

VOLUME I OF III

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Sumter County

Honorable R. Kirk Griffin, Circuit Court Judge

RODNEY R. GREEN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000277

APPENDIX

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State of South Carolina)
)
County of Sumter)

The State of South Carolina,)
Plaintiffs)
 Transcript of Trial
 2014-GS-43-00524

vs.

Rodney Green,)
Defendant)
 November 9th-11th 2015
 Sumter, S.C.

Before the Honorable George C. James, Judge.

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

Mr. Ernest A. Finney, III,
Solicitor

Mr. Charlie Johnson,
Attorney for Defendant

Margaret T. Sullivan,
Court Reporter

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1 THE COURT: Mr. Finney.

2 MR. FINNEY: May we approach, Your Honor?

3 THE COURT: Yes, sir.

4 THE COURT: Mr. Finney.

5 MR. FINNEY: May It Please the Court, Your
6 Honor. On behalf of the State of South Carolina, we
7 present indictment 2014-GS-43-0524. The State
8 versus Rodney R. Green, an indictment for murder,
9 attempted murder, possession of a weapon during a
10 violent crime, and possession of a stolen pistol. A
11 true billed indictment by the Sumter County Grand
12 Jury.

13 THE COURT: Ladies and gentlemen, we now
14 are going to select a jury of the trial of the case
15 of the State of South Carolina versus Rodney R.
16 Green. And before I begin the questions, I'll
17 instruct you, Ladies and gentlemen, that the fact
18 that a person is arrested or charged or indicted for
19 any criminal offense, is not evidence of anything.
20 The indictment that has been mentioned is simply a
21 charging document. It sets forth allegations that
22 the State must proof beyond a reasonable doubt.

23 Anyone who is charged with an offense is
24 presumed innocent. The person who is charged does
25 have to prove or disprove anything, and the State

1 has the sole burden of proving the elements of the
2 crime charged beyond a reasonable doubt. So the
3 fact that I refer now to the indictment and the
4 allegations is not intended to be a comment by me on
5 the facts. I simply have to tell you what the
6 charges are, and what the alleged circumstances
7 were, so I can ask you the first question. And that
8 would be, is there anyone who knows anything about
9 this case.

10 The indictment alleges under Count 1, that
11 on or March 16th 2014, the defendant Rodney R.
12 Green did wilfully and intentionally kill one Tyrese
13 Archie with malice aforethought by means of shooting
14 him. And that Mr. Archie did die as an approximate
15 result of that act. Again the date in question is
16 March 16th 2014. Any particular landmark or
17 location that's going to be referred to, gentlemen?

18 MR. FINNEY: At the Club Miami on US 378,
19 Your Honor.

20 THE COURT: The State alleges that the act
21 occurred at the Club Miami on Highway 378. Again,
22 March 16th 2014. Count 2, says that on or about the
23 same date the defendant did with intent to kill,
24 attempt to kill another person with malice
25 aforethought by shooting Ray'Quann Jenkins. Count

1 3, is possession of a weapon or charges the
2 defendant with committing the offense of the
3 possession of a weapon during the commission of a
4 violent crime. And Count 4, alleges that on or
5 about the same date, the defendant did have in his
6 possession, a stolen handgun or a handgun from which
7 the original serial number had been removed or
8 obliterated.

9 Those are the four charges against the
10 defendant against Rodney Green. Mr. Green, could
11 you please stand and face the jury panel? Thank you
12 very much. Now, first, Ladies and gentlemen, is
13 there anyone on this panel who knows anything about
14 this case at all. It might be that you have heard
15 casual conversation. It might be that you have
16 read something about it, and seen something about it
17 on the news. I'm not saying there was anything, but
18 that's an example. It also might be that you have
19 firsthand knowledge of what is alleged to have
20 occurred, or what may or not may not have occurred.

21 And the simple question is there anyone on
22 this panel who knows anything about this case from
23 any source whatsoever, other than what just came out
24 of my mouth? If so please stand. If you folks
25 could get in line, please. Mr. Dwyer, you can get

1 in line too.

2 Ms. Jones, No. 97 you can come up,
3 please. And by the way, if you do come up here and
4 give me information, or Judge Murphy next door,
5 please don't talk to any of you fellow jurors about
6 what we discussed. Ms. Jones, No. 97, you come up
7 here and give information. Yes, ma'am.

8 THE JUROR: I know the family of victim.
9 Mr. Archie's family.

10 THE COURT: How long have you known them?

11 THE JUROR: All my life.

12 THE COURT: Knowing that, would you be
13 able to set that aside the fact that you know the
14 victim's family and be a fair and impartial juror?

15 THE JUROR: I can.

16 THE COURT: Will you do that?

17 THE JUROR: Yes.

18 THE COURT: And would you be able to be
19 fair to the defendant and to the State.

20 THE JUROR: Yes.

21 THE COURT: And have you heard anything
22 about the case?

23 THE JUROR: No, sir.

24 THE COURT: How did you know that he
25 passed way?

1 THE JUROR: Because he's the same age as
2 my son. And somebody had called, and that's where I
3 got it. That's all.

4 THE COURT: Thank you, ma'am.

5 THE JUROR: Just that I've known them all
6 my life.

7 THE COURT: And the fact that you've known
8 them all your life, would you be able to be fair to
9 both sides?

10 THE JUROR: I would.

11 THE COURT: And decide the case on the
12 evidence and the law, and not on the fact that you
13 know them.

14 THE JUROR: Yes.

15 THE COURT: 51 Mr. Dwyer. During the
16 jury qualifications you said you had some knowledge
17 about the first case. What do know? Were you there
18 the night this happened?

19 THE JUROR: No.

20 THE COURT: Would you be able to be fair
21 in this case.

22 THE JUROR: I don't want anything to do
23 with this case.

24 THE COURT: Sir, you can be seated. 22.
25 Your last name, ma'am.

1 THE JUROR: Brooks.

2 THE COURT: Yes, ma'am.

3 THE JUROR: The Archie boy is related.

4 THE COURT: What relation is he to you?

5 THE JUROR: I'm thinking his aunt.

6 THE COURT: When he died were you aware of
7 it immediately after that? What did hear happened?

8 THE JUROR: That he got shot.

9 THE COURT: Did you hear about the
10 circumstances involved? How it happened?

11 THE JUROR: No, sir.

12 THE COURT: Anything at all.

13 THE JUROR: That he got shot.

14 THE COURT: Do you know the defendant?

15 THE JUROR: No.

16 THE COURT: But you know Mr. Archie.

17 Just related.

18 THE JUROR: I seen them and do know his
19 family.

20 THE COURT: Who in his family do you know?

21 THE JUROR: His aunts.

22 THE COURT: If you were on this jury,

23 Ms. Brooks, would you be able to set aside

24 everything that you heard and be completely fair and
25 impartial?

1 THE JUROR: Yes, sir.

2 THE COURT: If you are on this jury, could
3 you be 100 percent fair and impartial to the State
4 and to the defendant?

5 THE JUROR: Yes, sir.

6 THE COURT: Would you be able to base your
7 verdict in this case on the evidence and the law
8 only, and completely disregard the fact that you are
9 related to the victim's family?

10 THE JUROR: Yes.

11 THE COURT: Thank you.

12 THE BAILIFF: 140.

13 THE COURT: Mr. Rembert. Yes, sir.

14 THE JUROR: Your Honor, I know the victim
15 and his family.

16 THE COURT: Can you be a fair and
17 impartial juror and base your verdict on the
18 evidence and not on the fact that you know them?

19 THE JUROR: I can.

20 THE COURT: You say you can be fair. You
21 can have a seat.

22 THE BAILIFF: No. 1, Your Honor.

23 THE COURT: No. 1. Ms. Adger.

24 THE JUROR: Yes, sir. I know Mr. Green.

25 THE COURT: Do you think there would be

1 any difficulty in you serving as a juror?

2 THE JUROR: I don't think I would feel
3 comfortable.

4 THE COURT: Okay, thank you, Ms. Adger.
5 By the way, Mr. Green has already stood. If I go
6 through these questions and use the term immediate
7 family member, by that term I mean, your father,
8 mother, brother, sister, child or anyone else. Or
9 your spouse or anyone else you consider to be a
10 close family member.

11 And here is the question. Is there anyone
12 on this panel, or is there anyone in your immediate
13 family who first of all, might be kin to, that's
14 related by blood or marriage to the defendant,
15 Rodney R. Green. Is there anyone on the panel, or
16 to your knowledge, anyone in your immediate family
17 who does now or has in the past had any connection,
18 acquaintance or association with Rodney R. Green?
19 And that might be that you went to school with him,
20 church with him, worked with him, know him really,
21 really well, hardly know him at all, or somewhere in
22 between. I want to know anything. Any connection,
23 acquaintance or association now or in the past that
24 you or any immediate family may have had, or does
25 have with Rodney R. Green. If so please stand.

1 (Whereupon, no response.)

2 THE COURT: The following is a list of
3 possible witnesses. By possible, I mean they all
4 might be called, or some of them might be called.
5 And the question is going to be the same. Is there
6 anyone on this panel or anyone in your immediate
7 family, first of all, that might be kin to any of
8 them, or secondly have any connection, acquaintance
9 or association with them now or in the past. It
10 might be that the business you work for does
11 business with their law enforcement agency or
12 business they work for. It could be a causal
13 acquaintance. It could be a personal acquaintance.
14 It could be a business relationship or it could be
15 social.

16 And if the witnesses are here if you would
17 please stand. Lieutenant Misty Lee, Sumter County
18 Sheriff's Office. Lieutenant Melisa Addison, Sumter
19 County Sheriff's Office. Investigator Gregory
20 Hawkins, Sumter County Sheriff's Office. Lieutenant
21 Theresa Lee of the sheriff's office. Captain
22 Terrance Colclough Sumter County Sheriff's Office.
23 Lieutenant Robert Burnish also of the sheriff's
24 office. Investigator Derron Soloman, also of the
25 sheriff's office. Former Sumter County Deputy named

1 Steven Pizzino. Dr. Janice Ross, a medical doctor.
2 She's a pathologist from Charleston. Michele
3 Eichenmiller, who is a scientist with sled. Whitney
4 Berry, a scientist with sled.

5 Patrick M. Washington. Is he a security
6 officer at the club?

7 MR. FINNEY: Yes, sir.

8 THE COURT: A security officer at the
9 club. Lavitra Harvin. Ray'Quann Jenkins. Thank
10 you, sir. Davontae Blanding, Shataeja Rivers.
11 Demetrice Brooks, Auntachie Blanding. And if any of
12 these witnesses are here, they need stand. Myrone
13 Conyers.

14 MR. FINNEY: And one additional,
15 Ms. Tiffany Lewis.

16 THE COURT: Tiffany Lewis. Is she with a
17 law enforcement agency?

18 MR. FINNEY: No, sir. She's family.

19 THE COURT: And, Ms. Lewis, you can stand
20 and face the back of the courtroom, thank you.

21 Tiffany Lewis. Anyone on the panel or anyone in
22 your immediate family either kin to, or have any
23 current or past connection, acquaintance or
24 association with any of those possible witnesses?

25 (Whereupon, no response.)

1 THE COURT: Your name again, sir.

2 THE JUROR: Anthony Rembert.

3 THE COURT: Thank you, Mr. Rembert. Your
4 name, please.

5 THE JUROR: Rachel Katorkas.

6 THE COURT: Come on up, please, ma'am.
7 Ms. Katorkas is 103. Yes, ma'am.

8 THE JUROR: Melissa Addison, Misty Lee and
9 Theresa Ray Lee. I used to work at the jail.

10 THE COURT: How long ago did you work
11 there?

12 THE JUROR: Until three weeks ago.

13 THE COURT: And how long did you work
14 there?

15 THE JUROR: A year.

16 THE COURT: And would the fact that you
17 knew them from that circumstance have any impact on
18 your ability to be fair and impartial?

19 THE JUROR: No, sir.

20 THE COURT: Do you have any hesitation
21 about that at all?

22 THE JUROR: No, sir.

23 THE COURT: A couple of corrections,
24 Ladies and gentlemen, Dr. Ross is from Newberry, not
25 from Charleston. And Captain or Lieutenant Theresa

1 Ray Lee, actually works for the Sumter County, at
2 the detention center, not for the Sumter County
3 Sheriff's Office. Beginning with Mr. Finney,
4 Mr. Finney, if you could stand and please introduce
5 yourself. Anyone from your office who will be
6 assisting you with this case.

7 MR. FINNEY: Good morning, Ladies and
8 gentlemen. Thank Your Honor. My name is Chip
9 Finney. I am the elected solicitor here in Sumter
10 County. We have our victim advocate, Ms. Harrison,
11 who is helping us. We have former Sheriff Tommy
12 Mims, special investigator. And Investigator
13 Hawkins from the sheriff's department.

14 THE COURT: Mr. Johnson.

15 MR. JOHNSON: Thank Your Honor. My name
16 is Charlie Johnson. This is my investigator,
17 Mr. Andy Jones, a private attorney from Columbia,
18 South Carolina.

19 THE COURT: Thank you. Ladies and
20 gentlemen, the lawyers have introduced themselves
21 and some other people who will be assisting them in
22 the case. Is there anyone on this panel, or anyone
23 in your immediate family, who first of all, might be
24 related by blood or marriage to any of these folks?
25 Or is there anyone on this panel who has any current

1 or past social, business or other acquaintance, or
2 relationship or connection with any of these
3 attorneys or the people they've introduced. If so
4 please stand. Your name, sir.

5 THE JUROR: Mr. Floyd. Christopher Floyd.

6 THE COURT: And your name, please, ma'am.

7 THE JUROR: Deborah Spann.

8 THE COURT: And your name, sir.

9 THE JUROR: Jackson Josiah.

10 THE COURT: And your name.

11 THE JUROR: Neal Rembert.

12 THE COURT: If you four could get in line
13 again, please. Ms. Spann, you can come up first.

14 THE JUROR: I worked for Franklin and
15 Associates where Chip Finney is a client.

16 THE COURT: About how long ago did you
17 work there?

18 THE JUROR: Ending date was September
19 2014.

20 THE COURT: Would any of those
21 circumstances create a difficulty for you being fair
22 and impartial?

23 THE JUROR: No, sir.

24 THE COURT: Could you set that aside that
25 base your verdict on the evidence and the law?

1 THE JUROR: Yes, sir.

2 THE COURT: Thank you.

3 THE BAILIFF: No. 90, Your Honor.

4 THE COURT: Mr. Jackson, what's your
5 answer to that?

6 THE JUROR: Yes, sir. I know Mr. Finney
7 by his father.

8 THE COURT: How long have you known his
9 family? You're 57?

10 THE JUROR: Yes. I have know him for 30
11 something years.

12 THE COURT: Would create any difficulty in
13 you being fair and impartial as a juror? Do you
14 think that anything about that kind of relationship
15 would make you unable to decide the case on the
16 merits, as the facts and the law, other than who you
17 know? You would be okay with that?

18 THE JUROR: Yes, sir.

19 THE BAILIFF: 140, Your Honor.

20 THE COURT: Mr. Rembert, you not going be
21 a juror in this case. SO you don't have to answer
22 anymore questions.

23 THE COURT: Ladies and gentlemen, is there
24 anyone on the panel employed by any law enforcement
25 agency? And there are many of those, there are

1 sheriff's offices, police departments, FBI, sled,
2 military police and others obviously. Is there
3 anyone on the panel, or for that matter, anyone who
4 is close a relationship to you, who is employed by
5 any law enforcement? If so, please stand. Your
6 name, please ma'am.

7 THE JUROR: Mary M. Davis.

8 THE COURT: Ms. Davis, is it a family
9 member?

10 THE JUROR: Well he is retired. My
11 husband.

12 THE COURT: What agency did he work for?

13 THE JUROR: South Carolina Department of
14 Corrections.

15 THE COURT: That's technically not one,
16 but I'm glad you brought that to my attention. You
17 can stay standing for just moment. Your name,
18 please.

19 THE JUROR: Janice Bailey.

20 THE COURT: Bailey?

21 THE CLERK: No. 8.

22 THE COURT: No. 8.

23 THE CLERK: Yes, sir.

24 THE COURT: Your answer, please.

25 THE JUROR: My nephew, Michael McKoy is a

1 deputy sheriff.

2 THE COURT: In Sumter County?

3 THE JUROR: Nods yes.

4 THE COURT: How long has he been employed

5 here?

6 THE JUROR: Quite a few years.

7 THE COURT: You can stay standing for a

8 moment. Ms. Katorkas.

9 THE JUROR: Yeah. My father worked with

10 the city police department.

11 THE COURT: And how long has he worked

12 here?

13 THE JUROR: I think about 10 years.

14 THE COURT: And is he an officer?

15 THE JUROR: Yes.

16 THE COURT: Stay standing for just a

17 moment. Your name, please.

18 THE JUROR: Marie Brewer.

19 THE CLERK: 23.

20 THE JUROR: My husband works for FCI

21 Williamsburg. My brother works for Horry County

22 Police Department.

23 THE COURT: How long has your brother

24 worked at, you said Horry?

25 THE JUROR: Yes.

1 THE COURT: How long?

2 THE JUROR: 20 years. Maybe more.

3 THE COURT: And your other relative is
4 who?

5 THE JUROR: My husband works at FCI
6 Williamsburg.

7 THE COURT: Yes, ma'am. Your name.

8 THE JUROR: I'm Tonya Fowler.

9 THE COURT: Ballard.

10 THE JUROR: My dad is a retired, Sumter,
11 City of Sumter Police Department.

12 THE COURT: Your last name is Ballard?

13 THE JUROR: Fowler.

14 THE COURT: Fowler.

15 THE JUROR: Yes.

16 THE COURT: Now the question I will ask
17 all of you, taking into account those circumstances
18 you've mentioned, could you be fair and impartial to
19 the State and to the defendant? And could you set
20 aside those circumstances you've mentioned to me,
21 and base your verdict in this case, solely on the
22 evidence and the law? If you can do that, simply
23 raise your hand. All 5 raised their hand. Thank
24 you.

25 Now there are different prosecuting

1 attorney's offices also. We have the local
2 solicitor's offices. We have 16 circuits in this
3 State. And there are 16 circuit solicitor's
4 offices. In other state's, it's called their
5 district attorney, state's attorney. We also have
6 attorney general's office. And there is also on a
7 federal level, the U.S. Attorney's Office. My
8 question is this, is there anyone on this, is there
9 anyone on this panel, or anyone in your immediate
10 family, who is now or has ever been employed by any
11 prosecuting office. If so, please stand. Your
12 name, please.

13 THE JUROR: Brooke Kirkland.

14 THE COURT: Yes, ma'am.

15 THE JUROR: I work for Dickie Jones.

16 THE COURT: But he's not a prosecutor.

17 That's an attorney's office.

18 THE JUROR: Okay.

19 THE COURT: But than you for letting me

20 know. Yes, sir. Your name.

21 THE JUROR: John Kruger.

22 THE COURT: Yes, sir.

23 THE JUROR: My mother works for Deas Law
24 Firm.

25 THE COURT: I'm talking about a

1 prosecuting attorney. Your mom works for Mr. Deas,
2 Mr. Kruger.

3 THE JUROR: Yes, sir.

4 THE COURT: I'm talking about an office
5 that prosecutes. Mr. Schwartz.

6 THE JUROR: My brother-in-law, Harry
7 Burchstead was an assistant solicitor.

8 THE COURT: That was years ago.

9 THE JUROR: Yeah.

10 THE COURT: Mr. Schwartz, would that give
11 you any difficulty in being fair and impartial?

12 THE JUROR: No.

13 THE COURT: Would you be able to base your
14 verdict on the evidence and the law in this case?

15 THE JUROR: Yes.

16 THE COURT: Thank you. Is there anyone on
17 the panel who is a member of or a contributor to,
18 any organization that has as its primary focus, the
19 promotion of law enforcement, or the enforcement of
20 victim's rights. And these groups include but they
21 are not limited to things such as, Citizen's Against
22 Violent Crime, Mother's Against Drunk Driving,
23 Student's Against Drunk Driving, State Law
24 Enforcement Officer's Association, or any
25 organization similar to that? If so please stand.

1 (Whereupon, no response.)

2 THE COURT: No one stood. There are
3 different types of criminal offenses. I am going to
4 restrict my question to this, the following, typical
5 or charges that could be lodged against a person
6 would include murder, attempted murder, armed
7 robbery, burglary or a sexual assault.

8 My question is this, is there anyone on this
9 panel or anyone in your immediate family who has
10 ever been the victim of such an offense, accused of
11 such an offense, or a witness in a criminal trial or
12 criminal proceedings to such an offense? And again,
13 that is the victim of, accused of, or a witness to
14 any such offense, or alleged offense that I
15 mentioned. If so, please stand. You can get in
16 line please. Your name, please.

17 THE BAILIFF: 170, Your Honor.

18 THE COURT: Yes, ma'am.

19 THE JUROR: Darlene Watkins. Assault
20 and battery.

21 THE COURT: Were you accused. How did you
22 handle the charges? Did you go to trial or was it
23 dismissed?

24 THE JUROR: Dismissed.

25 THE COURT: Would that give you any

1 difficulty in being fair to both sides in this case?

2 THE JUROR: No.

3 THE COURT: Could you set that aside and
4 base your verdict in this case on the evidence and
5 the law of this case?

6 THE JUROR: Yes.

7 THE BAILIFF: No. 8, Your Honor.

8 THE COURT: Ms. Bailey.

9 THE JUROR: I have a nephew that was
10 convicted of sexual assault and served time.

11 THE COURT: He is right now?

12 THE JUROR No.

13 THE COURT: How long ago was that?

14 THE JUROR: About 30 years.

15 THE COURT: What was his name.

16 THE JUROR: Ronald Wimberly Perkins.

17 THE COURT: If you are a juror on this
18 case, could you set those circumstances aside and be
19 fair and impartial to both?

20 THE JUROR: Uh-huh. (Affirmative.)

21 THE COURT: Ma'am?

22 THE JUROR: Yes.

23 THE COURT: And could you base your
24 verdict on the evidence and the law, and totally
25 keep that in your mind?

1 THE JUROR: Yes, sir.

2 THE COURT: Thank you, ma'am.

3 THE BAILIFF: No. 59, Your Honor.

4 THE COURT: Ms. Fowler.

5 THE JUROR: My ex-husband was charged with
6 pointing and presenting.

7 THE COURT: How long ago was that?

8 THE JUROR: 2005.

9 THE COURT: What was his sentence?

10 THE JUROR: I think 3 years probation and
11 register.

12 THE COURT: Realizing there are similar
13 allegations in this case, that is the question I
14 ask. Would you have any difficulty in being fair
15 and impartial?

16 THE JUROR: No, I don't think so.

17 THE COURT: You don't think so, or you
18 know so.

19 THE JUROR: I know so.

20 THE COURT: Would you base your verdict on
21 the evidence and the law in this case?

22 THE JUROR: Yes.

23 THE COURT: What is his name?

24 THE JUROR: Joseph Fowler.

25 THE COURT: What year was that?

1 THE JUROR: 2006.

2 THE COURT: Was that here in Sumter
3 County.

4 THE JUROR: Uh-huh. (Affirmative.)

5 THE COURT: Thank you. Ms. Fowler, could
6 I ask you one more question. And when your divorce
7 occurred was it a combination or?

8 THE JUROR: It was a combination before
9 the divorce went through.

10 THE COURT: Ladies and gentlemen, I've
11 indicated to you from referring to the indictment
12 what the charges are against the defendant. Keeping
13 in mind he is presumed innocent. He has no burden
14 of proving or disproving anything. The State is
15 required to prove the elements of the crime charged
16 beyond a reasonable doubt. Is there anything
17 concerning the nature of the allegations in this
18 case, that would give you or anyone on this panel
19 any difficulty in being completely fair and
20 impartial as a jury in this case?

21 (Whereupon, no response.)

22 THE COURT: Is there anyone on this panel
23 who has served on a jury in a circuit court, I'm not
24 talking about magistrate's court, served as a juror
25 in the circuit court in the past, and that jury was

1 seated, not just jury duty, but actually seated on a
2 jury in a circuit court. If so, please stand.

3 Ms. Bailey, what kind of jury was it?

4 THE JUROR: It was a circuit jury. You
5 were actually the judge for it.

6 THE COURT: How long ago was that?

7 THE JUROR: About 4 or 5 years now.

8 THE COURT: So that was across the street.

9 THE JUROR: Uh-huh. (affirmative.)

10 THE COURT: Do you remember if it was a
11 civil or a criminal case?

12 THE JUROR: It involved a shooting.

13 THE COURT: Thank you, very much.

14 You can have seat. Your name, please, ma'am.

15 THE JUROR: Ms. Higgins.

16 THE COURT: Yes, ma'am.

17 THE JUROR: I was on a jury. It was
18 shortly after I first moved here. It was in the old
19 courthouse. I'm not sure what kind of a court it
20 as.

21 THE COURT: Do you remember if you
22 actually reached a verdict?

23 THE JUROR: Yes, sir.

24 THE COURT: And do you remember if it was
25 a money damages verdict, or a guilty or not guilty

1 verdict?

2 THE JUROR: It was a guilty or not guilty.

3 THE COURT: And what was your verdict?

4 THE JUROR: Not guilty.

5 THE COURT: Not guilty. And you don't

6 remember what kind of case it was?

7 THE JUROR: The case was a, it wasn't

8 really -- I don't know if you consider it domestic.

9 I guess you would. The couple was divorced. I

10 think it was whether or not he pushed her off a

11 porch.

12 THE COURT: Mr. Jackson.

13 THE JUROR: Yes, sir.

14 THE COURT: What kind of jury was it?

15 THE JUROR: It was a criminal case, I was

16 sitting on. But he plead guilty before we could

17 decide.

18 THE COURT: Your name, ma'am.

19 THE JUROR: Deborah Toms.

20 THE COURT: Yes, ma'am.

21 THE JUROR: It's been several years ago.

22 I served on criminal case in circuit court.

23 THE COURT: And was it across the street

24 then?

25 THE JUROR: Yes, sir.

1 THE COURT: Do you remember what kind
2 of -- what the charge was?

3 THE JUROR: Assault.

4 THE COURT: Do you remember what the
5 verdict was?

6 THE JUROR: Not guilty.

7 THE COURT: Your name again, please,
8 ma'am.

9 THE JUROR: Deborah Spann.

10 THE COURT: Ms. Spann.

11 THE JUROR: It was like 10 plus years ago.

12 THE COURT: Criminal or civil jury?

13 THE JUROR: It was criminal.

14 THE COURT: And do you remember what the
15 charge was?

16 THE JUROR: I believe for robbing a store.

17 THE COURT: Ma'am?

18 THE JUROR: For robbing a store.

19 THE COURT: Do you remember the verdict?

20 THE JUROR: I do not.

21 THE COURT: And, Ms. Bailey, was yours
22 guilty or not guilty?

23 THE JUROR: Not guilty.

24 THE COURT: Thank you. Is there anyone on
25 the panel who knows of any reason whatsoever why you

1 should not serve as a juror in this case?

2 (Whereupon, no response.)

3 THE COURT: Is there anyone on this panel
4 who knows of any bias or prejudice that you might
5 have for or against the State of South Carolina, the
6 defendant Mr. Green, any of the possible witnesses,
7 or any of the lawyers involved in this case? Any
8 bias or prejudice that might have for or against any
9 of those people?

10 (Whereupon, no response.)

11 THE COURT: Yes, ma'am.

12 THE JUROR: I just want to remind you that
13 I need to be excused for Friday.

14 THE COURT: Thank you, ma'am. Your name
15 again, please ma'am.

16 THE JUROR: Smith.

17 THE COURT: I'll be telling you, Ladies
18 and gentlemen, during the course of the trial and
19 particularly at the end, what the law is. And one
20 of the instructions I will give you is that even
21 though you might come into the case with a
22 preconceived notion of what the law is or what you
23 think the law should be, you will be required as
24 part of your oath to follow the law exactly as I
25 give it to you even if you disagree with it. Is

1 there anyone on this panel who would not be able to
2 follow that instruction?

3 (Whereupon, no response.)

4 THE COURT: No one stood. Any additional
5 questions from the State?

6 MR. FINNEY: None, Your Honor.

7 THE COURT: Other than any requested
8 questions that is, anything else from the defendant?

9 MR. JOHNSON: We have nothing, Your Honor.

10 THE COURT: Can see you, gentlemen, up
11 here for just a moment?

12 (Whereupon, the attorneys approach the bench
13 and confer with judge.)

14 THE COURT: 5, 10, and two alternates with
15 one and two. Do you agree with, Mr. Finney?

16 MR. FINNEY: I do, Your Honor.

17 THE COURT: Mr. Johnson.

18 MR. JOHNSON: I do.

19 THE COURT: Let me explain the process.
20 There is always a moment of awkward silence. Once I
21 go through these questions, in the old days your
22 names would be on a tiny little strip of paper,
23 rolled up and put in a plastic capsule, spun around
24 in a brass drum, and your names would pulled out
25 one at a time. Now all 46 counties have an

1 automated system where your names are scrambled by
2 the computer. And once the computer finishes that,
3 your names appear in a scrambled fashion on a list.
4 And if and when the list prints, you will be
5 summoned to come forward by Mr. Bradley. The
6 lawyers do not have the list. Everyone has the list
7 frankly, except for them. There are two counties in
8 the state where the lawyers get the list. That's
9 Richland and Kershaw. I don't now why, but that's
10 just how they do it. The other 44, the lawyers
11 don't get the list.

12 MR. FINNEY: Judge, there is another
13 potential witness, Rubin O'dell Levy, Jr. He's a
14 potential State witness.

15 THE COURT: Is he with an agency or
16 private citizen?

17 MR. FINNEY: Private citizen.

18 THE COURT: Could you say the name again?

19 MR. FINNEY: Rubin O'dell Levy, Jr.

20 THE COURT: Ladies and gentlemen, that
21 person may be called as a witness in this case as
22 well. Is there anyone on the panel or anyone in
23 your immediate family, who first of all, might be
24 related to him by blood or marriage? Or do you or
25 any immediate family member have any connection,

1 acquaintance or association now or in the past that
2 might impact your ability to be fair and impartial?

3 (Whereupon, no response.)

4 THE COURT: And I need to see the lawyers
5 one more time while, Mr. Bradley, you tell them what
6 they need to do as they come up.

7 (Whereupon, the attorneys approach the bench
8 and confer with judge.)

9 THE CLERK: Ladies and gentlemen, as your
10 name is called, please come and stand right there in
11 front of the podium and face the back of the
12 courtroom. And bring with you any personal
13 belongings that you have with you. 153 Suzanne
14 Sersun (f-w) accepted. Juror 189 Annie Berwick
15 (f-w) accepted. Juror 73 Robert Henderson (m-w)
16 defense struck. Juror No. 44 Jessica Curry (f-w)
17 defense struck. 170 Magdalene Watkins (f-b). 152
18 Milton Schwartz (m-w) defense struck. State struck.
19 Juror No. 62 John Fullard (m-b) state struck.
20 Juror No. 133 Walter Pack (m-w) accepted. 173
21 Latonya White (f-b) accepted. Juror No. 8 Janice
22 Bailey (f-w) accepted. Juror No. 125 Willie
23 McKnight, Jr. (m-b) accepted Juror No. 23 Marie
24 Broughman (f-w) defense struck. Juror 191 Shavena
25 Brewer (f-b) accepted. Juror 176 Ronnie Whitefield

1 (m-w) accepted. Juror No. 116 Sean Lynch (m-w)
2 defense struck. Juror No. 81 Robert Hopkins, Jr.
3 (m-w) accepted. Juror No. 42 Terry Crump m-w) defense
4 struck. Juror No. 40 Harvin Council (m-b) accepted.
5 Juror No. 141 Bernadetta Rice-James (f-b) accepted.
6 Alternate Juror No. 110 Randy Kriner (m-w) accepted.
7 Alternate Juror, Juror No. 162, Elizabeth Thompson
8 (f-b) accepted.

9 THE COURT: Any motions, or any other
10 matters pertaining to jury selection from the State?

11 MR. FINNEY: None, Your Honor.

12 THE COURT: Any from the defendant?

13 MR. JOHNSON: None from the defense, Your
14 Honor.

15 THE COURT: Can I see you all up here just
16 a second.

17 (Whereupon, the attorneys approach the bench
18 and confer with judge.)

19 THE COURT: Ladies and gentlemen, we are
20 going to start the trial tomorrow morning at 9:30.
21 You I am sure recall what I said before we came
22 upstairs. And that is, that you are permitted to
23 discuss anything about this case with anyone. This
24 is more than likely the only thing that the 14 of
25 you have in common within one another, but you may

1 not talk about it at all. Even going to your car,
2 coming back up the elevator, whatever you might go,
3 amongst yourselves or anyone else, I'll say in the
4 whole universe. Because one jury one time said,
5 well you didn't say I couldn't talk to x. I mean
6 anybody. You can't talk to anyone about this case
7 at all. And even if you go home and go to work or
8 wherever you might go today, y'all see somebody you
9 know who knows on jury duty.

10 And I'll guarantee you somebody is going to
11 say, hey, what have you been doing. Did get picked.
12 What kind of case is it. If you respond with any
13 response other than I can't tell you, that person is
14 going to say something. And what that person says,
15 may have an impact on your decision making. You
16 will taking an oath in the morning to try this case
17 according to the evidence and the law so help you
18 God.

19 You'll get all evidence and all the law
20 right here in this courtroom. So do not talk to
21 anybody about the case. Don't read anything about.
22 Don't do any research about anything remotely
23 involving this case. Likewise, I'm arrived by order
24 of the chief justice to tell you, that you cannot
25 engage in any social media communications about this

1 case in an effort to give information or to get
2 information. So just put all of this out of your
3 mind, and I'll be telling you this more than once.

4 Right now you are going to go with the
5 bailiff. He's going to show you what room you will
6 be in. And when you get back tomorrow morning, I
7 want you be back about 9:20 in the morning. When
8 you get back, what I want to do is talk amongst
9 yourselves, and I want you to appoint a foreperson.
10 Your foreperson will be anybody on this jury other
11 than Mr. Kriner and other than Ms. Thompson.

12 So once you have talked about it, and
13 decided who is going to be your foreperson, just tap
14 on the door. Mr. Kriner, I'll get you to do that.
15 Tap on the door and let the bailiff know who the
16 foreperson is going to be. This isn't a political
17 campaign. This isn't a student council election.
18 The foreperson will be responsible for making sure
19 that your verdict is unanimous. That means
20 everybody has to agree. And to make sure that all
21 the issues are discussed in an orderly fashion. The
22 foreperson doesn't have any greater authority, but
23 will be required to sign the verdict form, and date
24 it, and make sure that it does speak for the entire
25 jury.

1 You don't have to have a formal education.
2 You can have a second grade education and be a
3 foreperson. You could be a rocket scientist and
4 still be the foreperson. So you all just decide who
5 that's going to be tomorrow, and then you will let
6 us know. And we'll start promptly at 9:30. I trust
7 you it won't take you any more than 10 minutes to
8 make that decision. See you tomorrow morning at
9 9:30.

10 (Whereupon, At 12:34 jury is dismissed.)

11 (Whereupon, the following takes place
12 outside the presence of the jury.)

13 MR. FINNEY: Judge, we just have a Jackson
14 Denno to admit the defendant's statement given to
15 law enforcement shortly before arrest.

16 THE COURT: How many witness will you
17 have?

18 MR. FINNEY: Just one, I believe, Your
19 Honor.

20 MR FINNEY: Mr. Greg Hawkins.

21 THE COURT: Mr. Johnson, your client knows
22 he can testify if it's relevant. Do you have any
23 witnesses you think?

24 MR. JOHNSON: I don't think we have any at
25 all, Your Honor.

1 THE COURT: Mr. Finney.

2 MR. JOHNSON: And, Your Honor, for
3 planning purposes, the only thing the defense have
4 as far as motions, they have a statement from a
5 jailhouse roommate of my client. And we have a
6 motion to suppress that statement. And I think
7 basically I can do it orally without probably any
8 witnesses being put up on my behalf.

9 THE COURT: Okay.

10 MR. FINNEY: And there is also a 6 person
11 photo lineup, and we'll need a Neal v. Biggers
12 hearing with the same witness. I will just do them
13 both together if the court....

14 MR. JOHNSON: I don't have no objection,
15 Your Honor.

16 THE COURT: Now as far as the statement
17 that you're talking about, Mr. Finney, is it a
18 written statement?

19 MR. FINNEY: It is, Your Honor.

20 THE COURT: You can go ahead and get that
21 marked as State's 1 for Id or Court's 1 Id. I'll
22 leave it up to you all. It's just kind of
23 cumbersome if it comes in and the jury sees two
24 stickers on it. So how would propose it to be
25 marked, State's 1 for Id.?

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1 MR. FINNEY: Yes, sir. State's 1 for Id.
2 It's a three page form.

3 THE COURT: Mr. Johnson, the statement you
4 mentioned was given verbally?

5 MR. JOHNSON: It's a written statement.

6 MR. FINNEY: By a different witness.

7 MR. JOHNSON: I have a statement of, was a
8 roommate of my client, gave to State that I got a
9 copy of about week, two weeks ago.

10 THE COURT: We will get to that when the
11 finish with the other. Mr. Finney.

12 MR. FINNEY: Thank you, Your Honor. I
13 call Detective Greg Hawkins to the stand.

14 Greg Hawkins, being first duly sworn,
15 testified as follows.

16 THE CLERK: State your full name and spell
17 your last name for the record.

18 A. It's Gregory Hawkins. It's H-A-W-K-I-N-S.

19 DIRECT EXAMINATION by Mr. Finney:

20 Q. And is it lieutenant?

21 A. Senior investigator.

22 Q. Senior Investigator Hawkins, where are you
23 employed?

24 A. At the Sumter County Sheriff's Office.

25 Q. Did you -- were you assigned to

Investigator Greg Hawkins-Direct by Finney

1 investigate a case of the death of Tyrus Archie on
2 March 16th 2014?

3 A. Yes, sir, I was.

4 Q. Tell the judge where that death occurred.

5 A. It happened at Club Miami located on Broad
6 Street, across the road from Shaw Air Force Base
7 here in Sumter County.

8 Q. And did you have occasion to interview a
9 number of witnesses in connection with the death of
10 Mr. Archie?

11 A. I did.

12 Q. Bringing your attention to, did you all
13 after the process of investigation, did you all name
14 or come up with a suspect?

15 A. We did.

16 Q. Who was that?

17 A. Rodney Green.

18 Q. And was Mr. Green identified as being at
19 the club at the time of the shooting?

20 A. He was.

21 Q. And in fact was he arrested and placed in
22 police custody at the club that night?

23 A. He was.

24 Q. Can you tell the judge a little bit about
25 how about you came to interview Mr. Green, and how

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1 long it was after the call about the shooting came
2 in?

3 A. I was assigned as the investigator on call
4 the night that the shooting occurred. And was
5 called out in reference to that. When I arrived at
6 the club, I was informed by the patrol division
7 officers that they had taken Mr. Green into custody
8 and had him at the sheriff's office.

9 Q. And did you proceed to the sheriff's
10 office to interview him?

11 A. When we concluded at the crime scene there
12 we -- I went to the sheriff's office to interview
13 him; yes, sir.

14 Q. I have got in front of you what's marked
15 as State's Exhibit No. 1. Can you review those
16 three pages and tell us what they are?

17 A. It's a miranda warning and a waiver of
18 rights that was given to Mr. Green by myself that
19 morning, Mr. Green's written statement, and a
20 consent form from Mr. Green to collect a DNA sample
21 from him.

22 Q. And were all those documents executed at
23 the same interview?

24 A. They were.

25 Q. And what date and time were they executed?

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1 A. On March 16th 2014, at approximately
2 5:50 a.m.

3 Q. And what time approximately was the
4 shooting several hours before?

5 A. It was about 2, 2 or 3 hours beforehand.

6 Q. Now do you see Mr. Green in the courtroom
7 today?

8 A. Yes, sir.

9 Q. And did you know him before the night that
10 you interviewed him, or the early morning hours you
11 interviewed him in Sumter?

12 A. We had a few prior dealings over the years
13 with Mr. Green.

14 Q. Did you know him to be, did you know him well
15 enough to know anything about him, where he worked,
16 his educational level, anything like that?

17 A. Just mostly the only thing I knew is, he
18 was from the Cherryvale Community.

19 Q. As far as miranda warnings were concerned,
20 would you tell the judge what you explained to him
21 that evening?

22 A. We read to him the waiver of rights
23 hearing, his miranda warnings. I read to him off
24 the page. And had him initial that he understood
25 them, and signed that he understood them.

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1 Q. Would you go ahead for the record and read
2 the warnings that you gave to him at that day?

3 A. Sure. The first one says you have the
4 right to remain silent. Anything you say can and
5 will be used against you in a court of law. You
6 have the right to talk to an attorney and have him
7 or her present with you while you are being
8 questioned. And if you cannot afford to hire an
9 attorney, one will be appointed to be represent you
10 before any any questionings if you wish. You can
11 decide at any time to exercise these rights, and not
12 answer any questions or make any statements.

13 Q. And did you have an opinion as to whether
14 he understood the rights that were read to him?

15 A. He seemed to.

16 Q. And now it was about 6:00 o'clock in the
17 morning. Between 5 and 6 in the morning when you
18 were talking to him?

19 A. Yes, sir.

20 Q. Was he under the influence of any alcohol
21 or any other intoxicating substances as far as you
22 were concerned?

23 A. He didn't appear to be impaired.

24 Q. Did he understand the questions that you
25 asked of him, and he responded with succinct answers

Investigator Greg Hawkins-Direct by Finney

1 to those questions?

2 A. Yes, sir.

3 Q. Did you have Mr. Green actually fill out
4 the form with his own handwriting as far as
5 initially different places on the form?

6 A. Yes, sir.

7 Q. And did he sign it?

8 A. He did.

9 Q. And who was the witness to his signature?

10 A. Myself and Lieutenant Melissa Addison with
11 the Sheriff's office.

12 Q. After you gave him those miranda warnings,
13 did he invoke the right to counsel, or say he wanted
14 to talk to a lawyer?

15 A. He did not.

16 Q. And did you then proceed to interview him?

17 A. We did.

18 Q. And was this interview on videotape?

19 A. It was.

20 Q. And so we have a video of the interview
21 itself.

22 A. Yes, sir.

23 Q. As part of your normal procedure, do you
24 go through the background and kind of go through the
25 story before you get to writing the statement?

Investigator Greg Hawkins-Direct by Finney

1 A. Generally we sit down and discuss verbally
2 what took place, and then we normally have a person
3 put it in their own handwriting into a written
4 statement.

5 Q. And is that what you did on this occasion?

6 A. Yes, sir.

7 Q. So page 2 of the three page document that
8 you're looking at, State's Exhibit No. 1, is a
9 voluntary statement. Who filled it out?

10 A. Mr. Green.

11 Q. And did he do it in his own handwriting?

12 A. He did.

13 Q. And did he sign it when he concluded?

14 A. He did.

15 Q. And did you go through with him to make
16 sure you could understand what he had written down?

17 A. Yes, sir.

18 Q. And at the conclusion of the interview was
19 anything added to the statement?

20 A. No, sir.

21 Q. Now just so that we can have covered it,
22 the third page of the document that you are looking
23 at, is a consent form for him to give a buccal swab?

24 A. Yes, sir.

25 Q. And did he have to read that and look at

Investigator Greg Hawkins-Direct by Finney

1 that form?

2 A. He did.

3 Q. And did he sign it after he had discussed
4 it with you?

5 A. Yes, he did.

6 Q. And did he give you a buccal swab, a
7 sample for testing?

8 A. Yes, sir, he did.

9 Q. While he was in your present, did you have
10 any conversation with him where you threatened him
11 in any way, or promised him anything or coerced him
12 in any way to get your -- to get him to cooperate
13 with you?

14 A. No, sir.

15 Q. And was he in the room for hours and
16 hours?

17 A. No, sir.

18 Q. And was he given the facilities to use or
19 water or anything like that during the time he was
20 with you?

21 A. He was allowed to use the restroom. I
22 think towards the end of the -- I think he did take
23 a restroom towards the end there. Yes, sir.

24 Q. Did you -- do you have a recollection of
25 how long you were with him from start to finish that

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1 evening? That afternoon, that morning?

2 A. Generally by the times on the miranda
3 warnings on the written statement, it would have
4 been about an hour.

5 MR. FINNEY: Very good. Your Honor,
6 that's all the questions I have on this issue.

7 THE COURT: Is the exhibit or does the
8 exhibit include anything the defendant signed as far
9 as substance, or is that all on video?

10 MR. FINNEY: The substance is on the
11 statement, Your Honor.

12 (Statement of Rodney Green marked State's
13 Exhibit No. 1 for Id.)

14 THE COURT: Okay. Mr. Johnson, do you
15 have any questions of the witness at least on the
16 statement?

17 MR. JOHNSON: Yes, I do.

18 THE COURT: Can I ask the witness a
19 question, Mr. Finney, Mr. Johnson?

20 MR. FINNEY: Yes, sir.

21 MR. JOHNSON: Yes, Your Honor.

22 THE COURT: Is the blue handwritten
23 statement, is that your writing or his?

24 A. That's Mr. Green's.

25 THE COURT: Go ahead, Mr. Johnson.

Investigator Greg Hawkins-Cross by Johnson

1 MR. JOHNSON: Thank you.

2 Cross Examination Mr. Johnson:

3 Q. Afternoon. A couple of questions. You
4 were the investigating officer that was called to
5 the scene, is that correct?

6 A. That's right.

7 Q. What time did you take Mr. Green in to
8 custody?

9 A. I don't have the time in front of me when
10 he was, but another officer actually took him into
11 custody prior to that, about the time right after
12 the incident occurred.

13 Q. Well what time do you actually get custody
14 of them to question him?

15 A. It was on the paper there. If I can take
16 a look at that, I can.

17 Q. I think it said 5:44 a.m.

18 A. Yeah, it would have been able -- it would
19 have been about that time that I took custody of him
20 to interview him.

21 Q. And the incident happened around
22 2:00 o'clock or so?

23 A. Thereabouts.

24 Q. So about three hours after this incident,
25 you were questioning him already, correct?

Investigator Greg Hawkins-Cross by Johnson

1 A. Yes, sir.

2 Q. Now that was back at the station?

3 A. Yes, sir.

4 Q. So that wasn't at the scene.

5 A. That's right. It was at the sheriff's
6 office.

7 Q. Now you were questioning him. Did he ever
8 tell you that he wanted an attorney present prior to
9 him signing this?

10 A. Not that I recall.

11 Q. Did you check with any officers that
12 arrested him to see if they told -- that he told
13 them that he wanted an attorney prior?

14 A. No one else mentioned it to me if he did.

15 Q. Did you ask the officers?

16 A. No, sir.

17 Q. Well wouldn't that be something you would
18 want to check on before you start questioning him,
19 that might be he's already invoked his right to have
20 an attorney?

21 A. Well generally it's been our practice if
22 he had requested that, that whatever officer had
23 custody of him would have made us aware of that when
24 they handed him over to us.

25 Q. Were you aware that he was tased prior to

Investigator Greg Hawkins-Cross by Johnson

1 your questioning him?

2 A. Yes, sir.

3 Q. Did he get medical treatment?

4 A. Not that I know of.

5 Q. Did anybody check him medically to see
6 what the effect the taser would have on him?

7 A. Not I am aware of.

8 Q. Is it your procedure never to check after
9 someone had been tased, not to check him?

10 A. The officer that tased him would have
11 been responsible to check him to make sure that, you
12 know, he wasn't having any difficulties and to
13 remove the probes. We can remove them ourselves if
14 they're not embedded too deep. Otherwise, if they
15 were embedded too deep, we would have to get medical
16 attention for him.

17 Q. Well did you check to see if anybody did?

18 A. No, sir.

19 Q. Did you ask anybody?

20 A. That would have been the officer that
21 tased him, it would have been their responsibility
22 to remove those, and make sure that he was okay at
23 that time.

24 Q. True, but if you were going to question
25 this man within three hours of the incident

Investigator Greg Hawkins-Cross by Johnson

1 happening, as well as him being tased, and you don't
2 know what happened before you questioned, how can
3 you then be sure that when he give a consent, that
4 he doesn't any undue influences on him, because of
5 prior incidences?

6 A. Well he seemed to be talking, you know,
7 rationally, and didn't seem to be having any
8 difficulty when we were talking to him.

9 Q. But you was aware that he was tased.

10 A. Yes, sir.

11 Q. But you didn't ask anybody about any
12 physical or mental problem he might have had as a
13 result of that tase.

14 A. The officer that had him in their custody
15 didn't mention anything about it.

16 Q. But did you know which officer tased him?

17 A. I think it was Deputy Pizzino.

18 Q. And that was the officer that had him in
19 custody at the time?

20 A. Yes, sir.

21 Q. But you didn't question Officer Pizzino
22 about any medical treatment, or anything he could
23 have had.

24 A. He didn't make any mention of it.

25 Q. Now you also mentioned that you had him

Investigator Greg Hawkins-Cross by Johnson

1 sign where he got a swab? You asked for a DNA swab?

2 A. That's correct.

3 Q. Now what was that request for? I mean, I
4 understand what the purpose of the swab was for.

5 But what was the purpose of the request?

6 A. At the time we didn't know exactly what
7 evidence we may end up, because the crime scene
8 technicians were still gathering evidence, so It was
9 in an effort that if there was a way we could have
10 say compared say the gun or something else, if it
11 would have been a candidate for DNA testing, we
12 would have used it for that.

13 Q. So at the time that you asked him, you had
14 no reason to ask for it.

15 A. Just based upon we were waiting to see if
16 the other evidence we had would had been a candidate
17 for a comparison.

18 Q. I understand why you asked them. But I am
19 asking you what you actually had. You had no
20 evidence of your knowledge of no evidence, that you
21 needed a swab for at the time you asked him for one,
22 correct?

23 A. Whether he had handled a firearm and we
24 have the availability to touch DNA. So that would
25 have been a possibility.

Investigator Greg Hawkins-Cross by Johnson

1 Q. I'm not asking what was a possibility. I
2 am asking what at that time you actually had.

3 A. We had a firearm that he had handled, that
4 he would have touched. It could have been a
5 candidate for touch DNA.

6 Q. Did you have any DNA, any knowledge of any
7 touch DNA at that time?

8 A. It possibly could have been on the
9 firearm.

10 Q. Did you have it? Did you have knowledge
11 of it?

12 A. We didn't have a test result back saying
13 that it was on the gun.

14 Q. Okay.

15 A. But if he handled the gun, then it's very
16 likely it would have been there.

17 Q. I'm not asking you if it was likely. I'm
18 not asking you what is possible. I'm asking you
19 what you knew at that time. At that time, you had
20 nothing.

21 A. We had the gun that he had handled.

22 Q. Did you have any DNA off of it that you
23 was aware of?

24 MR. FINNEY: Judge, I am going to
25 interpose an objection. I believe the witness has

Investigator Greg Hawkins-Redirect by Finney

1 answered the question.

2 THE COURT: Sustained.

3 MR. FINNEY: Thank you.

4 Q. And the statement that you asked him
5 about, did you check him to see, did you smell
6 alcohol on him at the time?

7 A. Yes, sir. He did have a smell of alcohol
8 about him.

9 Q. So it's possible that he could have been
10 under the influence of alcohol.

11 A. He didn't act impaired. He was speaking
12 clearly, seeing -- answering questions as he was
13 being asked.

14 Q. But you don't know what is normal or
15 abnormal for him, do you?

16 A. No, sir.

17 MR. JOHNSON: I have no other questions,
18 Your Honor.

19 THE COURT: Redirect?

20 MR. FINNEY: Just a moment, Your Honor.

21 Redirect Examination by Mr. Finney:

22 Q. Investigator, going back to the questions
23 you were asked about Mr. Green, at no time did he
24 complain to you, or ask you for any treatment for
25 any condition or symptoms he was feeling.

Investigator Greg Hawkins-Redirect by Finney

1 A. No, he didn't.

2 Q. And when you had him in the interview
3 room, you were videotaping him?

4 A. That's correct.

5 Q. Did he know he was being videotaped?

6 A. Yes, sir.

7 Q. And can you identify this disk?

8 A. It appears the to be disk that should
9 contain the recording of that interview.

10 MR. FINNEY: Your Honor, at this time, I
11 would move this in as an exhibit for the court to.

12 THE COURT: It would be State's No. 2.

13 MR. FINNEY: Yes, sir. And ask the court
14 may consider that this evening before any ruling is
15 made on it.

16 THE COURT: How long is it, sir?

17 MR. FINNEY: It's 2 hours long, Your
18 Honor.

19 THE COURT: Okay. I take it is longer
20 than the one paragraph.

21 MR. FINNEY: It is, Your Honor.

22 THE COURT: That will be No. 2 for Id.

23 (DVD interview of Rodney Green marked
24 State's Exhibit No. 2 for Id.)

25 Q. Did you know any background about the

Investigator Greg Hawkins-Redirect by Finney

1 facts of his arrest that led you to understand why
2 he was tased?

3 A. Yes, sir.

4 Q. Tell the court what you understood.

5 A. He was actually pursued by a security
6 guard.

7 MR. JOHNSON: Your Honor.

8 THE COURT: Yes, sir.

9 MR. JOHNSON: I would object to that, that
10 would be hearsay.

11 THE COURT: Overruled for now. You went
12 in to the circumstances of him being tased. So that
13 would have been hearsay too, somebody told him that.
14 Right. And you asked him if he knew he had been
15 tased and he said yes. He said he knew that Pizzino
16 had been the one who likely tased him. That would
17 be hearsay too. I think at least for the purposes
18 of this hearing, I need to find out all there is. I
19 am not saying that will come in the trial.

20 MR. JOHNSON: That's fine.

21 THE COURT: Go ahead, Mr. Finney, you can
22 ask him again.

23 Q. What, Mr. Hawkins, did you understand the
24 reason he was tased?

25 A. One of the security guards, Mr.

Investigator Greg Hawkins-Redirect by Finney

1 Washington, was giving chase to him. And as he was
2 giving chase, Deputy Pizzino became engaged in that
3 chase, and he was attempting to flee from them.
4 They actually got into a fight with him trying to
5 handcuff him. And at that point, he was tased due
6 to the fighting with the deputy.

7 Q. Did you know that Mr. Green was going to
8 jail after he left the interview in the office?

9 A. Yes, sir.

10 Q. And he was being charged with what?

11 A. Murder.

12 Q. And was he also being charged with
13 attempted murder of another young man who was shot
14 at the club?

15 A. Yes, sir.

16 Q. In the weeks and days that transpired
17 after he was arrested and taken to jail, did he ever
18 call you back, Mr. Green, to say I need to add or
19 take away or change the statement that I give you?

20 A. No, he didn't.

21 MR. FINNEY: Thank you. Nothing further.

22 THE COURT: Mr. Johnson, any recross?

23 MR. JOHNSON: Just briefly, Your Honor.

24 Recross Examination by Mr. Johnson:

25 Q. When you explained a minute ago as to the

Investigator Greg Hawkins-Redirect by Finney

1 reason he was tased, are you doing that from actual
2 knowledge, or what you believe was the reason he was
3 tased?

4 A. That was based on what the deputy had
5 written in his report.

6 Q. Well I have the deputy's report and that
7 is not in it. Do you want to review it to refresh
8 your mind about it?

9 A. They may be what he told me. I thought it
10 was in a report or in a statement somewhere. Or
11 maybe in Mr. Washington's statement.

12 THE COURT: Who is Mr. Washington?

13 MR. JOHNSON: Yes, who is Mr. Washington?

14 A. The security guard that chased him from
15 the...

16 MR. JOHNSON: I won't go anything further
17 than that, Your Honor.

18 THE COURT: Mr. Finney, anything else on
19 this issue?

20 MR. FINNEY: Nothing, Your Honor.

21 THE COURT: You want to question him about
22 the lineup?

23 MR. FINNEY: Yes, sir.

24 Redirect Examination by Mr. Finney:

25 Q. Senior Investigator, did you have an

Investigator Greg Hawkins-Redirect by Finney

1 occasion to compare a lineup of individuals to be
2 shown to witnesses who were a part of the
3 investigation of this case?

4 A. Yes, sir. Well I didn't necessarily
5 prepare. We requested it from sled.

6 Q. And is that standard procedure from the
7 sheriff's office to ask sled to prepare the lineup?

8 A. Yes, it is.

9 Q. And give us just a little bit of how you
10 do that.

11 A. We'll gather the person's information from
12 their driver's history. And then sled typically
13 pulls a photo from the DMV if they have one
14 available there. If there is not one, then they
15 have to use other sources sometimes. And then they
16 use a system they go through and try to find people
17 who look similar to the person in question.

18 Q. And is that system employed by the
19 sheriff's department routinely in the normal course
20 of your investigations?

21 A. We make the request, but sled actually
22 generates the, or selects the photos that are used
23 in it.

24 Q. And is it standard for you to put 6
25 individuals in the lineup?

Investigator Greg Hawkins-Redirect by Finney

1 A. That would be the standard we normally get
2 is 6.

3 Q. In the last two years, have you used the
4 lineup with 4 people or 8 people?

5 A. No, sir.

6 Q. Did you have occasion to have a photo
7 lineup, 6 person photo lineup prepared for this
8 case?

9 A. Yes, I did.

10 MR. FINNEY: May I mark this as State's
11 Exhibit No. 3 for Id.

12 (Six-person photo lineup marked State's
13 Exhibit No. 3 for Id.)

14 Q. I am going to show you State's Exhibit No.
15 3, and ask you if you can identify it.

16 A. This is the 6 person photo lineup that we
17 received from sled in reference to Mr. Rodney Green.

18

19 Q. Are any, obviously Mr. Green's picture is
20 in this lineup, is that right?

21 A. Yes, sir.

22 Q. Is there anybody else in this lineup
23 connected with the investigation of the shooting at
24 Club Miami?

25 A. No, sir.

Investigator Greg Hawkins-Redirect by Finney

1 Q. And do all of the -- would you tell the
2 judge, what is common characteristic of the people
3 in the lineup?

4 A. It's all black males about the same age as
5 Mr. Green, with a low haircut, and a small amount of
6 the facial hair on the chin.

7 Q. And did you happen to show that lineup to
8 different individuals that were part of your
9 investigation?

10 A. I did.

11 Q. And could you tell the court what the
12 lineup to these individuals were?

13 A. We had three individuals identify him from
14 the lineup.

15 Q. Are you aware of anybody who saw the
16 lineup who did identify Mr. Green?

17 A. No, sir.

18 Q. The -- let's just talk about the three
19 people just in summary. Is it your understanding
20 there were two security guards that were working
21 security outside the club that night?

22 A. That's correct.

23 Q. And their names were what?

24 A. Patrick Washington and Myron Conyers.

25 Q. And did both of those gentlemen give a

Investigator Greg Hawkins-Redirect by Finney

1 statement to you about what they saw that night?

2 A. They did.

3 Q. And after the statement did you show them
4 the lineup?

5 A. I did.

6 Q. And were they both able to pick Mr. Green
7 out of the lineup?

8 A. They were.

9 Q. Who was the third person that saw the
10 lineup?

11 A. It was Davontae Blanding.

12 Q. And was she a citizen witness at the
13 night club that night?

14 A. He was.

15 Q. He was, I'm sorry. And did he also pick
16 Mr. Green out of the lineup that night?

17 A. That's correct.

18 Q. Did you do anything to make Mr. Green
19 stand out in way in the lineup that was comprised
20 over at sled and sent back to you?

21 A. No, sir.

22 Q. And were pictures used in the lineup
23 colored pictures or black and white?

24 A. Both.

25 Q. Both color and black and white?

Investigator Greg Hawkins-Recross by Johnson

1 A. There was two lineups. It's the same
2 photographs, but there was another one with black
3 and white photographs as well.

4 Q. Shown to the same witnesses?

5 A. I know Mr. Blanding and Mr. Washington
6 should have been all of them had both copies of the
7 same lineup.

8 MR. FINNEY: Nothing further. Thank you.

9 THE COURT: Mr. Johnson.

10 MR. JOHNSON: Yes, sir. Your Honor, can we
11 approach?

12 THE COURT: Yes, sir.

13 (Whereupon, the attorneys confer at bench.)

14 Recross Examination by Mr. Johnson:

15 Q. So a black and a white and a colored were
16 shown.

17 A. Both of them were available whenever sent
18 them back. So since I had both of them available, I
19 just presented both of them.

20 Q. Which one you presented first?

21 A. I put both of them on the table.

22 Q. So it is your testimony that each one of
23 of the individuals you just laid both of them out
24 there.

25 A. Yeah, as far as my knowledge. Now I may

Investigator Greg Hawkins-Recross by Johnson

1 have put one and then the other. They were both
2 placed on the table, to my knowledge. Like I say, I
3 don't remember exactly which order, whether it was a
4 black and white or the color, or both at the same
5 time. But they were both had...

6 Q. Your reasoning because of why you used
7 two, was just because you had to?

8 A. They were both sent to me by sled, so I
9 presented both of those since I had both of them
10 available.

11 Q. Do you know which one was picked out first
12 by each individual?

13 A. Not offhand without looking at the videos,
14 or looking back at it. I don't know offhand which
15 one.

16 MR. JOHNSON: No other questions.

17 THE COURT: Mr. Finney, for the record,
18 could you cover the 3-b and 4-a, 4-b and 5-a, just
19 to make sure the record is clear?

20 MR. FINNEY: Yes, sir.

21 THE COURT: And I'll go ahead and state at
22 the conference No. 3, which is a color photo array,
23 was changed to 3-a. And then I'll leave it up to
24 you to cover the remaining ones that you have,
25 please.

Investigator Greg Hawkins-Redirect by Finney

1 Redirect Examination by Mr. Finney:

2 Q. Investigator, I want you to look at what's
3 been now marked 3-a, State's Exhibit. And tell me,
4 what do you see there in that exhibit?

5 A. It's a color photo lineup of Mr. Rodney
6 Green along with this 5 other individuals, all black
7 males about his age, with similar facial hair.

8 Q. And whose initials appear on the front of
9 that document?

10 A. This one appears to be Davontae Blanding.

11 Q. And is he one of the witnesses from the
12 club that night?

13 A. He was.

14 Q. And was Mr. Blanding shown a black and
15 white copy of the same exhibit that you just
16 described in 3-a?

17 A. That's correct.

18 Q. And is that marked 3-b?

19 A. It is.

20 Q. And his initials appear on that as well,
21 Mr. Blanding?

22 A. Yes, they do.

23 Q. Now tell us about 4-a. What is 4-a?

24 A. That appears to be the same color photo
25 lineup of Mr. Green that was shown to Patrick

Investigator Greg Hawkins-Recross by Johnson

1 Washington, where he identified Mr. Green.

2 Q. And Mr. Washington's initials appear on
3 that document?

4 A. Yes, sir.

5 Q. And what is 4-b?

6 A. That would be the black and white version
7 that was shown to Mr. Washington.

8 Q. At the same time?

9 A. Yes, sir.

10 Q. And what is 5-a?

11 A. This appears to be the color photo lineup
12 that was shown to Myron Conyers.

13 Q. Did Mr. Conyers put his initials on it
14 indicating which person he thought was involved in
15 the shooting?

16 A. He identified Mr. Green as well.

17 Q. And that one is marked 5-a. And we're
18 going to check and see if there's a 5-b, which would
19 be a black and white copy of what is shown in 5-a?

20 A. Yes, sir.

21 MR. FINNEY: Thank you, Your Honor.

22 THE COURT: Mr. Johnson.

23 Recross Examination by Mr. Johnson:

24 Q. And just for clarification, did you
25 mention a minute ago that there's a video of the two

Investigator Greg Hawkins-Recross by Johnson

1 security guards too?

2 A. There should have been. I don't know
3 if -- I can't remember which interview and where
4 they were they were interviewed. I know they were
5 interviewed at our office. But If they were
6 interviewed in the investigation interview rooms,
7 there should have been a video available for them.
8 Now I know Mr. Washington was interviewed in another
9 room, because all of the interview rooms we had at
10 the time were full. So I do know he was interviewed
11 in a separate part of the sheriff's office.

12 Q. So Mr. Washington, the security officer,
13 there is no video of him.

14 A. I don't believe so.

15 Q. And you don't know about the other
16 security guard.

17 A. I can't remember if Mr. Conyers was
18 interviewed in one of our interview rooms in
19 investigations, or if he was interviewed in one of
20 the other rooms.

21 Q. Now I kind of saw the video of Davontae.

22 A. Right.

23 Q. Just try to if you can remember, if you
24 don't that's fine. But in that video will you
25 disagree that you showed Davontae a picture first,

Investigator Greg Hawkins-Recross by Johnson

1 and then he signed it? Then you pulled out second
2 picture and showed it to him.

3 A. As far as picture, you mean like the photo
4 lineup?

5 Q. The lineup, I'm sorry.

6 A. Without looking at the video I couldn't
7 agree or disagree with you.

8 Q. You just don't remember.

9 A. I don't remember at this time.

10 MR. JOHNSON: No other questions.

11 MR. FINNEY: Thank Your Honor.

12 THE COURT: Any additional questions you
13 said, Mr. Finney?

14 MR. FINNEY: No, Your Honor.

15 THE COURT: Thank you, sir. You can step
16 down. Any additional witnesses from the State?

17 MR. FINNEY: None from the State, Your
18 Honor.

19 THE COURT: Mr. Johnson, any witnesses
20 from the defendant?

21 MR. JOHNSON: No, Your Honor. I have
22 none.

23 THE COURT: Mr. Finney, did the
24 investigator say that the witness interviews of
25 Blanding and Conyers should have been videotaped

1 because of the room they were in---

2 MR. FINNEY: No, sir.

3 THE COURT: ---had equipment? Or did I
4 miss something?

5 MR. FINNEY: I believe he thought that if
6 they were done in the primary rooms, the normal
7 interview rooms, they do have recording equipment.
8 He did not feel that Mr. Washington's was recorded.

9 THE COURT: Because he was in a different
10 room.

11 MR. FINNEY: Right. And he doesn't know
12 about Mr. Conyers.

13 THE COURT: You've got a video of the
14 Blanding interview?

15 MR. FINNEY: I do. And I have an
16 interview of the young lady named Harvin. Those are
17 the three interviews that I have that I gave
18 Mr. Johnson.

19 THE COURT: But there is no video of the
20 Conyers interview or the Washington interview.

21 MR. FINNEY: I have never seen them, Your
22 Honor. No, sir.

23 THE COURT: Well the State's position on
24 the -- well I've got to watch the statement first,
25 I guess. It's two hours of questions, is that

1 right?

2 MR. FINNEY: Yes, sir.

3 THE COURT: Questions and answers?

4 MR. FINNEY: Yes, sir.

5 THE COURT: Is it -- is there any lengthy
6 pause that -- or is it two hours?

7 MR. FINNEY: There is one lengthy pause
8 where the investigator leaves the room so that Mr.
9 Green can do the handwritten statement. I would say
10 it's 20 to 30 minutes of that just watching
11 Mr. Green write on the paper. And then the
12 investigator comes back. They talk. And then
13 that's the end of it.

14 THE COURT: Mr. Johnson, do you agree that
15 I can't make a ruling on this video statement
16 until I watch it?

17 MR. JOHNSON: I agree, Your Honor.

18 THE COURT: What am I going to see that
19 you think would require me to exclude it? Well
20 first all, can somebody just tell me in a nutshell
21 what he said?

22 MR. FINNEY: Basically right what he put
23 on the statement that he and his girlfriend got out
24 of the car, were on their way inside of the club,
25 heard a commotion, heard people fighting, and then

1 they heard gunshots, and they began to run.
2 Somewhere in the running, he lost his girlfriend.
3 And before he knew it, he was being arrested.

4 THE COURT: So in the videotape statement,
5 did he make any admissions, Mr. Johnson.

6 MR. JOHNSON: No, Your Honor.

7 THE COURT: But you do want it to be
8 excluded?

9 MR. JOHNSON: Yes, Your Honor. As I
10 stated, my reason would be that there was evidence
11 that he was tased, that he had alcohol on his
12 breath; that there was evidence that would indicate
13 that there some coercion done, or that he was not
14 able to answer it.

15 THE COURT: I guess my question is, is
16 there anything that he says on tape or in writing
17 that is incriminating?

18 MR. JOHNSON: No, Your Honor.

19 THE COURT: But you still want it out.

20 MR. JOHNSON: I want it out. I think that
21 just as a matter of law I have to argue that I want
22 it out.

23 THE COURT: I just wanted to make sure
24 what I will be seeing. How about the
25 identification? One of the factors that I have to

1 take into account is the witness' opportunity to
2 view the criminal at the time -- or view the
3 defendant at the time, or the degree of attention
4 paid by the witness, the accuracy of any prior
5 description, the level of certainty at the time of
6 confrontation. And the time between the crime and
7 the confrontation being the outline -- the lineup.
8 What do I have on that, Mr. Finney, other than the
9 officer's testimony that they all appeared certain?
10 Are those witnesses going to testify?

11 MR. FINNEY: They are, Your Honor. And as
12 far as providing the court with something this
13 evening, because those gentlemen are not available
14 to me until the morning. Both of those gentlemen,
15 security guards gave written statements which I
16 would offer at this point as supplementing or
17 supporting information about what they saw and what
18 they -- how they reacted, and how Mr. Green came to
19 be arrested that night.

20 THE COURT: Mr. Johnson. While you are
21 thinking, what did they say? What did the witnesses
22 say Mr. Green did?

23 MR. FINNEY: Both security guards indicate
24 that there was a fight inside the club; that the
25 people who were operating security inside the club,

1 pushed some people out so that they could calm down
2 and cool out. And as a result of that disturbance
3 coming outside, their attention was focused on that
4 until they heard gunshots. When they heard
5 gunshots, both of the security guards reacted to the
6 gunshots; saw a man dressed in all white with a
7 handgun, and saw him flee the scene of the shooting
8 right there in the parking lot. He ran into an open
9 field adjoining the club. One of the security
10 guards followed him with a flashlight.

11 The other security guard was behind the
12 guy with the flashlight. And a Sumter County Deputy
13 appeared on the scene with a spot light or search
14 light on his vehicle. And they followed this man in
15 all white into the field, where he was apprehended
16 by Mr. Washington and Officer Pizzino.

17 THE COURT: Were they, from what they saw
18 inside.

19 MR. FINNEY: They weren't inside, they
20 were outside.

21 THE COURT: What they saw right after the
22 shooting, were they able to identify that person as
23 being the defendant? And the person with the
24 handgun.

25 MR. FINNEY: They were able to identify

1 the man who did the firing of the weapon in the
2 parking lot, as a man who was dressed in all white,
3 who fled immediately, and was given chase by them,
4 and caught 100-yards away in an open field.

5 THE COURT: And they identified the man
6 that was caught in the open field, as being the
7 same person they saw right after the shooting in all
8 white?

9 MR. FINNEY: Yes, sir.

10 THE COURT: And that person was?

11 MR. FINNEY: Mr. Rodney Green.

12 THE COURT: And what did they do with him
13 at the time of the apprehension? Did they sat on
14 him, tackle him, what did they do?

15 MR. FINNEY: Mr. Washington, the security
16 guard, was able to tackle him. Mr. Pizzino, the
17 deputy, was able to get there in time to effect an
18 arrest. Apparently Mr. Green didn't cooperate. He
19 was tased. And then was handcuffed, and put in to
20 custody in the police car.

21 THE COURT: And so and this is a little
22 bit off of topic. Is there any evidence that's
23 going to come that the defendant said anything to
24 Deputy Pizzino?

25 MR. FINNEY: No, sir.

1 THE COURT: No statements in route?

2 Because we'll have to cover that on Jackson versus
3 Denno also.

4 MR. FINNEY: It wouldn't be a statement on
5 route. The only thing we have in our file is that
6 Pizzino will say that he attempted to get Mr. Green
7 to cooperate. Mr. Green would not cooperate.

8 THE COURT: But no statements made.

9 MR. FINNEY: There was some cussing noted
10 in the report.

11 THE COURT: Mr. Johnson any arguments on
12 the identification process?

13 MR. JOHNSON: No argument on
14 identification itself, Your Honor. The issue here
15 is that the two officers, the security guard knew
16 Mr. Green beforehand. In their statement that I
17 guess that statement furnished to you, they did not
18 identify the person that was shooting as being Mr.
19 Green. They identified as being a tall person with
20 white on, because of the distance he was away.
21 When they arrested Mr. Green and saw who he was,
22 then they knew who he was. Then they then
23 identified him on the lineup.

24 So there was no identification that we saw
25 Rodney Green shoot. There was identification that

1 the person that we arrested, where we found at the
2 mound, where we found at the mound, was Rodney
3 Green.

4 THE COURT: Found where?

5 MR. JOHNSON: It was a dirt mound, where
6 apparently they found Mr. Green and where he was
7 arrested at. And there is evidence. We believe
8 there is evidence, Your Honor, that it was a
9 struggle. There is evidence that they smelled
10 alcohol on him. There is evidence that he was
11 tased, and that he received no medical treatment.
12 There is also evidence as stated by the State, that
13 he was questioned going to -- actually going to the
14 police department. And at that time, he refused.
15 And that's our position is when he refused and then
16 basically, I don't have the officer here, so I don't
17 know what the officer is going to say.

18 THE COURT: He refused to talk to the
19 officer.

20 MR. JOHNSON: When he was asked to
21 cooperate, he refused to talk at that time. And
22 it's our position that's when he invoked his right
23 to counsel at that time. But the officer is not
24 here, so I can't ask the officer. I don't know what
25 the officer would say.

1 THE COURT: Did the officer read him his
2 rights, or just say, hey, man, what happened. Or do
3 you know?

4 MR. FINNEY: I don't know, Your Honor.

5 THE COURT: Anything else before we move
6 on to whatever else you might have, Mr. Finney?

7 MR. FINNEY: Your Honor, the only other
8 thing I think that I have for the court is to mark
9 some exhibits and photos. We would ask -- I don't
10 know.

11 MR. JOHNSON: I think me and Solicitor
12 Finney can go over there this afternoon, Your Honor,
13 and then just show it to you in the morning.

14 THE COURT: Or you can mark those ID.
15 Leave them with the court reporter. And obviously
16 I'll be here all afternoon. Once you finish with
17 that, just let me know what you've agreed on. Of
18 course, you can agree on it Mr. Johnson, still
19 reserving the right to make him have everything
20 authenticated and a foundation being laid. But I
21 would assume that many of those photos are going to
22 be kind of like the lay of the land, and you're not
23 going to objection to them. But I'm just guessing.

24 MR. JOHNSON: That's correct, Your Honor.

25 THE COURT: We will just recess for---

1 MR. JOHNSON: But, Your Honor, there is
2 one fact.

3 THE COURT: Oh, you do have something
4 else?

5 MR. JOHNSON: Yes, Your Honor. There is a
6 statement that was given by Levy O'dell.

7 THE COURT: O'dell Levy?

8 MR. FINNEY: His last name is Levy.

9 MR. JOHNSON: His last name is Levy. His
10 first name is Rubin. Rubin O'dell Levy. And he
11 was a roommate of my client, Your Honor, when my
12 client had been held at the Sumter County Detention
13 Center. He gave -- he wrote a letter to the
14 Solicitor's Office. I don't have a date as far as
15 when he got the letter. I have a copy of it here.

16 THE COURT: You can hand it up. Do you
17 have one, or do you want this one marked for
18 Defendant's No. 1 for Id.?

19 MR. JOHNSON: I don't have a copy of
20 that. That's my copy, Your Honor.

21 THE COURT: Can we mark that one then?

22 MR. JOHNSON: This is the another
23 statement itself.

24 THE COURT: So what do you want?

25 MR. JOHNSON: I have it on computer, so we

1 can use this as Defense Exhibit No. 1.

2 THE COURT: Which one?

3 MR. JOHNSON: Both of them. They are
4 separate statements. One is the letter and one is
5 the statement he actually gave the solicitor's
6 office.

7 THE COURT: One for Id. and 2 for id.
8 both for the defendant. Do you think I will be able
9 to digest it?

10 MR. JOHNSON: I think you can digest what
11 I am going to say, Your Honor. Because my argument
12 is not necessarily what's in the---

13 THE COURT: Let her finish.

14 (Letter marked Defendant's Exhibit No. 1
15 for Id. Form that has statement marked Defendant's
16 Exhibit No. 2 for id.)

17 THE COURT: One is the handwriting on it,
18 and No. 2 looks like the first page is the actual
19 form that has got the statement on it.

20 MR. JOHNSON: That's correct, Your Honor.
21 Your Honor, Defense Exhibit No. 1 is actually a
22 letter I'm assuming that was written to the State.
23 I'm not sure exactly sure who got it, but it was
24 written to the solicitor's office and to the police
25 department; where he indicated that he wanted to

1 talk to the police; that he would have some evidence
2 against my client.

3 And then Defense Exhibit 2 is actually
4 when he met with the police, and he gave that
5 written statement. I believe that statement was
6 taken July 9th of 2015.

7 I received discovery from the State on
8 August 20th of 2015. I guess that would be Exhibit
9 3. Defense Exhibit 3.

10 THE COURT: For Id.

11 MR. JOHNSON: For Id.

12 (Discovery of 8-20-16 marked Defendant's
13 Exhibit No. 3 for Id.)

14 MR. JOHNSON: And that's when I first
15 received my first discovery from the State.

16 THE COURT: Discovery responses you mean?

17 MR. JOHNSON: Correct. Which was after
18 that statement was taken. In that discovery, I did
19 not receive that statement. The State then left
20 Mr. Levy in the same cell with my client after that,
21 until I am not sure of the exact date, but about 30
22 days ago I think, he was taken out. I have to check
23 the records of it. But he was taken out after that
24 discovery. And then about two weeks about ago the
25 State actually gave me that statement. It is my

1 position that that is somewhat prosecutorial
2 misconduct, because what it did was, when I gave my
3 client, and we have been working our defense, I've
4 given my client discovery material, things of that
5 nature, that he is taken back to his cell. He is
6 also had Mr. Levy as his roommate who has questioned
7 him and talked to him about his case.

8 It is our position that once the State
9 became aware that he was cooperating with them and
10 they took his statement, he effectively became agent
11 of the State. The State beforehand had notice by my
12 Rule 5 discovery and Brady motion that any -- that
13 they would have to -- would not be allowed to
14 question my client. And by my letter, they would
15 not be allowed to question my client concerning this
16 matter unless I was present. By leaving Mr. Levy in
17 there after they was aware he was cooperating, it
18 was the same effect of having a police officer in
19 the cell.

20 THE COURT: Well how am I supposed to, and
21 I know you are an officer of the court. But how am
22 I supposed to take all that as a fact without some
23 evidence, some testimony? Mr. Finney, do you know
24 when Mr. Levy was removed from the defendant's cell?

25 MR. FINNEY: My information is that

1 Mr. Levy was -- that there was a change in the cell
2 assignments based on some action that Mr. Green took
3 at the jail, not because the State moved him.

4 THE COURT: But when was he moved?

5 MR. FINNEY: I wouldn't -- I don't have a
6 date, Your Honor.

7 THE COURT: Mr. Johnson.

8 MR. JOHNSON: I don't have it with me
9 today, Your Honor, but I will produce it to the
10 court.

11 THE COURT: I know, but when was it?
12 About when was it?

13 MR. JOHNSON: About 30 days ago.

14 MR. JOHNSON: Two months ago, Your Honor.
15 So that be early September. Sometime in September.
16 But I think we might have it here.

17 MR. FINNEY: We have a record from the
18 jail that says that he was placed in the jail in
19 Sumter County in August of 2014, and he was moved to
20 a different pod in July 20th 2015.

21 THE COURT: And that's Mr. Levy.

22 MR. FINNEY: That's right.

23 THE COURT: Mr. Levy you said was put in
24 the detention on August 14th.

25 MR. FINNEY: That's right.

1 THE COURT: And moved July 20th of this
2 year?

3 MR. FINNEY: That's right.

4 THE COURT: Well Mr. Johnson said he
5 wasn't moved until early September.

6 MR. FINNEY: That's not correct.

7 THE COURT: Well that's why I'll need
8 some -- something other than what the lawyers say.

9 MR. JOHNSON: Your Honor, I don't have it
10 right now, but I will check on it this afternoon.
11 I'll have my investigator check on it. If the court
12 could give me leeway---

13 THE COURT: Sure.

14 MR. JOHNSON: ---I can check on the exact
15 date.

16 THE COURT: That's no problem. And what I
17 would like to know from the State is whether or not
18 after the State became aware of it, was there any
19 instruction or encouragement given to Mr. Levy to
20 continue questioning the defendant, and we'll go
21 from there.

22 MR. FINNEY: Absolutely not, Your Honor.

23 THE COURT: You all aren't witnesses, I
24 guess is the best way for me to put this. You and
25 Mr. Johnson can't recite facts unless you all

1 stipulate that a certain set of facts is true.

2 MR. FINNEY: I did notice that the
3 documents we turned over to Mr. Johnson did not have
4 dates on them. We didn't have dates. And quite
5 frankly, although I may have some work product
6 notes, they may have dates on them as to when. I've
7 only meet this gentleman one time. I probably met
8 him about 3 weeks ago or 4 weeks ago. And the only
9 thing that I can tell you is that there was a
10 concern on my part, that once Mr. Levy came forward
11 with the information, I wanted to make sure that he
12 was safe, because he had a concern in his documents
13 about his own safety.

14 THE COURT: Mr. Johnson, does it stand to
15 reason that the formal handwritten statement on the
16 voluntary statement form given by Mr. Levy was after
17 his handwritten letter to the solicitor. Would that
18 make sense?

19 MR. JOHNSON: That makes sense, Your
20 Honor.

21 THE COURT: And you all have a
22 disagreement on when it was that Mr. Levy got a cell
23 change.

24 MR. JOHNSON: That's correct, Your Honor.
25 And as far as dates, Your Honor, as I say, I think

1 the document speaks for itself as far as when I
2 received discovery and when the statement was given.

3 THE COURT: And you got this information
4 when?

5 MR. JOHNSON: I did not get that
6 information until 2 weeks ago. But the initial
7 discovery was sent to me without that information in
8 it.

9 MR. FINNEY: At the time we sent
10 Mr. Johnson the initial discovery, we did not have
11 that statement. I did not have statement.

12 THE COURT: Well the police had it.

13 MR. FINNEY: The police may have had it.
14 I don't know when they got it.

15 THE COURT: Well it's signed by
16 Investigator Hawkins. So...

17 MR. FINNEY: On what date, Your Honor?

18 THE COURT: July 9th. So it would stand
19 to reason that he had it. And what he should have
20 done is given you a copy immediately. Now Rule 5
21 has different things you have to consider about
22 whether or not you've got to give the defense a copy
23 of a witness' statement. The rule technically says
24 you don't have to give it until examination begins,
25 right?

1 MR. FINNEY: Right.

2 THE COURT: Is that right? But your
3 concern is that he stayed in the cell acting as an
4 agent of the State. Is that right, Mr. Johnson?

5 MR. JOHNSON: That's correct, Your Honor.

6 THE COURT: Any other points you would
7 like to emphasize or make on the statement given by
8 Mr. Levy?

9 MR. JOHNSON: No, Your Honor. On the
10 statement itself, no.

11 THE COURT: Is there any evidence that the
12 defendant said anything to Mr. Levy after his July
13 9th statement that you intend to use at trial? In
14 other words, let's just assume for the purposes of
15 argument that he stayed in that cell one more day,
16 one more week, one more month, or two more months.
17 Is the testimony you want to elicit from Mr. Levy
18 going to be restricted to these two pieces or these
19 two exhibits, Mr. Finney? Being Defendant's 1 and
20 Exhibit 2 for Id?

21 MR. FINNEY: It will be, Your Honor. Yes,
22 sir.

23 THE COURT: Any response to what
24 Mr. Johnson has said?

25 MR. FINNEY: Only that I take -- I take

1 exception to the fact that Mr. Levy became an agent
2 of the State, because he knocked on our door and
3 told us that he wanted to give us some information
4 that he had come by.

5 THE COURT: I think his argument is that
6 you all left him in there for another two months,
7 and he continued to get information. That was done
8 as an agent of the State. That's not what I'm
9 saying. That's just what he's arguing.

10 MR. FINNEY: Well the cross point on that
11 is, the letter of introduction from Mr. Levy
12 contains quite a list of details as to what
13 information he was offering. And the statement that
14 he gave to Hawkins only formalizes that information.
15 It doesn't change it at all.

16 THE COURT: And I think Mr. Johnson's
17 argument is what happened after this. He was left
18 in that cell. And that's why I asked was there
19 anything else he was going to say that occurred
20 after the date of this handwritten statement.

21 MR. FINNEY: And the answer to that is,
22 no, Your Honor.

23 MR. JOHNSON: I mean, Your Honor, I think
24 I can clear this up. The State has stipulated that
25 they're not going to ask him anything about what

1 happened after that statement. Then I understand
2 the court ruling on this matter. I have no other
3 problems after that.

4 THE COURT: Mr. Finney.

5 MR. FINNEY: I agree by that. We can
6 limit it to the information in that written
7 statement.

8 THE COURT: Can I ask you a question since
9 we'll get to it. Mr. Levy, I would assume, has some
10 type of criminal conviction record?

11 MR. FINNEY: He does.

12 THE COURT: What are those convictions?

13 MR. FINNEY: Quite frankly, Your Honor, he
14 has an attorney that I've had to go and talk with,
15 and I believe he has pending charges in Fairfield or
16 Chesterfield of a financial fraud background. And I
17 don't believe he has come up for sentencing yet.

18 THE COURT: But he's got past convictions.
19 In other words, Mr. Johnson, is going to cross
20 examine him, he's probably entitled to have that. I
21 just want to---

22 MR. FINNEY: I'll be glad to give that to
23 him.

24 THE COURT: And Ms. Barbier, is she going
25 to be here for the trial?

1 MR. FINNEY: She is very cooperative. She
2 told me that as long as I did the gentlemanly thing,
3 that she might not have to be here. She
4 understands the situation.

5 THE COURT: So the State stipulates that
6 it will not be asking Mr. Levy any questions about
7 conversations he had with Mr. Green, assuming the
8 jury chooses to believe he had those conversations,
9 that took place after the July 9th statement.

10 MR. FINNEY: That's correct.

11 MR. JOHNSON: That's fine with me, Your
12 Honor.

13 THE COURT: I will still hold these and
14 read them just for my information.

15 MR. FINNEY: I wanted to go back because I
16 mentioned to the court that the two statements from
17 the security guards, I wanted to introduce them as
18 supporting evidence on the---

19 THE COURT: 6 and 7?

20 MR. FINNEY: Yes, sir.

21 THE COURT: Or 6, 7, 8?

22 MR. JOHNSON: That is correct, Judge.

23 MR. FINNEY: It would be 6 and 7. There
24 is only two security guards, Mr. Washington and
25 Mr. Conyers. They are statements in support of the

1 identification of Mr. Green.

2 THE COURT: A two page statement.

3 MR. FINNEY: Yes, sir. Mr. Washington's
4 is a two page statement. That will be No. 8.
5 Mr. Washington is No. 6. Mr. Conyers is 7.

6 THE COURT: Okay, both for Id.

7 (Statement of Mr. Washington marked No. 6
8 for Id. Statement of Mr. Conyers is No. 7 for Id.)

9 THE COURT: Mr. Johnson, do you have any
10 witnesses that you would like to call on either of
11 these issues? Or any of the three issues. I wanted
12 to make sure I gave you that opportunity.

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

14 THE COURT: Anything else, Mr. Finney,
15 from the State, for today?

16 MR. FINNEY: Not for today, Your Honor.

17 THE COURT: Mr. Johnson.

18 MR. JOHNSON: The defense has nothing,
19 Your Honor.

20 THE COURT: Assuming the case goes
21 forwards as planned, what do you have before lunch
22 tomorrow, Mr. Finney?

23 MR. FINNEY: I would like to think that I
24 might be able to tie up all day tomorrow with those
25 types of witnesses. And then on Thursday I would do

1 my law enforcement, my evidence, my sled and my
2 pathologist.

3 THE COURT: How about Thursday?

4 MR. FINNEY: That's what I'm talking about
5 Thursday.

6 THE COURT: And the witnesses who will
7 testify tomorrow to the extent any have a criminal
8 record, do we have those available?

9 MR. FINNEY: Yes, sir.

10 THE COURT: Does the defendant have any
11 convictions, Mr. Johnson, that at least I need to
12 know about before he makes the decision as to
13 whether he will testify?

14 MR. JOHNSON: One second, Your Honor. My
15 client has a -- I think he just has -- I think what
16 he has, Your Honor, he has a possession charge of
17 cocaine, and a driving charge.

18 THE COURT: Does the State take the
19 position that it would be allowed to impeach him on
20 either of those?

21 MR. FINNEY: The crack cocaine charge
22 would be impeachable, Your Honor. We understand it
23 caused him to lose his right to possess a firearm
24 and ammunition.

25 THE COURT: Well it would come in to

1 impeach his credibility, but that would be an
2 element of the crime, of which crime?

3 MR. FINNEY: Well there are two charges
4 involving weapons in the indictment.

5 THE COURT: But neither one of them
6 require you to prove that he has a conviction
7 prohibiting him from having one.

8 MR. FINNEY: No, sir. It would be
9 rebuttal or reply. It would rebuttal information if
10 he were to introduce the fact that he -- in other
11 words, if he got on the stand and said, yeah, I got
12 cocaine charge in 19, so and so. I think I would be
13 within my bounds to ask him because of that, you
14 were advised you could not carry a firearm.

15 THE COURT: And what would that have to do
16 with this case?

17 MR. FINNEY: Because he was carrying a
18 firearm that night.

19 THE COURT: We'll have to -- well crack
20 convictions is only going to come in as a threshold
21 matter on the issues of credibility. I'll have to
22 see and hear some case law and argument about how it
23 can be used for anything else. But we'll cross that
24 bridge when we come to it. Certainly don't mention
25 during your opening statement.

1 MR. FINNEY: No, sir, I won't.

2 THE COURT: Anything else?

3 MR. FINNEY: No, sir.

4 THE COURT: Mr. Johnson.

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

7 THE COURT: If both of you could be here
8 by 9:15 to make sure we have covered everything
9 before we get started. And make sure the detention
10 center has the defendant here and dressed by --
11 inside the courtroom by 9 o'clock.

12 MR. JOHNSON: And, Your Honor, I just want
13 to make one clarification. The exhibits that I gave
14 you was only as exhibits, correct?

15 THE COURT: They're just for Id.

16 MR. JOHNSON: Cool.

17 THE COURT: They're not in evidence. And
18 also keep in mind that the evidentiary rules
19 themselves will likely prohibit the four corners of
20 the documents coming in. The rules may allow their
21 be reference to some, but not necessarily that the
22 pieces of paper would come in. But the statement,
23 the ones you handed me, Mr. Johnson, are
24 identification purposes.

25 MR. JOHNSON: Thank you, Your Honor.

1 THE COURT: Well let's just say at
2 9:15 tomorrow. And if the defendant could certainly
3 be in the courtroom by nine that would be a big
4 help. Thank you.

5 MR. FINNEY: And, Your Honor, just for
6 the record, you will be here another hour.

7 THE COURT: I'll be here for the rest of
8 the day. I'm going to start watching that
9 videotape. Let's get back on the record with one
10 thing about the jury qualifications.

11 The jury qualifications, I think both of
12 you would likely agree that over Mr. Johnson's
13 objection, I removed Ms. Jones -- Ms. Brooks, excuse
14 me, that was over the State's objection. I removed
15 Ms. Brooks Juror No. 22 from the pool, because I
16 thought she equivocated when I asked her based on
17 her familiarity with the family members if she could
18 be fair and impartial. I excluded her over the
19 State's objection. No. 97, Ms. Jones, I left her
20 in, because I thought she was credible in telling me
21 that even though she knew the victim's family, she
22 could fair. I will say that it turns out that she
23 wasn't on the list anyway. Ms. Jones was not even
24 on the remaining list of 16. So I think that's a
25 moot point. Do you agree with me, Mr. Johnson?

1 MR. JOHNSON: I agree, Your Honor.

2 THE COURT: I believe that there were no
3 other exceptions other than Mr. Finney's request
4 that Ms. Brooks remain a member of the panel on
5 Mr. Johnson's motion. I removed her, and so that
6 ends that. Was there any other issue that came up
7 during jury selection that either of you want to put
8 on the record?

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

10 MR. FINNEY: Nothing, Your Honor.

11 THE COURT: There was a juror Melissa
12 Smith No. 157, who told me during qualification
13 downstairs that she had to take her husband, who is
14 a cancer patient, to the doctor on Friday. When I
15 asked both of you if the case could go into Friday,
16 you both agreed she should be released. Mr. Finney,
17 is that a correct statement?

18 MR. FINNEY: That's correct, Your Honor.

19 THE COURT: Mr. Johnson.

20 MR. JOHNSON: That 's correct, Your Honor.

21 THE COURT: I think that covers
22 everything. I just wanted to make sure that I
23 followed up on that. And you said what about 5-b?

24 MR. FINNEY: There is no 5-b, Your Honor.
25 The black and white version. They're only the

1 color version is what the law enforcement agency had
2 in their files.

3 THE COURT: Is that all they used with
4 that particular identification witness?

5 MR. FINNEY: So far as we know, Your
6 Honor, that's all they used.

7 THE COURT: We will be in recess
8 for an hour.

9 MR. FINNEY: I'll let you know something.

10 (Whereupon, the trial commences on
11 Tuesday, November 10, 2015, at 9:30 a.m.)

12 (Photographs marked State's 8-29 for Id.
13 Diagrams marked State's 30-31 for Id. Voluntary
14 statement marked State's 32 for Id.)

15 (Whereupon, the following takes place
16 outside the presence of the jury.)

17 THE COURT: On yesterday, as I recall the
18 objection to the statement from Mr. Levy was
19 semi-withdrawn by Mr. Johnson based on the
20 stipulation by Mr. Finny that they would not seek to
21 elicit from Mr. Levy any statements allegedly made
22 by the defendant after he was interviewed by law
23 enforcement. Did I state that correctly,
24 Mr. Johnson?

25 MR. JOHNSON: Yes, Your Honor.

1 THE COURT: Can I ask one question,
2 Mr. Finney. In the interview room, where is the
3 microphone?

4 MR. FINNEY: In the ceiling, Your Honor.
5 And I have asked them to move it, and it has been
6 moved.

7 THE COURT: And a lot of it, I don't know
8 if it's even useable. And in this case, it may not
9 make any difference since Mr. Green didn't do
10 anything to stick by his original story. But
11 obviously that would help in the future if they had
12 it somewhere where you could actually hear what
13 they're saying.

14 MR. FINNEY: Yes, sir.

15 THE COURT: As far as the Jackson vs.
16 Denno hearing, is concerned, the findings that I've
17 made are all by the greater weight of the evidence.
18 And that is, that the statement whether it's
19 considered to be incriminating or not, was obtained
20 from the defendant after he was fully advised of his
21 rights under the 5th and 6th Amendments, and that he
22 was advised of all the constitutional safeguards
23 required by Miranda vs. Arizona.

24 Specifically, he was advised of his right
25 to remain silent. And that if he waived his right

1 to remain silent and made a statement, that the
2 statement could be used against him in court. He
3 was advised prior to questioning that he had the
4 right to employ or select an attorney of his own
5 choice, and that if he did not have the funds or
6 other resources to employ an attorney, that the
7 court, a court, would provide an attorney for him at
8 no cost. And he was also told that he had the right
9 to have his lawyer present with him during
10 questioning, during all interviews and
11 interrogations, and that he had the right to consult
12 with an attorney before interrogation.

13 He was also told in accordance with all of
14 the constitutional safeguards, that he could stop
15 the questioning at any time, and that if during the
16 questioning he wanted a lawyer, the interrogation
17 would stop until a lawyer was provided. And again,
18 he waived those rights, freely, voluntarily
19 knowingly and intelligently.

20 The statement such as it was given freely
21 and voluntarily without duress, without coercion,
22 undue influence, hope of reward, promise or anything
23 along those lines. And all and all the statement he
24 made was the product of his free and unconstrained
25 will.

1 As far as the lineup, the three lineups
2 are concerned, which will be 3-a, 3-b, 4-a, 4-b and
3 5-a. Under the Neal vs. Biggers line of cases, the
4 first thing I have to determine is whether or not
5 the out of court identification process was unduly
6 suggestive. And if it was, was it nevertheless so
7 reliable that no substantial likelihood of
8 misidentification existed. First, I do find the
9 lineups weren't suggestive at all. I think they
10 were all appropriate within the confinements of the
11 case law. And I'll go ahead and go on to say that
12 even if they were unduly suggestive, they were
13 reliable enough that no substantial likelihood of
14 misidentification occurred.

15 That takes care of my rulings on those two
16 points. Does that cover everything as far as the
17 State is concerned and the defendant is concerned?

18 MR. FINNEY: Yes, sir.

19 MR. JOHNSON: I think it does, Your Honor.
20 We have one disagreement about a picture.

21 THE COURT: Right. Of the picture of the
22 gentleman in the hospital bed?

23 MR. FINNEY: Yes, sir.

24 THE COURT: Can we mark that for Id. at
25 least? And I guess under State vs. Torres, and

1 other cases, I have to look at them all through the
2 403 analysis.

3 (State's Exhibits Nos. 8 through 31 for
4 Id.)

5 THE COURT: I have numbers for the State
6 for Id. whatever 8 through 29. Has the one that he
7 objects to been marked?

8 MR. FINNEY: Yes, sir. That's---

9 THE COURT: No. 10.

10 MR. FINNEY: ---it right there in your
11 hand. Yes, Your Honor.

12 THE COURT: And just for my education, is
13 the ballistics expert going to say this was a 45?

14 MR. FINNEY: A 45, yes, sir.

15 MR. JOHNSON: Well, Your Honor, the
16 ballistic's expert is going to say that the shell
17 casings they found was a 45. Not they have no
18 rounds recovered from the body.

19 THE COURT: They did not recover anything?

20 MR. JOHNSON: No, sir.

21 MR. FINNEY: They recovered the handgun,
22 a 45 handgun, 100 yards from the---

23 THE COURT: On the other side of the pile
24 of dirt that I read in the statement?

25 MR. JOHNSON: Right. And they recovered a

1 shell casings. But the the actual rounds was not
2 recovered from either person.

3 THE COURT: Mr. Johnson, what is your
4 objection to No. 10?

5 MR. JOHNSON: It has no evidentiary value,
6 Your Honor. It is only used by the State to just
7 raise the passion of the jury. There is no question
8 that the individual that was shot is, I'm assuming
9 is going to testify. By showing that, it has no
10 evidentiary value to the court. It was only used to
11 incite the passions of the jury.

12 THE COURT: Mr. Finney, what's the
13 probative value of No. 10?

14 MR. FINNEY: Your Honor, please, first of
15 all, it doesn't have anything emotionally exciting
16 in the picture. It doesn't have any blood or
17 anything. It shows Mr. Jenkins, who is the second
18 victim, in the hospital bed. It shows -- it gives
19 me a way to show some of the apparatus that had to
20 be used on him to get him straight. He's going to
21 testify about his time in the hospital and the type
22 of wound he suffered. And it's just a demonstrative
23 piece of evidence that shows which leg was hit, and
24 what condition he was in after the doctors worked on
25 him.

1 MR. JOHNSON: Your Honor, can I address
2 that?

3 THE COURT: Yes, sir.

4 MR. JOHNSON: Your Honor, it would be good
5 if we were doing a civil case, in which he was
6 charged with damages or pain and suffering. Once
7 again, it points to my whole point about the affect
8 it would have on the jury. It has nothing to do
9 with the scene. It was not a picture of him at the
10 scene of the crime. It has nothing to do with any
11 elements that the State has to prove in this case.

12 THE COURT: Where was he -- what part of
13 the body? On part of the body was he wounded?

14 MR. JOHNSON: On the leg.

15 THE COURT: Both legs?

16 MR. JOHNSON: One.

17 THE COURT: One leg. Well the picture
18 shows who I believe looks to be the gentleman who
19 was here yesterday during jury selection---

20 MR. FINNEY: Mr. Jenkins.

21 THE COURT: Mr. Jenkins, in a hospital
22 bed. It looks like he's definitely got one, his
23 right foot in a boot. I can't tell about the other
24 one. There is something blue there too, and his
25 foot may be freed from that. It shows the IV's

1 coming out of his right hand and forearm. And it
2 shows him in a hospital gown.

3 It also shows a, what do you call those
4 things where the leg? You can have a seat.

5 MR. FINNEY: I think it's call an
6 immobilizer, or stabilizer, or something like that.

7 THE COURT: And it shows him, it doesn't
8 show him in any obvious pain. It just shows him
9 sitting -- laying there, kind of looking off to the
10 side with his hand up to his mouth. So your
11 argument is that any probative value is
12 substantially outweighed by the danger of unfair
13 prejudice to the defendant?

14 MR. JOHNSON: Yes, Your Honor. As I
15 stated, it serves no purpose in proving who shot
16 him. It serves no purpose in proving when he was
17 shot, where he was shot, or how he was shot.

18 THE COURT: Mr. Finney, one last
19 question. What -- he is going to testify he was
20 shot in the lower leg, it looks like.

21 MR. FINNEY: Upper leg.

22 THE COURT: Upper leg.

23 MR. FINNEY: Above the knee.

24 THE COURT: Upper leg. And this would
25 tend to support that?

1 MR. FINNEY: Yes, sir. And it would give
2 the jury something, an idea of where on his body he
3 was shot, and the affect of the injury to his body
4 in terms of the amount. It's not like a flesh wound
5 where he's just showing some bandaids that were
6 covered up. It is a serious injury that required 3
7 weeks in the hospital.

8 THE COURT: Well I think that would be
9 exactly true and on a A and B first, second or third
10 case where you had to show great bodily injury or
11 moderate bodily injury, whatever A & B third is, I
12 can't remember. But on attempted murder all you
13 have show is, all the elements of the crime of
14 murder except for he died.

15 MR. FINNEY: I agree, Your Honor, that---

16 THE COURT: I am going to overrule your
17 objection, Mr. Johnson. I think it does have some
18 tendency to prove that he was shot in the upper
19 leg. It's really not relevant about the degree of
20 injury he sustained. What's to me relevant on
21 attempted murder, is the act itself. Because we all
22 know that you can shoot at someone and miss, and
23 that's still attempted murder. But I don't think
24 you've carried your burden in establishing the
25 probative value is substantially, and that's a key

1 word to me, outweighed by the danger of any unfair
2 prejudice. And unfair is a key word too.

3 MR. JOHNSON: Your Honor, I would
4 stipulate that he was shot in the leg.

5 THE COURT: Well I know, but they don't
6 have to accept your stipulation and limit their
7 proof, because you stipulate. Otherwise, you know,
8 we could, if everybody stipulates to things, we
9 could try the case quickly. I don't think the law
10 would require the State, even if you accept that,
11 they accept your stipulation to stop right there.

12 So, Mr. Finney, I would not permit much in
13 the way of testimony other than where he was shot.
14 Obviously the jury is going to know it hurt. But
15 his mental distress and his physical pain and
16 suffering is not all that relevant in this
17 particular case. It would only be relevant if
18 Mr. Green was convicted and it was a sentencing
19 issue. Do you disagree with that?

20 MR. FINNEY: No, sir, I do not.

21 THE COURT: Mr. Johnson, now this is an in
22 limine ruling just like everything else I've ruled
23 so far. So if anyone is aggrieved by an in limine
24 ruling, you have to object when the exhibit is
25 offered or the evidence is offered during the trial.

1 MR. JOHNSON: Yes, Your Honor.

2 THE COURT: Anything else, gentlemen,
3 before we find out if the jury is here?

4 THE CLERK: The jury is here, Judge.

5 THE COURT: Let me have everybody's
6 attention. There are a couple of housekeeping
7 matters. By the way, Mr. Bradley advises Juror No.
8 153 is the foreperson.

9 The defendant Mr. Johnson, you made a
10 motion to sequester the witnesses?

11 MR. JOHNSON: Yes, Your Honor.

12 THE COURT: Mr. Finney, just for my own
13 benefit, call out some names just a moment. But
14 Investigator Hawkins can certainly remain in the
15 courtroom. Also members of Mr. Archie's family.
16 Certainly also Mr. Jenkins. And any experts for
17 either side can remain in the courtroom, because
18 under the rules they can base their opinions on what
19 evidence comes out in the trial. Let me call these
20 names out, and if you are here, if you would please
21 stand. Lieutenant Lee from the sheriff's office,
22 not here. Lieutenant Addison is not here. Theresa
23 Ray Lee from the detention center. Captain
24 Colclough. Lieutenant Burnish is not here.
25 Investigator Soloman is not here. I probably would

1 allow him to be in here for any preliminaries on
2 chain of custody. Steven Pozzino, Patrick
3 Washington, Lavitra Harvin, Davontae Blanding.
4 Mr. Blanding, what was his role, Mr. Johnson?

5 MR. FINNEY: Mr. Blanding is my witness.
6 He was a citizen witness at the club that night.
7 I've already instructed him. Once we start with the
8 first witness, he will be escorted out.

9 THE COURT: Does that suit you,
10 Mr. Johnson?

11 MR. JOHNSON: That's fine.

12 THE COURT: Shataeja Rivers. Same thing.

13 MR. FINNEY: Same thing.

14 THE COURT: Auntachie Blanding, I can't
15 remember how you pronounce that name, Blanding.

16 MR. FINNEY: Same thing, Your Honor.

17 THE COURT: Myrone Conyers and Tiffany
18 Lewis. Ms. Lewis is---

19 MR. FINNEY: The wife. She will be the
20 first witness.

21 THE COURT: She's Mr. Archie's wife.

22 MR. FINNEY: Yes.

23 THE COURT: And so she can stay anyway,
24 because she is identified certainly as the victim.

25 Now, I am also going to tell the jury, I

1 am also going to tell the jury that if I use the
2 term victim, it's a term of art or a legal term.
3 And that if I use the term victim, it's just simply
4 to describe who a person is, not what happened to
5 them at the hand of the defendant. Does that suit
6 you, Mr. Johnson?

7 MR. JOHNSON: That's fine, Your Honor.

8 THE COURT: Anything else before -- all
9 the folks that are here, I do realize that this is
10 not a setting where everyone in here except the
11 people on this side who are engaged in this as part
12 of the occupations, you are not in your comfort
13 zones. I understand that you are going to see and
14 hear a lot of things that do not -- that you do not
15 agree with. What I am going to order everyone to
16 understand is that if there are any mumblings or
17 grumblings or any reactions that I can even detect
18 out loud or perhaps even visibly to what a witness
19 says, to what a lawyer says, that you either hardly
20 agree with or you heartily disagree with, if I
21 detect any issues with that, that distract everyone
22 from what's going on as far as the trial is
23 concerned, you'll be asked -- you won't be asked to
24 leave, you'll be told to leave. And you will get
25 one chance.

1 Any objection to that comment from the
2 State?

3 MR. FINNEY: None from the State.

4 THE COURT: Any from the defendant?

5 MR. JOHNSON: None from the defendant,
6 Your Honor.

7 THE COURT: And this is probably not a
8 setting where this could occur, but in other
9 counties where the people in the audience have a
10 direct view of the jury, I will remind everybody
11 that the jury can see what you do. And juries don't
12 like it when people act out. So if you think you're
13 doing something that satisfies your jollies at the
14 moment, in the long run it's probably going to hurt.
15 And also, there will not be any witness -- any
16 people in the audience giving hand motions, or any
17 reactions so that the witness can see. Because I've
18 seen that firsthand in other counties, and you can
19 just expect to spend 90 days in the county jail if I
20 see that happen. And it's a part of contempt of
21 court if I do find you are in contempt.

22 Any objection? I know it won't happen.
23 I'm not just directing that to the lawyers or law
24 enforcement. I'm just directly that to people who
25 perhaps might not be used to being in here. This

1 is not an athletic competition. This is serious,
2 so I expect everybody to conduct themselves
3 accordingly. Mr. Johnson, any objection to that?

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

5 THE COURT: Mr. Finney?

6 MR. FINNEY: None, Your Honor.

7 (State's Exhibit No. 1 through 32 is for
8 ID only Defendant's 1 through 3.)

9 THE COURT: Are you ready for the jury,
10 gentlemen?

11 MR. FINNEY: Yes, sir.

12 MR. JOHNSON: Yes, sir.

13 THE COURT: You may bring in the jury.

14 (Whereupon, the following takes place
15 within the presence of the jury.)

16 THE COURT: Ladies and gentlemen, we are
17 going to begin the trial in just a moment, but
18 before we do formerly begin, you are going to
19 receive another or take another oath that will be
20 administered to you by Mr. Bradley.

21 (Whereupon, jury is sworn.)

22 THE COURT: Ladies and gentlemen, you have
23 been formerly sworn in as jurors in this particular
24 case, and I am going to talk to you for just a few
25 minutes about what your responsibilities are going

1 to be in this case. And also I am going to tell you
2 how the trial will proceed in general, and what you
3 might expect procedurally.

4 In this particular case as you know, the
5 defendant is Rodney R. Green. And in this
6 particular case, he has been charged with separate
7 criminal offenses and these are murder, attempted
8 murder, possession of a weapon during the commission
9 of a violent crime, and possession of a stolen
10 pistol. I will remind you as I told you yesterday
11 that the fact that a person has been arrested,
12 charged and indicted for any criminal offense in
13 this state is not evidence of anything whatsoever.
14 The case has to get into the courtroom in some way.
15 And in this state as in many states, the indictment
16 process is used. So again the fact that a person
17 has been indicted, charged, arrested and so forth,
18 is not evidence of anything.

19 The defendant has entered pleas of not
20 guilty to these charges. He does not have prove and
21 he does not have to disprove anything. The State of
22 South Carolina has the burden at all times, to
23 establish the elements of crimes charged beyond a
24 reasonable doubt. The brief definition of proof
25 beyond a reasonable doubt is proof that leaves you

1 firmly convinced of a defendant's guilt. I will
2 instruct you in a lot of detail at the end of the
3 case exactly what proof beyond a reasonable doubt
4 means.

5 Now, ladies and gentlemen, the primary
6 responsibility you have in this case as jurors is
7 twofold. No. 1, pay very close attention. No. 2,
8 use your common sense. It sounds pretty easy,
9 doesn't it. Well the proof will be in the pudding
10 as the trial progresses, but remember at all times,
11 pay attention. Use your common sense. That may be
12 more pertinent to you later on this afternoon after
13 lunch when everyone has had something to eat, and
14 your bodily clock starts to wind down and you start
15 to get tired. I will be watching very closely to
16 make sure no one is dozing off, or no one has their
17 attention distracted by other things that don't
18 involve this particular case.

19 Now as jurors under our system of laws,
20 you are the sole judges of the facts. I have no
21 role whatsoever in determining what the true is or
22 what the facts are. That is your responsibility and
23 your responsibility alone. In other words, I won't
24 be telling you what I think about the case. Under
25 the law, I have no right to express it to you. And

1 typically, I have no view of it anyway, because
2 that's not my responsibility. I'm paying attention
3 to other things that don't involve necessarily the
4 facts, and I will talk to you about that in just a
5 minute.

6 First and foremost, you have taken an oath
7 to try this case according to the evidence and the
8 law so help you God. The evidence is going be
9 presented to you in this courtroom, and I will tell
10 you at the end of the case what the law is right
11 here in this courtroom. So even though you come
12 into this case with your life experiences and your
13 own common sense, you cannot base any decisions in
14 this case on things that are not founded on the
15 evidence or lack of evidence or on the law. I want
16 to make sure you understand that. And as I will you
17 many, many times, probably more than 20 times during
18 this trial, you are not permitted to do any type of
19 research on your own whether it's factual or legal
20 research. You cannot undertake to read anything
21 about this case or anything involving the issues in
22 this case. You cannot talk to anyone about it. You
23 cannot do anything involving this case, unless you
24 are doing it right here in this courtroom or when
25 you're deliberating, you will be able to talk about

1 the case in your jury room.

2 You cannot talk about this case amongst
3 yourselves until I tell you that you can. We will
4 take multiple breaks during the trial. We may take
5 three in the morning, four in the afternoon. We
6 may take breaks while I rule on an objection that
7 might be lodged. And you can't talk about what
8 you've just seen, and what you've just heard. You
9 might be really wanting to, but you can't. The
10 reason for that is this, the testimony of the first,
11 second, third or 20th or 50th witness is no more and
12 no less important than all the other testimony or
13 evidence that's come in.

14 It would be inappropriate, improper, and
15 not in accordance with the law to begin making up
16 your mind before you have seen and heard everything.
17 Witness No. 1 may testify to something that may
18 raise questions in your mind. But witness No. 10
19 may cover that. No. 20 may totally debunk it.
20 Cross examination of a witness may -- cross
21 examination of a witness may sway you one way or the
22 other. Direct examination of a witness may sway
23 you one way or the other. So you can't get mind set
24 about what your decisions are going to be in this
25 case until you've seen and heard everything. I want

1 to make sure you understand that.

2 Now evidence which I've mentioned is going
3 to come to you in different ways. And it's your
4 responsibility to evaluate the evidence that is
5 introduced. Evidence will come to you by way of
6 testimony. That is when a witness is sworn to tell
7 the truth, sits in that chair, and the lawyers ask
8 questions of that witness. That's No. 1. That's
9 one way evidence comes in. Another way evidence
10 comes in is by way of an exhibit. Those are
11 typically things you can see or touch. In any given
12 case, it might be a photograph. It might be a
13 diagram. It might be something else. But typically
14 those are things that have an exhibit sticker or a
15 or a tag on it.

16 Sometimes exhibits are simply marked for
17 identification or marked for Id. And they're not
18 going to come in to evidence. There may be various
19 reasons for that occurring. But if an exhibit comes
20 in, it will exhibit number whatever, and it will be
21 made known to you that it's in evidence. I will
22 repeatedly ask the lawyers is that identification,
23 or is that for ID, or is that in evidence. They
24 will be responding back and forth to me. That's
25 because I need to know what's in. The court

1 reporter needs to know what's in evidence. So
2 please bear with me, because not all pieces of paper
3 or exhibits are actually introduced, but they are
4 marked with identification tag so at least we can
5 know what they're talking about.

6 Now another way evidence comes in is by
7 way of a stipulation. That is when the two sides
8 agree that a fact or a certain set of facts is true.
9 If there is a stipulation that is reached, either
10 one of the lawyers or I, more likely I, will read it
11 to you or fancy word for that is, publish it to you.
12 If evidence comes in, testimony, exhibits or
13 stipulations, you can consider it. In some
14 instances I will instruct you to disregard something
15 you have just seen, or just heard. That may be a
16 little counterintuitive, but you have taken an oath
17 to follow the law. And the law is, if I tell you to
18 disregard something, you must do that. And I
19 certainly expect that you will if that should
20 happen. So we know how evidence comes in, exhibits,
21 testimony and stipulations.

22 At any given time during the trial when a
23 witness is testifying, you will be using your common
24 sense in determining whether or not you believe that
25 person. You do that every day when you watch

1 somebody talk; especially, if they're trying to
2 convince you of something, or if they're telling you
3 something that you're expected to believe or
4 disbelieve.

5 How do you determine whether you believe a
6 witness. You use your common sense. That's all you
7 do. Under the law, you can believe every single
8 word that comes out of a witness' mouth if that's
9 what you think is appropriate within your common
10 sense. You can disbelieve every single word. Or
11 you can believe parts of a witness says and
12 disbelieve the rest. That's entirely up to you.
13 You can believe one witness over many. You can
14 believe many over one. Obviously what you don't do,
15 is count up the number of witnesses who say one
16 thing and if more said that than said the opposite,
17 you don't do it that way, you know that. You can
18 believe one over many or many over one.

19 Now some things you can take into account
20 in determining whether or not you believe a witness,
21 include but they're certainly not limited to, how
22 does the witness appear on the stand. We call that
23 demeanor. How do they act. Were they hesitate or
24 straightforward when they were answering questions.
25 You can also take into account in your mind, what

1 was that witness' ability to know what he or she
2 claims to know. In other words, does it makes sense
3 to you that they know what they claim they know.
4 You can also take into account whether or not a
5 witness who is testifying, may have a reason to give
6 testimony that helps or hurts one side over the
7 other. We call that bias or prejudice. You can
8 also take into account whether or not you think a
9 witness' testimony has been strengthened or weakened
10 by other evidence that's in the record. And also
11 perhaps you can take into account whether that
12 witness has said something different or the same on
13 a prior occasion. Those are just examples. You can
14 use anything you think is appropriate in determining
15 who to believe and what to believe insofar as
16 witness testimony is concerned.

17 Now Ladies and gentlemen, on one of the
18 areas where I come in, is ruling on objections. We
19 have two sets of rules in this state that the
20 lawyers are expected to know and follow, these are
21 the rules of procedure and these are the rules of
22 evidence. I have thankfully gotten two new books,
23 because my other ones were about to fall apart. But
24 my responsibility in comparison to your role as
25 judges of the facts, my responsibility is to be the

1 judge of law. And in doing that, I am required to
2 make sure that these rules are followed. And my
3 rulings in certain areas are based on those rules in
4 those two books. And to a lesser extent rulings or
5 issues that are found in this bigger book.

6 My rulings are solely based on the law.
7 So don't take from anything that I say or do during
8 the trial whether it's part of a ruling or not, that
9 I favor one result over another, because I don't.
10 The lawyers may from time to time make objections.
11 They may make a procedural objection or they may
12 make an evidentiary objection. That really doesn't
13 matter as far as you are concerned. But if a lawyer
14 stands up and objects, that's a signal to me under
15 the law that he has a point that he wants to raise.

16 If a lawyer makes an objection, please
17 don't take from that, that lawyer is trying to hide
18 something from you that you ought to see or hear.
19 And don't take from the fact that a lawyer has asked
20 a question or offered an exhibit perhaps and that's
21 objected to, that that lawyer is trying to slip
22 something in that you ought not see or hear. These
23 lawyers have a responsibility, they know the rules
24 and they'll make those objections. And in many
25 instances, I will send you out of the courtroom and

1 rule in your absence. The reason for that is,
2 because I might not know what they are going to want
3 to tell me. And instead of them coming up here and
4 telling me privately like you see on television, I
5 may ask you to leave the courtroom, so I can hear
6 fully what they have to say, because they have a
7 right to be heard. And necessarily that would
8 involve you not being here, because it might
9 involve something that would not properly before you
10 under these rules.

11 Now, my rulings are based on the law. I
12 might rule in favor of one party 99 times. And
13 favor the other party once. But don't keep score,
14 because my rulings don't have any impact on what
15 your deliberations will be when you decide whether
16 or not the State has proven the elements of these
17 crimes beyond a reasonable doubt. Now, Ladies and
18 gentlemen, the trial itself will be conducted in
19 stages. Believe it or not, this stage right here is
20 called opening remarks by the court. That's what
21 I'm doing now. In a moment the lawyer is going to
22 stand up and give an opening statement. Mr. Finney
23 for the State will stand up and explain to you what
24 he believes the evidence will and will not establish
25 in this particular case. What he says and what

1 Mr. Johnson might say during the course of a
2 statement, or an argument to you, or for that matter
3 as part of any question is not evidence, because
4 they're not witnesses. So don't take from anything
5 they say about what the evidence really is. You
6 have to hear it from those three sources that I've
7 told you about.

8 Now Mr. Johnson, after Mr. Finney makes an
9 opening statement can if he wants to, make an
10 opening statement. He does not have to, because
11 they don't have any burden at all. Mr. Johnson can
12 totally waive his opening statement, or he can wait
13 until the State rests and then give you an opening
14 statement if he wants to. Now after the opening
15 statements, or statements whatever the case might
16 be, the State will begin presenting what is called
17 its case in chief. And Mr. Finney will do that by
18 calling witnesses and offering other evidence.

19 At some point this week after the State
20 rests, the defendant if he chooses, again, and he
21 does have to, can present evidence as well. But
22 keep in mind that the defendant does not have to do,
23 because he does not have to prove or disprove
24 anything. After all the evidence is in, the
25 attorneys will give a closing argument to you, and

1 then I will give you a charge on the law. And it
2 will not be until then when you are released from my
3 charge to deliberate in that jury room, that you can
4 begin discussing this case at all. I want to make
5 sure that you understand that very carefully.

6 And again, I'm required to tell you by
7 order of the chief justice, you cannot use any
8 social media at all. That includes facebook,
9 instagram, tweeter, or anything else you might use.
10 I don't have any of those, so I don't really know
11 how to use those. But you cannot get on any of
12 those media and communicate about this case. As I
13 instructed you yesterday, that would be illegal.
14 You cannot talk about this case to anyone. That
15 would be illegal. You cannot talk about this case
16 amongst yourselves. That to be illegal. These
17 parties have done too much work and they've put a
18 lot of effort into getting this case before you, for
19 it to be sabotaged by a juror who does not follow
20 that particular instruction.

21 Now, Ladies and gentlemen, I will tell you
22 in my final remark, this case likely will not be
23 what you see on television. There will be no
24 histrionics by the lawyers. There will be hollering
25 and screaming or slamming hands on tables. That

1 will not happen. Because if they have rules on
2 television or in the movies, they certainly don't
3 follow them. And at least in South Carolina, that
4 is not how trials are conducted. The lawyers are
5 professionals and they certainly have been around
6 long enough to know how to conduct themselves
7 accordingly.

8 Any objections to those remarks from the
9 State?

10 MR. FINNEY: No, Your Honor.

11 THE COURT: Any from the defendant?

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

13 THE COURT: Mr. Finney.

14 MR. FINNEY: My name is Chip Finney. And
15 I want to start my remarks this morning by saying,
16 good morning. And I want to start remarks by
17 thanking you for your service. The people that
18 you're going to hear from over the next 3 days are
19 very important to our system. You're going to hear
20 from police officers. You're going to hear from
21 evidence technicians. You are going to hear from
22 family members. You're going to hear from witnesses
23 who were at the Club Miami on March 16th 2014. It's
24 been about a year and a half.

25 You're going to hear from these people,

1 and they're not -- they're all trained. Some are
2 trained to do investigations. Some were just family
3 members celebrating a birthday. But they all want
4 to thank you, and they don't get to talk to you. So
5 I am going do that for them. Your job as a jury is
6 the most important job that we have in our society,
7 because you get to decide the facts that we bring to
8 you. You don't have to have a law degree to do
9 that. You don't have to go to special school to do
10 that. All You have to do is use your common sense.
11 And you have to get together with people that you've
12 never meet before this week and talk about it, and
13 weigh it, and come to a conclusion.

14 It's a beautiful process because it's very
15 simple, but it's very important. Tyrese Archie was
16 33-years-old. He was a husband. He was a father.
17 He was an uncle. He was a cousin. He was a man
18 enjoying his family at a nightspot called Club Miami
19 in Sumter County. He's not going to be here today
20 to talk to you. He's not going to be at home for
21 the second Thanksgiving with his family. And the
22 reason he's not is because Rodney Green took a
23 handgun in the parking lot of that club, and he
24 fired at Mr. Archie and he killed him, dead. And
25 then Mr. Rodney Green took that same handgun and

1 fired again, and hit another man named Mr. Jenkins,
2 shooting him in the leg, in the upper leg, causing
3 him serious injury for having to go to the hospital
4 for an extended period of time. And then he fired
5 that handgun again. He didn't hit anybody
6 thankfully this time, except he hit a car. He
7 knocked out the back window of the car and that's
8 where the bullet stuck in the glove -- the
9 dashboard. Three shots. This is not accidental.

10 Mr. Rodney Green is a very lucky man. No.
11 1, he is still here. His family gets to enjoy him.
12 No. 2, he's getting tried in the courts of the
13 United States, which gives him a lot of rights. He
14 has a right to an experienced and articulate lawyer.
15 He doesn't have to speak for himself. He has the
16 right to have an experienced investigator help put
17 his case together. He has the right to come into
18 this courtroom and stay here all week at that table
19 and not say a thing, because we have the burden of
20 proof. He doesn't have to say a thing. And doesn't
21 have to show you any documents or statements. He
22 doesn't have to do anything, but wait until the
23 judgment of the jury.

24 I promise you over the next 2 or 3 days,
25 the State of South Carolina is going to put before

1 you every piece of the puzzle so that you can see
2 clearly. When you go into that jury room; that the
3 State of South Carolina has properly and reasonably
4 charged that man, Mr. Rodney Green, with murder of
5 Tyrese Archie, of attempted murder of Ray'Quann
6 Jenkins. Of possession of a firearm during the
7 violent crime, because he shot the gun three times,
8 and tried to take out the life of two people, only
9 taking out the life of one. And a possession of a
10 stolen handgun. It will be clear at the end of this
11 case.

12 So what is Mr. Green going to do since he
13 doesn't have a burden. Well he might have a theory.
14 One theory might be self defense. We don't know,
15 because under the rules of court, he doesn't have to
16 tell us anything. We don't know what's going on
17 over there. And quite frankly, we're not concerned.
18 But you will hear stuff. Don't be swayed by
19 arguments that are over on the side. Listen to what
20 comes from those people that were there that night.
21 Listen to what comes from the evidence people who
22 gathered the evidence. No, we don't have the
23 bullets that went through the chest of Mr. Archie.
24 And we don't have the bullet that went through the
25 leg of Mr. Jenkins. We don't have those bullets.

1 Does that mean we don't have a good case.

2 At the end after you've heard everything,
3 your answer should be no. Because we've got
4 everything else that ties this case together. If I
5 had a theme for this case, it's not what you say,
6 it's what you do. Yes, this man has come into court
7 this week. His case has been called. We have been
8 waiting a year and a half to have this day in court.
9 And he has pled not guilty. That's what he says.
10 But what until you hear what he did on the night of
11 March 16th, when he shot that gun three times. When
12 he took the life of Mr. Archie, and almost took the
13 life of Mr. Jenkins. Then you will notice, it's not
14 what you say, it's what you do.

15 He says he's not guilty. The evidence
16 will show you that he is. Thank you.

17 THE COURT: Thank you, Mr. Finney. Mr.
18 Johnson.

19 MR. JOHNSON: Thank you, Your Honor. May
20 it please court, Ladies and gentlemen of the jury,
21 good morning. My name is Charlie Johnson, and I'm a
22 private attorney and my office is in Columbia.
23 Sitting at the table is Rodney Green my client. And
24 my investigator Mr. Amos Jones. I also would like
25 to thank you for being here today. You have a very

1 important job you have do. But, you're actually
2 going to have the opportunity to do something that
3 you very seldom are able to do in our day in
4 society. And you're going to have the opportunity
5 to do this in this case.

6 Now what that thing is, is it's going to
7 sound strange, but you actually get to think for
8 yourself. You know, there's no alarm clock to wake
9 you up. There's nobody at your job to tell you what
10 to do. There's no instruction booklet to go with
11 it. You actually get to use your mind and look at
12 the facts. And what's even better, each of you get
13 to decide by yourself, right from wrong. And
14 nobody, me, the judge, the solicitor or anybody in
15 this courtroom can say you are wrong. It's your
16 duty. Your separate decision.

17 Now together as a group, you have to come
18 to an agreement in order to find my client guilty,
19 because our law requires that. But you don't have
20 to be together to find my client innocent. Why?
21 Because the burden of proof is on the State. The
22 solicitor said my client would say he is innocent.
23 Well he has pled not guilty. Correct. But the law,
24 the law of our land, the constitution, says that as
25 he sits there right now, he is innocent. He

1 doesn't have to say he is innocent. That's the
2 reason we don't have to say anything. He is
3 innocent. They have to prove that he did something.
4 I submit to that you they cannot prove that. I was
5 going to give you a long list of things, but the
6 State just admitted it. There's a number of
7 problems in this case.

8 They have to prove and they my client
9 killed Mr. Archie. They have to prove that my
10 client shot the other individual in the leg. Now if
11 they can't prove that, they can be upset which they
12 should be about his death. They can be upset about
13 what happened. But that does not make my client
14 guilty of murder or attempted murder. It is just
15 that simple. After you look at the evidence, if the
16 State has not proven that my client was the
17 individual that shot Mr. Archie, or shot the other
18 individual in his leg, regardless of whatever my
19 client might have done or might not have done, he is
20 innocent. You don't have to like him. You don't
21 have to like where he's from. You may disagree with
22 some of the things he did or how he lives. But you
23 have taken an oath that that should not be the
24 reason that you find him guilty. You should only
25 find him guilty because you are sure beyond a

1 reasonable doubt, that my client was the person that
2 killed Mr. Archie and wounded the other individual.
3 Now short of that, the State hasn't proven their
4 point.

5 All I ask you to do is look at the
6 evidence, take your time, look at the evidence.
7 Think about this. This is very important. This is
8 not CSI where someone is going to come in. And it
9 is not Perry Mason where a person stands up and
10 admits that he does it half way through a trial.
11 That's not going to happen here. You are going to
12 have to make a decision. But you are a citizen.
13 You are a citizen of the United States of the State
14 of South Carolina, and the County of Sumter. You
15 decide what's fair. You decide who is telling the
16 truth. You are the triers of the facts. And you
17 should not do any less than you would want done for
18 yourself if were sitting in that same seat as my
19 client. That's all I ask you to do. Look at the
20 facts. Take your time. Do not prejudge. And use
21 your common sense has been mentioned, but also use
22 your brain. Use your brain. And do not let myself
23 or the solicitor tell you otherwise.

24 We are going to present facts to you. You
25 decide what the facts are and if they are true or

1 not true. And I submit to you that after you look
2 at all these facts, you will come to the same
3 conclusion that we have, and that is that my client
4 is not guilty. Thank you.

5 THE COURT: Thank you, Mr. Johnson. By
6 the way, Ladies and gentlemen, if anybody on the
7 jury does need to take a break at any given time,
8 don't hesitate to raise your hand. We'll probably
9 stop about quarter till 11 or 11. But if you need
10 to take a break before then, just raise your hand.
11 Mr. Finney, first witness.

12 MR. FINNEY: Thank Your Honor. Tiffany
13 Lewis.

14 Tiffany Lewis, being first duly
15 sworn, testified as follows:

16 THE CLERK: Please state your full name and
17 spell your last name for the record.

18 A. Tiffany Renee Lewis. L-E-W-I-S.

19 Direct Examination by Mr. Finney:

20 Q. Good morning, Ms. Lewis.

21 A. Good morning.

22 Q. Ms. Lewis, tell the Ladies and gentlemen
23 where you live?

24 A. In Sumter, South Carolina.

25 Q. And what do you do for living?

1 A. I'm a banker.

2 Q. Did you did know Tyrese Archie?

3 A. I did.

4 Q. How did know him?

5 A. I was his wife.

6 Q. For how long?

7 A. We were married for 7 years, and together

8 for 10.

9 Q. Did you all have children together?

10 A. We did.

11 Q. How many?

12 A. Three.

13 Q. I am going to show you what's been marked

14 as State's Exhibit No. 8, and ask if you can

15 identify that, please.

16 A. That's my husband Tyrese.

17 Q. Do you know when this picture was taken?

18 A. Not exactly, no.

19 Q. And do you know, I believe may have

20 mentioned this, but was 33-years-old at his death.

21 Is that accurate?

22 A. Yes.

23 THE COURT: Is 8 in without objection,

24 Mr. Johnson?

25 MR. JOHNSON: Yes, Your Honor.

1 MR. FINNEY: Permission to publish?

2 THE COURT: Yes, sir. No. 8 is in.

3 (Photo of Mr. Archie marked State's
4 Exhibit No. 8 into evidence.)

5 Q. Does it appear to you that he would have
6 been -- that that picture was taken close to the
7 time that he was killed?

8 A. Yes.

9 MR. FINNEY: I want to thank you for
10 coming. And answer any questions Mr. Johnson may
11 have.

12 THE COURT: Mr. Johnson.

13 MR. JOHNSON: I have no questions, Your
14 Honor.

15 THE COURT: Thank you, ma'am. You can you
16 step down.

17 Mr. FINNEY: Thank you, ma'am.

18 THE COURT: Mr. Finney.

19 MR. FINNEY: I would call Ms. Lavitra
20 Harvin. I want to introduce State's Exhibit No. 8.

21 THE COURT: It's in.

22 MR. FINNEY: It's in evidence, thank you.

23 THE COURT: Unless you all let me know
24 otherwise, I am going to consider all the other ones
25 that are on that rail for ID at this stage.

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

2 Lavitra Harvin, being first duly
3 sworn, testified as follows:

4 THE CLERK: State your full name, and spell
5 your last name for the record.

6 A. Lavitra Harvin. H-A-R-V-I-N.

7 THE COURT: And how do you spell your
8 first name?

9 A. L-A-V-I-T-I-A.

10 Direct Examination by Mr. Finney:

11 Q. Ms. Harvin, I am going to need you to
12 speak up so the jury can hear you. Tell us where
13 you live.

14 A. In Asheville, North Carolina.

15 Q. And are you employed up there in
16 Asheville?

17 A. Yes.

18 Q. What do you do?

19 A. I'm a production worker, and I work at
20 Wal-Mart.

21 Q. And do you know Mr., the defendant here,
22 Mr. Green?

23 A. Yes.

24 Q. Rodney Green?

25 A. Yes.

Lavitra Harvin-Direct by Finney

1 Q. How long had you known him?

2 A. Since middle school.

3 Q. And would be fair to say all have had a
4 romantic relationship for a number of years?

5 A. Yes.

6 Q. Do you have children together?

7 A. Yes.

8 Q. How many?

9 A. Two.

10 Q. Were you and Rodney Green together on the
11 night March 16th 2014, at the Club Miami?

12 A. No.

13 Q. Where were you at?

14 A. I went to the Catchall Hall first.

15 Q. Ma'am, I need you to answer the questions
16 loud enough so the last gentleman on the jury can
17 hear you.

18 A. We went to the Catchall Hall first.

19 Q. And the Catchall Hall is a place where
20 there was a---

21 A. A party.

22 Q. A party. At the time that you went to the
23 party, what kind of party was it?

24 A. It was an all white party. Birthday
25 party.

Lavitra Harvin-Direct by Finney

1 Q. A birthday party. And did you attend with
2 Rodney and anyone else? Or just the two you went?

3 A. Just the two of us went.

4 Q. And did you know the people celebrating a
5 birthday?

6 A. Yes.

7 Q. At some point, did you leave the all white
8 party?

9 A. Yes.

10 Q. About what time?

11 A. About 1:45.

12 Q. And where did you go after you left the
13 all white party?

14 A. Club Miami.

15 Q. Had you been to Club Miami before?

16 A. Yes.

17 Q. When you went to Club Miami, who did you
18 go with?

19 A. Some girlfriends.

20 Q. And could you give us the names? Just
21 give us the first names.

22 A. Mia.

23 Q. One was named Mia.

24 A. Uh-huh. (Affirmative.)

25 Q. Was there any others?

Lavitra Harvin-Direct by Finney

1 A. I can't remember.

2 Q. There were some other, let me give you,
3 let me ask you this. Did you give a voluntary
4 statement to the police officers in this case after
5 the shooting of Mr. Archie?

6 A. Yes.

7 Q. I believe, I'm going to show what's been
8 marked as State's Exhibit 32. Would you look at
9 that document, please. It is 3 pages long. Do you
10 recognize that document?

11 A. Yes.

12 Q. Is that a statement that you gave to the
13 police officers shortly after the shooting?

14 A. Yes.

15 Q. Where were you when you gave the statement
16 to the police officers?

17 MR. JOHNSON: Your Honor, can we approach?

18 THE COURT: Yes.

19 (Whereupon, the attorneys approach and
20 confer with judge.)

21 Q. Did you give a -- that written statement
22 to law enforcement after the shooting?

23 A. Yes.

24 Q. Where were you when you gave the statement
25 to law enforcement?

Lavitra Harvin-Direct by Finney

- 1 A. The sheriff's department.
- 2 Q. Downtown Sumter.
- 3 A. North Main.
- 4 Q. North Main. And when you gave that
- 5 statement did they ask you to write it in your own
- 6 handwriting?
- 7 A. Yes.
- 8 Q. And did you -- is that your handwriting on
- 9 paper.
- 10 A. Uh-huh. (Affirmative.)
- 11 Q. Pardon me?
- 12 A. Yes.
- 13 Q. So you gave a handwritten statement to the
- 14 law enforcement officers that night telling them
- 15 what happened. And you said, do you see in that
- 16 statement the names of the girlfriends you said you
- 17 were with?
- 18 A. Uh-huh. (Affirmative.)
- 19 Q. Ma'am, you are going to have to say yes or
- 20 no.
- 21 A. Yes.
- 22 Q. And what were the names of the
- 23 girlfriends?
- 24 A. Faye and Mia.
- 25 Q. So the three of you all left the Catchall

Lavitra Harvin-Direct by Finney

1 party, and went to Club Miami. Is that right?

2 A. Yes.

3 Q. Tell the ladies and gentlemen once you got
4 to the Club Miami, you and your two other
5 girlfriends, what did you do?

6 A. We went and sat and went to the bar.

7 Q. Did you order drinks at the bar?

8 A. Yes.

9 Q. And what happened after that?

10 A. There was some fighting, and we went
11 outside.

12 Q. When the fight broke out, was it inside
13 the club or outside the club?

14 A. Inside.

15 Q. Did you know the people who were fighting?

16 A. No.

17 Q. And so why is it that you went outside?

18 A. Because they were fighting inside, so we
19 went outside.

20 Q. Were you told to leave the club, to clear
21 the club, or you just thought for your safety you
22 would go outside.

23 A. We were about to go.

24 Q. Pardon me?

25 A. We were about to leave.

Lavitra Harvin-Direct by Finney

1 Q. You were about to leave?

2 THE COURT: So you and your girlfriends
3 were in club. A fight broke out so you decided to
4 leave.

5 A. Uh-huh. (Affirmative.)

6 Q. Did you know where Rodney Green was when
7 the fight broke out?

8 A. No.

9 Q. Had you seen Rodney Green seen you left
10 Catchall hall with your girlfriends, had you seen
11 him?

12 A. No.

13 Q. Did you -- make sure the jury understands.
14 Did you travel from Catchall Club done to Club Miami
15 with Rodney Green?

16 A. No.

17 Q. Once you got outside, did you go outside
18 by yourself or with your girlfriends?

19 A. Everybody went outside.

20 Q. So you and your girlfriends got up out of
21 the club and went outside. What did you see or hear
22 outside?

23 A. It was a lot of commotion.

24 Q. Were there lot to people in the club a
25 that time?

Lavitra Harvin-Direct by Finney

1 A. Yes.

2 Q. More than 50?

3 A. Yes.

4 Q. And did you know some of the people who
5 were at club, you had seen them before, these are
6 people you were familiar with, or these are
7 strangers or what?

8 A. It was like a whole bunch of people.

9 Q. Once you got in the outside area, tell us
10 what happened.

11 A. I went outside, then heard the shots so I
12 dropped down by a black truck.

13 Q. And once you dropped down, you dropped
14 down for your safety?

15 A. Uh-huh. (Affirmative.)

16 Q. What happened after that?

17 A. After that, I saw the guy who got shot, he
18 ran past me and said he was shot.

19 Q. Do you know his name?

20 A. Ray'Quann.

21 Q. Ray'Quann Jenkins. Mr. Jenkins, Ray'Quann
22 you've seen him before?

23 A. Uh-huh. (Affirmative.)

24 Q. Did he say -- well did he when he ran past
25 you, you were still down, grouching down low?

Lavitra Harvin-Direct by Finney

- 1 A. Uh-huh. (Affirmative.)
- 2 Q. I'm going to have to ask you to say yes or
- 3 no.
- 4 A. Yes.
- 5 Q. After he ran past you, how -- did he run
- 6 right past you, I mean, close by you, or was feet?
- 7 A. It was kind of close.
- 8 Q. How do you know he was shot?
- 9 A. Because when he ran past he said he was
- 10 shot.
- 11 Q. Once he ran past, what did see then?
- 12 A. When I looked up, I saw gunfire.
- 13 Q. Gunfire?
- 14 A. Uh-huh. (Affirmative.)
- 15 Q. Now you are outside in the parking lot?
- 16 A. Uh-huh. (Affirmative.)
- 17 Q. Ma'am?
- 18 A. Yes.
- 19 Q. I am going to ask if you could look at
- 20 what's been State's Exhibit No. 30.
- 21 THE COURT: Is that in, or is that still
- 22 for Id.
- 23 MR. FINNEY: I believe it's in, Your
- 24 Honor.
- 25 THE COURT: Mr. Johnson, any objection to

Lavitra Harvin-Direct by Finney

1 Exhibit 30?

2 MR. JOHNSON: No, Your Honor.

3 MR. FINNEY: And 31?

4 MR. JOHNSON: Neither, Your Honor.

5 THE COURT: 30 and 31 are in.

6 (Diagrams marked State's Exhibit Nos. 30
7 and 31 into evidence.)

8 Q. Can you look at that and tell what that
9 State exhibit No. 31 is?

10 A. Club Miami.

11 Q. That's an aerial view of the club?

12 A. Uh-huh. (Affirmative.)

13 Q. Pardon me?

14 A. Yes.

15 Q. Do you see where the front door is?

16 A. Yes.

17 Q. And do you see where the parking lot is
18 where the cars were parked?

19 A. Yes.

20 Q. Can you take this pointer, please, ma'am,
21 and stand up? And tell the jury when you came out
22 of the club that night with your girlfriends, where
23 did you come out?

24 A. This door right here.

25 (Whereupon, the witness steps down from

Lavitra Harvin-Direct by Finney

1 the witness stand.)

2 Q. Do you see the highway that takes you to
3 Sumter?

4 A. Yes.

5 Q. Where is Sumter on that map?

6 A. Right here.

7 Q. Very good. And you say you came out which
8 door?

9 A. This one.

10 Q. The front door.

11 A. Yes.

12 Q. And then when you -- did you -- were you
13 on your way somewhere? Where were you going when
14 you came out the front door?

15 A. Going back to the car.

16 Q. Point to where you were going. Where was
17 your car?

18 A. My car was over here.

19 Q. In the field?

20 A. Uh-huh. (Affirmative.)

21 Q. Yes, ma'am?

22 A. Yes.

23 Q. And so where did you first hear the
24 gunshots where you dropped down?

25 A. Like in this area.

Lavitra Harvin-Direct by Finney

1 Q. And what in that area?

2 A. A black truck.

3 Q. Was it by itself or where there other
4 vehicles there?

5 A. I just remember the black truck.

6 Q. Was the parking lot area here full of cars
7 or was it?

8 A. Yes.

9 Q. Pardon me?

10 A. Yes.

11 Q. So point again where the black truck was.

12 A. In this area.

13 Q. You heard gunshots, you dropped down.

14 A. Yes.

15 Q. And then Mr. Jenkins ran by, Quann.

16 A. Yes.

17 Q. Where was Quann going when you saw him
18 running? Point to the direction he was running?

19 A. Back this way.

20 Q. Back that way.

21 A. Uh-huh. (Affirmative.)

22 Q. Was he by himself?

23 A. As far as I could see, yes.

24 Q. When you say you saw the gunfire after
25 that, what do you mean? Describe to the jury what

Lavitra Harvin-Direct by Finney

1 you mean.

2 A. I could see the fire coming from the gun.

3 Q. How close were you to the fire or to the
4 gun?

5 A. I was probably pretty close.

6 Q. When you got up, if you got up, did you
7 stand up to see where the gunfire was coming from?

8 A. No, I tried to see where everybody was.

9 Q. Where was the gunfire coming from?

10 A. Like close back behind the truck.

11 Q. You could hear it?

12 A. A little bit.

13 Q. How about, you say you saw something.

14 What does it look like? What are you seeing when
15 you---

16 A. Like a firecracker.

17 Q. Like a firecracker. Is it dark out here
18 in this field?

19 A. Not really. I guess a little dark.

20 Q. Once you stood. Go ahead and sit down.

21 (Whereupon, the witness resumes the
22 witness stand.)

23 Q. Once you stood up, did you see who was
24 firing the gun?

25 A. I never saw anybody firing it. Everybody

Lavitra Harvin-Direct by Finney

- 1 was like running.
- 2 Q. You didn't see who was firing the gun.
- 3 Did you see anybody running that you knew?
- 4 A. Yes.
- 5 Q. Who?
- 6 A. Mr. Green.
- 7 Q. Mr. Rodney Green?
- 8 A. Yes.
- 9 Q. Tell us how you knew it was him?
- 10 A. Because I remember he had on all white.
- 11 Q. He had on all white. What does that mean?
- 12 Tell us what you mean when you say that.
- 13 A. Everything was white he had on.
- 14 Q. So tell us what he had on that was all
- 15 white?
- 16 A. A white shirt and white pants.
- 17 Q. Did he have on white shoes?
- 18 A. Yes.
- 19 Q. I want to show you what's been marked as
- 20 State's Exhibit No. 9, and ask if you can identify
- 21 who is in this picture.
- 22 A. Rodney Green.
- 23 Q. Is that the same Rodney Green that you saw
- 24 that night running in an all white outfit?
- 25 A. Yes.

Lavitra Harvin-Direct by Finney

1 Q. Is that the same Rodney Green who is in
2 court today?

3 A. Yes.

4 Q. Would you point to Rodney Green who is in
5 court today?

6 A. Right there.

7 Q. When you saw Mr. Green -- I move this into
8 evidence, Your Honor.

9 THE COURT: Any objection.

10 MR. JOHNSON: No objection.

11 THE COURT: 9 is in.

12 (Photo of Rodney Green marked State's
13 Exhibit No. 9 into evidence.)

14 Q. When you -- did Mr. Green look like that
15 the night that you saw him running in the parking
16 lot at the Club Miami? Look like -- I don't know if
17 your screen is on.

18 A. It's on.

19 Q. Is that the way Mr. Green looked the night
20 that you saw him running in the parking lot of the
21 Club Miami?

22 A. Yes.

23 Q. Now the tell ladies and gentlemen how
24 Mr. Green got to the Club Miami.

25 A. He drove.

Lavitra Harvin-Direct by Finney

1 Q. What did he drive?

2 A. Grand Marquis.

3 Q. Who Grand Marquis is it?

4 A. Mine.

5 Q. I am going to show you what's been marked
6 as State's Exhibit No. 28, and ask if you can
7 identify what's in that picture?

8 A. My Grand Marquis.

9 MR. FINNEY: I'd move to publish this,
10 Your Honor.

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: That's in evidence.

13 (Photo of Grand Marquis marked State's
14 Exhibit No. 28 into evidence.)

15 Q. How long have you had that Grand Marquis,
16 Ms. Harvin?

17 A. About a year.

18 Q. And is it your car?

19 A. Yes.

20 Q. Did you drive that Marquis to the club
21 Catchall earlier in the evening?

22 A. Earlier I did.

23 Q. And when you drove it to the club Catchall
24 you were with Mr. Green.

25 A. Yes.

Lavitra Harvin-Direct by Finney

1 Q. And then you left him at the Catchall
2 Center, is that correct? And you rode to Club Miami
3 with your girlfriends.

4 A. Yes.

5 Q. Did he have the keys to the car when you
6 left the club Catchall---

7 A. Yes.

8 Q. ---to the Grand Marquis.

9 A. Yes.

10 Q. When you got to the club Catchall with
11 Mr. Johnson -- excuse me, I'm sorry, with Mr. Green,
12 did you see a handgun in that vehicle?

13 A. No.

14 Q. Do you know whether he kept a handgun in
15 that vehicle?

16 MR. JOHNSON: Your Honor, objection to the
17 actual speculation.

18 THE COURT: Overruled.

19 A. Not as I know.

20 Q. So at that point that you were at the club
21 Catchall, you did not see Mr. Green with a gun in
22 Marquis.

23 A. No.

24 Q. And you left the club Catchall and left
25 your car with him.

Lavitra Harvin-Direct by Finney

1 A. Yes.

2 Q. And then after the shooting took place at
3 the Club Miami, what did you try to do? What were
4 you going to do after you saw this shooting? You
5 saw Mr. Quann run by, and you saw Mr. Green running
6 in the white, in the all white outfit.

7 A. Get in my car and go home.

8 Q. Your plan was to do what?

9 A. Get in my car and go.

10 Q. And did you do that?

11 A. Yes.

12 Q. Did you have the key to the Marquis?

13 A. No, it was on the inside.

14 Q. It was on the inside.

15 A. Uh-huh. (affirmative.)

16 Q. Is it the same key Mr. Green had?

17 A. Yes, we had two sets of keys.

18 Q. So he had a set that he used to bring the
19 car to Club Miami, is that right?

20 A. Yes.

21 Q. How did you know where the car was?

22 A. It was parked in the field, I saw it.

23 Q. You saw it when you got there?

24 A. No.

25 Q. You saw it after the shooting.

Lavitra Harvin-Direct by Finney

1 A. Yes.

2 Q. And you ran to your car.

3 A. Yes.

4 Q. Were you by yourself or were you still
5 with your girlfriends?

6 A. I was in the car by myself.

7 Q. The key that you needed to drive the car
8 was where?

9 A. In the car on the floor.

10 Q. So tell the ladies and gentlemen of the
11 jury what you did to the car that evening? How did
12 you get in the car?

13 A. Bust my back window.

14 Q. Is that the window that got busted in the
15 picture that's on the screen now?

16 A. Yes.

17 Q. After you broke the back window, what were
18 you able to do?

19 A. Open the door and get the keys.

20 Q. And then what did you do?

21 A. Left.

22 Q. Did you notice in the car either that
23 night or the next the night, that there was any
24 articles of clothing in the back seat?

25 A. No, I didn't pay any attention.

Lavitra Harvin-Direct by Finney

1 Q. I am going to show you what's been marked
2 as State's Exhibit 29, and ask if you can identify
3 this as the back seat area of the Mercury Marquis.

4 A. Yes, that's the back seat area.

5 Q. Do you see a white article in the picture?

6 A. Yes.

7 Q. What is that?

8 A. A white shirt.

9 Q. Whose shirt?

10 A. I don't know, because I never saw that
11 shirt.

12 Q. Well it's your car, Ms. Harvin.

13 A. Nothing was in my car when I went.

14 Q. Nothing was in your car.

15 A. No.

16 Q. When you went and broke the window out.

17 A. I didn't pay attention to the back window.

18 Q. Well you broke in the back window, right?
19 Which door did you open once you broke in the back
20 window?

21 A. The back door.

22 Q. So once you opened the back door, I'm
23 asking, did you see any articles---

24 A. I didn't pay attention, I just was trying
25 to get in the car.

Lavitra Harvin-Direct by Finney

1 Q. So you got in the car. And tell the
2 ladies and gentlemen what you did after you got the
3 car cranked.

4 A. Left.

5 Q. And where did you go?

6 A. To a cousin's house.

7 Q. Did you see anything on the way to the
8 cousin's house, involving Mr. Green? Did you see
9 Mr. Green while you were driving to your cousin's
10 house?

11 A. In the back of a police car.

12 Q. You knew that Mr. Rodney Green was being
13 arrested by the police.

14 A. Yes.

15 Q. And you left to go on to your cousin's
16 house.

17 A. Yes.

18 Q. Did you come back to the club that night?

19 A. No.

20 Q. Where did you park the Lincoln Marquis?

21 A. Behind my cousin's house.

22 Q. But not your house.

23 A. No.

24 Q. Why did you park it behind your cousin's
25 house?

Lavitra Harvin-Direct by Finney

1 A. Because I wasn't staying home, so I just
2 parked the car.

3 Q. You weren't going to stay home that night.

4 A. No.

5 Q. Now is it fair to say that you saw
6 Mr. Rodney Green with a gun that night?

7 A. I didn't see him with it.

8 Q. Is it fair to say that you saw Mr. Rodney
9 Green running with the gun when you saw him
10 running---

11 A. I never saw him running with the gun.

12 Q. You saw him running, is that right?

13 A. Yes.

14 Q. You saw him running.

15 A. Yes.

16 Q. Was he running -- show the ladies and
17 gentlemen of the jury which direction he was running
18 when you saw him. On State's Exhibit No. 31.

19 A. In the field area.

20 Q. Where did you first see him when you first
21 saw him that evening, as far as running, where was
22 he at first?

23 A. In the field area.

24 Q. And which way was he going?

25 A. Back towards this area.

Lavitra Harvin-Direct by Finney

1 Q. Point to it, please, ma'am.

2 A. Back towards this way.

3 Q. He was running by himself.

4 A. Yes.

5 Q. Dressed in all white, and he was going
6 away from the club, back towards, you said they're a
7 street over here called Mayfield.

8 A. Yes, sir.

9 Q. He was running by himself.

10 A. Yes.

11 Q. He had the keys to the Marquis, right?

12 A. Yes.

13 Q. In it, as far as you know, still in his
14 pocket.

15 A. Yes.

16 Q. Did you try to talk to him while you saw
17 him running, hey where are you going?

18 A. No.

19 Q. He didn't try to talk to you.

20 A. No.

21 Q. Now when you give the statement that's in
22 front of you to the police officers, did you tell
23 the police officers information different than what
24 you're telling us this morning?

25 A. No.

Lavitra Harvin-Direct by Finney

1 Q. So everything you told the police in March
2 of 2014, is what you're telling the jury today?

3 A. No.

4 Q. It's not the same, is it? Isn't it a fact
5 that you told the police officers that you saw
6 Rodney Green firing the weapon and you saw him
7 running away that night, after firing the weapon.

8 MR. JOHNSON: Your Honor, objection. That
9 is not in the statement, and that is not what she
10 said.

11 THE COURT: Could I see the statement,
12 please. I'm not going to comment on the factual
13 recitations in the statement, but the objection is
14 overruled.

15 Q. I'm going to reask the question,
16 Ms. Harvin.

17 THE COURT: You can refer -- you can just
18 point her to it, Mr. Finney. Mr. Johnson, you can
19 do the same.

20 Q. Page 2 of your statement, last paragraph,
21 Ms. Harvin. Did you tell the law enforcement
22 officers that you saw Rodney Green with a handgun
23 firing it, and that you saw him running away after
24 firing the gun?

25 A. Yes.

Lavitra Harvin-Direct by Finney

1 Q. And the reason you didn't say that this
2 morning is because you love him, and you are scared
3 to be here this morning, and you don't want hurt
4 him.

5 MR. JOHNSON: Your Honor, objection. He's
6 leading the witness.

7 THE COURT: I'll allow it. Overruled.

8 Q. Is that right?

9 A. No.

10 Q. Why is it that you didn't tell the jury
11 this morning, what you told the law enforcement in
12 March of 2014?

13 A. I don't know.

14 Q. I am going to show you what had been
15 marked as State's Exhibit No. 26, and ask you if you
16 can identify what is in that picture?

17 A. A gun.

18 Q. Pardon me?

19 A. A gun.

20 Q. Have you seen that gun in connection with
21 Rodney Green?

22 A. No.

23 Q. How many gunshots did you hear that night
24 when you saw Mr. Jenkins run by you?

25 A. I heard one.

Lavitra Harvin-Direct by Finney

1 Q. You heard one.

2 A. Uh-huh. (Affirmative.)

3 Q. Then you dropped down then you said you
4 saw fire. Pardon me?

5 A. Then I saw fire.

6 Q. So the gun fired more than one time.

7 A. Yeah, probably like twice.

8 Q. And after that, you stood up from where
9 you were and saw Mr. Rodney Green in all white,
10 running way toward Mayfield Drive.

11 A. Yes.

12 Q. Let me ask you if you can tell me, you
13 testified that was dropped down beside a black
14 vehicle. I am going to show you three photographs,
15 State's Exhibit No. 16, 17 and 18. I am going to
16 show you, see if you can identify what's in State's
17 Exhibit No. 16.

18 A. That's the black truck I dropped beside.

19 Q. Which side, when you say you dropped
20 beside it, which side were you?

21 A. The driver's side.

22 Q. Did that truck sustain any damage?

23 A. I think the window got broke.

24 Q. I am going to show you what's been marked
25 as State's Exhibit No. 17. Does that appear to be

Lavitra Harvin-Direct by Finney

1 the window that was shattered?

2 A. I think.

3 Q. You didn't look inside the car, did you?

4 A. Uh-uh. (Negative.)

5 Q. State's Exhibit No. 16.

6 THE COURT: Any objection?

7 MR. JOHNSON: No objection, Your Honor.

8 THE COURT: What numbers were those again?

9 MR. FINNEY: 16 right now, Your Honor. 16
10 and 17.

11 (Photographs marked State's 16 and 17 into
12 evidence.)

13 Q. You say to the ladies and gentlemen of the
14 jury that you dropped down beside the black truck.
15 Is it on your screen?

16 A. Yes.

17 Q. And which side of the truck? Do you
18 remember which side of the truck you were on?

19 A. The driver's side.

20 Q. And which window was it that got?

21 A. It think it was like a back window.

22 Q. The back window. If you look at State's
23 Exhibit No. 17, can you see anything inside the car?

24 A. You can see the seats right there.

25 Q. Which seats?

Lavitra Harvin-Direct by Finney

1 A. The back seats.

2 Q. So that window would be behind the back
3 seats.

4 A. Yes.

5 Q. Now let me ask you this, No. 17 shows the
6 window that was shattered in the black car? And can
7 you see the back of the back seats in that window,
8 in that picture?

9 A. Yes.

10 Q. Was way was that black truck in No. 16,
11 which way was the headlights pointing on that truck?

12 A. Straightforward.

13 Q. When I say which way, was it toward the
14 club or away from the club?

15 A. Towards the club.

16 Q. Towards the club. So the shot that hit
17 that back window would have come from which
18 direction as you look at that picture? The right or
19 the left?

20 MR. JOHNSON: Your Honor, objection.

21 First of all, there's been no evidence that that
22 window was busted by a bullet shot. There's no
23 evidence presented to the court.

24 THE COURT: You can lay a foundation,
25 Mr. Finney. Right now the objection is sustained.

Lavitra Harvin-Direct by Finney

1 Q. Look at this picture, Ms. Harvin. You say
2 that you dropped down beside the driver's side of
3 that black vehicle that's in State's Exhibit No. 16.

4 A. Yes.

5 Q. So you would have been right in the area
6 of where that tire is or where that door is in that
7 picture?

8 A. Yeah, right up in that area.

9 Q. Which way was the gunfire, the sparks, the
10 lights, the fireworks that you saw, which way was it
11 coming from the front of the vehicle or the back?

12 A. The back.

13 Q. And when you stood up to see what was
14 going on, which way did you look as in this
15 picture, did you look to the left or did you look to
16 the right?

17 A. To the right.

18 Q. And where Mayfield Drive? If you're
19 looking at this picture right here in this truck, is
20 Mayfield Drive to the left or to the right?

21 A. It'd be straight.

22 Q. Straight?

23 A. Yeah.

24 Q. Let me ask you to look at this map one
25 more time. Have you got your pointer. This is

Lavitra Harvin-Direct by Finney

1 State's Exhibit No. 31. Show the ladies and
2 gentlemen where the black truck was.

3 A. The black truck was up in this area.

4 Q. Where was it facing?

5 A. Toward the club.

6 Q. Toward the club.

7 A. Uh-huh. (affirmative.)

8 Q. Ma'am?

9 A. Yes.

10 Q. So the back of the truck would have been
11 where? Going, if you walked right out the back --
12 where is Mayfield Drive?

13 A. Over this way.

14 Q. So the back of truck would have been
15 facing Mayfield Drive.

16 A. Uh-huh. (Affirmative.)

17 Q. The front of the truck was facing the
18 club.

19 A. Yes.

20 Q. And you said you saw the sparks and the
21 fireworks coming from the back of the truck area.

22 A. Yes.

23 Q. And that's the same area where you saw
24 Mr. Rodney Green running toward Mayfield Drive.

25 A. If you look straight from---

Lavitra Harvin-Direct by Finney

1 Q. Straight from the back of the truck, going
2 back?

3 A. If you would have looked -- if you just
4 would have looked straight back to Mayfield, you
5 could have looked through the field.

6 Q. All right.

7 MR. FINNEY: 16 and 17 are in, Your Honor.

8 THE COURT: Yes, sir. there was no
9 objection from the defendant.

10 Q. Ms. Harvin, I understand this is not an
11 easy thing for you to be involved in. Do you
12 believe in telling the truth?

13 A. Yes.

14 Q. And it is true that you were at the Club
15 Miami on March 16th?

16 A. Yes.

17 Q. And is it true that Mr. Rodney Green had
18 the keys to your car, and drove the car---

19 MR. JOHNSON: Objection, Your Honor. All
20 this is has been asked and answered. He's just
21 going over the old testimony.

22 THE COURT: It will be one more time. I
23 understand, Mr. Johnson. Objection is overruled.

24 MR. FINNEY: Thank you, Your Honor.

25 Q. And did you see Mr. Rodney Green at the

Lavitra Harvin-Direct by Finney

1 club that night with a weapon?

2 A. No, I never saw him until we got outside.

3 Q. Is it true that you told the law
4 enforcement officers the same night of the shooting,
5 that Rodney Green was at the club with a weapon, and
6 you saw him firing.

7 A. I told him that, yeah.

8 Q. Why is your story different today?

9 A. Because I felt like they were pressuring
10 me.

11 Q. And how did they pressure you?

12 A. They said they were going to lock me up
13 and take my kids.

14 Q. That's how they got you to say something
15 different than you say today.

16 A. Yes.

17 Q. And after you saw Rodney Green running in
18 the field toward Mayfield Drive, you got in the
19 Marquis and left to go to your cousin's house.

20 A. Yes.

21 Q. Did you leave with anybody else?

22 A. No.

23 Q. So you left by yourself.

24 A. Yeah.

25 Q. You didn't go over to the police car to

Lavitra Harvin-Cross by Johnson

1 see why they were arresting Rodney.

2 A. No.

3 Q. You didn't go tell the police officers
4 anything about what you had seen.

5 A. No.

6 Q. And it was 12:27 in the afternoon before
7 you talked to the law enforcement officers.

8 A. Yes.

9 Q. And you wrote that statement.

10 A. Yes.

11 Q. And in wrote that statement.

12 A. Yes.

13 Q. And in your own handwriting on that
14 statement on page 2 at the bottom, the last two
15 sentences of that statement, I saw Rodney Green with
16 a black handgun. That's your words in your writing.

17 A. Yes.

18 MR. FINNEY: Nothing further. Answer any
19 questions Mr. Johnson may have.

20 THE COURT: Mr. Johnson.

21 MR. JOHNSON: Thank you, Your Honor.
22 Please the court.

23 Cross Examination by Mr. Johnson:

24 Q. Lavitra, good morning.

25 A. Good morning.

Lavitra Harvin-Cross by Johnson

1 Q. I know you're nervous, correct.

2 A. Yes.

3 Q. I know you're scared. I need you to tell
4 the truth okay. A minute ago you stated that the
5 reason you said you saw Rodney with a gun is because
6 the State pressured you. Is that truth?

7 A. Yes.

8 Q. How did they pressure you?

9 A. Saying they were going to lock me up and
10 take my kids.

11 Q. They were going to lock you up and take
12 your kids?

13 A. Yes.

14 Q. Now do you have the statement before you
15 that the solicitor was just talking to you about?

16 A. Yes.

17 Q. Look on the second page of that statement.
18 Now is that -- that's the statement you wrote,
19 right?

20 A. Yes.

21 Q. Do you see that line I just pointed to?

22 A. Yes.

23 Q. Now is that a statement that you wrote to
24 the police?

25 A. Yes.

Lavitra Harvin-Cross by Johnson

1 Q. And what do you say in statement?

2 A. I never saw Rodney shoot a gun. I just
3 heard gunshots.

4 Q. And that was the truth, right?

5 A. Yes.

6 Q. Now the part that's he talking about on
7 the bottom of the page, I notice that it's written
8 in like a different pen.

9 A. Yes.

10 Q. Why is that different on the bottom of the
11 page, those two statements that the solicitor had
12 just pointed out to the jury, why is that different
13 than the rest of the paper?

14 A. That's when they started pressuring me.

15 Q. So that statement at the bottom wasn't
16 written when you wrote your original statement, was
17 it?

18 A. No, it was after awhile when I was in
19 there.

20 Q. How long after you was in there that that
21 statement, that part of the statement was added to
22 your statement?

23 A. Maybe like an hour, hour and a half.

24 Q. An hour and a hour half after you wrote
25 your original statement where you have in there that

Lavitra Harvin-Cross by Johnson

1 you did not see Rodney shoot anyone, correct?

2 A. Yes.

3 Q. You wrote that statement. Why did you
4 add it? Or who made you add it? Let's put it that
5 way.

6 A. They were saying I was going to get locked
7 up.

8 Q. If you didn't write that.

9 A. If I said I didn't see him with a gun.

10 Q. Then you're going to get locked up.

11 A. Yes.

12 Q. So the truth is, you never saw Rodney with
13 a gun.

14 A. No.

15 Q. And you was only pressured by the police
16 to say that.

17 A. Yes, that's what I feel like.

18 Q. Now let's talk about the actual, what you
19 do know. You came out of the club and you heard
20 some gunshots.

21 A. Uh-huh. (Affirmative.)

22 Q. Now this is important, gunshots? So there
23 was other people shooting that night, wasn't there?

24

25 MR. FINNEY: Objection. Leading.

Lavitra Harvin-Cross by Johnson

1 THE COURT: Overruled.

2 Q. There was other people shooting that
3 night, wasn't there?

4 A. Yeah, I assume so.

5 Q. So it was more than just one person
6 shooting, correct?

7 A. Yes.

8 Q. So you heard a number of gun -- you heard
9 gunshots that made you drop down by that truck,
10 correct?

11 A. Yes.

12 Q. You don't know where those shots were
13 coming from, do you?

14 A. I just looked up and saw fire.

15 Q. Then you heard Mr. Archie run by and say
16 he was shot, correct?

17 A. Not Mr. Archie.

18 Q. I mean well you say somebody ran by you
19 and said he was shot?

20 A. Ray'Quann.

21 Q. Ray'Quann. So that wasn't Mr. Archie,
22 Ray'Quann ran by.

23 A. Yes.

24 Q. And said that he was shot.

25 A. Yes, sir.

Lavitra Harvin-Cross by Johnson

1 Q. So Ray'Quann is the person that was shot
2 in the leg or whatever.

3 A. Yes.

4 Q. He ran by and said he was shoot in the
5 leg.

6 A. Yes.

7 Q. After you heard a number of shots.

8 A. Yes.

9 Q. So it was more than one.

10 A. Yes.

11 Q. Then you heard some additional shots.

12 A. Yeah.

13 Q. That's when you turned and saw, I guess,
14 saw Rodney running away, correct?

15 A. Yeah.

16 Q. So someone was already shot before you
17 even saw or heard gunshots coming from the direction
18 where Rodney was standing, is that correct?

19 A. I never saw him standing, I just saw him
20 going through the field.

21 Q. Right. But the gunshots that you heard,
22 the first initial shots, you don't know which
23 direction they were coming from, do you?

24 A. No.

25 Q. So they weren't necessarily coming from

Lavitra Harvin-Cross by Johnson

1 directly behind you, because if they were coming
2 behind you, you wouldn't have dropped where you was,
3 would you?

4 A. No.

5 Q. So you dropped somewhere away from the
6 where the shots were coming from.

7 A. Yes.

8 Q. For protection.

9 A. Yes.

10 Q. So is it fair to say that if dropped down
11 beside a truck that's facing the back where Rodney
12 was standing.

13 A. Yes.

14 Q. To protect yourself from shots.

15 A. Yes.

16 Q. Then the shots that initially you heard
17 did not come from the direction of Rodney.

18 A. Yes.

19 Q. And let's be clear here, you heard more
20 than three shots that night, didn't you?

21 A. Yeah.

22 Q. Can you say how many you think there was?

23 A. Not off hand I can't.

24 Q. But it was definitely more than three.

25 A. Yes.

Lavitra Harvin-Cross by Johnson

1 Q. So the police kept you, questioning you,
2 like you wrote this statement within the first few
3 minutes of going to the police agreeing to
4 cooperate, correct? The statement that you're
5 reading.

6 A. Yeah.

7 Q. And they read that statement where you say
8 you did not see Rodney shoot anyone, correct?

9 A. Yes.

10 Q. And then they left you in that room for
11 how long? Or was they in the room with you?

12 A. They were sitting in there.

13 Q. For another hour and a half?

14 A. Yeah.

15 Q. And then you wrote the last two lines
16 where you said that Rodney shot someone.

17 A. Yes.

18 Q. And you only wrote those lines because you
19 were threatened.

20 A. Yeah.

21 MR. JOHNSON: I've got no other questions.

22 THE COURT: Redirect?

23 MR. FINNEY: Please, Your Honor.

24 Redirect Examination by Mr. Finney:

25 Q. Ms. Harvin, on the last paragraph of the

Lavitra Harvin-Redirect by Finney

- 1 second page of your sentence, do you see the last
2 sentence that starts with the word, I didn't?
- 3 A. Yes.
- 4 Q. What did you say to the police officers in
5 the statement?
- 6 A. I didn't tell the truth.
- 7 Q. When you wrote that, I didn't tell the
8 truth, what was the next word? Just read the whole
9 sentence.
- 10 A. I said earlier I---
- 11 Q. Read the sentence. I---
- 12 A. I saw Rodney with a black handgun.
- 13 Q. No, ma'am. Before that, I didn't.
- 14 A. I didn't tell the truth earlier.
- 15 Q. That's what you wrote. I didn't tell the
16 truth earlier. So let me understand it now, you
17 went into the interview room with the police
18 officers, right?
- 19 A. Yes.
- 20 Q. And they read you your rights. Is that
21 right?
- 22 A. Yes.
- 23 Q. And you understood that you had rights.
24 Is that right?
- 25 A. Yes.

Lavitra Harvin-Redirect by Finney

1 Q. And then you talked to them before any
2 writing took place at all, you talked to them, told
3 them what you saw, who you were with, all of that.
4 Isn't that right?

5 A. Yes.

6 Q. Now the beginning of the statement, page
7 1, in the beginning when you were talking to the
8 officers, you told a lie then, didn't you? About
9 how you got to the party that night, to Club Miami.
10 Look at page 1. So we left the party, about the
11 third line down. What did you tell the law
12 enforcement officers at that point, when you first
13 walked in the room?

14 A. Me and Rodney was together.

15 Q. I can't hear you.

16 A. Me and Rodney was together.

17 Q. And said to the law enforcement that you
18 and Rodney drove to club in the Lincoln Mercury
19 Marquis together. Isn't that in your statement?

20 A. Yes.

21 Q. That was lie No. 1. Then you said on the
22 second page, I never saw Rodney shoot, I just
23 gunshots. Didn't you put that on the second page?

24 A. Yes.

25 Q. That was lies No 2. Then down at the

Lavitra Harvin-Recross by Johnson

1 bottom you said, I didn't tell the truth earlier.

2 Rodney had a gun. Isn't that true? Isn't that what
3 you said in the statement at the bottom?

4 A. Yes.

5 Q. Let me ask you something. If you're
6 telling us today that the police officers pressured
7 you and told you what to say, how would you explain
8 to this jury that your statement says that Rodney
9 had a black handgun in the console? How would the
10 police know where the gun was?

11 A. (No response.)

12 MR. FINNEY: Nothing further.

13 THE COURT: Mr. Johnson.

14 Recross Examination by Mr. Johnson:

15 Q. Lavitra, let's clarify this. Look at me.
16 Look at the jury. Not sit up. Be a woman and tell
17 the jury the truth. Did you -- isn't it true that
18 you did not see Rodney shoot anything?

19 A. I didn't.

20 Q. Look at the jury, tell them.

21 A. I didn't.

22 Q. Tell them why you wrote that, and look at
23 them and tell them.

24 A. Because I felt like they pressured me at
25 the end.

Lavitra Harvin-Recross by Johnson

1 Q. And how did they pressure you?

2 A. By saying they were going to lock me up
3 and take my kids.

4 Q. Now didn't they also tell you the second
5 part of that sentence that you wrote, the last part
6 that the solicitor keeps pointing at, did they not
7 tell you what to write?

8 A. Somewhat.

9 Q. And how -- and when you say somewhat, how
10 did they suggest to you what to write.

11 A. Because they kept saying he had the black
12 handgun.

13 Q. They told you that, right?

14 A. And they said I never saw -- Did I ever
15 see him with it.

16 Q. So they influenced you.

17 A. Yes.

18 Q. Because you would do anything to protect
19 your kids, right?

20 A. Yes.

21 Q. And you're afraid now, aren't you?

22 A. Yeah.

23 Q. Because you don't know what's going to
24 happen when you walk off that stand, do you?

25 A. No.

Lavitra Harvin-Recross by Johnson

1 Q. But are you telling the truth?

2 A. Yes.

3 MR. JOHNSON: No other questions.

4 THE COURT: Step down, ma'am. Thank you.

5 You can leave that up there. Ladies and gentlemen,
6 we are going to take a break at this point. It will
7 be between 10 to 15 minutes. Of course you may not
8 discuss the case at all. You can't discuss any
9 testimony or any other activity that is taking place
10 in the trial. If you need something to drink,
11 Mr. Bradley and the bailiffs can get it for you,
12 okay.

13 (Whereupon, the following takes place
14 outside the presence of the jury.)

15 THE COURT: We'll take a break for a few
16 minutes. Let me before I forgot, I have a 5 minute
17 hearing in a civil matter at 2 o'clock. So just
18 remind me that we're not going to get back together
19 at two when we break for lunch. It will be either
20 2:15 or 2:30. I just wanted to make sure I brought
21 that up, because I'll probably forget. Anything,
22 Mr. Finney or, Mr. Johnson, before we take a brief
23 recess?

24 MR. FINNEY: No, Your Honor.

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

Lavitra Harvin-Recross by Johnson

1 THE COURT: Make sure the defendant is
2 back in by 10 after 11, okay.

3 (Whereupon, the court takes a short
4 recess.)

5 THE COURT: Couple of things, Margaret's
6 computer has got a power cord it in and starts to
7 charge intermittently, but sometimes it doesn't. If
8 she starts to power down too far, we'll just stop
9 for lunch. In addition to that, Mr. Bradley advised
10 me right when we took a break, that the foreperson
11 wanted to know if she could take notes. That would
12 certainly leave open the possibility that others
13 want to. Does either side want to be heard on that,
14 Mr. Finney?

15 MR. FINNEY: Your Honor, I don't have a
16 position on it.

17 THE COURT: Mr. Johnson?

18 MR. JOHNSON: I don't have any objection
19 to it, Your Honor.

20 THE COURT: I'll just give them the
21 standard instruction on note taking. I'll allow it.
22 Of course they'll have to leave their notepads in
23 here during a break. And the notepad will be
24 collected before lunch and at the end of the day.
25 Are you ready for the jury, Mr. Finney?

Lavitra Harvin-Recross by Johnson

1 MR. FINNEY: Yes, sir.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: Yes, sir.

4 THE COURT: What's your plan for the rest
5 of the morning? Let's assume that we go for another
6 hour, an hour and 15 minutes or so. An hour and a
7 half.

8 MR. FINNEY: My plan is to call Ray'Quann
9 Jenkins. Then I'm going to follow that one with
10 Davontae Blanding.

11 THE COURT: Is he a guard, or was he a eye
12 witness?

13 MR. FINNEY: He's a witness. Auntachie
14 Blanding, his sister. And then I would like to
15 finish if I have time, Your Honor, with Officer
16 Pizzino, because he works in Barnwell, and I'd like
17 to get him back on the road before lunch.

18 THE COURT: We'll do the best we can. Is
19 he here?

20 MR. FINNEY: He is.

21 THE COURT: So if we start running short,
22 and getting really, really close to where you think
23 you might have to squeeze, would you be inclined to
24 put him up before you put one of the others up?

25 MR. FINNEY: I would.

Lavitra Harvin-Recross by Johnson

1 THE COURT: You can bring in the jury.

2 (Whereupon, the following takes place within
3 the presence of the jury.)

4 THE COURT: Ladies and gentlemen, I am
5 going to cover one primary thing. I believe one of
6 you may have asked if it was permissible to take
7 notes. The short answer to that question is yes.
8 Let me explain a few things to you though. First,
9 let me ask, how many of you would like to take
10 notes. Mr. Bradley will have pads and pencils or
11 pens for you in just a moment. But a couple of
12 instructions.

13 First of all, one witness has already
14 testified and you did not take notes. That fact
15 will not heighten or diminish her testimony since
16 you didn't take notes during her testimony. Also,
17 I will tell you that some people are better note
18 takers than others. You might remember from your
19 schooling, how good you were or how bad you were. I
20 take notes not for anything really substantive, but
21 I take notes mainly based on times. For example, if
22 you want to hear later on some testimony played
23 back, the court reporter and I will know what time
24 it begin and what time it ended. And I'm keeping up
25 with when exhibits are introduced, what time. So

Lavitra Harvin-Recross by Johnson

1 those are the notes that I take.

2 I'm not a really, really great note taker.

3 Because I want to make sure that I'm continuing to
4 pay attention. I want to make sure that if you do
5 take notes, you do not engage in note taking at the
6 expense of not paying attention to what's being said
7 at the exact time you're writing something else
8 down.

9 If you find yourself being distracted, you
10 might to just quit taking notes. I will also tell
11 you that the simple fact that jury A takes notes,
12 and jury B doesn't, jury B's recollection of
13 testimony and jury B's input into the deliberations
14 in this case, are not to be diminished or
15 heightened, just because that jury didn't take
16 notes. In other words, one person's recall without
17 notes, is just as good as somebody's note taking. I
18 will also tell you that while you are taking notes,
19 continue to pay very, very close attention to what's
20 being said. And again, if you find yourself being
21 distracted at the expense of note taking just stop.
22 At every break, you will leave your note pads in
23 your seat. Nobody is going to read the notes. I'll
24 tell you that first hand.

25 Mr. Bradley will be responsible for taking

Ray'Quann Jenkins-Direct by Finney

1 up your note pads, and he will immediately secure
2 those, and nobody including me, will ever see them.
3 At the end of the case, they will be shredded. When
4 you break for lunch or for the evening, your note
5 pads will be put in a locked box, where they will be
6 secured. They will be locked. When you come back
7 into the courtroom, that's when you will get your
8 note pad. You will not have those note pads with
9 you during any breaks when you're in the jury room.
10 So I believe I counted five. But if you will just
11 raise your hands so Mr. Bradley can give you a pad
12 and pencil. And if you would, just write your name
13 on the first page so you will know which ones are
14 yours. Anyone else? Mr. Finney, you may call your
15 next witness.

16 MR. FINNEY: Ray'Quann Jenkins.

17 Ray'Quann Mondell Jenkins, being first
18 duly sworn, testified as follows:

19 THE BAILIFF: State your full name and
20 spell your last name for the record, please.

21 A. Ray'Quann Mondell Jenkins.

22 R-A-Y-Q-U-A-N-N, M-O-N-D-E-L-L, J-E-N-K-I-N-S.

23 DIRECT EXAMINATION by Mr. Finney:

24 Q. Can I call you Ray'Quann?

25 A. Yes.

Ray'Quann Jenkins-Direct by Finney

- 1 Q. What do your friends call you?
- 2 A. Ray.
- 3 Q. Where do you live Ray'Quann?
- 4 A. I live in Rembert, South Carolina.
- 5 Q. Columbia?
- 6 A. Rembert, South Carolina.
- 7 Q. I need you talk up a little bit. If you
- 8 get this microphone just a little bit closer, I
- 9 think we can hear you good? You want some water.
- 10 A. No, sir.
- 11 Q. How old are you?
- 12 A. 28.
- 13 Q. Have you lived in Sumter all your life?
- 14 A. Yes.
- 15 Q. And when do for a living?
- 16 A. Construction.
- 17 Q. How long have been doing that?
- 18 A. Many years.
- 19 Q. Many years. And do you, as far as,
- 20 construction, do you have specialty, bricks, roofs?
- 21 Do you have a specialty?
- 22 A. I do it all.
- 23 Q. Do it all. And are you employed now for
- 24 the last, let's say for this year 2015, have you
- 25 been working?

Ray'Quann Jenkins-Direct by Finney

1 A. Yes.

2 Q. So we've heard some testimony that you
3 were at Club Miami on March 16th 2014. Is that
4 true?

5 A. True.

6 Q. How did you get to the club that night?

7 A. Tyrese Archie and his nephew.

8 Q. They took you to the club?

9 A. Yes.

10 Q. And how did you know Tyrese Archie?

11 A. We grew up. I knew him all my life
12 basically.

13 Q. Are you related to him?

14 A. Not biological, but we grew up as family.

15 Q. So in the same community?

16 A. Yes.

17 Q. And is this community, what is it called?

18 A. Community of Wedgefield.

19 Q. Wedgefield. Now there's another community
20 called Cherryvale. Is that right?

21 A. Correct.

22 Q. Are you familiar with Cherryvale?

23 A. Yes.

24 Q. Cherryvale is actually in the area where
25 the Club Miami is, is that correct?

Ray'Quann Jenkins-Direct by Finney

1 A. Correct.

2 Q. And Wedgefield is right next door, is that
3 correct?

4 A. Correct.

5 Q. You and Mr. Archie grew up in the
6 Wedgefield Community.

7 A. Yes, sir.

8 Q. He was older than you?

9 A. Yes.

10 Q. He came by and picked you up that night?

11 A. Earlier that day.

12 Q. What was the purpose of you all getting
13 together that day?

14 A. We be together almost every day, for
15 different purposes. We was going to attend a
16 cookout.

17 Q. What was the purpose of the cookout?

18 A. A birthday party.

19 Q. For who?

20 A. Ms. Kathy.

21 Q. Kathy. She's a friend or family member?

22 A. Yes.

23 Q. And so Kathy going to have a cookout. Did
24 you and Tyrese Archie go to the cookout?

25 A. Yes.

Ray'Quann Jenkins-Direct by Finney

1 Q. And where was it held?

2 A. 15 at the Elk's Lodge.

3 Q. 15 South?

4 A. I am not sure if it was at 15 south or
5 north.

6 Q. And it's you say it's called the Elk's
7 Lodge. How many people would you say were there?

8 A. Approximately 100.

9 Q. And what time would you say you spent
10 there? What hours of the day?

11 A. About 4 hours.

12 Q. Starting about what time?

13 A. About 7.

14 Q. 7:00 p.m.?

15 A. 7:00 p.m.

16 Q. Until about?

17 A. Until about 12.

18 Q. Until 12:00 p.m.

19 A. Yes, sir.

20 Q. So you all were at the cookout together,
21 you and Mr. Archie and other people. And what were
22 you doing at the cookout?

23 A. Just having a good time.

24 Q. And at some point when the evening, the
25 cookout was over, you and Mr. Archie left?

Ray'Quann Jenkins-Direct by Finney

- 1 A. Yes.
- 2 Q. Whose car were you in?
- 3 A. His nephew.
- 4 Q. Was his nephew driving?
- 5 A. No.
- 6 Q. Who was driving?
- 7 A. Stymie.
- 8 Q. Now let's tell the ladies and gentlemen of
- 9 the jury who Stymie is, because we haven't heard
- 10 that name.
- 11 A. Stymie is Tyrese Archie.
- 12 Q. And that's a nickname that you called him
- 13 all his life?
- 14 A. Yes.
- 15 Q. And his nickname is what?
- 16 A. Stymie.
- 17 Q. Stymie. So when some of the witnesses or
- 18 family say Stymie did this. They're talking about?
- 19 A. Tyrese Archie.
- 20 Q. Mr. Archie. Now did you and Mr. Archie
- 21 work together?
- 22 A. No.
- 23 Q. He wasn't in construction.
- 24 A. No.
- 25 Q. So you spent a lot of time with him, and

Ray'Quann Jenkins-Direct by Finney

1 you were with him all afternoon, all evening, 7
2 until 12. Is that right?

3 A. Correct.

4 Q. When you left the cookout, did you and
5 Mr. Archie go to another place?

6 A. Yes.

7 Q. What place was that?

8 A. Club Cream.

9 Q. Club Cream. Now tell the ladies and
10 gentlemen of the jury where is Club Cream?

11 A. Behind the mall on Broad Street.

12 Q. This is the Sumter Mall?

13 A. Yes.

14 Q. And all of these events that we're talking
15 about today, did they happen in Sumter County?

16 A. Yes.

17 Q. Club Cream, you and Mr. Archie and another
18 fellow, you all go to the Club Cream around
19 midnight. Pardon me?

20 A. Yes, sir.

21 Q. And what do you do when you get there?

22 A. We stay maybe 30 minutes to an hour.

23 Q. Were there other people from the cookout
24 at the Club Cream?

25 A. Yes.

Ray'Quann Jenkins-Direct by Finney

1 Q. Had there been a plan to leave the cookout
2 and go Club Cream?

3 A. Yes.

4 Q. Other people were going to do this as
5 well.

6 A. Yes.

7 Q. When you got to Club Cream, did you, tell
8 us what you did.

9 A. The same thing we did at the other
10 cookout, have another good time, because it was
11 somebody else's birthday party.

12 Q. It was a different person having a
13 birthday party at Club Cream.

14 A. Yes.

15 Q. And did you, I'm just going to ask. Did
16 you eat cake, did you dance, did you have games?
17 What were you doing?

18 A. Just talking and having a good time.

19 Q. How long did you and Mr. Archie say at
20 Club Cream?

21 A. No more than an hour.

22 Q. And then you got back in the same car, the
23 cousin's car?

24 A. Yes.

25 Q. That means there were three of you leaving

Ray'Quann Jenkins-Direct by Finney

- 1 Club Cream?
- 2 A. Yes.
- 3 Q. And where did you go after that?
- 4 A. We swung by the hospital. Because my son
- 5 was there. My baby's mother called me saying he was
- 6 sick.
- 7 Q. So you went by the hospital to the
- 8 emergency room.
- 9 A. Yes.
- 10 Q. The baby was not in the hospital, he was
- 11 in the emergency room.
- 12 A. Correct.
- 13 Q. And did you have to take something to the
- 14 hospital?
- 15 A. No.
- 16 Q. You just went by to check.
- 17 A. Uh-huh. (affirmative.)
- 18 Q. How long did you stay at the hospital?
- 19 A. About 20, 30 minutes.
- 20 Q. Did Mr. Archie go into the emergency room
- 21 with you?
- 22 A. No.
- 23 Q. He stayed in the car, is that right?
- 24 A. Correct.
- 25 Q. You went in and checked on your family

Ray'Quann Jenkins-Direct by Finney

1 then you came back out.

2 A. Correct.

3 Q. What did you all do then?

4 A. Left and headed back towards Wedgefield.

5 Q. And that would be towards the area where
6 you grew up with Mr. Archie.

7 A. Yes.

8 Q. Now Wedgefield, tell us what you did on
9 the way. When you left the hospital, where did you
10 end up going that evening?

11 A. We stopped by Club Miami.

12 Q. And were you going to Club Miami for any
13 particular reason?

14 A. No.

15 Q. Just going to stop by?

16 A. Yes, sir.

17 Q. And so did you and Mr. Archie and the
18 other man in the car, did you the three of you all
19 park the cars at Club Miami?

20 A. Correct.

21 Q. And went in the club?

22 A. Correct.

23 Q. How long -- what time would you say you
24 got to the Club Miami that night?

25 A. About 12:30, one.

Ray'Quann Jenkins-Direct by Finney

1 Q. So was it after midnight. When you went
2 to the cookout, was it a Saturday cookout, or
3 Sunday cookout?

4 A. I am not sure what day it was.

5 Q. But after midnight, you got to Club Miami.
6 It would have been the next day.

7 A. Yes.

8 Q. When you went in to Club Miami, did you
9 and Mr. Archie get a table, were you, what were you
10 doing?

11 A. We was all chilling, having a couple of
12 drinks.

13 Q. What happened?

14 A. I asked him to take me back to where my
15 son was at, so I could check on him.

16 Q. And where would that have been?

17 A. In the Wedgefield Community.

18 Q. So you weren't going back to the hospital.

19 A. No.

20 Q. You were going to have Mr. Archie take you
21 back to where your son stayed.

22 A. Correct.

23 Q. And was it agreed that you all were going
24 to do that?

25 A. Correct.

Ray'Quann Jenkins-Direct by Finney

1 Q. But Mr. Archie wasn't driving or was he
2 driving?

3 A. He was driving.

4 Q. What was he driving?

5 A. A charger.

6 Q. What color was it?

7 A. Orange.

8 Q. Orange charger automobile?

9 A. Correct.

10 Q. Did you and Mr. Archie leave Club Miami?

11 A. No.

12 Q. Well what I'm saying is, did you leave the
13 bar area going out the door of the Club Miami?

14 A. Correct.

15 Q. What time would you say that was?

16 A. Maybe around between one and two.

17 Q. And when you and Mr. Archie were leaving,
18 did you have this other man still with you?

19 A. No.

20 Q. Where was he?

21 A. Still inside.

22 Q. How is it that Mr. Archie had a car out
23 there, whose car was he going to take you?

24 A. He was driving his nephew's car.

25 Q. A different person than...

Ray'Quann Jenkins-Direct by Finney

1 A. The same guy that rode with us.

2 Q. So were you all in this Dodge earlier?

3 A. Correct.

4 Q. So when you left the cookout, you were in
5 the Dodge. When you left Club Cream you were in the
6 Dodge.

7 A. Correct.

8 Q. Same car. So Mr. Archie was going to take
9 you, but the guy who owned the car was going to stay
10 in the bar?

11 A. I'm guessing he was going to stay there,
12 because we didn't see him when was headed out.

13 Q. You and Mr. Archie are heading out of the
14 club. Tell the ladies and gentlemen what happened.

15 A. We ran into some of his cousins that was
16 fighting.

17 Q. Some of whose cousins?

18 A. There was an altercation with some of
19 Stymie's younger cousins.

20 Q. Stymie, this is Archie, his younger
21 cousins were fighting where?

22 A. In the outside parking lot.

23 Q. Let's we have a map here. You have a
24 pointer right here. This is State's Exhibit No. 31.
25 I just want you to look at the map. Can you

Ray'Quann Jenkins-Direct by Finney

1 identify what's on the map?

2 A. Club Miami and the surrounding area.

3 Q. Can you tell us where, use the pointer,
4 tell the jury on State's Exhibit 31, where the
5 cousins -- where you saw, when you came out the
6 door, which door did you come out of?

7 A. The front.

8 Q. When you came out of the front door, you
9 say there was disturbance, some cousins were
10 fighting. Where were they at?

11 A. Somewhere up in this area here.

12 Q. And that is what is called the what?

13 A. Parking lot.

14 Q. So did the the parking lot have vehicles
15 in it?

16 A. Correct.

17 Q. How many vehicles?

18 A. It was full.

19 Q. Full. So a lot of cars were there.

20 A. Correct.

21 Q. When you say they were fighting, tell the
22 ladies and gentlemen, were they arguing, were they
23 swinging, were they on the ground? Tell us what the
24 fight looked like?

25 A. Like a fist fight.

Ray'Quann Jenkins-Direct by Finney

1 Q. How many people would you say would be
2 involved in it?

3 A. A total of between 6 people.

4 Q. And as a result of that commotion, did you
5 and Mr. Archie go over towards where they were
6 fighting?

7 A. Correct.

8 Q. And what did you do? What did Mr. Archie
9 do? Describe it to the jury.

10 A. He was telling them to stop, and everybody
11 get in their car and leave.

12 Q. Did Mr. Archie participate in the fight?

13 A. No.

14 Q. Did you participate in the fight?

15 A. No.

16 Q. As a result of him going over there, did
17 he put his hands on anybody and pull them away, or
18 anything like that?

19 A. He put his hands on his younger cousin and
20 telling them to you all go to y'all's car, and you
21 all leave.

22 Q. As far as you could tell, what you saw,
23 what kind of fight was it?

24 A. It was a fist fight.

25 Q. Did anybody have any weapons?

Ray'Quann Jenkins-Direct by Finney

- 1 A. No.
- 2 Q. Did anybody -- was there anybody bleeding?
- 3 A. No.
- 4 Q. Was anybody on the ground getting kicked
- 5 and stomped?
- 6 A. No.
- 7 Q. After Mr. Archie tried to break up the
- 8 fight, he was sending people to their cars.
- 9 A. Correct.
- 10 Q. What happened next?
- 11 A. He was -- he got on the phone and tried to
- 12 call his nephew, the one that rode with us, to tell
- 13 him to come on so we could leave.
- 14 Q. That was the guy that was in -- still
- 15 inside. What's his name?
- 16 A. Antwaine Bradley.
- 17 Q. Antwaine. So he got on the phone and
- 18 tired to call Mr. Antwoine. What happened next?
- 19 A. He never got in touch with him, because I
- 20 guess he was still in the club with all the loud
- 21 music.
- 22 Q. So what did, did either you or Mr. Archie
- 23 go back inside the club?
- 24 A. No.
- 25 Q. What happened next after the fight got

Ray'Quann Jenkins-Direct by Finney

1 broke up? Did the fight break up? Did the young
2 fellows listen?

3 A. Yeah, everybody was leaving, so we was
4 waiting his nephew so we could go.

5 Q. You were still waiting on the man from
6 inside, trying to reach the man Antwaine.

7 A. Correct.

8 Q. Where were you and Mr. Archie standing
9 after the fight broke up?

10 A. On the second row.

11 Q. The second row of what?

12 A. The parking lot.

13 Q. Of cars?

14 A. Correct.

15 Q. When the cars park in the parking lot, do
16 they park in a certain way? Which way are cars
17 facing that are in the first row?

18 A. Facing the club.

19 Q. So the first row of cars would be in that
20 area?

21 A. Correct.

22 Q. They would be facing the club, lined up in
23 a line.

24 A. Correct.

25 Q. And then there's another line behind it.

Ray'Quann Jenkins-Direct by Finney

1 A. Correct.

2 Q. What happened after the fight broke up,
3 and you and Mr. Archie were still standing in the
4 parking lot?

5 A. Three other guys came from around the
6 front.

7 Q. Show us, please. Three other guys came
8 from around the front of the club.

9 A. Came to where we was.

10 Q. They were heading towards who?

11 A. Mr. Archie.

12 Q. What did those guys -- did you know them?

13 A. I don't know names.

14 Q. And what happened to those three guys?

15 A. They tried to jump Mr. Archie.

16 Q. You saw this with your eyes?

17 A. Correct.

18 Q. And what happened as a result of that?

19 A. That's when I reacted to step in to break
20 that up.

21 Q. Who did you -- what did you do to break
22 it up?

23 A. Step in between in, and hold my hands out,
24 and telling everybody to you all just chill out,
25 just leave that alone.

Ray'Quann Jenkins-Direct by Finney

1 Q. Did you know these guys? These three
2 guys?

3 A. I mean, I know them but I don't them very
4 well.

5 Q. What happened next?

6 A. We were sitting breaking it up. Stymie
7 and one of the guys got into a fight, into a fist
8 fight.

9 Q. One of the guys that was....

10 A. That came with the three.

11 Q. Was he fighting with Stymie?

12 A. Correct.

13 Q. So there was a fist fight between Stymie
14 and this other guy.

15 A. Correct.

16 Q. Did that last very long?

17 A. No.

18 Q. What was the next thing that happened?

19 A. I stepped in to break that up. And the
20 two guys was trying to jump while Stymie and the
21 third guy was fighting.

22 Q. Right.

23 A. So I stepped in to break it up.

24 Q. Right.

25 A. So then the two guys listening, but that's

Ray'Quann Jenkins-Direct by Finney

1 when I turned around and Stymie and other guy were
2 still on the ground fighting. So I turned around to
3 break them up, and that's when I seen about 4 or 5
4 more guys coming from the behind the fence.

5 Q. When you say from behind the fence, show
6 the ladies and gentlemen of the jury what's the area
7 you are talking about. What kind of fence is there?

8 A. It's a property line.

9 Q. Is it wooden fence, a white picket fence?
10 Is it a -- what's it made out of?

11 A. A wire fence.

12 Q. A wire fence. And the wire fence runs on
13 the Sumter side of the club?

14 A. Correct.

15 Q. All the way down this line.

16 A. Correct.

17 Q. So you saw these other guys approaching
18 from that area near the wire fence.

19 A. Correct.

20 Q. Where were they coming?

21 A. Towards where we were standing. Towards
22 the fight.

23 Q. In the parking lot.

24 A. Correct.

25 Q. What happened after they got -- did they

Ray'Quann Jenkins-Direct by Finney

1 come up to where you and Mr. Archie were?

2 A. Yes.

3 Q. And what happened then?

4 A. I seen a couple of guys coming towards.

5 And then I seen the defendant coming in between and
6 saying, watch out.

7 Q. Was the defendant, when you say the
8 defendant, who are you talking about?

9 A. Mr. Green.

10 Q. Do you know Rodney Green?

11 A. Yes, I do.

12 Q. How long have you known him?

13 A. Half of my life.

14 Q. And where is he from?

15 A. The Cherryvale area.

16 Q. He's from the Cherryvale area. That's the
17 area where the club is.

18 A. Correct.

19 Q. And when you saw these four guys coming,
20 did you know all four guys?

21 A. I know three of them.

22 Q. And one of the four guys was Rodney Green.

23 A. Correct.

24 Q. When he -- when you first saw him, these
25 four guys, Mr. Green and the three others, were they

Ray'Quann Jenkins-Direct by Finney

1 coming towards you?

2 A. Correct.

3 Q. And what were they saying or doing?

4 A. I didn't hear none of them said anything
5 besides Mr. Green.

6 Q. And what did Mr. Green say?

7 A. You all watch out.

8 Q. After you heard Mr. Green say, you all
9 watch out, what happened?

10 A. I turned to look towards that way.

11 Q. Were you standing up?

12 A. Correct.

13 Q. Where was Mr. Archie?

14 A. Behind me.

15 Q. Standing up?

16 A. On the ground. But the other guy was
17 still fighting.

18 Q. So you heard this statement, watch out.
19 Then you say you turned to look at who said the
20 statement.

21 A. Correct.

22 Q. And that was who? Who said the statement?

23 A. Mr. Green.

24 Q. And then what happened?

25 A. I seen him reaching for -- in his shirt to

Ray'Quann Jenkins-Direct by Finney

1 pull out a weapon.

2 Q. How did he reach into his shirt to pull
3 out the weapon? Show the jury. Stand up, please,
4 and show the jury what you saw Rodney Green do.

5 A. Reaching towards his shirt like this.

6 Q. And what did he do with the weapon once he
7 got his hand on it?

8 A. He pulled it out.

9 Q. And what happened after that?

10 A. I turned around to pick Mr. Archie from
11 off the ground and break the fight up.

12 Q. And did anything happen after you got
13 Mr. Archie up?

14 A. When I picked him up to push him back
15 towards away from the scene, that's when I heard Mr.
16 Green say, watch out. And when I went to push him,
17 that's when I heard the first gunshot.

18 Q. When you saw Mr. Green pull the gun, did
19 you see any of the other fellows that were with him
20 pull weapons?

21 A. No.

22 Q. How far away was Mr. Green from you when
23 you saw him pull the weapon from his shirt? And
24 just use me. If I'm Mr. Green and you were there,
25 how far was Mr. Green from you when you saw him pull

Ray'Quann Jenkins-Direct by Finney

1 the weapon?

2 A. About from here to Mr. Hawkins.

3 Q. This police officer?

4 A. Correct.

5 Q. So you and Mr. Archie were there. Was
6 your back or front to the nightclub? To the Club
7 Miami?

8 A. To the -- it was towards the back.

9 Q. So your Club Miami would have been behind
10 you?

11 A. Correct.

12 Q. You and Mr. Archie would have been in this
13 area where these three guys were?

14 A. Correct.

15 Q. And Mr. Green and his -- the fellows with
16 him, would have been facing the club.

17 A. Correct.

18 Q. And how far away would you estimate this
19 is for the record, between you and I right now?

20 A. About 20, 25 feet from the car.

21 Q. So about 20, 25 feet away you see
22 Mr. Rodney Green, and you recognize him?

23 A. Correct.

24 Q. You heard his voice.

25 A. Correct.

Ray'Quann Jenkins-Direct by Finney

1 Q. And you saw him draw a weapon?

2 A. Correct.

3 Q. When you saw the first shot rang out, what
4 did you think or do then?

5 A. When the first shot hit me, I fell
6 forward.

7 Q. Tell the ladies and gentlemen of the jury
8 where you were shot.

9 A. In the left femur bone.

10 Q. And is that above the knee?

11 A. Right above the pelvis.

12 Q. So you were shot in this area where I've
13 got my hand here above the pelvis.

14 A. A little bit lower by the femur bone.

15 Q. Right in this area here?

16 A. Correct.

17 Q. You were shot there by the first shot.

18 A. Correct.

19 Q. Who fired the weapon that hit you?

20 A. Mr. Green.

21 Q. After you got shot, what did you do?

22 A. I fell forward and catch by myself on my
23 hands, and tried to pick myself back up.

24 Q. Do you remember what kind of shirt you had
25 on at the time?

Ray'Quann Jenkins-Direct by Finney

1 A. What kind of shirt had on?

2 Q. Yes, sir.

3 A. An orange shirt.

4 Q. I'm going to ask to look at what's been
5 marked as State's Exhibit No. 19. Do you recognize
6 anything in that picture?

7 A. The truck. That's the truck where I fell
8 when I was trying to reach Mr. Archie.

9 Q. What about that item on the ground right
10 next to No. 5?

11 A. I don't know if that's a shirt or what.

12 Q. You don't know.

13 A. No, sir.

14 Q. When you got shot, you say you leaned up
15 against a vehicle, a truck?

16 A. Correct.

17 Q. What happened to Mr. Archie once you got
18 shot?

19 A. By the time I could pick myself back up to
20 look towards where he was at, he was running away
21 from the incident.

22 Q. And did you hear anything or see anything
23 at that point?

24 A. I heard about 2 or 3 shots after I got
25 hit.

Ray'Quann Jenkins-Direct by Finney

1 Q. Could you tell where those shots were
2 coming from?

3 A. Yes.

4 Q. Tell the ladies and gentlemen where did
5 those shots come from?

6 A. From the same defendant.

7 Q. Who is who?

8 A. Mr. Green.

9 Q. How you know that?

10 A. Because once I got hit first, he had to
11 come past me to reach Mr. Archie.

12 Q. So he was on the move?

13 A. Correct.

14 Q. And was he moving left to right? Let's go
15 back to what we were talking about. You and
16 Mr. Archie were down there with your backs to the
17 club. Mr. Green was the 25 feet way you say.

18 A. Correct.

19 Q. When you saw Mr. Green run past you, was
20 he coming toward you?

21 A. Correct.

22 Q. And he was firing the weapon at the time
23 he was coming towards you?

24 A. Correct.

25 Q. And he ran past you?

Ray'Quann Jenkins-Direct by Finney

1 A. Correct.

2 Q. Where was he going when he was running
3 past you?

4 A. The same area Mr. Archie was going.

5 Q. And while you saw this, did he have,
6 Mr. Rodney Green did he have the weapon?

7 A. Correct.

8 Q. Can you describe it the jury?

9 A. A black handgun.

10 Q. And how many times do you think he fired
11 the black handgun?

12 A. Approximately 3 or four times.

13 Q. And while he was firing it, he was moving
14 from 25 feet away to where you were. And then he
15 ran past you.

16 A. Correct.

17 Q. Were you able to go anywhere or do
18 anything after you got hit?

19 A. I tried.

20 Q. But what?

21 A. I couldn't---

22 Q. You couldn't---

23 A. ---because of my injury.

24 Q. ---move? Did you see Mr. Archie get shot?

25 A. No.

Ray'Quann Jenkins-Direct by Finney

1 Q. And after Mr. Green ran past you, did you
2 hear any more shooting?

3 A. Correct.

4 Q. Correct, what?

5 A. Yes.

6 Q. Is that where you say you heard three, two
7 or three, 3 or 4 shots?

8 A. Yes.

9 Q. After that did you hear any other
10 shooting?

11 A. No.

12 Q. During the time that you were out there,
13 when you first saw Mr. Green, did you hear any shots
14 coming from any place else?

15 A. No.

16 Q. Was anybody saying anything about oh,
17 somebody is shooting, shots were fired anything like
18 that?

19 A. No.

20 Q. The first shot that you heard that evening
21 was fired by who?

22 A. Mr. Green.

23 Q. And then the 3 or 4 shots that you heard
24 after that, after you got hit, who fired those
25 shots?

Ray'Quann Jenkins-Direct by Finney

1 A. Mr. Green.

2 Q. Did you hear any other fire, firing that
3 night?

4 A. No.

5 Q. Once the firing stopped, you said you
6 didn't see Mr. Tyrese Archie get shot.

7 A. No.

8 Q. Once the firing stopped, did you see
9 Mr. Green again?

10 A. Correct.

11 Q. What was he doing?

12 A. Heading back towards the area he came
13 from.

14 Q. Show the ladies and gentlemen of the jury,
15 pick up your stick please, State's Exhibit No. 31.
16 Where would you say you were when you got hit with
17 the first bullet?

18 A. This area.

19 Q. And where was Mr. Green when you saw him
20 running run past you, where was he going?

21 A. Back towards the fence.

22 Q. Where Mr. Green running, as you heard him
23 fire after you got hit, the next set of shots that
24 you heard, where was Mr. Green and where was he
25 headed?

Ray'Quann Jenkins-Direct by Finney

- 1 A. After the first shot?
- 2 Q. After the first shot.
- 3 A. In this area.
- 4 Q. And where was he going?
- 5 A. Behind Mr. Archie.
- 6 Q. Going which way?
- 7 A. Towards this way.
- 8 Q. Towards which way?
- 9 A. Towards the second driveway. This is the
- 10 second driveway.
- 11 Q. So he was -- you were here.
- 12 A. Correct.
- 13 Q. Mr. Green ran past you. Which way was he
- 14 going?
- 15 A. Towards this way.
- 16 Q. And Mr. Tyrese Archie was in front him.
- 17 A. Correct.
- 18 Q. Then you say you saw Mr. Green again.
- 19 A. Correct.
- 20 Q. Going which way?
- 21 A. Back towards this way.
- 22 Q. Did you see how far he went when he was
- 23 going back that way?
- 24 A. No.
- 25 Q. Once you saw Mr. Green running back

Ray'Quann Jenkins-Direct by Finney

1 towards Sumter, is that right? Going towards

2 Sumter?

3 A. Correct.

4 Q. Did you notice anybody else running that

5 direction?

6 A. A security officer.

7 Q. Was the security officer with Mr. Green?

8 A. No.

9 Q. Where was he?

10 A. Coming from towards the front of the club.

11 Q. Going where?

12 A. In the area where the gunshots were fired.

13 Q. Now once you got hit, did go down to the

14 the ground?

15 A. Yes.

16 Q. And did you stay there until you got -- an

17 ambulance came?

18 A. No, I picked myself up trying to go

19 towards the area when I seen Mr. Archie's fall. I

20 was trying to get to where he was at.

21 Q. Towards Mr. Archie.

22 A. Correct.

23 Q. Did you ever get to him?

24 A. No.

25 Q. Tell the ladies and gentlemen what was the

Ray'Quann Jenkins-Direct by Finney

1 description that you gave of Mr. Green that night?

2 A. All white.

3 Q. Tell us what you mean by all white.

4 A. White shirt, white pants, white shoes.

5 Q. I want to show you what's marked State's

6 Exhibit No. 9. Can you identify that?

7 A. Yes.

8 Q. Who is that in State's Exhibit No. 9?

9 A. Mr. Green.

10 Q. And what does he have on?

11 A. All white.

12 Q. And did he have on that outfit that night
13 that you got shot?

14 A. Correct.

15 Q. Is this what he had on when he fired the
16 weapon and hit you in the left femur?

17 A. Correct.

18 MR. FINNEY: Your Honor, I am going to
19 show counsel State's Exhibit No. 33. It's a map
20 that's been put together to show the area of Club
21 Miami.

22 THE COURT: Any objection?

23 MR. JOHNSON: No objection, Your Honor.

24 MR. FINNEY: Move it in as State's Exhibit
25 No. 33.

Ray'Quann Jenkins-Direct by Finney

1 THE COURT: It's in.

2 (Map marked State's Exhibit No. 33 into
3 evidence.)

4 Q. This is another picture of the Club Miami
5 property. Do you see where it says Ray'Quann
6 Jenkins.

7 A. Correct.

8 Q. And do you see a little arrow where it
9 says Ray'Quann Jenkins kind of in the middle of the
10 parking lot?

11 A. Correct.

12 Q. Is that an accurate representation of
13 where you were when you got shot?

14 A. No, I had came up a little bit.

15 Q. Came up a little bit. Do you see a name
16 Ray'Quann Jenkins where you see the s, and after the
17 s there is a little spot. It's kind of -- it's like
18 a marker?

19 A. Yes.

20 Q. Is that about the area that you were in
21 when you got shot?

22 A. Yes, that's about the area.

23 Q. Would you say it's a little closer --
24 were you closer to the club or closer to the fence?

25 A. I was closer to where it says casing. I

Ray'Quann Jenkins-Direct by Finney

1 got to where I was by hoping on one leg.

2 Q. Where casings. Where the word casings
3 is, you think you were a little closer to that word.

4 A. When I got shot.

5 Q. And then once you got shot, you moved away
6 trying to go check on Mr. Archie?

7 A. Correct.

8 Q. Do you see the word Tyrese Archie in red?

9 A. Yes.

10 Q. And do you know where Mr. Archie was when
11 he stopped running?

12 A. Right in that area.

13 Q. How do you know that?

14 A. Because I was watching him.

15 Q. Once Mr. Archie starting running after you
16 got shot, can you tell the Ladies and gentlemen of
17 the jury where he was running to?

18 A. Away from the scene.

19 Q. Away from the scene. Does that mean
20 toward the club or toward?

21 A. Towards the club.

22 Q. Once -- and did you see him running in
23 that direction where his name is on this picture?

24 A. Yes.

25 Q. And you saw Mr. Rodney Green follow him.

Ray'Quann Jenkins-Direct by Finney

1 A. Correct.

2 Q. And you heard, I believe your testimony
3 was, you heard 3 or 4 shots.

4 A. Correct.

5 Q. Now once you got taken to the hospital, I
6 am going to show you what's been State's Exhibit No.
7 10. Do you recognize that picture?

8 A. Yes.

9 Q. Who is that in that picture?

10 A. That's me.

11 Q. And where are you?

12 A. In the hospital.

13 Q. And what the situation with -- what does
14 this picture show?

15 A. Me being stabilizing there.

16 MR. FINNEY: State's Exhibit No. 10.

17 MR. JOHNSON: No objection, Your Honor.

18 THE COURT: It's in.

19 MR. JOHNSON: Well, Your Honor---

20 THE COURT: Previous.

21 MR. JOHNSON: Just so the record is clear,
22 I initially objected, and you overruled my
23 objection.

24 THE COURT: Right 403 objection?

25 MR. JOHNSON: Right.

Ray'Quann Jenkins-Direct by Finney

1 THE COURT: Well the same ones you made
2 earlier.

3 MR. JOHNSON: I want to preserve it for
4 the record, Your Honor.

5 THE COURT: They're overruled.

6 (Photo of Ray'Quann Jenkins in hospital
7 marked State's Exhibit No. 10 for evidence.)

8 Q. Mr. Jenkins, is that a picture of you
9 taken by law enforcement of you in the hospital?

10 A. Correct.

11 Q. How long were you in the hospital?

12 A. I'm not sure that long.

13 Q. Well...

14 A. A couple of hours, maybe an hour or two.

15 Q. And then did you have to have surgery?

16 A. Yes.

17 Q. So you had surgery after an hour or two?

18 A. I had immediate surgery.

19 Q. Immediate surgery. And then how long did
20 you stay in the hospital after surgery?

21 A. I had three different types of surgery.

22 Immediate surgery when I first got there. Then I
23 had to wait until another doctor to come perform
24 what the other one couldn't do.

25 Q. And how long did you end up staying in the

Ray'Quann Jenkins-Cross by Johnson

1 hospital until you came home?

2 A. About 3 weeks.

3 Q. 3 weeks.

4 MR. FINNEY: I beg the court's indulgence.

5 THE COURT: All right.

6 Q. Mr. Jenkins, point out to the ladies and
7 gentlemen of the jury, the man that you shot you at
8 the Club Miami on March 16th 2014.

9 A. Mr. Green.

10 Q. Is he in the courtroom?

11 A. Correct.

12 Q. Where is he sitting?

13 A. Over there.

14 Q. Is there any doubt in your mind that he's
15 the one that fired the weapon that hit you?

16 A. No.

17 MR. FINNEY: Answer any questions
18 Mr. Johnson may have.

19 THE COURT: Mr. Johnson.

20 MR. JOHNSON: Thank Your Honor. May it
21 please the court.

22 Cross Examination by Mr. Johnson:

23 Q. Good morning, Ray'Quann. Let me ask you a
24 few questions to start with. Let me clarify
25 something to start with, you do not know who shot

Ray'Quann Jenkins-Cross by Johnson

1 Mr. Archie, do you?

2 A. Sir?

3 Q. You did not see who shot Mr. Archie.

4 A. I didn't see him get shot.

5 Q. Right. So you don't know that my client
6 shot him or not, do you?

7 A. No.

8 Q. As a matter of fact when you were shot,
9 you were down between the cars, is that correct?

10 A. I went down and got back up.

11 Q. You did not see -- you went down
12 supposedly when you got shot. You did even see who
13 shot you, did you?

14 A. Yes.

15 Q. You saw someone -- you say you saw my
16 client shooting in your direction, but you did see
17 anyone shoot you, did you?

18 A. It don't take a rocket scientist.

19 Q. Well you're not a rocket scientist. So I
20 am not asking a rocket scientist, I'm asking you.
21 You're just assuming because you saw someone
22 shooting your way that's the person that shot you,
23 correct?

24 A. The gun was pointed me towards me in my
25 direction when I got shot.

Ray'Quann Jenkins-Cross by Johnson

1 Q. Also now you're saying that Rodney is the
2 person that shot you, correct?

3 A. Correct.

4 Q. You knew Rodney before, correct?

5 A. Correct.

6 Q. So when you went to the police, you told
7 them everything you knew, correct?

8 A. I told them when my mind was refreshed,
9 because I was still under the influence of
10 medication.

11 Q. Well yeah, let's get into the influence
12 part. You say you was out that night with you and
13 Mr. Archie, correct? You all went to a cookout, and
14 you all was having a good time, correct?

15 A. Correct.

16 Q. So you were drinking. Correct?

17 A. Correct.

18 Q. You were smoking.

19 A. No.

20 Q. Oh, you wasn't smoking no herb?

21 A. No.

22 Q. Then you left there, and you went to
23 another club, correct?

24 A. Correct.

25 Q. Were you drinking?

Ray'Quann Jenkins-Cross by Johnson

1 A. Socially.

2 Q. Were you drinking?

3 A. Yes, sir.

4 Q. How many drinks did you have?

5 A. Maybe two beers.

6 Q. Two beers. How many beers did you have at
7 the cookout before you went out there?

8 A. Maybe a beer.

9 Q. Maybe a beer. So we're up to 3 beers
10 already. Socially. No smoking. No smoking no
11 herbs. No nothing like that, right.

12 A. No.

13 Q. Then you left there and you go out to
14 another club, correct?

15 A. Correct.

16 Q. Club Miami. How many drinks did you had
17 there?

18 A. None.

19 Q. So you didn't go inside. You didn't have
20 any drinks inside.

21 A. I went in but I didn't have a drink.

22 Q. You didn't have any drinks. Then when you
23 came outside, you got into -- well Mr. Archie got
24 into a fight with three guys, correct?

25 A. One guy.

Ray'Quann Jenkins-Cross by Johnson

1 Q. One guy. But it was three guys together,
2 correct.

3 A. Correct.

4 Q. None of those guys was my client, were
5 they?

6 A. No.

7 Q. So there's three guys there they have ill
8 meanings toward Mr. Archie, where to the point that
9 he's actual fighting on the ground with one of them,
10 correct?

11 A. Correct.

12 Q. And you're trying to stop the other ones
13 from jumping on him, correct?

14 A. Correct.

15 Q. Then you said there's what, four other
16 guys that comes out of nowhere, four or 5 other
17 guys?

18 A. Approximately.

19 Q. And none of those 4 or 5 other guys is my
20 client, is it?

21 A. Yes, it is.

22 Q. Well you didn't say that before.

23 A. Yes, I did. When I say I seen 4 or 5
24 coming from the area, and one of them was your
25 client.

Ray'Quann Jenkins-Cross by Johnson

1 Q. You didn't say that before. But that's
2 okay, the jury can decide whether you said it or
3 not. But now you're saying that you did say that.
4 Okay. So one of those four or five other guys came
5 out was my client.

6 A. Correct.

7 Q. And then you say that my client say, watch
8 out, right?

9 A. Correct.

10 Q. But by that time, all the guys, the 3 guys
11 that was fighting with Mr. Archie, and the other
12 four guys that were with my client, was all now
13 standing away from your client almost 20 feet away,
14 the fight was over. And then my client is
15 supposedly shooting at you and Mr. Archie standing
16 there by yourself.

17 A. We weren't standing by ourself.

18 Q. Who was there?

19 A. It was me, Mr. Archie, the guy he was
20 fighting. The other two, the first two that came
21 with the guy he was fighting. And then it was 4
22 more that came in with your client.

23 Q. Okay. So now when we take about these
24 cars, I want you to look at the screen. You say you
25 was, let see if this will work here. I think you

Ray'Quann Jenkins-Cross by Johnson

1 say you were somewhere like -- you were somewhere in
2 that area, correct?

3 A. That's the area I was in when I went down.

4 Q. That's supposedly when you were shot.

5 A. No, after I got shot, I told you I hopped
6 on one leg trying to head towards Mr. Archie.

7 Q. I'm a little confused. When you say you
8 went down, you mean what?

9 A. When I couldn't get up to walk, and try to
10 walk, I hopped on one leg.

11 Q. So you was hopping that way to get
12 to Mr. Archie.

13 A. I was riding a car line, because I was
14 holding on for support.

15 Q. But Mr. Archie was in that area, correct?

16 A. Correct.

17 Q. So why were you hopping this way to get to
18 Mr. Archie on the other direction?

19 A. Because there was a rows of cars. I was
20 hopping to get to that direction.

21 Q. Once again we're talking about rows of
22 cars. How many rows of cars was there? Maybe
23 about 4 or 5 rows?

24 A. Something, yeah.

25 Q. I mean at least that many, right? And

Ray'Quann Jenkins-Cross by Johnson

1 they was all in rows, going across like that,
2 correct? I'm sorry. They were going across like
3 that?

4 A. No.

5 Q. They was going what, the other direction?

6 A. Yes.

7 Q. So they were going across like that.

8 A. Correct.

9 Q. Now you're standing over on, y'all forgive
10 me here. Over on where the X is. Mr. Archie is
11 over here. The cars are going across in front of
12 you, and you're saying you could see where
13 Mr. Archie was?

14 A. Correct.

15 Q. And it's 2 o'clock in the morning.

16 A. Correct.

17 Q. You've been shot in the leg. You've been
18 drinking. You were hobbling. You went down. But
19 initially you told the jury, because I wrote it down
20 when you said it. You said initially you didn't see
21 Mr. Archie; that he ran away. Then you told the
22 solicitor that you saw him.

23 A. I say I didn't see him get shoot.

24 Q. Why didn't you see him get shoot?

25 A. Because---

Ray'Quann Jenkins-Cross by Johnson

1 Q. Well get shot.

2 A. Because I got shot and I feel forward
3 first.

4 Q. You say you heard at least 3 or 4 other
5 shots.

6 A. Correct.

7 Q. So is it fair to say that if there's
8 evidence that my client shot three times, there's
9 other people that were shooting.

10 A. I wouldn't say that.

11 Q. Well tell me how you get four more shots
12 out of 3?

13 A. I'd say approximately 3 or 4.

14 Q. So would that be fair to say that you
15 don't know?

16 A. I can't say exactly how many shots, but I
17 can tell it was about 3 or 4.

18 Q. Now you said that Mr. Green said that,
19 look out, right?

20 A. Watch out.

21 Q. Watch out. But you said you turned around
22 to pick Mr. Archie up. After I heard him say that.
23 But then you testified later on that you was picking
24 Mr. Archie up, and you heard Mr. Green said, look
25 out, and then you turned around to see him shoot.

Ray'Quann Jenkins-Cross by Johnson

1 A. I heard that before I turned around and
2 picked him up.

3 Q. So when you turned around to pick him up,
4 you had your back towards Mr. Green.

5 A. Correct.

6 Q. You weren't shot then, were you?

7 A. No.

8 Q. So you didn't see who shot you?

9 A. Yes, I did.

10 Q. How could you see who shot you if you had
11 your back to the person that---

12 A. I didn't get shot until after I picked
13 Mr. Archie up.

14 Q. So you picked Mr. Archie up. Then you
15 turn around to look at Mr. Green again.

16 A. To defuse the situation.

17 Q. So you wasn't afraid about being shot when
18 you turned around and picked Archie up.

19 A. When I turned around and picked him up, I
20 wasn't shot yet.

21 Q. Right. You were trying to pick him up so
22 you could get out of there, correct?

23 A. Correct.

24 Q. And get away, correct? So if you're
25 trying to get away, why are you turning around going

Ray'Quann Jenkins-Cross by Johnson

1 back to the person you're trying to get away from?

2 A. I'm not going back to them. I turned to
3 tell everybody to calm down.

4 Q. And he just pointed a gun at you and shot
5 you. Is that what you're saying?

6 A. I'm not saying he pointed at me
7 deliberately, but he pointed in my direction.

8 Q. Well I'm just trying to clarify here,
9 because you're saying he shot you. That tells me
10 that you're saying that he pointed at you and shot
11 you, correct?

12 A. Correct.

13 Q. But now you're saying -- you're not saying
14 he pointing at you -- he's pointing in your
15 direction. So which is it, did he point at you,
16 did he point in your direction? Or you just heard
17 some gunshots and you were shot, and you assume he's
18 the that shot you?

19 A. He pointed in my direction. Me and
20 Mr. Archie were standing, after I picked him up,
21 obviously he had to have been right there, because I
22 picked him up.

23 Q. Uh-huh. (Affirmative.) But when he left
24 from that point, he wasn't shot yet, was he?
25 Mr. Archie.

Ray'Quann Jenkins-Cross by Johnson

1 A. I don't know.

2 Q. You didn't see any shots.

3 A. The first shot, I went forward.

4 Q. Right. So you didn't see Mr. Archie get
5 shot by my client, did you?

6 A. No.

7 Q. Now you gave a statement to the police,
8 right?

9 A. Correct.

10 Q. And do you remember -- and you told the
11 truth when you gave that statement, correct?

12 MR. JOHNSON: Your Honor, can I approach?

13 THE COURT: Yes, sir.

14 Q. Would you please take a look at that? Do
15 you recognize that?

16 A. Yes.

17 Q. Is that your statement you gave to the
18 police?

19 A. Yes, it is.

20 Q. Would you please read your statement to
21 the jury of what you said?

22 A. I was walking to the car with Taj. Archie,
23 when three males tried to jump him, so I stepped in.

24 Q. No, excuse me. Please slow down, speak
25 clearly.

Ray'Quann Jenkins-Cross by Johnson

1 A. I was walking to the car with Taj. Archie
2 when three males tried to jump him. So I stepped in
3 to break it up. When I turned around, it was about
4 8 others coming to join the 3 who was already
5 starting the confrontation. Then a guy with all
6 white said, watch out, and pulled a gun and started
7 shooting towards our way.

8 Q. That's your whole statement to the police,
9 right?

10 A. Correct.

11 Q. And that's what you wrote. Now where in
12 the statement do you mention that that person was
13 Mr. Green?

14 A. Nowhere.

15 Q. And you knew Mr. Green before you wrote
16 the statement, correct?

17 A. Correct.

18 Q. You don't have his name on here, do you?

19 A. No.

20 Q. Also in this statement, you said it was 8
21 people, correct?

22 A. Correct.

23 Q. That's what you wrote, right?

24 A. Eight total.

25 Q. Well you don't have any total. You said

Ray'Quann Jenkins-Cross by Johnson

1 of 8 others, plus the three.

2 A. Okay.

3 Q. I mean I'm not trying to put no words.

4 I'll give you your statement back. You take a look

5 at it. Take another look at it. I don't want you

6 to say anything you didn't say it that statement.

7 In statement you say there were three people,

8 correct?

9 A. Correct.

10 Q. Then you say 8 more people.

11 A. Correct.

12 Q. So now we're up to 11, right?

13 A. Correct.

14 Q. Coming at you and Mr. Archie. Nowhere in

15 that statement, even when you mention the person in

16 white, do you say that that person was Rodney, who

17 you knew.

18 A. Correct.

19 Q. And you were telling the truth, right?

20 A. Not on this statement.

21 Q. So if you wasn't telling the truth on that

22 statement, then you're saying you lied on the

23 statement.

24 A. I didn't tell the whole truth. None of

25 this is a lie, but it wasn't the whole truth.

Ray'Quann Jenkins-Cross by Johnson

1 Q. This is, wait a minute, I'm a little
2 confused here. Is that the truth or is that a lie?

3 A. It's part of the truth.

4 Q. So now the truth is, it was 5 guys. And
5 one of them was my client.

6 A. Correct.

7 Q. How many times did you meet with the
8 police after that statement to go over your
9 statement?

10 A. None.

11 Q. You didn't meet to the solicitor's office
12 prior to coming to trial today?

13 A. Oh, yeah.

14 Q. How many times?

15 A. Once.

16 Q. To go over that statement, right?

17 A. Correct.

18 Q. And when you read that statement, that's
19 when the other details got added to that statement,
20 correct?

21 A. Correct.

22 Q. But prior to you meeting with them, that
23 was your statement, correct?

24 A. Correct.

25 Q. And in that statement do you say Rodney --

Ray'Quann Jenkins-Cross by Johnson

1 that Rodney Green shoot you?

2 A. No.

3 Q. And you wrote that statement when? What
4 day?

5 A. 3/24/2014.

6 Q. So on march 24th 2014, right after this
7 happened, your statement did not mention Rodney
8 Green as being the person that shoot you, did it?

9 A. No.

10 Q. You didn't change your statement until you
11 meet with the solicitor this, when this week? Last
12 week?

13 A. Last week.

14 Q. Last week. So it's fair to say last week,
15 let's just say November 1st, you met with him,
16 right? Of 2015. So from March of 2014 until
17 November of 2015, your statement as you say was the
18 truth was, what's on that paper, correct?

19 A. Somewhat.

20 Q. And it didn't change until last week,
21 correct?

22 A. Correct.

23 Q. The first time you ever changed it, right?

24 A. No, not the first time.

25 Q. Well isn't today in the court, the first

Ray'Quann Jenkins-Cross by Johnson

1 time you ever said all the additional things you
2 said, other than when you met with the solicitor?

3 A. When I wrote that statement, I didn't want
4 to get in between them. Because I know your client
5 very well. I looked at him and his family members,
6 and I looked at Tyrone's family members. So I
7 didn't want to get in between him.

8 Q. Okay.

9 A. That's what I told. I wrote that just to
10 stop Mr. Hawkins from coming to investigate me.

11 Q. But for people -- stopping who from coming
12 to investigate you?

13 A. The investigator.

14 Q. The investigator. Why were you afraid of
15 the investigator?

16 A. I wasn't afraid of him. I'm just getting
17 tired of him aggravating me.

18 Q. Right. Because they were pressuring you,
19 correct?

20 A. They wasn't pressuring me, it was just
21 because I didn't get in between them.

22 Q. Well let's go back, because you're talking
23 about the investigator, Mr. Hawkins. Why were you
24 concerned about him.

25 A. I wasn't concerned, he was doing his job.

Ray'Quann Jenkins-Cross by Johnson

1 Q. That's not what I'm asking you. I'm
2 asking you, you just said to the jury that you was
3 tired, and didn't want to get involved, because of
4 Mr. Hawkins, correct?

5 A. I was tired in the bed. I was grieving
6 from both sides, so I didn't want to get into it.

7 Q. And right now you had still had those same
8 concerns about Mr. Hawkins you had then, don't you?

9 A. No.

10 Q. Why because you said what he wanted you to
11 say.

12 A. No, I told him the truth.

13 Q. Once again, in that statement that you
14 wrote, did you mention my client?

15 A. No.

16 Q. And today in court is the first time that
17 you ever mention him, isn't that correct?

18 A. No.

19 Q. The only other time that you said it was
20 in the solicitor's office a week ago, correct?

21 A. Correct.

22 Q. And you did not say it before then.

23 A. No.

24 Q. No other questions.

25 THE COURT: Redirect?

Ray'Quann Jenkins-Redirect by Finney

1 MR. FINNEY: Just a few.

2 Redirect Examination by Mr. Finney:

3 Q. Mr. Jenkins, when you got shot in your
4 left femur, where did the bullet come from, the
5 front or the back or the side?

6 A. From the front.

7 Q. So you didn't have your back to whoever
8 shot you, did you?

9 A. No.

10 Q. So when the bullet came in the front, the
11 man who shot you was in front of you.

12 A. Correct.

13 Q. And you saw the man who was in front of
14 you.

15 A. Correct.

16 Q. And when you gave that statement to the
17 police officers, were you still in the hospital?

18 A. The first day out.

19 Q. The first day out. Were you back home at
20 your grandma's.

21 A. Correct.

22 Q. The police officers came by your house the
23 first day home. You've been in the hospital for
24 8 days.

25 A. Correct.

Ray'Quann Jenkins-Redirect by Finney

1 Q. You said to Mr. Johnson just now, you
2 really didn't want to tell them who shot you.

3 A. Correct.

4 Q. Because you didn't want to get involved.

5 A. Correct.

6 Q. Who shot you?

7 A. Mr. Green.

8 Q. Why are you telling jury that today?

9 A. Because I prayed on it, and this is what
10 God is telling me to do, tell the truth.

11 Q. Do you know for a fact Mr. Green was
12 dressed in all white that night?

13 A. Correct.

14 Q. And was he the man that did the shooting?

15 A. Correct.

16 Q. And do you know who shot Mr. Archie?

17 A. Correct.

18 Q. Who?

19 A. Mr. Green.

20 Q. How do you know that?

21 A. Because it all happened right there
22 surrounding me.

23 Q. Was it like 30 minutes went by between the
24 time you got shot and Mr. Archie got shot?

25 A. No.

Ray'Quann Jenkins-Recross Johnson

1 Q. Tell the ladies and gentlemen how quick
2 this thing happened.

3 A. Between anywhere from 3 to 5 seconds.

4 Q. The whole thing just boom, boom, boom,
5 boom, boom, boom.

6 A. Yes.

7 MR. FINNEY. Nothing further.

8 THE COURT: Recross?

9 MR. JOHNSON: Yes, Your Honor.

10 Recross Examination by Mr. Johnson:

11 Q. Ray'Quann, you are changing again. A
12 minute ago you said you don't know who shot
13 Mr. Archie. Now when the solicitor gets up here,
14 now you're saying you did. Now do you want to tell
15 the truth, that's fine. You want to help out
16 that's fine.

17 A. I didn't see him get shoot. That's what I
18 said.

19 Q. If you didn't see him get shot, then you
20 don't know who shot him.

21 MR. FINNEY: Argumentative, Your Honor.

22 THE COURT: Sustained. You can rephrase
23 it.

24 Q. If you didn't see him get shot, how could
25 you know who shot him?

Ray'Quann Jenkins-Recross Johnson

1 A. Because I got shot first, and he went
2 right in the direction Mr. Archie was running
3 toward.

4 Q. So you're assuming that my client shot
5 him.

6 A. No, I am not assuming.

7 Q. You didn't see it.

8 A. Because the first shot hit me, I feel
9 forward.

10 Q. I am not asking that. You didn't see who
11 shot Mr. Archie. Did you or did you not?

12 A. I didn't.

13 MR. JOHNSON: I got no other questions.

14 THE COURT: Thank you, sir. You can step
15 down. Everybody okay on the jury?

16 (Whereupon, no response.)

17 THE COURT: Mr. Finney.

18 MR. FINNEY: Please the court, Your Honor,
19 we'd call Steven Pizzino to the stand.

20 Steven Pizzino, being first duly sworn,
21 testified as follows.

22 THE CLERK: Please state your full name, and
23 spell your last name for the record.

24 A. Steven Wayne Pizzino. Last name is
25 spelled P-I-Z-Z-I-N-O.

Deputy Steven Pizzino-Direct by Finney

1 Direct Examination by Mr. Finney

2 Q. Officer Pizzino, thank you for coming.

3 Where are you employed now?

4 A. I'm currently a police officer with the
5 Barnwell City Police Department in the Barnwell,
6 South Carolina.

7 Q. We appreciate you're traveling up here.
8 Were you in 2014 March, employed by the Sumter
9 County Sheriff's Department?

10 A. Yes, I was.

11 Q. What was your position?

12 A. I was a patrol deputy.

13 Q. And tell the ladies and gentlemen a little
14 bit about what you do as a patrol deputy.

15 A. Patrol deputy, patrol our assigned areas.
16 Respond for calls of service, do property checks,
17 little traffic enforcements, various things.

18 Q. And how long had you been employed with
19 Sumter County in 2014?

20 A. Approximately 3 years.

21 Q. And did you have title? Were you a
22 sergeant?

23 A. I was a corporal.

24 Q. Corporal.

25 A. Yes, sir.

Deputy Steven Pizzino-Direct by Finney

1 Q. Now did you have occasion to work a call
2 at the Club Miami on March 16th 2014?

3 A. Yes, I did.

4 Q. And did you have occasion to make an
5 arrest as a result of that call?

6 A. Yes, I did.

7 Q. I want you to tell the ladies and
8 gentlemen a little bit about what happened while you
9 were on duty that night. Tell us what time the call
10 came through.

11 A. We were on patrol in the 378 area, near
12 Cherryvale, and a call came out of a fight/slash
13 shooting incident at Club Miami. I responded along
14 with another deputy, Corporal Lee, heading to the
15 Club Miami. Corporal Lee was a few seconds ahead of
16 me. He was able to arrive on the scene prior to me.
17 And it was approximately 2:50, 2:45, 2:50 in the
18 morning. Actually Sunday morning at the time.

19 And Corporal Lee radioed that the shooting
20 suspect was running across the field wearing a white
21 shirt and white pants. As I was approaching the
22 area at Mayfield Road and Highway 378, I was
23 searching the field with my spotlight, and I saw the
24 individual in the white shirt and white pants,
25 running in front of some sand berms and a couple of

Deputy Steven Pizzino-Direct by Finney

1 individuals giving chase. I immediately jumped out
2 of my vehicle, and started yelling, sheriff's
3 office, get on the ground. Gave chase to the
4 subject. He turned and ran up over a sand berm.
5 And as I topped the top of the sand berm, pursuing
6 him, I saw him on the second sand berm trying to
7 negotiate to get over.

8 I Immediately tackled him, and attempted
9 to place him in handcuffs. At the time he resisted
10 and started pulling his hands away. And I deployed
11 my taser. He told me, when I told him give me your
12 hands, he told me, F you. So I deployed my taser.
13 And after the 5 seconds, again instructed him to
14 give me his hands. He kept pulling his hands away
15 and said F you again. So I reengaged my taser once
16 more. And he finally complied and stopped
17 resisting, and I was able to place him in cuffs, and
18 place him under arrest.

19 Q. If you don't mind, Officer Pizzino, I am
20 going to show you what's been marked as State's
21 Exhibit No. 24, and ask if you can identify that.

22 A. Those are the sand berms.

23 Q. And I'm going to ask you to look at 23 as
24 well.

25 A. Yes, sir. That's the sand berm it looks

Deputy Steven Pizzino-Direct by Finney

1 like we were struggling.

2 Q. Can you just describe to the jury what the
3 sand berms are?

4 A. It was piles of dirt that were placed
5 there by Glasscock individuals in that open field
6 that they were using for building purposes or
7 whatever they're doing. But large piles of dirt
8 with valleys in between them.

9 MR. FINNEY: Without objection, Your
10 Honor, State's Exhibit No. 23.

11 THE COURT: Any objection, Mr. Johnson?

12 MR. JOHNSON: No objection, Your Honor.

13 THE COURT: 23 and 24 are in.

14 (Photographs marked State's Exhibit Nos.
15 23 and 24 marked into evidence.)

16 Q. How high would you say the 20, the sand
17 berms are in 23 and 24? How high are they from the
18 ground level do they go up?

19 A. I would approximate 12, 10, 12, 15 feet
20 maybe.

21 Q. And as you were running, following this
22 gentleman that you were in pursuit of, you noticed
23 that he had on what kind of outfit?

24 A. He had a white shirt and white pants.

25 Q. And while he was running, you were trying

Deputy Steven Pizzino-Direct by Finney

1 to get him to stop, you were talking to him or
2 yelling out commands?

3 A. Yes, sir. I was yelling sheriff's office,
4 stop. Get on the ground.

5 Q. And how far would you say in distance did
6 you have to follow him before he started complying
7 with your request? Let me show you State's Exhibit
8 No. 31, you have a little marker right here. If you
9 can tell the jury, where were you when you first got
10 in the vicinity of the club? This is 378 out there.

11 A. That's 378 out here. That's Eagle Road.

12 Q. Yes, sir.

13 A. I was on 378 right near the Mayfield Road
14 cut here.

15 Q. Mayfield Road is not on this actual
16 picture. Let me see if it's on.

17 A. Yes, sir.

18 Q. Let's look at State's Exhibit No. 30.
19 This is the club here.

20 A. Yes, sir. I was en route heading
21 westbound on 378. And when I shined my light, I
22 saw the individual coming across the field. And I
23 pulled in approximately here. And the sand berms
24 ran parallel to 378 here. And I chased him from
25 here, approximately around here and then up over the

Deputy Steven Pizzino-Direct by Finney

1 first sand berm. He was trying to get over the
2 second one here so.

3 Q. So somewhere in this area here. Is this
4 right here Mayfield Drive?

5 A. Yes, sir. That's Mayfield.

6 Q. So you actually pulled your car off of 378
7 into the field?

8 A. Yes, sir. Right on the edge of it right
9 here.

10 Q. And you say you had a spotlight or search
11 light in the car?

12 A. Yes, sir.

13 Q. Once you crossed the first berm and you
14 were heading for the second berm, were you actually
15 able to stop him, and tackle him?

16 A. Yes. He was attempting to scramble up the
17 second berm, and that's when I jumped on his back.

18 Q. Was there anybody else besides you and the
19 gentleman in white that was out there at that spot.

20 A. Yes, sir. There was security officers
21 that were in giving chase to him, and they were
22 right behind me coming up the berm. And then
23 Lieutenant Lee arrived on the scene, and she went
24 around the back side of the berm.

25 Q. Very good. Once you detained the

Deputy Steven Pizzino-Direct by Finney

1 gentlemen in white, did you put him in handcuffs?

2 A. Yes, sir.

3 Q. And what was done with him next?

4 A. I mirandized him.

5 Q. And when you gave him his miranda, did he
6 identify himself to you?

7 A. I don't recall at the exact time, but I
8 was able to afterwards he told his name was Rodney
9 Green.

10 Q. And do you see Rodney Green in the
11 courtroom today?

12 A. Yes, I do.

13 Q. Would you point him out to the jury.

14 A. He's right there.

15 Q. Is that the man that was running across
16 the sand berm, who you arrested at the Club Miami?

17 A. Yes, sir.

18 Q. And let me show you what's been marked as
19 State's Exhibit No. 9, and ask if you can identify
20 what's in that picture.

21 A. That's Mr. Green wearing the outfit that
22 he was wearing when I arrested him that night.

23 Q. Same outfit.

24 A. Yes, sir.

25 MR. FINNEY: I beg the court's indulgence.

Deputy Steven Pizzino-Direct by Finney

1 THE COURT: Yes, sir.

2 Q. Once you got him in your patrol car, you
3 say Misty Lee was there.

4 A. Yes, sir.

5 Q. And she had other things to do out there
6 that evening?

7 A. Yes, sir.

8 Q. Did you ever go to the parking lot area,
9 look on the screen right there. Do you see, I want
10 to ask you where it says on this screen, Rodney
11 Green taken into custody. Do you agree that the
12 map, the picture that we have up now is State's
13 Exhibit 23, that that's an accurate description of
14 the area where you arrested Mr. Green?

15 A. Yes, sir.

16 Q. And did you ever leave that area to go
17 over to where Club Miami was, the parking lot area?

18 A. Yes, sir, I did.

19 Q. Did you know, or were you informed, did
20 you find out that there people shot there?

21 A. Yes, sir.

22 Q. Did you -- can you tell us what you saw
23 about the people that were shot there?

24 A. When I arrived on the scene, there were
25 several individuals outside the club, Corporal Lee,

Deputy Steven Pizzino-Direct by Finney

1 EMS, et cetera, and they were trying to do crowd
2 control. But on the back side of the club, an
3 individual was lying on the ground. There were
4 various medical supplies, bandages, et cetera around
5 him, and it looked as though that he been given
6 medical attention. But I was informed at the time
7 that he had expired.

8 Q. And did you see him with your own eyes,
9 and did you see what was going on there?

10 A. Yes, sir, I saw him with my eyes.

11 Q. Let me show you what's been marked State's
12 Exhibit 11 and 12. I want you to look at State's
13 Exhibit No. 11, and tell me if you can identify
14 that.

15 A. That's the individual I saw lying at the
16 back of Club Miami.

17 Q. In the top of that picture there's some
18 people standing there, they look like they're
19 officials. Can you tell who they are?

20 A. I can't tell who they are. I know that
21 they're ones one of our deputies. I don't know if
22 that's Corporal Lee, or that may be me.

23 Q. Is it's possible that's you standing in
24 that picture?

25 A. That could be me standing there in the

Deputy Steven Pizzino-Direct by Finney

1 picture.

2 Q. And is that position that the deceased was
3 found in when you all got there?

4 A. One -- yes, sir, when I arrived that's the
5 position he was in.

6 Q. And this is State's Exhibit No. 12. Tell
7 us what that is.

8 A. That's the same individual.

9 Q. A closer view?

10 A. Yes, sir.

11 MR. FINNEY: Move these into evidence,
12 Your Honor.

13 MR. JOHNSON: No objection.

14 THE COURT: 11 and 12 are in.

15 (Photographs marked State's Exhibit Nos.
16 11 and 12 into evidence.)

17 Q. Did you have any occasion to talk with or
18 be in contact with the other young man that was
19 there that night, a Mr. Jenkins?

20 A. No, sir. I saw from a distance him, but I
21 was trying to help with crowd control around the
22 other individuals.

23 Q. And because you were doing crowd control,
24 you didn't have anything to do with collecting any
25 evidence or taking photographs, or things like that?

Steven Pizzino-Cross by Johnson

1 A. No, sir.

2 MR. FINNEY: Thank you for coming. Answer
3 any questions Mr. Johnson might have.

4 THE COURT: Mr. Johnson.

5 MR. JOHNSON: Thank you, Your Honor.

6 Cross Examination by Mr. Johnson:

7 Q. You said that when you arrested Mr. Green
8 he had a white shirt and white pants on, correct?

9 A. Yes, sir.

10 Q. But you left out something. Didn't he
11 have a white cap on?

12 A. I don't recall a white cap. I don't
13 remember seeing a white cap when I took him in to
14 custody.

15 Q. Well that's what I was referring to. One
16 second.

17 MR. JOHNSON: Your Honor, could we
18 approach?

19 THE COURT: Yes, sir.

20 (Whereupon, the attorneys approach and
21 confer with judge.)

22 THE COURT: Ladies and gentlemen, step to
23 your jury room. You may not discuss this case at
24 all.

25 (Whereupon, the following takes place

Steven Pizzino-Cross by Johnson

1 outside the presence of the jury.)

2 THE COURT: Mr. Finney or Mr. Johnson, or
3 both, what Mr. Johnson or both what Mr. Johnson
4 mentioned up here at the bench was that he wanted to
5 question the witness along with a photograph that is
6 not in evidence, that purports to be of the same
7 individual, who is in the other photograph that has
8 been introduced which is No. 9, wearing all white,
9 except the one that's not marked shows the same
10 individual in the exact same room, exact same
11 clothes on, the exact same pose, with a white cap
12 on.

13 Mr. Johnson, what did you want to -- you
14 wanted to ask the witness some questions about that?

15 MR. JOHNSON: Yes, sir. Because I think
16 It goes to identification as to the shooter. The
17 statements prior to not have been a person with all
18 white on. No mention of a white cap. If my client,
19 I wanted to ask the officer, apparently that picture
20 that was shown indicates that my client had a white
21 cap. He was arrested with that white cap.

22 THE COURT: What I am going to allow you
23 to do in the proffer is to go through that with this
24 picture, just so we can gauge what the lay of the
25 land is. So this will be marked at least for now,

Steven Pizzino-Cross by Johnson

1 Defendant's No. 3 or 4 for ID. I don't remember
2 which.

3 MR. JOHNSON: I think it would 4 for ID.

4 THE COURT: 4. Has he already been
5 questioned about No. 9?

6 MR. JOHNSON: I think so, Your Honor.

7 THE COURT: No. 9. Mr. Finney, has the
8 witness already been questioned about No. 9?

9 MR. FINNEY: The witness identified the
10 gentleman that he arrested as No. 9.

11 THE COURT: Now you can show him the other
12 one, Mr. Johnson.

13 MR. JOHNSON: You can take a look at it.

14 THE COURT: And that is No. 4 for Id. for
15 the defendant just to make sure the record is clear.
16 You can ask him the question.

17 (6-person photo lineup marked State's
18 Exhibit No. 4 for Id.)

19 Q. And I just want to ask in looking at it,
20 do you remember now that he had a cap with him?

21 A. I can't recall exactly when I apprehended
22 him, I don't recall if he had on the cap on at the
23 time.

24 Q. Do you remember recovering any items at
25 the scene where you recovered them, where there was

Steven Pizzino-Cross by Johnson

1 a white cap laying there?

2 A. I don't believe I recovered the white cap
3 at the time. I was concerned with maintaining
4 control of Mr. Green.

5 MR. JOHNSON: Well, Your Honor, I don't
6 want to enter this as evidence, or attempt to enter
7 it into as evidence. Depending on what he said.
8 Maybe I can clarify that through another witness
9 that might have been there, because I think there
10 was some of the other officers that were present at
11 the time.

12 THE COURT: Help me out here, has he
13 already been questioned in front of the jury as to
14 whether or not he did or did not have a white cap,
15 or whether the witness does or does not remember. I
16 don't---

17 MR. FINNEY: He has not.

18 MR. JOHNSON: He's not. He just said
19 that, I asked him about---

20 THE COURT: You can ask him in front of
21 the jury if he remembers anything about the
22 defendant or the person he apprehended, having a
23 white cap on or having a white cap with him, or
24 whether one you found. But it would seem that using
25 that photograph would not bear any fruit for you.

Steven Pizzino-Cross by Johnson

1 MR. JOHNSON: That's correct.

2 THE COURT: So I am going to restrict you
3 just to the questions without using the photo.

4 MR. JOHNSON: That's fine, Your Honor.

5 THE COURT: Mr. Finney, while the jury is
6 out, I would assume that the testimony of this
7 witness will be winding down pretty shortly. Do you
8 want to break for lunch after that?

9 MR. FINNEY: I do, Your Honor.

10 THE COURT: You can bring in the jury.

11 (Whereupon, the following takes place in
12 the presence of the jury.)

13 THE COURT: Mr. Johnson, you can continue.

14 MR. JOHNSON: Thank Your Honor. May it
15 please the court.

16 Cross Examination by Mr. Johnson:

17 Q. Officer, so just for clarification as far
18 as you know, you don't remember my client having a
19 white cap or white hat on.

20 A. No, sir, I don't recall.

21 Q. But you can't say one way or another, well
22 you just don't remember.

23 A. I don't remember, sir.

24 Q. You said you read him his rights, is that
25 correct?

Steven Pizzino-Cross by Johnson

1 A. Yes, sir.

2 Q. At that time did he state that he did not
3 want to talk to you?

4 A. No, sir, I didn't ask him anything further
5 questions.

6 Q. You didn't ask him anything further
7 questions.

8 A. No, sir.

9 Q. Now when you arrested my client you say
10 you tased him twice?

11 A. Yes, sir.

12 Q. Did he get any medical treatment?

13 A. There was no need. I removed the the
14 probes myself. We're trained to do that when we go
15 through our taser training.

16 Q. Then you placed him in a car, correct?

17 A. Yes, sir.

18 Q. Now at the time that you arrested him, he
19 didn't have a gun on him, did he?

20 A. No, sir.

21 Q. You put him in your car.

22 A. Yes, sir.

23 Q. Then you took him back to almost to the
24 scene where everything happened, right?

25 A. Yes, sir.

Steven Pizzino-Cross by Johnson

1 Q. And you left him inside your car, right?

2 A. Yes, sir, within view of me, within the
3 close proximity of me.

4 Q. Right. And therefore, if you were near
5 the body, that's where you was at, right? Where the
6 individual had -- was laying or one of the
7 individuals got shot. That's what you just told the
8 prosecutor, right?

9 A. Yes, sir. I was in plain view of my car,
10 keeping an eye on Mr. Green in my vehicle, as well
11 as, right there close to where the body was, yes,
12 sir.

13 Q. So you took my client back after you
14 arrested him, back to the scene, and placed him in
15 your car in handcuffs, in the back seat, correct?

16 A. I placed him in handcuffs in the back seat
17 of my car prior to going back to the scene.

18 Q. Correct. But then you took the car with
19 him inside the car.

20 A. Yes, sir.

21 Q. In handcuffs.

22 A. Yes, sir.

23 Q. In the back seat. You didn't have tinted
24 windows, did you?

25 A. No, sir.

Steven Pizzino-Cross by Johnson

1 Q. And you take them back to the scene where
2 an individual had been shot, right?

3 A. Yes, sir.

4 Q. And you left him sitting in your car while
5 you went to check on the individual, right?

6 A. Yes, sir. Right close, like I say, I was
7 in the close proximity---

8 Q. Correct.

9 A. ---to where I could keep an eye on him.

10 Q. So anybody walking by could see him
11 sitting in the car, correct?

12 A. I suppose.

13 Q. And it's fair to assume that if you're
14 sitting in the police car, and my client is sitting
15 in the car, anybody walking by would assume he was
16 the one that had something to do with that, correct?

17 A. I can't, you know, suppose.

18 Q. Did you have anybody locked up?

19 A. I didn't have anyone else.

20 Q. Was there anybody else there standing with
21 handcuffs on?

22 A. Not that I saw.

23 Q. Was there another police car that had
24 anybody else sitting there in the back seat?

25 A. No, that I saw.

Steven Pizzino-Cross by Johnson

1 Q. So witnesses, people that was there, saw
2 him in the back seat of your car.

3 A. I suppose.

4 Q. And at that time you wasn't sure what
5 happened, did you?

6 A. I wasn't sure exactly what happened, I
7 just knew that I apprehended a suspect that I was
8 told that did the shooting.

9 Q. So is it fair to say by placing him in
10 back seat of your car with handcuffs on, and taking
11 him back to the scene, it could influence the
12 testimony of possible witnesses?

13 A. I can't say one way or another. I am not
14 a lawyer.

15 Q. That's correct. But you can't say one way
16 or another, can you?

17 A. No, sir.

18 Q. And let's clarify one other thing. You
19 did see my client shoot a gun, did you?

20 A. No, sir.

21 Q. You did not see him shoot anybody.

22 A. No, sir.

23 Q. And as far as related to this case, except
24 for arresting my client, you don't know who killed
25 Mr. Archie, do you?

Steven Pizzino-Redirect by Finney

1 A. Personally I don't know, sir.

2 MR. JOHNSON: I have no other questions
3 for you.

4 THE COURT: Redirect.

5 MR. FINNEY: Please the Court.

6 Redirect Examination by Mr. Finney:

7 Q. Officer Pizzino, while you were out there
8 effecting the arrest of Mr. Green, did you see or
9 come into contact with a handgun?

10 A. I saw -- yes, I saw Lieutenant Lee
11 recovered a handgun on the opposite side of the
12 berm, where I apprehended Mr. Archie. She held it
13 up and said she found a weapon.

14 Q. Do you know what kind of handgun it was?

15 A. I was told it was---

16 MR. JOHNSON: Your Honor, objection, that
17 would be hearsay.

18 THE COURT: Sustained.

19 Q. You didn't get to get close enough to tell
20 what kind of gun it was?

21 A. No, sir, I didn't.

22 Q. And once the gun was identified by
23 Sergeant Lee, you didn't see it anymore.

24 A. No, sir.

25 Q. You were informed on the radio that there

Steven Pizzino-Redirect by Finney

1 was a fight or shooting at the club. That's why you
2 were called to the club.

3 A. Yes, sir.

4 Q. And were you also informed on the radio
5 that the shooter was running in the field next to
6 the club?

7 A. Yes, sir.

8 Q. And did you see that -- did you see an
9 individual fitting that description in the field?

10 A. Yes, sir.

11 Q. You gave chase to him?

12 A. Yes, sir.

13 Q. Can you tell us about how far the handgun
14 that you described or heard about, was from the
15 individual when you tackled him?

16 MR. JOHNSON: Your Honor, objection. He's
17 already stated he did not find the gun, and he saw
18 an officer with it.

19 THE COURT: He can rephrase the question.
20 That particular objection to that particular
21 question is sustained.

22 Q. Do you have an opinion or recollection of
23 how far Misty Lee found the gun from where you
24 tackled Mr. Rodney Green?

25 MR. JOHNSON: Objection, Your Honor. That

Steven Pizzino-Redirect by Finney

1 calls for an opinion that he has no basis to know.

2 THE COURT: You better, the objection is
3 overruled from the distance between from where she,
4 just rephrase the question.

5 Q. Did you -- were you in the area of Misty
6 Lee, Sergeant Lee, when she recovered the handgun?

7 A. Yes, sir.

8 Q. How far were you away from her when she
9 recovered the handgun?

10 A. Probably 20 feet.

11 Q. And did she actually have the gun in her
12 hand?

13 A. Yes, sir.

14 Q. Did you see that?

15 A. Yes, sir.

16 Q. Were you 20 feet from Misty Lee when she
17 recovered the handgun?

18 A. Yes, sir.

19 Q. Were you still with Mr. Rodney Green when
20 she recovered the handgun?

21 A. Yes, sir.

22 Q. And so Mr. Green was arrested about
23 20 feet away from where Misty Lee was.

24 A. Yes, sir.

25 MR. FINNEY: Nothing further.

Steven Pizzino-Recross by Johnson

1 THE COURT: Mr. Johnson.

2 Recross Examination by Mr. Johnson:

3 Q. Officer, you was in the car with Mr. Green
4 after you arrested him, correct?

5 A. Yes, sir.

6 Q. You saw an officer standing there with a
7 gun, correct? You saw Misty with the gun, correct?

8 A. I saw Lieutenant Lee stand up on the other
9 side of the berm and say, I found the gun.

10 Q. Right. But you didn't see where she
11 picked the gun up from.

12 A. I saw where she stood up from and said she
13 found a gun.

14 Q. Found a gun, right. But You didn't see
15 her reach on the ground and pick the gun up, did
16 you?

17 A. No, I didn't see her actually---

18 Q. Because you couldn't see, right?

19 A. Right, it was over -- it was right over
20 the berm.

21 Q. So you don't know where the gun was where
22 she found it. She could have been walking up the
23 berm, and found the gun further away from the berm,
24 couldn't she?

25 A. I don't know.

Steven Pizzino-Recross by Johnson

1 Q. Right, you don't know, correct?

2 A. Not exactly, no. I just know where she
3 stood up and said that she found the weapon.

4 Q. Correct. Also you saw my client running,
5 correct?

6 A. Yes, sir.

7 Q. You didn't see a gun, did you?

8 A. No, sir.

9 Q. You didn't see him with a gun at all, did
10 you?

11 A. No, sir. I was pretty a far distance away
12 when I started giving chase.

13 Q. But you were close enough that you could
14 see him running.

15 A. Well, yes, sir. It's a wide open field.

16 Q. Right. There were no trees.

17 A. No.

18 Q. No cars.

19 A. No, sir.

20 Q. Nothing between you client, and you could
21 see him running. Enough that you were able to catch
22 him, right?

23 A. Yes, sir. It was probably 80 yards
24 between me and him when I started chasing him.

25 Q. Right so approximately, he ran for

Steven Pizzino-Recross by Johnson

1 approximately 80 yards.

2 A. Well he ran a lot further than that from
3 the club, to where I started giving chase to him,
4 when I first saw him and started chasing him, he
5 probably had about 80 yards.

6 Q. Right. And you watched him the whole
7 time, correct?

8 A. Yes, sir.

9 Q. And you didn't see him throw a gun, did
10 you?

11 A. No, sir.

12 Q. You didn't see him with a gun, did you?

13 A. No, sir.

14 Q. And you have no knowledge of him having a
15 gun, do you?

16 A. No, sir.

17 MR. JOHNSON: No other questions.

18 MR. FINNEY: Can the officer be excused?

19 THE COURT: Any objection, Mr. Johnson?

20 MR. JOHNSON: No objection.

21 THE COURT: You can step down, thank you.

22 Ladies and gentlemen we are going to stop for lunch
23 now. It's shortly before one obviously. During
24 lunchtime you may not discuss the case amongst
25 yourselves or with anyone else, and continue to

Steven Pizzino-Recross by Johnson

1 follow my other instructions about research and
2 things of that nature. Likewise during the
3 testimony today, you've heard reference to a
4 geographical point within the county. You're not
5 permitted to go by there and look at the scene
6 yourself. That is totally impermissible.

7 Please be back in your jury room at 2:30,
8 and we'll start promptly at that time. Thank you.

9 (Whereupon, the jury goes to lunch at
10 12:55 p.m.)

11 (Whereupon, the following takes place
12 outside the presence of the jury.)

13 THE COURT: If you all be back in the
14 courtroom at 2:20. Do you anticipate any issues
15 that might arise this afternoon, Mr. Finney, or, Mr.
16 Johnson, as far as evidence I concerned?

17 MR. JOHNSON: I don't have any, Your
18 Honor. That I can think of.

19 MR. FINNEY: I can't think of anything,
20 Your Honor.

21 THE COURT: I'll see you back at 2:20.

22

23

24

25

Demetrice Brooks-Direct by Finney

1 THE COURT: The jury is here, Mr.

2 Johnson, are you ready?

3 MR. JOHNSON: Yes, Your Honor.

4 THE COURT: How about your investigator,

5 are you going to wait on him to get back?

6 MR. JOHNSON: He's right here, Your Honor.

7 THE COURT: You may bring the jury.

8 (Whereupon, the following takes place
9 within the presence of the jury.)

10 THE COURT: Mr. Finney, you may call your
11 next witness.

12 MR. FINNEY: Ms. Demetrice Brooks. Her
13 nickname is Diamond. Ms. Diamond Brooks.

14 Demetrice Brooks, being first
15 duly, sworn as follows:

16 THE CLERK: Please state your full name
17 and spell your last for the record.

18 A. Demetrice Brooks. B-R-O-O-K-S.

19 Direct Examination by Mr. Finney:

20 Q. Ms. Demetrice, tell the ladies and
21 gentlemen of the jury how old you are.

22 A. 26.

23 Q. And what do you do for a living?

24 A. I just had a baby, so I am just
25 babysitting right now.

Demetrice Brooks-Direct by Finney

1 Q. Boy or girl?

2 A. A girl.

3 Q. Your first one?

4 A. No, my second.

5 Q. Are you related to Mr. Tyrese Archie?

6 A. Yes, that's my cousin.

7 Q. Is it a first cousin? Second cousin?

8 A. First cousin.

9 Q. First cousin. Did you know the young lady
10 who was having the birthday party at the lodge on 15
11 south?

12 A. No.

13 Q. Did you know somebody that was having a
14 birthday party at the Club Cream?

15 A. No.

16 Q. You didn't go to the cookout. You didn't
17 go to Club Cream.

18 A. Uh-uh. (Negative.)

19 Q. Was there anybody celebrating a birthday
20 on March 16th 2014, that you did know about?

21 A. Yeah, I heard about the party, but I
22 didn't go.

23 Q. Did you have occasion to go to the Club
24 Miami late Saturday night, March 15th?

25 A. Yes, sir.

Demetrice Brooks-Direct by Finney

1 Q. On over into the March 16th after
2 midnight?

3 A. Yes.

4 Q. How did you get to the club?

5 A. I ride with my cousin.

6 Q. Tell us what your cousin's name is.

7 A. Auntachie Blanding and Shataeja Rivers.

8 Q. Auntachie Blanding is one of your cousins.

9 A. Uh-huh. (Affirmative.)

10 Q. And Shataeja Rivers.

11 A. And Shataeja Rivers.

12 Q. So it was three girlfriends together.

13 A. Yes, sir.

14 Q. All of you all known each other a long
15 time?

16 A. Yes, sir.

17 Q. And what time would you say you got picked
18 up by Auntachie?

19 A. I can't remember.

20 Q. What time would you say you got to the
21 club?

22 A. We get the wrist bands before 12 o'clock,
23 so about 12.

24 Q. Tell the ladies and gentlemen about the
25 wrist bands.

Demetrice Brooks-Direct by Finney

1 A. Like before you go to the club, you can
2 get some wrist bands so you can be there before 12
3 o'clock so you can get in the club.

4 Q. Cost you anything?

5 A. No, it's free. That's why I get the wrist
6 band.

7 Q. So you get in the club free if you have
8 got the wrist band.

9 A. Yes.

10 Q. And did you have a wrist band?

11 A. Yes, sir.

12 Q. The other two ladies?

13 A. Uh-huh. (Affirmative.) They had a wrist
14 bands.

15 Q. How often do you go out to the Club Miami?

16 A. Not that much.

17 Q. But how did you get the wrist bands?

18 A. We went to the club.

19 Q. Earlier?

20 A. Earlier to get the wrist band to get in.

21 Q. And then after you -- you didn't go in
22 the club then.

23 A. Uh-uh. (Negative.)

24 Q. You got the wrist bands and left.

25 A. Go back home.

Demetrice Brooks-Direct by Finney

1 Q. So then you got ready to go out for the
2 evening and you went back.

3 A. Uh-huh. (Affirmative.)

4 Q. It was -- was it before midnight when you
5 got to Club Miami or after?

6 A. It's been right at 12 o'clock.

7 Q. Very good. So about midnight you and
8 your girlfriends go in.

9 A. Uh-huh. (Affirmative.)

10 Q. Do you see Tyrese Archie when you get
11 there?

12 A. No.

13 Q. How long were you there before you saw
14 him?

15 A. I been there since 12 o'clock. They came
16 later on. They came late.

17 Q. So what were you doing when you first saw
18 Mr. Archie that evening?

19 A. Partying and having fun. Listening to
20 music, dancing.

21 Q. Were you dancing?

22 A. Uh-huh. (Affirmative.) Having fun.

23 Q. You saw your cousin Mr. Archie.

24 A. Uh-huh. (Affirmative.)

25 Q. Were you expecting him?

Demetrice Brooks-Direct by Finney

1 A. No.

2 Q. So you just saw him.

3 A. Uh-huh. (Affirmative.)

4 Q. How was he looking? How was he feeling?

5 A. He was pretty happy.

6 Q. Any problems that he told you about or
7 anything like that?

8 A. No.

9 Q. After awhile, how long would you say
10 before, did you have to leave the club that night?

11 A. I only left for one reason, well we'll get
12 into that later on. But I only left for one reason,
13 but I been there the whole time.

14 Q. What was the reason that you left the
15 club?

16 A. Because they were shooting.

17 Q. Were you inside when the shooting started
18 or were you outside?

19 A. I was outside at that time.

20 Q. Why were you outside the club?

21 A. Because a fight broke out, and they was
22 pushing people out. So I saw my family going out, I
23 just followed behind them.

24 Q. Very good. So you were inside.

25 A. Uh-huh. (Affirmative.)

Demetrice Brooks-Direct by Finney

1 Q. Everything was going good.

2 A. Uh-huh. (Affirmative.)

3 Q. Was Mr. Archie inside?

4 A. Yeah, he was in the inside.

5 Q. Do you know Da-Quann Jenkins?

6 A. Yeah, I know him.

7 Q. Ray'Quann.

8 A. Yes.

9 Q. Is he a friend of yours, been knowing him
10 a long time?

11 A. Yes.

12 Q. Was he inside the club or outside the
13 club?

14 A. I can't remember.

15 Q. When you saw or heard about a fight going
16 on, was the fight inside the club or outside the
17 club?

18 A. It was both. One was inside and they was
19 pushing people out. Like I say, I saw my family
20 going out, I just followed behind them.

21 Q. How many family members would you say you
22 had there?

23 A. It was a lot of us out there. I can't
24 give you a number, but I just know it was a lot of
25 us out there.

Demetrice Brooks-Direct by Finney

1 Q. More than 4 or 5?

2 A. Yes.

3 Q. Was it mostly girls? Mostly guys?

4 A. Girls and boys.

5 Q. Mixed.

6 A. Uh-huh. (Affirmative.)

7 Q. When you got outside, did you see

8 Mr. Archie on the outside?

9 A. Yes.

10 Q. Did you have a conversation with him?

11 A. No, just one time and he tell us to go to
12 the car.

13 Q. Why was he telling you to go to the car?

14 A. Because people was acting crazy, fighting,
15 and stuff like that.

16 Q. So he directed you and your girlfriends to
17 go to the car.

18 A. My cousins, yes.

19 Q. Your cousins.

20 A. Uh-huh. (Affirmative.)

21 Q. And were you in a position to get to your
22 car?

23 A. Yeah, I could have went. Well before we
24 went, you know, right then and there, you know, a
25 commotion was going on. You know, and I was right

Demetrice Brooks-Direct by Finney

1 there looking, you know, at the same time---

2 Q. Right.

3 A. ---before we just walk off.

4 Q. Once you did get outside and once you
5 heard Mr. Archie tell you to go to your car, tell
6 the ladies and gentlemen what happened next.

7 A. Can you repeat that again?

8 Q. Once you saw Mr. Archie on the outside.

9 A. Uh-huh. (Affirmative).

10 Q. And he told you to go to your car.

11 A. Uh-huh. (Affirmative.)

12 Q. Tell the ladies and gentlemen of the jury
13 what happened next.

14 A. Well what happened next was, Rodney Green
15 he was like, he yelled out, Yo, Stymie. He yell to
16 him just like that, Yo, Stymie. And Stymie was
17 like, like what's up. You know, trying to find out
18 who called him. And after that -- after he was
19 trying to found out who was calling him, the next
20 thing you know, he's been like, you all go to you
21 all car. He say, Sha, Nay, our nicknames, you know,
22 go to the car.

23 Q. Who said that?

24 A. Stymie.

25 Q. Who is Stymie?

Demetrice Brooks-Direct by Finney

1 A. Tyrese Archie.

2 Q. That's the nickname that you all gave
3 him---

4 A. Yeah, stymie.

5 Q. ---Stymie. So stymie heard somebody call
6 his name.

7 A. Uh-huh. (Affirmative.)

8 Q. Who called his name?

9 A. Rodney. Yeah, Rodney Green. I saw him.
10 He called my cousin's name.

11 Q. This is Mr. Rodney Green.

12 A. Yes, this is Rodney Green.

13 Q. What did he look like that night?

14 A. He was in all white.

15 Q. Where was he standing or sitting?

16 A. I can -- if you put the board up, and I
17 will show you.

18 Q. This is State's Exhibit No. 30. 31, I am
19 sorry. And there is a little pointer right here.
20 Stand up, please, and talk as loud as you can. Do
21 you see the club on this Exhibit 31?

22 A. Yeah, this is the club.

23 Q. Do you see the front?

24 A. Uh-huh. (Affirmative.) I see the front.

25 Q. What is this area here beside the club?

Demetrice Brooks-Direct by Finney

1 A. This is the parking lot.

2 Q. Talk loud now.

3 A. This is the parking lot.

4 Q. Where did you see Tyrese Archie? Where
5 did you and Tyrese where were you all standing?

6 A. Well we were standing like right here.

7 Q. All right.

8 A. And, you know, there's cars all out there
9 also, and Rodney was standing back like behind a
10 car, like on the side. You could see him from the
11 back side. I saw his face. I know I saw his face.
12 And he was standing right. Rodney was like standing
13 back there.

14 Q. How far away was Rodney from where you
15 were standing with Tyrese?

16 A. Not that far.

17 Q. Further than from you to that lawyer
18 there?

19 A. Yeah, like something just like that, yeah.
20 Exactly.

21 Q. About that far?

22 A. Uh-huh. (Affirmative.)

23 Q. So you so Rodney standing that far away.

24 A. Like, no, were standing right here, but
25 he's like right here where I'm at. This is where

Demetrice Brooks-Direct by Finney

1 Rodney at where I'm at. Me, Stymie, Ray'Quann and
2 Davontae Blanding, we're standing right there.

3 Q. What happened after you saw or you heard
4 Mr. Green say, Stymie?

5 A. After that point, that's when Stymie say
6 you all go to the car, while he's still trying to
7 find out who's calling him back there. And we was
8 going to the car, as we're still walking to the car,
9 I'm looking back the whole time. I'm even getting
10 in the car looking back. I'm standing looking back.
11 And I saw him shooting. He was going like this.
12 And I told Auntachie Blanding, I said look at Rodney
13 shooting at someone. At the time I didn't know it
14 was Stymie. But I was like, look at Rodney shooting
15 at someone. I seen him. He was in all white. And
16 he was busting like this. And he bust about 3 or 4
17 times.

18 Q. When you say, bust, what do you mean?

19 A. Shooting.

20 Q. Firing the weapon?

21 A. Fired the weapon, yeah.

22 Q. What kind of weapon was it?

23 A. I'm not sure.

24 Q. Was it a rifle?

25 A. No, I knew it wasn't that. It was like a

Demetrice Brooks-Direct by Finney

1 handgun.

2 Q. Very good. Where was Mr. Rodney Green on
3 this map when you saw him firing?

4 A. He was still standing like right there
5 where I say he was.

6 Q. You said you were walking towards your
7 car.

8 A. Uh-huh. (Affirmative.)

9 Q. You're talking Auntachie's car.

10 A. Uh-huh. (Affirmative.)

11 Q. Where was Auntachie's car parked?

12 A. Over here. We had to walk over there.

13 The car was parked over here.

14 Q. After you hear the shooting,---

15 A. Uh-huh. (Affirmative.)

16 Q. ---what did you do and your girlfriends?

17 A. Was jumping in the car, opening the car
18 door, getting in, pulling off.

19 Q. Were you scared?

20 A. Yeah, I was terrified.

21 Q. When you were pulling off----

22 A. Uh-huh. (Affirmative.)

23 Q. ---did you see or hear anything else?

24 A. Yeah, a shooting. Some more shooting.

25 Q. Some more shooting?

Demetrice Brooks-Direct by Finney

1 A. Yes.

2 Q. Are you sure?

3 A. Yeah, I am positive.

4 Q. Where did you hear or see the shooting?

5 A. In -- right in front of us. Because I was
6 telling Auntachie Blanding it was a guy standing
7 with two pistols in his hand. And I said, don't go
8 this way. But by the time I could tell her that,
9 she drive off. And we couldn't go this way, because
10 Rodney this way, and we couldn't go this way,
11 because another guy was this way.

12 Q. Let's show the ladies and gentlemen of the
13 jury.

14 A. Our car right here, parked right here.
15 And a guy was right beside the car with the two
16 pistols.

17 Q. Do you know that guy's name?

18 A. His name is Carter Man.

19 Q. Do you know his name, or did somebody tell
20 you his name?

21 A. No, I know him from the club.

22 Q. So you saw this guy.

23 A. Uh-huh. (Affirmative.)

24 Q. Named Carter Man.

25 A. Uh-huh. (Affirmative.)

Demetrice Brooks-Direct by Finney

1 Q. Describe him to the jury.

2 A. He's dark skinned with dreads. About 5'6.

3 Q. When you say dreads, that's a hairstyle?

4 A. Yeah, hair.

5 Q. How long were his dreads? Were they down
6 to his shoulder?

7 A. I don't remember. I just know he had
8 dreads.

9 Q. What kind of clothes did this man, Carter
10 Man, have on?

11 A. I don't remember.

12 Q. You say that you saw Rodney in this area.

13 A. Uh-huh. (affirmative.)

14 Q. You say that you saw Rodney firing the
15 weapon.

16 A. Uh-huh. (Affirmative.)

17 Q. Several times.

18 A. Uh-huh. (Affirmative.)

19 Q. You don't know who or what he was shooting
20 at.

21 A. Uh-huh. (Affirmative.) Right.

22 Q. Is that right?

23 A. That's right.

24 Q. At that point when you saw those -- heard
25 those shots, you walked over or got, ran over to get

Demetrice Brooks-Direct by Finney

1 in your car.

2 A. Yeah, we was walking, and I was looking
3 back the whole time; just kept looking back. Even
4 when we got in the car, I was looking back until I
5 saw the guy with the two guns, when he bust, we just
6 duck down in the car. Uh-huh. (Affirmative.)

7 Q. Once you got in your car.

8 A. Uh-huh. (Affirmative.)

9 Q. Did you see this other man, named Carter
10 Man, did you see him before you got in the car?

11 A. Yeah.

12 Q. Before.

13 A. Yeah, I saw him before. Because that's
14 how I could tell, like, look at that man with two
15 guns, two pistols in his hands.

16 Q. So once you saw this other man, this is
17 the second man now, that you say.

18 A. Uh-huh. (Affirmative.)

19 Q. Did he fire a weapon, the man that you
20 were calling Carter Man.

21 A. Yeah, he did, but I heard a gunshot.

22 Q. You heard a gunshot. How many?

23 A. One time.

24 Q. One time.

25 A. Yes.

Demetrice Brooks-Direct by Finney

1 Q. And so when you heard that one gunshot,
2 you were in the car.

3 A. Uh-huh. (Affirmative.)

4 Q. Which way did you and your friends leave
5 the club that night in the car you were in?

6 A. We had to back out, because a car was in
7 front of us, and we had to turn this way to get.
8 And we ran into a ditch up there, and we left.
9 Pulled out.

10 Q. So from here you got in the car.

11 A. We had to back up.

12 Q. Back up.

13 A. And we went straight.

14 Q. Out this way on to Eagle Road.

15 A. On to Eagle Road.

16 Q. And then from Eagle Road, which way did
17 you go?

18 A. This way. Like where the planes is at.

19 Q. Where were you going when you left the
20 club?

21 A. We was going to go home, but I told
22 Auntachie Blanding, I said, no, turn around, because
23 that could have been one our people's who got shot.

24 Q. So Auntachie was driving.

25 A. Yeah, Auntachie was driving.

Demetrice Brooks-Direct by Finney

1 Q. And she's the one that ran in to the
2 ditch.

3 A. Yes, sir.

4 Q. It was her car.

5 A. Yes, sir.

6 Q. Where were you sitting in the car?

7 A. I was in the back seat.

8 Q. And there was one more passenger I guess
9 in the front seat?

10 A. Shataeja Rivers.

11 Q. When you saw Rodney Green in the parking
12 lot.

13 A. Uh-huh. (Affirmative.)

14 Q. How -- you said he was this distance?
15 About this distance---

16 A. Come up some more. Right there.

17 Q. He was about this distance from where you
18 and Mr. Archie were.

19 A. Uh-huh. (affirmative.)

20 Q. Let me ask you to look at State's Exhibit
21 No. 9. Do you recognize that picture?

22 A. Yes, sir.

23 Q. Who is that in the picture?

24 A. Rodney Green.

25 Q. And what does he have on?

Demetrice Brooks-Direct by Finney

1 A. All white.

2 Q. Tell the ladies and gentlemen is the same
3 outfit you saw him with on that -- the night he was
4 shooting?

5 A. Yes, sir. That's the same outfit.

6 Q. Did you give law enforcement statements,
7 written statements, in this case?

8 A. Yes, sir.

9 Q. How many did you give them?

10 A. Two.

11 Q. Look at this one if you don't mind, and
12 see if that's a statement that you remember giving
13 to law enforcement, and tell the ladies and
14 gentlemen of the jury the date on that statement.

15 A. March 19th 2014.

16 Q. So that would have been 3 days after the
17 shooting, is that correct?

18 A. The 16th.

19 Q. If the shooting was on the 16th.

20 A. Yeah, 3 days after.

21 Q. And did you write this statement, or did
22 law enforcement write it?

23 A. I wrote my own statement.

24 Q. And did you sign it?

25 A. Yeah, I signed it.

Demetrice Brooks-Direct by Finney

1 Q. And then on the second statement that you
2 gave to law enforcement, what was the date on that
3 one?

4 A. April 24th 2014.

5 Q. April 24th. So that was over a month
6 later after the shooting.

7 A. Yes.

8 Q. Do you know why you gave two statements?

9 A. First, we was talking about the car. But
10 my auntie told me to go talk to the man about the
11 car.

12 Q. Slow down a little bit, and let the jury
13 understand.

14 A. I had to put the car part in there also,
15 plus what I seen Rodney do to my cousin.

16 Q. So on the first statement that you gave on
17 3 days afterwards, you didn't talk about the car.
18 Is that what you're telling the jury? Take your
19 time, read through it.

20 A. Yeah, we talked about -- I talked about
21 the car on my first one. This is when I was
22 discussing about the car. I discussed about that
23 also too, but when I brought Rodney in, I had to
24 write it, the whole thing over.

25 Q. And so that's the reason for the second

Demetrice Brooks-Direct by Finney

1 statement?

2 A. Uh-huh. (Affirmative.) Yes, sir.

3 Q. Now it sounds like you're telling me that
4 your aunt wanted you to go back downtown to the
5 police officers the second time.

6 A. Yes.

7 Q. The police officers didn't come back to
8 you?

9 A. No, I went because my Auntie Mattie told
10 me to make sure I let you all know everything.

11 Q. Very good.

12 A. Yes.

13 Q. So that's the reason for the second
14 statement.

15 A. Yes, sir.

16 Q. Now did you change anything in the first
17 statement or you just added to it?

18 A. I added.

19 Q. Very good. Now I want you to look at the
20 first statement and read it to yourself. How many
21 lines did you write in that statement?

22 A. Five.

23 Q. Five lines?

24 A. Uh-huh. (Affirmative.)

25 Q. So that's not the whole story, is it?

Demetrice Brooks-Direct by Finney

1 A. Yeah, that's when I had to add some more
2 stuff.

3 Q. Did you tell the officers on the 19th,
4 that Rodney Green was the shooter?

5 A. At the time, during that time we was
6 talking about the car. So when I came back, after
7 what my auntie said or whatever, that's when I tell
8 everything, you know, I was talking, telling
9 everything what I seen.

10 Q. When you say you were talking to the
11 officers the first time.

12 A. Uh-huh. (affirmative.)

13 Q. About the car.

14 A. Uh-huh. (Affirmative.)

15 Q. Which car are you talking about?

16 A. Auntachie Blanding's car.

17 Q. The car you were in.

18 A. Uh-huh. (Affirmative.)

19 Q. Did you say anything in the first
20 statement about there, was a guy shooting, or you
21 heard some shoots?

22 A. I can't remember.

23 Q. Read it.

24 A. No, I didn't even mention Rodney at all in
25 my first statement. In that statement right here.

Demetrice Brooks-Direct by Finney

1 Q. Do you know why didn't mention him at all?

2 A. I was nervous also, and then we was
3 talking about the car. You know, I didn't bring
4 that up at first. We were talking the car
5 situation. That's why I had to go back to add
6 Rodney's part in it.

7 Q. Let met ask you something.

8 A. Uh-huh. (Affirmative.)

9 Q. In your first statement, did you say
10 anything about another man named Carter Man being
11 out there with two guns?

12 A. Yeah, this is the statement here. He was
13 who I was talking about, Carter Man. His name is
14 just not in there, but he knew who I was talking
15 about when I was talking about the shooting in the
16 car.

17 Q. So it said something about a dude got two
18 guns.

19 A. Yeah, that was Carter Man.

20 Q. That was Carter Man.

21 A. Yeah, that was Carter Man.

22 Q. So you were talking about in this first
23 statement.

24 A. Just about the car situation, point blank.

25 Q. In other words, once you got to the car.

Demetrice Brooks-Direct by Finney

1 A. Yeah.

2 Q. And got in the car and on your way out the
3 club.

4 A. Yes, sir.

5 Q. You didn't talk about what happened before
6 you got to the car.

7 A. Yeah, I didn't talk about it before that.

8 Q. And did you do that in the second
9 statement?

10 A. Yes, sir, I did.

11 Q. So in the second statement, what's the --
12 read the first line of your second statement.

13 A. I Demetrice Brooks saw Rodney Green kill
14 my cousin Stymie. I saw Rodney in the club, and I
15 remember he had on all white, a white shirt.

16 Q. So in the second statement you started
17 from the beginning.

18 A. Uh-huh. (Affirmative.)

19 Q. And went all the way through.

20 A. Yeah, in the second one. This statement
21 right here.

22 Q. In the first statement you started when
23 you got to the car.

24 A. To the car, uh-huh. (Affirmative.)

25 Q. Now tell the ladies and gentlemen, because

Demetrice Brooks-Direct by Finney

1 we want to be clear, when you got to the car, had
2 you already seen Rodney Green shooting?

3 A. Yes, he was already shooting. He been
4 already busting, which is shooting, somebody
5 already.

6 Q. But you don't know who he was shooting.

7 A. Yeah, I didn't know at that time. I
8 didn't know.

9 Q. And you and your girlfriends got in the
10 car to leave because there was shooting going on.

11 A. Uh-huh. (Affirmative.) Yes, sir.

12 Q. And that's when you saw Carter Man.

13 A. Yes, sir.

14 Q. And you testified in your statement that
15 Carter Man shot him.

16 A. Yes.

17 Q. Did he shoot at your car, the one you
18 were in?

19 A. Yes.

20 Q. And where do you think he shot that car?

21 A. Probably, he just, I don't remember.

22 Q. Where do you think? Take yourself back to
23 when you talked to the officers, on that first
24 statement. When you gave the officers that first
25 statement when you were talking about Carter Man,

Demetrice Brooks-Direct by Finney

1 with two guns, shooting.

2 A. Uh-huh. (Affirmative.)

3 Q. You thought he had shot at you and
4 Auntachie.

5 A. Yes, sir.

6 Q. You told the officers that Carter Man had
7 shot at you and your girlfriends in the car.

8 A. Yeah, because he was pointing towards the
9 car. So I know he fired, but I can't tell you where
10 the bullet went.

11 Q. Very good. So you think Carter Man had
12 two guns. You saw that.

13 A. Uh-huh. (Affirmative.) Yes, sir.

14 Q. You think he pointed the gun at you.

15 A. Yes, sir.

16 Q. And you think he fired one time.

17 A. Yes, sir.

18 Q. If he had fired more than once, would you
19 remember that?

20 A. Yeah, I was right there. So I would hear
21 them gunshots. I was right there.

22 Q. But you believe it was one shot.

23 A. One shot, yes, sir.

24 Q. Now after you left that day.

25 A. Yes, sir.

Demetrice Brooks-Direct by Finney

1 Q. That night. You said that you got the
2 idea that maybe somebody that you knew got hurt.
3 And so you asked Auntachie to turn around and go
4 back to the club.

5 A. Yes.

6 Q. How long did it take you all from the time
7 you left, until you got back?

8 A. Not long.

9 Q. How far did you go?

10 A. Like to the planes. Just right there.

11 Q. A couple of blocks?

12 A. A couple of blocks.

13 Q. A few minutes.

14 A. Uh-huh. (affirmative.)

15 Q. You turned around and came back. Did you
16 get out of the car when you came back?

17 A. Yeah, I got out of the car.

18 Q. And what did you find out?

19 A. I saw my cousin Stymie laying on the
20 ground.

21 Q. Did you know about the other man who had
22 been shot, Ray-Quann?

23 A. Yeah, I seen him too.

24 Q. Once you found out it was your cousin
25 Stymie that got shot, what did you do then?

Demetrice Brooks-Direct by Finney

1 A. Crying, hurt.

2 Q. Did you know at that point that your car,
3 Auntachie's car, had sustained any damage?

4 A. I didn't pay no attention to any of that.
5 I just -- when she turned around and got back to the
6 club, I got out; saw my cousin on the ground, and I
7 went to my cousin. We didn't pay none of that no
8 attention.

9 Q. Now let me ask you a question. The next
10 day, which would have been Sunday, is that right?

11 A. Yes, sir.

12 Q. Did you have occasion on Sunday to look at
13 Auntachie's car? Or the next day, Monday?

14 A. I don't remember, because I went home. I
15 went home.

16 Q. Do you ever remember seeing the damage to
17 Auntachie's car?

18 A. She told me about it.

19 Q. You don't remember seeing it?

20 A. No.

21 Q. Very good. That's all right. So after
22 coming back to club, staying there and finding out
23 your cousin had been shot, did you end up going back
24 home?

25 A. I left when the family left. I been there

Demetrice Brooks-Direct by Finney

1 the whole time to see everything.

2 Q. Was the sun up when you left, or was it
3 still dark?

4 A. No, it was still dark.

5 Q. Do you remember how the first statement
6 was given? Did you call the police officer, or did
7 they call you? How did they know to come and get
8 that statement from you?

9 A. When I went up there, we all went together
10 about the car. The car situation when my aunt said.

11 Q. So your aunt basically told you all to go
12 uptown and tell the police what you knew.

13 A. Yes, sir.

14 Q. And that's how you went to give the first
15 statement.

16 A. Yes, sir.

17 Q. Now can you tell that name of the witness
18 on your statement? You don't know who. Was it a
19 police officer?

20 A. Yeah, it was a police officer. Or a
21 detective or, I don't know, you all are all the same
22 to me. I don't know.

23 Q. Very good. Well you know, Mr. Hawkins and
24 I look just alike.

25 A. I do know that.

Demetrice Brooks-Direct by Finney

1 Q. Was it Hawkins?

2 A. I remember seeing him.

3 Q. Was it Hawkins that took the statement?

4 A. Probably my second one on the statement.

5 I want to say, I can't remember.

6 Q. Yes, ma'am, you're correct. Is this your
7 second statement?

8 A. Yes, that's my statement.

9 Q. Can you read the name of the witness on
10 that statement?

11 A. I see Hawkins.

12 Q. So Hawkins was on the second statement,
13 but you don't know who that was on the first
14 statement. But you went downtown to give it.

15 A. Yes, sir.

16 Q. At any time before you heard the gunshots
17 that you say came from Rodney Green's gun, before
18 that, at any time did you see Mr. Tyrese Archie
19 upset, angry, mad, aggravated, aggressive, in any
20 way?

21 A. No, sir.

22 Q. What was he trying to do?

23 A. He was just trying to tell us to go. He
24 was just really trying to get everybody to go home,
25 and looking for the family, and saying, let's go

Demetrice Brooks-Cross by Johnson

1 home. That's all he was trying to do.

2 MR. FINNEY: Thank you. Answer any
3 questions Mr. Johnson may have.

4 THE COURT: Mr. Johnson.

5 MR. JOHNSON: Thank you, Your Honor. May
6 it please the court.

7 Cross Examination by Mr. Johnson:

8 Q. Good afternoon. I just want to clarify
9 something. It's your statement that you saw
10 Mr. Green shooting, but you don't know who he shot
11 or anything.

12 A. At that time, I didn't know.

13 Q. Now when you said you saw Mr. Archie, your
14 cousin, you didn't see him on the ground fighting
15 with three people?

16 A. No, sir, I didn't.

17 Q. You didn't see three people and an
18 additional 8 people coming after him?

19 A. No, I didn't.

20 Q. So if this happened, if these things
21 happened, it had to happen after you saw him,
22 because when you saw him, it didn't look like he had
23 been in a fight or nothing like that, did it?

24 A. He was good. He was okay.

25 Q. So timeline wise, if he got into a fight

Demetrice Brooks-Cross by Johnson

1 with someone, it would have to have been after you
2 saw him.

3 A. I don't remember him fighting. I didn't
4 see him fighting. I ain't even saw him fighting at
5 all.

6 Q. I understand. So what I'm saying, but
7 you didn't see any evidence when you saw him that he
8 had been in a fight, right?

9 A. Say that again.

10 Q. You didn't see, when you were looking at
11 your cousin.

12 A. Uh-huh. (affirmative.)

13 Q. When he was telling you to go to the car.

14 A. Yes.

15 Q. You didn't see any evidence in looking at
16 him that he had been in a fight.

17 A. Yeah, he didn't look like nothing was
18 going on. Like he was just---

19 Q. He was just happy.

20 A. ---he looked straight. He was like a
21 happy person.

22 Q. So if there is some evidence that he had
23 been in a fight, it would have to happened after you
24 saw him.

25 A. I don't know.

Demetrice Brooks-Cross by Johnson

1 Q. So you left and was going towards the car,
2 correct?

3 A. Yes.

4 Q. Now you said that you heard Rodney said
5 what now?

6 A. Yo, Stymie.

7 Q. Now you know that in both of your
8 statements you never mentioned that before.

9 A. Yeah, I was nervous. When I can talk
10 better than I can write. I can speak better than I
11 can write. I know what I heard. I know what I saw.

12 Q. Now so you heard Rodney say, Yo, Stymie,
13 as you was going back to your car.

14 A. No, I was right there before I went to my
15 car. Before Stymie even told us to go the car, he
16 been done say, Yo, Stymie.

17 Q. So you're saying Rodney had to start
18 shooting before you even got back to your car.

19 A. I was walking towards my car and I was
20 looking back. Well not my car, but my cousin
21 Auntachie Blanding's car, and I looking back the
22 whole time and I saw him shooting.

23 Q. Okay. And this was with a few seconds of
24 you leaving your cousin, right?

25 A. We was walking together. Some of them

Demetrice Brooks-Cross by Johnson

1 been up a little bit ahead of me, but I was walking
2 too behind them. But I was looking back the whole
3 time. I never kept my eye off from looking back.

4 Q. And you were looking back at your cousin.

5 A. No, I was looking back at Rodney shooting
6 at my cousin.

7 Q. Right. Now but your cousin wasn't
8 fighting with nobody at that time.

9 A. No, I didn't see Stymie fighting at all.
10 I don't know nothing about no Stymie fighting
11 anybody. When I saw everybody acting crazy, I
12 didn't see Stymie nowhere but telling people to,
13 let's go. Let's go home. Go. Get in the car, go.

14 Q. So do you know the other person that was
15 shot? Do you know his name?

16 A. Yes.

17 Q. What's his name?

18 A. Carter Man.

19 Q. No, the other person that was actually
20 shot in the leg.

21 A. Oh, yeah. Ray'Quann Jenkins.

22 Q. Ray'Quann. Was he there?

23 A. Yeah, he was there.

24 Q. Do you see him breaking up a fight between
25 your cousin and some people on the ground?

Demetrice Brooks-Cross by Johnson

1 A. I ain't seen none of that. No, not
2 Ray'Quann doing nothing.

3 Q. At the same time that Rodney was there?

4 A. It was Rodney, Davontae Blanding, me,
5 Auntachie Blanding, and Shataeja Rivers at the time
6 just standing right there where I saw when I was
7 pointing on the thing, telling you where I saw
8 Rodney at.

9 Q. So you didn't see three guys? Well one
10 guy is fighting, and two guys standing up. And five
11 or eight coming?

12 A. I don't remember none of that. At that
13 time, I didn't see none of that. Uh-uh.
14 (Negative.)

15 Q. You didn't see none that.

16 A. Uh-uh. (Negative.)

17 Q. And once again you did not -- you saw
18 Rodney, you say you saw Rodney shooting, but you
19 cannot say that you saw Rodney shot your cousin.

20 A. At the time I didn't know it was my cousin
21 who he was shooting, but I saw him shooting.

22 Q. You saw him shooting.

23 A. I saw him shooting like busting.

24 Q. Yeah, you saw him shooting his gun.

25 A. Yeah, I saw him shoot. But I didn't know

Demetrice Brooks-Cross by Johnson

1 it was Stymie at the time. But I knew Stymie,
2 Ray'Quann and Davontae Blanding was right there in
3 that little section where I left them at walking to
4 my car.

5 Q. And you're only assuming, that it was
6 Rodney's shoots that hit him, because your cousin
7 was shot.

8 A. I ain't assuming that Rodney -- I'm not
9 assuming that Rodney did it. I saw him did it. I
10 know he did it. I was right there. I see him
11 busting. I see him.

12 Q. What I am asking you, calm down. What I
13 asking you is, you say saw Rodney shooting, but you
14 cannot at that time, you saw no evidence that it was
15 your cousin that was shoot.

16 A. Yeah, you're right, yeah.

17 Q. So you did Rodney shoot your cousin. You
18 saw Rodney shooting in the area where your cousin
19 was.

20 A. Yeah, right. Yeah.

21 Q. That's all I am asking.

22 A. Yeah, that's right.

23 Q. You also saw another man.

24 A. Yes.

25 Q. Carter man.

Demetrice Brooks-Cross by Johnson

1 A. Yes.

2 Q. Who had two guns.

3 A. Yes.

4 Q. And you know at least one time he shoot at
5 you. You was in the car.

6 A. Yeah. But before he even shoot, Rodney
7 been already shoot already.

8 Q. That's not what I'm not asking you. I'm
9 just asking you to tell what you saw, and give the
10 evidence. I'm not asking you to make up anything.

11 A. I'm not going to make it up. I was there.
12 I'm not making it up.

13 Q. So please listen to my questions.

14 A. Go ahead.

15 Q. You saw Carter Man.

16 A. Uh-huh. (Affirmative.)

17 Q. With two guns.

18 A. Yes.

19 Q. And at least one time he shot at your car.

20 A. Yes.

21 Q. You also said you heard other gunshots,
22 correct?

23 A. That was the gunshot that I heard.

24 Q. Right. But you say you also heard other
25 gunshots, correct? Because you said there was a lot

Demetrice Brooks-Cross by Johnson

1 of stuff popping off, right?

2 A. A lot of stuff was popping off. Rodney
3 shoot first, and then Carter Man bust his gun.

4 Q. But Carter Man---

5 A. So those are two shots. That's another
6 shot. Those are different shots.

7 Q. So you only heard 2 shots.

8 A. No, I heard 3 or 4 shots when it came to
9 Rodney. I only heard one shot when I was at the
10 car, when was inside the car ducking.

11 Q. Did you hear of any -- okay, did you hear
12 any other shots?

13 A. No, not after that. No.

14 Q. So you only heard 4 shots.

15 A. No, I heard 3 or 4 shots from Rodney. I
16 heard one shot when was in the car, and I was
17 ducking.

18 Q. So you at least heard 4 shots.

19 A. All together is what you're asking me,
20 right? All together, right?

21 Q. Uh-huh. (Affirmative.)

22 A. Yeah.

23 Q. But Carter Man, how big was Carter Man?

24 A. He was like 5'6.

25 Q. He had two guns.

Demetrice Brooks-Cross by Johnson

1 A. Yes, sir.

2 Q. So there was at least somebody else with a
3 gun shooting.

4 A. Yes, it was two people.

5 Q. Two people shooting.

6 A. Rodney was one and Carter Man was the---

7 Q. Was the other one. And your cousin was
8 shot, but you did not know -- you did not know who,
9 which one of the bullets hit your cousin.

10 A. No, I know which one of the bullets hit my
11 cousin.

12 Q. How if you didn't see it?

13 A. I saw Rodney shooting first. And Carter
14 man didn't start shooting until after, after I see
15 this shooting going on, I see Carter.

16 Q. But you did not see if your cousin was
17 shot at that time, did you?

18 A. No, I didn't see that.

19 Q. So you don't know when he was stop. All
20 you know he was shot, correct?

21 A. Yes.

22 Q. So let's clarify. You don't know which
23 one of those bullets hit your cousin, do you?

24 A. Out of Rodney's gun, right?

25 Q. No, I am not asking you. I'm asking you

Demetrice Brooks-Cross by Johnson

1 specifically what you know. Not what you think, and
2 what you believe, what you actually know. You did
3 not see your cousin get shot, correct?

4 A. Yeah, I just saw Rodney busting.

5 Q. You saw Rodney shooting, and you saw
6 Carter Man shooting, correct?

7 A. Yes.

8 Q. You don't which shot his your cousin, do
9 you?

10 A. Yeah, I know which shot.

11 Q. You know which one you believe, but if
12 your didn't see it yourself, you don't know, do you?

13 A. From where Stymie was standing at, and
14 where Rodney was at, I know Rodney shoot my cousin.
15 Carter Man way down here. Rodney right here.

16 Q. But you don't know when your cousin got
17 shot, do you?

18 A. I don't know, at the time, like I say, I
19 didn't know it was Stymie, or who was getting shoot.
20 But I saw him shooting his gun.

21 Q. True. You didn't find out your cousin was
22 shot until after you went away.

23 A. Yes.

24 Q. And came back.

25 A. Yes.

Demetrice Brooks-Cross by Johnson

1 Q. Within how many minutes?

2 A. A few minutes.

3 Q. 4 or 5 minutes?

4 A. I can't remember. I just know it wasn't
5 long. Planes ain't too far from my house.

6 MR. JOHNSON: One second.

7 Q. Right after you -- right after this, you
8 went back and gave the police a statement, correct?

9 A. Yes.

10 Q. You gave a statement on 3/19 2000, I mean
11 on 2014. Correct?

12 A. Yes.

13 Q. Would you take a look at that? Is that
14 your statement?

15 A. Yes, sir.

16 Q. Did you wrote down to the police telling
17 them what you knew, correct?

18 A. Yes, sir.

19 Q. And you told the truth, right?

20 A. Yes, sir.

21 Q. Read your statement.

22 A. On Saturday night a fight broke around
23 2 or 3 in the a.m. My cousin told me, which was
24 Tyrese Archie, he told me to get in the car. Me and
25 my other cousin, we went and got in the car. I told

Demetrice Brooks-Cross by Johnson

1 Shay, don't go right, because the dude got two guns.
2 But by then, it was too late. We drove off. The
3 dude started shooting. We went down the road, then
4 we turn around. When we got back to the club, I
5 seen that my cousin was shot.

6 Q. In that statement you gave the police, you
7 said, dude got two guns. You're referring to Carter
8 Man.

9 A. Yes.

10 Q. Where in that statement do you mention
11 Rodney?

12 A. At first this was only about the car.
13 That's why I wrote this statement was about the car.
14 That's why I had to add the rest of the stuff that I
15 knew before the car.

16 Q. Read your -- read in the first part of
17 your statement don't you say -- read the first
18 sentence in your statement.

19 A. On Saturday night a fight broke out.

20 Q. So wasn't that before you got in your car?

21 A. Yeah, but I'm talking about in the club.
22 I was just saying a fight broke out. We just got
23 out and talking about the car situation.

24 Q. But in that statement do you mention
25 Rodney?

Demetrice Brooks-Cross by Johnson

1 A. No, I didn't.

2 Q. Now, take a look at this statement.

3 That's on April 24th. Do you recognize that?

4 A. Yes.

5 Q. That is a statement you gave the police,
6 correct? Read that statement to the jury.

7 A. The whole thing?

8 Q. Yes.

9 A. I Demetrice Brooks saw Rodney Green kill
10 my cousin Stymie. I saw Rodney in the club, and I
11 remember he had a white shirt. Everybody got kicked
12 out of the club because a fight broke out. When I
13 got outside Stymie told us---

14 MR. FINNEY: Could I ask the witness to
15 just go slow.

16 THE COURT: For court reporter, please,
17 ma'am.

18 A. Yes, sir.

19 THE COURT: The lady down here has to take
20 down everything that's said.

21 Q. Could you please just start from the
22 beginning again. Take your time.

23 A. I Demetrice Brooks saw Rodney Green kill
24 my cousin Stymie.

25 THE COURT: Slow down for the court

Demetrice Brooks-Cross by Johnson

1 reporter. Read slowly.

2 A. I Demetrice Brooks saw Rodney Green kill
3 my cousin Stymie. I saw Rodney in the club, and I
4 remember he had on a white shirt. Everybody got
5 kicked out of the club, because a fight broke out.
6 When I got outside, Stymie told us to go to the car.
7 So me and my cousin went to the car. While we was
8 at the car, I seen Rodney shooting my cousin. At
9 the time I didn't know it was Stymie who he was
10 shooting. Because after I saw him shooting, I told
11 Shay to go. When I told her let's go, I told her
12 don't go the other way, because I seen a guy with
13 two guns.

14 So I told Shay to don't go that way, but
15 she done pulled off at -- she done been pulled off.
16 And that's -- she been done pulled off, and that's
17 when the guy is shooting at the car. And we drive
18 off down the road. I told Shay to go back because
19 that could have been one of our peoples who he been
20 shooting. So we went back, and we went to take --
21 we went to the club and I seen it was my cousin, the
22 one Rodney shooting.

23 Q. Now there you say you saw Rodney inside
24 the club. That's what you say in that statement,
25 correct? Now you know there's evidence Rodney

Demetrice Brooks-Cross by Johnson

1 never went inside the club.

2 A. He was at the back door. They had the
3 back door open where a security guard was at. He
4 was just talking, because he was outside, like I
5 say. But there was a back door where the club at,
6 and I saw him. That's when I told Auntachie
7 Blanding, then I said, look at Rodney. I see Rodney
8 out here. And she started shaking saying, she want
9 to go home. And I was like everything will be all
10 right.

11 Q. Right.

12 A. And that's what I mean when I say I saw
13 him in the club.

14 Q. So being out---

15 A. The back door was open, and he was right
16 there standing. Do I need to show you?

17 Q. No, I'm not asking you that. I'm asking
18 you what you wrote. You wrote he was in the club.

19 A. Yeah, I saw him at the back door.

20 Q. But now you're saying he was never in
21 club.

22 A. No, he was in that club. His foot went
23 right there. I saw him. He was talking to a
24 security guard at the back door.

25 Q. So his foot was at the back step. And the

Demetrice Brooks-Cross by Johnson

1 only thing different about this statement and your
2 first statement is that you say Rodney shot
3 somebody. But in both statements you mention Carter
4 Man, right?

5 A. I can't remember.

6 Q. You can't remember.

7 A. Because I got two different statements. I
8 got, my one and I was talking about the car, which
9 was Carter Man when he's shooting. And then on the
10 second statement I was also -- I talk about the
11 whole thing. Rodney first, I just brought it down,
12 Rodney first and then went on with Carter Man.

13 Q. At the time you gave this statement, did
14 you not know that your cousin was shot and had
15 passed away, when you gave that first statement?

16 A. Yeah, I know he was gone.

17 Q. And you didn't think it was important to
18 put in your first statement who shot him if you
19 knew?

20 A. I was nervous. I was writing about
21 Auntachie Blanding's car. And then I had to write
22 about Rodney. That's why I got another piece of
23 paper to add everything, so I could add all that.
24 Because I didn't add that at first.

25 Q. So let me say, let me make sure I

Auntachie Blanding-Direct by Finney

1 understand what you're saying. So you're telling
2 me that you're cousin's car was more important, as
3 far as putting information as to what happened to
4 your cousin's car, than who killed your cousin.

5 A. Well I was nervous. Like I say, I was
6 hurt about the situation with my cousin, and I was
7 just talking about the car at first.

8 MR. JOHNSON: I understand. Thank you.

9 THE COURT: Redirect?

10 MR. FINNEY: No, Your Honor.

11 THE COURT: Thank you, mama, you can step
12 down. Mr. Finney.

13 MR. FINNEY: I would call Auntachie
14 Blanding.

15 Auntachie Blanding, being first duly sworn,
16 testified as follows.

17 THE CLERK: State your full name, and
18 spell your first and last name for the record.

19 A. Auntachie Blanding. A-U-N-T-A-C-H-I-E,
20 B-L-A-N-D-I-N-G.

21 DIRECT EXAMINATION by Mr. Finney:

22 Q. Ms. Blanding, how are you doing?

23 A. Good.

24 Q. Are you nervous?

25 A. Uh-huh. (Affirmative.)

Auntachie Blanding-Direct by Finney

1 Q. First thing, this lady has to take down
2 everything you say, so you can't say, uh-huh. You
3 have to say yes or no. Please answer the questions,
4 yes or no.

5 A. Yes, sir.

6 Q. Have you ever testified before?

7 A. No, sir.

8 Q. Ms. Blanding, how old are you?

9 A. 21.

10 Q. Do you live in Sumter?

11 A. Yes, sir.

12 Q. Have you lived here all your life?

13 A. Yes, sir.

14 Q. Tell the ladies and gentlemen of the jury
15 what you do for a living.

16 A. Right now I just go to school at Central
17 Carolina. And I'm a mother of a 5-year-old and a
18 5-month-old.

19 Q. So Diamond Brooks, is she related to you?

20 A. Yes, sir.

21 Q. How?

22 A. She is my second cousin.

23 Q. Now did you know that Diamond just
24 testified?

25 A. Yes, sir.

Auntachie Blanding-Direct by Finney

1 Q. Were you able to listen to her testimony?

2 A. No, sir.

3 Q. Why is that?

4 A. I was outside.

5 Q. So did you know that there's a rule in
6 court that we use to keep witnesses apart that they
7 can't hear each other testify?

8 A. Yes, sir.

9 Q. Did you occasion to go to Club Miami in
10 March of 2014, the night of the shooting, when
11 Mr. Archie was killed?

12 A. Yes.

13 Q. And who were you with that night?

14 A. Who did I drive there?

15 Q. Yes.

16 A. There was me, Shataeja, Kayla, and that's
17 it.

18 Q. Did you see Diamond?

19 A. Yeah, when I got to the club.

20 Q. When you got to the club?

21 A. Uh-huh. (Affirmative.)

22 Q. So when you got to the club is Diamond,
23 you said she's a second cousin.

24 A. Yes.

25 Q. Are you all close?

Auntachie Blanding-Direct by Finney

1 A. Yes, sir.

2 Q. And what did you drive to the club that
3 night?

4 A. I have a gray Saturn. A 2002.

5 Q. And what time would you say you got to the
6 club?

7 A. It was around 12.

8 Q. And were you still at the club when
9 something happened inside the club, some kind of
10 fight?

11 A. Yes, sir.

12 Q. And did you then get put out, or asked to
13 go out, or somebody told you to go home or whatever?

14 A. Yes, sir.

15 Q. Well tell the ladies and gentlemen of the
16 jury what happened after that. After the
17 fight inside the club when you went outside the
18 club.

19 A. After the fight inside the club, we went
20 outside. And there was another big fight outside.
21 After, well after all that was going on, my cousin
22 told us -- well Stymie told everybody to go home.

23 Q. Let me stop you. I'm sorry to jump in.
24 Is Stymie your cousin?

25 A. Yes.

Auntachie Blanding-Direct by Finney

1 Q. His name is what?

2 A. Tyrese Archie.

3 Q. And so is he on the same side of the
4 family as Diamond is?

5 A. Yes.

6 Q. And so did you see Tyrese Archie in the
7 club before you went outside?

8 A. Yes.

9 Q. Once you all got outside, there were a lot
10 outside or just a few?

11 A. There was a lot of people outside.

12 Q. Mr. Archie told you what?

13 A. To go home.

14 Q. And did he know you were driving?

15 A. I'm pretty sure, yeah.

16 Q. And was it your intention to take Diamond
17 home?

18 A. No, none of that. No.

19 Q. I'm sorry.

20 A. We wasn't intending to even witness all
21 that stuff.

22 Q. I understand. What caused you to go to
23 your car?

24 A. When he told us to leave, because there
25 was a fight.

Auntachie Blanding-Direct by Finney

1 Q. What was the situation outside at that
2 point?

3 A. It was -- when I ran to the car, I heard
4 gunshots. When we got in the car---

5 Q. Which part of the car did you get in?

6 A. The driver's side.

7 Q. You were driving.

8 A. Uh-huh. (Affirmative.)

9 Q. Who got in the front seat with you?

10 A. Kayla.

11 Q. And who got in the back seat?

12 A. Diamond and Shataeja.

13 Q. And the four of you all, is that right?

14 A. Uh-huh. (Affirmative.)

15 Q. Were in the car.

16 A. Yes, sir.

17 Q. You had already heard gunshots.

18 A. Yes, sir.

19 Q. Did you see who was firing the weapon?

20 A. No, sir.

21 Q. Once you heard the gunshots, you cranked
22 up?

23 A. Yes.

24 Q. What was plan at that point?

25 A. To go home.

Auntachie Blanding-Direct by Finney

1 Q. And what happened as you were leaving the
2 club?

3 A. When I left -- when I pulled out of the
4 parking lot, I was trying to get out, instead
5 hitting people in cars, so I hit a pole and I ran in
6 the ditch.

7 Q. Tell the jury what side of your car
8 sustained the damage when you hit the pole?

9 A. The passenger side.

10 Q. Where?

11 A. The mirror on the side and the door.

12 Q. I want to show you what's been marked as
13 State's Exhibit No. 27, and ask if you can identify
14 what's in this picture.

15 A. It's a hole.

16 Q. Tell us what's in the picture.

17 A. My car.

18 Q. And who took this picture of your car?

19 A. The investigators at the sheriff's
20 department.

21 Q. Where was this picture taken? Do you
22 remember where the car was when they took this
23 picture?

24 A. It was at their mechanic.

25 Q. And did they ask you to bring your car

Auntachie Blanding-Direct by Finney

1 down there so they could look at it?

2 A. Yes, sir.

3 Q. Did the police officers who took this
4 picture, did they do some investigation in to your
5 car?

6 A. Yes, sir.

7 Q. What were they looking for?

8 A. A bullet.

9 Q. A bullet. Permission to publish 27.

10 THE COURT: Any objection to that picture?

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: 27 is in. You can publish it.

13 (Photograph marked State's Exhibit No. 27
14 into evidence.)

15 Q. So when you hit the pole pulling out of
16 the parking lot, did it do something to the mirror
17 on the passenger side?

18 A. It knocked the mirror down.

19 Q. And how did you get the mirror back up in
20 this picture?

21 A. I taped it up.

22 Q. Can you see the tape on it? Look on the
23 screen right there.

24 THE FORELADY: There's nothing on our
25 screen.

Auntachie Blanding-Direct by Finney

1 A. Yeah.

2 Q. Did you put tape on the mirror and put it
3 back in place?

4 A. Uh-huh. (Affirmative.) Yes, sir.

5 Q. There are some marks on the door, the side
6 of the door, passenger door, those marks, were they
7 there on your car before you went in the ditch?

8 A. No, sir.

9 Q. And right down below the handle on the
10 left side, I guess it'd be on the back door,
11 there's a round injury to your car.

12 A. Yes, sir.

13 Q. When you saw that, what did you think?

14 A. My car was shot.

15 Q. And is that why you took your car down to
16 the police?

17 A. Yes.

18 Q. How long after you left the club, was it
19 that you took your car for the police to look at?

20 A. It was that Monday.

21 Q. So the next day. In other words, when you
22 woke up, excuse me, you left the club Sunday
23 morning.

24 A. Uh-huh. (Affirmative.)

25 Q. Is that correct?

Auntachie Blanding-Direct by Finney

1 A. Yes, sir.

2 Q. And it was sometime Monday that you took
3 the car down to the police.

4 A. Yes.

5 Q. Did the police look in your car and do an
6 examination to see if that was a gunshot?

7 A. Yes, sir.

8 Q. Did you believe that your car had been
9 shot?

10 A. Yes, sir.

11 Q. Who did you believe shot your car?

12 MR. JOHNSON: Your Honor, objection. It
13 calls for opinion.

14 THE COURT: Sustained. You can rephrase
15 it.

16 MR. FINNEY: Let me try to rephrase it.

17 Q. Did you see the man who you thought did
18 that damage to your car?

19 A. No, I just -- all I saw was a man with
20 dreads.

21 Q. So a man with dreads. Tell the ladies and
22 gentlemen of the jury, can you see the screen that's
23 right there beside you?

24 A. Yes, sir.

25 Q. Can you tell me where you saw the man with

Auntachie Blanding-Direct by Finney

1 dreads in relationship to this word that says
2 casings right here? You see the word casings?

3 A. Yes, sir.

4 Q. Tell the ladies and gentlemen of the jury
5 where you were parked if you can?

6 A. I was close to that word.

7 Q. To the word casings?

8 A. Uh-huh. (Affirmative.)

9 THE COURT: That's a yes or no?

10 A. Yes, sir.

11 Q. Were you on this side of the word casing,
12 or the road side to the word casings?

13 A. On the other side.

14 Q. This side?

15 A. Yes, sir.

16 Q. When you pulled out, first of all, when
17 you got in your car that night, where was the car
18 pointed? Where were the headlights pointed?

19 A. Towards the club.

20 Q. So you -- the back of your car would have
21 been here?

22 A. Yes, sir.

23 THE COURT: You can mark on the screen
24 with your hand.

25 MR. FINNEY: Thank you, Your Honor. I

Auntachie Blanding-Direct by Finney

1 learned something new today.

2 THE COURT: Yeah, you can go down to one
3 of those icons. I don't know which one it is.
4 Mr. Johnson can probably show you.

5 MR. FINNEY: I think I've got it right
6 here, Judge.

7 Q. Do you see me, I just put a red dot on the
8 screen.

9 A. Yes, sir.

10 Q. Your car was -- your car was in the area
11 of that red dot, or was it back further?

12 A. Back further.

13 Q. Let's put another dot.

14 A. Right there.

15 Q. Right there?

16 A. Yes, sir.

17 Q. And you're car was facing toward the
18 nightclub?

19 A. Yes, sir.

20 Q. When you pulled out, did you have to back
21 up first?

22 A. Yes, sir.

23 Q. And then which way, once you backed up,
24 which way did you go? Towards the road or toward?

25 A. Not toward Broad Street. I went towards

Auntachie Blanding-Direct by Finney

1 Eagle Road.

2 Q. Towards Eagle Road would be this way?

3 A. Yes, sir.

4 Q. And when you came out, the man that you
5 said had the gun with the dreads, did you say he had
6 dreads?

7 A. Yes, sir.

8 Q. Did you see him?

9 A. Yes, sir.

10 Q. Did he have guns in his hand?

11 A. Yes, sir.

12 Q. You saw that?

13 A. Yes, sir.

14 Q. When you saw him, what did you do then?

15 A. I went around him, and I hit the pole. I
16 went in the ditch.

17 Q. Would that been in this area here?

18 A. Yes, sir.

19 Q. When you went around him, I am going to
20 put another dot. Was he in that area, or was he on
21 the other side of the car?

22 A. He was on -- he -- when I backed out, he
23 was on the passenger's side. I went around him and
24 hit the pole. I went in the ditch.

25 Q. You went in the ditch over here. I am

Auntachie Blanding-Direct by Finney

1 going to clear this. Am I correct that you went in
2 the ditch around this part where I just put the
3 little x?

4 A. Yes, sir.

5 Q. Somewhere in that area?

6 A. Yes, sir.

7 Q. Where was the man standing in relationship
8 to that x? Was he over in the parking lot where
9 you see this dot?

10 A. Yes, sir.

11 Q. He was?

12 A. Yes, sir.

13 Q. So you had already driven by him.

14 A. Yes, sir.

15 Q. When you got to the ditch he was behind
16 you.

17 A. Yes, sir.

18 Q. When you think -- did you hear him shoot
19 the gun that night that he had?

20 A. No, sir.

21 Q. You didn't hear him shoot a gun.

22 A. No, sir.

23 Q. Did you give a statement to law
24 enforcement?

25 A. Yes, sir.

Auntachie Blanding-Direct by Finney

1 Q. Did you tell law enforcement on the 18th
2 of March that you think you knew who that man was,
3 or that somebody told you who that man was?

4 A. Somebody told me.

5 Q. Somebody told you.

6 A. Yes, sir.

7 Q. When did they tell you? The man with
8 dreads, when did they tell you the man with the
9 dreads' name?

10 A. Some time that Sunday.

11 Q. Sunday, the day after the shooting.

12 A. Uh-huh. (Affirmative.)

13 Q. So when you left the club that night, you
14 didn't know his name.

15 A. No, sir.

16 Q. Had you ever seen him before?

17 A. No, sir.

18 Q. All you know it was a man with dreads.

19 A. Yes, sir.

20 Q. Who had how many weapons?

21 A. Two.

22 Q. Two weapons.

23 A. Yes, sir.

24 Q. Did you tell the officers that somebody
25 told you his name was Carter Man?

Auntachie Blanding-Direct by Finney

1 A. Yes, sir.

2 Q. But that's all you know about him.

3 A. Yes, sir.

4 Q. By the time you got to your car and saw

5 Carter Man, did you hear gunshots already?

6 A. Yes, sir.

7 Q. How many gunshots do you think you heard?

8 A. Three.

9 Q. Do you know where the gunshots were coming
10 from when you heard them? Look at the map. Can you
11 tell me on the map based on where your car was
12 parked, am I correct, that your car was parked in
13 the area of, somewhere in this area where those two
14 lines are?

15 A. Yes, sir.

16 Q. You said that the man, Carter Man, was on
17 your passenger side?

18 A. Yes, sir.

19 Q. So that would be where the long line is at
20 the bottom.

21 A. Yes, sir.

22 Q. Can you tell where the shooting was coming
23 from?

24 A. It sounds like it was coming from closer
25 to Broad Street.

Auntachie Blanding-Direct by Finney

1 Q. Over in this area here, where I just made
2 a line.

3 A. Yes, sir.

4 Q. Did you hear Carter Man shoot his guns?

5 A. No, sir.

6 Q. When you gave your statement to the police
7 officers on the 18th, have -- I am going to let you
8 look at it. Look through your statement. I need to
9 know, did you tell -- did you the police that Carter
10 Man shot his gun?

11 A. Yes, sir.

12 Q. Read that part.

13 A. Diamond Brooks and Shataeja Rivers and I
14 was leaving, and Diamond Brooks yelled at me from
15 the back seat. And say, Shay, he got two guns,
16 don't go that way. It was too late. The guns --
17 no, it was too late to turn around. And I almost
18 hit a pole. Carter Man did shot at my car.

19 Q. So in that statement you told the police
20 officers you thought he shot at your car.

21 A. Yes, sir.

22 Q. Did you say that in that statement,
23 because of what you saw on your car, or because of
24 what you heard that night?

25 A. What I heard.

Auntachie Blanding-Direct by Finney

1 Q. So you heard a gunshot.

2 A. Yeah, I heard 3 gunshots.

3 Q. That was before you got in your car.

4 A. Yes, sir.

5 Q. I'm talking about as far as Carter Man.

6 A. Oh, no. Once I seen the hole, I assume he
7 shot it, because he had a gun.

8 Q. But you didn't see Carter Man shoot.

9 A. No, sir.

10 Q. But once you saw the hole in your car, you
11 thought it was a gunshot.

12 A. Yes, sir.

13 Q. Did you see Rodney Green at the club that
14 night?

15 A. No, sir.

16 Q. Do you know him?

17 A. No, sir.

18 Q. Do you know Mr. Archie? He is your
19 cousin.

20 A. Yes.

21 Q. You've known him for a long time.

22 A. Yes, sir.

23 Q. Was he doing anything out of the ordinary
24 that night when you saw him outside the club?

25 A. No, sir.

Auntachie Blanding-Direct by Finney

1 Q. What was he doing, as far as you can
2 remember, once you saw him that night, between the
3 time you saw him, and the time you got in your car
4 to leave?

5 A. He was making sure everybody in his family
6 would go home, and everything would be okay. Just
7 go.

8 Q. Once you left the club, you had to get
9 your car out of the ditch. Did you have to get out
10 of the car to do that, or you drove it out?

11 A. I drove it out.

12 Q. You left the club.

13 A. Yes, sir.

14 Q. Did you come back?

15 A. Yes, sir.

16 Q. How long did you leave?

17 A. It was probably just three minutes.

18 Q. So for about you 3 minutes you drove away.

19 And then you all came back. Why did you come back?

20 A. Because I thought somebody got killed.

21 Q. Did you find out what happened when you
22 came back?

23 A. Yes, sir.

24 Q. That's when you found out it was

25 Mr. Archie. Did you know Mr. Archie was injured

Auntachie Blanding-Direct by Finney

1 before you left?

2 A. No, sir.

3 Q. When you came out of the club the first
4 time, and you saw this confusion and whatever was
5 going on, was there any gunshots then?

6 A. No, sir.

7 Q. Then you were on your way to the car.

8 A. Yes, sir.

9 Q. And you say you heard how many shots?

10 A. Three.

11 Q. Once your heard those three shots, did you
12 hear any other shots that night before you went in
13 the ditch?

14 A. No, sir.

15 MR. FINNEY: I beg the court's indulgence.

16 Q. Just one more question, please, ma'am.

17 Looking at the map that were looking at here on the
18 screen, did you ever see Tyrese Archie over near
19 where your car was?

20 A. No, sir.

21 Q. When was the last time you saw -- where
22 was he on this map the last time you saw him?

23 A. At the door in the club. Like at the
24 door outside the club.

25 Q. Outside the club. On this map it has

Auntachie Blanding-Direct by Finney

1 name. It has the name Ray'Quann Jenkins written.

2 Do you see that?

3 A. Yes, sir.

4 Q. Is that the area on this map that you saw
5 him over near the club, Mr. Tyrese Archie, the last
6 time you saw him?

7 A. When I see -- when I seen Stymie, like, we
8 was coming out the door. That's when I see him. We
9 was coming out. I never see him nowhere else.

10 Q. Where your car was is a good distance away
11 from the door.

12 A. Yes, sir.

13 Q. You never saw Mr. Archie over there?

14 A. No, sir.

15 Q. Did you ever see Carter Man anywhere else,
16 except where you said he was beside your car?

17 A. No, sir.

18 Q. When you first saw Carter Man, was he
19 standing still, moving, running, walking, what was
20 he doing?

21 A. He was standing still when I seen him.

22 Q. He was standing still. And he was how far
23 from your car was Carter Man when you first saw him?
24 Put your hands like you're driving the car. Put
25 your hands on the steering wheel. Where is the

Auntachie Blanding-Direct by Finney

1 front of your car parked that night?

2 A. In front of the club?

3 Q. Going toward the club?

4 A. Yes.

5 Q. Where was Carter Man when you first saw
6 him?

7 A. They was behind my car.

8 Q. How did you see him, you were looking
9 back?

10 A. Well I had to look back, to back up.

11 Q. So when in the process of going backwards,
12 you looked back and saw him.

13 A. Yeah, he was on the driver's side at the
14 time.

15 Q. At that time?

16 A. Yes, sir.

17 Q. And did you have to drive by him?

18 A. Uh-huh. (Affirmative.)

19 Q. And the the whole time---

20 A. Around.

21 Q. ---he didn't move. He was just standing
22 there with the gun.

23 A. Yes, sir.

24 Q. And if he had fired the weapons, you would
25 have been able to hear it?

Auntachie Blanding-Cross by Johnson

1 A. Uh-huh. (Affirmative.) Yes, sir.

2 Q. And then you drove past him out towards
3 Eagle Road and ran in the ditch.

4 A. Yes, sir.

5 MR. FINNEY: Thank you, ma'am. Answer any
6 questions Mr. Johnson may have.

7 THE COURT: Mr. Johnson.

8 MR. JOHNSON: Thank Your Honor. May it
9 please the court.

10 Cross Examination by Mr. Johnson:

11 Q. I don't want to mess up your name. So Can
12 I ask it again?

13 A. Auntachie.

14 Q. Auntachie, let's clarify something. You
15 didn't know Rodney. You didn't see Rodney?

16 A. No, sir.

17 Q. You didn't see Rodney shoot.

18 A. No, sir.

19 Q. So let's talk about what you did see. Now
20 you say that you saw your cousin Stymie at the
21 front door of the club, correct?

22 A. Yes, sir.

23 Q. So the front of the club would be in that
24 area?

25 A. Yes, sir.

Auntachie Blanding-Cross by Johnson

1 Q. Was your cousin Diamond with you?

2 A. Everybody was scattered out.

3 Q. Everybody was together.

4 A. They were scattered out. We all got put
5 out.

6 Q. Right, but I'm saying when Stymie told you
7 all to go to the car, he told all of you to go to
8 the car, right?

9 A. Yes, sir.

10 Q. You all was together when he told you to
11 go, right?

12 A. Yes, sir.

13 Q. And you were standing at the front of the
14 club, correct?

15 A. Yes, sir.

16 Q. So you wasn't standing by the cars.

17 A. No.

18 Q. Nowhere near the cars.

19 A. No.

20 Q. You and Diamond and your other friends,
21 went straight to the car.

22 A. Yes, sir.

23 Q. You didn't see Rodney.

24 A. No, sir.

25 Q. You didn't see -- and Diamond was standing

Auntachie Blanding-Cross by Johnson

1 there with you or near you, right? You all was
2 altogether, right?

3 A. Yes, sir.

4 Q. Rodney didn't yell, Yo, Stymie. You
5 didn't hear him say that, did you?

6 A. I didn't hear nothing. I was trying to
7 go.

8 Q. Right. But so you don't hear anything
9 like that, did you?

10 A. No, sir.

11 Q. And as you were running you heard the
12 shots, correct?

13 A. Yes, sir.

14 Q. And you heard, you say, 3 shots. Correct?

15 A. Yes, sir.

16 Q. Diamond was with you, right?

17 A. Yes, sir.

18 Q. Could you see who was shooting from where
19 you was?

20 A. No, sir. I wasn't looking.

21 Q. Right. Because you were running, right?

22 A. Yes, sir.

23 Q. Was Diamond running with you?

24 A. She probably was behind me.

25 Q. Let me ask you this. When you got to

Auntachie Blanding-Cross by Johnson

- 1 your car, wasn't Diamond there with you?
- 2 A. Yes, sir.
- 3 Q. So if you was running, she had to be
- 4 running the same speed to stay with you, correct?
- 5 A. Yes, sir.
- 6 Q. But you didn't see who was shooting.
- 7 A. No, sir.
- 8 Q. You didn't see Rodney.
- 9 A. No, sir.
- 10 Q. And Diamond was with you.
- 11 A. Yes, sir.
- 12 Q. And initially, you told the solicitor if
- 13 you're looking at the picture, you told the
- 14 solicitor that you were closer to where it says
- 15 casings, right?
- 16 A. I wasn't that close right there.
- 17 Q. About right there?
- 18 A. A little bit over.
- 19 Q. A little bit over? About that side?
- 20 A. Yes, sir.
- 21 Q. So you was actually not that far away from
- 22 where the casing was located, correct?
- 23 A. Yes, sir.
- 24 Q. But you did see a person with two guns,
- 25 correct?

Auntachie Blanding-Cross by Johnson

- 1 A. I seen -- yes, sir.
- 2 Q. They had dread locks.
- 3 A. Yes, sir.
- 4 Q. And it wasn't Rodney.
- 5 A. No, sir.
- 6 Q. And you thought he had shot your car after
- 7 you ran in the ditch and saw the damage.
- 8 A. Yes, sir.
- 9 Q. Was that a bullet hole?
- 10 A. No, sir.
- 11 Q. It wasn't?
- 12 A. No, sir.
- 13 Q. And just for clarification, Diamond who
- 14 testified before you, was with you the whole time
- 15 that this happened, the first one from when Stymie
- 16 told you all to leave, until you got to your car
- 17 until you wrecked, she was with you the whole time,
- 18 correct?
- 19 A. Yes, sir.
- 20 Q. And basically you would have seen the same
- 21 thing.
- 22 MR. FINNEY: Objection.
- 23 THE COURT: Sustained.
- 24 Q. But you didn't see Rodney do anything.
- 25 A. No, sir. I never seen him before so....

Auntachie Blanding-Cross by Johnson

1 Q. And you only heard his name later on after
2 he was arrested?

3 A. On the news.

4 Q. On the news. Was Diamond with you when
5 you heard that?

6 A. On the news?

7 Q. Yes.

8 A. No, sir.

9 MR. JOHNSON: One second, Your Honor. No,
10 other questions.

11 THE COURT: Redirect?

12 MR. FINNEY: No.

13 THE COURT: Thank you, ma'am. You can
14 step down. Do you want to take recess?

15 MR. FINNEY: Yes, sir.

16 THE COURT: Mr. Johnson, does that suit
17 you.

18 MR. JOHNSON: That's fine with me, Your
19 Honor.

20 THE COURT: Ladies and gentlemen, we're
21 going to take about 10 minutes. Please go to jury
22 room. Of course leave your note pads in the chair.
23 Do not discuss the case at all. Thank you. We'll
24 take 10 minutes.

25 (Whereupon, the court takes a short

Auntachie Blanding-Cross by Johnson

1 recess.)

2 THE COURT: Mr. Finney, is the State
3 ready?

4 MR. FINNEY: Our witness went outside, and
5 he's on the way up the stairs now. If we can have
6 two minutes, I'll have him here. Davontae Blanding.

7 THE COURT: Otherwise, you are ready.

8 MR. FINNEY: Otherwise we'll do
9 Mr. Blanding and the two security guards, and that
10 will be it for the day.

11 THE COURT: Mr. Finney, are you ready?

12 MR. FINNEY: I am, Your Honor.

13 THE COURT: Mr. Johnson?

14 MR. JOHNSON: Yes, Your Honor.

15 THE COURT: Mr. Bradley. Wait just a
16 second. Mr. Bradley mentioned when the jury walked
17 out, one of the jurors asked if it was permissible
18 to ask a witness questions. The States' position on
19 that would be?

20 MR. FINNEY: No, Your Honor.

21 THE COURT: Mr. Johnson, your position on
22 that would be?

23 MR. JOHNSON: I don't mind, Your Honor.

24 THE COURT: Well there is a, I think it's
25 frowned on, I'm not going to allow it. But believe

Auntachie Blanding-Cross by Johnson

1 it is not, there is a charge, well not a charge but
2 a script, if you will, in our charge book that
3 addresses that, but I am not going to permit it.

4 MR. JOHNSON: That's fine, Your Honor.

5 THE COURT: You can think about that later
6 on. If you change your mind you can let me know.
7 Mr. Johnson, you said you wouldn't mind it, but you
8 wouldn't know if you minded it until you knew what
9 the question was.

10 MR. JOHNSON: That's correct, Your Honor.
11 And I guess just to preserve the record, I guess I
12 would have to note an objection to your ruling.

13 THE COURT: What I'll do is when we break,
14 the witness is gone. The witness who was on the
15 stand immediately before that juror asked, is now
16 gone. But I'll address it with jury. And just
17 maybe to protect the record, I will have that juror
18 at the next break, write the question down, tap on
19 the door and let the bailiff know what it was. I'm
20 not let the juror run the question by anybody else
21 on the jury.

22 I think what this does it prompts juror
23 discussion about what they want to ask a witness.
24 And since they can't talk about the case, it would
25 be impossible for them to formulate questions on

Auntachie Blanding-Cross by Johnson

1 their own, and then we would spend the rest of the
2 trial receiving questions from jurors. And I don't
3 think that's what the trial process is about. I
4 note your objection. And just to protect the
5 record, I will have the juror write that question
6 down, and just simply tell the jury that it's not
7 going to be answered, but we want the question
8 written down anyway. You can bring in the jury.

9 (Whereupon, the following takes place within
10 the presence of the jury.)

11 THE COURT: At the very beginning of the
12 last recess one of you asked the bailiff if it was
13 possible for a jury or a juror to submit a question
14 that would be asked of a witness. I'll tell you
15 this, that under our system, that is not something
16 that is typically permissible. So and the reasons
17 for that are somewhat technical and somewhat
18 practical. And I'm not going to go into those now.
19 It certainly would not have anything to do with what
20 your question might be, or what the answer might be.
21 It's simply that's not the way the trial process is
22 designed to work.

23 But just to make that the record is clear,
24 when we do break for the day, it may be our last
25 recess before we break for the day, I'll just have

Davontae Blanding-Direct by Finney

1 the juror who asked that of the bailiff, to simply
2 write the question down on a piece of paper, fold it
3 in half, and then hand it to the bailiff before we
4 leave. That is not going to be an invitation for
5 the jury as a whole to discuss what should or could
6 be asked or a witness, because as you recall, you're
7 not permitted to discuss the case at all. And that
8 would include questions that you would like to see
9 asked, because that necessarily invites commentary
10 on what's been presented to you at this stage or any
11 pertinent stage during the trial. Mr. Finney, you
12 can call your next witness.

13 MR. FINNEY: Thank Your Honor. May it
14 please the court, we would call Davontae Blanding to
15 the stand.

16 Davontae Lamar Blanding, being first duly
17 sworn, testified as follows:

18 THE CLERK: Please state your full name
19 and spell your first and last name for the record.

20 A. Davontae Blanding. Davontae Lamar
21 Blanding. D-A-V-O-N-T-A-E, B-L-A-N-D-I-N-G.

22 Direct Examination by Mr. Finney:

23 Q. Good afternoon Mr. Blanding.

24 A. Good afternoon.

25 Q. Tell the ladies and gentlemen your name,

Davontae Blanding-Direct by Finney

1 please, sir.

2 A. Davontae Lamar Blanding.

3 Q. How old are you?

4 A. 19.

5 Q. And what do you do for a living?

6 A. I don't have a job.

7 Q. Do you live in Sumter?

8 A. Yes, sir.

9 Q. Have you lived here all your life?

10 A. Yes, sir.

11 Q. One of the things that I wanted to ask you
12 to do and you're doing a great job, is to say yes or
13 no to any question that I ask you so the court
14 reporter can take everything down. I need you to
15 talk enough so everybody on this jury panel can hear
16 you.

17 A. Yes, sir.

18 Q. Are you related to Auntachie Blanding?

19 A. Yes, sir, I am.

20 Q. How?

21 A. That's my cousin.

22 Q. And you are all close?

23 A. Yes, sir.

24 Q. And you all were both at the Club Miami on
25 the night that Mr. Tyrese Archie got shot.

Davontae Blanding-Direct by Finney

1 A. Yes, sir, I was.

2 Q. Tell the ladies and gentlemen of the jury
3 a little bit about your relationship with Tyrese
4 Archie. Was he related to you?

5 A. Yes, sir. That's my cousin.

6 Q. How close were you Mr. Archie?

7 A. Very close. I would see him on a daily
8 basis.

9 Q. And did you know he was going to be out at
10 the club that night?

11 A. No, sir.

12 Q. Who got there first, you or Mr. Archie?

13 A. I did.

14 Q. How did you get there?

15 A. I rode with some of my friends and one of
16 my cousins.

17 Q. And when Mr. Archie came in you were
18 already there.

19 A. Yes, sir.

20 Q. What did you do all during the time you
21 were inside the club.

22 A. Nothing but standing at the bar for a few
23 minutes, and then we went to other side of the club
24 by the front door.

25 Q. Now did you give the law enforcement

Davontae Blanding-Direct by Finney

1 agents in this case a statement that you wrote?

2 A. Yes, sir, I did.

3 Q. It says March the 19th. That would have
4 been about 3 days after the shooting?

5 A. Yes, sir.

6 Q. Have you read that statement?

7 A. Yes, sir.

8 Q. Is what's in that statement true?

9 A. Yes, sir, it is.

10 Q. Tell the ladies and gentlemen the very
11 first thing you told the police officers 3 days
12 later in your statement.

13 A. That I wasn't even supposed at the club or
14 in it. I used my brother's ID to get in the club.

15 Q. How did your brother's ID?

16 A. On his dresser and I just took it.

17 Q. And that's what you told the officers that
18 night.

19 A. Yes, sir.

20 Q. And you used his ID to get in the club.

21 Now who is the first person you bumped into when you
22 got in the club that night?

23 A. Him.

24 Q. Who?

25 A. My brother.

Davontae Blanding-Direct by Finney

1 Q. He wanted to know how you got in, didn't
2 he?

3 A. Yes, sir.

4 Q. Now, Mr. Blanding, after you saw
5 Mr. Archie in the club that night, how long was it
6 before some kind of fight or altercation broke out
7 in the club?

8 A. Not long. Maybe 45 minutes.

9 Q. At that point, did you all get asked to
10 leave the club?

11 A. Yes, the whole front side of the club was
12 pushed out.

13 Q. Pushed out by who?

14 A. The security guard.

15 Q. So you had inside security guards working
16 the club, and they were the ones that told you all,
17 everybody's got to get out.

18 A. Yes, sir.

19 Q. Once you got outside, what was the
20 atmosphere outside the club?

21 A. A bunch of people fighting.

22 Q. People you knew?

23 A. Not -- I didn't know them.

24 Q. Were you in any fights?

25 A. No, sir.

Davontae Blanding-Direct by Finney

1 Q. Was there anybody out there fighting that
2 you knew very well, you know, some of your friends.

3 A. No, sir.

4 Q. Did Mr. Tyrese Archie get in any fights?

5 A. No, sir.

6 Q. When you left the club were you and -- did
7 you know Diamond? A young lady named Diamond? Do
8 you know her?

9 A. Yes, sir, I know her.

10 Q. Do you know Auntachie.

11 A. Yes, sir.

12 Q. And you know Tyrese. Did all of you all
13 kind of go out of the club at the same time?

14 A. Yes, sir.

15 Q. Once you got outside, what was Mr. Archie
16 and you doing?

17 A. Well he was telling everybody to go home,
18 and like helping, you know. Like, you know, trying
19 to time everything out. And that's what he was
20 doing. He was trying to get everyone safe home.
21 Home safe.

22 Q. At some point, did you leave Mr. Archie
23 to go somewhere else to go get in a car to go?

24 A. No, sir.

25 Q. Did you see Mr. Archie leave from where

Davontae Blanding-Direct by Finney

1 you were go somewhere else?

2 A. Yes, sir.

3 Q. Where was he going?

4 A. I can't say exactly, but I know he was --
5 he went behind truck. That's why I know exactly
6 where he went. He was walking to the left when I
7 saw him, you know.

8 Q. How far away from you had he gotten when
9 you couldn't see him anymore?

10 A. Maybe like 2-yards.

11 Q. Two yards. Two big steps? Did you did
12 you hear any gunfire?

13 A. Yes, sir, I did.

14 Q. Tell the ladies and gentlemen of the jury
15 what happened when you heard the gunfire, where you
16 were, and where Mr. Tyrese Archie was.

17 A. Well you know where the front door is.

18 Q. Yes, sir. And on your screen, do you see
19 the club on your screen?

20 A. Yes, sir.

21 Q. And can you see if I put an x?

22 A. Yes, sir.

23 Q. Is that the location of the front door?

24 A. Yes, sir.

25 Q. And is that where and Mr. Archie were when

Davontae Blanding-Direct by Finney

- 1 you came out of the club?
- 2 A. Not exactly. A little more to the tight.
- 3 Q. To the right?
- 4 A. Yes, sir.
- 5 Q. Over in this area.
- 6 A. Farther.
- 7 Q. Farther over this area?
- 8 A. Yes, sir.
- 9 Q. Now in this area where I've got, I'm
- 10 going to put a circle. What was in that area?
- 11 A. Where the big circle is?
- 12 Q. The big circle.
- 13 A. Cars.
- 14 Q. And how were the cars parked? Which way
- 15 were the cars facing that were parked there?
- 16 A. They were facing towards the road.
- 17 Q. Towards the road?
- 18 A. Yes, sir.
- 19 Q. And I am going to put another circle out
- 20 here on the road.
- 21 A. Not that road.
- 22 Q. Not that road.
- 23 A. This one right here.
- 24 Q. This road over here?
- 25 A. Yes, sir.

Davontae Blanding-Direct by Finney

1 Q. Let me put another little line over here.

2 So the cars were facing this way like this.

3 A. All the cars are in the front, yeah. All
4 the cars are in the front.

5 Q. And they were facing this road over here
6 where I'm making the orange line.

7 A. Yes, sir.

8 Q. Do you know the name of that road?

9 A. Eagle.

10 Q. Eagle Road.

11 A. Yes, sir.

12 Q. Now when you all came out of the club,
13 were you heading towards the cars?

14 A. Yes, sir.

15 Q. Were you heading for a car that you were
16 in, or you were just walking with Mr. Tyrese?

17 A. I was walking out to wait for the rest of
18 my, you know, family. I wasn't really necessarily
19 going to any car.

20 Q. When Mr. Tyrese walked off from you, how
21 long was it after he walked off, that you heard the
22 gunshots?

23 A. 10 seconds. About, yeah.

24 Q. Very good. And once he walked off and you
25 heard the gunshots, what did you do then?

Davontae Blanding-Direct by Finney

1 A. I ducked, and then got behind the car.

2 Q. Did you hear anybody saying anything at
3 the time?

4 A. Yes, sir. Before the shooting, I saw a
5 young lady running towards Mr. Green, screaming,
6 don't do it.

7 Q. When you say a young lady was running
8 towards Mr. Green, do you know who this young lady
9 was?

10 A. I don't know.

11 Q. Do you know -- who is Mr. Green?

12 A. The suspect sitting right there.

13 Q. The defendant?

14 A. Yes, sir. The defendant.

15 Q. Do you know Mr. Green?

16 A. I don't know him.

17 Q. Did you know him that night?

18 A. No, sir.

19 Q. Did you know -- did you get a good look at
20 the man you're describing as Mr. Green that night?

21 A. Yes, sir, I did.

22 Q. How would you describe him to the jury
23 today. Tell us what he looked like to you that
24 night.

25 A. I didn't -- I got a look at his haircut

Davontae Blanding-Direct by Finney

1 and his -- like the top half of his body. He had on
2 a white shirt.

3 Q. And what kind of haircut did he have?

4 A. Not a very low, but kind of a low hair.

5 Q. And how would you describe his skin?

6 A. Dark brown skin. Medium brown skin.

7 Q. And did you tell the officers in your
8 statement that description of the man you saw
9 shooting that night?

10 A. Yes, sir, I did.

11 Q. Did you tell the officers that you saw the
12 man who was shooting?

13 A. Yes, sir, I did.

14 Q. And who did you say it was? Did you say
15 in your statement? Did you know his name?

16 A. No, I didn't know him name.

17 Q. How did you get his name? You're saying
18 today Mr. Green. How do know it was him?

19 A. I was told after I looked at the lineup
20 and I was asked. I was told then that was his name.

21 Q. Very good. Now let's get in to that.
22 After the nightclub shooting, it says about 3 days
23 later, you meet with an investigator. Do you
24 remember his name?

25 A. No, sir.

Davontae Blanding-Direct by Finney

1 Q. Do you see him in court today?

2 A. Yes, sir.

3 Q. Point him out. That gentleman in the
4 striped tie.

5 A. Yes, sir.

6 Q. That's Mr. Hawkins. He told you he was an
7 investigator for Sumter County?

8 A. Yes, sir.

9 Q. What did he ask you to do that day?

10 A. I think he asked me to look at the lineup.

11 Q. Did he also ask you to write a statement?

12 A. Yes, sir, he asked me to write a
13 statement.

14 Q. Let me ask you to look at this. Is this
15 a handwritten statement by you?

16 A. Yes, sir, it is.

17 Q. You wrote it in your own handwriting.

18 A. Yes, sir.

19 Q. Those are your words?

20 A. Yes, sir.

21 Q. And did you sign it?

22 A. Yes, sir, I did.

23 Q. And Mr. Hawkins was the witness.

24 A. Yes, sir.

25 Q. Now after you did the statement, did

Davontae Blanding-Direct by Finney

1 Mr. Hawkins ask you what the man's name was?

2 A. No, sir.

3 Q. At first. When you first went in there
4 and talked to Mr. Hawkins, did he ask you know the
5 man who was doing the shooting?

6 A. Did I know or?

7 Q. Yes.

8 A. He asked me did I know him.

9 Q. What did you tell him?

10 A. I did not know him.

11 Q. And then he asked you could you look at
12 some pictures, and see if the man is in the
13 pictures?

14 A. Yes, sir, he did.

15 Q. Do you know what that's called?

16 A. A photo lineup.

17 Q. A photo lineup.

18 A. Yes, sir.

19 Q. Did he, Mr. Hawkins, present you with a
20 photo lineup?

21 A. Yes, sir, he did.

22 Q. And did you look at them?

23 A. Yes, sir.

24 Q. I'm going to show you what's been marked
25 as State's Exhibit 3(a) and 3(b).

Davontae Blanding-Direct by Finney

1 THE COURT: For identification?

2 MR. FINNEY: Yes, they are.

3 Q. I am going to show you 3(a) for
4 identification and ask, do you recognize that
5 document?

6 A. Yes, I do.

7 Q. What is that?

8 A. This is the lineup that he showed me 3
9 days after.

10 Q. Tell the ladies and gentlemen of the jury,
11 what's in that lineup. What is it a picture of?

12 A. It's a picture of 6 males and one holding
13 the defendant in it; with the defendant in it.

14 Q. One of the pictures is of the defendant.
15 And I am going to show you, I guess I will go ahead
16 and ask. Did you recognize anybody in the lineup
17 when Mr. Hawkins showed you the lineup, did you
18 recognize anybody in the lineup?

19 A. Besides No. 3?

20 Q. No, just anybody.

21 A. Yes, sir, I did.

22 Q. And who did you recognize?

23 A. No. 3.

24 Q. No. 3?

25 A. Yes, sir.

Davontae Blanding-Direct by Finney

1 Q. What did Mr. Hawkins tell you to do after
2 you told him you recognized him?

3 A. He told me to circle the person that I
4 recognized.

5 Q. And did you do that?

6 A. Yes, sir, I did.

7 Q. What else did he tell you to do?

8 A. I can't recall.

9 Q. Did you have to put down the time and the
10 date and your initials?

11 A. Yes, sir.

12 Q. Did you do that on this document?

13 A. Yes, sir, I did.

14 Q. What are your initials?

15 A. DLB.

16 Q. And what time of day was it that you did
17 this lineup?

18 A. 3:54 p.m.

19 Q. On what day?

20 A. On the 19th.

21 Q. Of?

22 A. March.

23 Q. What year?

24 A. 2014.

25 MR. FINNEY: I move 3(a) into evidence.

Davontae Blanding-Direct by Finney

1 THE COURT: Mr. Johnson.

2 MR. JOHNSON: Your Honor, we had a hearing
3 before, but I just have to renew my objection.

4 THE COURT: It's overruled. 3(a) is in
5 evidence.

6 (Photo lineup marked 3(a) into evidence.

7 Q. I am going to have to zoom out. That's
8 the picture 3(a) State's Exhibit 3(a) is the picture
9 that Investigator Hawkins showed you.

10 A. Yes, sir.

11 Q. And after you looked at it, which one did
12 you pick out?

13 A. I picked out No. 3.

14 Q. And under No. 3 on the screen, tell the
15 ladies and gentlemen of the jury, what did you have
16 to do to identify No. 3 as the man you knew.

17 A. I had to circle the number, and put the
18 time and date down.

19 Q. And you did that?

20 A. Yes, sir, I did.

21 Q. Now I am going to show you what's been
22 marked as State's Exhibit No. 3(b) and ask if you
23 can identify this?

24 A. Yes, sir.

25 Q. What's the difference between 3(a) and

Davontae Blanding-Direct by Finney

1 3(b)? I will show them to you side by side.

2 A. Yes, sir. This is no difference.

3 Q. So the same people that are in 3(a) are in

4 3(b)?

5 A. Yes, sir.

6 Q. Is there any difference about how it
7 looks?

8 A. No, sir. Except one is black and white
9 and one is colored.

10 Q. Very good. One is in black and white and
11 one is in color. It's the same document.

12 A. Yes, sir.

13 Q. And did you see both documents, one was
14 colored and one was black and white?

15 A. I think so.

16 Q. And so when you looked at the black and
17 white one, which one did you pick out?

18 A. No. 3.

19 Q. And did you circle No. 3?

20 A. Yes, sir, I did.

21 Q. And did you put your initials on it?

22 A. Yes, sir. Date and time.

23 Q. Date and time. I move No. 3(b) into
24 evidence.

25 THE COURT: Subject to the defendant's

Davontae Blanding-Direct by Finney

1 objection, which is overruled.

2 MR. JOHNSON: Thank Your Honor.

3 (Photo lineup marked State's Exhibit No.
4 3(b) into evidence.)

5 Q. So you were shown two different lineups in
6 terms of, one was black and white and one was color.

7 A. Yes, sir.

8 Q. And you picked out No. 3 in both.

9 A. Yes, sir.

10 Q. And who was the man that you picked out in
11 No. 3?

12 A. Rodney Green.

13 Q. And you didn't known his name at the time.

14 A. No, sir.

15 Q. Somebody told you his name later.

16 A. Yes, sir.

17 Q. Now tell the ladies and gentlemen of the
18 jury, who No. 3 was in terms of this case.

19 A. The suspect.

20 Q. And what did the suspect do in terms of
21 this case?

22 A. He was the one who shot my cousin.

23 Q. How do you know that?

24 A. Well when I saw the young lady running
25 towards him screaming, don't do it, automatically I

Davontae Blanding-Direct by Finney

1 looked at her, and then I see him. I didn't see the
2 bullet. But I seen him raise his arm and started
3 shooting. Because as I told you, the thing -- well
4 the SUV or whatever it was blocking Stymie from me.
5 And then I saw the reaction, I saw him running. So
6 that was enough for me.

7 Q. When you saw the man in the No. 3 raise
8 his hand, what kind of weapon was he holding?

9 A. I don't know exactly, but I know it was
10 big.

11 Q. It was what?

12 A. Big.

13 Q. Was it a rifle?

14 A. No. It was a handgun.

15 Q. A handgun.

16 A. A big gun.

17 Q. It was a big handgun.

18 A. Uh-huh. (Affirmative.)

19 Q. And you see him fire that weapon?

20 A. Yes, sir, I did.

21 Q. How many times do you believe he fired it?

22 A. In my mind it was like 4 or 5 shots.

23 Q. You didn't count them?

24 A. I didn't count them. I was worried
25 about, you know.

Davontae Blanding-Direct by Finney

1 Q. When the shots started firing, was that
2 the first time that evening you had heard any
3 gunshots at that nightclub?

4 A. Yes, sir, It was.

5 Q. And once you heard those shots, what did
6 you do?

7 A. I took cover.

8 Q. Took cover.

9 A. Yes, sir.

10 Q. Did you see anyone who got shot that
11 night, anyone? Anyone? Did you see anybody with a
12 wound that night?

13 A. Yes, sir, I did.

14 Q. Who?

15 A. I saw my cousin Tyrese, and I saw
16 Ray'Quann.

17 Q. You know Ray'Quann Jenkins.

18 A. Yes, sir, I do.

19 Q. Where was Ray'Quann when you saw him?

20 A. He was standing by the front. Like right
21 beside the front door. Like as you walk out, you
22 just make a little right there.

23 Q. That was before the shooting.

24 A. That was after the shooting.

25 Q. Did you see Ray'Quann after he got shot?

Davontae Blanding-Direct by Finney

1 A. Yes, sir, I did.

2 Q. And he was by the front?

3 A. Yes, sir.

4 Q. Was he standing up or was he on the ground
5 or what?

6 A. He was on the ground when I saw him.

7 Q. Where was Mr. -- did you see Mr. Archie
8 after he got shot?

9 A. Yes, sir, I did.

10 Q. Tell the ladies and gentlemen of the jury
11 what you saw.

12 A. Well after I saw him shooting, I see
13 Tyrese running. He was running like to get away
14 from him. And I was following him. You know, to
15 make sure he was all right. And he just was like
16 telling me like, he got me. He went to the back of
17 the club and just collapsed.

18 Q. You see on the screen here that there's a
19 word written in green letters, it says casings.

20 A. Yes, sir.

21 Q. If you let me, I'm going to make it a
22 little bigger for you. Where you see the word,
23 casings on this screen, tell that ladies and
24 gentlemen of the jury, where were you and
25 Mr. Archie when the shots rang out? Were you above

Davontae Blanding-Direct by Finney

1 the word casings, below the word, to the left or to
2 the right?

3 A. I was below the word. He was like
4 directly beside the word.

5 Q. If I put a little dot here, I'm going to
6 put a dot below. You said below the word.

7 A. Yes, sir.

8 Q. And he was directly.

9 A. Yes, sir.

10 Q. Is that about where you all were in the
11 parking area?

12 A. Yes, sir.

13 Q. After you saw -- where was Mr. Rodney
14 Green when you saw him firing the weapon in
15 relationship to where you and Mr. Tyrese was?

16 A. Behind the word casings.

17 Q. In that area.

18 A. Yes, sir.

19 Q. Now this is all approximate. But that's
20 about where he was?

21 A. Yes, sir.

22 Q. And there were a bunch of cars out there.

23 A. There was.

24 Q. Once you saw him firing, you say that you
25 took cover. Did you drop to the ground?

Davontae Blanding-Direct by Finney

1 A. Yes, sir.

2 Q. Did you see -- who did you see first after
3 the shoots stopped being fired, did you see
4 Ray'Quann first or did you see Tyrese first?

5 A. I saw Tyrese first.

6 Q. And you testified that Tyrese started
7 running away from the shooter?

8 A. Yes, sir.

9 Q. Tell me where he was going on this map.

10 A. Where the dot is, and it's a red word back
11 here.

12 Q. Yes, sir.

13 A. That's exactly where he was.

14 Q. He was running toward the red word.

15 A. Yes, sir.

16 Q. So he was running this way.

17 A. Yes, sir.

18 Q. And once he got back there to that part of
19 the building, was he close to the building?

20 A. Yes, sir.

21 Q. Once he back to that part of the building,
22 what happened to him?

23 A. He collapsed.

24 Q. Were you with him when he collapsed to the
25 ground?

Davontae Blanding-Direct by Finney

1 A. Yes, sir.

2 Q. And did you stay with him until the EMS
3 and the ambulance got there?

4 A. Yes, sir.

5 Q. I want to show you what's been marked as
6 State's Exhibit No. 13, and ask if you can identify
7 it.

8 A. Yes, sir.

9 Q. What is that?

10 A. This is the back of Club Miami.

11 Q. Speak up loud.

12 A. This is the back of Club Miami.

13 Q. And where on this document, this picture,
14 did you see your cousin fall out?

15 A. Right in there.

16 Q. Would it have been in front of the
17 vehicles or behind the vehicle?

18 A. Behind.

19 MR. FINNEY: Move to admit No. 13.

20 MR. JOHNSON: No objection, Your Honor.

21 THE COURT: 13 is in.

22 (Photograph marked State's Exhibit No. 13
23 into evidence.)

24 Q. Now that's it on your screen, describe
25 where Mr. Archie collapsed at.

Davontae Blanding-Direct by Finney

1 A. This the car far to the right.

2 Q. The car far to the right.

3 A. Right here. All the way here. This car.

4 Q. What color is it?

5 A. Dark gray.

6 Q. Was it in front of the dark gray car or
7 behind it?

8 A. Behind.

9 Q. So Mr. Archie, according to you, he
10 collapsed behind the car, but between the car and
11 the building.

12 A. Yes, sir.

13 Q. What I am going to show you next is marked
14 as State's Exhibit No. 11. Is that a picture of
15 your cousin on the ground?

16 A. Yes, sir.

17 Q. Is he behind the car?

18 A. Yes, sir.

19 Q. Who is that a picture of?

20 A. Tyrese.

21 Q. And is this where Tyrese was once he
22 collapsed?

23 A. Yes, sir.

24 Q. Once you got over to where Tyrese was, did
25 you see the man who shot Tyrese any more that

Davontae Blanding-Cross by Johnson

1 evening? Speak up.

2 A. No, sir.

3 Q. And the man that you picked out in the
4 lineup with Investigator Hawkins, that you
5 identified as No. 3, he was the man who did the
6 shooting at the nightclub.

7 A. Yes, sir.

8 Q. And he's the man that you saw do the
9 shooting.

10 A. Yes, sir.

11 Q. And is in court today?

12 A. Yes, sir.

13 Q. Point him out to the jury. Are you
14 pointing at Rodney Green?

15 A. Yes, sir, I am.

16 MR. FINNEY: Nothing further.

17 THE COURT: Cross examination?

18 MR. JOHNSON: Thank you, Your Honor. If
19 it please the court.

20 Cross Examination by Mr. Johnson:

21 Q. Davontae, let's clarify, we go through
22 this again. You saw Rodney shooting, correct?

23 A. Yes, sir.

24 Q. But you did not see him shoot your cousin.

25 A. No, sir.

Davontae Blanding-Cross by Johnson

1 Q. Now you assume that Rodney shot your
2 cousin, because you saw Rodney shoot and your cousin
3 was in the vicinity, correct? I mean when you say
4 Rodney shot your cousin, you assume that because you
5 say you saw Rodney shooting a gun and your cousin
6 was shot.

7 A. Yes, sir.

8 Q. But you didn't see Rodney like you can see
9 clearly like me standing here shooting, you didn't
10 see that clearly?

11 A. No, sir, I didn't.

12 Q. Now, Your Honor, may approach the witness?

13 THE COURT: Yes.

14 Q. Would you please take a look at that? Do
15 you recognize that?

16 A. Yes, sir, I do.

17 Q. That's your statement, correct?

18 A. Yes, it is.

19 Q. Now in your statement that you gave the
20 police, you stated that there was two girls trying
21 to stop Rodney from shooting.

22 A. Yes.

23 Q. And that was right before, how many
24 seconds or so before you say he shot the two girls
25 who were standing there?

Davontae Blanding-Cross by Johnson

1 A. Before?

2 Q. Yeah. I mean, how long was it between you
3 saw -- between the time that you saw two girls
4 trying to stop Rodney from shooting and you heard
5 the shots? Or you saw Rodney shoot?

6 A. Nothing but three seconds.

7 Q. About three seconds.

8 A. No.

9 Q. I didn't hear you.

10 A. No, not three seconds.

11 Q. How long?

12 A. I would give it about 10 seconds.

13 Q. About 10 seconds. And was these girls
14 standing by Rodney when he was shooting?

15 A. They moved -- they ran towards him and the
16 firing started. He started shooting, so I can't
17 say, because I got down.

18 Q. But when Rodney started shooting, these
19 girls was running towards him.

20 A. No, he wasn't shooting when they ran
21 towards him.

22 Q. But within 10 seconds of him shooting,
23 these girls was talking to him and telling him don't
24 shoot.

25 A. After he shot, then I didn't him after he

Davontae Blanding-Cross by Johnson

- 1 shot.
- 2 Q. But before he shot.
- 3 A. I saw him.
- 4 Q. Him and two girls was talking; was doing.
- 5 A. Yes, sir.
- 6 Q. Was your cousin Archie, he's your cousin?
- 7 A. Yes, sir.
- 8 Q. Did you see him fighting with somebody on
- 9 the ground?
- 10 A. No, sir, I didn't.
- 11 Q. Did you see -- now the other person that
- 12 was shot, is that your cousin?
- 13 A. No, sir.
- 14 Q. What's his name?
- 15 A. Ray'Quann.
- 16 Q. Was Day'Quann (sic) with your cousin
- 17 Archie when you saw him?
- 18 A. When I saw him when?
- 19 Q. Before he -- before the shooting?
- 20 A. Before the shooting?
- 21 Q. Uh-huh. (Affirmative.) Did you see
- 22 Day'Quann (sic) and your cousin together?
- 23 A. Yes, sir.
- 24 Q. They was together.
- 25 A. Yes, sir.

Davontae Blanding-Cross by Johnson

1 Q. But you didn't see your cousin -- now did
2 your cousin appear that he had been in a fight
3 before you saw him?

4 A. No, sir.

5 Q. You didn't see three people with him -- I
6 mean one guy with him on the ground with one guy and
7 two other guys standing around and Day'Quann (sic)
8 trying to stop them from fighting?

9 A. No, sir, I didn't.

10 Q. Did you see five people coming from the
11 fence line coming towards him, and preparing to
12 attack your cousin?

13 A. No, sir, I didn't. All I saw was the girl
14 running.

15 Q. Uh-huh. (Affirmative.) Well you say
16 girl now. In your statement you say two. So was it
17 one or two?

18 A. It was two.

19 Q. Two girls running.

20 A. Yes, sir. When I saw them running, I
21 looked at them because of their screaming. And I
22 see him. I'm not dumb. I mean Stymie was right
23 there. He was only guy shooting. So it's common
24 sense. He's the only one shooting.

25 Q. I mean I understand what you're saying.

Davontae Blanding-Cross by Johnson

1 So if Day'Quann (sic) said that right before
2 Mr. Archie was shot, that he was fighting and laying
3 on the ground, you never saw that.

4 MR. FINNEY: I object, Your Honor. Pitting
5 witnesses.

6 THE COURT: Sustained. You can rephrase
7 it.

8 Q. If there is evidence that indicates
9 that -- well let me change that. You did not see
10 your cousin fighting anyone.

11 A. No, sir, I didn't.

12 Q. You did not see him on the ground.

13 A. No, sir, I didn't.

14 Q. You did not see three people standing
15 there with two standing and Day'Quann (sic) trying
16 to stop them from fighting.

17 A. No, sir, I didn't.

18 Q. And you did not see 5 or 8 people coming
19 out of the woods to attack him.

20 A. No, sir.

21 Q. But you did see Rodney shoot a gun?

22 A. Yes, sir, I did.

23 Q. But you did not see your cousin get hit by
24 a bullet.

25 A. No, I didn't see the bullet hit him.

Myron Conyers-Direct by Finney

1 MR. JOHNSON: One second, Your Honor.

2 Q. I don't know if I asked you this, but the
3 two girls or the girls, did you know them?

4 A. No, I don't know them.

5 MR. JOHNSON: No other questions, Your
6 Honor.

7 THE COURT: Redirect?

8 MR. FINNEY: No, Your Honor.

9 THE COURT: Thank you, sir. You can step
10 down. Mr. Finney.

11 MR. FINNEY: I call Mr. Myrone Conyers to
12 the stand.

13 Myron Conyers, being first duly sworn,
14 testified as follows:

15 THE CLERK: Please state your full name
16 and spell your first and last name for the record,
17 please.

18 A. Myron Eugene Conyers. M-Y-R-O-N.
19 Conyers, C-O-N-Y-E-R-S.

20 DIRECT EXAMINATION by Mr. Finney:

21 Q. Good afternoon, sir.

22 A. Good afternoon.

23 Q. Tell ladies and gentlemen where you live.

24 A. I live in Pinewood.

25 Q. How long have you lived in that area?

Myron Conyers-Direct by Finney

1 A. Most of my life. I spent some time in the
2 military, but most of my life.

3 Q. Very good. You went to high school here
4 in Sumter.

5 A. Yes, sir.

6 Q. And what kind of work do you do normally?
7 What kind of work are you doing now?

8 A. I work for Thompson Industrial Services.

9 Q. That's a Sumter outfit?

10 A. Yes, sir.

11 Q. What do you do for them?

12 A. It's an industrial cleaning company.
13 Vacuum and cleaning services.

14 Q. And that job, does it cause you to travel
15 quite a bit?

16 A. Yes, it does. I spend pretty close to
17 almost half a year on the road.

18 Q. Now I want to take you back to March 16th
19 of 2014, and the Club Miami. What was your
20 relationship to the Club Miami in March of 2014?

21 A. I was -- I'm a security officer. My
22 duties were to maintain the parking lot area, and
23 just make sure everything is going according to
24 plan.

25 Q. And do you have to get a certification or

Myron Conyers-Direct by Finney

1 a license to be considered a security guard,
2 security officer?

3 A. Yes. It's an annual renewal.

4 Q. You have to take some special training to
5 get this.

6 A. Yes. It's not as much as the regular
7 police, but there is some training that we require.

8 Q. And as part of your duties, were you hired
9 by Club Miami to perform security details?

10 A. Yes.

11 Q. And did you do that on a regular basis?

12 A. Yes, when I was in town.

13 Q. And were you doing this at the same time
14 you worked with Thompson, or was this your job then?

15 A. I was doing it at the same time.

16 Q. As part of your job, were you issued and
17 did you carry a handgun?

18 A. Yes, I have a handgun.

19 Q. And did you have to train on it to show
20 proficiency with the handgun?

21 A. Yes.

22 Q. Did you have one the night of the shooting
23 at the Club Miami? A handgun?

24 A. Yes, I did.

25 Q. Did you also have to wear a special

Myron Conyers-Direct by Finney

1 uniform? Did you have on an identification vest
2 saying you were security?

3 A. It's just a shirt. I didn't have a vest,
4 but I had a shirt. But it had a security badge and
5 it security on the back.

6 Q. Now we have seen, I have seen a voluntary
7 statement that you gave to the police officers 2
8 or 3 weeks after the shooting. Do you remember
9 talking with an investigator by the name of Hawkins?

10 A. Yes, I did.

11 Q. Do you know him?

12 A. Not personally.

13 Q. Do you see him in court today?

14 A. I think that's him right there. Let me
15 see.

16 Q. You're not sure.

17 A. I'm not sure. I saw him earlier today
18 though.

19 Q. As far as Mr. Hawkins was concerned, did
20 he contact you to get information from you about
21 that night, or did you contact him?

22 A. He called me in to make a statement.

23 Q. And did you wrote a voluntary statement?

24 A. Yes, I did.

25 Q. It is in your handwriting?

Myron Conyers-Direct by Finney

1 A. Yes, that's my handwriting.

2 Q. And it's a one page statement that tells
3 about what happened that night at the club.

4 A. Yes, sir.

5 Q. If you would be so kind, if you could
6 summarize to the jury, what your statement was to
7 Mr. Hawkins and what happened that night. If you
8 can start out by telling us, did you have authority
9 to do security inside the nightclub?

10 A. We were as security officers, we were
11 told by our boss not to go inside the club. We're
12 only required to patrol the outside and the parking
13 lot area.

14 Q. What did you all call the guys on the
15 inside of the club?

16 A. They're actually bouncers.

17 Q. Bouncers. So how many bouncers were
18 working inside the club, if you know.

19 A. I don't have the exact numbers.

20 Q. Was it more than one?

21 A. More than one.

22 Q. So you had one or two bouncers inside the
23 club doing security. Did they carry guns?

24 A. No.

25 Q. And then they had how many guys working

Myron Conyers-Direct by Finney

1 security outside the night of this shooting?

2 A. I think we had four.

3 Q. Do you know Mr. Washington?

4 A. Yes.

5 Q. I think his name is Patrick.

6 A. Yes, sir.

7 Q. Did you work security with him at the Club
8 Miami on a regular basis?

9 A. Yes.

10 Q. And did you have occasion to see Patrick
11 that night after the shooting, or during the
12 shooting?

13 A. Yes.

14 Q. Now as far as what happened that night,
15 there was fight inside the club?

16 A. Yes. Approximately, 2, 2:15, about 2:15
17 that morning, there was a fight. We were called.
18 We were notified that there was a fight going on on
19 the inside. And the bouncers proceeded to bring the
20 individuals outside that were fighting. And that
21 was their -- that's kind of like their duty to just
22 get them outside the club. Once outside, then we as
23 security take it over, and either get the
24 individuals under control or have them leave the
25 property.

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1 And an argument continued for some time.
2 And I took it upon myself to separate one individual
3 from the crowd, in an attempt to gain control of the
4 argument or the situation. Upon talking to the
5 individual, trying to get him calmed down. I
6 noticed an individual subject appeared from the
7 fence line, and fired a shot. Paused. Fired two
8 more shots into the crowd. And turned and ran east
9 toward the El Cheapos. I attempted to -- or I
10 pursued them in the pursuit. And I cleared the
11 fence line, I noticed that Washington was on my
12 rear. And the individual continued east, running.
13 And he got out of the light, so I grabbed for my
14 flashlight and I shined it on him. And as I saw
15 Washington run by me, I saw the deputy on the
16 highway. And I quickly shined my light to the
17 deputy, and shined back to the subject that was
18 running. And Washington, you know, continued past
19 me.
20 I guess he -- we saw that the subject had
21 stopped because the deputy had gone down the road,
22 and cut off on the side road, cut off the subject.
23 And then he proceeded south toward the dirt pile
24 where the deputy and Washington later caught up with
25 him.

Myron Conyers-Direct by Finney

1 Q. Now just for the jury's edification, I
2 will show you State's Exhibit No. 30, and ask if you
3 can orient yourself. This is Highway 378.

4 A. Yes.

5 Q. Is this the Club Miami?

6 A. Yes.

7 Q. And is this the field that was the parking
8 area? Is this parking area here on State Exhibit's
9 No. 30 next to the Club Miami?

10 A. Yes.

11 Q. Now there's a yellow line on this exhibit,
12 is that the fence line you're talking about?

13 A. Yes, sir.

14 Q. What kind of fence is there?

15 A. It's a galvanized wire fence.

16 Q. So it's not like a wooden ranch type.
17 It's just a wire fence on sticks?

18 A. Yes.

19 Q. And is there a parking? That night was
20 there parking on the, I guess you call that east
21 side?

22 A. Yes.

23 Q. Was there any parked cars on the east side
24 of that fence?

25 A. Yeah, there were approximately two rows.

Myron Conyers-Direct by Finney

1 There was like one here. And then there was a
2 space, and then there was another row.

3 Q. And these cars were parked in the big
4 field here, were they facing the highway or facing
5 the club?

6 A. The majority of them were facing the
7 highway.

8 Q. How about the cars in the parking lot,
9 which way were they facing?

10 A. The ones along fence line area were facing
11 toward the club.

12 Q. And would you have more than one row?
13 Probably you had more than one row of cars?

14 A. There's approximately two rows, one back
15 to back. And then there's another row against the
16 fence.

17 Q. Now when you saw -- when you were trying
18 to stop or get control of the man that was acting
19 up.

20 A. Yes, sir.

21 Q. Where were you on this map? Here I've got
22 a pointer for you. Where were you?

23 A. I was in the two rows that are facing the
24 club.

25 Q. Yes, sir.

Myron Conyers-Direct by Finney

1 A. I was just behind that, right on the
2 bumper of the second row. And then this was the
3 rear -- the third row against the fence line.

4 Q. When you heard the shots, where were your?

5 A. I was approximately right here.

6 Q. And where were the shoots coming from as
7 far as you tell?

8 A. About right here.

9 Q. And you say you heard a shot. There was a
10 pause, and then you heard a couple more shots.

11 A. Yeah.

12 Q. Before you heard the first shot, had you
13 heard any gunshots that night in this location?

14 A. No.

15 Q. After you heard the shots that you just
16 testified to, did you hear any other shots?

17 A. No.

18 Q. How far would you say you got away from
19 the club when you were running after the man you saw
20 shooting that night? How far did you get down into
21 the field?

22 A. I was in probably this general vicinity
23 right there. Washington was a little ahead of me.
24 And the, I think the deputy had made his way to this
25 road here to cut off the subject. And the subject

Myron Conyers-Direct by Finney

1 was between the deputy and Washington.

2 Q. Now the dirt piles that were out there
3 that night, they're not pictured on this picture,
4 are they?

5 A. No.

6 Q. And how high would you say the dirt piles
7 are?

8 A. About 4 feet. Four or 5 feet.

9 Q. Let me ask you to look at what's been
10 marked as State's Exhibits 23 and 24, and ask if you
11 can identify what those are.

12 A. They look like the mound of dirt where
13 someone had gone across.

14 Q. And do those look like the mounds that
15 appeared in the field next to the Club Miami?

16 A. Yes.

17 Q. Now did you actually get all the way to
18 the mounds?

19 A. Not upon the apprehension of the subject.

20 Q. Your co-worker Mr. Patrick Washington, he
21 did get into the area of the mounds as far as you
22 could see?

23 A. Yes.

24 Q. Now at the point where you heard the
25 gunshots, and you turned your attention to the

Myron Conyers-Direct by Finney

1 gunshots, tell the ladies and gentlemen what you
2 saw, who was firing the weapon, what -- how did he
3 look, what was going on.

4 A. The subject, a black male, dressed in all
5 white. He, from what, from my memory, I saw him out
6 of the corner of my eyes. And I turned, and as soon
7 as I turned, is when he fired the first shot.

8 Q. And did he fire more additional shots
9 after the first shot?

10 A. Yes. It was a slight pause. And then he
11 fired two more times.

12 Q. Did you see anybody get hit as a result of
13 that gunfire?

14 A. No, I didn't turn to see where the -- see
15 whether anybody was hit at any time.

16 Q. Just for the jury's sake, how far would
17 you say you were from the shooter at the point of
18 first shot? And tell me to move. I'll move
19 whichever way. If I'm the shooter.

20 A. Yes, sir.

21 Q. How far was the shooter away from you when
22 you heard -- saw the first shot?

23 A. It was about that distance.

24 Q. Would you give me an estimate on this?

25 A. 30, 30 feet.

Myron Conyers-Direct by Finney

1 Q. 30 feet away. He was dressed in all
2 white.

3 A. Yes.

4 Q. Was he shooting, could you tell what kind
5 of gun in terms of, was it a rifle? Shotgun?

6 A. I was an automatic. What we call
7 automatics.

8 Q. And what kind -- was it a handgun?

9 A. It was a handgun.

10 Q. When you say automatic, how could you tell
11 it was an automatic?

12 A. I -- the weapon I carry is an automatic.
13 It's the same type. It was a slide hammer. A slide
14 on the top. It's different from a revolver, which
15 has a chamber that rotates. And it was an
16 automatic.

17 Q. Once you saw him fire, you decided to go
18 after him.

19 A. Yes, sir.

20 Q. He ran towards the field.

21 A. Yes.

22 Q. Were you on a radio?

23 A. We have radios, but at that time I wasn't
24 using a radio.

25 Q. So anything that was -- in other words,

Myron Conyers-Direct by Finney

1 anything that was going on it was either by mouth,
2 but it wasn't like on a speaker phone or a cell
3 phone or something like that.

4 A. No, it was strictly by mouth. When I
5 turned, Washington was immediately behind me. And I
6 pointed to that direction as he's running down
7 there. And Washington picked, you know, picked up
8 on him and followed him.

9 Q. At the point where you left what you were
10 doing, and went and followed this man in white, you
11 didn't know how many people had been shot.

12 A. No.

13 Q. Once Mr. Washington ran by you and the
14 deputy got in front of you, how long was it, before
15 the suspect was captured?

16 A. Maybe 30 seconds.

17 Q. Very good. And was the suspect
18 captured -- where was the suspect captured in terms
19 of the dirt piles that were in that field?

20 A. I had to clear one mound of dirt, and they
21 were between that first mound and the next one.

22 Q. Very good. After the arrest of the
23 suspect, did you know the suspect's name that night?

24 Did you know who he was?

25 A. No, I didn't.

Myron Conyers-Direct by Finney

1 Q. Did Investigator Hawkins ask you to come
2 and participate in a photo lineup?

3 A. Yes.

4 Q. And how did that procedure go? Where did
5 you go?

6 A. I went to the deputy's office at the time.
7 He called me in and told me where to meet him at
8 out. I went down to make a statement, and he
9 produced a lineup for me to look at.

10 Q. Do you remember how many people were in
11 the lineup?

12 A. I think it was 6.

13 Q. I am going show you what's been marked as
14 5(a) and ask if you could look at that, and identify
15 what that document is.

16 A. This is a lineup that Investigator Hawkins
17 had given me to look at.

18 Q. And once you saw the lineup, did you look
19 at the people who were pictured in the lineup?

20 A. Yes, I did.

21 Q. And did you identify anybody as someone
22 you had seen the night of the shooting?

23 A. Yes, the identity of the third subject.

24 Q. And what did Investigator Hawkins ask you
25 to do as part of your identification? Did he ask

Myron Conyers-Direct by Finney

1 you to make any marks?

2 A. Yeah, he asked me initial it. And there's
3 an initial and date on it.

4 Q. And did you have to circle the picture?

5 A. No.

6 Q. Circle the number?

7 A. Well yes, I think I did circle the number
8 and initial.

9 MR. FINNEY: I move State's 5(a) in.

10 MR. JOHNSON: I just renew my original
11 objection.

12 THE COURT: That's in over defendant's
13 objection. Thank you. That's 5(a).

14 (Photo lineup marked State's 5(a) into
15 evidence.)

16 Q. And the man you identified as No. 3 in
17 State's 5(a) is that the man who you saw running in
18 white, and firing the handgun?

19 A. Yes, sir.

20 Q. I want to show what's been marked as
21 State's Exhibit No. 9, and ask if you can identify
22 that photograph.

23 A. That appears to be the same individual.

24 It's a little further away but...

25 Q. And that individual, do you recognize him,

Myron Conyers-Direct by Finney

1 or the clothing he's wearing in this picture?

2 A. That looks like the outfit that he was
3 wearing that night.

4 Q. And that's the same man that you picked
5 out of the 6 person lineup.

6 A. Yes.

7 Q. Once Mr. -- once the suspect was arrested,
8 and put in the police car, did you go back to the
9 club?

10 A. Yes.

11 Q. Were you able to determine any injuries on
12 anybody at the club?

13 A. I saw two, well initially one individual,
14 he was -- the first set up, the first row of cars.

15 Q. Yes, sir.

16 A. The first row of cars, he was in that
17 area, a little further down than I initially was
18 when the shooting occurred. And he was telling, I
19 guess, people in the area that he been shot. And I
20 just stood around and listened to what was going on.

21 Q. Did you know that there was another person
22 shot somewhere else in the parking lot?

23 A. Yes. I later found that there was another
24 person to which was when I returned to the club, he
25 was behind the club area. And I think at this time,

Myron Conyers-Cross by Finney

1 I think that they -- well the, my owner, my boss,
2 excuse me, told me that the person had deceased.

3 MR. FINNEY: Thank you for coming today.
4 Answer any questions Mr. Johnson has.

5 THE COURT: Mr. Johnson.

6 Cross Examination by Mr. Johnson:

7 Q. Good afternoon, Mr. Conyers.

8 A. Good afternoon.

9 Q. Let me ask you some questions. First of
10 all, I notice that that night that you was working.

11 A. Yes, sir.

12 Q. Did you have your glasses on?

13 A. No.

14 Q. You didn't have your glasses on.

15 A. No. They was reading glasses.

16 Q. Those were reading glasses.

17 A. Yes, sir.

18 Q. But I just noticed a few minutes ago you
19 had a hard time seeing the deputy over there. You
20 had to kind to squint your eyes to see. So how far
21 can you see with your glasses off?

22 A. I can see pretty far. I just use these
23 for reading.

24 Q. You can. Let's see. Can you tell me what
25 color this is?

Myron Conyers-Cross by Finney

1 A. This looks like a greenish blue.

2 Q. Greenish blue?

3 A. Yes.

4 Q. Now at the time that this happened, it was
5 at night, wasn't it?

6 A. Yes, sir.

7 Q. Was it lit out there?

8 A. They have lights in the parking lot. And
9 at the time, the subject was underneath the light.

10 Q. The subject. So there was a pole there or
11 something?

12 A. Yes.

13 Q. So he was standing under a pole.

14 A. He was standing underneath the pole with
15 the light.

16 Q. When you saw him shoot.

17 A. Yes.

18 Q. And where exactly were you standing? As a
19 matter of fact, let me go back here. If you look at
20 the screen. So right here where I put my dot, I
21 guess where it says -- no, that's the wrong spot.
22 This would be here. Is that basically where you say
23 that he was standing?

24 A. A little closer to the highway, almost
25 parallel with the building.

Myron Conyers-Cross by Finney

1 Q. So he was standing where, in this area?

2 A. You see the grass area along the fence
3 line, and then it turns to dirt.

4 Q. Right. About right here.

5 A. Come down towards your first dot a little
6 bit.

7 Q. Right here?

8 A. Yes, sir.

9 Q. Let me rearrange this again to get all
10 these dots out of the way.

11 Q. So he was closer to here.

12 A. To that area, yes, sir.

13 Q. So the place where it says rounds, he
14 wasn't near that spot.

15 A. I beg your pardon.

16 Q. I mean where it says casings on the screen
17 there.

18 A. What now?

19 Q. So he was not standing in this area.

20 A. No.

21 Q. Nowhere near there.

22 A. No, not at the time of the shooting.

23 Q. Not at the time of the shooting. And he
24 was shooting back towards the building?

25 A. Yes.

Myron Conyers-Cross by Finney

1 Q. Or which direction was he pointing?

2 A. He was shooting toward the building.

3 Q. The front of the building? The back of
4 the building? I mean the side of the building?

5 Take a look at the screen and I'll try to.

6 A. Can I use that?

7 Q. Sure, I'll be happy to.

8 A. It's a lot easier for me.

9 (Whereupon, the witness steps down from
10 the witness stand.)

11 Q. That's the building there, correct?

12 A. Yes.

13 Q. And that's the front.

14 A. Yes. He was located in approximately in
15 this area, shooting in this direction.

16 Q. Shooting in that direction.

17 A. Yes. Because I was approximately here.

18 And he was shooting -- he was not shooting towards
19 me, he was shooting toward this way.

20 THE COURT: Can everybody on the jury see?

21 Q. And then when he ran, which way did he go?

22 A. He, after he left here and he ran around
23 this fence area, and then he continued -- excuse me,
24 and he continued along, there's a little, I guess
25 the cars actually drove here.

Myron Conyers-Cross by Finney

1 Q. Right.

2 A. He ran between the first set of cars and
3 the second set of cars in this direction.

4 Q. At that time, you just watched him running
5 at that time, or was you running behind him?

6 A. I was running behind him.

7 Q. Now at the time that he was shooting, did
8 you see other individuals standing up near him?

9 A. Yes, they were running away from.

10 Q. Girls?

11 A. They were probably females in the crowd.

12 Q. There was a female. But it was men
13 and....

14 A. Yes.

15 Q. So basically everybody was running.

16 A. The people that were in that area, yes.

17 Q. Was running.

18 A. Because there was some people that was
19 around the car area. And when the shooting started,
20 they started to scatter.

21 Q. About how many people was at the club that
22 night?

23 A. Maybe a couple of hundred.

24 Q. A couple of hundred.

25 A. Maybe.

Myron Conyers-Cross by Finney

1 Q. At the time of the shooting there was a
2 couple of hundred people there.

3 A. At least, yes.

4 Q. So it was kind of chaotic?

5 A. Yes.

6 Q. Now he was dressed in white, but he wasn't
7 the only person dressed in white, was he?

8 A. Not from what I can recall, but he was the
9 only one I saw shooting.

10 Q. That is not what I asked. I asked you
11 what he was wearing.

12 A. Was he the only one dressed in white?

13 Q. Right.

14 A. No.

15 Q. Did he have a white hat on?

16 A. No, the hat wasn't white.

17 Q. But he had a hat on.

18 A. Yes.

19 Q. That's interesting. So he had a hat on.

20 A. Yes.

21 Q. The one you saw shooting.

22 A. Yes.

23 Q. But it wasn't white.

24 A. No.

25 Q. What color was it?

Myron Conyers-Cross by Finney

1 A. It was a dark color.

2 Q. It was a dark colored hat. So and he had
3 it on his head at the time he was shooting?

4 A. Yes.

5 Q. So it would have been State's Exhibit No.

6 9. Can I approach, Your Honor?

7 THE COURT: Yes, sir.

8 Q. Take a look at that.

9 A. Okay.

10 Q. Now that is a picture of my client,
11 correct?

12 A. Yes.

13 Q. But there's no hat on his head.

14 A. No.

15 Q. So that is not the way he looked that
16 night.

17 A. No.

18 Q. So the person you saw had a dark colored
19 hat on.

20 A. Yes.

21 Q. You sure it was a dark colored hat. Just
22 take your time to think about. It's very important.

23 A. It was a hat that was dark, because---

24 Q. I mean he was standing under the light, so
25 you could see him clearly, right?

Myron Conyers-Cross by Finney

1 A. Yes. The reason I said that it was a
2 dark colored hat, because he a white outfit on, and
3 it didn't match his outfit.

4 Q. So the person you saw had a dark colored
5 hat on and a white outfit.

6 A. Yes.

7 Q. Now isn't it fair to assume that when you
8 picked him out of the lineup, picked my client out
9 of the lineup, that was after he was arrested and
10 you saw him clearly, correct?

11 A. I saw him that night when he was
12 apprehended.

13 Q. Then you picked him out of a lineup,
14 correct? After he was apprehended, then you did the
15 lineup, correct?

16 A. Yes.

17 Q. So you didn't pick him out just off of
18 memory from seeing him shoot. You actually had the
19 opportunity to see him arrested, in handcuffs, and
20 being held by Mr. Washington and the officer,
21 correct?

22 A. Yes.

23 Q. So when you looked at that lineup, your
24 memory was actually kind of refreshed, because you
25 remember what he looked like when you got close up

Myron Conyers-Cross by Finney

1 to him, right?

2 A. Yes.

3 Q. Let me ask you a question. The lineup
4 came a few days later.

5 A. Yes.

6 Q. Between the time that you saw a person
7 with white on and a dark colored hat shoot, you saw
8 my client being arrested, and the person running
9 away, you saw my client being arrested at the dunes
10 with all white on. Did he have a hat on?

11 A. Yes.

12 Q. He had a hat on when he was arrested.

13 A. Yes.

14 Q. Was it dark?

15 A. Yes.

16 Q. And the hat was a dark colored hat.

17 A. Yes.

18 Q. Are you sure of that?

19 A. From the best of my knowledge, yes.

20 Q. So you looked at his face, and then they
21 showed you a lineup a few days later, and you
22 identified the person that you saw -- that you saw
23 as being the person you saw running, correct?

24 A. Yes.

25 Q. Now the sand dunes, you mentioned earlier

Myron Conyers-Cross by Finney

1 the sand dunes were 4 feet high?

2 A. It was at least 4, probably 5. Because I
3 had to -- you had to climb up over them.

4 Q. So it wouldn't have been like 12 or
5 10-feet high.

6 A. No, I'm approximately 6 feet. And it was
7 maybe a little shorter than I.

8 Q. Now you didn't find the gun, did you?

9 A. Excuse me?

10 Q. Did you find a gun?

11 A. No. There was -- I didn't -- I wasn't
12 there when he apprehended. I wasn't physically in
13 that same location.

14 Q. Okay.

15 A. I was later called over. Washington
16 called me over and asked me is this the weapon that
17 was used. And I looked at it. When I cleared the
18 mound and saw the weapon, I said, yes, that looked
19 like the weapon.

20 Q. You said it looked like the weapon. And
21 the reason I say that is because it's important.

22 A. It was---

23 Q. Go ahead, I'll let you finish, I'm sorry.

24 A. When I saw the weapon when he fired it, it
25 was a black faced automatic. And then it looked

Myron Conyers-Cross by Finney

1 like the same type weapon in the sand dunes was a
2 black faced automatic.

3 Q. Now you mentioned you heard 3 shots. So
4 you didn't hear all the other shots that was going
5 on?

6 A. No.

7 Q. So you only heard 3 shots.

8 A. Yes.

9 Q. Can you explain why there was so many cars
10 with bullet holes in them, and it was only with
11 three shots?

12 A. I can't explain that.

13 Q. But there was a lot of cars there with
14 bullet holes, weren't there?

15 A. I assume.

16 Q. I mean, I wasn't there. You was there.
17 So I mean you can only tell me what you saw. I'm
18 not trying to put words in your mouth. But there
19 was a lot of cars there with bullet holes in it,
20 wasn't it?

21 A. I assume so. I....

22 Q. Don't assume.

23 MR. FINNEY: Objection, he's answered the
24 question.

25 THE COURT: Sustained.

Myron Conyers-Redirect by Finney

1 Q. Please finish.

2 A. I mean what is the question?

3 Q. Was there other cars there with bullet
4 holes in it?

5 MR. FINNEY: Asked and answered, Your
6 Honor.

7 MR. JOHNSON: He hasn't answered yet.

8 THE COURT: Don't argue with each other.
9 The witness can answer the question, and then we
10 will go on.

11 MR. JOHNSON: I'll move on.

12 THE COURT: You can answer the question.

13 A. I do believe there were vehicles with
14 bullet holes in them. How many, I don't know.

15 MR. JOHNSON: I will leave. Thank you.

16 THE COURT: Mr. Finney, redirect.

17 MR. FINNEY: Just a few questions.

18 Redirect Examination by Mr. Finney:

19 Q. Mr. Conyers, is there any doubt in your
20 mind that the man who had on all white, was firing a
21 weapon that night?

22 A. Yes.

23 Q. Is there any doubt in your mind that he
24 fired the weapon that night? The man in white.

25 A. I apologize. Yes, there's no doubt in my

Myron Conyers-Redirect by Finney

1 mind.

2 Q. Is he the man who fired the weapon three
3 times according to your recollection?

4 A. Yes.

5 Q. Is he the man who ran out of the parking
6 area, and into the field area with you behind him?

7 A. Yes.

8 Q. And is he the man who was arrested by
9 Washington and the officer 30 seconds later?

10 A. Yes.

11 Q. Is there anybody else who would have been
12 in that general description or area doing the same
13 thing that this man in white was doing?

14 MR. JOHNSON: Your Honor, objection. That
15 calls for an opinion he can't answer.

16 THE COURT: Overruled.

17 A. There was no one else that I seen in that
18 area as I was pursuing the subject.

19 Q. And so the man in white after firing the
20 weapon, ran into the field, chased by you and
21 Washington and within 30 seconds.

22 MR. JOHNSON: Your Honor, objection. He
23 is testifying.

24 THE COURT: Well that's leading. You
25 can't lead.

Myron Conyers-Recross by Johnson

1 Q. Was that man in white that you saw him
2 firing the weapon, how long after you saw him firing
3 the weapon, did you give chase to him?

4 MR. JOHNSON: Your Honor, objection. It's
5 been asked and answered.

6 THE COURT: Overruled.

7 A. Excuse me, repeat the question again.

8 Q. How long after you saw the man in white
9 firing, did you give chase to him?

10 A. After he fired, it was shortly after. I
11 mean a second.

12 Q. A second after.

13 A. Yeah.

14 Q. Was it possible that you lost sight of the
15 man who was firing, and gave chase to the wrong guy?

16 A. No.

17 Q. And the guy that you chased into the
18 field, he was the guy who was arrested?

19 A. Yes.

20 MR. FINNEY: Thank you. Nothing further.

21 THE COURT: Anyone else?

22 Recross Examination by Mr. Johnson:

23 Q. But the man you saw had all white on and a
24 dark hat.

25 A. Yes, sir.

Patrick Washington-Direct by Finney

1 MR. FINNEY: No other questions. One more
2 witness. We call Patrick Washington.

3 Patrick Washington, being first duly sworn,
4 testified as follows.

5 THE CLERK: State your full name and spell
6 your first and last name for the record.

7 A. Patrick Washington.

8 THE COURT: P-A-T-R-I-C-K.

9 A. Yes.

10 THE CLERK: Spell your last name too,
11 please.

12 A. W-A-S-H-I-N-G-T-O-N.

13 Direct Examination by Mr. Finney:

14 Q. Mr. Washington, good afternoon.

15 A. Good afternoon.

16 Q. Tell the ladies and gentlemen where you
17 live.

18 A. In Sumter, South Carolina.

19 Q. Very good. How long have you been here?

20 A. I've been here 24 years.

21 Q. And what is your occupation?

22 A. Security officer.

23 Q. And do you still security work today?

24 A. No, I don't.

25 Q. How long had you been doing that kind of

Patrick Washington-Direct by Finney

1 work?

2 A. I have been doing it for about 16 years.

3 Q. And were you able to have a license to be
4 a security officer?

5 A. Yes, sir.

6 Q. Did you carry a firearm on your job?

7 A. Yes, sir.

8 Q. And did you have to training for that?

9 A. Yes, sir.

10 Q. Is the training something you have to do
11 every year?

12 A. Yes.

13 Q. And do you still have the certification to
14 be a security officer?

15 A. No, I don't.

16 Q. So are you doing anything else different
17 now?

18 A. Other than just bouncing.

19 Q. Bouncing like security inside the club.

20 A. Right, inside the club. Yes, sir.

21 Q. When you do the inside---

22 A. Yes.

23 Q. ---you don't have a gun.

24 A. No.

25 Q. And did you work at the Club Miami back in

Patrick Washington-Direct by Finney

1 March of 2014?

2 A. Yes, sir.

3 Q. And had you been been doing that kind of
4 security work for awhile?

5 A. Yes.

6 Q. Did you -- tell the ladies and gentlemen
7 of the jury how many security officers were on duty
8 the night of the shooting when Mr. Tyrese Archie was
9 killed.

10 A. I believe it was three, three of us.

11 Q. And you and Mr. Washington. Did you know
12 Mr. Conyers?

13 A. Yes, sir.

14 Q. Was he there that night?

15 A. Yes, sir.

16 Q. And when you were working, do you work on
17 the inside or outside of the club?

18 A. Well I was searching at the door.

19 Q. So you're at the door.

20 A. Searching at the door, yes.

21 Q. And does every security guard there have a
22 job?

23 A. Yes, sir.

24 Q. Some have the parking lot, some have the
25 door.

Patrick Washington-Direct by Finney

1 A. Yes.

2 Q. As a result of, did you know Mr. Tyrese
3 Archie?

4 A. Yes, sir. He would come the club once in
5 a while.

6 Q. You recognize his face when you see him.

7 A. Yes, sir.

8 Q. Did you know Mr. Rodney Green?

9 A. Yes, I know him, but I haven't seen him in
10 a long time.

11 Q. And when you've seen him, is it somebody
12 you know like you knew his name, knew what he did,
13 you all were friends?

14 A. Not his name, no.

15 Q. You didn't know his name, but you knew his
16 face.

17 A. Yes.

18 Q. Now let me ask you on the night we're
19 talking about when the shooting took place, do you
20 remember about what time the shooting took place?

21 A. It was like a little after two.

22 Q. In the morning.

23 A. Yes, sir.

24 Q. What time does the club close usually on a
25 Saturday night?

Patrick Washington-Direct by Finney

1 A. About 4:30.

2 Q. So---

3 A. Because I don't come until 2:30, 2 to
4 2:30. 3:00 o'clock.

5 Q. So the doors open at what time?

6 A. I'd be there about 10:30.

7 Q. And the club is open, but the crowd gets
8 there at midnight and after.

9 A. I'd say about like I say, about two.
10 That's when the crowd gets there.

11 Q. And how many people would you say you had
12 there that night?

13 A. By 2 o'clock, I say we should have about
14 75, 80.

15 Q. Do you know how people were there when the
16 fights broke out and the shooting was going on?

17 A. About 100, because that's when they start
18 coming.

19 Q. You gave a statement to Investigator
20 Hawkins in this case.

21 A. Yes, sir.

22 Q. Do you know Investigator Hawkins?

23 A. Yes, sir.

24 Q. And do you see him in courtroom?

25 A. Yes, sir.

Patrick Washington-Direct by Finney

1 Q. Have you ever worked a case that you had
2 to deal with the police investigators before?

3 A. Like a shooting or something, I give my,
4 you know, testimony.

5 Q. You give a statement.

6 A. A statement.

7 Q. Have you ever looked at a lineup before to
8 try identify someone?

9 A. Just one time, yeah.

10 Q. Did you do a lineup in this particular
11 case?

12 A. Yes, sir.

13 Q. Did you do the lineup on the same day that
14 you gave your written statement?

15 A. Yes, sir.

16 Q. I want to show you what's been marked as
17 State's Exhibit No. 6 for Id. What is that, please,
18 sir, if you can identify it?

19 A. This is my statement.

20 Q. You wrote this.

21 A. Yes, sir.

22 Q. You wrote it for the investigator?

23 A. Yes, sir.

24 Q. And you told the investigator what in the
25 statement? What did you tell him?

Patrick Washington-Direct by Finney

1 A. What happened out there that night.

2 Q. And on the same day that you wrote the
3 statement the 19th of April, did you also
4 participate in a photo lineup?

5 A. Yes, sir. Black and white and color.

6 Q. Black and white and color. I'm going to
7 show you what's been marked as State's Exhibit 4(a)
8 and 4(b). I am going to ask if you can identify
9 those documents.

10 A. Yes, sir.

11 Q. What are they?

12 A. Pictures of 6 guys. And one of them
13 Green. The gentleman known as Green.

14 Q. Six guys. Did you know any of the 6 guys
15 before you looked at these pictures, or while you
16 were looking at these pictures?

17 A. No.

18 Q. Why did the officer ask you to look at the
19 the pictures?

20 A. If that was the guy that did the shooting.

21 Q. And did you recognize someone in the
22 lineup as the guy who did the shooting?

23 A. Yes, sir.

24 Q. Which one was the guy?

25 A. No. 3.

Patrick Washington-Direct by Finney

1 Q. And you did No. 3 on Exhibit 4(a). Did
2 you also do No. 3 on Exhibit 4(b)?

3 A. Yes, sir.

4 Q. And after you identified the guy, what did
5 you have to do as far as picking him out on this
6 document?

7 A. What else I had to do?

8 Q. Yeah, on the document. How did you
9 identify him as the one you recognized?

10 A. Excuse me, I don't understand.

11 Q. How did you identify the man that you
12 picked?

13 A. Because I know the guy.

14 Q. Well how did you identify on the document?
15 Did you make any marks on the document?

16 A. No.

17 Q. What is this right here, this writing?

18 A. That's my initials.

19 Q. Who put that on there?

20 A. That's my handwriting.

21 Q. So you put your initials?

22 A. Yeah.

23 Q. And what is this, these seven numbers?

24 A. 3/19/14.

25 Q. And what does represent?

Patrick Washington-Direct by Finney

1 A. The date.

2 Q. And what is this number down here?

3 A. 4:03 in the evening.

4 Q. And that's the time.

5 A. The time.

6 Q. The time of your meeting with the
7 investigator?

8 MR. FINNEY: I'd move the exhibits 4(a)
9 and 4(b) into evidence.

10 MR. JOHNSON: With my objection, Your
11 Honor.

12 THE COURT: And over the defendant's
13 objection.

14 MR. FINNEY: Thank Your Honor.

15 (Photo lineups marked State's Exhibit Nos.
16 4(a) and 4(b) into evidence.)

17 Q. The man that you saw shooting at the club
18 that night is identified as No. 3?

19 A. Yes, sir.

20 Q. This is a man you had seen before?

21 A. Yes, I saw him before at the club a long
22 time ago.

23 Q. But you didn't know him.

24 A. I knew him, but I didn't know his name at
25 the time.

Patrick Washington-Direct by Finney

1 Q. Very good. But you've seen his face
2 before.

3 A. Yes.

4 Q. Now tell the ladies and gentlemen of the
5 jury what happened that night, that brought your
6 attention to that man that put a circle around his
7 picture later on.

8 A. I was searching at the door and a fight
9 broke out inside the club. As they walked --
10 everybody that was in to the fight, they got outside
11 and they started arguing. They was arguing and then
12 another fight broke out outside. After that, one
13 guy, I heard one guy ran and said he's going to get
14 a gun. So I ran behind him. He went to his truck.
15 And I ran behind him, and I had my firearm. And I
16 told him, please don't have a gun in your hand.

17 And he went to turn around and have his
18 hand up in the air, and said, I didn't -- I don't
19 have a gun. I swear, I don't have a gun. So after
20 I said that -- I mean after he said, pow, pow, pow,
21 pow. When I went to look back, I seen someone in
22 white, all white shooting. Then after I put my gun
23 back in the holster and I went towards him. And he
24 went taking off running in the field. And he went
25 running off in the field, and I went right behind

Patrick Washington-Direct by Finney

1 him. So Conyers, my partner, was standing on the
2 edge of the fence, by the fence. And I told him to
3 keep an eye on him. I mean, keep his spotlight on
4 him, so I could see him.

5 And there was a patrol car coming down the
6 road. And he stopped and had his stoplight, and I
7 pointed at the guy in the white shirt and the white
8 sweat suit. So I went to chasing him. So the car
9 went and cut him off by the store down from Miami.
10 And he went to -- the guy in the white sweat suit
11 went to turn, and then he saw me coming, he went to
12 turn back around to go over this big like dirt pile.
13 And as he was going, like he had threw something.
14 And then when I ran over and jump on the dirt pile,
15 you all have got to excuse me, I'm nervous. This is
16 the first time I've been on---

17 Q. Testifying.

18 A. Testifying. So I went to jump off the
19 dirt pile, and landed on the guy in the white sweat
20 suit. And I didn't know who he was until he was
21 tussling, and the police told him, how did it go --
22 I am nervous, excuse me.

23 Q. Take your time.

24 A. I'm trying to be fast.

25 Q. Once you got the man in white, was he

Patrick Washington-Direct by Finney

1 actually tackled by you?

2 A. Yeah, because the police had came and cut
3 him off. And he came to turned back around. And
4 then he went to turn back around to go over the dirt
5 pile. And I just ran and just, I really tripped on
6 top of him, really.

7 Q. And once the two of you all are on the
8 ground, then the police offer came over?

9 A. Yeah, he came rushing over, and he was
10 telling him to put your hands behind your back. And
11 he started using profanity and cursing us out.

12 Q. Eventually he was arrested.

13 A. Yes, sir.

14 Q. The man in white.

15 A. Yes.

16 Q. And eventually when he got up off the
17 ground, you recognized who he was.

18 A. Yeah, after he had turned around, yeah.

19 Q. Now I want to show you a picture that's
20 been marked as State's Exhibit No. 24, and I want to
21 ask you to look at Exhibit No. 23. Can you tell the
22 ladies and gentlemen what those are in that picture?
23 What does it appear to be to you?

24 A. It's that dirt pile.

25 Q. And are those dirt piles located near the

Patrick Washington-Direct by Finney

1 Club Miami?

2 A. It's like---

3 Q. We have a picture here. State's Exhibit

4 No. 31. Can you point to where the dirt piles are?

5 A. It's like up in this field here.

6 Q. And when you left, the man that you were
7 trying to find out if he had a gun, the fellow you
8 say you went to his truck, where were you when you
9 were at that guy's truck?

10 A. He was like right there. Back here.

11 Q. Close to the club.

12 A. Yes.

13 Q. Then you say you heard.

14 A. Shooting.

15 Q. You heard.

16 A. Pow, pow, pow, pow.

17 Q. That was shooting?

18 A. Yeah.

19 Q. Where was the shooting coming from?

20 A. Like up here.

21 Q. And once you heard the shooting, you went
22 toward where you heard the shooting.

23 A. That's when he had turned around and just
24 took off running.

25 Q. Did you see the man who was firing the

Patrick Washington-Direct by Finney

1 weapon?

2 A. Yes, sir.

3 Q. Did you see the gun in his hand?

4 A. Yes.

5 Q. What kind of gun did it appear to be? Was
6 it a rifle? A shotgun?

7 A. No, it looked like a 40. A 45, like that.

8 Q. A handgun.

9 A. A handgun.

10 Q. Do you carry a handgun?

11 A. Yes, I carry a handgun.

12 Q. Do you carry that same kind of gun?

13 A. No.

14 Q. Yours is a?

15 A. A 38.

16 Q. Smaller?

17 A. Well bigger, revolver.

18 Q. And so once you saw the man firing the
19 handgun, did you see him turn around and start to
20 run?

21 A. Yeah.

22 Q. Which way did he start to run?

23 A. He ran through to go across through the
24 fence, and had to go back down there.

25 Q. And once he started running, you got

Patrick Washington-Direct by Finney

1 behind him.

2 A. Yes, sir.

3 Q. Conyers got behind him.

4 A. Yeah, because Conyers stopped right here.

5 And I told him to keep your light on him. And the

6 police car was coming up right here, and put the

7 spotlight on him.

8 Q. So how long did it take from the time you

9 saw him shooting, the man in white.

10 A. Yeah.

11 Q. Until the time you tackled him on the

12 dirt, how long a time went by?

13 A. It would have to be at least a minute and

14 a half to two minutes.

15 Q. Less than two minutes. Or about two

16 minutes.

17 A. Yeah.

18 Q. For all of this two minutes, did you ever

19 lose sight of him?

20 A. No.

21 Q. Did you ever think that maybe somebody

22 else was running in that field, and you got behind?

23 A. I didn't know if anybody else was running

24 or not---

25 Q. Did you see--

Patrick Washington-Direct by Finney

1 A. ---I know I was running.

2 Q. ---anybody else?

3 A. No.

4 Q. Did you see anybody else in all white
5 shooting that night?

6 A. No.

7 Q. Before you heard the pow, pow, pow.

8 A. Uh-huh. (Affirmative.)

9 Q. You were trying to get some guy under
10 control, because he was saying something about going
11 to his car.

12 A. Yeah.

13 Q. Did you hear gunshots that evening, before
14 you heard the pow, pow, pow?

15 A. No.

16 Q. After you heard the pow, pow, pow and you
17 turned and saw, did you hear any other gunshots that
18 night?

19 A. No.

20 Q. The man in white, you chased him down,
21 helped tackle him. Get him under---

22 MR. JOHNSON: Your Honor, objection. He's
23 testifying again.

24 THE COURT: Control the leading. Even if
25 it's in summary, you've got to---

Patrick Washington-Direct by Finney

1 MR. FINNEY: Thank you, Your Honor.

2 THE COURT: ---follow the rule.

3 Q. Did you happen to see the man in the white
4 after he got up off the ground?

5 A. Yes, sir.

6 Q. Was he placed---

7 A. I was standing right there, yeah.

8 Q. Was he placed in handcuffs?

9 A. Yes.

10 Q. I want show you what's been marked as
11 State's Exhibit No. 9, and ask if you can identify
12 that gentleman.

13 A. Yes, sir.

14 Q. Who is that?

15 A. Mr. Green.

16 Q. And is that the man you chased---

17 A. Yes, sir.

18 Q. ---across the dirt pile?

19 A. Yes.

20 Q. And did Mr. Green have that outfit on that
21 night?

22 A. Yes, sir.

23 Q. And do you see Mr. Green in the courtroom
24 today?

25 A. Yes, sir.

Patrick Washington-Direct by Finney

1 Q. Is he the man firing the firearm that
2 night?

3 A. Yes.

4 Q. Do you know if Mr. Green fired the firearm
5 in a -- do you know if he hit anybody as a result of
6 the firearm?

7 A. I didn't know. Because when he finished
8 shooting, he took off running, and I went on after
9 him. I didn't find out until I got back.

10 Q. I understand. You found out that somebody
11 had been injured.

12 MR. JOHNSON: Your Honor, objection.

13 THE COURT: Sustained. Just don't lead.

14 MR. FINNEY: I'm sorry.

15 Q. Mr. Washington, I wanted to ask you one
16 more question about when you got to the man and
17 crossing the dirt berms. I believe you said in your
18 testimony just now you saw him throw something.

19 A. Yes.

20 Q. Did you see what he threw?

21 A. No, I did not.

22 MR. FINNEY: Thank you, sir. Answer any
23 questions Mr. Johnson may have.

24 A. Yes, sir.

25 Cross Examination by Mr. Johnson:

Patrick Washington-Cross by Johnson

1 Q. Good afternoon, Mr. Washington.

2 A. Good afternoon.

3 Q. When this happened, you was at a, you said
4 you were doing security that night?

5 A. Yes, sir.

6 Q. And there was a fight inside, correct?

7 A. Yes, sir.

8 Q. And then people got outside there was
9 fight.

10 A. Yes, sir.

11 Q. How many people do you think was there
12 that night?

13 A. At that time, it was about 90 to 100
14 people.

15 Q. 90 to is 100?

16 A. Yeah.

17 Q. So it wasn't 200?

18 A. Not yet.

19 Q. Not yet.

20 A. They don't come until like, like I said,
21 they don't come until after 2, 2:30.

22 Q. Right.

23 A. That's when start piling up.

24 Q. But you were just doing -- well you was at
25 the door, so you were doing a count or something

Patrick Washington-Cross by Johnson

1 like that?

2 A. I was searching.

3 Q. Searching?

4 A. Yes, sir.

5 Q. Now but there was additional people

6 outside.

7 A. It wasn't that many, but there was people

8 outside.

9 Q. And then you rolled the people outside, is
10 that correct?

11 A. Excuse me?

12 Q. I said when the fight was inside, then you
13 basically rolled everybody outside.

14 A. Everybody that was involved in the fight.

15 Q. And then some incidents started happened
16 outside.

17 A. They started back fighting again.

18 Q. Now when you say they, was it like it
19 groups of people? Gangs or what was this?

20 A. We had two groups.

21 Q. Well I mean but what was their
22 relationship to each other. They would be just
23 groups fighting?

24 A. Well I don't know what relationship they
25 are, but it was the same group that was inside

Patrick Washington-Cross by Johnson

1 fighting.

2 Q. And when you say a group, how many?

3 A. About 10 people, 11. I mean 10, 12
4 people.

5 Q. On each side or all together?

6 A. All together.

7 Q. Now you said, do you remember you wrote a
8 statement, correct?

9 A. Yes, sir.

10 Q. Now in that statement you mentioned that
11 this person -- somebody said they were going to go
12 get a gun?

13 A. Yes, sir.

14 Q. And you followed him.

15 A. Yes, he ran past me, and say, I'm going to
16 get a gun.

17 Q. And what did you do then?

18 A. I went right behind him.

19 Q. And what happened then?

20 A. He ran to the truck, opened the door. And
21 I had -- I pointed my firearm at him, and told him,
22 please don't have a gun in your hand. He turned
23 around and said, I swear I don't have no gun in my
24 hand. And he held his hand up.

25 Q. Now do you remember in your statement when

Patrick Washington-Cross by Johnson

1 you stated that you started searching the truck?

2 A. When I did, yeah, I started search the
3 truck. As I, as soon as I put my head in the truck,
4 that's when pow, pow, pow. And I looked back and
5 that's when---

6 Q. Let's stop right there. I'm going to take
7 a step at a time, okay. I'll give you time to go
8 into the next part. You stuck your head in the
9 truck.

10 A. Yes, sir.

11 Q. So you was inside the truck.

12 A. I wasn't all the way, just my hand.

13 Q. I want to use this chart if I could.

14 THE COURT: What number, please, Mr.

15 Johnson?

16 MR. JOHNSON: Oh, I'm sorry, Your Honor.

17 This is State's Exhibit No. 31.

18 Q. You can see here that's the club, correct?

19 A. Yes, sir.

20 Q. Do you recognize it?

21 A. Yes, sir.

22 Q. Now that's the front of the club where you
23 was at, right?

24 A. Yes, sir.

25 Q. Could you point to where you went to and

Patrick Washington-Cross by Johnson

1 where the truck was located?

2 A. Back here.

3 Q. Back towards the back of the club?

4 A. The back of the club, yeah.

5 Q. And which way was truck facing, was it
6 facing towards the club?

7 A. Yes.

8 Q. So when you open the door to look inside,
9 you was actually looking inside and facing the club,
10 right? Away from where the shots was?

11 A. My back was turned from the street, yeah.
12 Facing like the truck was right here.

13 Q. And you heard, bam, bam, bam?

14 A. Bam, bam, bam, bam.

15 Q. So like 3 or 4. How many shots do you
16 think it was?

17 A. About 4 or 5 shots.

18 Q. About 4 or 5 shots. So you didn't hear
19 one shot.

20 A. I didn't hear one shot, no.

21 Q. You didn't hear one.

22 A. No, sir.

23 Q. It wasn't just one person firing one time,
24 and then two more, and that's all you heard.

25 A. Uh-uh. (Negative.)

Patrick Washington-Cross by Johnson

1 Q. It way more than that.

2 A. Way more, yeah.

3 Q. And I don't want to put words in your
4 mouth. So you tell me, take your time to think
5 about it. About how many do you think it was?

6 A. Oh, about 5 or 6.

7 Q. About 5 or 6 shots. Did it all sound like
8 it came from one gun?

9 A. Yeah, they all sound the same.

10 Q. They all sound the same.

11 A. Yes, sir.

12 Q. So 5 or 6 shots.

13 A. Uh-huh. (Affirmative.) Yes, sir.

14 Q. But they were to your back, because you
15 didn't hear it. I mean, you couldn't see -- you
16 didn't see the shot fired, you heard them. That's
17 when you turned around.

18 A. That's when I heard it, and that's when I
19 turned around. And I saw when he was holding the
20 gun, fire came out of the gun.

21 Q. So then you heard some more shots after
22 that.

23 A. No, I didn't hear no more shots after
24 that.

25 Q. You heard one shot then.

Patrick Washington-Cross by Johnson

1 A. No, he took off running then.

2 Q. But here's what I'm saying---

3 A. The final shot I heard after this, after
4 the 5 or 6 shots I heard, he took off running.

5 Q. So when you turned around, you never saw
6 him fire a gun.

7 A. Yes, I did.

8 Q. How?

9 A. Pow, pow, pow, and then I looked and
10 that's when I seen the final shot or whatever.

11 Q. Just slow down a little bit. If you have
12 your back to him when the shots are fired, how could
13 you see him shoot?

14 A. Anybody that knows me, that do security
15 work, if I hear anything, I jump right at it, and
16 look.

17 Q. True. But you turned around after you
18 heard the shots.

19 A. Not after, during.

20 Q. During. So when you turned around, how
21 many times did he shoot when you actually could see
22 him shoot?

23 A. About two.

24 Q. About two times. So he shot about 4 times
25 before you turned around.

Patrick Washington-Cross by Johnson

1 A. Yeah. Because when like it was, pow, pow
2 like that. He shot like pow, pow, pow. I'm just
3 saying, pow, pow, pow. But it was pow, pow, pow,
4 pow, pow. An automatic.

5 Q. So it was like an automatic.

6 A. Yeah.

7 Q. So now you know about guns. So was this
8 something like somebody pulling the trigger, or
9 somebody holding the trigger?

10 A. Holding it.

11 Q. Holding the trigger. But at least 5 or 6
12 times.

13 A. Yes, sir.

14 Q. You was at the back.

15 A. Yes, sir.

16 Q. And then you saw somebody dressed in
17 white. And you can put it back down. You saw
18 somebody dressed in white, run away.

19 A. Yes, sir.

20 Q. Did he have any type of hat on?

21 A. No.

22 Q. He didn't have a hat on.

23 A. No.

24 Q. Did he have a dark colored hat?

25 A. No.

Patrick Washington-Cross by Johnson

1 Q. Did he have a white hat?

2 A. No.

3 Q. The person---

4 A. I can't remember that, to tell you the
5 truth. I can't remember if he had a hat on or not.

6 Q. When you captured him, did you find a hat?

7 A. No, I didn't.

8 Q. Did you see a dark colored hat?

9 A. No, I didn't.

10 Q. You said the person had a white jump suit,
11 a white sweat suit.

12 A. That's what it looked like from where I
13 was standing.

14 Q. This has been previously marked State's
15 Exhibit No. 9. Take a look at that.

16 A. Okay.

17 Q. Is that a white sweat suit?

18 A. No, it's white pants and white tee shirt.

19 Q. If you was able to see clearly, you would
20 have noticed whether it was a sweat suit or
21 tee-shirt or that. You could tell the difference,
22 couldn't you?

23 A. Yes, up close, yeah.

24 Q. So the person you saw did not have that
25 on, did they?

Patrick Washington-Cross by Johnson

1 A. Yes, they had this on.

2 Q. Is that a sweat suit?

3 A. From where I was at was like a white tee
4 shirt. I didn't have my glasses -- no glasses on.

5 Q. You didn't have your glasses on.

6 A. No.

7 Q. So when you looked at him, you thought it
8 was a wet -- a white sweat suit.

9 A. Yeah.

10 MR. JOHNSON: Your Honor, can I publish
11 this to the jury?

12 THE COURT: Yes, sir.

13 Q. So that's the picture you said that he had
14 a white sweat suit on.

15 A. Yes, sir.

16 Q. But he didn't have a hat on?

17 A. I don't remember him having a hat on.

18 Q. And you would have remembered if he had a
19 dark colored hat on, right? Because it would have
20 set off on his suit, right?

21 A. Yeah.

22 Q. But it's definitely was -- he did have a
23 dark colored hat. At least the person you saw.

24 MR. FINNEY: I'm going to object to him
25 saying definitely, Your Honor. I think he's asked

Patrick Washington-Cross by Johnson

1 the question three times, and he's gotten the answer
2 three times.

3 MR. JOHNSON: I'll withdraw.

4 THE COURT: Sustained.

5 Q. And one other clarification, you did not
6 see him actually shoot any individual, did you?

7 A. Repeat that.

8 Q. You saw him shoot his gun.

9 A. Yes.

10 Q. But you did not see him shoot anybody.

11 A. No. I didn't find that out until I got
12 back.

13 Q. You found out that people had been shot.

14 A. Yes, sir.

15 Q. Now there was additional holes in cars,
16 and bullet holes out there, right?

17 A. I guess, yeah. Yeah, it was.

18 Q. In a number of cars, right?

19 A. A couple of them.

20 Q. That would have indicated that at least
21 more than 3 rounds was fired.

22 A. I never said it was three rounds.

23 Q. I'm not saying you did say it was three.
24 But there was indication there was more than three
25 rounds fired.

Patrick Washington-Cross by Johnson

1 A. Yeah.

2 Q. And I'm not putting words in your mouth
3 when I ask you to say that, but from the evidence
4 that you have.

5 A. Uh-huh. (affirmative.)

6 Q. Of your knowledge, was there evidence of
7 more than three rounds being fired?

8 A. Three rounds, I couldn't say.

9 Q. I mean, did you see evidence that more
10 than three rounds had been fired?

11 A. Oh, no.

12 Q. You didn't see the bullet holes?

13 A. I seen one car window was bust out, and
14 another car it was shot on the door. And the other
15 car, I don't know nothing about. I know the two
16 cars that was next to each other on the side.

17 Q. Oh, well I'll get this so you can show me
18 where the cars was at. Can you see?

19 A. The cars was like over here.

20 Q. Over here.

21 A. Closer over here.

22 Q. But it wasn't -- and you distinctly
23 remembering hearing at least 5 or 6 shots.

24 A. Yes.

25 MR. JOHNSON: One second, Your Honor.

Patrick Washington-Cross by Johnson

1 Q. How much would you estimate that your
2 distance was from yourself and the person shooting?

3 A. I'd say---

4 Q. When you was at the truck.

5 A. About 75 feet.

6 Q. Was it close enough to see his face?

7 A. No.

8 Q. So you went by identification of what he
9 had on, and his location.

10 A. By the time I ran and when I caught him, I
11 ran in the field.

12 Q. And you didn't find the gun.

13 A. No. Because during the time when was we
14 cuffing him, another police officer come across that
15 field. He said that he found the gun.

16 Q. And you saw something fall that you assume
17 was a gun, but you couldn't say it was gun.

18 A. Not fall. I mean...

19 Q. I meant throw.

20 A. Yeah.

21 Q. But you testified earlier you couldn't say
22 whether it was a gun or not.

23 A. No, I couldn't tell you or say.

24 MR. JOHNSON: No other questions, Your
25 Honor.

Patrick Washington-Direct by Finney

1 THE COURT: Redirect.

2 MR. FINNEY: Just a few questions.

3 Redirect Examination by Mr. Finney:

4 Q. Do you know enough about firearms to tell
5 the jury what happens when an automatic weapon fires
6 a shell?

7 A. The shell is ejected from the gun.

8 Q. Let me show you what's been marked as
9 State's Exhibit 20, 21 and 22.

10 MR. JOHNSON: Can we approach?

11 THE COURT: Yes.

12 (Whereupon, attorneys approach and confer
13 with judge.)

14 THE COURT: Your objection, Mr. Johnson,
15 would be a lack of foundation.

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

17 THE COURT: And provided you can lay a
18 general foundation, you can ask him what those
19 appear to be. Any specific knowledge about how they
20 fit into this case, you will have to lay a better
21 foundation.

22 Q. Can you look at what's been marked State's
23 Exhibit No. 20, and tell me what you see in that
24 picture.

25 A. A shell. A bullet shell.

Patrick Washington-Direct by Finney

1 Q. Is that a bullet or a casing?

2 A. A casing.

3 Q. What does a casing come from?

4 A. The ejectments you shoot -- when you are
5 firing a firearm, it ejects from the gun.

6 Q. And did that happen in all automatic
7 weapons?

8 A. Yes, sir.

9 Q. So if an automatic weapon is fired, it's
10 going to shoot a bullet out of the barrel.

11 A. Yes, and it will eject the shell on the
12 side.

13 Q. And does that, looks like a shell?

14 A. Yes, sir.

15 Q. And do you see the same thing in State's
16 Exhibit No. 21?

17 THE COURT: The first one was 20?

18 MR. FINNEY: Yes, sir.

19 THE COURT: And these are both still for
20 Id., right?

21 MR. FINNEY: Yes, sir.

22 THE COURT: Are they already in,
23 Mr. Johnson?

24 MR. JOHNSON: No, Your Honor. They're
25 submitted for Id.

Patrick Washington-Direct by Finney

1 Q. So 20, and 21 and 22, three pictures.

2 A. Yes, sir.

3 Q. And they have numbers on them. Do we have
4 them marked as 1, 2 and 3 on them?

5 A. Yes, sir.

6 Q. And do those appear to be casings?

7 A. Yes, sir.

8 Q. Now did you count any casings that night?

9 A. No, I did not.

10 Q. And you say that the weapon that you
11 saw -- would the weapon that you heard, you said
12 something about automatic.

13 A. Yes, sir.

14 Q. Would it left casings on the ground?

15 A. Yes, sir.

16 Q. So when the police officers came and did
17 their search, you weren't there. You don't know how
18 many casing they found.

19 A. No.

20 Q. Now when the man that you say you saw in
21 white.

22 A. Yes, sir.

23 Q. Fired the weapon, you say you saw him the
24 fire the weapon at least twice.

25 A. Yes. The last two times. That's when he

Patrick Washington-Recross by Johnson

1 took off running.

2 Q. And from the time he took off running,
3 until the time you tackled him---

4 A. I didn't took my eyes off of him not
5 once.

6 MR. FINNEY: Nothing further.

7 THE COURT: Anything else, Mr. Johnson?

8 MR. JOHNSON: Yes, Your Honor.

9 Recross Examination by Mr. Johnson:

10 Q. So when you turned around you saw him
11 shoot at least two times.

12 A. The last two times.

13 Q. But there was four shots before you saw
14 those two times, correct?

15 A. Yes.

16 Q. At least four.

17 A. You have to realize an automatic, if you
18 hold the trigger---

19 Q. Uh-huh. (Affirmative.)

20 A. ---it shoots fast.

21 Q. I understand. I am not arguing with you.
22 There was at least four shots before you saw my
23 client shoot two times.

24 A. No, that's how many I heard before.

25 That's when I---

Patrick Washington-Recross by Johnson

1 Q. Right.

2 A. ---because they're coming out so fast,
3 that's when I turned around the last two times.

4 Q. Just listen to what I'm saying. I am not
5 trying to trick you. Just take your time. I know
6 you're nervous, just take your time. There was at
7 least 4 shots according to your testimony, now if
8 I'm wrong, just tell me, before you turned around
9 and saw my client shoot two times, correct?

10 A. Correct.

11 Q. So from your own testimony, when you saw
12 my client shoot two times, there was already four
13 shots had been fired.

14 A. Yes, sir.

15 Q. Okay, I'm with you. Now if casings are
16 found at the location, these casings.

17 A. Uh-huh. (affirmative.)

18 Q. As you say, are ejected, right?

19 A. Yes, sir.

20 Q. So casings are ejected from the gun as you
21 testified for the State. They would be in the same
22 area from where the person shot, right?

23 A. Yes.

24 Q. So at that location where these casings
25 are found, it would indicate from your testimony

Patrick Washington-Recross by Johnson

1 that's where he was shooting from.

2 A. Yes, but he wasn't standing on one side
3 either.

4 Q. He wasn't.

5 A. He was backing up when he was shooting.

6 Q. That's fine. But at least two of the
7 casings that was found in the area where you say you
8 saw my client shooting from, came out of his gun
9 after four shots had been fired.

10 A. Repeat that.

11 Q. If some of these casings was found at the
12 location where you say my client was shooting from.

13 A. Uh-huh. (affirmative.)

14 Q. Two of casings---

15 A. Uh-huh. (affirmative.)

16 Q. ---would have been casings from two shots
17 that you saw after four shots had been already
18 fired.

19 A. Correct.

20 Q. If there's only three casings at a scene,
21 and no other casings are found, is it fair to say
22 from your understanding of how a gun works, that
23 only 3 shots were fired from that location?

24 A. True.

25 MR. JOHNSON: I have no other questions

Patrick Washington-Recross by Johnson

1 for you.

2 THE COURT: You can step down. Thank you.

3 We will conclude for the day, ladies and gentlemen.

4 Can I see the lawyers up here for a moment while the

5 witnesses are going back out. And I just want make

6 sure that everybody in the courtroom just stays put

7 for a moment.

8 (Whereupon, attorneys confer with judge.)

9 THE COURT: Ladies and gentlemen, of

10 course tomorrow is a State holiday. We are not

11 permitted to work on that day even if we wanted to.

12 I want to apologize for that. But you will have

13 tomorrow off. In the meantime, between now and the

14 time we come back together, you can't discuss the

15 case at all. At all, amongst yourselves or with

16 anyone else. And the instruction that I gave you

17 earlier about social media still apply. Research

18 and so forth, still apply. And don't undertake to

19 do any type of investigation, physical or otherwise

20 on your own. Is everybody clear on that?

21 (Whereupon, no response.)

22 THE COURT: We are going to start back

23 with evidence presentation on Thursday at 9:15.

24 We'll get a little bit of an earlier start and

25 get -- and make some good headway before the

Patrick Washington-Recross by Johnson

1 conclusion of the case. So 9:15 on Thursday, and
2 I'll look forward to seeing you then. Have a nice
3 day tomorrow. You can leave your pads there. If
4 anybody needs an escort to the car, you can let
5 Mr. Bradley know.

6 (Whereupon, at 5:43 p.m. jury is
7 dismissed.)

8 (Whereupon, the following takes place
9 outside the presence of the jury.)

10 THE COURT: Mr. Finney, will you have more
11 speciality witnesses on Thursday?

12 MR. FINNEY: Yes, sir.

13 THE COURT: Based on how we've gone so
14 far, do you think you will be finished by Thursday?

15 MR. FINNEY: Yes, sir.

16 THE COURT: Mr. Johnson, if you would be
17 prepared to educate your client on his 5th Amendment
18 rights. I will be talking to him about late in the
19 afternoon on Thursday.

20 MR. JOHNSON: I will, Your Honor.

21 THE COURT: And if you will have any
22 witnesses to call other than your client. If you
23 have any other witnesses you want to present, I
24 don't know if you do. I'm not going to put you on
25 the spot. But make sure that they're available

Patrick Washington-Recross by Johnson

1 Thursday afternoon.

2 MR. JOHNSON: I will, Your Honor.

3 THE COURT: And Mr. Bradley just said that
4 the juror who asked about asking a question did not
5 have a specific question in mind. He just wanted to
6 know in general could they ask questions.

7 MR. JOHNSON: Okay, Your Honor.

8 THE COURT: So there is nothing to write
9 down. Thank you for the progress we made today, I
10 think we've got off to a good start, and I
11 appreciate it. We will get back together at
12 9 o'clock. And the jury, we will start with the
13 jury at 9:15 on Thursday.

14 (Whereupon, the trial commences at 9:15
15 a.m. on Thursday, November 12, 2015.)

16 (Whereupon, the following takes place
17 outside the presence of the jury.)

18 THE COURT: Anything before we begin?
19 Anything, Mr. Johnson, or, Mr. Finney, before we
20 begin?

21 MR. JOHNSON: I can't think of anything,
22 Your Honor.

23 THE COURT: Mr. Finney, are you prepared
24 to go forward?

25 MR. FINNEY: Yes, sir, I am.

Patrick Washington-Recross by Johnson

1 THE COURT: Mr. Johnson.

2 MR. JOHNSON: I am prepared, Your Honor.

3 THE COURT: You can bring in the jury.

4 (Whereupon, the following takes place within
5 the presence of the jury.).

6 THE COURT: Good more ladies and
7 gentlemen, while Mr. Bradley is handing out, I think
8 the 5 note pads, I just wanted to thank you for your
9 patience, and I hope everyone had a nice break
10 yesterday at least from juror responsibilities. Was
11 everybody or was there anybody on the jury who was
12 unable or found themselves unable to avoid any
13 communication about the case from any source at all,
14 or was everybody able to follow my instruction not
15 to talk about and so forth?

16 We're going to go forward now, ladies and
17 gentlemen. The State is still presenting its case
18 in chief. And, Mr. Finney, I will turn to you and
19 ask you for your next witness.

20 MR. FINNEY: Thank you, Your Honor. Good
21 morning, everyone. Misty Lee.

22 Lieutenant Misty Lee, being first
23 duly sworn, testified as follows:

24 THE CLERK: Please state your full name
25 and spell your last name for the record.

Lieutenant Misty Lee

1 A. Misty Lynn Lee. L-E-E.

2 Direct Examination by Mr. Finney:

3 Q. Good morning, Officer Lee.

4 A. Good morning.

5 Q. Tell us what you do for a living.

6 A. I work for the Sumter County Sheriff's

7 Office. I'm a lieutenant on the patrol division.

8 Q. How long have you been in law enforcement?

9 A. A little over 19 years.

10 Q. And how long have you been with Sumter

11 County in law enforcement?

12 A. Over 19 years.

13 Q. Very good. You are a patrol officer?

14 A. Yes, sir.

15 Q. Could you tell us a little bit about what

16 a patrol officer does?

17 A. Our main duty is to answer calls for

18 service when people call 911, or just ask for, like

19 if they have burglary, a car broken into, shootings,

20 that type of thing, we respond to those. And then

21 we check property to try to prevent burglary.

22 Q. Did you have occasion to receive a call on

23 the night of March 16th 2014, in relation to

24 something at the Club Miami?

25 A. Yes, sir.

Lieutenant Misty Lee

1 Q. Can you tell us, as a result of getting
2 that call, were you on patrol that night?

3 A. Yes, sir, I was.

4 Q. And sometimes you work night shift,
5 sometimes you work day shift.

6 A. Yes, sir.

7 Q. Tell the ladies and gentlemen of the jury,
8 when you're on patrol, do you work by yourself, or
9 do you have an officer in the car with you?

10 A. We're on -- well we have on our shift, we
11 have 9 people right now. But we are actually in a
12 vehicle by ourselves.

13 Q. So you have a radio. You get calls on the
14 radio.

15 A. Yes, sir.

16 Q. And do you remember getting a call to
17 respond to the Club Miami that night?

18 A. Yes, sir, I do.

19 Q. Do you remember what time of morning it
20 was?

21 A. I think it was close to three. I don't
22 think it was quite three yet.

23 Q. And do you remember what the nature of the
24 call was?

25 A. Yes, sir. There was a fight in progress,

Lieutenant Misty Lee

1 and I believe that it escalated from there.

2 Q. And do you remember, since you were
3 responding, do you remember where you were coming
4 into the Club Miami area, which way were you coming
5 from?

6 A. When I responded to the call, I was
7 traveling up 378 towards, I westbound on 378 towards
8 Columbia.

9 Q. I am going to show you what's been marked
10 as State's Exhibit No. 30. And we have a little
11 pointer right here.

12 A. Yes, sir.

13 Q. This is a detailed aerial shot, State's
14 Exhibit No. 30, showing the club Miami down here in
15 the corner. Can you show the ladies and gentlemen
16 of the jury, which way you were traveling?

17 A. Yes, sir, I was traveling up this way.

18 Q. Going towards Columbia.

19 A. Yes, sir.

20 Q. Tell us what happened next.

21 A. When the call came out Corporal Bob Lee
22 actually arrived first. I believe he was in the
23 back. That's at least where I saw his vehicle, the
24 lights. When I was coming up, I heard him say,
25 there was a subject running shooting, wearing

Lieutenant Misty Lee

1 white. And he said that he was near the road. So
2 as I was coming up Corporal Pizzino actually said
3 that, I got him. I got him. And as if he saw the
4 subject. So I came up here and I turned around,
5 because I saw lights over here in this field.

6 So I turned back around and I saw Corporal
7 Pizzino's car parked over here on Mayfield. So I
8 came up behind his car.

9 Q. Tell us a little bit about this area.
10 This field area, what do you remember about it?

11 A. Well at the time, there were some sand
12 berms. I don't know if was Glasscock or who put
13 them there. But there was sand berms going this
14 way.

15 Q. Parallel to the highway?

16 A. Yes, sir.

17 Q. Was it rows? In other words, the berms
18 would have been rows of dirt.

19 A. Yes, sir. They were pretty high.

20 Q. Taller than you?

21 A. Yes, sir.

22 Q. So once you got behind Pizzino's car, what
23 did you do?

24 A. I got out because I saw all the lights,
25 and I saw some subjects which were the security

Lieutenant Misty Lee

1 guards. And Corporal Pizzino running towards the
2 front or the first berm here. So I went, actually I
3 ran around the back in case, you know, he was -- the
4 subject was to get away at the time or if they
5 needed assistance on this side. As I ran around the
6 back, I started climbing up the berms coming in
7 back towards 378. As I did that, I heard Corporal
8 Pizzino, I could tell he was making contact with the
9 suspect, yelling commands at him.

10 So I as came up the, here is the first
11 berm on this side. As I was approaching that, I saw
12 a gun laying in the valley part, I guess so to
13 speak, of the berm. I went over that next one, and
14 that's where they had contact with him. At that
15 point, they had him detained and he was secure. So
16 I knew that they were safe. And so I just stepped
17 back down, so I got the gun over here.

18 Q. What did you do as it concerns the gun?
19 Did you do anything at that point as it concerned
20 the gun itself?

21 A. Yes, sir. What I did is, I photographed
22 the gun, because It was very hectic just to let
23 everybody know. My corporal was at Club Miami by
24 himself with a very large crowd. And he was trying
25 to give us information as it was coming in. So I

Lieutenant Misty Lee

1 photographed the gun. I secured it in a paper bag,
2 and secured it in my trunk and run over to Club
3 Miami.

4 Q. Secured it in the trunk of your car.

5 A. Yes, sir.

6 Q. You say you took a photograph of it.

7 A. I did.

8 Q. Let me show you what's been marked as
9 State's Exhibit No. 26, and see if you can identify
10 that.

11 A. Yes, sir.

12 Q. What is that?

13 A. That's the gun.

14 Q. Do you know what kind of gun it is?

15 A. I didn't at the time, but I know now that
16 it was 45 caliber Smith & Wesson.

17 MR. FINNEY: I'd move to publish State's
18 Exhibit No. 26.

19 THE COURT: Any objection?

20 MR. JOHNSON: No objection.

21 (Photo of gun marked State's Exhibit No.
22 26 into evidence.)

23 Q. Now that gun was photographed by you and
24 then put in the put in the trunk of your car.

25 A. Yes, sir.

Lieutenant Misty Lee

1 Q. And that gun who located, you say in the
2 valley, in the low part, between the high parts of
3 the berm.

4 A. Yes, sir.

5 Q. I want to show you what's been marked
6 State's 23, 24 and 25. So I'll do them in order.
7 23 first. Can you identify what's in State's
8 Exhibit 23?

9 A. Yes, sir. That's one of the berms. It's
10 obvious they ran over that one.

11 Q. And how can you tell it's obvious that
12 they ran over that dirt berm?

13 A. Because it's light colored. It's sand,
14 and you can tell it's all dark colored in the
15 picture. And it's just---

16 Q. Disturbed?

17 A. Yes, sir. Disturbed is a good word.

18 Q. Now tell us about 24.

19 A. What I did there is I actually, because I
20 knew it was important to notate where the gun was.
21 But I also knew I needed to get over to the club as
22 soon as possible. I had rubber gloves on when I
23 took the gun and secured it. So I took one of my
24 rubber gloves off, and left it where the gun was.
25 So that when our evidence person can come out, they

Lieutenant Misty Lee

1 would know exactly where it was.

2 Q. So you didn't take the picture that's
3 marked 24, but you put the glove there where you had
4 found the gun.

5 A. Yes, sir.

6 Q. And is this 25?

7 A. That's the glove.

8 Q. Is it just a closer view?

9 A. Yes, sir. That's the same glove.

10 MR. FINNEY: Permission to publish 23, 24
11 and 25 into evidence.

12 THE COURT: I think 23 and 24 are already
13 in. How about 25, Margaret?

14 THE REPORTER: It's not in yet.

15 THE COURT: Any objection, to 25,
16 Mr. Johnson?

17 MR. JOHNSON: No objection, Your Honor.

18 THE COURT: Just 23, 24 you are moving any
19 questioning they are in, I think they already were.
20 25 is now in.

21 (Photographs marked State's Exhibit Nos.
22 23, 24 of berm. State's Exhibit 25 photo of glove
23 in evidence.)

24 Q. Officer Lee, the picture that's on your
25 screen now, State's Exhibit 23, describe what you

Lieutenant Misty Lee

1 see in that for the jury.

2 A. Yes, sir. That's the disturbance in the
3 sand. I believe that's going to be the first berm.
4 Because I believe there's grass on the front of it.

5 Q. And State's Exhibit No. 24. Does that,
6 State's Exhibit 24 show you, can you see the
7 detailed area about where it is as opposed to the
8 top of the sand?

9 A. Yes, sir.

10 Q. Tell us about how far from the glove,
11 would you have to climb to get to the top of the
12 sand?

13 A. Seven feet maybe.

14 Q. And this is State's Exhibit No. 25, which
15 I believe is just a closer view of the glove.

16 A. Yes, sir.

17 Q. And that's the glove you dropped where the
18 gun was.

19 A. Yes, sir.

20 Q. Did you a chance to see the suspect that
21 was stopped by Pizzino?

22 A. Just briefly.

23 Q. Can you tell the ladies and gentlemen
24 anything? What description can you remember about
25 him?

Lieutenant Misty Lee

1 A. I don't actually remember much about him.

2 A black male, I don't remember.

3 Q. Do you remember anything about his dress?

4 MR. JOHNSON: Your Honor, objection. She
5 said she doesn't remember anything about him.

6 THE COURT: Overruled.

7 A. I don't.

8 Q. Very good. As far as you know, Officer
9 Pizzino effected an arrest?

10 A. Yes, sir.

11 Q. And you had the weapon in your car?

12 A. Yes, sir.

13 Q. Did you stay at the scene and turn all
14 this over to the evidence technician?

15 A. I stayed -- I went back to the Miami
16 scene; yes, sir. After I secured the gun, I went to
17 the Club Miami.

18 Q. And did you -- what did you do with the
19 gun?

20 A. I turned that over to the crime scene
21 investigator.

22 Q. Very good. And that would have been put
23 into evidence in Sumter County?

24 A. Yes, sir.

25 MR. FINNEY: Just a moment, Your Honor.

Lieutenant Misty Lee

1 Q. A couple of questions, officer. Did you
2 in your pursuit or your arrival at the scene, can
3 you describe what you saw in the field, as far as
4 who, how many people in the field running?

5 A. I believe I saw, now these were through
6 flashlights bouncing around, I believe I saw four
7 people total.

8 Q. And did you see -- in other words, it
9 wasn't a large group of people 5 or 6, 7, 8, 10
10 people out there running through the field?

11 A. Oh, no, sir.

12 Q. Four people you think were in the field
13 area?

14 A. Yes, sir. That was including Corporal
15 Pizzino.

16 Q. Would it include the suspect?

17 A. Yes, sir.

18 Q. And so then so there may have been two
19 other guys besides Pizzino and the suspect?

20 A. Yes, sir. I know the security guard was
21 chasing him as well.

22 Q. Do you have recollection of how far the
23 gun was found from where Pizzino and the suspect
24 were?

25 A. Yes, sir.

Lieutenant Misty Lee

1 Q. Tell us.

2 A. Can I see the picture of the berm again?

3 Q. This is State's Exhibit No. 23. And this
4 is State's Exhibit, let me just show them to you.

5 A. Yes, sir.

6 Q. 23 and 24, when you explain your answer,
7 tell us which picture you're looking at.

8 A. The one of the berm, the disturbance on
9 the berm.

10 Q. Which number is that?

11 A. I'm sorry, 23. I believe this was the
12 first berm, because you can see the grass at the
13 bottom here. When -- if you were to go up this berm
14 and down beside there, before you got up over the
15 second one, that's where they caught him, kind of in
16 between there. If you go completely over that
17 second one, that's where I located the gun. From, I
18 located it coming from the back way.

19 Q. Let me if I could, try to look at your
20 screen. There's a State's Exhibit No. 23 on the
21 screen. Is it your testimony that the berms ran the
22 way I am drawing this line on the screen?

23 A. Yes, sir.

24 Q. And you don't know how many berms were out
25 there.

Lieutenant Misty Lee

1 A. I do not know.

2 Q. Would it be fair to say that once you got
3 out of the car and ran out around the back, you were
4 in the area of where this x is?

5 A. Yes, sir.

6 Q. And were you heading towards the highway,
7 which would be toward top of the picture?

8 A. Yes, sir.

9 Q. So tell us again where was -- you
10 encountered the gun first before you encountered
11 Pizzino and the suspect?

12 A. Yes, sir.

13 Q. So was the gun in the valley between the
14 first line and the second line where I just put an
15 orange dot?

16 A. No, sir.

17 Q. Tell me where the gun would have been.

18 A. The gun would have been in the next.

19 Q. In this.

20 A. The next one, yes, sir.

21 Q. That area there where I just put the
22 second dot?

23 A. Yes, sir.

24 Q. And the first dot, what would have been in
25 that location?

Lieutenant Misty Lee

1 A. That was where they captured him.

2 Q. So they were on the highway side of the
3 berm.

4 A. Yes, sir.

5 Q. And you were on the field side of the
6 berm.

7 A. Yes, sir.

8 Q. And the gun was on the field side of the
9 berm.

10 A. Yes, sir.

11 Q. They, Pizzino and the suspect were on the
12 other side of the berm.

13 A. That's correct.

14 Q. And how far a distance would that have
15 been from the gun to where they were?

16 A. It's just over one berm. I don't know how far
17 that would have been. I guess you would be, if they
18 were 7 feet high. But maybe 6 feet high, sir.

19 Q. Would you say that it was a greater
20 distance between you and I in the courtroom today?

21 A. No, sir.

22 Q. Closer?

23 A. Yes, sir.

24 MR. FINNEY: Very good. Thank you very
25 much. Answer any questions Mr. Johnson may have.

Lieutenant Misty Lee-Cross by Johnson

1 A. Yes, sir.

2 MR. JOHNSON: May it please the court,
3 Your Honor.

4 THE COURT: Yes, sir.

5 Cross Examination by Mr. Johnson:

6 Q. Good morning, Lieutenant.

7 A. Good morning.

8 Q. Just a couple of questions. Now you said
9 that you saw the defendant, I'm assuming, well you
10 saw a suspect running, correct? And someone was
11 chasing him.

12 A. I saw several people running, yes, sir.

13 Q. And they were coming from, if you look at
14 the screen that he has drawn, they were coming from
15 that side going towards the berm?

16 A. Yes, sir. The two which later I found out
17 were security officers, they were actually coming
18 kind of diagonal from the club area.

19 Q. So they were kind of like over here. And
20 then I saw Corporal Pizzino more so I guess a
21 little east of where.

22 THE COURT: She can draw on that too,
23 Mr. Johnson.

24 MR. JOHNSON: Oh, she can.

25 THE COURT: I think her finger will do it.

Lieutenant Misty Lee-Cross by Johnson

1 Q. Please draw. Okay, if you could, just the
2 normal dots there.

3 A. Do you want me to draw it now?

4 Q. Yes.

5 A. As I was coming up I saw, and it was
6 through lights bouncing basically, because people
7 were running. I saw what looked like two people
8 coming from this way. And then I saw two people
9 over here, which one of them would have, I'm sorry.

10 Q. That's fine.

11 A. There's two people there, which one of
12 them was Corporal Pizzino.

13 Q. And one of them you suspect was a suspect.

14 A. Yes, sir.

15 Q. So you came up behind the mound.

16 A. Yes, sir.

17 Q. I guess to cut him off.

18 A. Yes, sir.

19 Q. Now the dot in the second space where you
20 say you found the gun, if the defendant was caught
21 where the first dot is at, it would be fair to say
22 that he never got to the spot where that gun was,
23 correct?

24 A. That's correct.

25 Q. So the footprints you saw on that side

Lieutenant Misty Lee-Cross by Johnson

1 could not have came from him, correct?

2 A. The footprints were actually on -- were
3 actually here.

4 Q. So the pictures you took of the footprints
5 was from the first mound.

6 A. I actually didn't took those photos, but I
7 believe they were from the first mound, because
8 that's where the grass was.

9 Q. So you never -- but it's fair to say that
10 where the gun was found, the defendant, if he was
11 stopped at that first dot, never went across the
12 mound and never got on that side, correct?

13 A. No, sir. I saw no footprints coming down
14 to the gun.

15 Q. And as you got there, you never saw
16 anybody throw anything over the mound, did you?

17 A. No, sir, I did not.

18 Q. You just found a gun there.

19 A. Yes, sir.

20 Q. Now wasn't there also cars parked near the
21 mounds? Was any cars out there in that part of the
22 field near the mounds?

23 A. These lines were actually closer this way.
24 But I don't remember about the cars, but usually
25 when the club is crowded, there are cars parked in

Lieutenant Misty Lee-Cross by Johnson

1 this area here.

2 Q. So there could have been, you just don't
3 remember.

4 A. Yes, sir, that's true.

5 Q. But as you say, there was a lot of people
6 out there that night, right? Because you had back
7 for control?

8 A. Yes, sir. But Corporal Lee called and as
9 he was telling us, as we were over in this area, he
10 kept saying, you know, the crowd is getting bigger.
11 People are coming out of the club, that kind of
12 thing.

13 Q. How many people would you estimate was out
14 there?

15 A. I don't know, I am sure it was over
16 capacity though.

17 Q. So just for clarification, your testimony
18 is, you found a gun on a mound across from where the
19 defendant was found.

20 A. It was the next mound, yes, sir.

21 Q. And by your testimony there was, you did
22 not see a gun thrown over the mound.

23 A. No, sir, I did not.

24 Q. If the defendant was caught where -- well
25 you did not have -- you have no knowledge that he

Lieutenant Misty Lee-Cross by Johnson

1 ever went across the mound or even ran from that
2 side of the mound, correct? That you saw him come
3 from other direction of the mound from where you
4 found the gun.

5 A. When I saw him he had -- they had gotten
6 control of him in this area.

7 Q. And you just took a picture of where the
8 gun was, and you put---

9 A. Yes, sir.

10 Q. ---your glove there, correct?

11 A. Yes, sir.

12 Q. And you secured the gun.

13 A. Yes, sir.

14 Q. And that basically was everything you had
15 to do with this, correct?

16 A. Yes, sir. Other than just trying to
17 secure the scene at Club Miami.

18 Q. You never saw the defendant shooting --
19 shoot.

20 A. No, sir.

21 Q. And you can't remember what type of
22 clothes he had on.

23 A. No, sir.

24 MR. JOHNSON: No other questions.

25 THE COURT: Redirect?

Lieutenant Melissa Addison-Direct by Finney

1 MR. FINNEY: No, Your Honor.

2 THE COURT: Thank you, ma'am. You can
3 step down.

4 MR. FINNEY: I thank the officer for
5 coming. May she be excused?

6 THE COURT: Any objection?

7 MR. JOHNSON: No objection, Your Honor.

8 THE COURT: You can leave if you would
9 like, or you can stay.

10 THE COURT: Mr. Finney.

11 MR. FINNEY: We would call Investigator
12 Melissa Addison.

13 Melissa Addison, being first duly sworn,
14 testified as follows:

15 THE CLERK: State your full name and spell
16 your last name for the record.

17 A. Melissa Addison. A-D-D-I-S-O-N.

18 Direct Examination by Mr. Finney:

19 Q. Good morning, Lieutenant.

20 A. Good morning.

21 Q. Tell us who you are, please, ma'am, and
22 what you do for a living.

23 A. Like I stated earlier, my name is Melissa
24 Addison, and I'm a lieutenant at the Sumter County
25 Sheriff's Office. I'm currently assigned to the

Lieutenant Melissa Addison-Direct by Finney

1 professional standards division as a recent
2 transfer. And I'm currently doing training to be a
3 grant writer.

4 Q. And prior to the promotion you just
5 received, what was your specialty, and what was your
6 duties at the sheriff's department?

7 A. At the time of this incident, the case
8 that occurred, I was a sergeant in criminal
9 investigations, and I worked various types of cases
10 that occurred in the jurisdiction of Sumter County,
11 to include this murder case.

12 Q. On the night of March 16th 2014, at the
13 Club Miami, were you called out as an investigator
14 to help with crime scene?

15 A. Yes, sir, I was. I was one of the on call
16 investigators that night.

17 Q. And obviously by the time you got to the
18 club, things were quite different than they were
19 when the shooting was going on. Was there anybody
20 there when you got there, in terms of citizens and
21 parked cars and things like that?

22 A. Yes, sir. It was numerous people out
23 there at the time of course. Just based on the
24 unfortunate circumstances, it was very, very
25 chaotic. Lots of patrons that were at the club that

Lieutenant Melissa Addison-Direct by Finney

1 night, concerned family members as well, had already
2 just heard, and they had come upon the club that
3 night, and they were quite upset.

4 Q. Now let's talk about what was your -- what
5 did you do as an investigator to help put the case
6 together? And what did you do in this particular
7 case? Did you, for example, take any pictures that
8 night? Did you collect any evidence that night?
9 What did you do that night?

10 A. No, sir, that night I didn't collect any
11 pictures or take any evidence. We actually called
12 out an evidence technician. That team responded,
13 because the nature of the crime was a major crime
14 scene. I was there because I was on call just to
15 try to assist in any way possible that night, and
16 try to get names of anyone that witnessed the
17 incident itself, and just to be there to support the
18 staff. The crime scene if they need us to do
19 anything that particular night, they were well
20 staffed, where they were concerned, and they were
21 actually on scene to take care of those matters.

22 Q. Do you have a recollection of who was one
23 of the first witnesses that you might have spoken
24 with in terms of what happened that night?

25 A. I don't recall who the first witness was.

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1 At a later time, I do recall speaking and taking a
2 statement from one of the female witnesses.

3 Q. Do you know if her name might be Lavitra
4 Harvin?

5 A. Yes, sir, that's it.

6 Q. I'm going to show you a document, and ask
7 if you can just identify what this document is.
8 It's 3 pages long.

9 A. Yes, sir. It looks like one page is a
10 miranda warning page. And that's just when we
11 advise the individual that we're speaking to of
12 their right to remain silent. And also to -- if
13 they agree to speak with us. And it's our
14 department letterhead. And the initials are there.
15 It's also my signature. The young lady Ms. Harvin's
16 signature, the date and time that the statement was
17 taken. And it also appears to be her two-page
18 statement that's also around the department
19 letterhead. It's a voluntary written statement, and
20 she actually wrote this statement herself. She
21 signed it, and I witnessed the statement.

22 Q. Tell the ladies and gentlemen what date
23 and what time were those documents executed?

24 A. The waiver of rights form or the miranda
25 warning sheet, was signed and dated on March 16th of

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1 2014, at 10:45. And her statement appears to have
2 been written and completed on the same date at
3 12:27.

4 Q. And that would be 10:45 a.m.

5 A. Yes, sir.

6 Q. And 12, what?

7 A. 27.

8 Q. P.m.

9 A. Yes, sir.

10 Q. So roughly two hours she spent with you?

11 A. Yes, sir, I believe so. We had to or
12 course locate her and get in her. So there some
13 delay in time.

14 Q. Did you advise her -- them the ladies and
15 gentlemen of the jury what you advised her in terms
16 of her miranda rights.

17 A. Yes, sir. In regards to her miranda
18 rights, there's actually 5 lines advising of their
19 rights. Folks have seen miranda warnings possibly
20 on television shows. This is an actual document.
21 We read each line to whoever we do the statement
22 from or the interview. And each line is read, and
23 we request that they put his or her signature at the
24 end of each line just to ensure that they understand
25 each of their rights.

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1 Once the individual does that, we'll go
2 ahead and read a statement that they have an
3 understanding of their rights. If there any
4 questions at that time, they are certainly
5 encouraged to do. So she indicated by her initials
6 that she understood her rights. And she signed
7 indicating that.

8 Also we read the final waiver of rights, a
9 final piece on the bottom, that they understood and
10 they're willing to go ahead and speak with law
11 enforcement. Again, she did that as well. She
12 signed her name. She indicated by date and time. I
13 witnessed it. And that's why we went over it again,
14 she wrote her statement in her own penmanship.

15 Q. Tell the ladies and gentlemen, where the
16 statement was given to you.

17 A. This statement was given at the law
18 enforcement center on North Main Street.

19 Q. Which is the sheriff's department.

20 A. The sheriff's office, yes, sir.

21 Q. And did she get brought into the sheriff's
22 officer by an officer? Was she under arrest, or did
23 she ride in, in her own car? How did she -- what do
24 you remember about that?

25 A. She was not under arrest. I remember it

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1 was somewhat of an ordeal just to locate her. And
2 not even having in a year, I can recall that I
3 believe we were told that she worked at McDonald's
4 at the time. So we went about a process of trying
5 to locate a manager to find out if she was going to
6 be working that day, because it was so important
7 that we speak to her, because we were given
8 information that she possibly was dating the
9 defendant, and had attended a party. I believe they
10 had a white party at some location in the county
11 earlier. So we -- it really took quite an ordeal to
12 locate her.

13 And I also recall contacting Sheriff
14 Dennis to see if perhaps based upon his decision, it
15 would encourage the folks at McDonald's. Because
16 they're reluctant to give us the information to help
17 us out.

18 Q. At some point, she was in the sheriff's
19 office about 10:45 that morning.

20 A. Yes, sir. And she came on her own, I
21 believe. I don't know, I just was told that she was
22 there.

23 Q. So you sat down in the room and
24 interviewed her.

25 A. Yes, sir.

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1 Q. And did you get in the two page statement
2 that you talked about, did you get her -- what's the
3 process? Do you just start writing, or did she just
4 start writing, or did you all talk for awhile?

5 A. Yes, sir. We talked about it. She talked
6 about it, and then at some point, you know, I had
7 asked her and requested that she go ahead and do the
8 formal statement in reference to what we talked
9 about, and she did.

10 Q. And after she did the point were you in
11 there while she writing her statement?

12 A. Yes, sir.

13 Q. After she wrote the statement, did you go
14 over it with her?

15 A. Excuse me a minute. Yes, sir, we went
16 over her statement just to ensure that everything on
17 there was what she said. So we did go over her
18 statement.

19 Q. Did you question her about her
20 truthfulness in the statement after you read what
21 she wrote?

22 A. Yes, we did question her. She -- memory
23 serves, she seems to be a little bit apprehensive in
24 regards to stating the defendant was involved, and
25 she based it upon the relationship. And at this

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1 point, I don't recall if she stated they had any
2 kids in common or not. But she had some concerns,
3 but she finally indicated that it was important and
4 she wanted to tell the truth.

5 Q. And did you coerce her, threaten her, just
6 tell her you were going to take her children from
7 her to get her to give this statement?

8 A. No. Never would I would tell someone, I'm
9 going to take your children if don't tell me. You
10 know, we want you to cooperate on your own. Because
11 I don't want something like that to come and
12 backfire on me, you know. So no, I don't make
13 threats.

14 Q. Based on your recollection, and you are
15 free to look at this to refresh your memory if you
16 need to.

17 A. I probably do, yes, sir.

18 Q. Do you have any recollection of when she
19 wrote her statement the first time, did she indicate
20 that she knew Mr. Rodney Green had a handgun in car,
21 in a Mercury automobile?

22 A. Yes, sir. She did indicate that.

23 Q. Did she indicate at first that she had
24 been with Mr. Green at the time of the shooting?

25 A. I really -- It was like I stated, chaotic.

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1 So it was some time has passed. I would have to
2 read it. But I know that I recall her saying she
3 was in the club. She said she was with a
4 girlfriend, you know, and I think a fight started.
5 And then it was some fights -- shots, I'm sorry,
6 fired. Some kind of, you know, scattered by that.
7 I believe she did state that they had been together.

8 Q. And after you questioned her, and talked
9 to her about what she wrote, did she change her
10 statement and add details that weren't there at
11 first?

12 A. Yes, sir. As I stated in the beginning,
13 she was concerned, apprehensive about it, because of
14 her relationship, she stated. But she finally
15 indicated that she want to go ahead and tell the
16 truth, that that was important.

17 Q. And in the end, at the end of her
18 statement, did she add some additional information?

19 A. Yes, sir, she did. Because like I stated,
20 first she didn't want to kind of talk about the
21 details other than, you know, it was really a
22 situation going on. But finally, you know, I'll
23 just talk to you. It's important that we tell the
24 truth, et cetera. And she did. She put the details
25 in there that she in fact saw him with the gun. I

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1 believe she stated he fired it. And I haven't read
2 the confirmation but....

3 Q. Go ahead and refresh your memory on the
4 second page of the statement.

5 A. I beg the court's indulgence please.
6 Okay. I read the second page.

7 Q. Yes, ma'am. Did she indicate that she saw
8 Rodney Green, her friend, with a firearm that night?

9 A. She did.

10 Q. And did she indicate she saw him firing
11 the weapon.

12 A. She did.

13 Q. Did she also indicate she saw him running
14 away after the firing the weapon across a field?

15 A. Yes, sir, she did.

16 Q. I want to show you what's been marked as
17 State's Exhibit 32. And ask you if that's a copy of
18 the statement that you just reviewed by Ms. Lavitra
19 Harvin.

20 A. Yes, sir, it is. It appears to be the
21 same. Except for the third page.

22 Mr. FINNEY: Your Honor, I would offer
23 State's Exhibit 32, the statement of Lavitra Harvin
24 into evidence.

25 THE COURT: Number what?

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1 MR. FINNEY: 32. I think it's in for Id.
2 right now. It's got a sticker on it.

3 THE COURT: Mr. Johnson.

4 MR. JOHNSON: I have no objection to it,
5 Your Honor.

6 THE COURT: 32.

7 MR. FINNEY: Yes, sir.

8 THE COURT: Is in without objection.

9 (Statement of Lavitra Harvin marked into
10 evidence as State's Exhibit No. 32 into evidence.)

11 Q. Referring to page 2 of the exhibit that
12 has been marked State's 32, if you would start
13 reading to the jury. Did she tell you during the
14 initial the first time that you reviewed the
15 statement that she had written, that she did not see
16 Rodney? Read to the jury what she said the first
17 time.

18 MR. JOHNSON: Your Honor, I am going to
19 object to her reading to the jury.

20 THE COURT: Well it's in evidence. You
21 didn't object. It can be published. It's in
22 evidence, it can be published.

23 MR. JOHNSON: That fine, Your Honor.

24 THE COURT: A different question about
25 whether -- she can read it.

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1 A. Thank you, Your Honor. I never saw Rodney
2 shoot. I just heard gunshots. My nephew said
3 Tyrese Archie got killed, and Ray'Quann got shot
4 also. Faye and Mya had on all white, plaid shirts.
5 Eartha's -- Easa's, I'm sorry and husband, white and
6 denim. Whitney, pink, gray, with red in it shirt.
7 Black or blue. Kyra I believe white shirt with
8 jeans. Rodney all white. Lavitra light blue,
9 mixed shorts, long sleeved, beige glazed shirt.
10 Leopard shoes. I saw the cops had Rodney on
11 Mayfield Drive in handcuffs taking him to the car.

12 On the inside of the club, I saw a lot of
13 white tee shirts. I couldn't see pants. When a
14 fight started at the front, front of the bar, Delvin
15 called me and said, Head killed somebody. Stymie
16 dead. Head is Rodney Green. I didn't tell the
17 truth earlier. Rodney had a black handgun in the
18 console in my Mercury. When we got outside, I saw
19 Rodney firing a black handgun, and run across the
20 field.

21 Q. And did she sign that document?

22 A. Yes, sir, she did.

23 Q. And you witnessed it.

24 A. I did.

25 Q. Thank you very much know. Let me put that

Lieutenant Melissa Addison-Direct by Finney

1 document up. And ask you if you can identify what
2 is in State's Exhibit No. 28.

3 A. This appears to be the vehicle. And that
4 was---

5 Q. 28 is what kind of vehicle?

6 A. It looks like a Mercury.

7 Q. Did have any connection with that Mercury
8 in regard to this case?

9 A. Yes, sir. She indicated in her statement
10 that they were in the Mercury. And I believe she
11 indicated at some point of someone did. It shows a
12 window that was broken out. I believe she stated
13 they had to break a window out to get in, or
14 something to that effect.

15 Q. When you she, who are talking about?

16 A. I'm sorry, Ms. Harvin.

17 Q. So Ms. Harvin who gave you the statement,
18 told you that she had a connection or owned a
19 Mercury automobile.

20 A. Yes, sir, I believe so.

21 Q. And did you occasion to go to where that
22 automobile was to do any checking into it?

23 A. Yes, sir. I believe we went out to the
24 Cherryvale area, and located the vehicle, and had
25 gotten permission to actually search the vehicle at

Lieutenant Melissa Addison-Direct by Finney

1 that time.

2 Q. And the third document that's a part of
3 the State's Exhibit 32, tell us what that document
4 is.

5 A. Yes, sir. This third document is the
6 sheriff's office consent to search form. And it
7 also has the date of March 16th 2014, the location
8 being 1056 Babbitt Drive. Lavitra Harvin did sign a
9 consent to allow law enforcement to search the
10 vehicle, which is indicated a 2001 Mercury Grand
11 Marquis. We also, I indicted the vin number and the
12 color. It also indicates that the assignee is
13 giving his or her permission freely and voluntarily
14 without any threats or promises by the Sumter County
15 Sheriff's Office. In this case, myself and
16 Lieutenant Addison. She signed this document. I
17 witnessed it by printing my name.

18 We did go on to search this vehicle. It
19 looks like the property that was located was a
20 Motorola flip phone, which was silver. And a white
21 in color polo Ralph Lauren, long sleeved shirt.
22 Size extra large, which was taken and placed into
23 evidence.

24 Q. I want to show you what's been marked as
25 State's Exhibit No. 27, and tell me if you can

Lieutenant Melissa Addison-Direct by Finney

1 identify that item.

2 A. Yes, sir. This appears to be the white
3 shirt that was in the back of the vehicle.

4 Q. And was that item, that white shirt was
5 taken into evidence?

6 A. Yes, sir, I believe it was. Because, you
7 know, we weren't sure.

8 MR. FINNEY: And I would like to introduce
9 Item 27 a photograph of the white shirt in the
10 Mercury.

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: That's in. What was the
13 number of the other one, Mr. Finney?

14 MR. FINNEY: 28 is the automobile
15 photograph, Your Honor.

16 THE COURT: I know that one. The other
17 one.

18 MR. FINNEY: 27 is the white shirt in the
19 back of the automobile.

20 THE COURT: The form she mentioned.

21 MR. FINNEY: 32 was the form. The third
22 page of Item 32 is the consent form.

23 THE COURT: To search?

24 MR. FINNEY: To search.

25 (Photo of white shirt marked State's

Lieutenant Melissa Addison-Direct by Finney

1 Exhibit No. 27 into evidence.)

2 Q. Now this shirt was in the back seat of the
3 Mercury.

4 A. Yes, sir.

5 Q. And you searched the Mercury later on, I
6 guess, 6, 7, 8 hours after the shooting.

7 A. I don't recall how long. I just recall
8 that she signed, and I remember going out to the
9 residence and meeting some relatives there. We
10 showed them the form and advised them. I don't
11 someone called her to double check. But at any
12 rate, we were allowed to get access to the vehicle.

13 Q. Now, if you would just, for one more time,
14 review this search form in Item State's Exhibit 32,
15 and describe the shirt please in detail. What did
16 you write on the consent form?

17 A. Yes, sir. White in color. Polo by Ralph
18 Lauren. Long sleeve shirt size 3x.

19 Q. Size what?

20 A. 3x.

21 Q. Very good. If I could have the court's
22 indulgence for just one moment.

23 THE COURT: All right.

24 Q. Officer, when you did the search of the
25 Mercury, did you find a gun in the console?

Lieutenant Melissa Addison-Cross by Johnson

1 A. No, sir.

2 Q. Was there any gun found as far as you
3 know, during that search?

4 A. No, sir.

5 MR. FINNEY: Nothing further.

6 THE COURT: Mr. Johnson.

7 MR. JOHNSON: Thank you, Your Honor.

8 Cross Examination by Mr. Johnson:

9 Q. Good morning, Officer Addison.

10 A. Good morning.

11 Q. A few questions for you. On the statement
12 that you took, well let's start with the car, the
13 Mercury. You say you inspected the Mercury?

14 A. Yes, sir, we did go out.

15 Q. In the statement Lavitra says, in the
16 second part, when you said there's a -- let's see
17 what we have. It was a black handgun in the
18 console, was in the console of the the car, right?

19 A. Yes, sir.

20 Q. The center console or whatever?

21 A. Yes, sir, I would assume so.

22 Q. When you inspected the car, didn't it look
23 a little peculiar to you that that wasn't true?

24 A. I am not following.

25 Q. There's no center console in a Mercury.

Lieutenant Melissa Addison-Cross by Johnson

1 So that didn't kind of tell you that maybe that
2 wasn't a true statement?

3 A. No, that wouldn't tell me that wasn't a
4 true statement.

5 Q. When you inspected the car, didn't you see
6 there wasn't a center console in a Mercury?

7 A. I don't recall whether there was a console
8 in it or not.

9 Q. But don't you think that would be
10 important to determine the credibility of the
11 statement that you're receiving from the person?

12 A. I would say that it wouldn't take away the
13 credibility whether the console was there or not.
14 Like I stated right now, I don't recall just whether
15 or not, when you asked me whether the console was in
16 there or not. You know, what I recall is her saying
17 that he fired the gun. And I thought that was very
18 important. More so than whether we got -- whether
19 the console was in there or not. It's certainly the
20 size of, you can place a gun in many different
21 places.

22 Q. I understand.

23 A. Yes.

24 Q. Because in her initial statement that she
25 wrote to you, she said that he didn't have a gun.

Lieutenant Melissa Addison-Cross by Johnson

1 A. She did.

2 Q. Now you wasn't at the scene, were you,
3 when it happened, were you?

4 A. I wasn't.

5 Q. You didn't see him shoot, did you?

6 A. I didn't.

7 Q. You didn't know anything about it except
8 what she was telling you, correct?

9 A. That's correct.

10 Q. So when she told you that she didn't know,
11 that he didn't have a gun, and that he had nothing
12 to do with, how do you know she was lying?

13 A. How do I know she wasn't telling the
14 truth? I mean---

15 Q. No, what I'm saying---

16 A. ---it's in her statement.

17 Q. What I'm saying is, you then questioned
18 her, and said, now you know, this ain't true, you
19 need to put more down; that he had a gun.

20 A. No, we had other witnesses as well that
21 were interviewed, and they indicated I believe that
22 they saw him, Mr. Green, running from the scene.

23 So---

24 Q. And they saw him---

25 A. And she was with him.

Lieutenant Melissa Addison-Cross by Johnson

1 Q. You had other witnesses that said that she
2 saw her running with Mr. Green from the scene?

3 A. I didn't say her, that he was there
4 running from the scene, and that she was there with
5 him. They had come from a party together.

6 Q. True.

7 A. Yes, sir.

8 Q. But how do you get to the point that she
9 would put in her statement, that the gun was removed
10 from the console, as you say, center console?

11 A. You have to ask her that.

12 Q. What I'm saying is, weren't you there
13 trying to determine the truth of what she was
14 telling you?

15 A. Yes, I was.

16 Q. So once you went to the car and saw there
17 wasn't a center console, why didn't you go back and
18 check? Or wouldn't that tell you that maybe she
19 wasn't telling you the truth?

20 A. No, not necessarily.

21 Q. Wouldn't that indicate to you that maybe
22 she was just trying to satisfy you so that from the
23 pressure that you were putting on her for 2 hours
24 while you interviewed her?

25 A. No, sir. She didn't need to satisfy me.

Lieutenant Melissa Addison-Cross by Johnson

1 She indicated that she wanted to tell the truth, so
2 I believe she wanted to satisfy herself.

3 MR. JOHNSON: Your Honor, may I approach
4 the witness?

5 THE COURT: Yes, sir.

6 Q. On the second page of her statement, if
7 you look at the bottom part where she wrote in that
8 it was in the console.

9 A. Uh-huh. (Affirmative.)

10 Q. Do you notify the handwriting is
11 different? I mean, how it seems like it's lighter,
12 like it was added in, correct?

13 A. I don't know if it was lighter or what.
14 It's still the same person writing the statement.

15 Q. The same person. But that means that it
16 was written after the first statement was put in,
17 correct?

18 A. No, I believe at that point she was
19 clarifying what the folks had on, because we were
20 told it was a white party.

21 Q. Now remember, you recorded it, right, on
22 video?

23 A. Yeah, we have recording system; yes, sir.

24 Q. So think about this, isn't it true that
25 she wrote the first part of the statement when she

Lieutenant Melissa Addison-Cross by Johnson

1 said that Rodney had nothing -- that she did not,
2 the first part where she didn't indicate that he had
3 a gun or that she saw him shooting.

4 A. Yes, sir.

5 Q. In that first part of the statement.

6 A. Yes, sir.

7 Q. And then you read it, and then you told
8 her, isn't it true that you told her, you need to
9 add more in here, you need to tell the truth. And
10 then she wrote the second part, correct?

11 A. I don't remember me saying you need to add
12 more. All I know is, she was interviewed. We asked
13 for the truth about the matter. Someone was killed.
14 We understood that she was the girlfriend, and she
15 had information. She indicated on her own what
16 happened.

17 Q. But isn't it true that she wrote two --
18 she wrote that statement on that paper at 2 separate
19 times in your interview. The second part of the
20 statement where she indicated that Rodney had a gun
21 in the console of the Mercury and was running away,
22 that was the second statement given after the
23 initial statement.

24 A. I don't consider a second statement. I
25 consider that a continuation.

Lieutenant Melissa Addison-Cross by Johnson

1 Q. I'm not asking you what you're
2 considering. I'm asking what actually happened.

3 A. Well you just asked me what happened, and
4 I'm answering. I consider that a continuation of
5 her statement.

6 Q. Is it not true that she wrote the first
7 statement, and there was a time lapse of
8 approximately maybe a half hour, an hour, before she
9 wrote the second statement?

10 A. I don't recall how much time had lapsed.
11 Like I stated, it was a continuation of her
12 interview in her statement.

13 Q. And you don't recall that there's not a
14 center console in a Mercury.

15 A. No, I don't.

16 Q. So that wasn't important to you, was it?

17 A. It wasn't that it wasn't important to me.
18 Like I stated, it was important that someone was
19 deceased, and someone else had gotten injured. And
20 I thought that was more important, whether or not
21 you're asking me now if there was a console in the
22 vehicle or not, I don't recall.

23 Q. What I'm trying to say is that, if you was
24 concerned with getting someone to admit that Rodney
25 had a gun and he committed a crime, correct?

Lieutenant Melissa Addison-Cross by Johnson

1 A. I was concerned about someone telling me
2 the truth about what had happened. That's what I
3 was concerned about. And that's what she said she
4 did, and that's what had finally indicated on her
5 statement.

6 Q. Well in her statement, then her statement
7 is incorrect. It was indicated that she did not
8 tell the truth. And you didn't check it.

9 A. Well apparently it was checked. And she
10 came later on, and said, I'm not telling the truth,
11 I want to tell the full truth.

12 Q. What I'm saying is the second truth, as
13 you have it, when she told the real truth, does not
14 match the evidence.

15 A. Like I stated whether or not the console
16 was inside the vehicle, and whether she called it a
17 console or not, I don't recall.

18 Q. Now this white shirt, State's Exhibit 29.

19 A. Uh-huh. (Affirmative.)

20 Q. Would you please take a look at that.

21 A. Yes, sir.

22 Q. You found that in the car, correct?

23 A. Yes, sir.

24 Q. What is the significance of that white
25 shirt?

Lieutenant Melissa Addison-Cross by Johnson

1 A. The significance was a white party, and I
2 had a white shirt in the back seat. So we decided
3 to take it.

4 Q. I understand. But to this case as far as
5 who committed a crime or not, what is significance
6 of that white shirt?

7 A. Like I indicated, it was a white party.
8 And it was a white shirt in the back of the car that
9 was at -- that was connected to this crime, this
10 incident, so we took the white shirt.

11 Q. But Mr. Green was arrested at the scene,
12 correct?

13 A. He was.

14 Q. That car left the scene and went back
15 home, and I guess you, how long after the incident
16 did you inspect the car?

17 A. I don't recall.

18 Q. But it was after the incident, correct?

19 A. That's correct.

20 Q. It could have been a day or so before
21 later?

22 A. Within the 24 hours. I don't recall.

23 Q. So there's evidence that when he was
24 arrested, that that white shirt wasn't on him, was
25 it?

Lieutenant Melissa Addison-Cross by Johnson

1 A. No, putting it on, it was in the car. He
2 was already arrested. So that's correct.

3 Q. Right. As far as related to this case,
4 that white shirt has no evidentiary matter to this
5 case, does it? It doesn't prove -- you can't even
6 prove it was his.

7 A. I can't say that it doesn't. I don't know
8 who had the shirt on. It was collected.

9 Q. Right.

10 A. So I don't know who had the shirt on.

11 Q. So can you prove it was his?

12 A. I can't. I just knew he had on white.

13 Q. And you just took a white shirt out of a
14 car.

15 A. Yes, sir.

16 Q. So that's the significance of that shirt.

17 A. That is the significance of that shirt.

18 MR. JOHNSON: One second, Your Honor.

19 Q. And during your interview, wasn't it also,
20 you wasn't the only one there interviewing her.
21 Wasn't the sheriff present at that time. Wasn't he
22 brought in?

23 A. I believe he came.

24 Q. Right. And you and the sheriff both
25 interviewed her, right?

Lieutenant Melissa Addison-Redirect by Finney

1 A. Yes, we did.

2 Q. And you interviewed her after she wrote
3 that first statement. Then you and the sheriff came
4 in when she wrote the second statement, right?

5 A. I don't remember all the -- how it all may
6 have played out. All I know is, it was a
7 continuation of her original statement based upon
8 investigations.

9 Q. After you and the sheriff came in and
10 questioned her some more.

11 A. I don't remember whether the sheriff came
12 in or not. I don't remember. I don't recall that.

13 Q. Do you remember it was two hours?

14 A. I do remember the time, it was 20:14. I
15 don't remember.

16 Q. You don't remember too much about this, do
17 you?

18 A. I remember enough.

19 MR. JOHNSON: Apparently so. Thank you.

20 THE COURT: Redirect.

21 Redirect Examination by Mr. Finney:

22 Q. Lieutenant, did you know Ms. Harvin
23 testified in this case on Tuesday of this week?

24 A. No, sir, I didn't.

25 Q. And did you threaten her, or coerce her to

Lieutenant Melissa Addison-Redirect by Finney

1 get her to come up here Tuesday and testify?

2 A. No, sir.

3 Q. Did you hear her testify Tuesday?

4 A. No, sir, I didn't know she testified.

5 Q. Now let me ask you this. Is it usual for
6 you and another -- did Investigator Hawkins, was he
7 there the night that or the day that Ms. Harvin was
8 interviewed?

9 A. Yes, sir. We were both on call, so we
10 both came out. We work long hours in time.

11 Q. So is it unusual for more than one
12 investigator or more than one officer to be in the
13 room during an interview?

14 A. No, it's not.

15 Q. Is it usual for people who you are
16 interviewing to tell you a story that's not true,
17 and you have to ask questions and prod and poke to
18 get the truth?

19 A. Yes, sir.

20 Q. Tell the jury how often does that happen?

21 A. More often than not. But again, it's
22 based upon the other corroboration as well.

23 Q. And you knew that Ms. Harvin was the
24 girlfriend of the suspect.

25 A. Yes, sir.

Lieutenant Melissa Addison-Cross by Johnson

1 Q. And you knew that she was a reluctant
2 witness.

3 A. Yes, sir.

4 Q. Did you find the Mercury automobile that
5 belonged to Ms. Harvin at her house?

6 A. I don't recall whose residence the house
7 was. I don't think it was her's, because like I
8 say, it had been some time. But as I just recall it
9 was raining that night. And someone did come to the
10 door. I believe she stated she was relative. So
11 I'm not sure that's her house or not. I don't think
12 it was.

13 MR. FINNEY: Nothing further.

14 THE COURT: Questions only in response to
15 those matters. No replowing. Go ahead.

16 Recross Examination by Mr. Johnson:

17 Q. Isn't it true that you pressured her about
18 threatening her about her babies?

19 A. No.

20 Q. If there was a video showing that, that
21 would not be correct?

22 A. You have to show me the video where I
23 threatened someone. It wasn't any need for me to
24 threaten her for her truth. She indicated that it
25 was important to tell the truth.

Lieutenant Melissa Addison-Cross by Johnson

1 Q. Did you mention to her during your
2 interview that she could lose her children, if she
3 didn't cooperate or tell the truth?

4 A. No, sir.

5 MR. JOHNSON: Your Honor, can I approach
6 the bench.

7 THE COURT: Yes sir.

8 (Whereupon, the attorneys approach the bench
9 and confer with judge.)

10 THE COURT: Ladies and gentlemen, we are
11 going to take a recess for just a few minutes. In
12 the meantime you may not discuss the case.
13 Mr. Bradley can find out if you need anything to
14 drink. But make yourself comfortable. We'll just
15 take a few minutes. Okay.

16 (Whereupon court takes a short recess.)

17 THE COURT: Lieutenant, you may step down.
18 You can't discuss the case with anybody.

19 A. Yes, sir.

20 THE COURT: Mr. Johnson, I understand that
21 it's easier said than done finding what you want to
22 find. If it goes on much longer than a normal 10
23 minute break to find it, of course, I know you
24 Mr. Finney, may need to take a break. I just don't
25 want to keep the jury out---

Lieutenant Melissa Addison-Cross by Johnson

1 MR. JOHNSON: I understand.

2 THE COURT: ---more than 10 minutes to
3 wait.

4 MR. JOHNSON: I'll think do it as fast as
5 I can, Your Honor.

6 THE COURT: Mr. Finney, or Mr. Johnson, is
7 there anything we need to put on the record before
8 we bring the jury in?

9 MR. FINNEY: We have had some discussions
10 and we believe that we have worked out the issue.
11 If the witness would resume the stand. She's going
12 to be asked the questions, and give an explanation
13 of her answers.

14 THE COURT: Mr. Johnson, and you just
15 conduct your cross examination as you see fit within
16 the rules obviously, and we'll just see where It
17 goes, okay?

18 MR. JOHNSON: Thank you, Your Honor.

19 THE COURT: Bring the jury.

20 (Whereupon, the following takes place
21 within the presence of the jury.)

22 THE COURT: Mr. Johnson.

23 MR. JOHNSON: Thank Your Honor. May it
24 please the court.

25 THE COURT: Yes, sir.

Lieutenant Melissa Addison-Cross by Johnson

1 Cross Examination by Mr. Johnson:

2 Q. Officer Addison, before we went to recess,
3 I was asking you a question about your what in your
4 interrogation of the witness, Lavitra Harvin, I
5 asked you did you tell her that she could lose her
6 children if she did not tell you the truth? You
7 thought about it, is there anything different than
8 when you said before?

9 A. The only thing I'd like to add is that, if
10 it was stated, it wasn't as a way to threaten her.
11 It would be an investigative tool, because it's
12 actually could be a possibility, if one does have
13 children, if you don't tell the truth, and we find
14 out that you did in that, it could be some pending
15 charges. Of course, if you have children and you're
16 charged, then the children are going to have to
17 someone to take care of them. So it was a
18 possibility.

19 Q. So you're now saying that you did mention
20 that to her.

21 A. What I am saying is, I could have. But I
22 wouldn't have said it to use in my opinion, in my
23 position, as a threat. It's actually to mean
24 something that's used like I stated as a tool, to be
25 a reality of what could happen. Not, I don't view