 of a weapon during the commission of a violent crime, you
6 must first find the Defendant guilty of committing a
7 violent crime. Murder is a violent crime. The State must
8 prove beyond a reasonable doubt that the weapon furthered,
9 advanced, or helped in the commission of the crime.

10 In determining the guilt or innocence of the
11 Defendant, you cannot consider any possible penalty for
12 any particular crime. The punishment for the crime is a
13 matter for me to determine and should never be considered
14 by you in any way whatsoever in arriving at an impartial
15 verdict as to the guilt or the innocence of the Defendant.

16 Mr. Foreperson, and, ladies and gentlemen of the
17 jury, I wish to express the hope that each of you will be
18 mindful of the importance of your responsibility. You are
19 not called upon to serve as jurors very often. And the
20 proper performance of the duty requires each of you to
21 reach the height of freeing your mind of all improper
22 influences.

23 As the presiding officer of this Court, I am vitally
24 concerned that whatever verdict you find will be the
25 result of your going into the jury room and confining your

1 consideration to the evidence and the law that you have
2 heard in this courtroom, weighing it fairly and
3 impartially, as I have every confidence you will do. Your
4 verdict in this case cannot be based on sympathy,
5 compassion, prejudice, or emotion, or some other
6 consideration not found in the evidence. Remember, your
7 verdict must be unanimous.

8 I will now explain the verdict form and possible
9 verdicts. This will go back into the jury room with you.
10 Again, it's a verdict form. And there are two possible
11 verdicts for each charge which you may find in this case.
12 There is no significance whatsoever in the order in which
13 I state these possible verdicts. It is simply that one
14 must be stated first. Ladies and gentlemen, your verdict
15 must be a unanimous one.

16 Mr. Foreperson, when the jury agrees on the verdict,
17 you'll write the verdict on the verdict form and sign your
18 name as foreperson, and then knock on the jury room door
19 and inform the bailiff that you have reached a verdict.
20 At that time, we will receive you back into the courtroom.

21 I ask you now to return to your jury room. But do
22 not begin deliberations until you are told by the clerk or
23 the bailiff to do so. I have some matters I must discuss
24 with the attorneys before you begin your deliberations.

25 And the two alternates, y'all will stay in the

1 courtroom. Okay.

2 (WHEREUPON, the jury was excused from open court at
3 approximately 3:25 p.m.)

4 THE COURT: I want to thank both of you for your
5 service. You're welcome to hang around or leave. Your
6 jury service is complete for the week. And I cannot tell
7 you how much I am grateful for your service. And I know
8 that the parties are. And sometimes you get chosen
9 because an alternate is needed, and sometimes you don't.

10 So thank you both.

11 (WHEREUPON, the alternate jurors exited the
12 courtroom.)

13 THE COURT: Anything from the State?

14 MS. GASSER: Nothing from the State, Your Honor.

15 THE COURT: Anything from the Defense?

16 MR. SANFORD: Just for the record, obviously, an --
17 an objection to the denial of my prior mere presence
18 charge.

19 THE COURT: Yes, sir.

20 MR. SANFORD: But other than that, no, Your Honor.

21 THE COURT: And you are protected on that.

22 (WHEREUPON, the proceedings were recessed at
23 approximately 3:27 p.m.)

24 (WHEREUPON, Court's Exhibit No. 9 was marked for
25 identification only.)

QUESTIONS FROM THE JURY

THE COURT: We have a question. Actually, we have two questions. It's been marked as Court's Exhibit No. 9. I'll let y'all come up here and look at it.

But the first question is, essentially, asking for matching up the numbers. They've given the last four digit of the phones. And the first one says 8770 and then has the name RHN by it. The next one is 9521, and it has Marquail next to it. The next one is 6331, Kel-Asia. And the next one is 0822, Destany.

And the question is: Confirmation the numbers above are correct?

And then the next question is they need the testimony transcript from Rahiem Griffin.

So if y'all want to come up here and look at it, you can. I would imagine as to the first one, they should be able to discern that from the evidence that's in the record.

And, Hollie, are you able to segment out just the Defendant's testimony and put it on a thing, or do we just need to play it out here?

THE COURT REPORTER: We usually just play it out here.

(WHEREUPON, a bench conference was held.)

THE COURT: Okay. Just let me know if you need to

1 add anything on the record. But I'm, basically, just
2 saying, Judge can't answer. You must discern this from
3 the evidence, as far as the first one.

4 And then I'm just telling them that we will return
5 them to the courtroom to hear the testimony.

6 So I'm going to send this back. And we will get this
7 back from them. Okay.

8 MS. GASSER: No objection from the State, Your Honor.

9 MR. SANFORD: No objection from the Defense.

10 THE COURT: Okay. Thank you.

11 And we'll need to get this back from the foreman.

12 (Pause.)

13 THE COURT: Anybody have anything before I bring the
14 jury back in?

15 MS. GASSER: We were, actually, talking about -- Your
16 Honor, was the question, specifically, that they wanted a
17 transcript or -- I'm assuming that they wanted --

18 THE COURT: They asked for a transcript.

19 MS. GASSER: Okay.

20 THE COURT: I mean, they want to know what the
21 testimony was. Now, do you want me to go back and say --
22 and clarify that, tell them that we can't give them a
23 transcript, that they can listen?

24 And I apologize. I should have -- I mean, I --

25 MS. GASSER: We made the same assumption.

1 THE COURT: Well, yeah. They want to hear it, I
2 mean, or they want to know what was testified to.

3 MS. GASSER: I think it's fine. I think it's fine.

4 MR. SANFORD: I think they -- if they want to hear it
5 and they want to see it, then we'll let them do it this
6 way. And if they have objections, they can write another
7 note and say, I didn't want to hear it. But let them hear
8 it --

9 THE COURT: Or do you wish for me to clarify that
10 with them now?

11 MR. SANFORD: I think if they're asking for a
12 transcript, they, obviously, want to see the testimony.

13 THE COURT: Which we all assumed.

14 MR. SANFORD: However, that's not available. So I
15 think this is the next best thing. So I would say let's
16 go ahead and play it.

17 THE COURT: And I did -- I guess they would have
18 probably responded to my answer now telling them that I
19 will bring them into the courtroom to hear --

20 MR. SANFORD: Yes, Your Honor.

21 THE COURT: All right. You can bring them in.
22 Thank you.

23 THE BAILIFF: They want to know if they can take
24 notes.

25 THE COURT: Any question, they need to put it in

1 writing to me.

2 Do y'all have any objection to that or can the
3 bailiff simply say no note taking?

4 MS. GASSER: Yeah. I do think they need to put it in
5 writing.

6 MR. SANFORD: I would say for record purposes, if
7 they have that question, they need to, at least, put it in
8 writing.

9 THE COURT: The foreperson needs to write me a
10 question so I can answer it.

11 THE BAILIFF: Okay.

12 (WHEREUPON, Court's Exhibit No. 10 was marked for
13 identification only.)

14 THE COURT: The question is: Can we take notes
15 during the testimony?

16 Do y'all need to look at it?

17 MS. GASSER: No, Your Honor.

18 THE COURT: I'm going to say, No.

19 MR. SANFORD: I would agree with that as well.

20 MS. GASSER: No objection.

21 THE COURT: Thank you.

22 (WHEREUPON, the jury came into open court at
23 approximately 5:23 p.m.)

24 THE COURT: I know this seems kind of overkill, but
25 we have to document everything and any communication with

1 the jury. And we marked them as exhibits. So I'll need
2 to get both of those notes back.

3 But I just wanted to let you know that that seems
4 like that could be something handled by a quick answer.
5 But, again, we're just documenting everything.

6 Thank you.

7 (WHEREUPON, Defendant Rahiem Jarrard Griffin's
8 testimony was played in open court.)

9 THE COURT: Can you take the jury out for a second?
10 I want to make sure we have right where it starts.

11 (WHEREUPON, the jury was excused from open court at
12 approximately 5:32 p.m.)

13 THE COURT: My concern was I know we did the
14 proffered testimony. And I want to make sure there's
15 not...

16 (WHEREUPON, Defendant Rahiem Jarrard Griffin's
17 testimony continued to be played in open court.)

18 THE COURT: Okay. You can bring the jury back in.

19 (WHEREUPON, the jury came into open court at
20 approximately 5:36 p.m.)

21 (WHEREUPON, Defendant Rahiem Jarrard Griffin's
22 testimony continued to be played in open court.)

23 THE COURT: Y'all can return to the jury room.

24 And just hand in the two questions.

25 Thank you, sir.

1 (WHEREUPON, the jury was excused from open court at
2 approximately 5:55 p.m.)

3 THE COURT: All right. We'll take a break.

4 (WHEREUPON, the proceedings were recessed at
5 approximately 5:56 p.m.)

6 THE COURT: Is everybody back?

7 MR. SANFORD: Yes, Your Honor. Everyone on the
8 Defense side is back.

9 MS. GASSER: Yes, Your Honor.

10 THE COURT: And I would just caution everybody in the
11 courtroom to remain quiet with the verdict.

12 You can bring the jury in.

13 (WHEREUPON, the jury came into open court at
14 approximately 6:08 p.m.)

15 THE COURT: Mr. Foreperson, has the jury reached a
16 verdict?

17 JUROR #59, TONY FLORES: Your Honor, yes, we have.

18 THE COURT: You can hand that to him.

19 Okay. Madam Clerk, would you publish the verdict?

20 VERDICT

21 THE CLERK: Your Honor, in the case of the State of
22 South Carolina vs. Rahiem Jarrard Griffin, as to
23 indictment 2022-GS-23-2715, for murder, we, the jury, find
24 the, Defendant, Rahiem Jarrard Griffin, guilty.

25 As to indictment 2022-GS-23-2715, for possession of a

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

3 I certify that this is a unanimous decision of the
4 jury signed by Mr. Flores, our foreperson.

5 Ladies and gentlemen, if you agree these are the
6 verdicts you reached in your deliberation room, would you,
7 please, raise your right hand.

8 (WHEREUPON, all of the jurors raised their right
9 hand.)

10 THE CLERK: I thank you.

11 THE COURT: Anything further at this point? I will
12 in a moment if there's any motions, but, I mean --

13 MS. GASSER: Nothing from the State, Your Honor.

14 MR. SANFORD: Nothing from the Defense.

15 THE COURT: Okay. We will take a quick break.

16 Will you, please, take the jury back to the jury
17 room?

18 (WHEREUPON, the jury was excused from open court at
19 approximately 6:10 p.m.)

20 THE COURT: Will y'all be ready to move forward with
21 sentencing? Do y'all need to get sentencing sheets?

22 MR. GREGORY: Five minutes.

23 THE COURT: Yeah. I'm taking a break right now.

24 (WHEREUPON, a break was taken.)

25 THE COURT: Okay. You can bring him up.

1 I'll hear from the State.

2 MS. GASSER: May it please the Court.

3 Your Honor, the Defendant does have 1,099 jail days
4 credit.

5 Your Honor, the Court has just sat through the
6 entirety of this case. I won't go into factual -- any of
7 the facts. I believe that it speaks for itself.

8 I would just like to put on the record that he does
9 have a 2015 shoplifting; 2016, shoplifting; 2021,
10 shoplifting enhanced; and a 2016 possession of a schedule
11 I or II drug first offense.

12 Your Honor, the victim's mother, Jean Smith, has been
13 present the entire trial. She's present now. She does
14 not wish to make a statement.

15 The State's position in this matter is that this was
16 a cold execution. This was a shot to the back of the
17 head. The heinous nature of this crime is why the State
18 is asking for the maximum penalty of life in prison. That
19 is an incredibly dangerous person that would use a firearm
20 in that manner. This was cold and calculated and was
21 sought to be hidden from eyes, from cameras, from
22 witnesses.

23 Further, Your Honor, it happened in 2014 and no one
24 came forward and no one sought justice -- or to offer
25 justice in this case for this victim and this family.

1 And, again, for those reasons, the State is asking that he
2 be sentenced to life imprisonment.

3 MR. SANFORD: Thank you, Your Honor.

4 May it please the Court.

5 THE COURT: Yes.

6 MR. SANFORD: Obviously, Your Honor, you have sat
7 through this whole trial at this point. You have seen
8 that Mr. Griffin's family has been here the whole time as
9 well. He has a great family life. His parents,
10 obviously, care. I believe his grandmother does want to
11 speak on his behalf at the appropriate time.

12 To tell you a little bit about Mr. Griffin outside of
13 what was happening in this trial, at this time, he has
14 been working at AFR in Piedmont. He was going to
15 Greenville Tech for body repair school. He wanted to be a
16 person who contributes to society. Unfortunately, I think
17 he ended up running with the wrong crowd. That's what he
18 says that got him into the drug life, that got him into
19 all that kind of stuff.

20 And, unfortunately, Your Honor, I think this is a
21 tragedy on both sides today where we have a victim who
22 is -- is, unfortunately, deceased and then we have
23 Mr. Griffin, who will -- who has been found guilty of a
24 crime that will put him in jail for a long time and
25 separate him from his family and his loved ones for a

1 really, really, long time, Your Honor.

2 I would -- before I go into what I think the
3 sentencing measures are, I would ask if his grandmother
4 could speak at this time?

5 THE COURT: Yes, sir.

6 Ma'am, thank you for being here.

7 MS. WATERS: My name is Azlee [phonetic] Waters. I
8 am Rahiem's grandmother.

9 Rahiem has been a good child. When he was a little
10 boy, he never got into nothing. You could make him mad,
11 he would just look. He wasn't a violent child. His
12 parents, which is my daughter and my son-in-law, they
13 raised their kids. They -- they never wanted for nothing.
14 But when a child gets older, it gets estranged. But it
15 will come back home.

16 But this here, I ask the Court to have mercy on my
17 grandson. My grandson helps me. I am disabled. He does
18 things for me, cuts my grass, come drive me different
19 places. My grandson just fell by the wayside. But I just
20 don't believe that this is what my grandson done because
21 he's never been violent. He's just been a good boy.

22 I just ask the Court to have mercy on my grandson. I
23 don't want to be dead and gone when he gets out. I just
24 ask the Court to have mercy. He's the only one I've got
25 that would do something for me and come drive me. I have

1 an injury in my back. And he comes and he does for me,
2 drives me, takes me to the doctor.

3 It's just something went wrong. It went wrong. And
4 when it went wrong -- I just can't believe that my
5 grandson would do something when he's never been a violent
6 person. Drugs is out here. I appreciate the law getting
7 drugs off the street. My grandson, he just fell in the
8 wrong hands. Please have mercy on my grandson.

9 MR. SANFORD: Thank you, Your Honor.

10 And in that vein, I do believe that taking
11 Mr. Griffin's entire life away would be another tragedy.
12 So we would ask for something towards the lower end of the
13 sentence here, towards 30 or 40 years. So that way, he
14 potentially could maybe have a couple of years left where
15 he can get out and have -- have just a bit of a life at
16 the end of his life.

17 He's 31 now. I believe that -- giving him a couple
18 years at the end of his life and not putting him in jail
19 for life imprisonment, I believe he -- he would benefit
20 from that. And I think that that would help society as well.

21 THE COURT: Anything from the State?

22 MS. GASSER: Nothing additional from the State, Your
23 Honor.

24 SENTENCING

25 THE COURT: Mr. Griffin, the sentence of the Court in

1 indictment case 2022-GS-23-2715 for murder is that you're
2 to be committed to the State Department of Corrections for
3 45 years.

4 Indictment case 2022-GS-23-2715, possession of a
5 weapon during a violent crime, the sentence of the Court
6 is for you to be committed to the State Department of
7 Corrections for five years. And this is to run concurrent
8 with the sentence that I just gave you.

9 *****END OF TRANSCRIPT OF RECORD*****
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 15th, 16th, 17th, and 18th days of April, 2024.

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

January 7, 2025

Hollie M. Jenkins, Court Reporter

- ✓ - 8770 Rahn
- ✓ - 9521 Marquail
- 6331 Kelasia
- ✓ 0822 Destany

- Confirmation the numbers above are correct?

JUDGE FANT ANSWER: YOU MUST DISCERN THIS FROM THE EVIDENCE

- Testimony transcript from Rahiem Griffin.

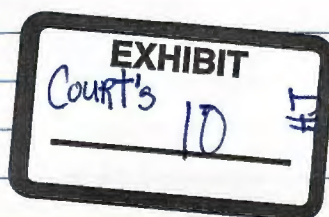
JUDGE FANT: We will return you to the courtroom to hear Tony Flores the testimony.



- Can we take notes ~~?~~
during this testimony?


Tony F

No



STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS	FILED APR 15 2024 Clerk of Court Greenville County
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT	
THE STATE	)		
-VS-	)		
	)	Indictment: 2022GS2302715	
RAJHEM JARRARD GRIFFIN	)	Warrants: 2021A2330203462-3463	
DOB: 02-13-1993	)	Offenses: Murder & Possession of a Weapon	
	)	During the Commission of a Violent Crime	
	)	STATE'S MOTION FOR REMOTE TESTIMONY	
<u>DEFENDANT.</u>	)		

The State of South Carolina, by and through its undersigned counsel, files this Motion in Limine and provides notice to the Defendant, by and through defense counsel for Defendant, Richard Warder, Esquire, that the State of South Carolina moves for an Order allowing remote communication technology for testimony in this aforementioned case. Two of the State's essential witnesses (C.R. and D.R.) are both records custodians for two different sets of phone records for the cellular providers AT&T and Verizon.

I. Evidence is Relevant

Evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." S.C.R.E. 401. "All relevant information is admissible, except as otherwise provided by the Constitution of the United States, the Constitution of the State of South Carolina, statutes, [the South Carolina Rules of Evidence], or by other rules promulgated by the Supreme Court of South Carolina. S.C.R.E. 402. The evidence need not be "necessary" to the State's case in order to be admitted. *State v. Sweat*, 362 S.C. 117, 606 S.E.2d 508 (S.C. App. 2004).

Here, the two remote witnesses would be called to testify as to authenticity of phone records. The State will be offering authentication certifications as well. Those phone records were utilized to map the Defendant's and Victim's phones' movements on the incident date. Therefore, the State asserts the evidence is relevant.

II. Judicial Economy Supports Remote Technology

The Supreme Court of the United States has long held that “an actual face-to-face encounter at trial” is not what the Confrontation Clause requires. *Maryland v. Craig*, 497 U.S. 836, 110 S. Ct. 3157, 111 L.Ed.2d 666 (1990). In 2020, the South Carolina Supreme Court approved and implemented remote communication technology to allow Court proceedings to continue during the COVID-19 pandemic and related Court closures. Our Courts continue to utilize such technology to receive the testimony of necessary witnesses who live and work out of state in the interest of judicial economy and efficiency. There is established precedent in this circuit where, in other jury trials, an expert witness has been permitted to testify remotely.

The Court set this trial for April 15th, 2024. Two of the State’s witnesses are the custodian of records for Verizon Wireless and AT&T, and the witnesses reside outside of South Carolina. It will be of great expense to the State to fly these witnesses to South Carolina for the sole purpose of authenticating these records. There is established precedent in this circuit where, in other jury trials, an expert witness has been permitted to testify remotely. The witnesses in this case whose testimony is requested to be remote are not expert witnesses, but purely custodians of records who’s testimony is expected to be very brief.

Respectfully submitted,



Meghan Gasser
Assistant Solicitor (Bar No.: 104134)
Thirteenth Circuit Solicitor’s Office

Dated: 4/15/24

Greenville, South Carolina

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

THE STATE OF SOUTH CAROLINA,

vs

RAHIEM JARRARD GRIFFIN,

Defendant.

) IN THE COURT OF GENERAL SESSION

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THIRTEENTH JUDICIAL CIRCUIT

Indictments: 2022-GS-23-02715

**MOTION IN LIMINE TO EXCLUDE
GANG EVIDENCE**Clerk of Court
Greenville County

APR 15 2024

FILED

COMES NOW the Defendant, RAIHIEM JARRARD GRIFFIN, by and through his undersigned attorney that the Defense seeks to exclude any and all mentions or evidence of alleged gang activity in the Defendant's trial under rules S.C. R. Evid. 404(b) and S.C. R. Evid. 403.

ISSUES

The relevant issues before the court are as follows:

- 1) Inadmissible Bad Acts Evidence (404(b))
- 2) Evidence is More Prejudicial than Probative, Could Confuse the Jury, Would be Cumulative, and inadmissible (403)

OUTLINE OF ARGUMENTS

The arguments in support of Defendant's Motion to Exclude are as follows:

1) Inadmissible Bad Acts Evidence (404(b))

a. The evidence that the State seeks to admit is evidence ONLY of alleged gang affiliation and not of a legitimate purpose or of specific bad acts that would tend to show motive or intent.

i. Distinct from *Johnson v. State*, 433 S.C. 550, 860 S.E.2d 696 (S.C. App. 2021)

1. Evidence against Johnson showed his "iron grip" on his underlings, how gang was ran through intimidation, and members were promoted based on crime committed.

2. No evidence of the murder being gang motivated

3. No allegation that a gang member ordered the murder

4. Rule 404(b) bars the use of prior bad act evidence to prove character, deeming it useless to the factfinder, for such use does not make any legitimate fact at issue more or less probable. Proof that a defendant was a member of a gang, without more, generally proves nothing of consequence at a criminal trial and may even implicate First Amendment rights.

5. Evidence must show more than the person has a propensity to commit crimes

6. Cases where prior bad act evidence of gang affiliation may be admitted to prove "motive" or "intent" will be uncommon, and these terms "are not magic passwords whose mere incantation will open wide the courtroom doors to whatever evidence may be offered in their names." quoting *United States v. Goodwin*, 492 F.2d 1141, 1155 (5th Cir. 1974) and 1 *McCormick on Evidence* § 190.5 (8th ed. 2020) (motive exceptions inapplicable "when 'motive' or 'intent' is just another word for propensity").

ii. *Robinson v. State* 438 S.C. 421, 882 S.E.2d 883 (S.C. App 2023)

1. Evidence of gang affiliation constituted prior bad acts evidence but court had to answer if the evidence was logically relevant to Robinson's involvement in crimes for which he was charged *and* proved motive and intent to commit such crime.

2. Evidence against Defendant is not logically relevant. Multiple people lived in apartment. No documents provided show any structure of gang or that murder was predicated upon gang issues.

3. Evidence does not show motive and intent. Just potential gang affiliation.

2) Evidence is More Prejudicial than Probative, Would Cause Jury Confusion, Would be Cumulative and Inadmissible (403)

a. Even if the evidence is allowed under 404(b), the evidence is more prejudicial than probative and will confuse the jury and would be cumulative.

i. *Robinson v. State* 438 S.C. 421, 882 S.E.2d 883 (S.C. App 2023)

1. "State presented much evidence that was substantially prejudicial to Robinson's case and confusing to the jury. For instance, the State continued to question witnesses about two murders and various shootings that occurred in Robinson's neighborhood in an attempt to prove an ongoing gang war in the neighborhood"

2. State questioned half of its witnesses about gang-related evidence and repeatedly spoke to gang characteristics and gang violence in its opening and

closing arguments. The State, through eliciting such a large quantity of gang-related evidence, essentially put Robinson on trial for being a member of a gang and the gang activity in his neighborhood.

3. Defendant allegedly has gang ties
4. The State in this matter only has gang evidence that will confuse the jury.
5. "The purpose of the rules of evidence is to facilitate fair proceedings that bring forth the truth, not the whole truth, from its shroud of smoke and mirrors in a manner that will secure fair and just outcomes at trial. *See* Rule 102, SCRE"

ii. Distinct from *Johnson v. State*, 433 S.C. 550, 860 S.E.2d 696 (S.C. App. 2021)

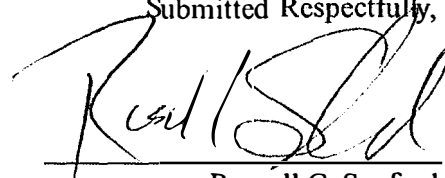
1. "In criminal cases, the term 'unfair prejudice' 'speaks to the capacity of some concededly relevant evidence to lure the factfinder into declaring guilt on a ground different from proof specific to the offense charged'"
2. Defendant is being put on trial for allegedly being a member of a gang, not for the alleged charges.
3. "Evidence of gang affiliation demands careful handling because of its power to distract the fact finder from its rational task of deciding the facts from objective evidence, luring their attention to the lurid, raising the risk that they will decide the case on an improper or subjective (often an unduly emotional) basis. The rules of evidence recognize verdicts are still rendered by human hands, not the artificial workings of algorithms, and emotion has its place. Rule 403 ensures emotion stays in its place. Probative evidence always prejudices the opposing party by building a case against them; however, Rule 403 only forbids "unfair prejudice," and its balancing test enables the trial court to temper the risk that evidence will exert such a pull on the jurors' emotions that it overwhelms their ability to rationally and impartially weigh the evidence and apply the law to the facts. Mention of gangs summons a stigma of lawlessness, and Rule 403 requires exclusion of gang evidence if the prejudicial risk substantially outweighs the evidence's probative value."
4. Evidence against the Defendant would be repetitive and should be excluded.
5. "The proverb may be true that judges, knowing nothing, need to be told the same thing three times, but juries do not, and Rule 403's bar against cumulative evidence empowers the trial judge to exclude the repetitive."

CONCLUSION

Based on the foregoing reasons, the Defendant respectfully moves to exclude any and all mentions or evidence of alleged gang affiliation under rules S.C. R. Evid. 404(b) and S.C. R. Evid. 403.

IT IS SO MOVED

Submitted Respectfully,

A handwritten signature in black ink, appearing to read "Russell C. Sanford", written over a horizontal line.

Russell C. Sanford
Law Firm of Richard Warder
Co-Counsel for Defendant

April 12, 2024

WITNESSES

Jason M Cox

Greenville County Sheriff's Office

4/15/2021

ARREST WARRANT NUMBER

2021A2330203462 and 2021A2330203463

ACTION OF GRAND JURY

FILED BILL

James Fowler

GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2022-GS-23-

MMO

002715

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2022

THE STATE

vs.

[Signature]

RAHIEM JARRARD GRIFFIN

Indictment for

0116 an 0549

MURDER

and

**POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME**

VIOLATION § 16-3-1000 and § 16-23-0490

**ENTERED
ACCORD**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER
 and
POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

MAY 17 2022

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

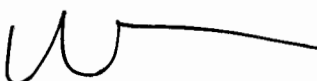
COUNT I – MURDER
(Warrant 2021A2330203462)

That RAHIEM JARRARD GRIFFIN did in Greenville County, on or about the 31st day of January, 2014, unlawfully and with malice aforethought kill MARQUAIL HELAMS by means of a gunshot wound and that MARQUAIL HELAMS died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

COUNT II – POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME
(Warrant 2021A2330203463)

That RAHIEM JARRARD GRIFFIN did in Greenville County, on or about the 31st day of January, 2014, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: MURDER. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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



SOLICITOR

BAR # 100822

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Molly M Keegan
Appellate Defender

RECEIVED

Feb 19 2026

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of February, 2026.